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CITY OF PERTH

Local Planning Scheme No. 2

Updated to include AMD 54 GG 06/10/2026

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

Original Town Planning Scheme Gazettal
9 January 2004

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CITY OF PERTH CPS 2 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	01/04/05	11/04/05	DH	Adding new clause "57A Special Control Areas" after Clause 57. Adding new Schedule "Schedule 9 – Special Control Areas".
2	27/05/05	25/07/05	DH	Amending Building Heights Plan. Amending Plot Ratio Plan Clause 8 – modify subclauses 8(1)(a) to 8(1)(k). Clause 26(2) – amending Building Heights and Setbacks by: - replacing the words "Development on land fronting St George's Terrace, between Barrack Street and Elder Street, will provide –" with the words "Development on land depicted as having a height ratio of 1.0:1.0 for the Podium height then no limit on the Building Heights Plan will provide –" - in paragraph 26(2)(b) deleting "at 5 metres" and inserting "of 5 metres." Clause 27(2) – delete Clause. Clause 28(2)(a)(ii) – replace the words "the Central Area" with the words "that part of the Scheme area encompassed by each of the precincts listed in the precinct table in clause 11, other than Matilda Bay, West Perth and Hamilton precincts." Clause 39(c) – before the words "accompanied" insert the word "be". Clause 40(2)(a) – replace the words "in the Central Area" with the words "by provision of clause 28". Clause 41 – delete the words "is to direct the applicant to advertise the application in any" and insert the words "require the application to be advertised in a". Clause 62 – replace the words "A notice required to be given by the Council under section 10(1) of the Act is to be a 28 day notice" with "A notice required to be given by the Council under section 10(1) of the Act is to be a 60 day notice". Schedule 2 – in the description of Retail (general) after Laundromat insert a comma. Schedule 3 – In P13 – Adelaide in the Office use group in the Residential R160 Column, delete "X" and insert "X/C(2)" and after footnote 1 insert "(2) Means contemplated in the residential area of the Adelaide Precinct where it complies with the Terrace Road Design Policy. Otherwise prohibited." Schedule 4: - In the definition of Industry, in the use group column, delete "Industry (all categories)". - in the definition of car park, in the use group column, delete "Car park". - delete the definition of Central Area. - Sections 1 and 2 of the Schedule are to be amalgamated into one table and sorted alphabetically and for each term that is currently defined in Section 1 insert "not applicable" in the use group column. Schedule 6: - delete Clause 24(1) of the text. - replace "Planning Policy 4.8 – Landscaping requirements relating to provision of landscape plans" with "Policy 4.8 – Landscaping requirements – The policy applies in addition to the requirements of the R-Codes. To the extent of any inconsistency, the requirements of the policy prevail". - delete "Policy 6.1 – Mounts Bay Height Controls and Building Lines."

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4	12/05/06	29/05/06	DH	Deleting and replacing existing Building Heights Plan with new Plan. Deleting and replacing existing Plot Ratio Plan with new Plan. Modifying Clause 30(5). Clause 39 – modifying Clause 39(a). Clause 41 – inserting new subclause "41 (5)". Clause 52 – deleting existing Clause 42(1) and replacing with new text. Clause 56 – amending Clause 56(3)(a) and (b). Schedule 4 – amending in part (b) of the definition of 'height', after the word 'used', delete the word 'or' and replace with 'for'. Schedule 6 – moving the heading and text relating to 'Policy 6.1 Mount Street Design Policy' to below the heading and text for 'Policy 5.4 – Bicycle Parking and End of Journey Facilities Policy' and above the heading and text for 'Policy 6.7 – Goderich Design Policy". Schedule 7 – amend by deleting and replacing the Note at the bottom of the form to read "Note: Should the owner or applicant be aggrieved by this decision, an application may be made to the Council to revoke or amend this planning approval in accordance with Clause 52 of the City Planning Scheme, or a right of appeal may exist under the provisions of the City Planning Scheme or the Metropolitan Region Scheme." Schedule 9 – - Clause 1.2 – renumber points '(e)' to '(g)" as points '(a) to '(d)'. - Clause 1.3 – insert 'the' before 'plan'. - Clause 2.2 – renumber points '(e)' to '(h)' as points '(a)' to '(d)'. - Clause 2.3 – renumber points '(c)' and '(d)' as points '(a)' and '(b)'. - Clause 2.4 – renumber points '(c)' and '(d)' as points '(a)' and '(b)'. - Clause 2.4(c) (as amended above to 2.4(a)) – insert 'Terrace' after 'St Georges'. - Clause 2.5 – replace 'Clause 39(2)' with 'Clause 39(a)'.
3	16/06/06	27/06/06	DH	Clause 57(1) – inserting after Clause 57A(1)(c) new clause (d). Schedule 9 – inserting "4.00 1299-1305 Hay Street Special Control Area".
6	19/12/06	08/01/07	DH	Clause 28 - inserting after clause 28(2)(c) new clause "28(3). Schedule 3 - amending Use Group Tables for Precincts 3, 6, 7, 13 & 14 by inserting the symbol "(2)" next to the symbol 'P' for the Use Group 'Office' in Precincts 3 and 6 and also at the bottom of these Use Group Tables the words "(2) Means use cannot be located in floor space provided at street level, created through clause 28(3)". Schedule 3 - amending Use Group Tables for Precincts 7, 13 & 14 by inserting the symbol (3) next to the symbol 'P' for the Use Group 'Office' and also inserting at the bottom of these tables the words "(3) Means use cannot be located in floor space provided at street level, created through clause 28(3)."
7	09/02/07	19/02/07	DH	Schedule 5 - amending by adding additional use area A1 being "Southern portion of 263 Adelaide Terrace, Perth located at the corner of Terrace Road and Victoria Avenue" together with relevant particulars of land and permitted use.
10	16/02/07	08/03/07	DH	Clause 57A - after Clause 57A(1)(f) insert "(g) 52-56 Ord Street Special Control Area". Schedule 9 - insert "7.0 52-56 Ord Street Special Control Area". Schedule 9 - insert Figure 7 map.
8	10/07/07	24/07/07	DH	Part 1 - delete Clause 8(1)(i) Part 1 - after Clause 9(c) insert "(d) town Planning Scheme No. 22 11 December 1998" Part 5 - after clause 57A(1)(d) insert "(e) 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area" Schedule 9 (Special Control Areas) - insert Special Control Area "5.0 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area" Schedule 9 - insert Figure 5 - 240 St Georges Terrace & 899 - 915 Hay Street Special Control Area"
8	04/09/07	02/10/07	DH	Correction Notice: Relating to amd 8 gg 10/7/07 for the purpose of: - creating a special control area covering 240 St Georges Tce (Lot 3000) and 899-915 hay Street (Lot 3001);
5	11/09/07	09/10/07	DH	Part 1 - in clause 3 add clause 3(3). Part 1 - delete clause 4 Scheme Area and insert new clause "4(1) and 4(2)". Part 1 - in Clause 8 Minor Town Planning Schemes in clause 8(1)(j) replace "and" with ";".

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				Part 1 - in Clause 8 Minor Town Planning Schemes in clause 8(1)(k) replace "." with ";". Part 1 - in Clause 8 Minor Town Planning Schemes insert clause 8(1)(l) "City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)". Part 5 - in clause 57 insert new clause 57(6). Schedule 3 - in Use Group Table for Precinct 15 East Perth replace existing text to read "Refer to the relevant local planning scheme for the classification of uses within this Precinct." Schedule 4 Definitions - delete and replace existing definitions for "Scheme Text" and "Scheme map".
9	30/11/07	06/12/07	DH	Part 1 - deleting Clause 8(1)(f). Part 1 - after Clause 9(d) insert "(e) town Planning Scheme No. 18 - 30 March 1990". Schedule 9 - inserting Special Control Area No. 6 "141 St Georges Terrace (Lot 11), 125-137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area.
11	15/04/08	29/04/08	DH	Part 5 - amending Clause 57A by inserting clause "(h) 126 - 144 (Lot 123) Stirling Street Special Control Area". Schedule 9 - inserting Special Control Area "8.0 126 - 144 Stirling Street Special Control Area" Inserting Figure 8.
16	02/09/08	08/09/08	DH	Part 1 - delete Clause 8.1(g). Part 1 - modify Clause 9. by adding subclause 9(f). Part 5 - in Clause 57A adding subclause 57A(k). Schedule 9 - inserting Special Control area 11 "225 - 239 St Georges Terrace (Bishops See)". Adding Special Control Area 11 Map.
12	27/01/09	01/02/09	DH	Part 5 - after clause 57A(h) insert new Clause 57A(1)(i). Schedule 9 - inserting Special Control Area "9.0 60-70 Kings Park Road Special Control Area".
14	10/03/09	14/04/09	DH	Part 4 - amending clause 47 by replacing Clause (3)(b)(ii) and inserting clause 34(3)(b)(iii).
15	21/04/09	12/04/09	DH	Clause 57A - (1)(i) - inserting clause (f). Schedule 9 - inserting Special Control Area 10.0 "208-210 Adelaide Terrace Special Control Area".
17	30/06/09	07/07/09	DH	Part 5 - after clause 57A (1) (k) insert clause 1(l). Schedule 9 - inserting Special Control Area 12 "298-316 Murray Street".
19	16/03/10	18/03/10	NM	Inserted Clause 57A (1) (l) (m). Inserted addition Clause – Clause 13.0 in reference to 339 – 341, and 347 Hay Street Special Control Area.
20	06/08/10	11/08/10	NM	Inserted "(n)" after Clause 57A(1)(l). Inserted "14.0 – 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area" into Schedule 9 – Special Control Areas.
13	24/08/10	01/09/10	NM	Amended the definition of 'landscaped area' within Schedule 4. Amended P10 West Perth of Schedule 6 – Variations to Residential Design Codes.
18	26/10/10	02/11/10	NM	Renumbered clauses 37(a), 37(b), 37(c) to clauses 37(1)(a), 37(1)(b), 37(1)(c) respectively. Deleted clause 37(d). Inserted new clause 37(1)(d). Inserted new clause 37(2). Deleted "A sign that complies with the By-law relating to signs (Local Law No. 40)" from Schedule 8. Inserted new content into Schedule 8.
21	23/11/10	07/12/10	NM	Inserted Clause 57A(1)(o). Inserted "15.0 – 92-120 Roe Street Special Control area" into Schedule 9 – Special Control Areas.
22	05/07/11	21/07/11	NM	Inserted Additional Use No. 02 into Schedule 5 – Additional Uses.
23	31/07/12	07/08/12	NM	Replaced clauses 34 and 35. Inserted 'conservation plan', 'donor site' and 'recipient site' into Schedule 4.

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24	26/02/13	18/03/13	NM	Listed 'P11 Hamilton' under 'Residential/Commercial' within Schedule 1. Modified Schedule 3: Use Group Table for P11 Hamilton. Inserted (p) after Clause 57A (1) (o). Inserted '16. Hamilton Special Control Area' into Schedule 9 – Special Control Areas. Inserted figure 16 into Schedule 9 – Special Control Areas.
25	26/02/13	25/03/13	NM	Inserted (c) – (i) into Clause 3(1). Inserted clause 46A. Modified the Use Symbols for 'Residential' and 'Special Residential' within Schedule 3 - P1 Northbridge, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges, P7 Civic, P10 West Perth, P13 Adelaide and P14 Goderich. Inserted new footnotes within Schedule 3 - P1 Northbridge, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges, P7 Civic, P10 West Perth, P13 Adelaide and P14 Goderich in relation to 'Residential' and 'Special Residential' Use Symbols. Modified 'office/residential scheme use area' and 'town centre scheme use area' within Schedule 1. Amending Clause 6(3)(b) – Objectives and Intentions to insert the words "visitor accommodation and attractions" in between the words "leisure" and "transport and access opportunities". Amending Clause 16(2) – Types of Uses to delete the words "a prohibited use (unless the prohibited use is an additional use)." and insert two new subclauses. Amending Clause 27 – Plot Ratio to delete the words "is to comply with the plot ratios" and insert the words "shall not exceed the maximum plot ratios" in subclause (1) and insert a new subclause (2). Deleting Clause 28 - Bonus Plot Ratio and inserting a new Clause 28 – Bonus Plot Ratio in its place. Amending Clause 47(3)(b) – Determination of Non-Complying Applications to delete subclause (b) and insert a new subclause (b). Amending Clause 57(4) – Precinct Plans and Other Scheme Documents to insert new subclauses (f) to (j), replace "town planning scheme" with "local planning scheme" and "section 7" with "Part 5" Delete the definition of the term "hotel" in Schedule 4. Insert new definitions in Schedule 4.
27	17/01/14	05/02/14	ML	Inserted text Clause 57A - (p) Saint Matins Special Control Area Inserted text Schedule 9 SCA # 16 Schedule 9 – Inserted text - 16. Saint Martins Special Control Area Schedule 9 - Inserted Figure 16. – Saint Martins Special Control Area
26	18/07/14	03/12/14	MLD	Delete Building Heights Plan, insert Maximum Building Height Plan & the Street Building Height & Setback Plan. Amend Clause 3 (1) – delete (c) Building Heights Plan Insert (i) Maximum Building Height Plan & Street Building Height & Setback Plan. Re-number other listed documents to suit. Amend Clause 6(3)(d) – insert a new sub clause (i) after a flexible framework. Re-number subsequent subclauses to suit. Amend Clause 6(3) – delete 'and' in subclause (g)(iii) insert semi colon after 'cultural heritage generally' in subclause (h)(ii). Insert new sub clause (i)(ii) A, B, C (iii) (iv) Clause 26 Building Heights & Setbacks – delete and insert new clause (1) (2) (3) (4) Clause 56(9) – Planning Policies – delete subclauses (f)(i)(j) Modify subclause (g) – 'King Street Heritage Precinct Design Guidelines. Re-number remaining subclauses to suit. Amend Clause 57(4)(d) – Precinct Plans and other Scheme Documents. Delete (d) Building heights Plan Re-number subsequent subclauses to suit. Insert (j) – Maximum Building Height Plan Insert(l) – Street Building Height and Setback Plan. Delete definition of the term, 'Height' in schedule 4 and insert new definition including (a) & (b) Delete the term, definition and use group application of 'height ratio ' in Schedule 4. Delete the term, definition and use group application of 'podium' in Schedule 4. Schedule 4 – Definitions – insert the term and definition of 'setback' and 'Under Use Group' insert not applicable. Schedule 4 – insert the term and definition of 'street building height

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				area' (a) (b). Under 'Use Group' insert 'not applicable'
32	24/02/15	09/06/15	MLD	Clause 57A insert - (t) 118 Bennett Street Special Control Area. Schedule 9 insert a new Special Control Area - 118 Bennett Street SCA; and Insert Figure 20 - 118 Bennett St Special Control Area.
29	17/03/15	04/05/15	MLD	Amended the Scheme Map to reclassify Fitzgerald Street between Roe Street and the southern edge of James Street, and Lot 500 (No. 2) Fitzgerald Street Northbridge, from the Metropolitan Region Scheme 'Other Regional Roads' Reserve to City of Perth 'City Centre Scheme Use Area'. Amended the Scheme Area Boundary on the Scheme Map. Amended the Scheme Map to include the William Street Underground and Esplanade train stations. Amended the Scheme Map to delete and replace references to the 'Department for Planning and Infrastructure', 'Municipal Boundary' and 'Town of Vincent'. Amended the Scheme Map to adjust the precinct boundary so that Nos. 17,19, 21 and 23 Bennett Street, East Perth are transferred from the Goderich Precinct (P14) to the Adelaide Precinct (P13). Amended the Building Heights Plan to delete the areas bound by; a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Plot Ratio Plan to delete the areas bound by; a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Maximum Bonus Plot Ratio Plan to delete the areas bound by: a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Public Facilities Bonus Plot Ratio Plan to delete the areas bound by: a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Heritage Bonus Plot Ratio Plan to delete the areas bound by: a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Residential Bonus Plot Ratio Plan to delete the areas bound by: a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended the Special Residential Bonus Plot Ratio Plan to delete the areas bound by: a) Newcastle Street, Lindsay Street, Parry Street and Lord Street; b) The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and c) Loftus Street, Newcastle Street and the Mitchell Freeway. Amended Clause 8 – MINOR TOWN PLANNING SCHEMES. Amended Clause 9 – REPEALS. Amended Clause 19 – ADDITIONAL USES. Amended Clause 28 – BONUS PLOT RATIO. Amended Clause 34 – TRANSFER OF PLOT RATIO. Amended Clause 37(1)(c) – EXEMPTIONS FROM PLANNING APPROVAL. Amended Clause 47(1)(a) – DETERMINATION OF NON-COMPLYING APPLICATIONS. Amended title of Clause 62; and content of Clause 62. Amended SCHEDULE 1 SCHEME USE AREAS. Amended SCHEDULE 3 USE GROUP TABLES. Amended existing definitions in SCHEDULE 4 – DEFINITIONS. Inserted new definitions in SCHEDULE 4 DEFINITIONS for "public works", "small bar", and "residential storeroom".

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				Deleted the existing 'Metropolitan Region Scheme – (Form 1) Application for Approval to Commence Development' and replace with a new 'Metropolitan Region Scheme (Form 1) Application for Approval to Commence Development'. Amended wording in SCHEDULE 9 - SPECIAL CONTROL AREAS. Amended Minor Town Planning Schemes – How it Works. Amended the Minor Town Planning Scheme Map to delete: a) The blue hashed area indicating TPS 7 – Saint Martins b) On the right hand side column, under MINOR TOWN/LOCAL PLANNING SCHEME (TPS/LPS) deleted the words 'TPS 7 – Saint Martins'. Amended the Minor Town Planning Scheme Map to adjust the precinct boundary so that Nos. 17, 19, 21 and 23 Bennett Street, East Perth are transferred from the Goderich Precinct (P14) to the Adelaide Precinct (P13).
28	17/03/15	11/05/15	MLD	Amended the Scheme Maps and plans to delete reference to: a) the 'East Perth Redevelopment Scheme Area (EPRA)' and replace it with the 'Metropolitan Redevelopment Authority Area (MRA)'; b) the 'Normalised East Perth Redevelopment Area (City of Perth)' and replace it with the 'Normalised Redevelopment Area'; and c) the 'EPRA' and replace it with the 'MRA'. Insert new Clause 4 SCHEME AREA Update Clause 8(1) MINOR TOWN PLANNING SCHEMES with reference to the 'City of Perth Town Planning Scheme No. 26 (Normalised Redevelopment Areas)'. Amend Clause 12(1)(d) RESERVES AND SCHEME USE AREAS with the 'Normalised Redevelopment Area'. Deleted the Use Group Table and associated notes for Precinct 2 Cultural Centre in Schedule 3 USE GROUP TABLES and inserted text. Deleted the definition of the terms 'exhibition centre' and 'floor area of a building' in Schedule 4 and insert a new definition.
30	12/06/15 and 30/06/15 (correction)	07/07/15	NG	Insert '(r) 30 Beaufort Street Special Control Area' into Clause 57A. Insert new Special Control Area No.18 into Schedule 9. Insert Figure 18- 30 Beaufort Street Special Control Area into Schedule 9. Remove the first sentence from Clause 18.4.
31	22/09/2015	22/10/15	RO	Insert '(s) 2-6 (Lot 40) Parker Street Special Control Area' into Clause 57A. Insert new Special Control Area 2-6 (Lot 40) Parker Street into Schedule 9.
33	15/07/16	27/07/16	MLD	Insert (u) in Clause 57A (1) – Melbourne Hotel Special Control Area. Update Schedule 9 to include Melbourne Hotel Special Control Area. Amend the City Centre (CC) Precincts Plan (P1 to 8) accordingly. Insert Figure 21 Melbourne Hotel Special Control Area into Schedule 9 - Special Control Areas of the Scheme.
34	23/12/16	09/01/17	RC	Insert after Clause 57A(1) - (u) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area Insert the following in Schedule 9 Special Control Areas: 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Amend the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly Insert Figure 22 – 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area into Schedule 9 – Special Control Areas of this Scheme
35	24/02/17	20/03/17	GM	Deleted the following clauses from the Scheme Text: 30(1)-(4), 31, 32, 33, 36, 37(1)(a) (b) and (c), 37(2), 38, 39, 41(2) and (3), 42 (3)-(4), 43, 49(1), 50, 51, 52, 54, 55, 56, 57 (4) (b)-(k) and (5), 58, 59, 61 and 63(1). Deleted references to the following terms and replaced them with the corresponding terms throughout the Scheme: • 'City' with 'local government'; • 'Council' with 'local government'; • 'City of Perth' with 'local government'; • 'Metropolitan Region Scheme' with 'Region Planning Scheme'; • 'Residential Design Codes' with 'R-Codes';

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				• 'planning approval' with 'development approval'; • 'Register of places of cultural heritage significance' with 'Heritage List'; • 'Conservation area' with 'Heritage Area'. Updated clauses 3 (1) and (2) and 10. Amended clauses 16(2), 18(1), 18(2)(c), 19, 21, 25(1), 28(2), 28(5-7). Renumbered clause 35 to 31. Renumbered clause 44 to 32. Renumbered clause 45 to 33. Renumbered clause 46 to 34. Renumbered clause 46a to 35. Renumbered clause 47 to 36. Renumbered clause 48 to 37. Renumbered clause 49(2) to 38. Renumbered clause 57A to 39. Renumbered clause 60 to 40. Renumbered clause 62 to 41. Renumbered clause 63 to 42. Renumbered clause 64 to 43. Amended Schedule 1 to delete 'an advertising procedure' and replace with 'the advertising procedure of the Deemed Provisions. Amended Schedule 3, (1) of Table P9, P10, P13 and P14 to add 'of the Deemed Provisions' after 'procedure'. Deleted the following definitions from Schedule 4: absolute majority; Act; advertisement; Chief Executive Officer; City; City of Perth scheme reserve; conservation area; Council; owner; place; premises; register of places of cultural heritage significance; Residential Design Codes; and Scheme area. Amended Schedule 4. Deleted Schedule 7. Renumbered Schedule 8 to 7 and modified. Renumbered Schedule 9 to 8 and modified. Relocated clauses 57(1) – (4) and 6, 30(5), 37(1)(d), 41(1) (4) and (5), 40, 42(1) and (2), 49(3), 53 to Schedule A. Included clause 9 into Schedule A. Renumbered remaining Scheme provisions and schedules sequentially and updated any cross referencing to the new clause numbers as required.
36	16/05/17	17/05/17	GM	Inserted (w) into Clause 39 – Special Control Areas. Inserted Special Control Area 23 and Figure 23 - 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace into Schedule 8. Amended the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
37	16/05/17	22/05/17	GM	Inserted (x) into Clause 39 – Special Control Areas. Inserted Special Control Area 24 and Figure 24 - 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street into Schedule 8. Amended the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
38	21/08/18	27/08/18	GM	Clause 39 – inserted new clause 39(y) 560 Hay Street and 101 Murray Street Special Control Area. Schedule 8 – Special Control Areas – inserted new SCA 25. 560 Hay Street and 101 Murray Street Special Control Area and inserted new Figure 25. Amended the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
40	21/08/18	29/08/18	GM	Clause 39 (1) – inserted new (aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area. Schedule 8 – Special Control Areas – • inserted new Clause 27. 28 and 32 Troode Street and 196 Colin Place Special Control Area; • inserted Figure 27-28 and 32 Troode Street and 196 Colin Place Special Control Area. Hamilton Precinct Plan Map (P11) amended accordingly.

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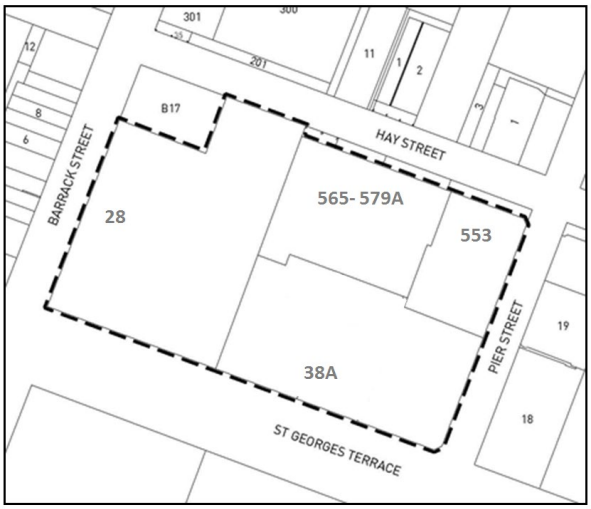
39	2/10/18	5/10/18	HB	Insert after clause 39(1): (z) 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area. Insert the following in Schedule 8 Special Control Areas: 26. 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area and 26.1 to 26.3. Amend the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly. Insert Figure 26 – 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme. 
42	05/02/2021	04/03/2021	MLD	Insert a new Special Control Area under clause 39(1) (cc) 1202-1204 Hay Street and 80 Colin Street Special Control Area. Insert the following in Schedule 8 Special Control Areas: **1202-1204 Hay Street and 80 Colin Street Special Control Area** and sub-clauses 29.1 to 29.7. Inserting Figure 29 – 1202-1204 Hay Street and 80 Colin Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme. Amending the West Perth Precinct Plan Map (P10) accordingly.
43	07/05/2021	25/05/2021	GM	Inserting a new Special Control Area under clause 39(1) as follows: (dd) 707 Murray Street Special Control Area. Inserting new clause 30. 707 Murray Street Special Control Area into Schedule 8 Special Control Area. Deleting the term 'Permitted' from the column heading in the Additional Use table in Schedule 5. Inserting A3, 707 Murray Street, West Perth, being the land at the corner of Thomas Street and Murray Street into Schedule 5 – Additional Uses. Inserting Figure 30 – 707 Murray Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme.
43	Correction Notice	25/05/2021	GM	Add the following after Item 5 - Figure 30: 707 Murray Street Special Control Area Amending the West Perth Precinct Plan Map (P10) accordingly. Modify the Scheme Map and Precinct Plan 10 Map to include the Additional Use (AU3) designation over Lot 500 Murray Street, West Perth.
45	11/06/2021	21/06/2021	MLD	Inserting a new Special Control Area under clause 39(1) as follows: (ff) 11 and 27 Newcastle Street Special Control Area. Inserting new clause in Schedule 8 Special Control Areas: 32.0 11 and 27 Newcastle Street Special Control Area Inserting Figure 32-11 and 27 Newcastle Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme. Amending the City Centre (CC) Precinct Plan Map (P1-8) accordingly.
44	13/07/2021	09/08/2021	HB	Insert a new Special Control Area under clause 39(1) as follows: (ee) 707-725 Wellington Street and 482-488 Murray Street Special Control Area.

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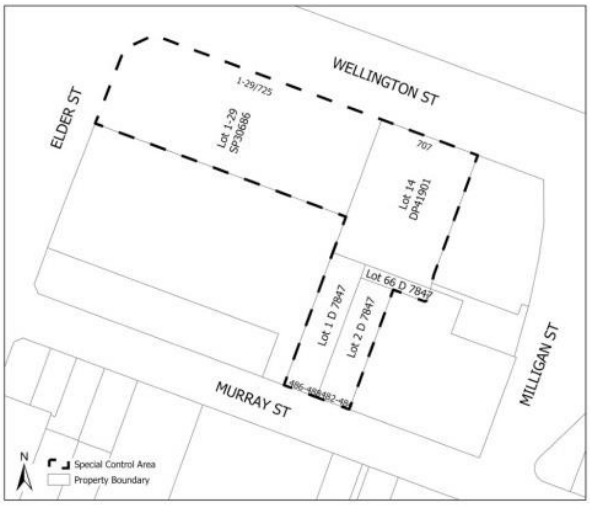
				Insert the following in Schedule 8 Special Control Areas: 31. 707-725 Wellington Street and 482-488 Murray Street Special Control Area 31.1 Special Control Area The following provisions apply to the land marked as Figure 31 being the 707-725 Wellington Street and 482-488 Murray Street Special Control Area. 31.2 Objective To facilitate the development of the Special Control Area as a whole in a coordinated manner. 31.3 Plot Ratio a) For the purpose of calculating plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Plot Ratio Plan. b) For the purpose of calculating bonus plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan. 31.4 Car Parking a) The tenant car parking allowance for the Special Control Area shall be the sum of the allowances calculated on an individual lot basis in accordance with the Perth Parking Policy. b) The tenant car parking may be distributed across the Special Control Area as if it were one lot. c) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area. Insert Figure 31– 707-725 Wellington Street and 482-488 Murray Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme.  **Figure 31**: 707-725 Wellington Street and 482-488 Murray Street Special Control Area Amend the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
46	06/05/2022	19/05/2022	GM	Amend the Scheme Map to introduce 'Normalised Redevelopment Area ' over: a) Lots 323 (No. 100), 440 (No. 16), 451 (No 14) and 8003 (No. 20) Aberdeen Street, Perth; b) Lot 1000 (No 10) Adelaide Terrace, East Perth; c) Lot 1188 (No. 2) Barrack Square, Perth; d) Lots 775 (No. 20), 110 (No. 26), 111 (No. 24) and 112 (No. 22) Bronte Street, East Perth; e) Lots 103 (No. 1) and 102 (No. 2) Bremer Promenade, East Perth; f) Lots 1-2 (No. 8), 4-6 (No. 2), 6-9 (No. 15-21), 28-29 (No.6), 33 (No. 12), 123 (No. 13), 151 (No. 1) City Farm Place, East Perth; g) Lots 60 (No. 2) Francis Street, Perth; h) Lot 152 (No. 7) Lime Street, East Perth; i) Lots 1507 (No. 39), 555 (No. 3), 1, 410 (No. 40), 411 (No. 40), 569, 754, 755 and 765 Nelson Avenue, East Perth

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				j) Lots 15 - 21 (No. 40), 0-6 (No. 42-62), 29-32 (No .42-62), 62-63 (No. 42-62), 66 (No. 42-62) and 500-503 (No. 42-62) , Nelson Avenue, East Perth; k) Lots 88 (No. 145), 408 (No. 139), 411 (No. 131), 412 (No. 153) and 450 (No. 137) Newcastle Street, Perth; l) Lots 30, 31 and 570 Nile Street, East Perth; m) Lots 773 (No. 132), 101 (No. 110) and 305 (No. 100) Plain Street, East Perth; n) Lots 0 (No. 158-204), 500-501 (No. 158 -204), 22 (No. 168), 23 (No. 170) Royal Street, East Perth; o) Lot 3 Trafalgar Road, East Perth; p) Lots 506 (No. 2) and 821 (No. 2) Trinity Avenue, East Perth; q) Lot 774 (No. 2) Wellington Street, East Perth; r) Lots 68 (No. 17) and 67 (No. 19) Wickham Street, East Perth; s) Lots 1 (No. 318), 150 (No. 314), 404 (No. 312), 403 (No. 310), 1262 (No. 306), Lots 1 (No. 242), 2 (No. 240), 3 (No. 238), 4 (No. 236), 5 (No. 234), 34 (No. 230), 20 (No. 198-206), 101 (No. 208), 102 (No. 214), 1115 (No. 218), 1296 (No. 224), 1306 (No. 194),2006 (No. 232) William Street , Perth; t) Reserve 48583 (P059844), 53231 (P406739) and 46904 (P068128), u) Lots 9007 (P406739), 50 (D005603) , 8008 (P413106) and (P001079). v) Bollaert Lane, Bremer Promenade, De Vlamingh Avenue, Erskine Link, Hoy Pay Street, Lipfert Street, Moreau Parade Museum Street , Slyth Way. w) Portion of Aberdeen Street , Adelaide Terrace, Barrack Street , Beaufort Street , Bollaert Lane, Braithwaite Street , Bronte Street , Hale Street, Hay Street, Horatio Street , James Street , Kensington Street, Lime Street, Lord Street, Michael Close, Nelson Avenue, Nelson Crescent, Nile Street, Plain Street, Riverside Drive, Royal Street, Waterloo Crescent, Wellington Street, William Street, Zempilas Road Road Reserves; and x) Lot 556 (Valdura Place and Barrack Square Road Reserves). Amend Schedule 3 P2 Cultural Centre (CC) by replacing the text 'refer to the Metropolitan Redevelopment Authority for the classification of uses within this Precinct' to 'Refer to Local Planning Scheme No. 26 for the classification of uses within this Precinct.' Amending all scheme maps and text by replacing references to 'Metropolitan Redevelopment Authority' with 'DevelopmentWA' and references to 'MRA' with 'DevWA'.
47	22/03/2024	28/03/2024	GL	Amend clause 36(1)(b) – a non-complying application does not include an application involving: i. a prohibited use; ii. an application to increase the maximum plot ratio which exceeds the limits set out in clause 28 and/or 30; or iii. an application to permit permanent development within the Core Flight Path Area, outlined in Special Control Area 33, which exceeds the maximum AHD heights specified in Figured 33.2-33.7. Insert a new Special Control Area under clause 39(1) - (gg) Royal Perth Hospital Flight Path Protection Special Control Area. Insert a Special Control Area 33 in Schedule 8. Amend the Maximum Building Height Plan (1 of 2). Inserting Figures 33, 33.` to 33.8 into Schdule 8 – Special Control Area of the Scheme.
50	31/05/2024	20/06/2024	HAB	Insert a new Special Control Area under clause 39(1) as follows: (hh) Barrack Street Special Control Area Insert the following as Special Control Area 34 in Schedule 8: **34.0 Barrack Street Special Control; Area** **34.1 Special Control Area** The folowing provisions apply to the land marked as Figure 34 - Barrack Street Special Control Area: **34.2 Objectives** a) Facilitate development in a coordinated manner and to enable applicable development standards and requirements to be applied to the site as though it was a single lot. b) Ensure future development respects the cultural heritage of the Barrack Street Heritage Area, which includes the Moana Buildings and the Connor Quinlan Building.

<table>
<tr><th rowspan="2">AMD NO</th><th rowspan="2">GAZETTAL DATE</th><th colspan="2">UPDATED</th><th rowspan="2">DETAILS</th></tr>
<tr><th>WHEN</th><th>BY</th></tr>
<tr><td></td><td></td><td></td><td></td><td>c) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists and public transport.

34.3 Heritage
a) The State listed heritage building (Lot 3) shall have all work undertaken in a manner guided by a Heritage Retention and Conservation Plan prepared in accordance with State Heritage Office Guidelines.
b) Conservation works being undertaken on Lots 2 to 5 in accordance with current Conservation Management Plans.
c) Conservation works shall enable the reinstatement of use of the heritage buildings, including the reinstatement of access to any upper or lower levels which have been removed.
34.4 Plot Ratio
a) For the purpose of determining plot ratio, the total area of Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, and Lots 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street Special Control Area shall be treated as one lot.
b) For the purpose of calculating bonus plot ratio, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.
c) All development applications that propose to utilise bonus plot ratio shall provide the City with a draft Heritage Agreement between the landowner and the City (and the Heritage Council for Slate heritage listed places).
d) The Heritage Agreement shall require the landowner lo complete lhe conservation works detailed in the Conservation Management Plan prior to the issue of an occupancy permit for the building.
34.5 Car Parking
a) For the purpose of determining the tenant car parking allowance under the Perth Parking Policy for any redevelopment as may be identified in the Perth Parking Policy, the Barrack Street Special Control Area shall be treated as one lot.
b) The tenant parking facilities in one building within the Special Control Area may be leased or used by tenants of other buildings within the Special Control Area.</td></tr>
<tr><td>51</td><td>31/05/2024</td><td>20/06/2024</td><td>HAB</td><td>Amend Schedule 5 – Additional Use by inserting:

<table><tr><td>A4</td><td>Southern portion of 99 Adelaide Terrace, 10 and 40 Terrace Road, East Perth, located at the corner of Plain Street and Terrace Road.</td><td>Southern portion of Lot 10 on Certificate of Title Volume 1637 Folio 312.

Lot 11 on Certificate of Title Volume 1835 Folio 883.

Lot 12 on Certificate of Title Volume 1835 Folio 884.</td><td>Healthcare 2</td></tr></table>
Amend the scheme map by inserting the annotation ‘A4 over the Southern portion of 99 Adelaide Terrace, 10 (Lot 11) and 40 (Lot 12) Terrace Road, East Perth.</td></tr>
<tr><td>48</td><td>17/09/2024</td><td>26/09/2024</td><td>GL</td><td>Amend schedule 8 Special Control Area 27.0, Clause 27.3 Plot Ratio as follows:
27.3.1 For the purpose of determining the maximum plot ratio within the Special Control Area.

27.3.1.1 The Special Control Area shall be treated as one site

27.3.1.2 The maximum plot ratio identified on the Plot Ratio Plan does not apply to the Special Control Area. A maximum plot ratio of 5.1 (maximum of 3:1 for use groups other than Residential or Special Residential) applies within the Special Control Area.

27.3.2 For the purposes of determining any bonus plot ratio under Clause 28 and transferable plot ratio under Clause 30, the Special Control Area shall be treated as one site.

27.3.3 Any bonus plot ratio or transferable plot granted shall be allocated fully to Lots 52 and 200.</td></tr>
</table>

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52	29/04/2025	1/05/2025	GL	Insert a new Special Control Area under clause 39 (1) as follows: ii) 935, 937 and 939 Wellington St Special Control Area. Insert, the following as Special Control Area 35 in Schedule 8: 35.0 935, 937 and 939 Wellington Street Special Control Area 35.1 Special Control Area The following provisions apply to the land marked as Figure 35, being 935, 937 and 939 Wellington Street Special Control Area. 35.2 Objectives To facilitate the development of the Special Control Area and increase the bases plot ratio for residential development, whilst retaining the lower plat ratio for non-residential groups. 35.3 Plot Ratio a) For the purposes of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one site. b) The maximum plot ratio identified on the Plot Ratio Plan does not apply to the Special Control Area for Residential and Special Residential use groups. c) A maximum plot ratio of 4:1 applies within the Special Control Area for Residential and Special Residential use groups.
41				Insert after clause 39(1) (aa) - (bb) Northbridge Special Entertainment Precinct - Special Control Area. Insert new Special Control Area after Special Control Area 27 in Schedule 8 - 28. Northbridge Special Entertainment Precinct Special Control Area 28.1 Special Control Area The following provisions apply to the land marked as Figure 28 being the Northbridge Special Entertainment Precinct (NSEP or Precinct) Special Control Area. Note: The Special Control Area does not regulate the level of noise emitted by entertainment venues or override the requirements of the Environmental Protection (Noise) Regulation 1997. 28.2 Objectives The objectives of the NSEP Special Control Area are to: (a) Ensure the NSEP remains the State's premier entertainment area with a variety and concentration of entertainment venues, providing an active night-time economy and vibrant social and cultural scene. (b) Provide entertainment venues with greater operational certainty. (c) Provide a differentiated approach in the Core, Transition and Frame areas, recognising that the Core contains the highest concentration of entertainment venues emitting higher levels of music noise. The Frame and Transition areas contain a broader mix of land uses where entertainment venues emit lower levels of music noise, providing a transition from the Core to the area outside of the NSEP. (d) Reduce potential land use conflicts between accommodation land uses and entertainment venues by requiring the design and construction of buildings to incorporate appropriate sound attenuation measures. (e) Ensure accommodation land uses are located, designed and constructed to provide an acceptable level of amenity to occupants from existing and future music noise. 28.3 General Provisions (a) Where land within the NSEP Special Control Area also falls within another special control area under this Scheme, the provisions of the NSEP Special Control Area prevail to the extent of any inconsistency. (b) Notwithstanding the exemptions from the requirement for development approval set out in clause 61(1) and 61(2) of the Deemed Provisions, and in accordance with clause

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61(6)(a) of the Deemed Provisions, development approval is required for:

(i) Works associated with an accommodation land use or entertainment venue, including:

A The carrying out of substantial internal building work;

B The erection of, or alterations or additions to, a single house;

C The erection of, or alterations to, an ancillary dwelling.

(ii) A change of use to an accommodation land use, or an entertainment venue.

(c) Sound attenuation measures shall be carefully integrated into the design of development and not adversely impact upon:

(i) the building's aesthetics, environmental sustainability, and cultural heritage significance where applicable;

(ii) the internal amenity for building occupants; or

(iii) the public realm.

28.4 Development standards - Accommodation Land Uses

28.4.1 Application

(a) For the purposes of the NSEP Special Control Area only, accommodation land uses under the Scheme have been grouped into the following categories to reflect the level of permanency of the occupants:

(i) Residential accommodation;

(ii) Student accommodation;

(iii) Short term accommodation;

(b) These development standards apply in relation to development applications for any of the following:

(i) new premises for the purpose of an accommodation land use;

(ii) a change of use application to use an existing premises for a new accommodation land use;

(iii) works in relation to existing premises used for an accommodation land use which creates a new habitable room or space.

(c) In respect of development applications in clause (b) (iii), the development standards set out in this Part will only apply to that part of the premises for which approval is required.

28.4.2 Technical standards

<u>Attenuation standards – NSEP Special Control Area Frame area</u>

(a) Residential accommodation and Student accommodation development in the NSEP Special Control Area Frame area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$:

- 36 + C_w dB in the 63Hz octave band; and
- 41 + C_w dB in the 125Hz octave band,

where:

- $D_{2m,nT}$ is the standardised level difference as defined by ISO 12354-3:2017
- C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I

(b) Short term accommodation development in the NSEP Frame area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(a) above, unless otherwise approved by the local government.

<u>Attenuation standards – NSEP Special Control Area Transition area</u>

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				(c) Student accommodation development in the NSEP Special Control Area Transition area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$: • 36 + C_w dB in the 63Hz octave band; and • 45 + C_w dB in the 125Hz octave band, where: • $D_{2m,nT}$ is the standardized level difference as defined by ISO 12354-3:2017 • C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I (d) Short term accommodation development in the NSEP Special Control Area Transition area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(c) above, unless otherwise approved by the local government. (e) Residential accommodation development in the NSEP Special Control Area Transition area should only be supported for approval when the local government is satisfied that the music noise level ($L_{Ceq,\ 1min}$) at the receiving façade is 79dB(C) or less, having regard to the site context including: (i) Assumed venue music noise levels outlined in 28.4.2 (h); (ii) Separation distance from assumed entertainment venues; (iii) Surrounding development, and (iv) Other matters outlined in 28.4.2 (i) Attenuation Measures If supported, the development must be designed and constructed to meet the attenuation standards outlined in 28.4.2(c) above. <u>Attenuation standards – NSEP Special Control Area Core area</u> (f) Student accommodation development in the NSEP Special Control Area Core area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$: • 36 + C_w dB in the 63Hz octave band; and • 45 + C_w dB in the 125Hz octave band, where: • $D_{2m,nT}$ is the standardised level difference as defined by ISO 12354-3:2017 • C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I (g) Short term accommodation development in the NSEP Special Control Area Core area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(f) above, unless otherwise approved by the local government. Note: Residential accommodation development is prohibited in the NSEP Special Control Area Core area as outlined in the Schedule 3 Use Group tables. <u>Assumed Venue Music noise levels</u> (h) The assumed venue music noise level means that each lot within the NSEP Special Control Area is assumed to emits noise at the venue music noise levels set out in Table 1, measured 1 metre outside the entertainment venue boundary unless: (i) any lot is already developed with a land use which is not an entertainment venue, and in the opinion

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of the local government is unlikely to be redeveloped or adapted for an entertainment venue, in which case this lot is not assumed to emit at the applicable assumed venue music noise level;

(ii) any lot is already operating pursuant to a Music Entertainment Venue approval, and it can be demonstrated to the local government's satisfaction that the measured venue music noise levels emitted from the entertainment venue measured at 1 metre outside the entertainment venue boundary are lower and unlikely to ever reach the assumed venue music noise level by reason of the building's design and/or construction.

Table 1: Assumed Venue Music Noise Levels

NSEP Sub-Area	**Venue Music Noise Level** $L_{Ceq,\ 1min}$ (dB)
Core Area	90
Transition Area	79
Frame Area	79

Attenuation Measures

(i) Attenuation measures include:

(i) Distance factors -– including distance between the accommodation land use and another lot assumed to emit music noise at the applicable assumed venue music noise level;

(ii) Design factors – including the design of a proposed accommodation land uses to locate bedrooms and living rooms in such a way as to reduce exposure to venue music noise;

(iii) Construction factors – structural elements of the accommodation land uses, including but not limited to the standard of construction of the external walls of a proposed building, and the quality of fenestration to reduce exposure to venue music noise.

Plot Ratio

(j) A winter garden proposed as part of the design of an accommodation land use for the purpose of applying an attenuation measure may, at the discretion of the local government, be excluded from the definition of 'floor area of a building' (as defined in Schedule 4) for the calculation of plot ratio.

28.4.3 Development application accompanying material

(a) In accordance with clause 63(1)(d) of the Deemed Provisions, all development applications for accommodation land uses shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.

(b) The acoustic report shall include:

(i) an assessment of the assumed and/or measured venue music noise levels; and

(ii) details of the attenuation measures proposed; and

(iii) modelling to illustrate compliance with the technical standards set out in clause 28.4.2 (a) to (g).

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28.4.4 Determination of application

(a) The local government shall not grant its approval if it is not satisfied that the technical standards in clause 28.4.2 can be met.

(b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:

(i) for the lodgement of a notification pursuant to section *70A of the Transfer of Land Act 1893* to notify the likelihood of elevated music noise levels from entertainment venues;

(ii) in order to comply with section 20(1)(0) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 28.4.3 (a);

(iii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 28.4.3 (a) have been implemented.

28.5 Development standards – Entertainment Venues

28.5.1 Application

(a) These development standards apply in relation to development applications for any of the following:

(i) premises for a new entertainment venue;

(ii) a change of use application to use an existing premises or for a new entertainment venue;

(iii) substantial works to an existing entertainment venue.

(b) In respect of development applications in clause 28.5.1 (a) (iii), the development standards set out in this Part will only apply to that part of the premises for which approval is required.

28.5.2 Technical standards

Venue music noise levels

(a) Development shall be designed and specified to ensure venue music noise levels set out in Table 2 are not exceeded when measured 1 metre outside the entertainment venue boundary:

Table 2: Venue Music Noise Levels

NSEP Sub-Area	**Venue Music Noise Level** $L_{Ceq,\ 1min}$ (dB)
Core Area	90
Transition Area	79
Frame Area	79

(b) Appropriate sound attenuation shall be achieved through design and construction methods, and/or on-going operational management measures.

Setbacks

(c) That part of a new entertainment venue that generates music noise should be set back in accordance with

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Table 3 below, otherwise the standard setbacks provisions outlined in this Scheme apply.

Table 3: Separation requirement

NSEP Sub-Area	Separation Requirement
Core	5 metres from all existing accommodation land uses
Transition	5 metres from all existing accommodation land uses
Frame	5 metres from all existing accommodation land uses

(d) The separation distance may include a portion of the existing accommodation land use not used as a habitable room or space that will not be affected by music noise.

28.5.3 Development application accompanying material

(a) In accordance with clause 63(1)(d) of the Deemed Provisions, all development applications for entertainment venues shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.

(b) The acoustic report shall include:

(i) details of the existing and proposed sound attenuation measures that are to be included in the design and construction; and

(ii) any operational management measures proposed; and

(iii) modelling to illustrate compliance with the technical standards set out in clause 28.5.2 (a).

28.5.4 Determination of application

(a) The local government shall not grant its approval unless it is satisfied that the relevant venue music noise levels will not be exceeded.

(b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:

(i) in order to comply with section 20(1)(0) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 28.5.3 (a);

(ii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 28.5.3 (a) have been implemented.

28.6 Additional Uses

28.6.1 Additional Uses

(a) An additional use is a use which, in relation to a specific lot –

(i) Is a prohibited use in the precinct in which that lot is located;

(ii) Is listed, with reference to that lot, in Table 4 below; and

(iii) Is taken, as the result of its listing in Table 4, to be a 'contemplated' use for that lot subject to the conditions, if any, set out in

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Table 4 in respect of that use.

Additonal Use	Location	Particulars of Land	Use	Conditions
	191 James Street Northbridge	Lot 15 on D 88528, Certificate of Title SP31304	Residential use group	1. A maximum of 42 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2(a).
	182 James Street Northbridge	Lot 5 on P67, Certificate of Title SP31656	Residential use group	1. A maximum of 18 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2(a).
	103 Francis Street Northbridge	Lot 14 on D1391, Certificate of title SP53037	Residential use group	1. A maximum of 31 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2(a).
	89 Aberdeen Street Northbridge	Lot 1 on P871, Certificate of title SP65326	Residential use group	1. A maximum of 64 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2(a).
	87 Aberdeen Street Northbridge	Lot 2 on 871, Certificate of title 566\15	Residential use group	1. A maximum of 1 dwelling are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2(a).

28.7 Definitions used in Northbridge Special Entertainment Precinct Special Control Area

Accommodation land use means a land use listed in clause 28.4.1 (a).

Assumed entertainment venue means an entertainment venue that has been assumed to exist on a lot, for the purposes of the calculations in clause 28.4.2 (h).

Core area means the area identified as such in Figure 28.

Entertainment venue -

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(a) includes a venue whether indoor or outdoor to which a hotel, nightclub, small bar, or special facility liquor licence under the *Liquor Control Act 1988* has been granted and from which music is regularly emitted as part of its day to day operations; but

(b) excludes premises such as restaurants, fast food outlets, shops, cinemas, and theatres.

Entertainment venue boundary (or the boundary of entertainment venue) means -

(a) In relation to existing entertainment venues and assumed entertainment venues in existing buildings -

(i) the boundary delineating the horizontal and vertical extent of an entertainment venue and may include:

A external perimeter walls;

B internal walls, floor and/or ceiling;

C outdoor containment structures (for example a wall, fence or planter box); and

D roof;

(ii) Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or rooftop venue, its vertical extent shall be 4 metres above the ground and/or floor level of the venue (where the outdoor space is located).

(iii) Where the entertainment venue is the sole land use on a lot or lots (including a strata lot(s)), its boundary shall be designated as the boundaries of the lot/s upon which it is located).

(b) In all other cases -

(i) the boundaries shall be designated as the boundaries of the subject lot or lots (including a strata lot(s)); and

(ii) the vertical boundary extent shall be 4 metres above the natural ground level.

Frame area means the area identified as such in Figure 28.

Music includes live music and pre-recorded music, whether vocal or instrumental and whether amplified or unamplified, and any combination of these things.

Music Entertainment Venue approval is an approval to emit music noise under the Environmental Protection (Noise) Regulations 1997.

Qualified acoustic consultant means a person who is at least a Member of, or eligible for membership as a Member of Australian Acoustical Society.

Receiving facade means the wall(s) of a building that are receiving music noise from an Entertainment Venue.

Residential accommodation means all land uses contained within the Residential land use group in Schedule 2.

Short term accommodation is defined in Schedule 4 of the Scheme.

Substantial internal building work means significant works to the internal building fabric, including:

(a) Demolition, removal, erection, construction, alteration or addition to:

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(i) floors;
(ii) internal walls;
(iii) ceilings;
(iv) roofs;
(v) windows; or
(vi) internal doors.

(b) They do not include:
(i) electrical wiring for internal and external walls;
(ii) plastering or rendering walls;
(iii) tiling walls, floors or parts thereof;
(iv) plumbing;
(v) removing or replacing fixtures such as kitchen cupboards, benches or bathroom cabinets;
(vi) removing or replacing air-conditioning or security systems; and
(vi) cosmetic work such as painting, sanding floors, removing and replacing fittings such as light fittings

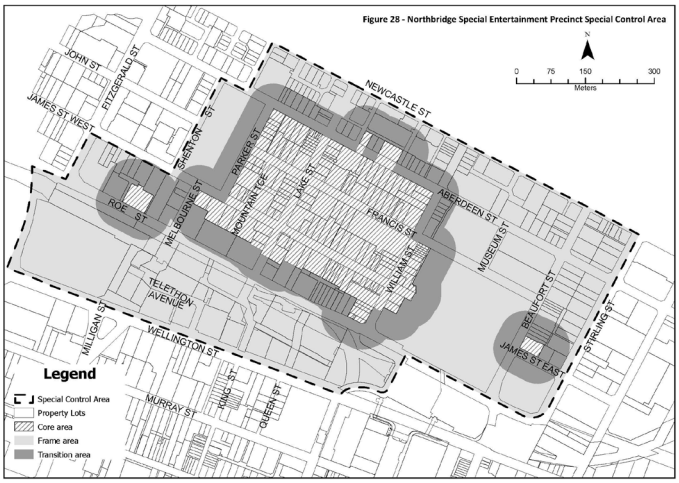
Student accommodation – means a purpose-built facility whose predominant purpose is to accommodate;

- Students while studying at a tertiary education facility; and
- Staff of a tertiary education facility or visiting staff to a tertiary education facility;
  - That is designed and managed to facilitate the predominant purpose;
  - That typically provides students with a principle place of residence for 3 months or more; and
  - That may have shared facilities, such as a communal living room, kitchen and amenities.

Transition Area - means the area identified as such in Figure 28.

Winter garden means an enclosed balcony (with glazing which can be opened for ventilation) and is a minimum of 1 metre in width.

1 Modify P1 Northbridge Use Group Table outlined in Schedule 3 to reclassify Residential from a ‘Contemplated Use’ to a ‘Prohibited Use’ within the Core area of the Northbridge Special Entertainment Precinct Special Control Area.
2 Modify P1 Northbridge Use Group Table outlined in Schedule 3 to reclassify Special Residential from a 'Preferred Use' to a 'Contemplated Use' within the Northbridge Special Entertainment Precinct Special Control Area.
3 Modify P3 Stirling Use Group table outlined in Schedule 3 to reclassify Residential from a ‘Contemplated Use’ to a ‘Prohibited Use’ within the Core area of the Northbridge Special Entertainment Precinct Special Control Area.
4 Modify P3 Stirling Use Group Table outlined in Schedule 3 to reclassify Special Residential from a ' Preferred Use to a 'Contemplated Use' within the Northbridge Special Entertainment Precinct Special Control Area.
5 Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
6 Amending Figure 28 to include:
i. Modify the core area boundary, as outlined on the attached map
ii. Include a transition area between the core area and frame area of the Special Entertainment

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Precinct, as outlined on the attached map. 
53	27/02/2026	03/03/2026	HAB	Clause 15(2) Insert the following additional use group categories: (a) Hosted Short-Term Rental Accommodation (b) Unhosted Short-Term Rental Accommodation In Schedule 1, Scheme Use Area – Description: A. Amend the description of the City Centre Scheme use area by inserting the use groups Hosted Short-Term Rental Accommodation and Unhosted Short-Term Rental Accommodation after Special Residential. B. Amend the description of Residential scheme use area by inserting the use group Hosted Short-Term Rental Accommodation in between the words Residential and Home Occupation, and Unhosted Short-Term Rental Accommodation after Special Residential. C. Amend the description of Residential/Commercial scheme use area by inserting the use groups Hosted Short-Term Rental Accommodation in between the words Residential and Home Occupation, and Unhosted Short-Term Rental Accommodation after Special Residential. D. Amend the description of Office/Residential scheme use area by inserting the use groups Hosted Short-Term Rental Accommodation and Unhosted Short-Term Accommodation after the words preferred use groups are Residetnial. E. Amend the description of Town Centre scheme use area by inserting the use group Hosted Short-Term Rental Accommodation after the words preferred uses abutting Hay Street are therefore those in the,. F. Amend the description of Commercial scheme use area by inserting the use group Hosted Short-Term Rental Accommodation after the words preferred use groups include. In Schedule 2, Use Group Categories: Insert the following additional use group categories:

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

Hosted Short-Term Rental Accommodation	-
Unhosted Short-Term Rental Accommodation	-

Amend the description for the Special Residential use group by replacing serviced apartment with tourist and visitor accommodation.

In Schedule 4, Definitions:

Amend the definition for Hotel as per Schedule 1 – Model provisions for local planning schemes.

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

Delete the definitions for:
i. Service Apartment; and
ii. Short-Term Accommodation.

Insert the definition 'Tourist and Visitor Accommodation' as per Schedule 1 – Model Provisions for Local Planning Schemes.

Tourist and Visitor Accommodation	a) means a building, or a group of buildings forming a complex, that - (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building - contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night; and (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but (c) does not include any of the following – (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1); (v) a park home park; (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1); (vii) a road house; (viii) workforce accommodation.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

In Schedule 3 'Use Group Table' insert the following land use categories and permissibility's:

P1 Northbridge (CC)

Use Group	Use Symbol	
	East of Russell Square	West of Russell Square
Hosted short-term rental accommodation	P	P
unhosted short-term rental accommodation	C	C

P3 Stirling (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
unhosted short-term rental accommodation	C

P4 Victoria (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
unhosted short-term rental accommodation	C

P5 Citiplace (CC)

Use Group	Use Symbol	
	King Street Heritage	Rest of Precinct
Hosted short-term rental accommodation	P	P
unhosted short-term rental accommodation	C	C

P6 St Georges (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
unhosted short-term rental accommodation	C

P7 Civic (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
unhosted short-term rental accommodation	C

P9 Matilda Bay

<table>
<tr><th rowspan="2">AMD NO</th><th rowspan="2">GAZETTAL DATE</th><th colspan="2">UPDATED</th><th rowspan="2">DETAILS</th></tr>
<tr><th>WHEN</th><th>BY</th></tr>
<tr><td></td><td></td><td></td><td></td><td>
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P13 Adelaide
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P14 Goderich
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<tr><th>Residential R160</th><th>Residential/ Commercial</th><th>Town Centre</th></tr>
<tr><td>Hosted short-term rental accommodation</td><td>P</td><td>P</td><td>P</td></tr>
<tr><td>unhosted short-term rental accommodation</td><td>C</td><td>C</td><td>C</td></tr>
</table>
</td></tr>
<tr><td>54</td><td>06/10/2026</td><td>08/10/2026</td><td>RW</td><td>In ‘Schedule 5 – Additional Uses’, A4 – Insert the following uses into the Use Column –
(a) Entertainment (limited to Amusement Parlour and Small Bar) on Lot 10. Small Bar is not permitted within 30 metres of the western boundary.
(b) Business Services limited to Lot 10
(c) Education 2 limited to Lot 10</td></tr>
</table>

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PART 1 – INTRODUCTION

1 TITLE

This town planning scheme may be referred to as the City of Perth City Planning Scheme No. 2.

2 COMMENCEMENT

This Scheme commences on the gazettal date.

NOTE:
1. The "gazettal date" is defined in Schedule 4.

3 SCHEME DOCUMENTS

AMD 25 GG 26/2/13; AMD 26 GG 18/7/14; AMD 35 GG 24/02/17

(1) This Scheme comprises the following documents –

a) the Scheme text;

b) the Scheme map;

c) the Plot Ratio Plan.

d) the Maximum Bonus Plot Ratio Plan

e) the Public Facilities Bonus Plot Ratio Plan;

f) the Heritage Bonus Plot Ratio Plan;

g) the Residential Bonus Plot Ratio Plan;

h) the Special Residential Bonus Plot Ratio Plan;

i) the Maximum Building Height Plan;

j) the Street Building Height and Setback Plan;

k) the Deemed Provisions; and

l) the Supplemental Provisions contained in Schedule A to the Deemed Provisions.

(2) Documents made and amended pursuant to the Scheme include:
AMD 35 GG 24/02/17

a) each precinct plan;

b) each planning policy;

c) each local government register;

d) the functional road hierarchy map;

e) each structure plan;

f) each activity centre plan;

g) each local development plan; and

h) the Heritage List.

(3) Notes are provided for information only and are not part of the Scheme.

AMD 5 GG 11/9/07

NOTE:

1. The Deemed Provisions are set out in *the Planning and Development (Local Planning Scheme) Regulations 2015:* Schedule 2 gazetted on 25 August 2015.
2. The "Scheme text", "precinct plans", "planning policy", "local government register", "Scheme map" and "functional road hierarchy map" are defined in Schedule 4.
3. The amendment procedures applying to precinct plans, planning policies, local government registers and the functional road hierarchy map are set out in clauses 4, 5 and 6 of the Deemed Provisions.
4. The amendment procedures applying to structure plans, activity centre plans and local development plans are set out in the Deemed Provisions.
5. Subject to Amendment No. 5 gazetted on 11 September 2007, No. 25 gazetted on 26 February 2013, No. 26 gazetted on 18 July 2014 and No. 35 gazetted on 24 February 2017.

4 SCHEME AREA

AMD 5 GG 11/9/07; AMD 28 GG 17/3/15

(1) This Scheme applies to the Scheme area which covers all the district of the local government, apart from the area illustrated on the Scheme Map comprising the land that is in the DevelopmentWA Area.

(2) The land depicted on the Scheme Map as the Normalised Redevelopment Area is subject to this Scheme and the local government of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas), and is not subject to the provisions of the Central Perth Redevelopment Scheme.

NOTE:

1. Parts of the Scheme area are also subject to other planning laws such as the Metropolitan Region Scheme (see clause 7) and minor town planning schemes (see clause 8).
2. Subject to Amendment No. 5 gazetted on 11 September 2007, No. 28 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

5 RESPONSIBLE AUTHORITY

The authority responsible for administering this Scheme is the local government.

NOTE:

1. The "local government" is defined in Schedule 4.
2. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

6 OBJECTIVES AND INTENTIONS

AMD 35 GG 24/02/17

(1) The local government has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.

(2) The overall goal of this Scheme is to ensure that the local government of Perth and its environs will be widely recognised as a viable world class city providing a high level of services and amenities in a friendly and accountable manner.

(3) The general objectives of this Scheme are –

a) to recognise and reinforce the role of Perth as the capital of Western Australia and the administrative, financial and political centre of the State;

b) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, visitor accommodation and attractions, transport and access opportunities; *AMD 25 GG 26/2/13*

c) to protect and enhance the health, safety and general welfare of the local government's inhabitants and the social, physical and cultural environment of the local government;

d) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –

(i) promotes development of a sufficient intensity within the city to reflect its capital local government status; *AMD 26 GG 18/7/14*

(ii) recognises the individual character and needs of localities within the Scheme area;

(iii) can respond readily to change; and

(iv) is consistent with the Region Planning Scheme and wider regional planning strategies and objectives;

e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;

f) to promote and safeguard the economic well-being and functions of the local government;

g) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –

(i) makes optimum use of the local government's growing infrastructure and resources;

(ii) promotes an energy efficient environment; and

(iii) respects the natural environment;

h) to promote and safeguard the cultural heritage of the local government by –

(i) identifying, conserving and enhancing those places which are of significance to Perth's cultural heritage;

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

(iii) promoting public awareness of cultural heritage generally;

i) to ensure that all development-

(i) is of a high architectural design quality

(ii) delivers a high level of amenity within the public realm by -

(a) being of a scale along the street alignment which is conducive to creating a comfortable pedestrian environment;

(b) allowing for appropriate levels of sunlight penetration into key pedestrian and public spaces;

(c) minimising adverse wind impacts;

(iii) delivers a high level of amenity within buildings by providing for appropriate natural light access, natural ventilation, privacy and outlook; and

(iv) contributes to an attractive city skyline and outlook from the public realm. *AMD 26 GG 18/7/14*

7 RELATIONSHIP WITH OTHER LAWS

(1) This Scheme is complementary to, and not a substitute for, the Region Planning Scheme.

(2) Where a provision of this Scheme is inconsistent with a provision of a local law, the provision of this Scheme prevails.

(3) The R-Codes are to be read as part of this Scheme.

NOTE:
1. The "Region Planning Scheme" is defined in clause 1 of the Deemed Provisions.
2. The Region Planning Scheme covering the local government area is the Metropolitan Region Scheme.
3. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.
4. Subject to Amendment No. 35 gazetted on 24 February 2017.

8 MINOR TOWN PLANNING SCHEMES

AMD 2 GG 27/5/05; AMD 8 GG 10/07/07; AMD 5 GG 11/09/07; AMD 9 GG 30/11/07; AMD 16 GG 02/09/08; AMD 27 GG 17/01/14; AMD 28 GG 17/03/15; AMD 29 GG 17/03/15

(1) The local government administers the following minor town planning schemes which are complementary to this Scheme -

a) City of Perth Town Planning Scheme No. 11 (Wesley Trust);

b) City of Perth Town Planning Scheme No. 13 (SGIO);

c) City of Perth Town Planning Scheme No. 14 (Withernsea);

d) City of Perth Town Planning Scheme No. 16 (AMP);

e) City of Perth Town Planning Scheme No. 21 (FAI Site);

f) City of Perth Town Planning Scheme No. 23 (Paragon);

g) City of Perth Town Planning Scheme No. 24 (131 – 137 Adelaide Terrace);

h) City of Perth Town Planning Scheme No. 26 (Normalised Redevelopment Areas).

(2) Unless the contrary intention appears, a reference in any of the minor town planning schemes mentioned in subclause (1) to the City of Perth City Planning Scheme is to be taken to refer to this Scheme.

NOTE:
1. Subject to Amendment No. 8 gazetted on 10 July 2007, No. 5 gazetted on 11 September 2007, No. 9 gazetted on 30 November 2007, No. 16 gazetted on 2 September 2008, No. 27 gazetted on 17 January 2014, No. 28 gazetted on 17 March 2015, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.
2. Subclause (2) refers to this Scheme, which also includes the Deemed Provisions.
3. The minor town planning schemes must be read in conjunction with the Deemed Provisions.

9 REPEALS

The following written laws are repealed –
AMD 8 10/07/07; AMD 9 GG 30/11/11; AMD 16 GG 02/09/08; AMD 29 GG 15/03/15

Name	Date of Publication in the *Government Gazette*
(a) City of Perth City Planning Scheme	20 December 1985
(b) Zoning By-law No. 64	10 October 1961
(c) Zoning By-law No. 65	24 May 1962
(d) Town Planning Scheme No. 22	11 December 1998
(e) Town Planning Scheme No. 18	30 March 1990
(f) Town Planning Scheme No. 19	12 September 1997
(g) Town Planning Scheme No. 7	17 January 2014

NOTE:
1. The repeal of each of these schemes and by-laws extends to any amendments to them (see section 33 of the *Interpretation Act 1984*).
2. Subject to Amendment No. 8 gazetted on 10 July 2007, No. 9 gazetted on 30 November 2007, No. 16 gazetted on 2 September 2008 and No. 29 gazetted on 15 March 2015.

10 DEFINITIONS

In this Scheme, unless the contrary intention offers, the words and expressions used have the meanings set out in Schedule 4 and the Deemed Provisions. *AMD 35 GG 24/02/17*

NOTE:
1. The definitions of words and expressions set out in section 4(1) of the *Planning and Development Act 2005* are also relevant for the purposes of the Scheme.
2. Subject to Amendment No. 35 gazetted on 24 February 2017.

PART 2 – LAND USE

11 PRECINCTS

(1) The Scheme area is divided into the precincts set out in the precinct table at the end of this clause and the location and boundaries of the precincts are shown on the Scheme map.

(2) The precincts denoted 'CC' in the precinct table comprise that part of the Scheme area referred to as the City Centre.

(3) For each precinct, there is a precinct plan.

NOTE:
1. "City Centre", "precinct", "precinct plan" and "Scheme area" are defined in Schedule 4.
2. "City Centre" means the area described in Schedule 1.
3. There is to be a planning policy for each precinct and each of those policies, like any other planning policy, are to be contained in the Policy Manual.
4. "Scheme Area" is defined in clause 1 of the Deemed Provisions.

PRECINCT TABLE

P1	Northbridge (CC)
P2	Cultural Centre (CC)
P3	Stirling (CC)
P4	Victoria (CC)
P5	Citiplace (CC)
P6	St Georges (CC)
P7	Civic (CC)
P8	Foreshore (CC)
P9	Matilda Bay
P10	West Perth
P11	Hamilton
P12	Langley
P13	Adelaide
P14	Goderich
P15	East Perth

12 RESERVES AND SCHEME USE AREAS

(1) Land within the Scheme area is classified as –

a) Region Planning Scheme reserve; or

b) a Local Government Scheme reserve; or

c) one of the following Scheme use areas –

(i) City Centre;
(ii) Residential area;
(iii) Residential/Commercial area;
(iv) Office/Residential area;
(v) Town Centre;
(vi) Commercial area; *AMD 5 GG 11/9/07*

d) Normalised Redevelopment Area. *AMD 5 GG 11/9/07; AMD 28 GG 17/3/15*

(2) The classification of land within the Scheme area is shown on the precinct plan in which that land is located.

NOTE:
1. "Region Planning Scheme", "local government" and "reserve" are defined in clause 1 of the Deemed Provisions.
2. Each reserve is shown on the Scheme map and the relevant precinct plan.
3. Each Scheme use area is described in Schedule 1.
4. Subject to Amendment No. 5 gazetted on 11 September 2007, No. 28 gazetted 17 March 2015 and No. 35 gazetted on 24 February 2017.

13 REGION PLANNING SCHEME RESERVES

Land shown on the Scheme map as a Region Planning Scheme reserve –

(a) is reserved under the Region Planning Scheme;

(b) is shown on the Scheme map and the relevant precinct plan; and

(c) is not reserved by this Scheme.

NOTE:
1. The provisions of the Metropolitan Region Scheme apply to all Region Planning Scheme reserves.
2. Development (other than the erection of a boundary fence) on a Region Planning Scheme reserve requires approval from the Western Australian Planning Commission under Part II of the Metropolitan Region Scheme.
3. Subject to Amendment No. 35 gazetted on 24 February 2017.

14 USE OF A LOCAL GOVERNMENT SCHEME RESERVE

A local government reserve may be used for –

(a) any use which gives effect to the purpose for which the land is reserved under this Scheme; or

(b) where the land is vested in or is under the care, control or management of a public authority, a Commonwealth agency or the local government, any use which gives effect to any purpose for which the land may lawfully be used.

NOTE:
1. “Public authority” and “Commonwealth agency” are defined in Schedule 4.
2. "Local government" is defined in clause 1 of the Deemed Provisions.
3. Development Approval is granted by the local government under Part 9 of the Deemed Provisions.
4. Subject to Amendment No. 35 gazetted on 24 February 2017.

15 USE GROUPS AND USE GROUP CATEGORIES

(1) A use group is –

a) a described use; or

b) a group of described uses having generally similar functional characteristics, within the use group categories set out in Schedule 2.

(2) The use group categories are –

a) Business Services;

b) Civic;

c) Community and Cultural;

d) Dining;

e) Education 1;

f) Education 2;

g) Entertainment;

h) Healthcare 1;

i) Healthcare 2;

j) Home Occupation;

k) Hosted Short-Term Rental Accommodation; *AMD 53 GG 27/02/2026*

l) Industry - Cottage;

m) Industry - Light;

n) Industry - Service;

o) Mixed Commercial;

p) Office

q) Recreation and Leisure;

r Residential;

s) Retail (Central);

t) Retail (General);

u) Retail (Local);

v) Special Residential;

w) Storage; and

x) Unhosted Short-Term Rental Accommodation. *AMD 53 GG 27/02/2026*

(3) Where a particular use is referred to in a use group, it is taken to be excluded from any other use group that might otherwise have been construed to include the use within its general terms.

(4) Where a particular use –

a) is not referred to in any use group; and

b) does not come within the general terms of any use group.

it is taken to be an unlisted use.

16 TYPES OF USES
AMD 35 GG 24/02/17

(1) Uses are classified in this Scheme as –

a) preferred uses;

b) contemplated uses;

c) prohibited uses;

d) additional uses;

e) non-conforming uses; and

f) unlisted uses.

(2) The local government may grant development approval, in accordance with Part 9 of the Deemed Provisions, for any use except; *AMD 25 GG 26/2/13*

a) a prohibited use (unless the prohibited use is an additional use); and

b) a change of use which is prohibited by clause 35.

NOTE:
1. Development approval by the local government under Part 9 of the Deemed Provisions is required for most uses unless exempt by the Deemed Provisions.
2. The local government's powers and responsibilities in respect of applications for development approval involving various categories of uses are dealt with in Part 4 as follows -
   (a) preferred uses - clause 32;
   (b) contemplated uses - clause 33;
   (c) unlisted uses - clause 34; and
   (d) non-conforming applications - clause 36.
3. Subject to Amendment No. 25 gazetted on 26 February 2013 and No. 35 gazetted on 24 February 2017.

17 USE GROUP TABLES

(1) The use group tables set out the classification of uses within each precinct of the Scheme area by reference to –

.

a) use group categories; and

b) use symbols.

(2) The use symbols have the following meanings –

'P' means that a use within the relevant use group is a preferred use;

'C' means that a use within the relevant use group is a contemplated use; and

'X' means that a use within the relevant use group is a prohibited use.

NOTE:
1. The use group tables are set out in Schedule 3.
2. The Scheme use areas are listed in clause 12 and described in Schedule 1.
3. The precinct plans identify the Scheme use areas applicable to each precinct.

18 CHANGES OF USE
AMD 35 GG 24/02/17

(1) Where it is proposed to use any premises for a different use other than a use which is development listed in clause 61 of the Deemed Provisions, development approval must be obtained before commencing the different use.

2) A change of use occurs –

a) in the case of a local government reserve – whether or not the change of use is consistent with the purpose or one of the purposes for which the land –

(i) is reserved under this Scheme; or
(ii) may lawfully be used;

b) in the case of land in a Scheme use area – whether or not the change of use is a use described in the Scheme use area table as 'preferred or

contemplated'; and

c) where, in particular, premises are used as restricted premises without express approval of the local government under Part 9 of the Deemed Provisions.

NOTE:
1. Generally, development approval is required for most changes of uses unless it is exempt development under clause 61 of the Deemed Provisions.
2. The expression "restricted premises" is defined in Schedule 4.
3. Subject to Amendment No. 35 gazetted on 24 February 2017.

19 ADDITIONAL USES

AMD 35 GG 24/02/17

(1) An additional use is a use which, in relation to a specific lot –

a) is a prohibited use in the precinct in which that lot is located;

b) is listed, with reference to that lot, in Schedule 5; and

c) is taken, as the result of its listing in Schedule 5, to be a 'contemplated' use for that lot subject to the conditions, if any, set out in Schedule 5 in respect of that use.

(2) The local government may –

a) after receiving an application for development approval involving a prohibited use; or

b) at any other time,

initiate an amendment to Schedule 5 of this Scheme to add, amend or delete an additional use, the lot to which it applies or one or more conditions to which that use is subject.

(3) The local government is not to initiate an amendment under sub-clause (2) unless it is satisfied that:

a) a development involving the proposed additional use would be consistent with -

(i) the orderly and proper planning of the locality;

(ii) the conservation of the amenities of the locality;

(iii) the statement of intent set out in the relevant precinct plan; and

(iv) clause 67 of the Deemed Provisions; and

b) the use of the specific lot for that purpose would not have any undue adverse effect on -

(i) the occupiers and users of the development;

(ii) the property in, or the inhabitants of, the locality; or

(iii) the likely future development of the locality.

NOTE:
1. The listing of any use, or the amendment or revocation of any use, in Schedule 5 is an amendment to this Scheme text to which clause 57(2) applies.
2. Subject to Amendment No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

20 NON-CONFORMING USES

AMD 35 GG 24/02/17

(1) Nothing in this Scheme is to prevent –

a) the continued use of any land or building for a non-conforming use; or

b) the carrying out of any development for which development approval was obtained before the gazettal date.

(2) Where a non-conforming use exists, no further development of the relevant land or building is to be carried out without development approval.

(3) The local government may terminate a non-conforming use by purchasing or compulsorily acquiring the relevant land in accordance with section 13 of the Act.

(4) If, in respect of any land or building, a non-conforming use: -

a) ceases for at least 6 consecutive months; or

b) is destroyed or damaged to the extent of at least 75% of its value,

then it cannot be recommended without development approval.

NOTE:
1. A "non-conforming use" and "gazettal date" are defined in Schedule 4.
2. The reference to the "Act" is to the *Planning and Development Act 2005*, Part 11 of which enables a local government to purchase or, with the consent of the Governor, take compulsorily, subject to the *Land Acquisition and Public Works Act 1902*, any land within a town planning scheme.
3. Development approval is granted by the local government under Part 9 of the Deemed Provisions.
4. Subject to Amendment No. 35 gazetted on 24 February 2017.

21 REGISTER OF NON-CONFORMING USES

AMD 35 GG 24/02/17

(1) A person who wishes the local government to record a non-conforming use may submit to the local government in writing full details of the nature, location and extent of the non-conforming use.

(2) Where the local government is satisfied that a non-conforming use exists, it is to record in a register of non-conforming uses, details of each non-conforming use.

(3) A copy of the register of non-conforming uses is to be –

a) kept at the offices of the local government; and

b) made available for public inspection during office hours.

(4) *An amendment to the register of non-conforming uses may be made by resolution of the local government.*

NOTE:
1. A non-conforming use may exist if it is not registered on the register of non-conforming uses.
2. Subject to Amendment No. 35 gazetted on 24 February 2017.

PART 3 - DEVELOPMENT REQUIREMENTS

DIVISION 1 – GENERAL DEVELOPMENT REQUIREMENTS

AMD 35 GG 24/02/17

22 SOURCE OF DEVELOPMENT REQUIREMENTS

Unless otherwise consistent with a development approval, development is to comply with the standards and requirements contained in this Scheme.

NOTE:
1. This Scheme comprises the Scheme text, the Scheme Map, the Building Heights Plan and the Plot Ration Plan, as well as other documents listed in clause 3(1).
2. Subject to Amendment No. 35 gazetted on 24 February 2017.

23 R-CODES

(1) The R-Codes apply only –

a) to a residential development on land to which this Scheme or a precinct plan designates a density code; and

b) to the extent expressly specified in this Scheme, or in the relevant precinct plan, as applying to a residential development, or to the relevant land.

(2) The plot ratio and building height provisions of R-Codes do not apply to a residential development.

(3) A residential development is to comply with the relevant plot ratio and building height requirements (if any) of this Scheme.

NOTE**:**
1. This Scheme comprises the Scheme text, the Scheme Map, the Building Heights Plan and the Plot Ratio Plan as well as other documents listed in clause 3(1).
2. A copy of the R-Codes, as amended, is to be available for public inspection at the offices of the local government.
3. Subject to Amendment No. 35 gazetted on 24 February 2017.

24 VARIATIONS TO THE R-CODES

(1) The specific provisions of this Scheme which constitute variations from the provisions of the R-Codes are listed in Schedule 6.

(2) If a provision of the R-Codes is inconsistent with a provision listed in Schedule 6, the latter is to prevail to the extent of that inconsistency.

NOTE:
1. Subject to Amendment No.35 gazetted on 24 February 2017.

25 DENSITIES

(1) Subject to compliance with the procedures set out in clause 64 of the Deemed Provisions, the local government may grant an increase in the permitted dwelling density by up to 50% if –

a) the proposed development effects the discontinuance of non-conforming use; or

b) the proposed development conserves or enhances an existing building which in the local government's opinion is worthy of retention due to its heritage or aesthetic value.

(2) Where the local government allows an increase in the permitted dwelling density, any applicable standards and provisions of the R-Codes are to be determined by reference to that higher density.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

26 BUILDING HEIGHTS AND SETBACKS

AMD 2 GG 27/5/05, AMD 26 GG 18/7/14

(1) The height of a building on the frontage of a lot (where permitted) and within the street building height area should not exceed the maximum street building height specified by the Street Building Height and Setback Plan.

(2) Subject to subclause (1), the height of a building should not exceed the maximum height specified by the Maximum Building Height Plan.

(3) The setback of a building from the frontage of the lot(s) on which it is located should comply with any applicable setback specified by the Street Building Height and Setback Plan, the Maximum Building Height Plan or required by a precinct plan or planning policy referred to in either Plan.

(4) The setback of a building from the side and rear boundaries of the lot(s) on which it is located should comply with any side and rear setbacks required by a precinct plan or planning policy.

NOTE:

1. Refer also to the Building Heights and Setbacks Policy which is contained in the Policy Manual.
2. Refer to the precinct plans which specify the particular character appropriate for each precinct.
3. Subject to Amendment No. 26 gazetted on 18 July 2014.

27 PLOT RATIO

AMD 25 GG 26/2/13

(1) Unless otherwise provided in this Scheme, the plot ratio of development shall not exceed the maximum plot ratios specified in the Plot Ratio Plan.

(2) Notwithstanding subclause (1), the achievement of the maximum plot ratios specified on the Plot Ratio Plan shall be dependent upon the built form objectives of the Scheme also being achieved.

NOTE:
1. Subject to Amendment No. 25 gazetted on 26 February 2013.
2. Clause 12 of the Deemed Provisions provides for variations to local planning scheme for heritage purposes**.**

28 BONUS PLOT RATIO

AMD 6 GG 19/12/06; AMD 25 GG 26/2/13; AMD 35 GG 24/02/17

(1) Subject to this clause, the local government may permit, by way of the grant of development approval, an increase in the maximum plot ratio for development (in this clause referred to as 'bonus plot ratio') up to the maximum specified by the Maximum Bonus Plot Ratio Plan. Bonus Plot ratio may be comprised of one or more of the individual bonus plot ratio categories listed in subclause (2). *AMD 29 GG 17/3/15*

(2) The local government may permit a bonus plot ratio of –

a) up to a maximum of 20% per lot where in the opinion of the local government the development would –

(i) result in the conservation of a place on the lot which is included in the local government's Heritage List and the development is located within the area shown on the Heritage Bonus Plot Ratio Plan as being eligible for heritage bonus plot ratio; and/or

(ii) include a public facility that would make a significant contribution to the amenities of the locality and the development is located within the area shown on the Public Facilities Bonus Plot Ratio Plan as being eligible for public facilities bonus plot ratio;

b) up to a maximum of 20% per lot where the development incorporates new residential use and the development is located within the area shown on the Residential Bonus Plot Ratio Plan as being eligible for residential bonus plot ratio; and

c) (i) up to a maximum of 20% per lot where the development incorporates a new special residential use and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 20% or 40% special residential bonus plot ratio; or

(ii) Up to a maximum of 40% per lot where the development incorporates a new hotel use and in the opinion of the local government the new hotel will provide high quality accommodation in accordance with Bonus Plot Ratio Planning Policy and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 40% special residential (hotel) bonus plot ratio. *AMD 35 GG 24/02/17*

(3) The local government may permit a combination of bonus plot ratio under clause 28 and transfer of transferrable plot ratio under clause 30 provided that the resulting increase in plot ratio does not exceed:

a) 20% above the maximum plot ratio specified for the lot or part of the lot due to a combination of bonus plot ratio under clause 28(2) a) and transfer of transferrable plot ratio; and

b) the maximum plot ratio specified for the lot or part of the lot by more than the maximum bonus plot ratio for the lot or part of the lot, in all other cases.
AMD 29 GG 17/3/15

(4) Where bonus plot ratio is permitted for development which incorporates –

a) a residential use under subclause (2) b) the floor area of the building derived from the bonus plot ratio shall be used solely for the residential use;

b) a special residential use under subclause (2) c) (i) or (2) c) (ii) the floor area of the building derived from the bonus plot ratio shall be used solely for the special residential use.

(5) That local government may only permit a bonus plot ratio where in addition to the requirements of this clause, the local government is satisfied that the development would not – *AMD 29 GG 17/3/15*

a) adversely affect the cultural heritage significance of any place included in the local government's Heritage List or any Heritage Area designated by the local government; and *AMD 35 GG 24/02/17*

b) adversely affect the amenity, streetscape or desired character of the precinct in which the development is to be located; and

c) have a significant adverse effect on an adjoining property or a property in the general locality.

(6) Notwithstanding subclause (1) and subject to subclause (5), where an existing building has been developed pursuant to a development approval granted prior to the gazettal date -

a) with a floor area which exceeds the current maximum plot ratio specified for the lot on which the building(s) is located by at least 20%; and

b) which is unable to receive a transfer of unused plot ratio under clause 30 because of the operation of subclause (3). *AMD 29 GG 17/3/15; AMD 35 GG 24/02/17*

c) The local government may permit by the grant of development approval a minor bonus plot ratio –

(i) for the development above street level where such a bonus is sought as part of the refurbishment and/or upgrading of the existing building and the bonus does not result in an increase to the bulk, height or scale of the building; or

(ii) for development at street level where such a bonus is sough for a public facility or use that promotes pedestrian interest and activity at this level and the additional floor area derived from the bonus plot ratio is not used for office purposes.

(7) The local government may not permit bonus plot ratio under this clause unless – *AMD 35 GG 24/02/17*

a) the relevant application is advertised in accordance with Clause 64 of the Deemed Provisions; and

b) any submissions duly received in response to that advertising are considered by the local government.

NOTE:
2. The expressions ‘maximum plot ratio’ and ‘maximum bonus plot ratio’ are defined in Schedule 4.
3. Refer to City Planning Scheme No. 2 Bonus Plot Ratio Planning Policy for information on public facilities and minor bonus plot ratio.

NOTE:
1. Subject to Amendment No. 6 gazetted on 19 December 2006, No. 25 gazetted on 26 February 2013, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.
2. The expressions ‘maximum plot ratio’ and ‘maximum bonus plot ratio’ are defined in Schedule 4.
3. Refer to City Planning Scheme No. 2: Bonus Plot Ratio Policy for information on public facilities and minor bonus plot ratio.
4. Clause 8 of the Deemed Provisions provides for Heritage Lists.
5. Clause 9 of the Deemed Provisions provides for Heritage Areas.

29 SEWERAGE CONNECTION

Despite any provision of this Scheme to the contrary, all developments are to be connected to a comprehensive sewerage system.

DIVISION 2 – PLACES OF CULTURAL HERITAGE SIGNIFICANCE

30 TRANSFER OF PLOT RATIO

AMD 23 GG 31/7/12; AMD 35 GG 24/02/17

(1) The local government may, on request, approve a place as a donor site for the transfer of transferable plot ratio, if the place –

a) is recorded in the Heritage List or located within a Heritage Area;

b) cannot be developed to the maximum plot ratio specified in the plot ratio plan without adversely affecting the cultural heritage significance of –

(i) the place or its locality; or

(ii) any Heritage Area within which the place is located;

c) is not a reserve or located in a reserve shown on the Scheme map and referred to in clause 12(1) a) or b); and

d) is subject to a conservation plan if the place is of cultural heritage significance.

(2) The local government may approve or refuse a request made under clause 30(1). Where it grants approval, the local government –

a) shall determine the amount of transferable plot ratio on a donor site taking into account the need to retain an amount of unused plot ratio for future development or adaptation of the place; and

b) shall impose conditions which must be satisfied prior to a place being recorded as a donor site in the register of transfer of plot ratio. These conditions shall include –

(i) the preparation of a heritage agreement, at the landowner's cost, to be signed by the landowner and the local government and, where the place is listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990*, the Heritage local government of Western Australia; and

(ii) if considered necessary by the local government for the conservation of the place, the completion of any urgent works specified in the conservation plan for the place.

(3) Approval of a place as a donor site shall lapse if all conditions of the local government's approval are not fulfilled before the expiration of 12 months, or such further period as the local government may determine, from the date on which the local government resolved to grant the approval.

(4) On fulfilment of all conditions of the local government's approval, the place shall be recorded as a donor site in the register of transfer of plot ratio in accordance with clause 31.

(5) The local government may approve, by grant of development approval, the transfer of all or part of transferable plot ratio from a donor site on the register of transfer of plot ratio to a recipient site.

(6) The local government may only approve the transfer of transferable plot ratio if –

a) at the same time, it grants development approval for development of the recipient site that utilises all or part of a donor site's transferable plot ratio;

b) the development will have no significant adverse impact on the cultural heritage significance (if any) of the recipient site or its locality;

c) the development of the recipient site otherwise warrants approval under the Scheme; and

d) the resulting increase in plot ratio of the recipient site due to:

(i) the transfer of transferrable plot ratio under clause 30 does not exceed the maximum plot ratio specified for the recipient site by more than 20%; and

(ii) the combination of the transfer of transferrable plot ratio under clause 30 and any bonus plot ratio under clause 28;

does not exceed the limits referred to in clause 28(3). *AMD 29 GG 17/3/15*

(7) The transfer of transferable plot ratio from a donor site to a recipient site shall be effective on receipt of evidence of proof of purchase of the transferable plot ratio by the recipient site.

(8) Transferable plot ratio once recorded to a recipient site on the register of transfer of plot ratio shall not be on sold from the recipient site to another site.

NOTE:
1. Subject to Amendment No. 23 gazetted on 31 July 2012, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

31 REGISTER OF TRANSFER OF PLOT RATIO

AMD 23 GG 31/7/12; AMD 35 GG 24/02/17

(1) The local government is to record, in a register of transfer of plot ratio –

a) places that have been approved as donor sites and for which all conditions imposed under clause 30(2) b) have been satisfied;

b) the transferable plot ratio that is available from a donor site;

c) details of recipients sites that receive transferable plot ratio and the amount transferred; and

d) any remaining transferable plot ratio on a donor site.

(2) A copy of the register is to be –

a) kept at the offices of the local government; and

b) made available for public inspection during office hours.

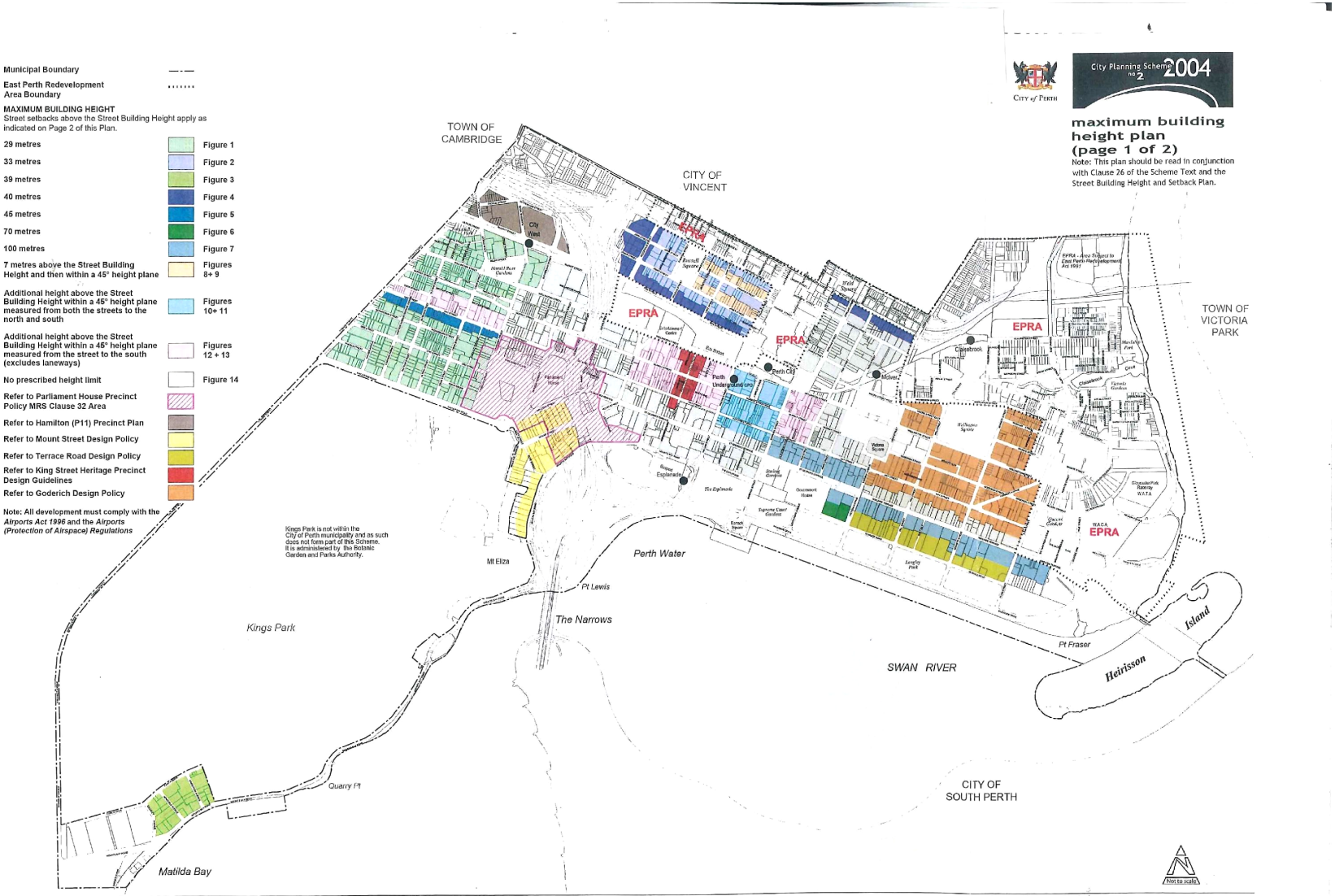
(3) An amendment to the register of transfer of plot ratio may be made by resolution of the local government. *AMD 35 GG 24/02/17*

NOTE:
1. Subject to Amendment No. 23 gazetted on 31 July 2012 and No. 35 gazetted on 24 February 2017.

City Planning Scheme no 2 2004

maximum building height plan (page 1 of 2)

Note: This plan should be read in conjunction with Clause 26 of the Scheme Text and the Street Building Height and Setback Plan.



City of Perth Planning Scheme No 2
Maximum Building Height Plan, Page 1 of 2

Notes:
1. Side and Rear setbacks may also apply- refer to clause 26(4).
2. Setbacks in accordance with Residential Design Codes.
3. Street building height shall be in accordance with the Street Building Height and Setback Plan.
4. Figures 9,11 and 13 - Building heights and setbacks shall be applied to western streets in the same manner as indicated for eastern streets.
5. Laneways are not to be regarded as streets for the purpose of this plan.

City of Perth

City Planning Scheme no 2 2004

maximum building height plan (page 2 of 2)

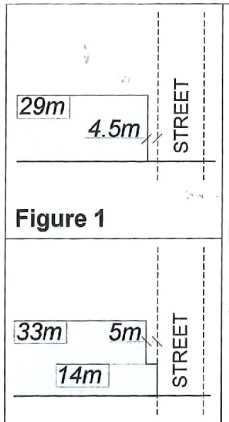


Figure 1

Figure 2

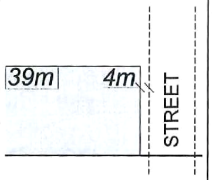


Figure 3 * Refer to Note 2

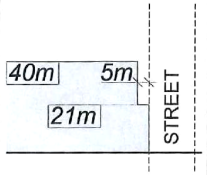


Figure 4

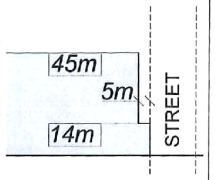


Figure 5

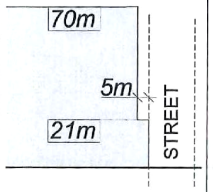


Figure 6

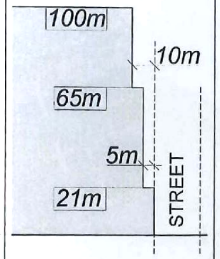


Figure 7

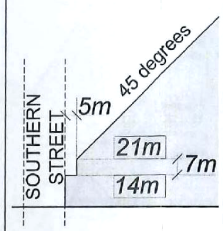


Figure 8

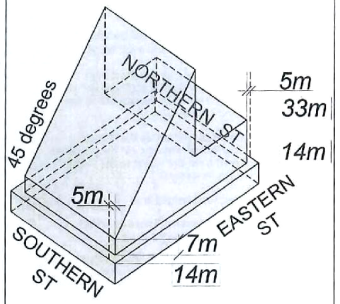


Figure 9 * Refer to Note 4 and Figure 2 for Northern St

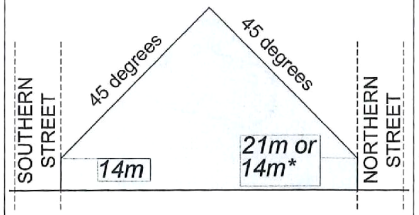


Figure 10 * Refer to Note 3

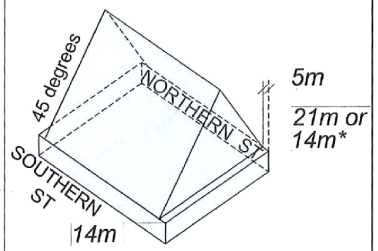


Figure 11 * Refer to Notes 3 + 4

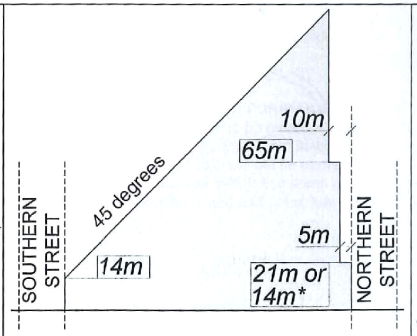


Figure 12 * Refer to Note 3

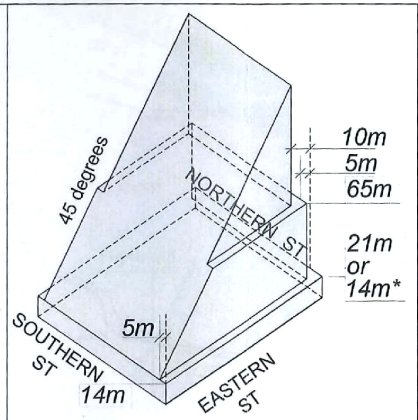


Figure 13 * Refer to Notes 3 + 4

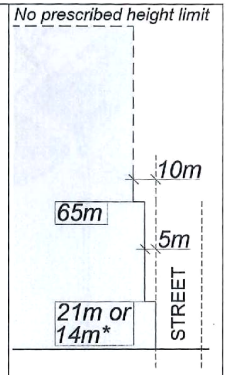


Figure 14 * Refer to Note 3

City Planning Scheme no 2 2004

street building height and setback plan

Note: This plan should be read in conjunction with Clause 26 of the Scheme Text and the Building Height Plan.



PART 4 – DEVELOPMENT APPROVAL

32 DETERMINATION OF APPLICATION FOR A PREFERRED USE

AMD 25 GG 26/2/13; AMD 35 GG 24/02/17

Where, in a precinct, a use group category is classified as a preferred use then, in considering an application involving a use from that category in that precinct, the local government –

(a) shall refuse the application if it involves a change of use prohibited by clause 35;

(b) cannot otherwise refuse the application by reference to the proposal to begin or continue the preferred use.

NOTE:
1. Subject to Amendment No. 25 gazetted on 26 February 2013 and No. 35 gazetted on 24 February 2017.

33 DETERMINATION OF APPLICATION FOR A CONTEMPLATED USE

AMD 35 GG 24/02/17

The provisions of clause 67 of the Deemed Provisions apply to an application for a contemplated use. The local government may also require an application for a contemplated use to be advertised in accordance with clause 64 of the Deemed Provisions.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

34 DETERMINATION OF APPLICATION FOR AN UNLISTED USE

AMD 35 GG 24/02/17

(1) The local government cannot grant development approval for a development which involves an unlisted use unless -

a) the advertising procedure set out in clause 64 of the Deemed Provisions has been followed; and

b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 67 of the Deemed Provisions.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

35 CHANGE OF USE OF DEVELOPMENT GRANTED BONUS PLOT RATIO

AMD 25 GG 26/2/13; AMD 35 GG 24/02/17

(1) Where under this Scheme approval has been granted for a development which incorporates –

a) a residential use with bonus plot ratio permitted under clause 28(2) b), any subsequent change of use of the residential portion of the development; or

b) a special residential use with bonus plot ratio permitted under clause 28(2) c), any subsequent change of use of the special residential development or any part of the special residential development, except a change of use incidental to the special residential use;

is prohibited within 10 years following the date on which that portion of the development is lawfully occupied.

(2) Where bonus plot ratio has been granted under clause 28(2) c)(ii) for a development which incorporates a new hotel which provides high quality accommodation a change of use incidental to the hotel use may only be granted if in the opinion of the local government the hotel will maintain sufficient facilities and amenities to ensure that it will continue to provide high quality accommodation.

(3) Where a minor bonus plot ratio has been granted under clause 28(6)(ii) a subsequent change of use of the floor area derived from that bonus plot ratio to office is prohibited.

NOTE:
1. Refer to City Planning Scheme No. 2 Bonus Plot Ratio Planning Policy for information on 'high quality accommodation' and 'minor bonus plot ratio'.
2. Subject to Amendment No. 25 gazetted on 26 February 2013 and No. 35 gazetted on 24 February 2017.

36 DETERMINATION OF NON-COMPLYING APPLICATIONS

AMD; 14 GG 10/3/09; AMD; 25 25/2/16; AMD 29 GG 17/3/15; AMD 35 GG 24/02/17; AMD 47 GG 22/03/24

(1) In this clause –

a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy, the relevant precinct plan or minor town planning scheme), is called a 'non-complying application';

b) a non-complying application does not include an application involving:

i. a prohibited use;
ii. an application to increase the maximum plot ratio which exceeds the limits set out in clause 28 and/or 30; or
iii. an application to permit permanent development within the Core Flight Path Area, outlined in Special Control Area 33, which exceeds the maximum AHD heights specified in Figures 33.2-33.7.

(2) Subject to subclause (3), the local government may refuse or approve a non-complying application.

(3) The local government cannot grant development approval for a non-complying application unless -

a) if so required by the local government under clause 64 of the Deemed Provisions, the application has been advertised;

b) in respect of an application to which clause 66B(1) (a) or (b) of the Supplemental Provisions applies, the Western Australian Planning Commission has either notified the local government of its support for the application or has not responded under clause 66 of the Deemed Provisions; and

c) the local government is satisfied by an absolute majority that –

(i) if approval were to be granted, the development would be consistent with –

(A) the orderly and proper planning of the locality;
(B) the conservation of the amenities of the locality; and
(C) the statement of intent set out in the relevant precinct plan; and

(ii) the non-compliance would not have any undue adverse effect on –

(A) the occupiers or users of the development;
(B) the property in, or the inhabitants of, the locality; or
(C) the likely future development of the locality.

NOTE:

1. Subject to Amendment No. 14 gazetted on 10 March 2009, No. 25 gazetted on 25 February 2013, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

37 DETERMINATION OF APPLICATION FOR DEMOLITION

AMD 35 GG 24/02/17

(1) In considering an application for or involving demolition, which is not exempt under clause 61 of the Deemed Provisions, the local government is to have regard to the matters listed in clause 67 of the Deemed Provisions and may refuse the application where the local government has not granted development approval for the subsequent development of the relevant site.

(2) Where the local government grants development approval for demolition, the approval may be subject to the following conditions -

a) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;

b) the screening of the site upon completion of the demolition; and

c) where the development that has been approved has not been substantially commenced for a total period of more than 6 months, the landscaping of or other treatment of the site to the satisfaction of the local government.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

38 DETERMINATION OF APPLICATION

(1) For the purposes of this clause, where -

a) the approval of an application requires an absolute majority; and

b) the decision of the local government in respect of the application is not an approval by an absolute majority,

then the decision is taken to be a decision to refuse the application.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

PART 5 - MISCELLANEOUS

39 SPECIAL CONTROL AREAS

AMD 1 GG 1/4/05; AMD 3 GG 16/6/06; AMD 30 12/06/15; AMD 34 GG 23/12/16; AMD 35 GG 24/02/17; AMD 36 GG 16/05/17; AMD 37 GG 16/05/17; AMD 47 GG 22/03/24; AMD 52 GG 29/04/25

(1) The following special control areas are listed in Schedule 8:

a) Metro Markets Special Control Area

b) CTA Building Special Control Area

c) West Street Special Control Area

d) 1299 - 1305 Hay Street Special Control Area

e) 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area *AMD 8 GG 10/7/07 & Correction Notice 4/9/07*

f) 141 St Georges Terrace (Lot 11), 125 - 137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area *AMD 9 GG 30/11/07*

g) 52 - 56 Ord Street Special Control Area *AMD 10 GG 16/2/07*

h) 126 - 144 (Lot 123) Stirling Street Special Control Area *AMD 11 GG 15/4/08*

i) 60 - 70 Kings Park Road Special Control Area *AMD 12 GG 27/1/09*

j) 208 - 210 Adelaide Terrace Special Control Area *AMD 15 GG 21/4/09*

k) 225 - 239 St Georges Terrace (Bishops See) Special Control Area *AMD 16 GG 2/9/08*

l) 298 - 316 Murray Street Special Control Area *AMD 17 GG 30/6/09*

m) 339 – 341, and 347 Hay Street Special Control Area *AMD 19 GG 16/3/10*

n) 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area *AMD 20 GG 06/08/10*

o) 92-120 Roe Street Special Control Area *AMD 21 GG 23/11/10*

p) Hamilton Special Control Area *AMD 24 GG 26/02/13*

q) Saint Martins Special Control Area *AMD 27 GG 17/01/14*

r) 30 Beaufort Street Special Control Area *AMD 30 GG 12/06/15*

s) 2-6 (Lot 40) Parker Street Special Control Area *AMD 31 GG 22/09/15*

t) 118 Bennett Street Special Control Area

u) Melbourne Hotel Special Control Area *AMD 33 GG 15/07/16*

v) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area *AMD 34 GG 23/12/16*

w) 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area *AMD 36 GG 16/05/17*

x) 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area. *AMD 37 GG 16/05/17*

y) 560 Hay Street and 101 Murray Street Special Control Area.*AMD 38 GG 21/08/18*

z) 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area. *AMD 39 GG 2/10/18*

aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area. *AMD 40 GG 21/08/18*

bb) Northbridge Special Entertainment Precinct - Special Control Area. *AMD 41 GG 6/02/2026*

cc) 1202-1204 Hay Street and 80 Colin Street Special Control Area *AMD 42 GG 05/02/2021*

dd) 707 Murray Street Special Control Area *AMD 43 GG 07/05/2021*

ee) 707-725 Wellington Street and 482-488 Murray Street Special Control Area. *AMD 44 GG 13/07/2021*

ff) 11 and 27 Newcastle Street Special Control Area *AMD 45 GG 11/06/2021*

gg) Royal Perth Hospital Flight Path Protection Special Control Area *AMD 47 GG 22/03/2024*

hh) Barrack Street Special Control Area *AMD 50 GG 31/05/2025*

ii) 935, 937 and 939 Wellington Street Special Control Area *AMD 52 GG 29/04/2025*

(2) Provisions that apply to a special control area are set out in Schedule 8 and apply in addition to any other provision of this Scheme.

(3) Where a provision of a special control area is inconsistent with any other provision of this Scheme, the provision of the special control area is to prevail.

NOTE:
1. Subject to Amendment No. 3 gazetted on 16 June 2006, No. 10 gazetted on 16 February 2007, No. 8 gazetted on 10 July 2007, No. 9 gazetted on 30 November 2007, No. 11 gazetted on 15 April 2008, No. 16 gazetted on 2 September 2008, No. 12 gazetted on 27 January 2009, No. 15 gazetted on 21 April 2009, No. 17 gazetted on 30 June 2009, No. 19 gazetted on 16 March 2010, No. 20 gazetted on 6 August 2010, No. 21 gazetted on 23 November 2010, No. 24 gazetted on 26 February 2013, No. 27 gazetted on 17 January 2014, No. 32 gazetted on 24th February 2015, No. 29 gazetted on 17 March 2015, No. 30 gazetted on 12 June 2015, No. 31 gazetted on 22 September 2015, No. 33 gazetted on 15 July 2016, No. 34 gazetted on 23 December 2016 and No. 35 gazetted on 24 February 2017.

40 COMPENSATION

AMD 35 GG 24/02/17

(1) Claims for compensation under section 11(1) of the Act by reason of the land or property of a person being injuriously affected by the making of this Scheme are not to be made later than 6 months after the gazettal date.

(2) Any claim made by the local government under section 11(2) of the Act is to be made within 6 months of the completion of the work or the section of the work by reason of which the land in which the claim is made is increased in value.

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

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

NOTE:
1. The reference to the Act is to the *Planning and Development Act 2005.*
2. The gazettal date is defined in Schedule 4.
3. Part 11 of the *Planning and Development Act 2005* empowers the local government to

purchase or compulsorily acquire land comprised in a Scheme.

4. A "document" is defined very broadly in Section 5 of the *Interpretation Act 1984*. It would include an application for development approval and a notice of local government's decision.
5. Subject to Amendment No. 35 gazetted on 24 February 2017.

PART 6 - ENFORCEMENT

41 NOTICES AND EXPENSES UNDER THE ACT

AMD 2 GG 27/5/05; AMD 29 GG 17/3/15; AMD 35 GG 24/02/17

A notice required to be given by the local government under Section 218 of the Act is to be a 60 day notice signed by the Chief Executive Officer and sent by registered post to the owner or any occupier or lessee of the premises affected by the notice.

NOTE:
1. The reference to the Act is to the *Planning and Development Act 2005.*
2. Subject to Amendment No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

42 ENTRY AND INSPECTION POWERS

AMD 35 GG 24/02/17

(1) An authorised officer exercising the power of entry under clause 79 of the Deemed Provisions or any other person accompanying an authorised officer who -

a) finds a person committing; or

b) on reasonable grounds suspects a person of having committed, a breach of a provision of this Scheme,

may ask that person his or her name and address.

(2) A person who -

a) in any way delays or obstructs an authorised officer in the exercise of his or her powers under this clause; or

b) when asked to do so under subclause (1), refuses to give his or her name or address or gives a false name or address,

commits an offence.

(3) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (1) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

43 OFFENCES

AMD 35 GG 24/02/17

(1) Subject to clause 61 of the Deemed Provisions, a person shall not erect, alter or add to a building, or use or change the use of any land or building, or permit or suffer any land or building to be used or the use of any land or building to be changed for any purpose -

a) other than a purpose permitted or approved of by the local government in the use area in which that land or building is situated;

b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;

c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and

d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the local government under this Scheme with respect to that building or that use of that land or building have been and continue to be complied with.

(2) Where the local government has granted development approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing, a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

NOTE:

1. A person who fails to comply with a provision of this Scheme is guilty of an offence and is subject to the penalty set out in Part 13 of the *Planning and Development Act 2005*.
2. Subject to Amendment No. 35 gazetted on 24 February 2017.

SCHEDULES
Schedule 1- Scheme Use Areas

General descriptions of the seven types of Scheme use area referred to in the Scheme are provided in this Schedule. The boundaries of, and detailed land use objectives for the Scheme use areas in individual precincts are contained in the precinct plans.

SCHEME USE AREAS	DESCRIPTION
City Centre *AMD 25 GG 26/2/13;* *AMD 29 GG 17/3/15;* *AMD 53 GG 27/02/2026*	The City Centre Scheme use area applies to all non-reserved land in the city centre, and covers Precincts P1 Northbridge, P2 Cultural Centre, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges and P7 Civic. The City Centre is the State's primary location for business and administration as well as commercial, civic, cultural, entertainment and retail activity. It is also a major focus for tourism, both as a sight-seeing destination and for the tourist accommodation it provides. Residential development is strongly encouraged in the central core to create a 'living' city. Diversity and vitality are fundamental to the overall land use profile of the city centre and should be facilitated by providing a wide range of facilities and services which enable the city to fulfil its many functions while sustaining interest and activity on a virtually continuous basis. The scale and intensity of activities in the city centre also help to distinguish it from surrounding areas and are therefore important to its land use character. Each of the seven Precincts covered by the city centre Scheme use area has a slightly different land use emphasis and no particular use group is either preferred or prohibited in all of the Precincts concerned. A number of use groups, however, are classified either as preferred or contemplated in all Precincts – Residential, Special residential, , Hosted Short-Term Accommodation, Unhosted Short-Term Rental Accommodation, Home Occupation, Civic, Community and Cultural, Entertainment, Dining, Retail (Local and General), Business Services, Healthcare (1 and 2) and Education (1 and 2). **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.

SCHEME USE AREAS	DESCRIPTION
Residential *AMD 35 GG 24/02/17* *AMD 53 GG 27/02/2026*	Residential Scheme use areas cover parts of Precincts P9 Matilda Bay, P10 West Perth, P13 Adelaide and P14 Goderich. The emphasis in these areas is very much on permanent residential accommodation of various types, developed in accordance with the relevant Residential Design Code, with associated home-based businesses also favoured. Preferred use groups are therefore Residential Hosted Short-Term Rental Accommodation and Home Occupation. A limited range of complementary uses may also be considered appropriate in certain instances, provided that the amenity of surrounding residential fabric is adequately preserved– use groups including Special Residential, Unhosted Short-Term Rental Accommodation, Recreation and Leisure, Retail(Local), Community and Cultural, Education 1 and Healthcare 1, as well as nursing homes in the Healthcare 2 category, are classified as contemplated uses. Most of these would be subject to the advertising procedure of the Deemed Provisions before being considered by the Local government. **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.
Residential/Commercial *AMD 24 GG 26/2/13* *AMD 53 GG 27/02/2026*	Residential/Commercial Scheme use areas cover parts of Precincts P10 West Perth, P11 Hamilton and P14 Goderich. They are intended to develop as lively and diverse mixed-use areas providing for an extensive range of residential and commercial uses to be established either in association with each other or independently, in a compatible manner – mixed residential/commercial development is strongly encouraged, provided that conflict between the residential and non-residential components is minimised. A wide variety of uses in the Residential, Hosted Short-Term Rental Accommodation, Home Occupation, Special Residential, Unhosted Short-Term Rental Accommodation, Community and Cultural, Dining, Recreation and Leisure, Office, Retail (Local), Business Services and Healthcare 1 categories are classified as preferred, while all other use groups with the exception of Retail(Central) and Industry(Light) are contemplated in these areas. **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.

SCHEME USE AREAS	DESCRIPTION
Office/Residential *AMD 25 GG 26/2/13;* *AMD 53 GG 27/02/2026*	Office/Residential Scheme use areas cover parts of Precincts P10 West Perth and P13 Adelaide. It is intended that they develop as mixed use areas comprised primarily of permanent residential accommodation and office/business activities, together with a limited range of complementary uses – residential and non-residential uses may be developed either in combination or independently, in a compatible manner. Preferred use groups are Residential, Hosted Short-Term Rental Accommodation; Unhosted Short-Term Rental Accommodation, Special Residential, Office, Home Occupation, Dining, Business Services and Healthcare. 1. Certain other uses which serve the needs of surrounding residents and workers and/or are compatible with the desired character of the area may also be considered appropriate. **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.
Town Centre *AMD 25 GG 26/2/13;* *AMD 53 GG 27/02/2026*	Town Centre Scheme use areas cover parts of Precincts P10 West Perth and P14 Goderich. While the Town centres should have the potential to accommodate a range of commercial and residential uses, it is intended that they be identified principally as shopping/service nodes serving the needs of residents and workers in surrounding areas and generally functioning at a smaller, more localised scale than the retail precincts of the central city. The centres, both of which are focused on portions of Hay Street, should have a distinct “main street” focus with continuous shopfronts enhancing the pedestrian environment along the primary street frontage. Preferred uses abutting Hay Street are therefore those in the Hosted Short-Term Rental Accommodation, Retail (Local and General), Dining, and Business Services categories. Although some other uses such as Special Residential may be favourably regarded on this frontage if compatible with the desired character of the centre, contemplated use group categories include Community and Cultural, Entertainment, Mixed Commercial, Industry (Service and Cottage). These and many more may be considered appropriate at other locations within the centre i.e. rear ground floor tenancies, upper or lower levels and on street frontages other than Hay Street. **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.
Commercial *AMD 24 GG 26/2/13;* *AMD 53 GG 27/02/2026*	Commercial Scheme use areas cover parts of Precinct P10 West Perth. It is intended that they continue to develop as general commercial areas accommodating a diverse mix of facilities and services. Preferred use groups include Hosted Short-Term Rental Accommodation, Office, Business Services, Mixed Commercial, Community and Cultural, Entertainment, Recreation and Leisure, Retail (Local), Dining, Industry (Cottage) and Healthcare 1. Industry (service) is also classified as preferred in Hamilton. Most other use groups within the Commercial area are contemplated. **NOTE:** Refer to Schedule 3: Use group tables for more detailed information.

Schedule 2 - Use Group Categories

USE GROUP	DESCRIPTION
Business Services	See definition of 'business services' in Schedule 4.
Civic	See definition of 'civic building' in Schedule 4.
Community and Cultural	Premises used to provide social, cultural or recreational facilities and services, generally on a non-profit basis, for the benefit of the community including: community centre, exhibition centre, public library, place of worship.
Dining	See definition of 'restaurant' in Schedule 4.
Education 1	See definition of 'educational facility – lower' in Schedule 4.
Education 2	See definition of 'educational facility – upper' in Schedule 4.
Entertainment	Premises used for the purpose of amusement, entertainment or similar purposes and operated generally on a commercial basis including: amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub, tavern.
Healthcare 1	See definition of 'consulting rooms' in Schedule 4.
Healthcare 2	Premises, other than those included in the Healthcare 1 use group category, used for general healthcare and associated facilities, including: hospital, medical centre, nursing home.
Home Occupation	See definition of 'home occupation' in Schedule 4.
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	
Industry – Cottage	See definition of 'industry – cottage' in Schedule 4.
Industry – Light	See definition of 'industry – light' in Schedule 4.
Industry – Service	See definition of 'industry – service' in Schedule 4.
Mixed Commercial	Premises accommodating a range of commercial facilities and services not generally considered appropriate to main shopping areas, such as those involving large areas for the display of bulky goods or catering for the through movement of vehicles including: auction room, car wash facility, convenience store, fast food outlet, funeral parlour, garden centre, open air display, printing/reprographic service, service station, showroom, vehicle sales or hire outlet, veterinary centre.
Office	See definition of 'office' in Schedule 4.
Recreation and Leisure	See definition of 'recreation facility' in Schedule 4.
Residential	Premises providing for long-term or permanent residential accommodation including: aged persons dwelling, caretaker's dwelling, grouped dwelling, single house, multiple dwelling.
Retail (Local)	See definition of 'local shop' in Schedule 4.

USE GROUP	DESCRIPTION
Retail (General) *AMD 2 GG 27/5/05*	All retail outlets - other than those in the Retail (Local), Retail (Central) and Mixed Commercial use group categories and any further uses which are separately defined in the Scheme - as well as premises providing selected personal services operating predominantly from "shopfront" locations, including: drycleaner, laundromat, shop.
Retail (Central)	See definition of 'department store' in Schedule 4.
Special Residential *AMD 25 GG 26/2/13;* *AMD 53 GG 27/02/2026*	Premises providing short-term, temporary or specialised residential accommodation including lodging house, hotel, tourist and visitor accommodation.
Storage	See definition of 'warehouse' in Schedule 4.
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	

Schedule 3 - Use Group Tables

PI NORTHBRIDGE (CC)		
Use Group	**Use Symbol**	
	East of Russell Square	**West of Russell Square**
Business Services	P	C
Civic	C	C
Community and Cultural	P	P
Dining	P	P
Education 1	C	C
Education 2	C	C
Entertainment	P	C
Healthcare 1	C	C
Healthcare 2	C	C
Home Occupation	C	P
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P	P
Industry – Light	X	X
Industry – Service	C	C
Industry – Cottage	C	C
Mixed Commercial	C	C
Office	C	C
Recreation and Leisure	P	C
Residential *AMD 25 GG 26/2/13; AMD 41 GG 06/02/2026*	C/X(1)(5)	P/X(2)(5)
Retail (Central)	C	X
Retail (General)	P	C
Retail (Local)	P	P
Special Residential *AMD 25 GG 26/2/13; AMD 41 GG 06/02/2026*	P/X(3)C(6)	P/X(4)C(6)
Storage	C	C
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C	C

(1) Means the use is prohibited where it fronts the street at pedestrian level.

(2) Means for lots with frontage to Roe Street, Fitzgerald Street or which are located west of Fitzgerald Street the use is prohibited where it fronts the street at pedestrian level.

(3) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity.

(4) Means for lots with frontage to Roe Street, Fitzgerald Street or which are located west of Fitzgerald Street the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity.

(5) Means the use is prohibited within the Core area of the Northbridge Special Entertainment Precinct Special Control Area. *AMD 41 GG 06/02/2026*

(6) Means the use is contemplated within the Northbridge Special Entertainment Precinct Special Control Area. *AMD 41 GG 06/02/2026*

NOTE:

(a) Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text, and relevant precinct plan for further information. *AMD 29 GG 17/3/15*

(b) East of Russell Square means all land east of Milligan Street, Russell Square and Palmerston Street. *AMD 29 GG 17/3/15*

(c) West of Russell Square means all land west of Milligan Street, Russell Square and Palmerston Street. *AMD 29 GG 17/3/15*

~~P2 CULTURAL CENTRE (CC)~~ – *DELETED BY AMD 28 GG 17/3/15*

'Refer to Local Planning Scheme No. 26 for the classification of uses within this Precinct.

AMD 46 GG 06/05/2022

P3 STIRLING (CC)	
Use Group	**Use Symbol**
Business Services	P
Civic	C
Community and Cultural	C
Dining	C/P(1)
Education 1	C
Education 2	C
Entertainment	C
Healthcare 1	C
Healthcare 2	C
Home Occupation	P
Hosted Short-Term Accommodation *AMD 53 GG*	P
Industry – Light	C
Industry – Service	C
Industry – Cottage	C
Mixed Commercial	C
Office *AMD 25 GG 26/2/13*	P
Recreation and Leisure	C
Residential *AMD 25 GG 26/2/13; AMD 41 GG 06/02/2026*	C/X(2)(4)
Retail (Central)	C
Retail (General)	C/P(1)
Retail (Local)	C/P(1)
Special Residential *AMD 25 GG 26/2/13; AMD 41 GG 06/02/2026*	P/X(3)C(5)
Storage	C
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C

(1) Means use preferred on Beaufort Street, contemplated elsewhere in Precinct.

(2) Means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(3) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

(4) Means the use is prohibited within the Core area of the Northbridge Special Entertainment Precinct Special Control Area. *AMD 41 GG 06/02/2026*

(5) Means the use is contemplated within the Northbridge Special Entertainment Precinct Special Control Area. *AMD 41 GG 06/02/2026*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P4 VICTORIA (CC)	
Use Group	**Use Symbol**
Business Services	C
Civic	P
Community and Cultural	P
Dining	C
Education 1	P
Education 2	P
Entertainment *AMD 29 GG 17/3/15*	C
Healthcare 1	P
Healthcare 2	P
Home Occupation	C
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P
Industry – Light	X
Industry – Service *AMD 29 GG 17/3/15*	C
Industry – Cottage *AMD 29 GG 17/3/15*	C
Mixed Commercial	C
Office	C
Recreation and Leisure	C
Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	C/X(1)
Retail (Central) *AMD 29 GG 17/3/15*	C
Retail (General)	C
Retail (Local)	C
Special Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	P/X(2)
Storage	C
Unhosted Short-Term Rental Accommodation	C

(1) Means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(2) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P5 CITIPLACE (CC)		
Use Group	**Use Symbol**	
	King Street Heritage	**Rest of Precinct**
Business Services	C	P
Civic	C	C
Community and Cultural	C	C
Dining	C(2)	P/C(3)
Education 1	C/X(1)	C/X(1)
Education 2	C/X(1)	C/X(1)
Entertainment	C	P/C(3)
Healthcare 1	C/X(1)	C/X(1)
Healthcare 2	C/X(1)	C/X(1)
Home Occupation	C	C/X(1)
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/03/2026*	P	P
Industry – Light	C(2)	C/X(1)
Industry – Service	C(2)	C/X(3)
Industry – Cottage	C	C/X(3)
Mixed Commercial	X	C/X(3)
Office	C/X(1)	C/X(1)
Recreation and Leisure	C/X(1)	C
Residential *AMD 25 GG 26/2/13*	C/X(4)	C/X(4)
Retail (Central)	X	P/C(3)
Retail (General)	C(2)	P/C(3)
Retail (Local)	C	P/C(3)
Special Residential *AMD 25 GG 26/2/13*	P/X(5)	P/X(5)
Storage	C(2)	C/X(1)
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C	C

(1) Means use is prohibited where it fronts the street at pedestrian level in the King Street Heritage Precinct and in the main "retail core" (centred on Hay and Murray Street Malls and Forrest Place). *AMD 29 GG 17/3/15*

(2) Means certain types of retail/industrial uses only will be considered; refer to Precinct Plan and King Street Design guidelines for further information.

(3) Means latter classification applicable to GPO/Commonwealth Bank buildings.

(4) means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(5) means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

Note:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P6 ST GEORGES (CC)	
Use Group	**Use Symbol**
Business Services	P
Civic	P
Community and Cultural	C
Dining	P
Education 1 *AMD 29 GG 17/3/15*	C/X(1)
Education 2	C
Entertainment	C
Healthcare 1	P
Healthcare 2	C
Home Occupation	C
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P
Industry – Light	X
Industry – Service	C
Industry – Cottage	C
Mixed Commercial	C
Office *AMD 6 GG 19/12/06; AMD 25 GG 26/2/13*	P
Recreation and Leisure *AMD 29 GG 17/3/15*	C/X(1)
Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	C/X(1)
Retail (Central)	C
Retail (General)	C
Retail (Local)	C
Special Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	P/X(2)
Storage	C/X(1)
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C

(1) Means use is prohibited where it fronts the street at pedestrian level. *AMD 29 GG 17/3/15*

(2) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 29 GG 17/3/15*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P7 CIVIC (CC)	
Use Group	**Use Symbol**
Business Services	P
Civic	P
Community and Cultural	P
Dining	P/C(1)
Education 1 *AMD 29 GG 17/3/15*	C/X(2)
Education 2	C
Entertainment	P/C(1)
Healthcare 1	P
Healthcare 2	C
Home Occupation	C
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P
Industry – Light	X
Industry – Service	X
Industry – Cottage	C/X(1)
Mixed Commercial	C
Office *AMD 6 GG 19/12/06; AMD 25 GG 26/2/13*	P
Recreation and Leisure	C
Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	C/X(2)
Retail (Central)	C
Retail (General)	P/C(1)
Retail (Local)	P/C(1)
Special Residential *AMD 25 GG 26/2/13; AMD 29 GG 17/3/15*	P/X(3)
Storage	X
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C

(1) Means latter classification refers to properties fronting St Georges Terrace.

(2) Means use is prohibited where it fronts the street at pedestrian level. *AMD 29 GG 17/3/15*

(3) Means the use is prohibited where it fronts the street at pedestrian level unless it provides interest and activity. *AMD 29 GG 17/3/15*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P8 FORESHORE (CC)

All land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P9 MATILDA BAY	
Use Group	**Use Symbol**
	Residential R60
Business Services	X
Civic	X
Community and Cultural	C
Dining	X
Education 1	C(1)
Education 2	X
Entertainment	X
Healthcare 1	C(1)
Healthcare 2	X/C(1)
Home Occupation	P
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P
Industry – Light	X
Industry – Service	X
Industry – Cottage	X
Mixed Commercial	X
Office	X
Recreation and Leisure	C(1)
Residential	P
Retail (Central)	X
Retail (General)	X
Retail (Local)	C(1)
Special Residential	C(1)
Storage	X
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C

(1) Means subject to advertising procedure of the Deemed Provisions. In case of Healthcare 2, all uses other than nursing homes are prohibited uses. *AMD 35 GG 24/02/17*

NOTE:

Other than the Residential Scheme use area, land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

P10 WEST PERTH					
Use Group	**Use Symbol**				
	Residential R160	**Residential/ Commercial**	**Office/ Residential**	**Commercial**	**Town Centre**
Business Services	X	P	P	P	P
Civic *AMD 29 GG 17/3/15*	X	C	C	C	C/X(2)
Community and Cultural	C	P	C	P	C
Dining	C(1)	P	P	P	P
Education 1 *AMD 29 GG 17/3/15*	C(1)	C	C	C	C/X(2)
Education 2 *AMD 29 GG 17/3/15*	X	C	C	C	C/X(2)
Entertainment	X	C	C	P	C
Healthcare 1 *AMD 29 GG 17/3/15*	C(I)	P	P	P	C/X(2)
Healthcare 2 *AMD 29 GG 17/3/15*	X/C(1)	C	C	C	C/X(2)
Home Occupation *AMD 29 GG 17/3/15*	P	P	P	C	C/X(2)
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P	P	P	P	P
Industry – Light	X	X	X	C	X
Industry – Service	X	C	X	C	C
Industry – Cottage	X	C	X	P	C
Mixed Commercial	X	C	X	P	C
Office *AMD 29 GG 17/3/15*	X	P	P	P	C/X(2)
Recreation and Leisure *AMD 29 GG 17/3/15*	C(1)	P	C	P	C/X(2)
Residential *AMD 25 GG 26/2/13*	P	P/C(3)	P	C/X(4)	C/X(4)
Retail (Central)	X	X	X	C	C
Retail (General)	X	C	X	C	P
Retail (Local)	C(1)	P	C	P	P
Special Residential *AMD 25 GG 26/2/13*	C(1)	P	P	P/X(5)	P/X(5)
Storage *AMD 29 GG 17/3/15*	X	C	X	C	C/X(2)
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C	C	C	C	C

(1) Means subject to advertising procedure of the Deemed Provisions. In case of Healthcare 2, all uses other than nursing homes are prohibited. *AMD 35 GG 24/02/17*

(2) Means use is prohibited at street frontage of properties on Hay Street. *AMD 29 GG 17/3/15*

(3) Means the use is contemplated where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(4) Means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(5) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information. *AMD 35 GG 24/02/17*

P11 HAMILTON	
Use Group	**Use Symbol**
Business Services	P
Civic	C
Community and Cultural	P
Dining	P
Education 1	C
Education 2	C
Entertainment	C
Healthcare 1	P
Healthcare 2	C
Home Occupation	P
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P
Industry – Light	X
Industry – Service	C
Industry – Cottage	C
Mixed Commercial	C
Office	P
Recreation and Leisure	P
Residential	P
Retail (Central)	X
Retail (General)	C
Retail (Local)	P
Special Residential	P
Storage	C
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information. *AMD 35 GG 24/02/17*

P12 LANGLEY

All land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information.

AMD 25 GG 26/2/13

P13 ADELAIDE		
Use Group	**Use Symbol**	
	Office/Residential	**Residential R160**
Business Services	P	X
Civic	P	X
Community and Cultural	C	C
Dining	P	C(1)
Education 1	C	C(1)
Education 2	C	X
Entertainment	C	X
Healthcare 1	P	C(I1
Healthcare 2	C	X/C(1)
Home Occupation	P	P
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P	P
Industry – Light	X	X
Industry – Service	X	X
Industry – Cottage	X	X
Mixed Commercial	C	X
Office *AMD 25 GG 26/2/13*	P	X/C(2)
Recreation and Leisure	C	C(1)
Residential *AMD 25 GG 26/2/13*	P/X(3)	P
Retail (Central)	X	X
Retail (General)	C	C(1)
Retail (Local)	C	C(1)
Special Residential *AMD 25 GG 26/2/13*	P/X(4)	C(1)
Storage	C	X
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C	C

(1) Means subject to advertising procedure of the Deemed Provisions. In case of Healthcare 2, all uses other than nursing homes are prohibited. *AMD 35 GG 24/02/17*

(2) Means contemplated in the residential area of the Adelaide Precinct where it complies with the Terrace Road Design Policy. Otherwise prohibited. *AMD 12 GG 27/05/05*

(3) Means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(4) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information. *AMD 2 GG 27/5/05; AMD 6 GG 19/12/06; AMD 25 GG 26/2/13*

P14 GODERICH			
Use Group	**Use Symbol**		
	Residential R160	**Residential/ Commercial**	**Town Centre**
Business Services	X	P	P
Civic	X	C	C(2)
Community and Cultural	C	P	C
Dining	C(I1	P	P
Education 1	C(1)	C	C(2)
Education 2	X	C	C(2)
Entertainment	X	C	C
Healthcare 1	C(1)	P	C(2)
Healthcare 2	X/C(1)	C	C(2)
Home Occupation	P	P	C(2)
Hosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	P	P	P
Industry – Light	X	X	X
Industry – Service	X	C	C
Industry – Cottage	X	C	C
Mixed Commercial	X	C	C
Office *AMD 25 GG 26/2/13*	X	P	C(2)
Recreation and Leisure	C(1)	P	C(2)
Residential *AMD 25 GG 26/2/13*	P	P/C(4)	C/X(3)
Retail (Central)	X	X	X
Retail (General)	X	C	P
Retail (Local)	C(1)	P	P
Special Residential *AMD 25 GG 26/2/13*	C(1)	P	P/X(5)
Storage	X	C	C(2)
Unhosted Short-Term Rental Accommodation *AMD 53 GG 27/02/2026*	C	C	C

(1) Means subject to advertising procedure of the Deemed Provisions. In the case of Healthcare 2, all uses other than nursing homes are prohibited. *AMD 25 GG 26/2/13*

(2) Means use must be situated other than at street frontage for properties on Hay Street.

(3) Means the use is prohibited where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(4) Means the use is contemplated where it fronts the street at pedestrian level. *AMD 25 GG 26/2/13*

(5) Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity. *AMD 25 GG 26/2/13*

NOTE:

Some land in this Precinct is reserved under the Region Planning Scheme – refer to clause 13 of the Scheme text and relevant precinct plan for further information. *AMD 6 GG 19/12/06; AMD 25 GG 26/2/13*

P15 EAST PERTH

Refer to the relevant local planning scheme for the classification of uses within this Precinct.

AMD 5 GG 11/9/07

Schedule 4 - Definitions

AMD 2 GG 27/5/05; AMD 25 GG 26/2/13; AMD 35 GG 24/02/17

In this Scheme, unless the contrary intention appears –

TERM	DEFINITION	USE GROUP
Absolute majority	*DELETED BY AMD 35 GG 24/02/17*	
Act *AMD 29 GG 17/3/15*	*DELETED BY AMD 35 GG 24/02/17*	
Additional use	means a use, in respect of a specified site, listed in Schedule 5, and to which clause 19 applies;	Not applicable
Advertisement	*DELETED BY AMD 35 GG 24/02/17*	
Aged person's dwelling *AMD 35 GG 24/02/17*	has the same meaning given to 'aged or dependent person's dwelling' in the R-Codes; **NOTE**: 1. Clause 5 of the R-Codes defines 'aged or dependent person's dwelling' to mean 'a dwelling within a group of such dwellings provided by a religious or charitable organisation, or body approved by the local government, for the accommodation of aged or dependent persons, and designed and used solely for that purpose'.	Residential
Amenities *AMD 35 GG 24/02/17*	means facilities providing use, convenience or enjoyment;	Not applicable
Amusement parlour	means premises- (a) that are open to the public; (b) the predominant use of which are for amusement by means of amusement machines; and (c) that have at least 3 amusement machines operating within the premises during operating hours;	Entertainment
Application *AMD 35 GG 24/02/17*	means an application for development approval;	Not applicable
Approved plan *AMD 35 GG 24/02/17*	means any plan that – (a) forms part of an application for which development approval has been granted; and (b) has been endorsed with the approval of the Local government;	Not applicable
Auction room	means premises used for the sale of goods by public or private auction, but does not include areas used for the storage of those goods;	Mixed Commercial

TERM	DEFINITION	USE GROUP
Betting agency - *AMD 29 GG 17/3/15*	means a premises operated in accordance with the *Racing and Wagering WA Act 2003;*	Entertainment
Building	includes a structure erected or placed on land;	Not applicable
Business services	means premises used for the provision of services which are predominantly administrative in nature and which – (a) are dependent on direct access to the public; and (b) generally have a retail shop front, and includes a bank or building society, post office, real estate agency and travel agency;	Business Services
Car park	means premises used primarily for parking private vehicles or taxis whether or not - (a) as a public or private car park; and (b) for reward, but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) any premises used for the display of vehicles for sale;	
Car wash facility	means premises – (a) used for the mechanical washing of vehicles; and (b) operated on a commercial basis;	Mixed Commercial
Caretaker's dwelling	means a dwelling on the same site as a building, operation or plant which is occupied by a supervisor of that building, operation or plant;	Residential
Central area	*DELETED BY AMD 2 GG 27/5/05*	
Chief Executive Officer	*DELETED BY AMD 35 GG 24/02/17*	
Cinema/theatre	means premises where the public may view a motion picture or theatrical production, with or without ancillary facilities for the sale of refreshments;	Entertainment
City	*DELETED BY AMD 35 GG 24/02/17*	
City of Perth Scheme Reserve	*DELETED BY AMD 35 GG 24/02/17*	

TERM	DEFINITION	USE GROUP
Civic building	means premises used by a government (Federal, State or Local) or a government agency in carrying out its parliamentary, executive or judicial functions, and includes Parliament House, Local government House, Government House and the Federal, Supreme, District and Local Court buildings;	Civic
Club *AMD 29 GG 17/3/15*	means premises – (a) used by a legally constituted club or association or other body of persons united by a common interest (whether or not the premises are licensed under the *Liquor Control Act 1988)*; and (b) which are not otherwise defined under these land use definitions;	Entertainment
Commercial	means any activity involving any form of purchase, hire or sale of goods or services;	Not applicable
Commonwealth agency	includes a Commonwealth Minister; body or officer and an agency or instrumentality of the Crown in right of the Commonwealth;	Not applicable
Community centre	means premises accommodating services (such as health or social services) or facilities (such as meeting or recreation facilities) primarily for the benefit of those who live or work in the surrounding locality;	Community and Cultural
Community uses	means those uses, in a particular locality, which provide services or facilities, such as health or social services or meeting facilities, to those who live or work in that locality;	Not applicable
Conservation	has the same meaning given to it in the *Heritage of Western Australia Act 1990*; **NOTE:** 1. Under the *Heritage of Western Australia Act 1990*, "conservation" is defined to mean, in relation to any place – "the management of that place in a manner that will – (a) enable the cultural heritage significance of that place to be retained; and (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.	Not applicable

TERM	DEFINITION	USE GROUP
Conservation area	*DELETED BY AMD 35 GG 24/02/17*	
Conservation plan *AMD 23 GG 31/7/12* *AMD 35 GG 24/02/17*	means a property management plan that conforms to the Heritage Council of Western Australia's publication 'Conservation Plan Study Brief: Introduction to Conservation Plans, 2002' or an alternative acceptable to the local government.	
Consulting rooms	means premises, other than a hospital, used for the investigation and/or treatment of physical or mental injuries or ailments in the practice of a profession by a person who is – (a) a legally qualified medical practitioner, dentist, physiotherapist, masseur, chiropractor, chiropodist or similar professional; and (b) either a member or eligible for membership of the relevant professional body;	Healthcare 1
Convenience store	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but includes the sale of petrol; (b) operated during hours which include but may extend beyond normal trading hours; (c) that provide parking for its customers; and (d) the floor area of which does not exceed 300 squares net lettable area;	Mixed Commercial
Council	*DELETED BY AMD 35 GG 24/02/17*	
Cultural heritage significance	has the same meaning given to it in the *Heritage of Western Australia Act 1990*; **NOTE:** 1. The Heritage of Western Australia Act defines "cultural heritage significance" to mean, in relation to a place - "the relative value which that place has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations".	Not applicable
Day care centre *AMD 29 GG 17/3/15*	means premises used for the daily or occasional care of children in accordance with the regulations for child care under the *Child Care Services Act 2007*;	

TERM	DEFINITION	USE GROUP
Department store	means a large retail outlet that – (a) sells a wide variety of goods including clothing, footwear, personal and household goods; and (b) is generally arranged into different departments;	Retail (Central)
Development	has the same meaning as is given to it in the Act except that it also includes any advertisement; **NOTE:** Section 4(1) of the Planning and Development Act defines "development" to mean - "the development or use of any land, including - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land: (b) the carrying on the land of any excavation or other works; (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that - (i) is likely to change the character of that place or the external appearance of any building; or (ii) would constitute an irreversible alteration of the fabric of any building".	Not applicable
Development approval *AMD 35 GG 24/02/17*	means approval, with or without conditions, granted by Local government in respect of an application, to begin or continue development;	Not applicable
Donor site *AMD 23 GG 31/7/12*	Means a place recorded as a donor site on the register of transfer of plot ratio.	Not applicable
Dry cleaning premises	means premises used for the cleaning of garments and other fabrics by chemical processes;	Retail (General)
Dwelling *AMD 35 GG 24/02/17*	has the same meaning given to it in the R-Codes; **NOTE:** Clause 1.3.1 of the R-Codes defines "dwelling" to mean - "a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by - ▪ a single person, ▪ a single family, ▪ no more than six (6) persons who do not comprise a single family".	Not applicable

TERM	DEFINITION	USE GROUP
Educational facility – lower *AMD 29 GG 17/3/15*	means premises that are – (a) operated in accordance with the regulations for child care under the *Child Care Services Act 2007*; or (b) used as a pre-primary or primary school;	Education 1
Educational facility – upper	means premises used for – (a) a *secondary* school; or (b) post-secondary education, including a tertiary institution, business college, employment training centre or academy;	Education 2
Exhibition centre *AMD 28 GG 17/3/15*	means premises used for the display, or display and ancillary sale, of materials of an artistic, cultural, historical or scientific nature, such as a museum or art gallery, with or without facilities for the sale of refreshments and/or souvenirs;	Community and Cultural
Fast food outlet	means premises where food is prepared and sold – (a) to be taken away; or (b) for consumption on those or adjacent premises; *deleted by AMD 29 GG 17/3/15* **NOTE:** The related definition of "restaurant" is set out later in this Schedule.	Mixed Commercial
Floor area of a building *AMD 29 GG 17/3/15;* *AMD 28 GG 17/3/15* *AMD 35 GG 24/02/17*	means – (a) for any building (or part of a building) that is a residential development within an R-coded residential use area, the gross total of the areas of all floors of the building being the areas specified in the definition of Plot Ratio contained in the R-Codes; (b) for any other building (or part of building) the gross total area of all floors of the building - (i) including the area of car parking spaces and circulation aisles in public fee – paying car parks; (ii) excluding - o toilets, bathrooms and laundries; o lift shafts; o all stairs and landings; o plant rooms and	Not applicable

TERM	DEFINITION	USE GROUP
	associated infrastructure; o entry lobbies, lift lobbies and corridors at all levels where they are separated from other floor areas by walls or partitions or in the case of open lift lobbies, an area with a maximum dimension of 2 metres from the lift doors; o communal facilities, within a residential or special residential development, available free of charge for the exclusive use of the on-site residents/guests (e.g. gyms, change rooms and indoor swimming pools/spa, but not common storage areas); o residential storerooms, accessible only from outside the dwelling; o staff tea preparation and lunch areas; o staff change room/locker facilities; o vehicle parking areas, service/loading bays, bicycle parking areas and associated circulation areas, for use by the occupants of the building or their visitors; o open balconies, verandahs, terraces and courtyards; and o the thickness of any external walls;	
Frontage	means the boundary line or lines between land and the street or streets upon which that land abuts;	Not applicable
Function centre	means premises – (a) used, by arrangement, to cater for private functions; and (b) on which food and drink may be served and entertainment may be provided;	Entertainment

TERM	DEFINITION	USE GROUP
Functional road hierarchy map	means the map on which is set out the system of classifying roads by their function or role;	Not applicable
Funeral parlour	means premises used to prepare and store bodies for burial or cremation;	Mixed Commercial
Garden centre	means premises used for the display and sale of garden products including garden ornaments, plants, seeds and domestic garden implements;	Mixed Commercial
Gazettal date	means the date on which this Scheme is published in the *Government Gazette*;	Not applicable
Grouped dwelling *AMD 35 GG 24/02/17*	has the same meaning given to it in the R-Codes; **NOTE:** Clause 1.3.1 of the R-Codes defines "grouped dwelling" to mean – "a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise".	Residential
Hazardous use	means a use, including an industry, which by reason of the processes involved, the method of manufacture, the nature of the materials stored, used or produced or the activities carried on creates a hazard to public health;	Not applicable
Health Act	means the *Health Act 1911*;	Not applicable
Height *AMD 26 GG 18/7/14*	In relation to a building, means the distance measured from the level of the existing footpath, or where there is no footpath the existing road verge, at the centre of the street boundary of the lot on which the building is erected to the highest point of any part of the building but does not include- (a) any minor enclosed lift plant (including lift overruns), water tower or similar utility or services, not exceeding 3.0 metres in height; or (b) any minor external architectural element not used for any form of accommodation';	Not applicable
Heritage agreement	means an agreement entered into under clause 33 of this Scheme and section 29 of the *Heritage of Western Australia Act*;	Not applicable
Heritage of Western Australia Act	means the *Heritage of Western Australia Act 1990*;	Not applicable

TERM	DEFINITION	USE GROUP
Home occupation	means the carrying on of any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods;	Home Occupation
Hospital	means premises, whether permanent or otherwise, in which people receive medical or surgical treatment or care, and includes a maternity hospital or nursing home as defined in the *Hospitals and Health Services Act 1927* but does not include a hospital – special purpose;	Healthcare 2
Hospital – special purpose	means premises used for the purposes of a hospital for – (a) the treatment of infectious or contagious diseases; or (b) the treatment or care of the mentally ill;	
Hotel *AMD 29 GG 17/3/15;* *AMD 53 GG 27/02/2026*	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control act 1988* including any betting agency on the premises.	Special Residential
Incidental use	is a use of premises which is ancillary and subordinate to the predominant or primary use;	Not applicable
Industry	means premises used for the manufacture, dismantling, processing, assembling, testing, servicing, maintenance or repairing of goods, and includes, if carried out on the same land and incidental to any of these activities – (a) the storage of goods; (b) administration or accounting; (c) the sale of goods by wholesale or retail; and (d) the provision of amenities for employees;	~~Industry (all categories)~~ *DELETED BY* *AMD 2 GG 27/5/05*
Industry – cottage	means a trade or light industry producing arts and crafts goods which cannot be carried out as a home occupation and which – (a) does not adversely affect the amenity of the locality; (b) where operated in conjunction with a residential use, does not employ any person other than a member of the occupier's household;	Industry (Cottage)

TERM	DEFINITION	USE GROUP
	(c) is conducted in an out-building which is compatible with the principal uses to which land in the area in which it is located may be put; (d) does not occupy an area greater than 50 square metres; and (e) does not display a sign greater than 0.2 square metres in area;	
Industry - light	means industry – (a) in which the processes carried on, the machinery used and the goods carried to and from the premises would not affect the amenity of the locality; and (b) the conduct of which would not impose an undue load on any existing or proposed service for the supply of water, gas, electricity, sewerage facilities or other similar services;	Industry (Light)
Industry – service	means premises – (a) on which light industry is carried on; and (b) that have a retail shop front relating to that light industry;	Industry (Industry Service)
Land *AMD 29 GG 17.03.15*	has the same meaning given to it in the Act; **NOTE:** Section 4(1) of the *Planning and Development Act 2005* defines "land" to include - "land, tenements and hereditaments and any other interest therein, and also houses, buildings, and other works and structures".	Not applicable
Landscaped area *AMD 13 GG 24/08/10* *AMD 35 GG 24/02/17*	means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, and includes any other area approved by the Local government as landscaped area;	Not applicable
Laundromat	means premises, open to the public, in which washing machines, with or without provision for drying clothes, are available for use for reward;	Retail (General)
Local area traffic management	means the management of traffic on residential or other streets;	Not applicable

TERM	DEFINITION	USE GROUP
Local government register *AMD 35 GG 24/02/17*	means – (a) register of non-conforming uses; (b) register of transferred plot ratio; or (c) any other register kept by the local government under this Scheme.	Not applicable
Local recreation	means premises open to the public and providing facilities to meet the passive and active recreation needs of the population of an immediate locality;	Not applicable
Local shop	means a shop in which the only goods offered for sale are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop;	Retail (Local)
Lodging house	has the same meaning given to it in the Health Act; **NOTE:** Section 3(1) of the Health Act defines "Lodging-house" to mean - "any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the reward; but the term does not include – (a) premises licensed under a publican's general licence, limited hotel licence, or wayside- house licence, granted under the Licensing Act 1911 [now the *Liquor Licensing Act 1988*]; (b) premises used as a boarding school approved under the *Education Act 1928*; or (c) any building comprising residential flats.	Special Residential
Lot *AMD 29 GG 17.03.15*	has the same meaning given to it in the Act; **NOTE:** Section 4(1) of the Planning and Development Act 2005 defines "lot" to mean – "a defined portion of land: (a) depicted on a plan or diagram available from, or deposited with, the Authority and for which a separate Crown grant or Certificate of Title has been or can be issued; or (b) depicted on a diagram or plan of survey of a subdivision by the commission; or (c) which is the whole of the land subject of – i) a Crown grant issued under the Land Act 1933; ii) a certificate of title registered under the Transfer of Land Act 1893; iii) a survey into a location or lot under section 27(2) of the *Land Administration Act 1997* or a certificate of Crown land title the subject of such a survey;	Not applicable

TERM	DEFINITION	USE GROUP
	iv) a part-lot shown on a diagram or plan of survey of a subdivision deposited with the Authority; or v) a conveyance registered under the Registration of Deeds Act 1856, but does not include a lot in relation to a strata scheme, a lot in relation to a survey-strata scheme, or a lot shown as common property on a survey-strata plan, as those terms are defined in the Strata Titles Act 1985."	
Maximum bonus plot ratio *AMD 25 GG 26/2/13*	means the maximum percentage increase in the maximum plot ratio which is specified for a lot or part of a lot by the Maximum Bonus Plot Ratio Plan.	
Maximum plot ratio *AMD 25 GG 26/2/13*	means the maximum plot ratio for development which is specified for a lot or part of a lot by the Plot Ratio Plan.	
Medical centre	means premises (other than hospital) that contains facilities for – (a) consulting rooms; and (b) ancillary services such as those provided by a chemist, pathologist and radiologist;	Healthcare 2
Minister	means the Minister responsible for the administration of the Act;	Not applicable
Multiple dwelling *AMD 35 GG 24.02.17*	has the same meaning given to it in the R-Codes; **NOTE:** Clause 5 of the R-Codes defines ''multiple dwelling' to mean "a separate self contained dwelling within a building containing 2 or more such dwellings, but the term does not include any part of a grouped dwelling or attached house".	Residential
Night club *AMD 29 GG 17/3/15*	means premises – (a) used for entertainment with or without eating facilities; or (b) that are the subject of a licence under the *Liquor Control Act 1988*;	Entertainment
Non-conforming use	means a use of land which, although lawful immediately prior to the coming into operation of this Scheme, is a prohibited use;	Not applicable
Noxious use	means a use, including an industry, in which any of the processes involved constitutes an "offensive trade" as defined in section 186 of the Health Act, but does not include fish shops or dry cleaning premises;	Not applicable

TERM	DEFINITION	USE GROUP
	NOTE: Section 186 of the Health Act defines "offensive trade" to mean and include any of the trades specified in Schedule 2 of that Act, and any other trade declared to be offensive by proclamation.	
Nursing home	means premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care;	Healthcare 2
Office	means premises used for – (a) administration purposes; or (b) the practice of a profession, but does not include premises defined under these use definitions as business services, consulting rooms or a veterinary centre;	Office
Open air sales and display	means the use of land for the display, sale or hire of goods or equipment in the open air;	Mixed Commercial
Owner	*DELETED BY AMD 35 GG 24/02/17*	
Perth Parking Management Area	means the area described in regulation 4 and Schedule 1 of the Perth Parking Regulations 1999;	Not applicable
Perth Parking Policy *AMD 35 GG 24/02/17*	means the policy developed under section 5 of the *Perth Parking Management Act 1999*;	Not applicable
Place	*DELETED BY AMD 35 GG 24/02/17*	
Place of worship	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;	Community and Cultural
Planning policy *AMD 35 GG 24/02/17*	means a planning policy made by the Local government under the Deemed Provisions;	Not applicable
Plot ratio	means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located; NOTE: The "floor area of a building" is defined earlier in this Schedule.	Not applicable
Precinct	means an area or neighbourhood of limited size having – (a) a similar use or other characteristics; and (b) specified boundaries;	Not applicable

TERM	DEFINITION	USE GROUP
Precinct plan	means a document setting out the planning intentions for a particular precinct;	Not applicable
Predominant use	is the use of land to which all other uses carried on that land are subordinate, incidental or ancillary;	Not applicable
Premises	*DELETED BY AMD 35 GG 24/02/17*	
Printing/ reprographic service	means premises providing printing, photocopying, reprographic, digital imaging or similar services to businesses and the general public;	Mixed Commercial
Prohibited use	means a use that is not permitted by the Scheme;	Not applicable
Public authority	has the same meaning given to it in the Act; **NOTE:** Section 4(1) of the Planning and Development Act 2005 defines 'public authority' to mean any of the following: (a) a Minister of the Crown in right of the State; (b) a department of the Public Service, State trading concern, State instrumentality or State public utility; (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility.	Not applicable
Public library	means premises accommodating a collection of books and/or other reference material available for use by the public;	Community and Cultural
Public utility	means any works or undertaking constructed or maintained by a public authority, Commonwealth agency or municipality to provide water, sewerage, electricity, gas, drainage, communications or other similar services;	Not applicable
Public works *AMD 29 GG 17/3/15*	public works has the same meaning as in the *Public Works Act 1902* (as amended).	Not applicable
Recipient site *AMD 23 GG 31/7/12*	means a place recorded as a recipient site on the register of transfer of plot ratio.	Not applicable
Recreation facilities	means premises used for any indoor or outdoor sport, recreation or leisure activity;	Recreation and Leisure

TERM	DEFINITION	USE GROUP
Region Planning Scheme *AMD 29 GG 17/3/15*	means the Region Planning Scheme made under the *Act;*	Not applicable
Region Planning Scheme reserve *AMD 35 GG 24.02.17*	means land reserved under the Region Planning Scheme;	Not applicable
Register of non-conforming uses	means the register kept in accordance with clause 21;	Not applicable
Register of places of cultural heritage significance	*DELETED BY AMD 35 GG 24/02/17*	
Register of transfer of plot ratio *AMD 29 GG 17/3/15* *AMD 35 GG 24.02.17*	means the register kept in accordance with clause 31;	Not applicable
Research and development	means scientific and industrial research and the development, production and assembly of products associated with that research;	Not applicable
Residential Design Codes	*DELETED BY AMD 35 GG 24/02/17*	
Residential development	means a development (including part of a development) used, intended, adapted or designed to be used, for a residential purpose, but does not include a use that is part of the Special Residential Use Group;	Not applicable
Residential storeroom *AMD 29 GG 17/3/15*	means a storeroom, accessible only from outside of a dwelling, with a minimum dimension in height, width and depth of 1.5m;	Not applicable
Restaurant	means premises – (a) where the predominant use is the preparation, sale and consumption of food on the premises; and (b) where seating is provided for patrons, and includes a café but does not include a fast food outlet; **NOTE:** A "fast food outlet" is defined earlier in this Schedule.	Dining

TERM	DEFINITION	USE GROUP
Restricted premises	means any premises used or designed primarily 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 publications under the Censorship Act 1996; or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;	
Retail floor area	means the floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet;	Not applicable
Scheme area	*DELETED BY AMD 35 GG 24/02/17*	
Scheme map *AMD 5 GG 11/9/07*	means the document identifying the broad planning objectives of the Scheme area but does not include notes;	Not applicable
Scheme text *AMD 5 GG 11/9/07*	means the document to which this Schedule is attached and includes this and all other Schedules, but does not include notes;	Not applicable
Scheme use area	means an area, identified in clause 12(1), for which appropriate uses are described in Schedule 1;	Not applicable
Service station	means premises used for – (a) the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) carrying out greasing, car repairs or minor mechanical repairs to motor vehicles but not panel beating, spray painting, major repairs or vehicle working, and does not include a transport depot;	Mixed Commercial

TERM	DEFINITION	USE GROUP
Serviced apartment *AMD 25 GG 26/2/13*	DELETED BY AMD 53 GG 27/02/2026	
Setback *AMD 26 GG 18/7/14*	means the horizontal distance between a wall or building element at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary;	Not applicable
Shop	means premises used to – (a) sell goods by retail; (b) hire goods; or (c) provide services of a personal nature, including a hairdresser or beauty therapist, but does not include premises otherwise defined in these land use definitions, such as a convenience store, department store, fast food outlet, or showroom; **NOTES:** (1) The *Interpretation Act 1984* defines "sell" to "include barter, exchange, offer to sell and expose for sale". (2) A "local shop" is defined earlier in this Schedule.	Retail (General)
Short term accommodation *AMD 25 GG 26.02.13* *AMD 29 GG 17/3/15*	DELETED BY AMD 53 GG 27/02/2026	
Showroom *AMD 35 GG 24.02.17*	means premises in which goods are displayed and in which the predominant use is not the sale of goods;	Mixed Commercial
Single house *AMD 35 GG 24.02.17*	has the same meaning given to it in the Residential Design Codes; **NOTE:** Clause 3.1.1 of the R-Codes defines "single house: to mean – "an independently constructed dwelling standing wholly on its own lot created pursuant the *Town Planning Development Act'*.	Residential
Small bar *AMD 29 GG 17/3/15*	means premises – (a) used to sell liquor for consumption on the premises; and (b) that are the subject of a small bar licence under the *Liquor Control Act 1988;*	Entertainment
Storey	means that portion of a building which is situated between the top of any floor and the top of the floor next above it	Not applicable

TERM	DEFINITION	USE GROUP
	and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include any portion of a building used solely for car parking and having 50% or more of its volume below natural ground level;	
Street alignment	means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment;	Not applicable
Street building height area *AMD 26 GG 18/7/14*	means the area of a lot between – (a) its frontage, where a nil street setback is specified for the lot by the Street Building Height and Setback Plan; or (b) the line of any street setback, where one is specified for the lot by the Street Building Height and Setback Plan, and the line of any additional street setback which is required by the Maximum Building Height Plan for the part of the building immediately above the maximum street building height specified by the Street Building Height and Setback Plan. For the purpose of this definition the reference in paragraph (a) and (b) to 'specified for the lot by the Street Building Height and Setback Plan' includes being specified by any precinct plan or planning policy referred to in that Plan;'	Not applicable
Tavern *AMD 29 GG 17/3/15*	means premises – (a) used to sell liquor for consumption on the premises; and (b) that are the subject of a tavern licence *under the Liquor Control Act 1988*;	Entertainment
Tourist and Visitor Accommodation *AMD 53 GG 27/02/2026*	a) means a building, or a group of buildings forming a complex, that - (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month	

TERM	DEFINITION	USE GROUP
	period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building - contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night; and b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but c) does not include any of the following – (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1); (v) a park home park; (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1); (vii) a road house; (viii) workforce accommodation.	
Transferable plot ratio *AMD 23 GG 31.07.12*	means the amount of plot ratio of a donor site which is available for transfer from the donor site to a recipient site as recorded in the register of transfer of plot ratio. **NOTE**: 1. The "plot ratio" of a donor site is defined earlier in this Schedule.	Not applicable
Transport depot	means any premises used – (a) for the garaging of vehicles used or intended for use for the carriage of goods for hire or reward; or (b) for the transfer of goods from	Mixed Commercial

TERM	DEFINITION	USE GROUP
	one such vehicle to another such vehicle whether or not the land or the building is also used for the maintenance and repair of the vehicles;	
Tree	includes group of trees or other vegetation;	Not applicable
Unlisted use	has the meaning given to it in clause 15(4);	Not applicable
Vehicle sales or hire outlet	means premises used for the sale or hire of new or second hand motor vehicles, with or without ancillary facilities for vehicle servicing;	Mixed Commercial
Veterinary centre	means premises used by a registered veterinary surgeon for the – (a) diagnosis of animal diseases and disorders; (b) medical or surgical treatment of animals; or (c) prevention of animal diseases or disorders, with or without facilities for the hospitalisation or boarding of animals;	Mixed Commercial
Warehouse	means premises used for the storage of goods, whether or not commercial transactions involving the sale of the goods are carried out in or on that building or land.	Storage
Western Australian Planning Commission *AMD 29 GG 17/3/15*	means the Commission established by Section 7 of the Act.	Not applicable

Schedule 5 - Additional Uses

Additional Use	Location	Particulars of Land	Use *AMD 43 GG 07/05/2021*
A1	Southern portion of 263 Adelaide Terrace, Perth located at the corner of Terrace Road and Victoria Avenue (3,450m^2 in area) *AMD 7 GG 9/2/07*	Perth Town Lot S5 on Certificate of Title Volume 1717, folio 145	Office and Business Services
A2	110 Goderich Street, being the land located at the north-eastern corner of the intersection of Goderich Street and Bishops Row *AMD 22 GG 05/07/11*	Lot 28 on Certificate of Title Volume 1989 Folio 848	Office Use
A3	707 Murray Street, West Perth, being the land at the corner of Thomas Street and Murray Street. *AMD 43 GG 07/05/2021*	Lot 500 on Certificate of Title Volume 2968, Folio 961.	Retail (General). Storage where operated in combination with Retail (General).
A4	Southern portion of 99 Adelaide Terrace, 10 and 40 Terrace Road, East Perth, located at the corner of Plain Street and Terrace Road. *AMD 51 GG 31/05/2024*	Southern portion of Lot 10 on Certificate of Title Volume 1637 Folio 312. Lot 11 on Certificate of Title Volume 1835 Folio 883. Lot 12 on Certificate of Title Volume 1835 Folio 884.	Healthcare 2 Entertainment (limited to Amusement Parlour and Small Bar) on Lot 10. Small Bar is not permitted within 30 metres of the western boundary. Business Services limited to Lot 10 Education 2 Limited to Lot 10 *AMD 54 GG 6/10/2026*

Schedule 6 - Variations to R-Codes

Set out below are the variations to the R-Codes as specified in the Scheme.

P9 Matilda Bay *AMD 35 GG 24.02.17*	• Each dwelling shall be provided with two covered parking bays plus an additional space for visitor parking. Properly treated, this additional space may be included in landscaping calculations. • All new grouped or multiple dwelling development, which accommodates more than two units, is required to ensure that two of the required visitor bays are designed and constructed so as to be capable of accommodating the on-site parking, loading and unloading of furniture vans or other service vehicles. • The setback distance from all boundaries other than the street boundaries at each storey of a building shall be that prescribed with respect to the top storey of the building. Where a development is affected by the graduated height plane the setbacks shall be calculated in accordance with the R-Codes or such lesser distance as the Local government considers appropriate.
P10 West Perth *AMD 13 GG 24/08/10*	• In the Residential Scheme Use Area, fifty per cent of the site shall be designed, developed and maintained as open space, of which at least twenty five percent of the site should be landscaped area.
Policy 4.8 *AMD 2 GG 27/5/05*	- Landscaping requirements – The policy applies in addition to the requirements of the R-Codes. To the extent of any inconsistency, the requirements of the policy prevail.
Policy 5.1	- Parking Policy - Section relating to landuse parking requirements with respect to Residential Uses.
Policy 5.3	- Bicycle Parking and End of Journey Facilities Policy - Section relating to provision of bicycle parking facilities required for multiple dwellings as follows “Bicycle Parking Facilities for multiple dwelling residential development must be provided at a rate of 1 bay for every 2 units”.
Policy 6.3	- Goderich Design Policy The provisions of the Goderich Design Policy prevail over the R Codes.
Policy 6.4	- Terrace Road Design Policy The provisions of the Terrace Road Design Policy prevail over the R Codes.
Policy 6.5 *AMD 4 GG 12/5/06*	- Mount Street Design Policy The provisions of the Mount Street Design Policy prevail over the R Codes.

Schedule 7 - Minor Development Exempt from Development Approval

AMD 18 GG 26/10/10; AMD 35 GG 24/02/17

Permitted Development

Pursuant to Supplemental Provision 61(j)(i), the following development is exempt from the need to obtain town development approval.

Clause 61 of the Deemed Provisions provide exemptions from the requirement to obtain development approval and prevail over the provisions of this Schedule.

This does not exempt development from the need to obtain all other necessary approvals relating to, but not limited to:

- Building License
- Sign License
- Alfresco Dining Licence
- Events Licence
- Hoarding Licence
- Extended Trading Permit
- Any By-Laws or Local Laws
- Strata Approval as per the *Strata Titles Act 1985* (where appropriate)
- All State Government Approvals (where appropriate)

Pre-requisites:-

The following matters are to be satisfied prior to the carrying out of any exempted development listed below.

- Owner's consent has been secured for the use of land, including the consent of the local government, if the land is owned or under the care, control and management of the local government.
- No variation of any development standard in the City Planning Scheme No. 2 (as amended) and where appropriate, any special control areas or local planning scheme is proposed.
- No variation of any 'Acceptable Development' provisions of the R-Codes (as amended) is proposed.
- Conditions of a current development approval for the site will not be contravened.
- The building or structure is not:-
  (i) located or proposed to be in or on a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
  (iii) listed, or is proposed to be located in or on a place listed within the local government's Heritage List; or
  (iv) located within an existing or proposed heritage precinct, or Heritage Area designated on the local government's Heritage List;
- The proposed development or use is not located within the Region Planning Scheme clause 32 Area – Parliament House Precinct Policy Area.
- The proposed development or use is not on a lot within or abutting the Swan River Management Area or abuts or is likely to affect waters which are in the Management Area.
- The proposed development or use is not on a reservation under the Region Planning Scheme.
- Universal access is integrated into any proposed reconfiguration of internal floor space of buildings that the public are entitled or allowed to enter or use (including the foyer/lobby for residential buildings).
- The land is not known to be or found to be contaminated.
- Vehicular or pedestrian access to or from the site will not be obstructed by the proposed works.
- The development or use has the necessary clearances from relevant infrastructure and/or utility authorities.
- The development or use will not impact on public or private safety.
- The development or use will not result in the direct or indirect loss of amenity.
- A street tree or tree listed within the local government's Heritage List will not be affected in any way or removed.

- All stormwater will be contained on site.
- Any proposed replacement of existing air conditioning units which do not meet the conditions applying to exempted development will require a separate application for development approval.
- Any proposed apparatus will be installed in accordance with the manufacturer's specifications.
- The proposed works will not adversely impact on fire safety and existing fire measures installed in the existing building.

NOTE:
1. Subject to Amendment No. 35 gazetted on 24 February 2017.

Exempted development:-

Development Type	Conditions applying to the exempted development
Air Conditioning Units	• Only applicable where all equipment and any discharge is wholly contained within the property's boundaries and does not encroach over the road reserve. • Designed to meet the *Environmental Protection (Noise) Regulations 1997.* • If located on the roof of a building, to be integrated into a screened rooftop so that the air conditioning unit is not visible from nearby buildings or the street (preferred option for commercial premises). Otherwise to be located towards the rear of the building and screened from the primary street. • Is not proposed to be located on a balcony. • Located so as not to adversely impact on active or habitable spaces of adjoining properties. • All servicing lines including electrical, plumbing and duct work to be concealed. • Does not discharge air or condensate onto the street. • Complies with the provisions of the Air Conditioning Units Local Law 2004.
End of Trip facilities for commercial premises (secure showers, bike racks, change rooms and lockers)	• Accommodated within any existing building. • No external alternations are proposed. • Does not encroach on the existing parking layout. • Facilities are provided in accordance with City Planning Scheme No. 2 Policy 5.3 – Bicycle Parking and End of Journey Facilities.
Excavation/fill and retaining walls	• Excavation limited to a maximum of 500m below natural ground level situated within setback areas. • Fill and/or retaining wall height to a maximum of 500m in height above natural ground level within setback areas. Any proposed fill to be situated against an adequate retaining wall. • Note that creation of landscaped 'terraces' within the front setback area is not permitted without formal approval.
Façade Repair	• Non structural works only. • There is not change to the external appearance of the building, including building materials, finishes or glazing. • No new fittings or attachments to the façade of the building are permitted. However the replacement of like materials/fittings for like with regard to minor façade repairs is acceptable.
Flag Poles	• The structure is wholly contained within the property's boundaries and free standing with a minimum head clearance of 2.75 metres from the existing ground level. • A maximum of 6m in height and 200mm diameter. • Only one flag pole per premises. • Does not promote advertising or offensive material. • Is structurally stable with adequate footings where required.
Home Occupation	• The proposed use is identified in the appropriate Use Group Table as a Preferred Use 'P', with no restrictions applying. • Where a home occupation complies with the Scheme definition of a Home Occupation and the provisions of Policy 3.4 of the City Planning Scheme No. 2 (as amended).

Internal Alterations	Building or other work for the maintenance, improvement or other alteration of any building where those works affect only its interior and does not:- • Materially affect its external appearance; • Increase the existing plot ratio floor area of the building; and/or • Change the approved use of the building.
Pergolas, patios, vergolas and shade sails *AMD 35 GG 24/02/17*	• These structures are to be contained wholly within the property's boundaries. • Not visible from the primary street, or located within the front, side/rear setback areas. • A maximum of 2.8 metres in height from natural ground level. • Compliant with the setback and open space requirements of the 'Deemed to Comply' provisions of the R-Codes and the provisions of the City Planning Scheme No. 2 (as amended). • The proposed materials, finishes and design are complementary to the existing building. • Does not encroach on the existing parking layout.
Pools (in-ground) and spas	• Not visible form the primary street, or located within the front setback area. • Located to avoid where possible adjoining active living areas or habitable rooms. • Pool pump to be enclosed, screened and designed to meet the Environmental Protection (Noise) Regulations 1997. • Installed with specified safety fencing as required under the Building Code of Australia Act 2004 (as amended). • Any discharge of water associated with the pool or spa to be contained on site. • The proposed pool/spa to be only for non commercial purposes.
Satellite Dishes	<u>General Standards</u> • The structure is to be contained wholly within the property's boundaries. • The structure is not to be located on the building frontage but located towards the rear of the building and screened from the primary street. • Not located within the front, side/rear setback areas. • Only one dish per dwelling or premises may be permitted. • Does not affect the structural integrity of the building. • In accordance with the installation of low impact facilities as defined under Part 3 of the *Telecommunications (Low Impact Facilities) Determination Act 1997*. <u>Roof Mounted dishes</u> • A maximum of 1.2 metres in diameter for dwellings. • A maximum of 2 metres in diameter for commercial premises and integrated into the design of the building. • Of non-reflective finish and in a colour compatible with the roof. • Dish installation not to be located on the ridge line, and the overall height of the structure not to project above the ridge line of the building. <u>Ground mounted dishes</u> • The diameter is not more than 1.5 metres and height is not more than 3.0 metres above the natural ground level. <u>Wall mounted</u> • Non commercial – the diameter is no more than 1.2 metres. • Commercial – the diameter is no more than 1.5 metres.
Signage *AMD 35 GG 24/02/17*	• Exemptions in accordance with City Planning Scheme No. 2 Policy – Signs. NOTE: A sign licence is still required (refer to Signs Local Law 2005).

Solar panels (photovoltaic cells) systems	• Panels to be mounted flush to the roof. • The size and location of the panels should not have an adverse impact on adjoining properties.
TV Antennae	• No more than 1 aerial/antennae per development/single dwelling. • For grouped, multiple dwellings or special dwellings, one antennae should service all dwellings. • Built inside the roof space – otherwise to be located towards the rear of the building away from the primary street. • In accordance with the installation of low impact facilities as defined under Part 3 of the Telecommunications (Low Impact Facilities) Determination Act 1997.
Water Tanks	• The structure is to be located towards the rear of the building and not be visible from the primary street. • Not to be situated within the front, side/rear setback areas. • A maximum height of 2.4 metres from the natural ground level. • A capacity of not more than 4500 litres.

Schedule 8 - Special Control Areas

AMD 1 GG 1/4/05; AMD 4 GG 12/5/06; AMD 3 GG 16/6/06; AMD 35 GG 24/02/17; AMD 21 GG 21/08/18; AMD 47 GG 22/03/24; AMD 48 GG 17/09/24; AMD 52 GG 29/04/25

1. Metro Markets Special Control Area

1.1 Special Control Area

The following provisions apply to the land area marked as Figure 1 – Metro Markets Special Control Area.

1.2 Objectives

The objectives of the Metro Markets Special Control Area are to:

(a) facilitate the development of the land comprised in the Metro Markets Special Control Area as a whole in a coordinated manner,

(b) facilitate the coordination of pedestrian access to enable pedestrian movement throughout the Metro Markets Special Control Area,

(c) facilitate the coordination of vehicular access to the Metro Markets Special Control Area from Wellington Street and Market Street, and

(d) control the development on land in the Metro Markets Special Control Area.

1.3 Pedestrian Access

Any use or development of land within the Metro Markets Special Control Area shall allow for coordinated pedestrian access ways over the Metro Markets Special Control Area, generally in accordance with the access ways set out in the plan depicted in clause 1.8 of Schedule 9.

1.4 Plot Ratio

For the purpose of determining plot ratio, the Metro Markets Special Control Area shall be treated as one site.

1.5 Landscaping

For the purpose of determining landscaped area, the Metro Markets Special Control Area shall be treated as one site.

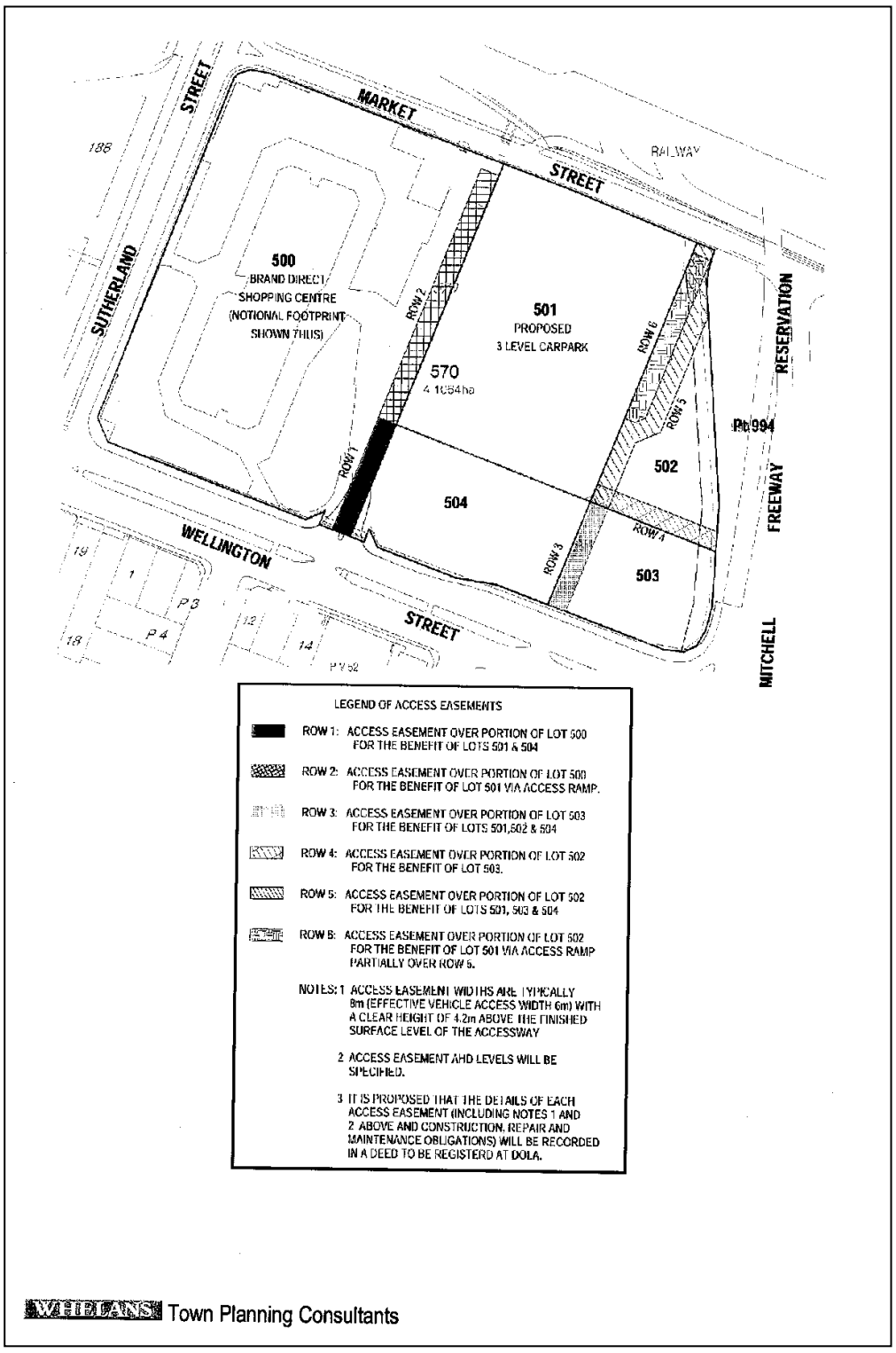
1.6 Car Parking

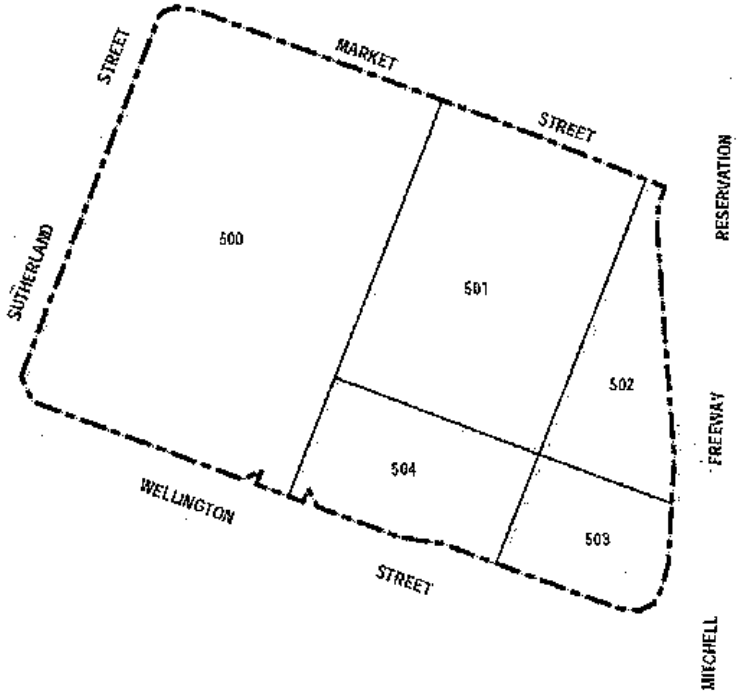
For the purpose of determining the car parking provision for all development within the Metro Markets Special Control Area a maximum of 1,232 car bays shall be provided, excluding special purposes bays and parking for people with disabilities, of which no more than 822 of the 1232 bays shall be tenant parking bays, to be distributed according to the requirements of the lots within the Metro Markets Special Control Area.

1.7 Vehicular Access

Vehicular access to the Metro Markets Special Control Area for servicing and other purposes shall be provided and maintained solely from Wellington and Market Streets.

1.8 Vehicle and Pedestrian Movement Plan





Site Boundary

840 WELLINGTON STREET PERTH

FIGURE 1 - METRO MARKETS SPECIAL CONTROL AREA

2. CTA Building Special Control Area

AMD 35 GG 24/02/17

2.1 Special Control Area

The following provisions apply to the land area marked as Figure 2 – CTA Building Special Control Area.

2.2 Objectives

The objectives of CTA Building Special Control Area are to:

(a) facilitate the development of the land comprised in the CTA Building Special Control Area as a whole in a coordinated manner,

(b) ensure that adequate provision is made for pedestrian movement throughout the CTA Building Special Control Area and linking St Georges Terrace with The Esplanade,

(c) provide for the tenants of each site being able to use the licensed on-site tenant bays of each site within the CTA Building Special Control Area; and

(d) provide a maximum number of tenant parking bays permitted over the CTA Building Special Control Area.

2.3 Car Parking

(a) The land area of the CTA Building Special Control Area shall be treated as one site for the purposes of leasing tenant parking to the occupants of either lot.

(b) The maximum number of tenant parking bays permitted over the CTA Building Special Control Area is 245 bays (100 on Allendale Square and 145 on CTA).

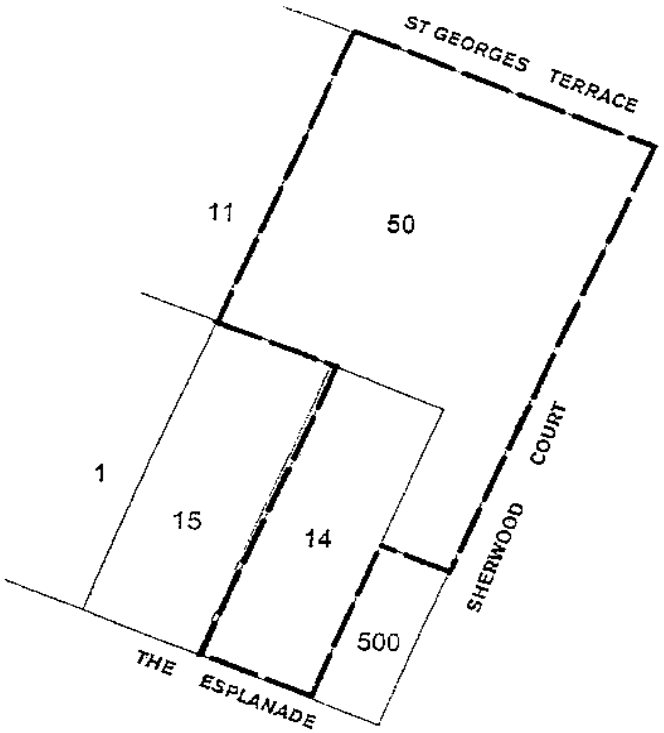
2.4 Pedestrian Access

(a) Any use or development of the CTA Building Special Control Area shall encompass the continuation of public pedestrian accessways, of a width considered adequate by the Local government and linking St Georges Terrace with the Esplanade.

(b) Nothing in these CTA Building Special Control Area provisions is to constitute or be taken to constitute a dedication or an implied dedication to the public of a right to use any part of the land in the CTA Building Special Control Area.

2.5 Application for Development approval

An application for development approval shall be signed by every owner of land comprising the CTA Building Special Control Area.



12 - 14 The Esplanade &
77 St Georges Terrace

Figure 2 – CTA Building Special Control Area

3. West Street Special Control Area

3.1 Special Control Area

The following provisions apply to the land area marked as Figure 3 – West Street Special Control Area.

3.2 Objective

The objective is to facilitate the development of the land comprising the West Street Special Control Area as a whole and in a coordinated manner.

3.3. Plot Ratio

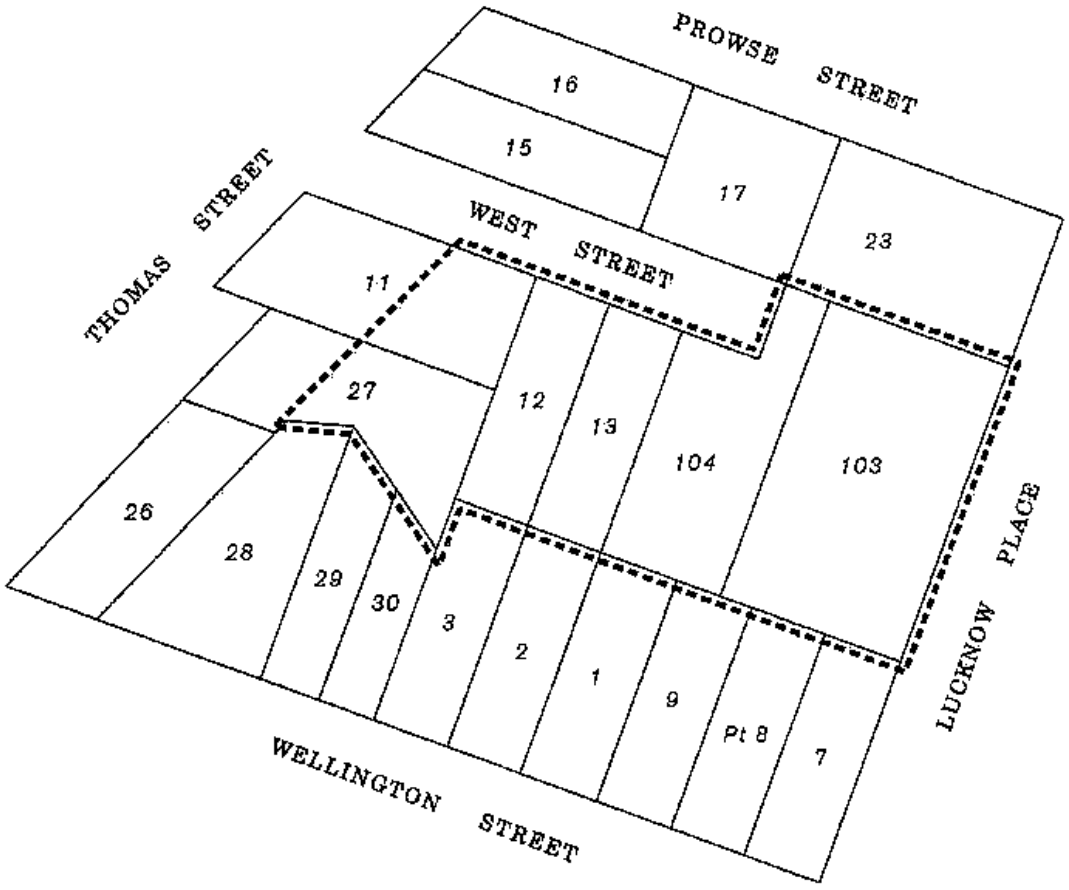
For the purpose of determining plot ratio the West Street Special Control Area shall be treated as one site.

3.4 Car Parking

For the purpose of determining the tenant parking provision the West Street Special Control Area shall be treated as one site.

3.5 Dwelling Density

For the purpose of determining dwelling density, the land area of the West Street Special Control Area Map shall be treated as one site.



----- Site Boundary

1-5 WEST STREET, 26-28 THOMAS STREET &
3-9 LUCKNOW PLACE, WEST PERTH

Figure 3 – West Street Special Control Area

4. 1299-1305 Hay Street Special Control Area

AMD 3 GG 16/6/06

4.1 Special Control Area

The following provisions apply to the land marked as Figure 4 – 1299-1305 Hay Street Special Control Area.

4.2 Plot Ratio

For the purpose of determining plot ratio the 1299-1305 Hay Street Special Control Area shall be treated as one site.

4.3 Car Parking

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, the 1299-1305 Hay Street Special Control area shall be treated as one site.

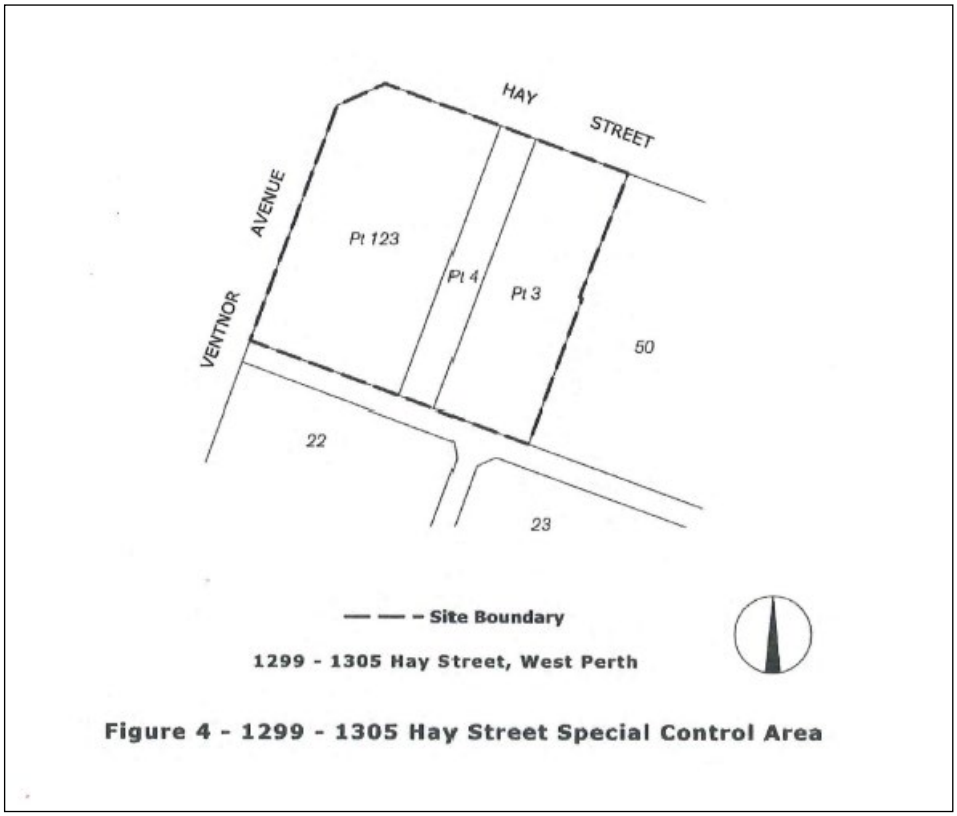


Figure 4 - 1299 - 1305 Hay Street Special Control Area

5. 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area

AMD 8 GG 10/7/07 & Correction Notice 4/9/07; AMD 35 GG 24/02/17

5.1 Special Control Area

The following provisions apply to the land marked as Figure 5 - 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area

5.2 Objectives

The objectives of the 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area are:

(a) the development of the Special Control Area as a whole in a coordinated manner;

(b) the provision of efficient vehicular access to the Special Control area;

(c) the adequate provision of landscaped areas accessible to the public within the Special Control Area;

(d) the provision of pedestrian access ways to enable pedestrian movement throughout the Special Control Area;

(e) with respect to the buildings listed in Section 5.5 of the Special Control Area:

(i) the restoration and maintenance of the buildings in a good condition in accordance with any town development approval and approved plan relating thereto;

(ii) the use of each of the buildings for a purpose appropriate to the heritage status and the location of the building and to the general object referred to in paragraph (e)(iii);

(iii) the accessibility by the public to appropriate areas within the buildings;

5.3 Plot Ratio

(a) For the purpose of the Special Control Area, Clause 27(1) does not apply;

(b) For the purpose of determining plot ratio, the maximum plot ratio floor area over the site is 58,113 square metres and is to be allocated as indicated on Figure 5.

5.4 Car Parking

For the purpose of determining the maximum parking allowance for any development on the subject land, the Special Control Area shall be treated as one site.

5.5 Heritage Buildings

The buildings listed below shall be restored and maintained in accordance with the town development approval and the approved plan relating thereto.

- Bank of New South Wales 899-901 Hay Street, Perth
- Dynon's China Hall Buildings 915 Hay Street, Perth

5.6 Landscaped Area

Landscaped areas shall be provided and maintained where required by the Local government and in accordance with the town development approval and the approved plan relating thereto.

5.7 Application for Development approval

(a) An application for development approval shall be signed by the owner of the lot the subject of the application;

(b) In addition to any plans and information required by the City Planning Scheme or by the Local government pursuant to the City Planning Scheme or the Deemed Provisions, where a proposed development may affect parts of the Special Control Area other than the land the subject of the application, the Local government may require an application for development approval to be accompanied by such plans and information with respect to those parts of the Scheme area as will enable the Local government to determine the application.

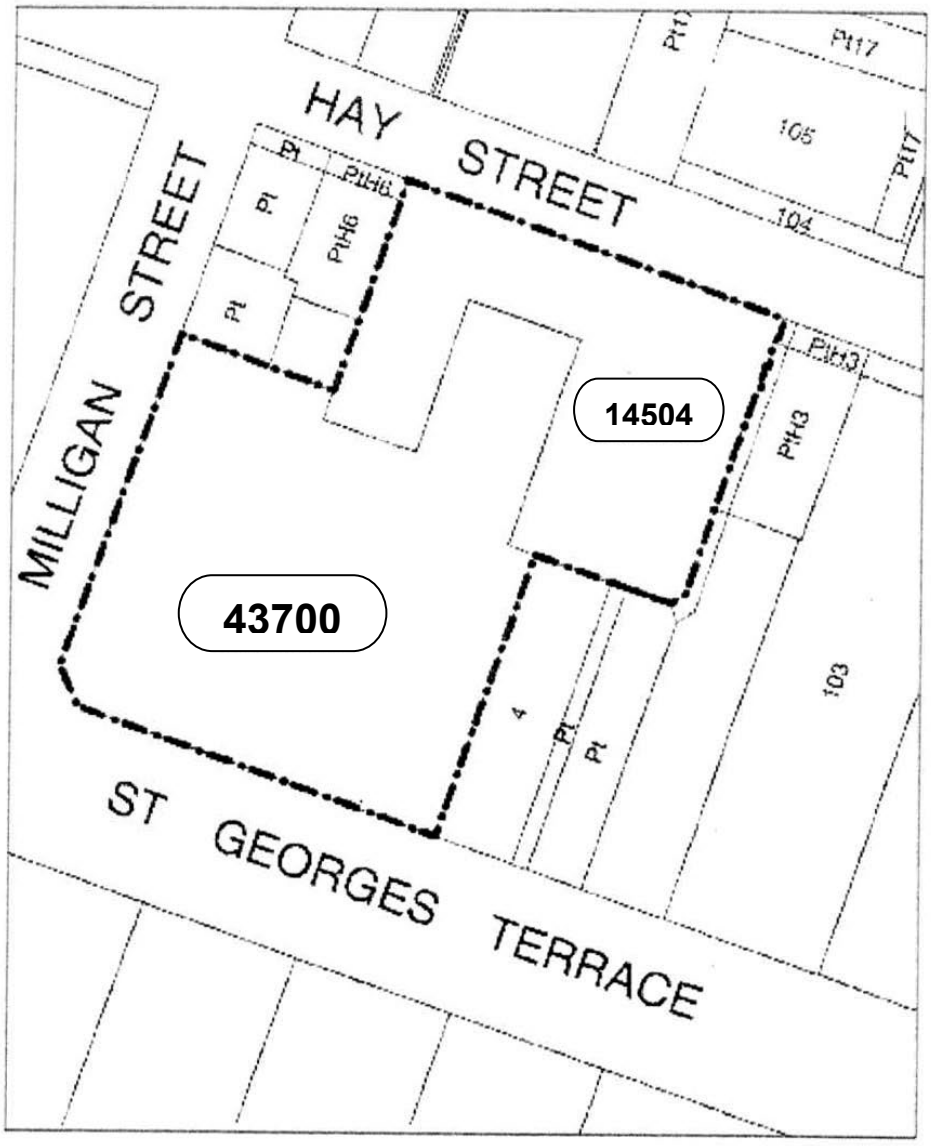


Figure 5 - 240 St Georges Terrace & 899 - 915 Hay Street Special Control Area

6. 141 St Georges Terrace (Lot 11), 125-137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area

AMD 9 GG 30/11/07; AMD 35 GG 24/02/17

6.1 Special Control Area

The following provisions apply to the land marked as Figure 6 — 141 St Georges Terrace (Lot 11), 125-137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area.

6.2 Objectives

The objectives of the Special Control Area are:

(a) The development of the Special Control Area as a whole in a coordinated manner;

(b) The provision of efficient vehicular access to the Special Control Area;

(c) With respect to the buildings included in the local government's Heritage List:

(i) the restoration and maintenance of the buildings in a good condition;

(ii) the use of each of the buildings for a purpose appropriate to the heritage status and the location of the building and to the general object referred to in paragraph (c)(iii); and

(iii) the accessibility to the public of appropriate areas within the buildings;

(d) The adequate provision of landscaped areas accessible to the public within the Special Control Area;

(e) The provision of pedestrian accessways to enable pedestrian movement throughout the Special Control Area;

(f) The provision of an upper level pedestrian walkway on the Special Control Area at the Mounts Bay Road boundary which connects with existing upper level walkways or which can be connected to future upper level walkways on land to the east and west of the Special Control Area; and

(g) The provision of a pedestrian overpass from the Special Control Area to land on the southern side of Mounts Bay Road.

(h) the provision of efficient vehicular access and movement through the Special Control Area to land on the northern side of St George's Terrace (on which land there is proposed to be located a public car park) by means of:

(i) an access way having its entrance at Mounts Bay Road and being as direct across the Special Control Area as practically possible.

6.3 Plot Ratio

(a) For the purpose of the Special Control Area, Clause 27(1) does not apply.

(b) The maximum plot ratio floor area over the Special Control Area is143,000 square metres.

(c) For the purpose of determining plot ratio the Special Control Area shall be treated as one site.

6.4 Car Parking

For the purpose of determining the maximum parking allowance for any development on the subject land, the Special Control Area shall be treated as one site.

6.5 Heritage Buildings on Lot 13

(a) Subject to clause 6.5(d) and in addition to the requirements of clause 6.7, an application for development approval for the development of Lot 13 must include a proposal for the restoration and maintenance of any buildings on Lot 13 which are included in the local government's Heritage List.

(b) If approved by local government, the restoration works contained in the Proposal (including any modifications required by local government) must be undertaken before or at the same time as other development proceeds on Lot 13.

(c) Subject to clause 6.5 (d), local government shall not approve any application for development approval for the development of Lot 13 unless:

(i) that approval includes an approval for the restoration and maintenance of the buildings included in the local government's Heritage List; or

(ii) a Proposal has previously been approved by Local government and implemented.

(d) This clause 6.5 does not apply to an application for development approval which is limited to:

(i) a change of uses which involves no physical development of Lot 13; or

(ii) physical development of a minor nature which does not contribute to the floor area of a building for the purposes of calculating plot ratio.

6.6 Landscaped Area

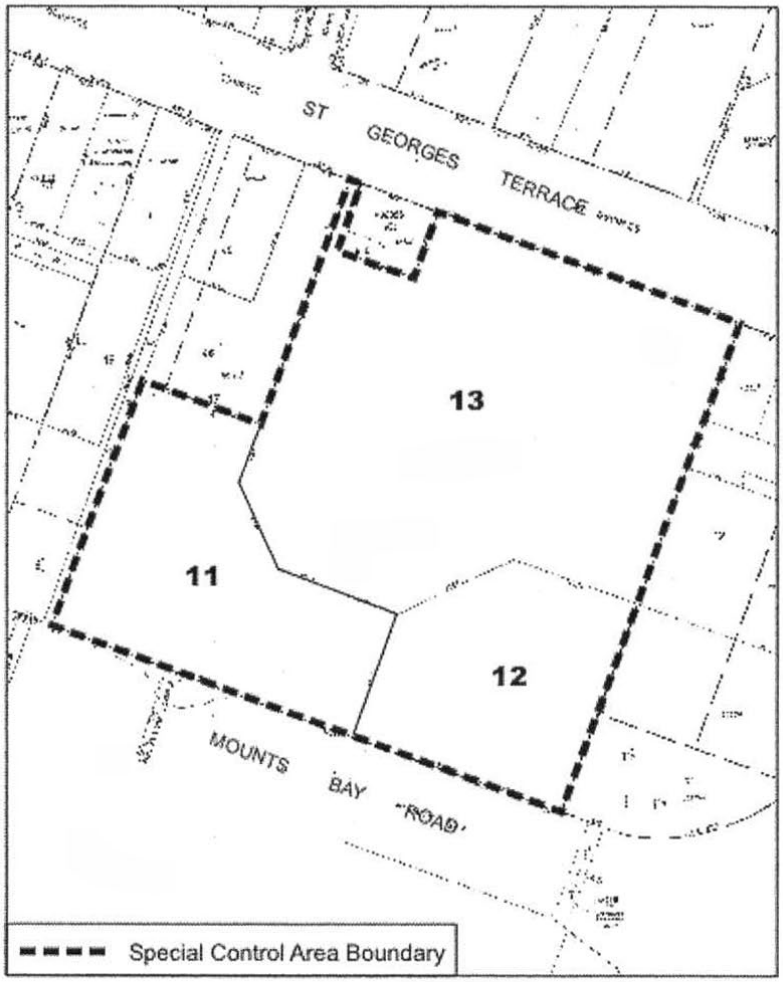
Landscaped areas shall be provided and maintained where required by the Local government and in accordance with the town development approval and the approved plan relating thereto.

6.7 Application for Development approval

(a) An application for development approval shall be signed by every owner of land within the Special Control Area.

(b) In addition to any plans and information required by the City Planning Scheme or by the Local government pursuant to the City Planning Scheme or the Deemed Provisions, where a proposed development may affect parts of the Special Control Area other than the land the subject of the application, the Local government may require an application for development approval to be accompanied by such plans and information with respect to those parts of the Special Control Area as will enable the local government to determine the application.

Figure 6



141 St Georges Terrace (Lot 11), 125 - 137 St Georges Terrace Special (Lot 13) and 18 Mounts Bay Road (Lot 12)

N

7. 52-56 Ord Street Special Control Area

AMD 10 GG 16/2/07

7.1 Special Control Area

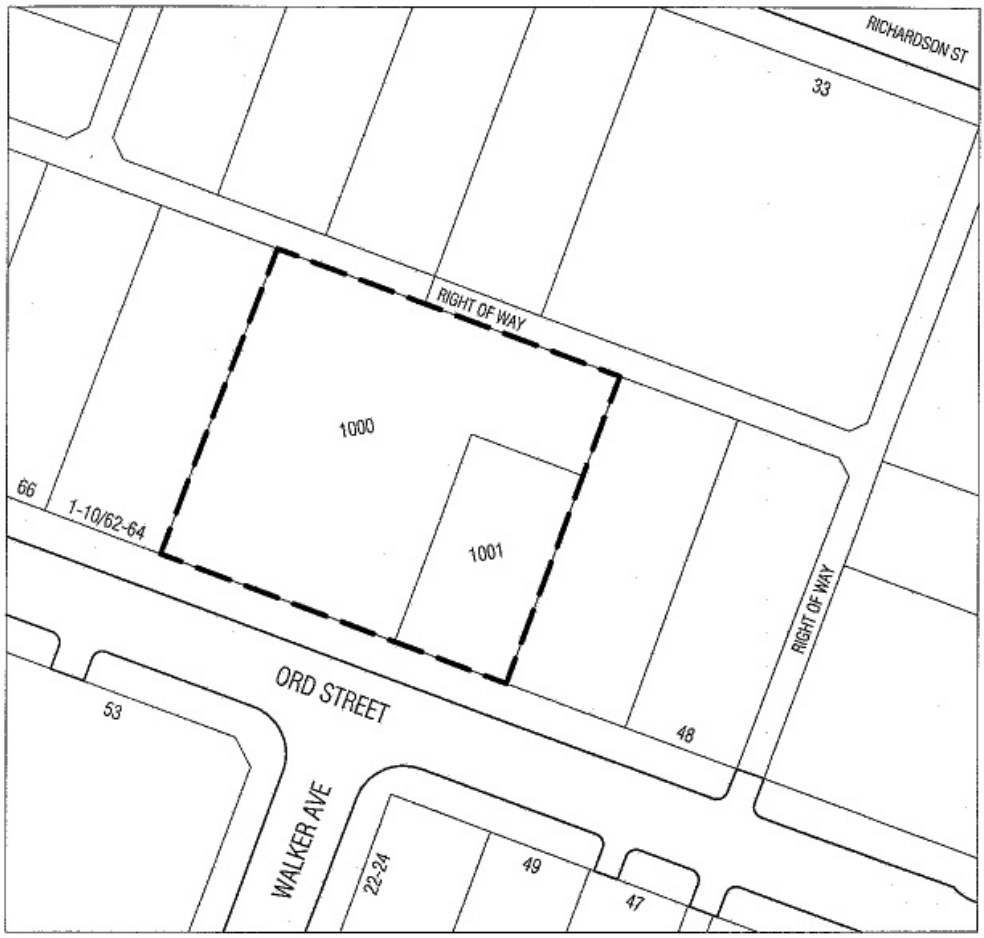
The following provisions apply to the land marked as Figure 7 - 52 - 56 Ord Street Special Control Area.

7.2 Plot Ratio

For the purpose of determining plot ratio the 52 - 56 Ord Street Special Control Area shall be treated as one site.

7.3 Car Parking

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, the 52 - 56 Ord Street Special Control area shall be treated as one site.



52 - 56 ORD STREET SPECIAL CONTROL AREA

FIGURE 7

8. 126 - 144 Stirling Street Special Control Area

AMD 11 GG 14/4/08

8.1 Special Control Area

The following provisions apply to the land marked as Figure 8 - 126 - 144 Stirling Street Special Control Area.

8.2 Objective

The objective of the 126 - 144 Stirling Street Special Control Area is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

8.3 Plot Ratio

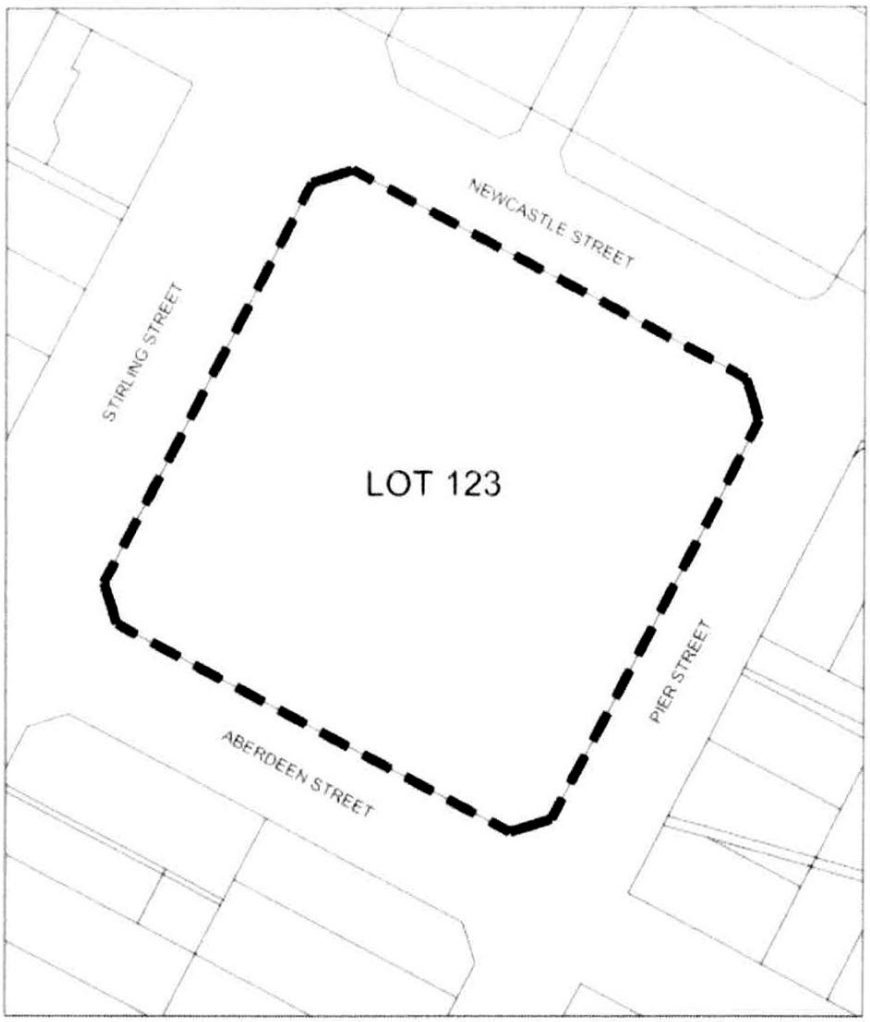
For the purpose of determining plot ratio the 126 - 144 Stirling Street Special Control Area shall be treated as one site.

8.4 Car Parking

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, 126 - 144 Stirling Street Special Control Area shall be treated as one site.

The tenant car parking facilities in one building within the Special Control Area may be leased or used by the tenants of another building within the Special Control Area.

Figure 8


NEWCASTLE STREET
STIRLING STREET
LOT 123
PIER STREET
ABERDEEN STREET
Special Control Area Boundary
126 - 144 (Lot 123) Stirling Street
Special Control Area

9. 60 - 70 Kings Park Road Special Control Area

AMD 12 GG 27/1/09

9.1 Special Control Area

The following provisions apply to the land marked as Figure 9 - 60-70 Kings Park Road.

9.2 Objective

The objective of the 60 - 70 Kings Park Road Special Control Area is to facilitate the development of the Special Control Area as a whole in a co-ordinated manner.

9.3 Plot Ratio

For the purpose of determining the plot ratio for any development on the subject land the 60-70 Kings Park road Special Control Area shall be treated as one site.

9.4 Car Parking

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, the 60-70 Kings Park Road Special Control Area shall be treated as one site.

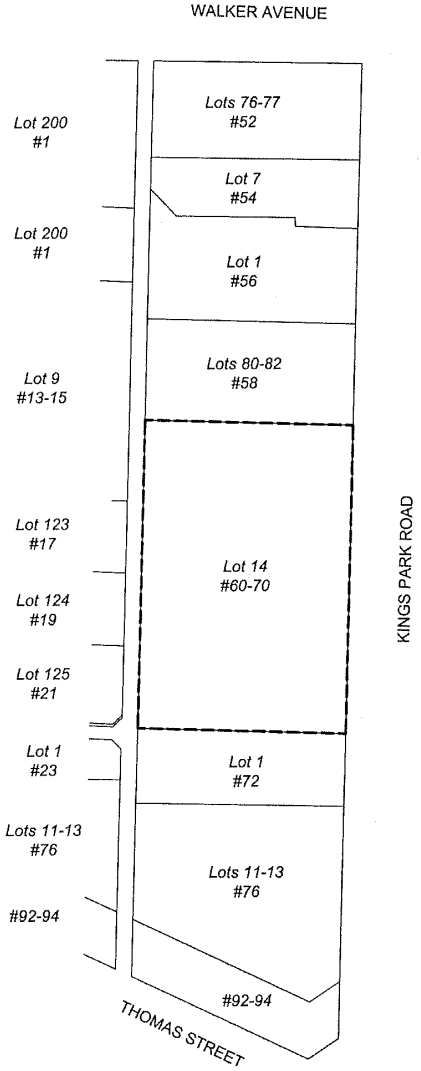


Figure 9 - 60 - 70 Kings Park Road Special Control Area

10. 208 - 210 Adelaide Terrace Special Control Area

AMD 15 GG 21/4/09

10.1 Special Control Area

The following provisions apply to the land marked as Figure 10—208-210 Adelaide Terrace Special Control Area.

10.2 Objectives

The objective of the 208-210 Adelaide Terrace Special Control Area is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

10.3 Plot Ratio

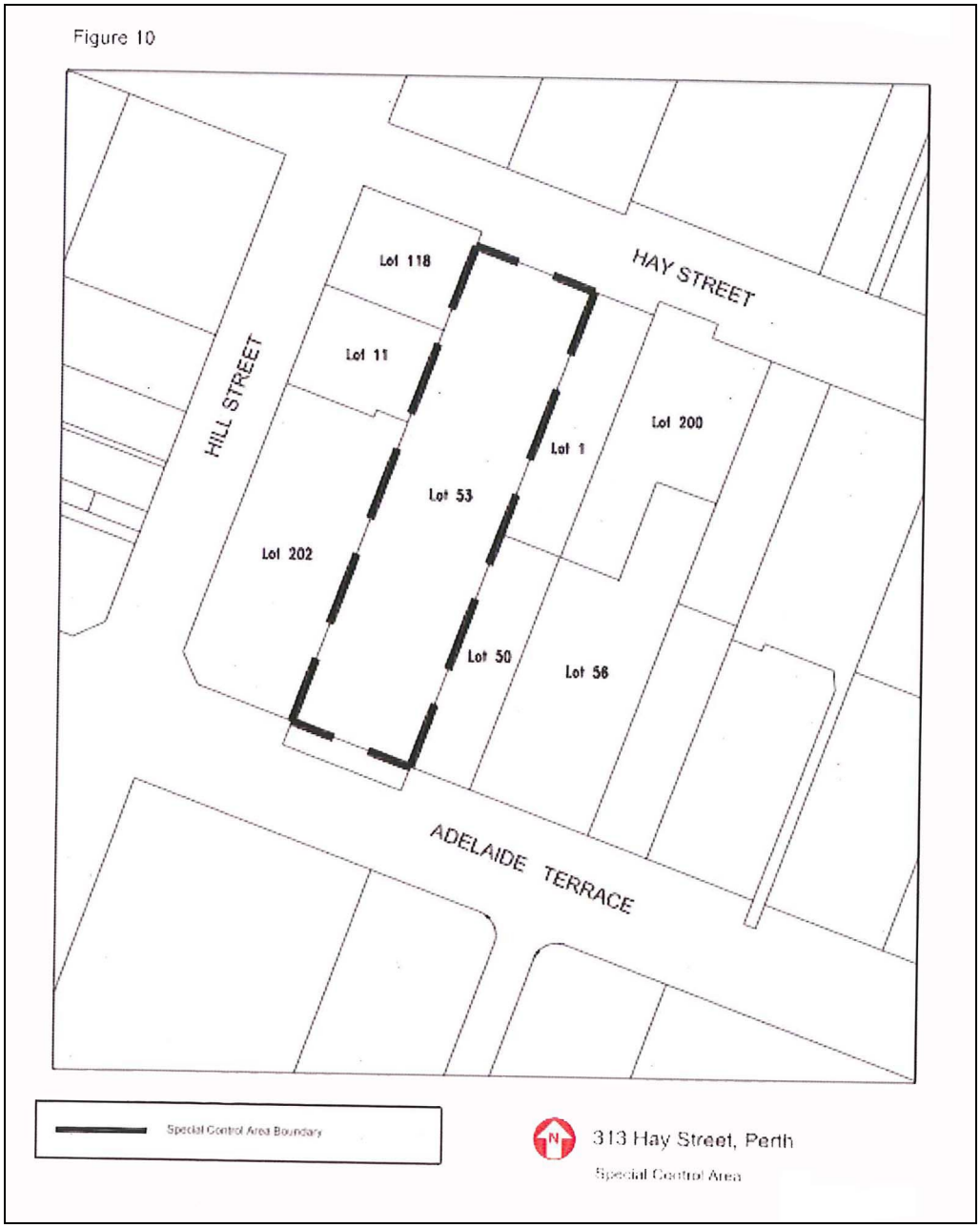
For the purpose of determining plot ratio the 208-210 Adelaide Terrace Special Control Area shall be treated as one site.

10.4 Car Parking

For the purposes of determining the maximum tenant parking allowance for any development of the subject land, 208-210 Adelaide Terrace Special Control Area shall be treated as one site.

The tenant car parking facilities in one building with the Special Control Area may be leased or used by the tenants of another building within the Special Control Area.

Figure 10


HAY STREET
HILL STREET
ADELAIDE TERRACE
Lot 118
Lot 11
Lot 1
Lot 200
Lot 53
Lot 202
Lot 50
Lot 56
Special Control Area Boundary
313 Hay Street, Perth
Special Control Area

11. 225 - 239 St Georges Terrace (Bishops See) Special Control Area

11.1 Special Control Area

The following provisions apply to the land marked as Figure 11 - 225 - 239 St Georges Terrace (Bishops See) Special Control Area.

11.2 Objectives

The objectives of the 225 - 239 St Georges Terrace (Bishops See) Special Control Area are:

a) the development of the Special Control Area as a whole in a coordinated manner;

b) the provision of pedestrian accessways to enable pedestrian movement through the Special Control Area;

c) the preservation of the significant improvements to the amenities and environment of the central area of the local government from substantial commencement of earlier development;

d) the restoration and maintenance of the heritage buildings in the Special Control Area.

11.3 Plot Ratio

For the purpose of determining plot ratio the 225 - 239 St Georges Terrace (Bishops See) Special control Area shall be treated as one site.

11.4 Car Parking

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, Lots 55, 56, 57 and 58 shall be treated as one site and Lot 51 shall be treated as one site.

11.5 Public Access

For the purposes of determining effective pedestrian movement through the Special Control Area, a Public Access and Security Management Plan should be submitted. A Public Access and Security Management Plan should demonstrate how access to the pedestrian links will be controlled including the opening and closing times, and providing details of measures to ensure ongoing public safety with reference to the local government's Safer Design Guidelines.

Nothing in this clause is to constitute or to be taken to constitute a dedication or an implied dedication to the public of a right to use any part of the land within the special Control Area.

11.6 Amenity Improvements

All future development shall protect the following improvements to the amenities and environment:

a) the colonnading abutting St Georges Terrace;

b) the restoration of Bishop's House and it's gardens;

c) the restoration of St George's House;

d) the laying out of Parterre Gardens;

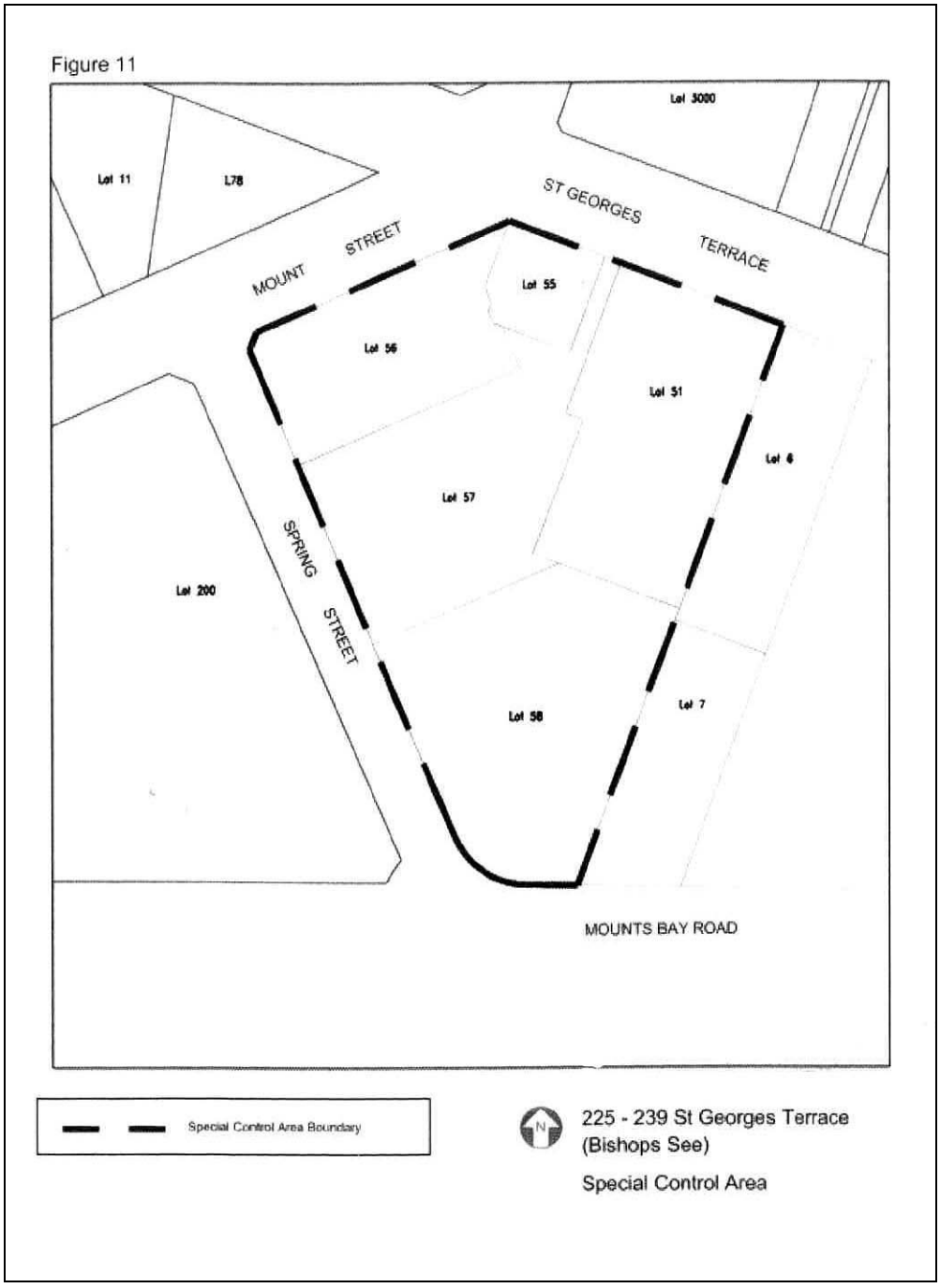
e) ways made for public access to and recreation in the Special Control area.

11.7 Heritage Buildings

The buildings listed below shall be restored and maintained:

- Bishop's House and Gardens 78 Mounts Bay Road;
- St Georges House 235-239 St Georges Terrace.

Figure 11



12. 298 - 316 Murray Street Special Control Area

AMD 17 GG 30/6/09

12.1 Special Control Area

The following provisions apply to the land marked as Figure 12—298—316 Murray Street Special Control Area.

12.2 Objectives

The objective of the 298—316 Murray Street Special Control Area are:

12.2.1 to facilitate the development of the Special Control Area as a whole in a coordinated manner;

12.2.2 to preserve the significant improvements to the facilities and amenities of the Citiplace Precinct provided by the development of the Special Control Area.

12.3 Plot Ratio

For the purpose of determining the plot ratio for any development on the subject land the 298—316 Murray Street Special Control Area shall be treated as one site.

12.4 Car Parking

12.4.1 For the purposes of determining the maximum tenant parking allowance for any development on the subject land, the 298—316 Murray Street Special Control Area shall be treated as one site;

12.4.2 The tenant car parking facilities located on the site/lot within the Special Control Area may be leased of used by the tenants of another site/lot within the Special Control Area.

12.5 Amenities

12.5.1 For the purposes of determining effective pedestrian movement through the Special Control Area a Public Access and Security Management Plan shall be submitted with any development application and updated as required. The Public Access and Security Management Plan should demonstrate how access to the pedestrian links through the site will be maintained and controlled including the opening and closing times, and providing details of measures that will be taken to ensure ongoing public safety with reference to the local government's Safer Design Guidelines.

Nothing in this clause is to constitute or to be taken to constitute a dedication or an implied dedication to the public of a right to use any part of the land within the Special Control Area.

12.5.2 All future development shall protect, restore and maintain the buildings and structures listed below:

- Royal Hotel;
- Wentworth Hotel;
- Bohemia Hotel;
- Façade and belvedere of the former Hob Nob Building;
- 10—14 Queen Street.

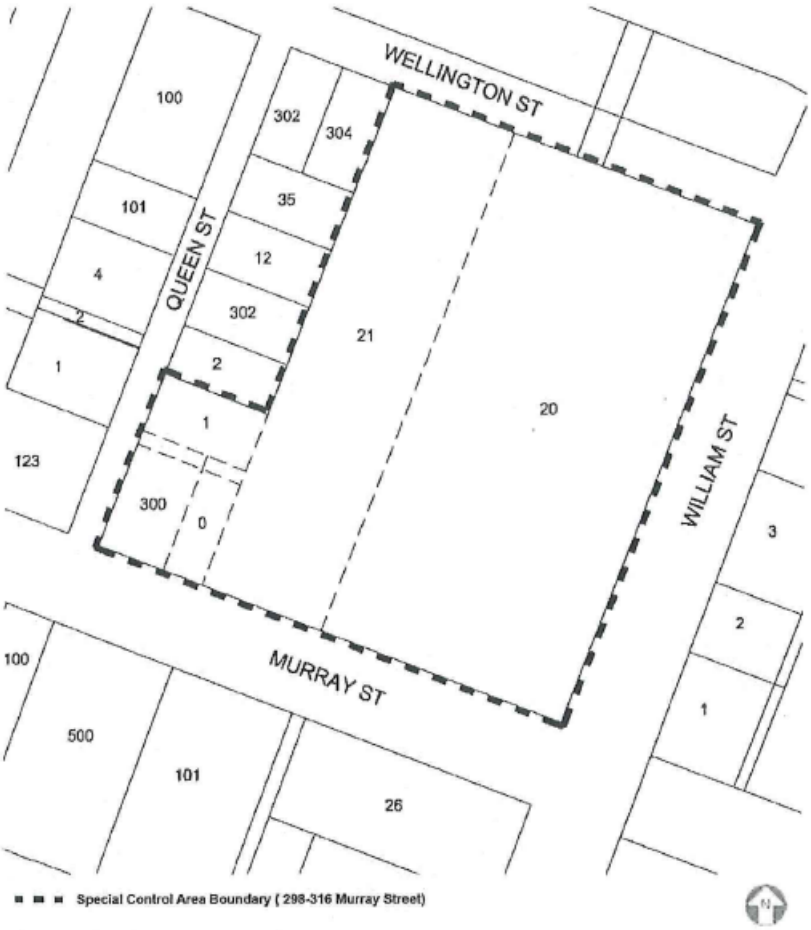


Figure 12 - 298-316 Murray Street
Special Control Area

13. 339 – 341, and 347 Hay Street Special Control Area

AMD 19 GG 16/3/10

13.1 Special Control Area

The following provisions apply to the land marked as Figure 13 – 339 – 341, and 347 Hay Street Special Control Area.

13.2 Objectives

The objective of the 339 – 341, and 347 Hay Street Special Control Area is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

13.3 Plot Ratio

For the purpose of determining the plot ratio the 339 – 341, and 347 Hay Street Special Control Area shall be treated as one lot.

13.4 Car Parking

For the purpose of determining the maximum tenant parking allowance 339 – 341, and 347 Hay Street Special Control Area shall be treated as one lot.

The tenant car parking facilities may be leased or used by the tenants of any building within the Special Control Area and in accordance with any development approval for the land.

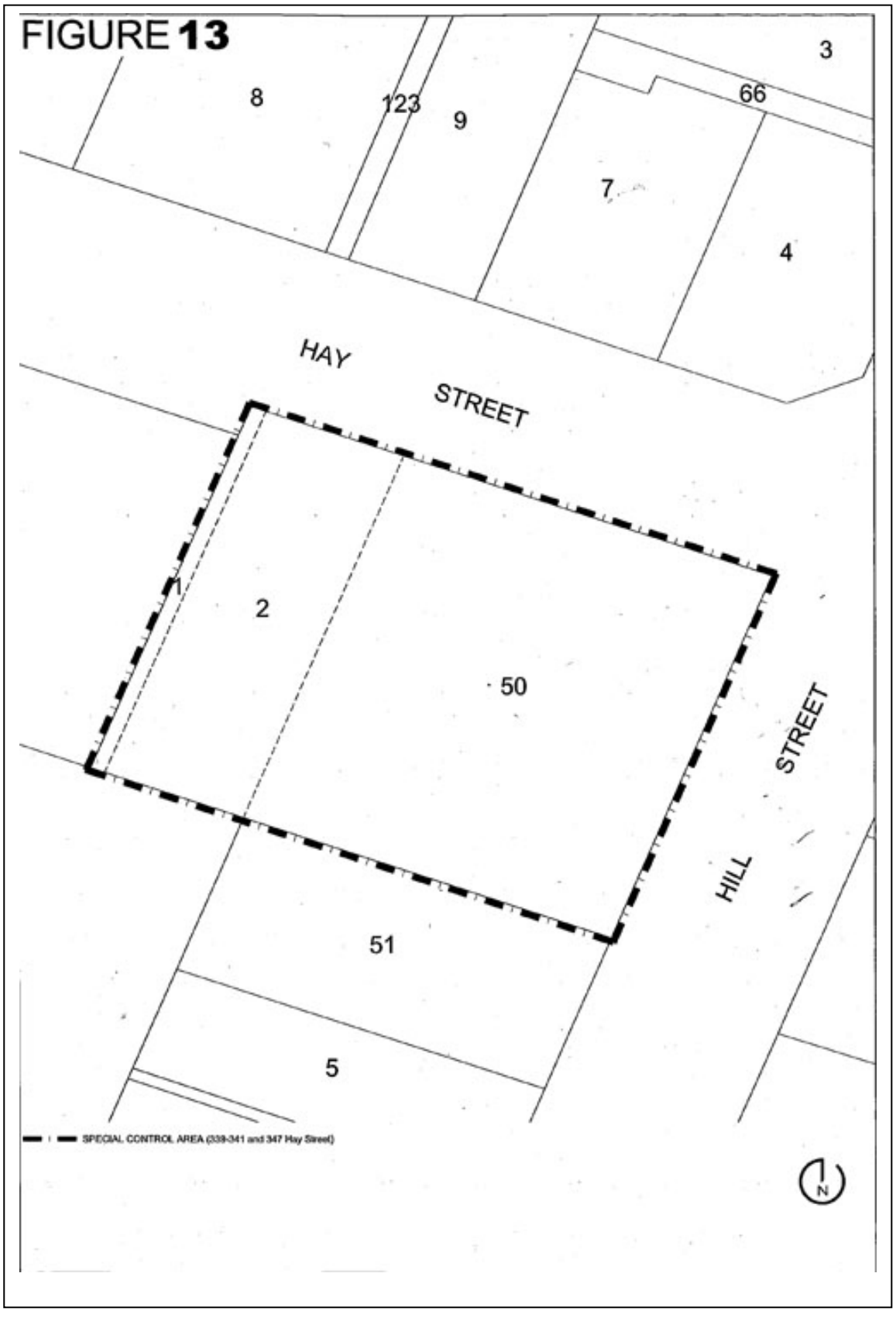


FIGURE 13
8
123
9
3
66
7
4
HAY
STREET
1
2
50
HILL
STREET
51
5
SPECIAL CONTROL AREA (339-341 and 347 Hay Street)
N

14. 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area.

AMD 20 GG 06/08/10

14.1 Special Control Area.

The following provisions apply to the land marked as Figure 14 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area.

14.2 Objectives:-

The objectives of the 187-193 Adelaide terrace and 82-94 Terrace Road Special control Area No. 14 are:

a) To facilitate development of the Special control Area as a whole in a coordinated manner;

b) The restoration and maintenance of the building(s) of considerable heritage significance;

c) The development of an appropriate built form outcome which is responsive to its context by:

- Acknowledging that the development immediately adjacent to and on either side of Burt Way should form the focal point of development along Terrace Road, being emphasised by greater building height relative to other development in Terrace Road. Any development within the Special Control Area that fronts Terrace Road should demonstrate the transitioning of a lower building height, down from west to east.

- Providing a development of bulk and scale which reads as more intensive development towards the Adelaide Terrace frontage cascading to a more moderate urban scale fronting Terrace Road to reinforce the desired character of this precinct.

- Mitigating building mass by designing buildings across sites with wide frontages that are broken into narrower vertical sections or that are divided into separate buildings, with an emphasis on maximising views through the site and sunlight to public spaces, decreasing the impacts of overshadowing on Langley Park in particular.

- Ensuring the built form is sympathetic to the adjoining sites, is well spaced and positioned to equitably distribute access to sunlight between buildings; sun penetration to key areas of the public domain during designated times; and minimising ground wind speeds to provide pedestrian safety and comfort.

- Designing buildings with well articulated front, side and rear facades to enhance vistas and outlooks from various directions.

- Having regard to heritage buildings or places, allowing sufficient curtilage to the existing buildings and new development of an appropriate height and scale.

14.3 Heritage Buildings

a) Prior to any commencement of development within the SCA the owner(s) of the land must enter into a heritage agreement with the Heritage local government of Western Australia (HCWA) and the local government.

b) The works to the heritage buildings under the heritage agreement must be completed prior to the occupation of the northern portion of the SCA.

c) The requirements of 14.3 (a) and (b) does not prevent the awarding of bonus plot ratio for the retention and restoration of the heritage places.

14.4 Subdivision

a) Subdivision of this site (SCA) is not restricted.

b) For the purpose of restricting the distribution of plot ratio across the whole of the site (SCA) the site (SCA) is divided into an equal sized southern and northern portion as detailed in Figure 14.

14.5 Plot Ratio

For the purpose of determining plot ratio within the Special Control Area, the site shall be treated as one lot and the total plot ratio for the Special Control Area shall be restricted to 36,540m^2 of plot ratio floor area. This requirement does not prevent the awarding of bonus plot ratio or the transfer of plot ratio under the provisions of clause 28 or clause 34 of the City Planning Scheme No. 2 subject to:

a) The plot ratio of the southern portion of the site, as detailed in Figure 14, being restricted to a maximum of 26, 730m^2 of plot ratio floor area, with no additional plot ratio being allocated to this portion of the site by way of receiving any bonus plot ratio or by way of transfer of plot ratio.

b) Any additional plot ratio being awarded by the Local government or transferred to the site in accordance with the provisions of clause 28 or clause 34 of the City Planning Scheme No. 2 will only be able to be used for development on the northern portion of the site, as detailed in Figure 14.

14.6 Built Form

a) Development on the southern portion of the site, as detailed in Figure 14, shall contain a minimum of two (2) freestanding buildings, excluding any low rise buildings fronting Adelaide Terrace.

b) The side setbacks applicable to development on the southern portion of the site, as detailed in Figure 14, from first floor level and above shall be a minimum of six (6) metres. A nil side setback will be permitted for the ground floor and basement levels.

c) The separation between the buildings on the southern portion of the site, from first floor level and above shall be a minimum of eight (8) metres, excluding any low rise buildings fronting Adelaide Terrace.

d) The maximum height of any building on the western side of the southern portion of the site shall be 73.7 metres AHD, excluding lift overrun/servicing and architectural features which can exceed the maximum height by an additional 3 metres.

e) The upper most residential level of any building on the western side of the southern portion of the site should preferably be stepped from west to east and can extend to 65 percent (maximum) of the width to Terrace Road of the typical levels below.

f) The maximum height of any building on the eastern side of the southern portion of the site shall be 68.4 metres AHD, excluding lift overrun/servicing and architectural features which can exceed the maximum height by an additional 3 metres.

g) The car parking levels on the northern portion of the site shall be below the level of the footpath along the Adelaide Terrace frontage (14.63 metres AHD).

14.7 Car Parking

For the purpose of determining tenant car parking the 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area shall be treated as one lot under the provisions of the Perth Parking Policy. The tenant car parking facilities in one building within the Special Control may be leased or used by the tenants of another building within the Special Control Area.

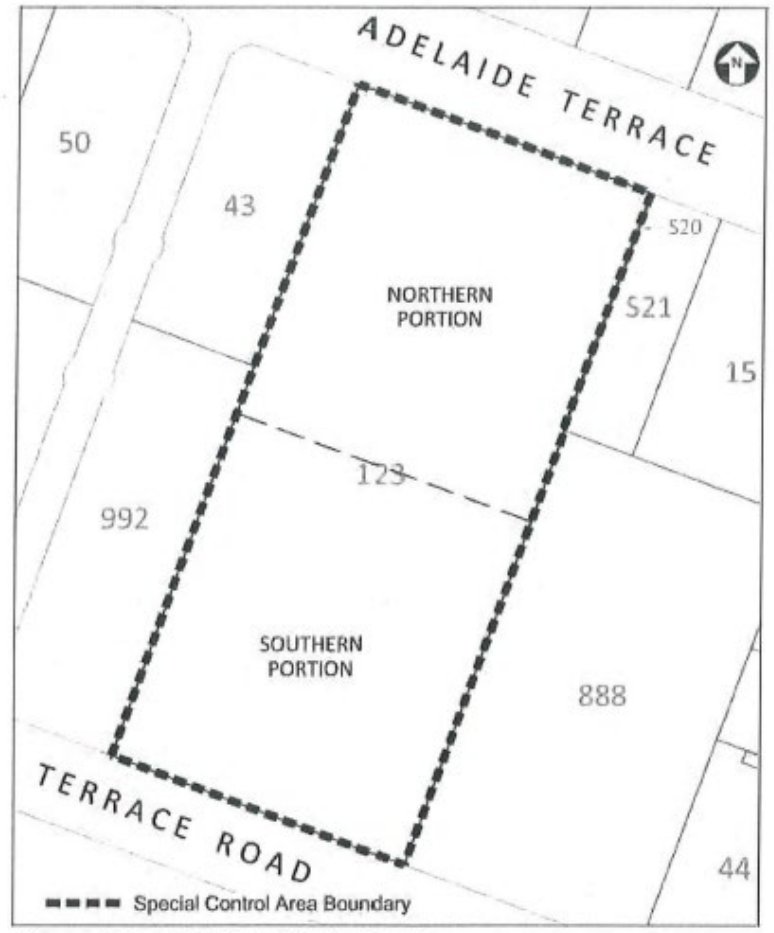


Figure14. 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area

15. 92-120 Roe Street Special Control Area.

AMD 21 GG 23/11/10

15.1 Special Control Area

The following provisions apply to the land marked as Figure 15 – 92-120 Roe Street Special Control Area.

15.2 Objectives

The objectives of the 92-120 Roe Street Special Control Area are to:

(a) Facilitate development of the Special Control Area as a whole in a coordinated manner; and

(b) Promote the development of an appropriate built form outcome which is responsive to its context.

15.3 Plot Ratio

For the purpose of determining plot ratio the 12,036m^2 total area of the 92-120 Roe Street Special Control Area shall be treated as one lot.

15.4 Car Parking

For the purpose of determining the tenant parking allowance under the Perth Parking Policy for any development within the Special Control Area, the 92-120 Roe Street Special Control Area shall be treated as one lot.

The tenant car parking facilities may be leased or used by the tenants of any non-residential building within the Special Control Area and in accordance with any development approval for the land.

Vehicle entry and exit points for all on-site car parking should be from Roe Street to minimise pedestrian/vehicle conflict in the core entertainment area of Northbridge.

15.5 Built Form

Any new development within the Special Control Area is required to be responsive to its context by incorporating the following design principles:-

(a) The corner element of any new development immediately adjacent to the corner of Roe and Lake Streets should form the visual focal point of the Special Control Area, being emphasised by greater building height relative to other development on the site.

(b) The bulk and Scale of the development should read as being more intensive towards Roe Street and should demonstrate the transitioning of a lower building height and scale, down from south to north (lower scale fronting James Street) to reinforce the desired character of the Northbridge Precinct while providing an appropriate interface with development in the 'Link' project area.

(c) The building mass along the Roe Street frontage should be mitigated by designing buildings that have well-articulated facades, visually broken into narrower vertical sections or that are divided into separate buildings to reflect the traditional urban grain of Northbridge.

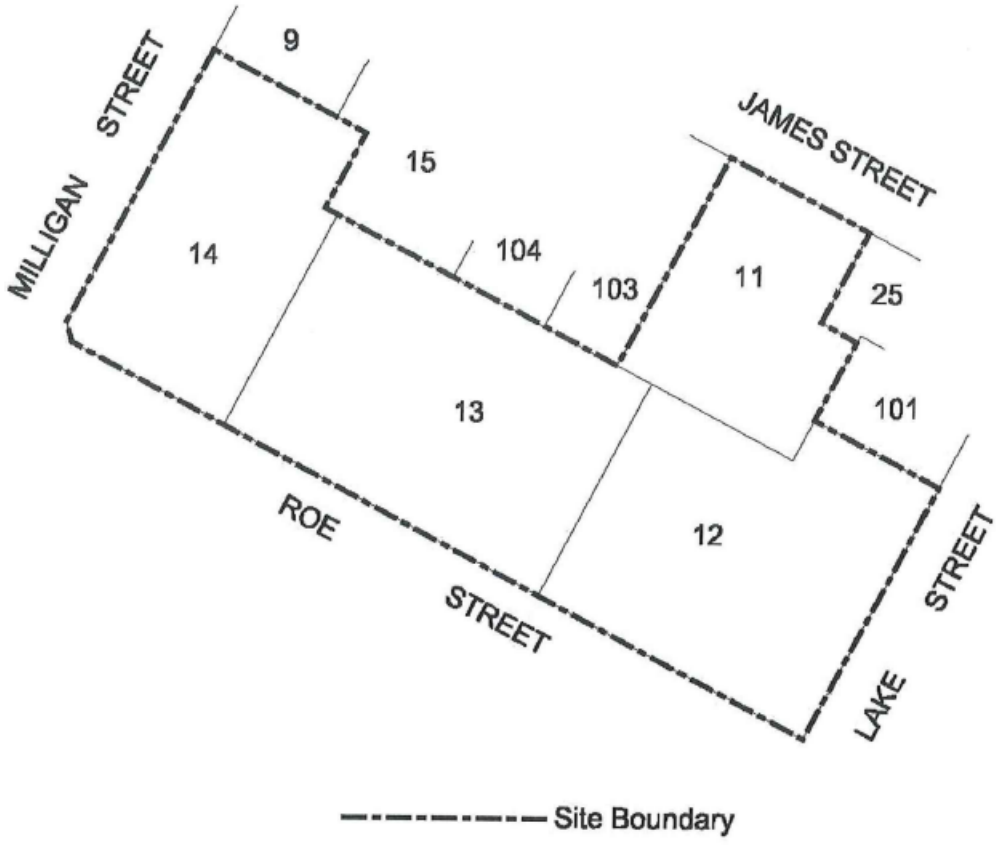


Figure 15 - 92-120 Roe Street
Special Control Area

16. Hamilton Special Control Area

16.1 Special Control Area

The following provisions apply to the land marked as Figure 16: Hamilton Special Control Area—

16.2 Objectives

The objectives of the Hamilton Special Control Area are to—

(a) ensure development of the land within the Special Control Area occurs in a coordinated and integrated manner;

(b) encourage Residential and Special Residential development, within close proximity to the City West train station;

(c) facilitate the provision of public infrastructure and facilities comprising a new road, pedestrian/vehicular link, central plaza and a public park within the Special Control Area, as outlined in Figure 16;

(d) increase pedestrian and cyclist linkages and accessibility, throughout the Hamilton Precinct;

(e) ensure the orderly provision and distribution of commercial tenant parking facilities;

(f) strengthen the visual connectivity from the existing train station along Plaistowe Mews; and

(g) encourage the retention of uses that serve as major visitor attractors to the Hamilton Precinct.

16.3 Plot Ratio

For the purpose of determining the plot ratio within the Special Control Area, the site shall be treated as two separate areas—

- Area A—incorporating Lot 200 Railway Street, West Perth and bounded by Plaistowe Mews to the west, Railway Street to the south, and Sutherland Street to the east and to the north.

- Area B—incorporating Lot 301 Railway Street, West Perth and bounded by Plaistowe Mews to the east, Railway Street to the south, and Troode Street to the north.

The maximum plot ratios for Area A and Area B within the Special Control Area shall be as outlined in Table 1 below—

Table 1

Special Control Area (comprising Area A & Area B)	Maximum Plot Ratio
Without the provision of Public infrastructure/facilities	3.0:1.0 (maximum 2.0:1.0 for use groups other than Residential or Special Residential)
Subject to the provision of public infrastructure/facilities in accordance with clause 16.3	4.5:1.0 (maximum 3.0:1.0 for use groups other than Residential or Special Residential)

The maximum plot ratios outlined in Table 1 shall be calculated on the site areas of Area A and Area B, prior to the subdivision and ceding of any land for public infrastructure or facilities to the Local government.

Where the total development on either Area A or Area B exceeds a plot ratio of 3.0:1.0 (or 2.0:1.0 for use groups other than Residential or Special Residential) outlined in Table 1, all of the public infrastructure/facilities outlined in Figure 16, as well as a specific facility on private land (currently known as Scitech), shall be provided as part of a co-ordinated and integrated development by the owner(s) and/or developers of the land affected by the Special Control Area whereby -

(a) the portions of land within Area B identified for the purposes of -

(i) a new public road (north/south) including at least one footpath, with minimum dimensions of 140m x 20m = 2,800m², connecting Railway Street and Troode Street, West Perth; and

(ii) a new vehicular/pedestrian east-west link, with minimum dimensions of 95m x 13m = 1,250m², situated between the new road and Plaistowe Mews, to the north of the new public park;

shall be ceded free of cost and transferred to the local government, without payment of any compensation, and with all costs being met by the owner(s) and/or developers of the land affected by the Special Control Area.

(b) the portion of land within Area B identified for the purposes of the creation of a public park situated on the western side of Plaistowe Mews, comprising a minimum 2,000m² in area, with a minimum dimension of 30 metres, which incorporates both high quality hard and soft landscaping, as well as active edges, to be ceded to the local government free of cost. The original owner(s) and their assigns may lease back the land at the rental of one dollar per annum on demand for a period of up to 10 years or other period as mutually agreed. During this time the park shall be open to the general public at all times with the lessee accepting all public liability resulting from the use of this land.

(c) the portion of land within Area A identified for the purposes of a central open air public plaza on the eastern side of Plaistowe Mews (comprising a minimum 600m² in area) is to form an integral component of any major redevelopment of Area A. This element shall be open to the general public at all times.

(d) the existing Scitech facility (or similar facility) shall be provided within the Special Control Area with a minimum plot ratio floor area of 7,500m² (excluding any associated parking facility).

A change of use of the Scitech facility (or a similar facility) shall only be permitted if the proposed change is to an appropriate use listed within the 'Educational 2' or 'Community and Cultural' Use Groups, and has strong links to the community. All other uses are prohibited.

The public infrastructure/facilities and specific facility identified in (a), (b), (c) and (d) above, shall be installed and/or completed prior to the occupancy of any new development, whereby the total plot ratio in Area A and/or Area B exceeds 3.0:1 (or 2.0:1 for use groups other than Residential or Special Residential use). The local government may consider allowing the new development to be occupied prior to the completion of the public infrastructure/facilities, subject to the developer providing a detailed staging strategy and committing to the timely delivery of the public infrastructure/facilities by entering into a legally binding agreement with the local government.

16.4 Car Parking

For the purpose of determining the commercial tenant parking allowance and provision for any development within the Special Control Area under the City Planning Scheme No. 2: Perth Parking Policy No. 5.3, the site shall be treated as two separate areas -

- Area A - incorporating Lot 200 Railway Street, West Perth and bounded by Plaistowe Mews to the west, Railway Street to the south, and Sutherland Street to the east and to the north.

- Area B - incorporating Lot 301 Railway Street, West Perth and bounded by Plaistowe Mews to the east, Railway Street to the south, and Troode Street to the north.

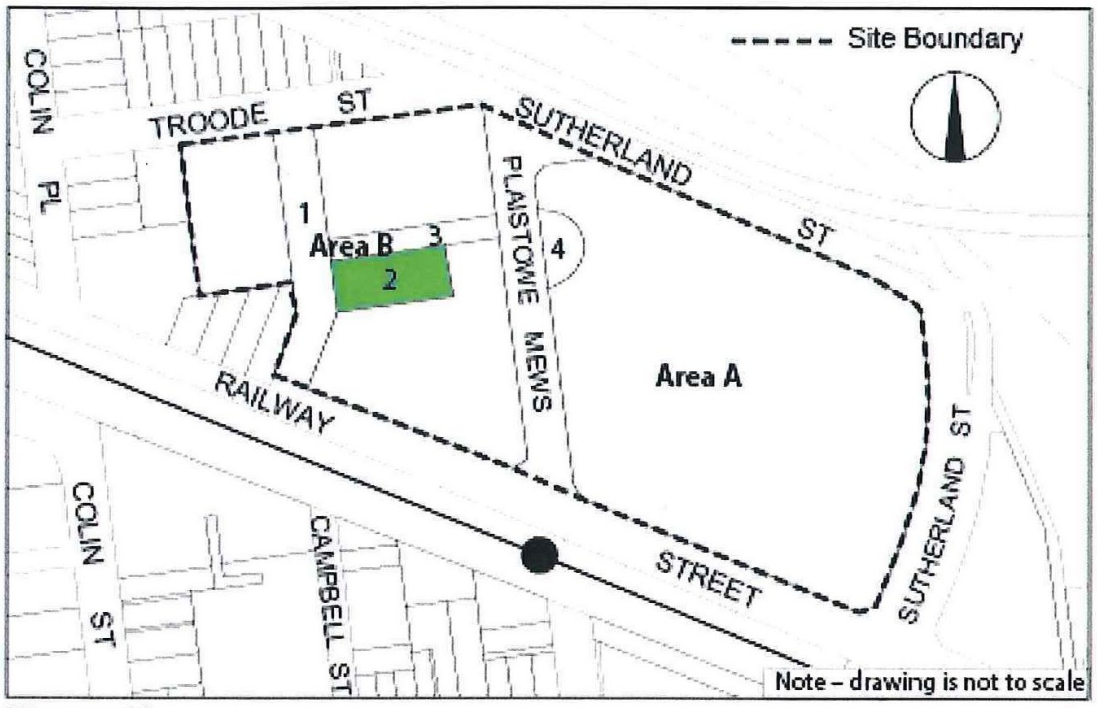


Figure 16
Hamilton Special Control Area

Legend

1 A new public road (north/south) including at least one footpath - (140m x 20m = 2,800m²)
2 A new public park (comprising a minimum 2,000m² in area, with a minimum dimension of 30 metres)
3 A new vehicular/pedestrian east-west link – (95m x 13m = 1,250m²)
4 A central open plaza (comprising a minimum 600m2 in area)

17 Saint Martins Special Control Area

AMD27 GG 17/01/14; AMD 29 GG 17/3/15; AMD 35 GG 24/02/17

17.1 Special Control Area

The following provisions apply to the land marked as Figure 17-Saint Martins Special Control Area.

17.2 Objective

The objectives of the Saint Martins Special Control Area are –

(a) The development of the Special Control Area as a whole in a coordinated manner;

(b) The provision of efficient vehicle access/egress to the Special Control Area;

(c) The retention of landscape forecourt accessible to the public facing St Georges Terrace; and

(d) With respect to the buildings which are listed in the local government's Heritage List –

i. The restoration and maintenance of the buildings in a good condition; and

ii. The use of each of the buildings for purposes appropriate to the heritage status and location.

17.3 Plot Ratio

For the purpose of determining plot ratio the total area of the Saint Martins Special Control Area shall be treated as one lot.

17.4 Car Parking

For the purpose of determining the tenant parking allowance under the Perth Parking Policy for any redevelopment as may be defined in the Perth Parking Policy, the Saint Martins Special Control Area shall be treated as one lot.

No vehicle entry and exit points shall be permitted within the Special Control Area additional to the existing vehicle entry and exit points from Lot 66 (Right of way) and 44 (Lots 2, 3 and 123 St Georges Terrace).

The tenant parking facilities in one building within the Special Control Area may be leased or used by the tenants of other buildings within the Special Control Area.

17.5 McNess Royal Arcade Building

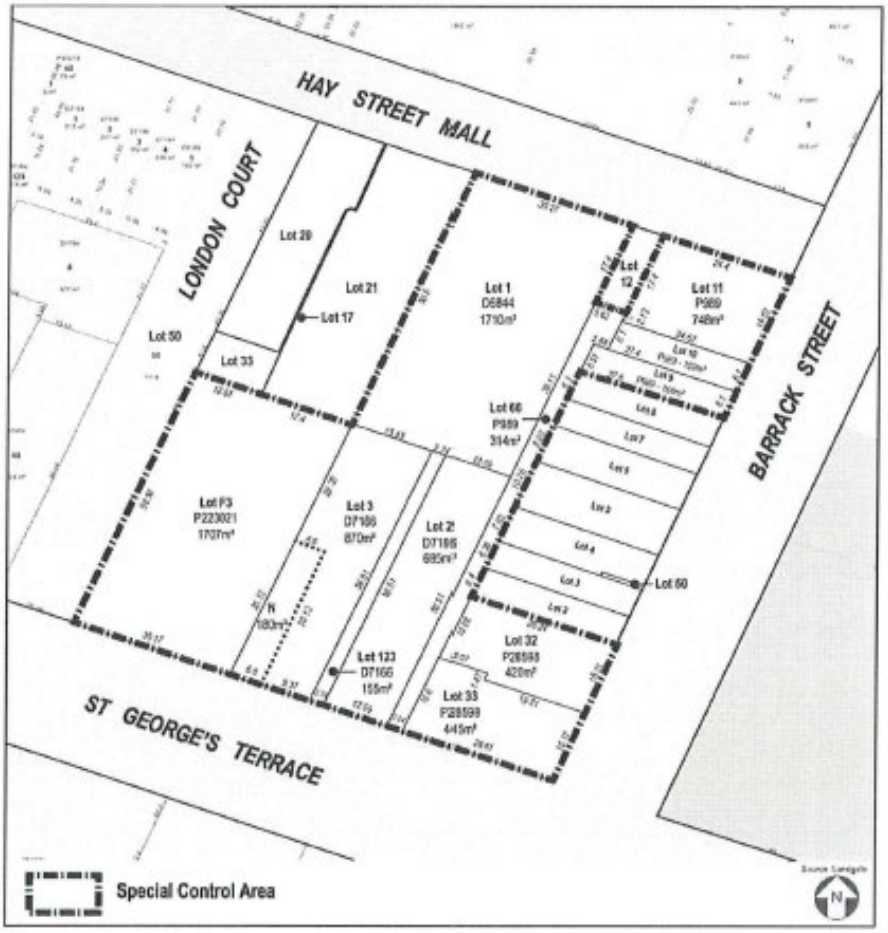
The McNess Royal Arcade Building shall be restored and thereafter maintained.

17.6 Forecourt

The landscaped forecourt area facing St Georges Terrace shall be retained and made available to the public. No development is permitted that would, in the view of local government, encroach on the forecourt or reduce its amenity or usability as an area of landscaped open space made available to the public.

Nothing in these Special Control Area provisions is to constitute or be taken to constitute a dedication or implied dedication to the public of a right of use of any part of the land within the Special Control Area.

Figure 17 – SAINT MARTINS SPECIAL CONTROL AREA.



18. 30 Beaufort Street Special Control Area

AMD 30 GG 12/06/15; 30/06/15

18.1 Special Control Area

The following provisions apply to the land marked as Figure 18 - 30 Beaufort Street Special Control Area.

18.2 Objectives

The objective of the 30 Beaufort Street Special Control Area No. 18 is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

18.3 Plot Ratio

For the purpose of determining the plot ratio within the Special Control Area, the site shall be treated as one lot.

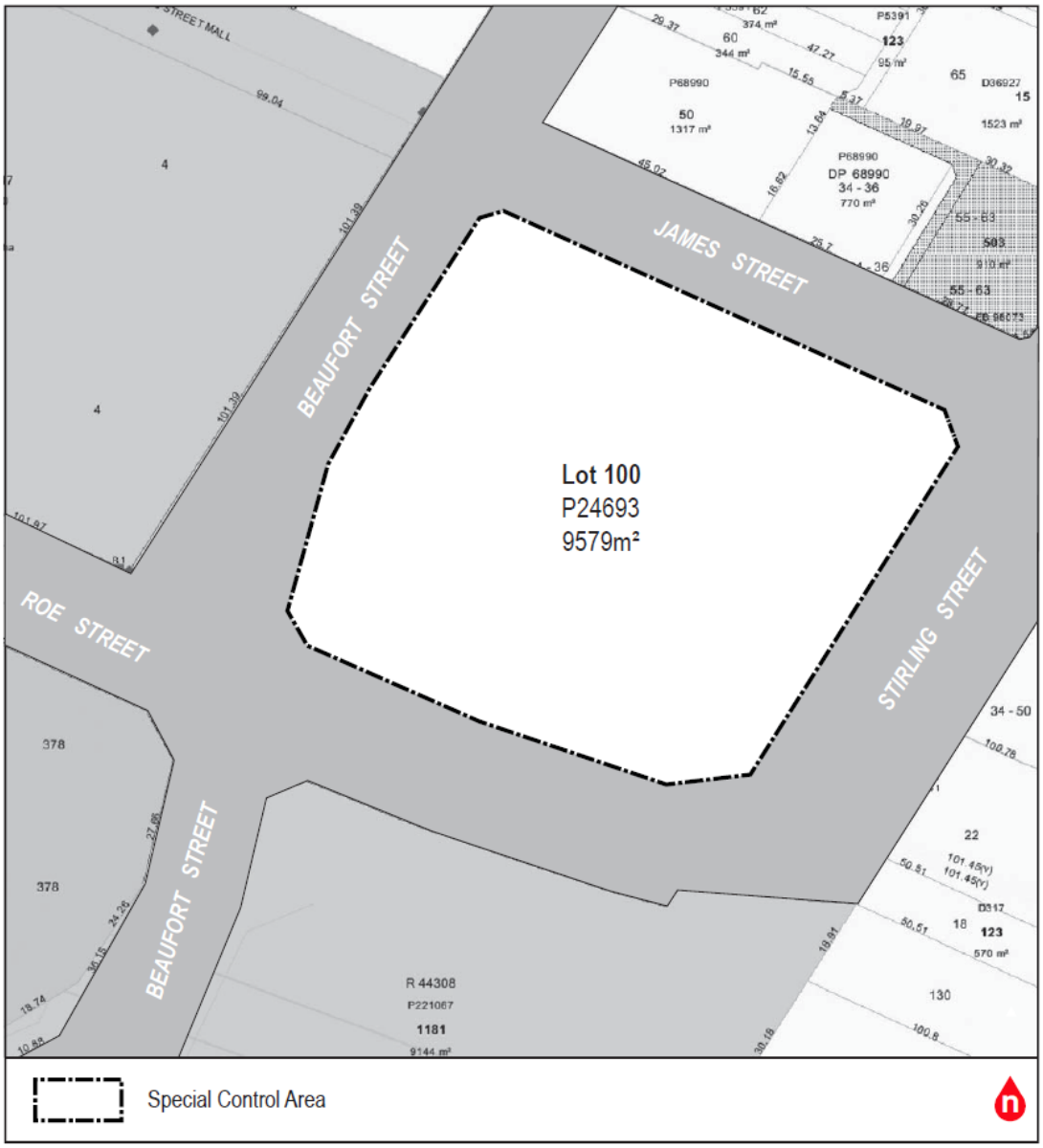
18.4 Car Parking

All car parking on the site shall be provided in levels below ground level. For the purpose of determining the tenant car parking the Special Control Area shall be treated as one lot under the provisions of the Perth Parking Policy. The tenant car parking facilities in one building or lot within the Special Control Area may be leased or used by the tenants of another building within the Special Control Area.

18.5 Access

No vehicle access to the site shall be provided from Beaufort Street or Roe Street.

Figure 18 – 30 Beaufort Street Special Control Area



19. 2-6 (Lot 40) Parker Street Special Control Area

AMD 31 GG 22/09/15;

19.1 Special Control Area

The following provisions apply to the land marked as Figure 19.1 – 2-6 (Lot 40) Parker Street Special Control Area.

19.2 Objectives

(a) To enable the development of Special Residential land uses through bonus plot ratio.

(b) To ensure that any development resulting from the granting of Special Residential bonus plot ratio exhibits design excellence and positively contributes to the architectural and urban design quality and character of Northbridge.

(c) To provide for the revitalisation of a unique site within Northbridge.

19.3 Bonus Plot Ratio

(a) Notwithstanding sub clause (28)(2)(c) of this Scheme, the Local government may permit a bonus plot ratio of up to a maximum of 20% per lot where the development incorporates a new special residential use.

(b) Any special residential bonus plot ratio granted under the provisions of this Special Control Area shall be considered as if it were granted under sub clause 28(2)(c) of this Scheme.

(c) For the purposes of sub clause 47(3)(b) of this Scheme, compliance with this sub clause, shall be deemed to be compliance with clause 28.

19.4 Design Principles

Development which is granted Special Residential bonus plot ratio is required to incorporate the following design principles:

19.4.1 Bulk and Scale

Development is to be responsive to its context by:

(a) ensuring the built form is sympathetic to the development on adjoining sites, as well as Russell Square and important view corridors, vistas and landmarks.

(b) ensuring that any tower elements above the street building height are designed to appear slender, and the development as a whole is carefully designed and articulated to minimise perceived building bulk and to reflect the smaller lot frontages within Northbridge.

19.4.2 Design Quality

Development is comprised of durable and high quality materials.

19.4.3 Active Edges

Development is to generate pedestrian interest and activity and maximise opportunities for interaction between the public and private realms.

19.5 Additional Development Requirements

Development which is granted Special Residential bonus plot ratio is required to satisfy the following additional development requirements:

19.5.1 Bulk and Scale

No variations to the maximum building height standards prescribed by this Scheme shall be permitted.

19.5.2 Active Edges

Development shall be designed to:

(a) provide for a minimum of 80% of the ground floor façade fronting Parker Street, and a minimum of 40% in the case of Mountain Terrace, to be visually permeable and include entrances;

(b) provide the active components of the Community and Cultural, Dining, Entertainment and Retail (local) Use Groups at ground level fronting Parker Street and Mountain Terrace.

19.5.3 Car Parking, Vehicle Access and Services

(a) Car parking bays and any loading bays shall be provided in basement levels and accessed from Mountain Terrace;

(b) Any basements constructed in the street setback area should be below the mean natural level of the relevant street boundary of the lot.

(c) Any passenger set down / pick up bays provided on site shall be accessed off Mountain Terrace and designed to minimise their impact on pedestrian movement;

(d) Services provided at ground floor level shall be positioned, orientated and designed to minimise their visual impact on the public realm.

19.5.4 Noise Attenuation

The development shall incorporate appropriate noise attenuation measures with an aim to significantly reduce low frequency (c weighted) noise within the sleeping areas. Consideration should be given to the location of sleeping areas and the types of glazing, door and window casings, wall and ceiling materials as well as insulation.

20. 118 Bennett St Special Control Area

AMD 32 GG 24/2/15

20.1 Special Control Area

The following provisions apply to the land marked as Figure 20 - 118 Bennett St Special Control Area.

20.2 Objective

The objective of the 118 Bennett St Special Control Area is to facilitate development of the Special Control Area as a whole in a coordinated manner.

20.3 Plot Ratio

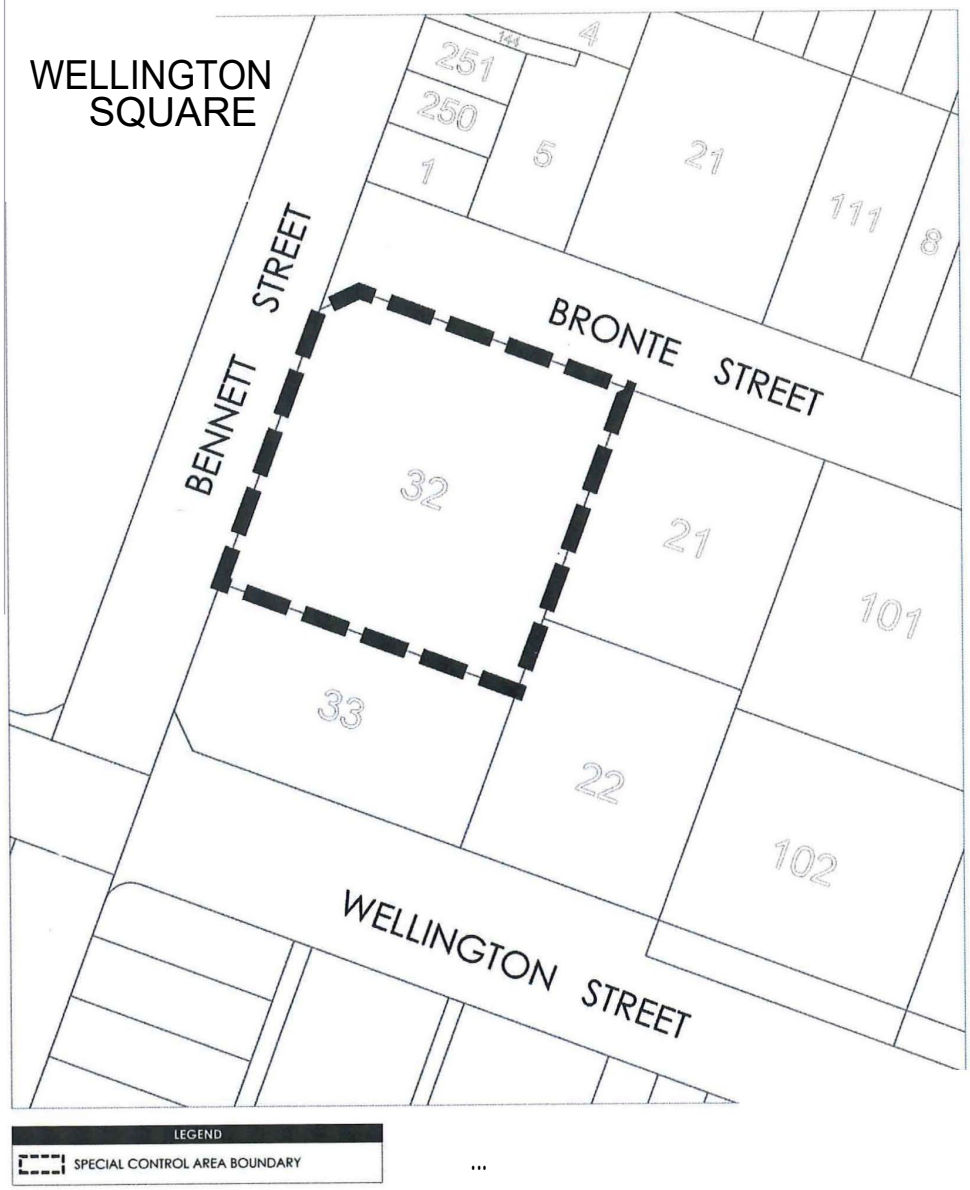
For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.

20.4 Car Parking

For the purposes of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

The tenant car parking facilities in one building or lot within the Special Control Area may be leased or used by the tenants of another building within the Special Control Area.

Figure 20-118 Bennett Street Special Control Area
AMD 32 GG 24/2/15



21. Melbourne Hotel Special Control Area

AMD 33 GG 15/07/16

21.1 Special Control Area

The following provisions apply to the land marked as Figure 21 - The Melbourne Hotel Special Control Area.

21.2 Objectives

(a) To facilitate the development of the Special Control Area as a whole in a coordinated manner;

(b) The restoration and maintenance of the Melbourne Hotel building in a good condition with the use of the building being for purposes appropriate to the heritage status and location.

21.3 Heritage

The Melbourne Hotel building shall be restored and thereafter maintained.

21.4 Plot Ratio

For the purpose of determining plot ratio, the total area of the Melbourne Hotel Special Control Area shall be treated as one lot.

21.5 Car Parking

For the purpose of determining the tenant parking allowance under the Perth Parking Policy for any redevelopment as may be defined in the Perth Parking Policy, the Melbourne Hotel Special Control Area shall be treated as one lot.

The tenant parking facilities in one building within the Special Control Area may be leased or used by the tenants of other buildings within the Special Control Area.

Figure 21 - Melbourne Hotel Special Control Area
AMD 33 GG 15/07/16



22. 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area

AMD 34 GG 23/12/16

22.1 Special Control Area

The following provisions apply to the land marked as Figure 22, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.

22.2 Objectives

To facilitate the development of 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area as a whole in a coordinated manner.

22.3 Plot Ratio

For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.

22.4 Car Parking

For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

Figure 22 - 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area
AMD 34 GG 23/12/16

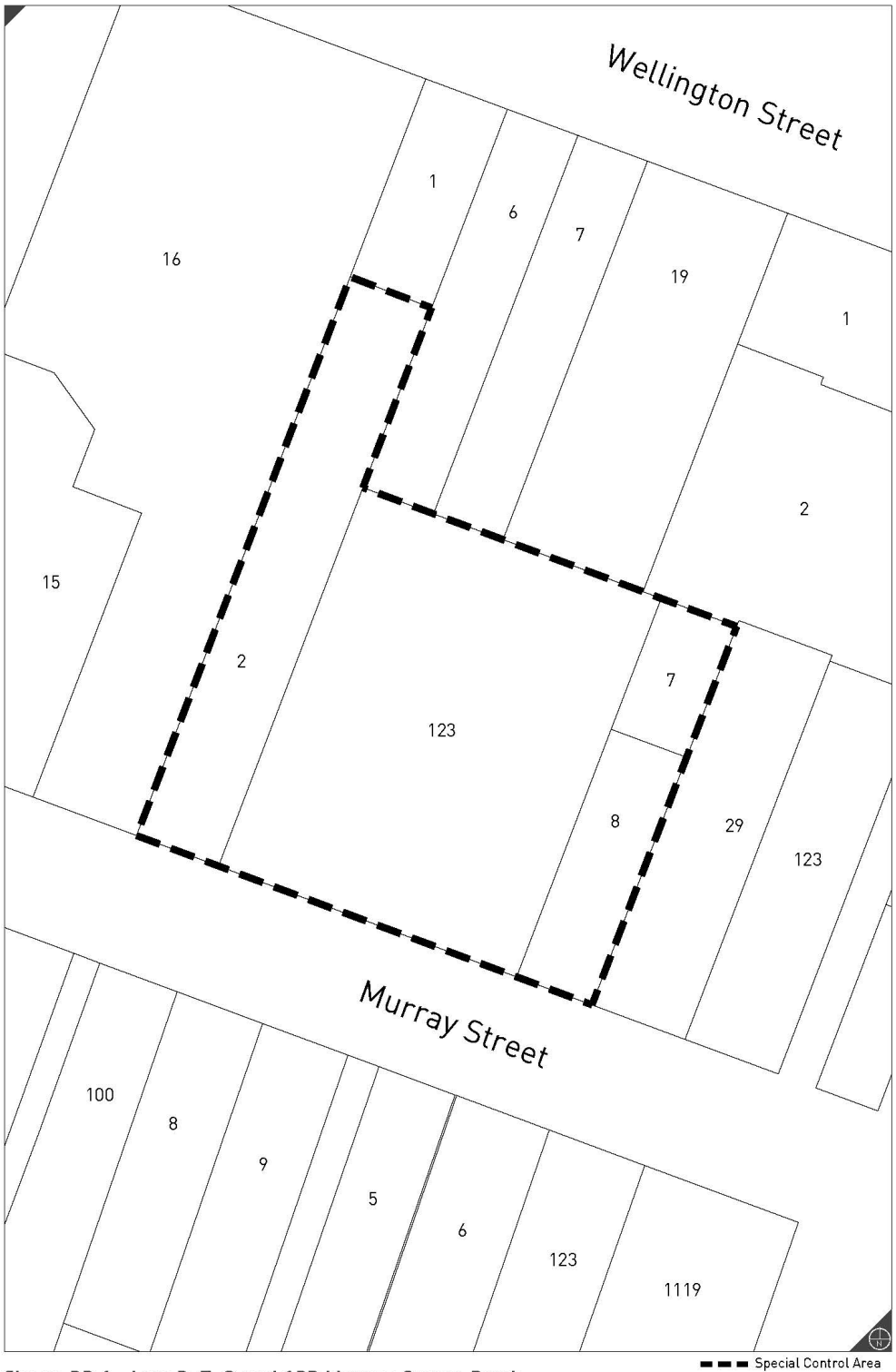


Figure 22.1 - Lots 2, 7, 8 and 123 Murray Street, Perth

23. 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area

AMD 36 GG 16/05/17

23.1 Special Control Area

The following provisions apply to the land marked as Figure 23, being 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area.

23.2 Objectives

To facilitate the development of 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area as a whole in a coordinated manner.

23.3 Plot Ratio

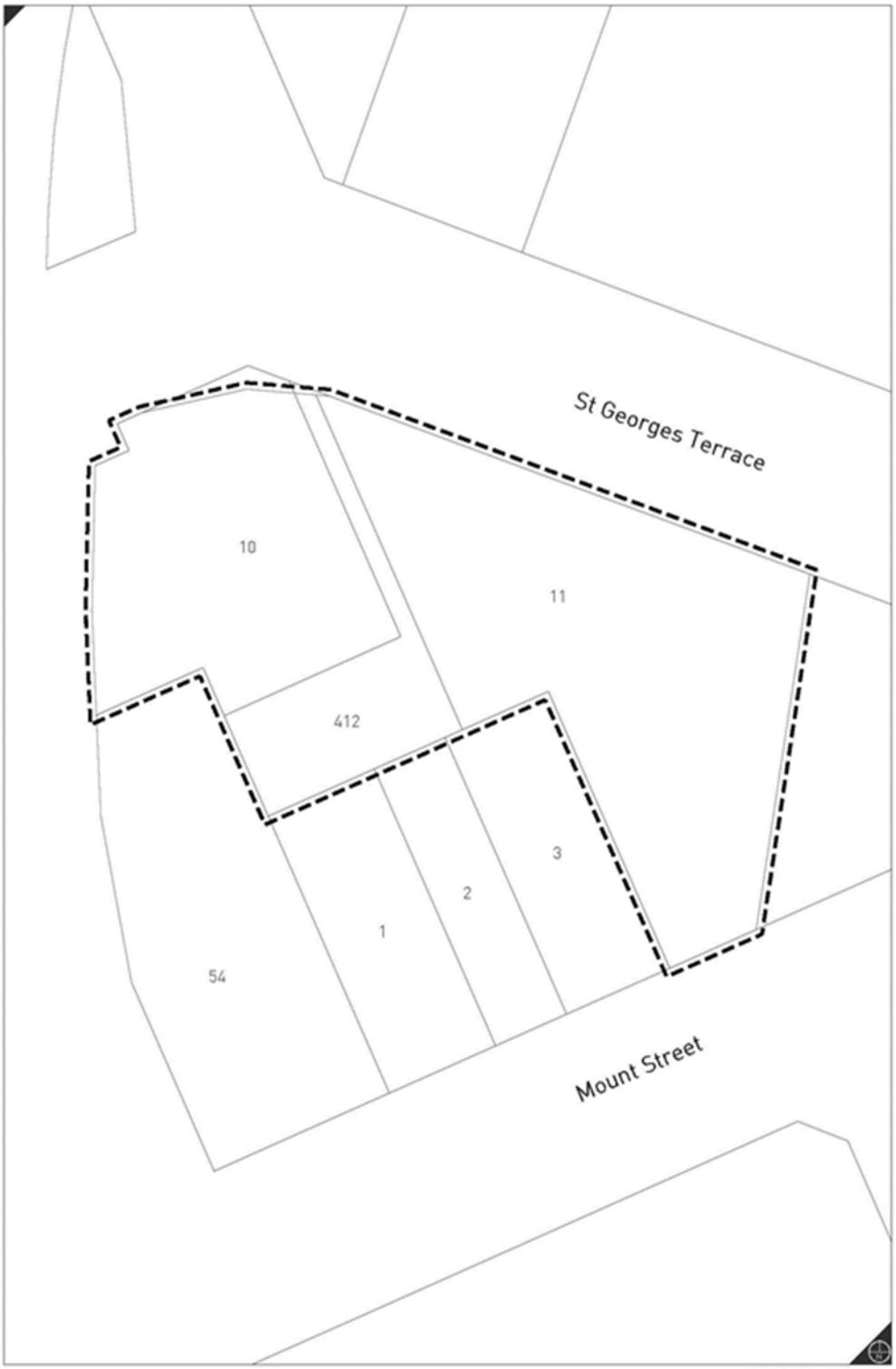
For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.

23.4 Car Parking

For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

The tenant car parking, facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

Figure 23 – 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area
AMD 36 GG 16/05/17



24. 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area.

AMD 37 GG 16/05/17

24.1 Special Control Area

The following provisions apply to the land marked as Figure 24 being 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area.

24.2 Objectives

To facilitate the development of 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area as a whole in a coordinated manner.

24.3 Plot Ratio

For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.

24.4 Car Parking

For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

The tenant car parking facilities located on one site/lot within the Special Control area may be leased or used by the tenants of another site/lot within the Special Control Area.

Figure 24 – 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area
AMD 37 GG 16/05/17

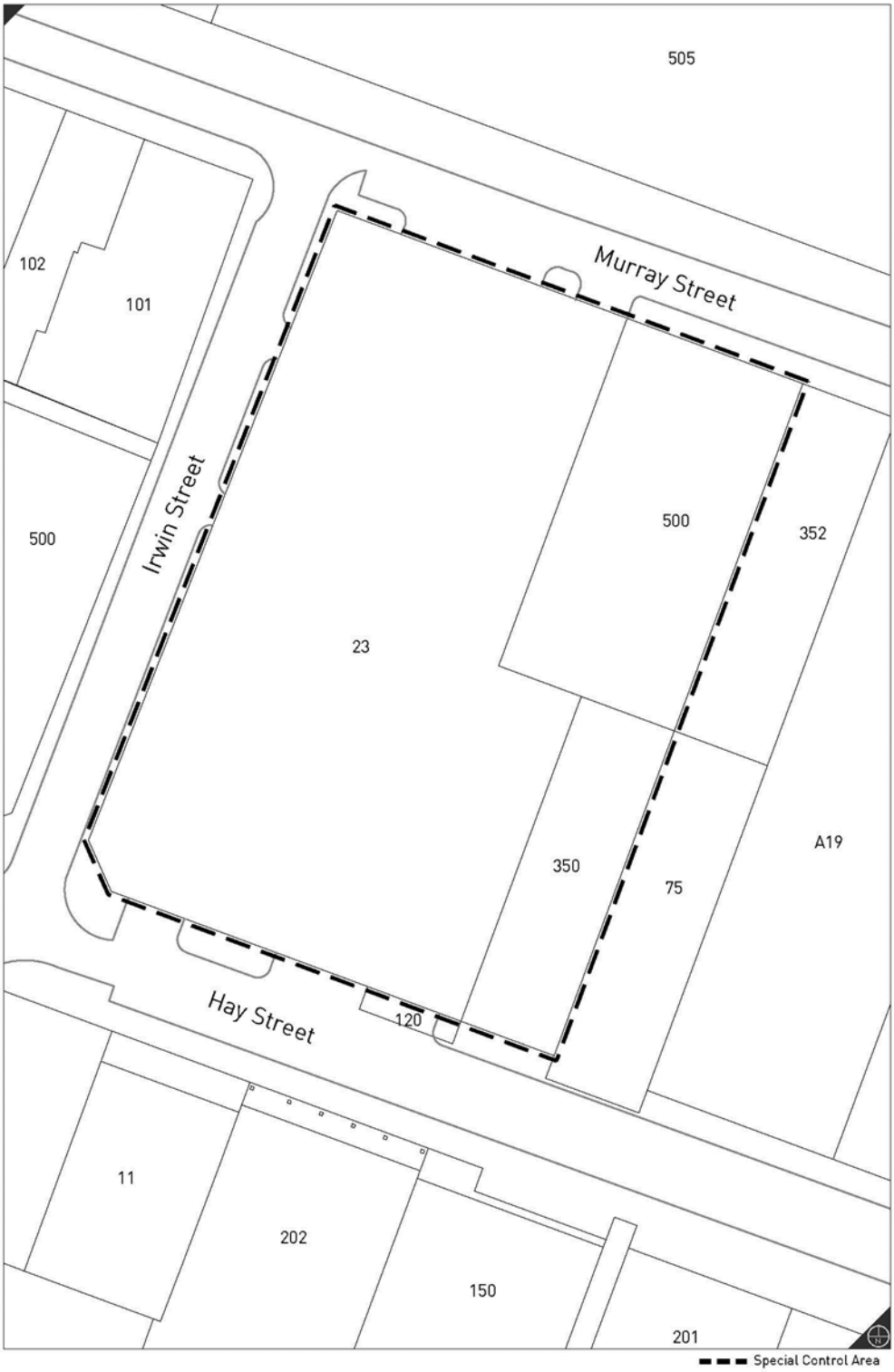


Figure 24 - 480 (Lots 23 and 350) Hay Street and 15-17 (Lot 500) Murray Street, Perth

25. 560 Hay Street and 101 Murray Street Special Control Area

AMD 38 GG 21/08/18

25.1 Special Control Area

The following provisions apply to the land marked as Figure 25 being the 560 Hay Street and 101 Murray Street Special Control Area.

25.2 Objectives

(a) To facilitate the subdivision of the 560 Hay Street and 101 Murray Street Special Control Area, whilst ensuring compliance with the Scheme and associated planning policies in relation to plot ratio and tenant car parking;

(b) To facilitate the ongoing maintenance of the state heritage listed building (Criterion Hotel) in a good condition.

25.3 Plot Ratio

(a) For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Maximum Plot Ratio Plan.

(b) Any bonus plot ratio granted within the Special Control Area shall be distributed as per the Maximum Bonus Plot Ratio Plan.

25.4 Heritage

(a) The state heritage listed building (Criterion Hotel) situated on the southern lot shall be maintained in good condition in a manner guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.

(b) Subject to clause 25.4(c), an Application for Development Approval for the southern lot accommodating the state heritage listed building (Criterion Hotel) shall be guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.

(c) Clause 25.4(b) does not apply to an Application for Development Approval which is limited to:

(i) a change of use which involves no physical development of the state heritage listed building (Criterion Hotel); or
(ii) physical development of a minor nature which does not increase plot ratio, however a Heritage Impact Statement shall be submitted.

25.5 Built Form

(a) Any future development on the southern lot shall be setback from the south facing facade of the existing building on the northern lot as follows:

(i) Residential and Special Residential Use Groups

Building Elevation Condition	**Minimum Setback**	
	Lower Building Levels	*Upper Building Levels*
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	8 metres	8 metres (up to 65 metres in building height). 16 metres (over 65 metres in building height).

(ii) Other Use Groups

Building Elevation Condition	**Minimum Setback**	
	Lower Buidling Levels	*Upper Building Levels*
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	7 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).

Refer to the City's *Building Height and Setback Policy* regarding the definitions of 'upper' and 'lower' building levels.

25.6 Car Parking

(a) For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

(b) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

Figure 25 - 560 Hay Street and 101 Murray Street Special Control Area

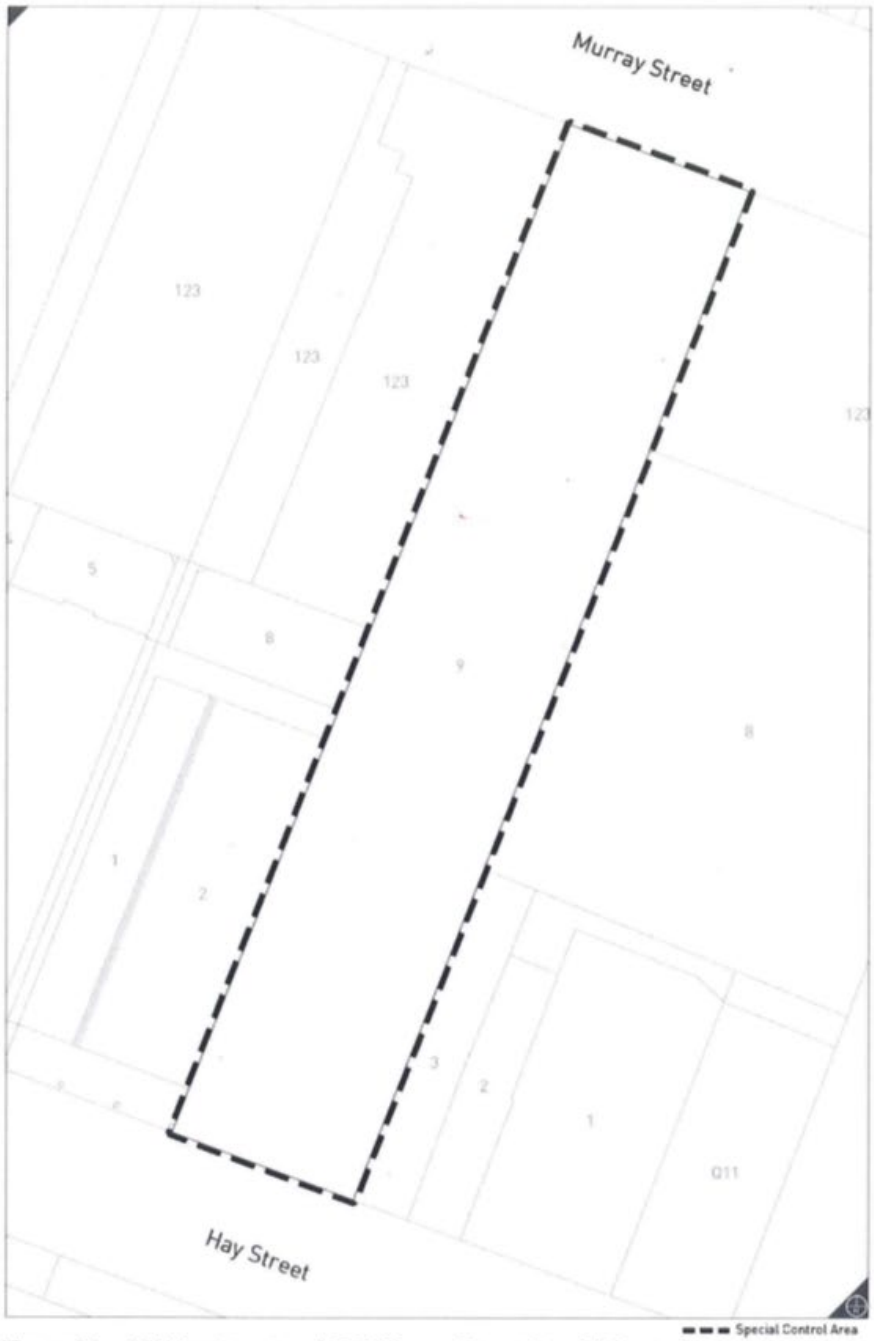


Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area

26. 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

AMD 39 GG 2/10/2018

26.1 Special Control Area

The following provisions apply to the land marked as Figure 26 being the 553 and 565– 579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

26.2 Objectives

To facilitate the sharing of existing car parking bays within the Special Control Area amongst the tenants and their guests.

26.3 Car Parking

(a) For the purpose of determining the car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

(b) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

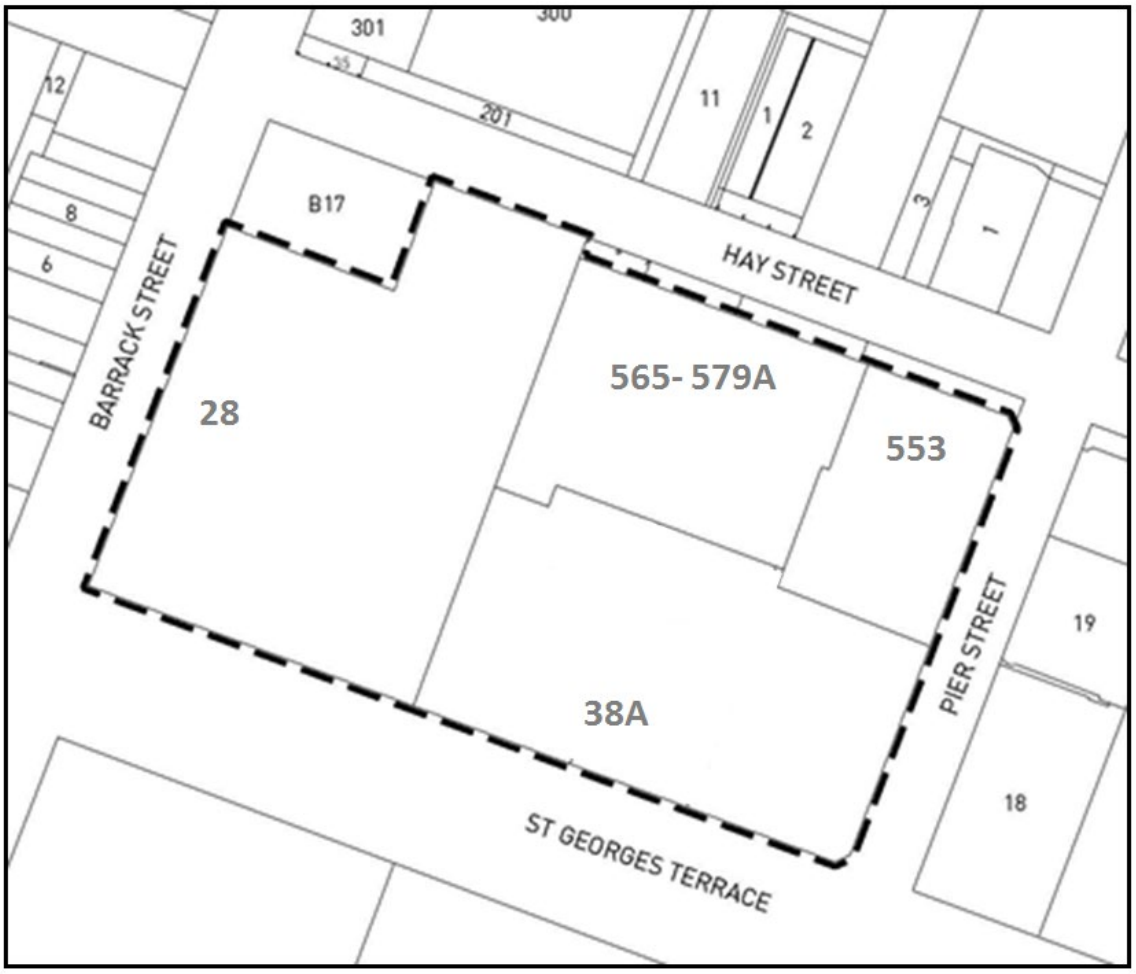


Figure 26 – 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area

27. 28 and 32 Troode Street and 196 Colin Place Special Control Area

AMD 40 GG 21/08/18; AMD 48 GG 17/09/24

27.1 Special Control Area

The following provisions apply to the land marked as Figure 27 being the 28 and 32 Troode Street and 196 Colin Place Special Control Area.

27.2 Objective

To facilitate the development of the Special Control Area as a whole in a coordinated manner.

27.3 Plot Ratio

27.3.1 For the purpose of determining the maximum plot ratio within the Special Control Area.

27.3.1.1 The Special Control Area shall be treated as one site

27.3.1.2 The maximum plot ratio identified on the Plot Ratio Plan does not apply to the Special Control Area. A maximum plot ratio of 5.1 (maximum of 3:1 for use groups other than Residential or Special Residential) applies within the Special Control Area.

27.3.2 For the purposes of determining any bonus plot ratio under Clause 28 and transferable plot ratio under Clause 30, the Special Control Area shall be treated as one site.

27.3.3 Any bonus plot ratio or transferable plot granted shall be allocated fully to Lots 52 and 200.

27.3.4 Any bonus plot ratio or transferable plot ratio granted shall be allocated fully to Lots 52 and 200.

27.4 Car Parking

27.4.1 For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, Lots 52 and 200 shall be treated as one lot.

27.4.2 The tenant car parking facilities located on Lots 52 and 200 may have reciprocal parking arrangements in place whereby the tenants of one lot may use or lease the car parking bays of the other lot.

27.5 Maximum Building Heights

27.5.1 Building heights greater than the indicative heights outlined in the *Hamilton Precinct Urban Design Study - Development Plan Framework* may be considered.

27.5.2 In considering greater building heights under clause 27.5.1, consideration shall be given to the *Development Framework Principles of the Hamilton Precinct Urban Design Study,* Clause 67 of the *Deemed Provisions* and the principles contained within the City's *Building Heights and Setbacks Policy.*

27.6 Public Space

27.6.1 Any future development of the site should incorporate public space on the western portion of the site to provide sightlines between Colin Place and the underpass, and to enhance passive surveillance and the perceived safety of the underpass.

27.6.2 The public space created as part of any future development should provide public access, remain under the ownership and management of the landowners and be protected by an easement in gross.

27.7 Passive Surveillance

Any future development should be designed to provide passive surveillance to the underpass and pedestrian path to the west of the site.

Figure 27-28 and 32 Troode Street and 196 Colin Place Special Control Area.
AMD 40 GG 21/08/18

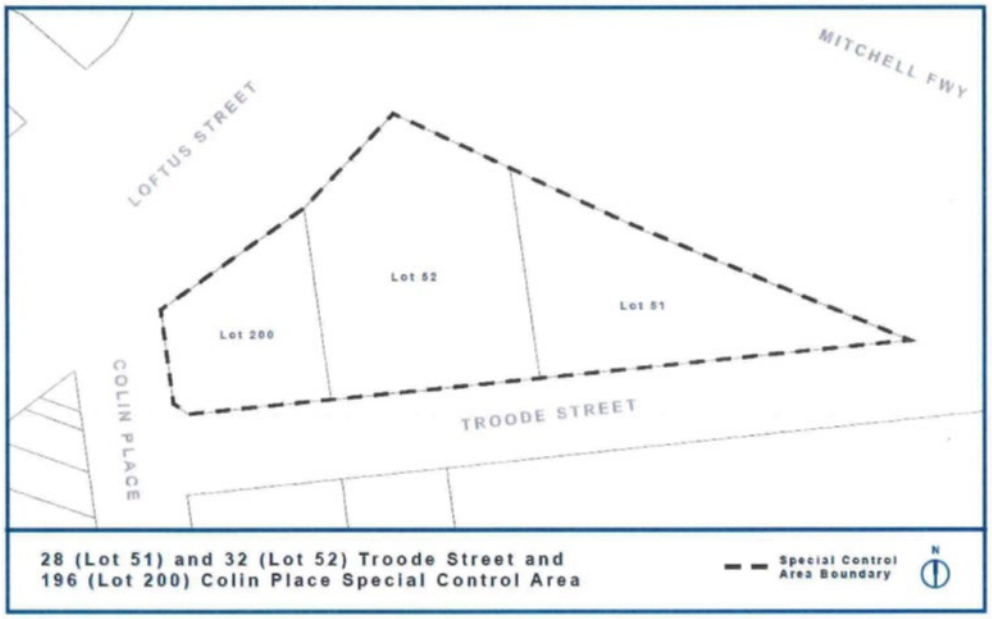


Figure 27 - 28 and 32 Troode Street and 196 Colin Place Special Control Area

28. Northbridge Special Entertainment Precinct Special Control Area

AMD 41 GG 6/02/2026

28.1 Special Control Area

The following provisions apply to the land marked as Figure 28 being the Northbridge Special Entertainment Precinct (**NSEP or Precinct**) Special Control Area.

Note:
The Special Control Area does not regulate the level of noise emitted by entertainment venues or override the requirements of the Environmental Protection (Noise) Regulation 1997.

28.2 Objectives

The objectives of the NSEP Special Control Area are to:

(a) Ensure the NSEP remains the State's premier entertainment area with a variety and concentration of entertainment venues, providing an active night-time economy and vibrant social and cultural scene.
(b) Provide entertainment venues with greater operational certainty.
(c) Provide a differentiated approach in the Core, Transition and Frame areas, recognising that the Core contains the highest concentration of entertainment venues emitting higher levels of music noise. The Frame and Transition areas contain a broader mix of land uses where entertainment venues emit lower levels of music noise, providing a transition from the Core to the area outside of the NSEP.
(d) Reduce potential land use conflicts between accommodation land uses and entertainment venues by requiring the design and construction of buildings to incorporate appropriate sound attenuation measures.
(e) Ensure accommodation land uses are located, designed and constructed to provide an acceptable level of amenity to occupants from existing and future music noise.

28.3 General Provisions

(a) Where land within the NSEP Special Control Area also falls within another special control area under this Scheme, the provisions of the NSEP Special Control Area prevail to the extent of any inconsistency.
(b) Notwithstanding the exemptions from the requirement for development approval set out in clause 61(1) and 61(2) of the Deemed Provisions, and in accordance with clause 61(6)(a) of the Deemed Provisions, development approval is required for:
    (i) Works associated with an accommodation land use or entertainment venue, including:

    A The carrying out of substantial internal building work;
    B The erection of, or alterations or additions to, a single house;
    C The erection of, or alterations to, an ancillary dwelling.

    (ii) A change of use to an accommodation land use, or an entertainment venue.

(c) Sound attenuation measures shall be carefully integrated into the design of development and not adversely impact upon:

    (i) the building's aesthetics, environmental sustainability, and cultural heritage significance where applicable;
    (ii) the internal amenity for building occupants; or
    (iii) the public realm.

28.4 Development standards - Accommodation Land Uses

28.4.1 Application

(a) For the purposes of the NSEP Special Control Area only, accommodation land uses

under the Scheme have been grouped into the following categories to reflect the level of permanency of the occupants:
(i) Residential accommodation;
(ii) Student accommodation;
(iii) Short term accommodation;

(b) These development standards apply in relation to development applications for any of the following:
(i) new premises for the purpose of an accommodation land use;
(ii) a change of use application to use an existing premises for a new accommodation land use;
(iii) works in relation to existing premises used for an accommodation land use which creates a new habitable room or space.

(c) In respect of development applications in clause (b) (iii), the development standards set out in this Part will only apply to that part of the premises for which approval is required.

28.4.2 Technical standards

Attenuation standards – NSEP Special Control Area Frame area

(a) Residential accommodation and Student accommodation development in the NSEP Special Control Area Frame area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$:

- 36 + C_w dB in the 63Hz octave band; and
- 41 + C_w dB in the 125Hz octave band,

where:

- $D_{2m,nT}$ is the standardised level difference as defined by ISO 12354-3:2017
- C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I

(b) Short term accommodation development in the NSEP Frame area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(a) above, unless otherwise approved by the local government.

Attenuation standards – NSEP Special Control Area Transition area

(c) Student accommodation development in the NSEP Special Control Area Transition area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$:

- 36 + C_w dB in the 63Hz octave band; and
- 45 + C_w dB in the 125Hz octave band,

where:

- $D_{2m,nT}$ is the standardized level difference as defined by ISO 12354-3:2017
- C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I

(d) Short term accommodation development in the NSEP Special Control Area Transition area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(c) above, unless otherwise approved by the local government.

(e) Residential accommodation development in the NSEP Special Control Area Transition area should only be supported for approval when the local government is satisfied that the music noise level ($L_{Ceq,\ 1min}$) at the receiving façade is 79dB(C) or less, having regard to the site context including:

(i) Assumed venue music noise levels outlined in 28.4.2 (h);
(ii) Separation distance from assumed entertainment venues;
(iii) Surrounding development, and

(iv) Other matters outlined in 28.4.2 (i) Attenuation Measures

If supported, the development must be designed and constructed to meet the attenuation standards outlined in 28.4.2(c) above.

Attenuation standards – NSEP Special Control Area Core area

(f) Student accommodation development in the NSEP Special Control Area Core area must be designed and constructed to achieve minimum standardised level difference, $D_{2m,nT}$:

- 36 + C_w dB in the 63Hz octave band; and
- 45 + C_w dB in the 125Hz octave band,

where:

- $D_{2m,nT}$ is the standardised level difference as defined by ISO 12354-3:2017
- C_w is the Waterhouse correction defined in ISO 12354-1:2017 Annex I

(g) Short term accommodation development in the NSEP Special Control Area Core area should be designed and constructed to meet the attenuation standards outlined in 28.4.2(f) above, unless otherwise approved by the local government.

Note: Residential accommodation development is prohibited in the NSEP Special Control Area Core area as outlined in the Schedule 3 Use Group tables.

Assumed Venue Music noise levels

(h) The assumed venue music noise level means that each lot within the NSEP Special Control Area is assumed to emits noise at the venue music noise levels set out in Table 1, measured 1 metre outside the entertainment venue boundary unless:

(i) any lot is already developed with a land use which is not an entertainment venue, and in the opinion of the local government is unlikely to be redeveloped or adapted for an entertainment venue, in which case this lot is not assumed to emit at the applicable assumed venue music noise level;

(ii) any lot is already operating pursuant to a Music Entertainment Venue approval, and it can be demonstrated to the local government's satisfaction that the measured venue music noise levels emitted from the entertainment venue measured at 1 metre outside the entertainment venue boundary are lower and unlikely to ever reach the assumed venue music noise level by reason of the building's design and/or construction.

Table 1: Assumed Venue Music Noise Levels

NSEP Sub-Area	Venue Music Noise Level $L_{Ceq,\ 1min}$ (dB)
Core Area	90
Transition Area	79
Frame Area	79

Attenuation Measures

(i) Attenuation measures include:
  (i) Distance factors -– including distance between the accommodation land use and another lot assumed to emit music noise at the applicable assumed venue music noise level;
  (ii) Design factors – including the design of a proposed accommodation land uses to locate bedrooms and living rooms in such a way as to reduce exposure to venue music noise;
  (iii) Construction factors – structural elements of the accommodation land uses, including but not limited to the standard of construction of the external walls of a proposed building, and the quality of fenestration to reduce exposure to venue music noise.

Plot Ratio

(j) A winter garden proposed as part of the design of an accommodation land use for the purpose of applying an attenuation measure may, at the discretion of the local government, be excluded from the definition of 'floor area of a building' (as defined in Schedule 4) for the calculation of plot ratio.

28.4.3 Development application accompanying material

(a) In accordance with clause 63(1)(d) of the Deemed Provisions, all development applications for accommodation land uses shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.
(b) The acoustic report shall include:
  (i) an assessment of the assumed and/or measured venue music noise levels; and
  (ii) details of the attenuation measures proposed; and
  (iii) modelling to illustrate compliance with the technical standards set out in clause 28.4.2 (a) to (g).

28.4.4 Determination of application

(a) The local government shall not grant its approval if it is not satisfied that the technical standards in clause 28.4.2 can be met.
(b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:
  (i) for the lodgement of a notification pursuant to section *70A of the Transfer of Land Act 1893* to notify the likelihood of elevated music noise levels from entertainment venues;
  (ii) in order to comply with section 20(1)(0) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 28.4.3 (a);
  (iii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 28.4.3 (a) have been implemented.

28.5 Development standards – Entertainment Venues

28.5.1 Application
(a) These development standards apply in relation to development applications for any of the following:
  (i) premises for a new entertainment venue;
  (ii) a change of use application to use an existing premises or for a new entertainment venue;
  (iii) substantial works to an existing entertainment venue.

(b) In respect of development applications in clause 28.5.1 (a) (iii), the development standards set out in this Part will only apply to that part of the premises for which approval is required.

28.5.2 Technical standards

Venue music noise levels

(a) Development shall be designed and specified to ensure venue music noise levels set out in Table 2 are not exceeded when measured 1 metre outside the entertainment venue boundary:

Table 2: Venue Music Noise Levels

NSEP Sub-Area	**Venue Music Noise Level** $L_{Ceq, 1min}$ (dB)
Core Area	90
Transition Area	79
Frame Area	79

(a) Appropriate sound attenuation shall be achieved through design and construction methods, and/or on-going operational management measures.

Setbacks

(b) That part of a new entertainment venue that generates music noise should be set back in accordance with Table 3 below, otherwise the standard setbacks provisions outlined in this Scheme apply.

Table 3: Separation requirement

NSEP Sub-Area	Separation Requirement
Core	5 metres from all existing accommodation land uses
Transition	5 metres from all existing accommodation land uses
Frame	5 metres from all existing accommodation land uses

(c) The separation distance may include a portion of the existing accommodation land use not used as a habitable room or space that will not be affected by music noise.

28.5.3 Development application accompanying material

(a) In accordance with clause 63(1)(d) of the Deemed Provisions, all development applications for entertainment venues shall be accompanied by an acoustic report, prepared by a qualified acoustic consultant, in a manner and form to the satisfaction of the local government.

(b) The acoustic report shall include:
   (i) details of the existing and proposed sound attenuation measures that are to be included in the design and construction; and
   (ii) any operational management measures proposed; and
   (iii) modelling to illustrate compliance with the technical standards set out in clause 28.5.2 (a).

28.5.4 Determination of application

(a) The local government shall not grant its approval unless it is satisfied that the relevant venue music noise levels will not be exceeded.

(b) The local government may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:

(i) in order to comply with section 20(1)(0) of the *Building Act 2011*, to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings to be the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 28.5.3 (a);

(ii) prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied, to submit a report co-signed by the contracted builder and a qualified acoustic consultant. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 28.5.3 (a) have been implemented.

28.6 Additional Uses

28.6.1 Additional Uses

(a) An additional use is a use which, in relation to a specific lot –

(i) Is a prohibited use in the precinct in which that lot is located;

(ii) Is listed, with reference to that lot, in Table 4 below; and

(iii) Is taken, as the result of its listing in Table 4, to be a 'contemplated' use for that lot subject to the conditions, if any, set out in Table 4 in respect of that use.

Table 4: Additional uses

Additional Use	Location	Particulars of Land	Use	Conditions
	191 James Street Northbridge	Lot 15 on D 88528, Certificate of Title SP31304	Residential use group	1. A maximum of 42 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2 (a).
	182 James Street Northbridge	Lot 5 on P 67, Certificate of Title SP31656	Residential use group	1. A maximum of 18 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2 (a).
	103 Francis Street Northbridge	Lot 14 on D1391, Certificate of title SP53037	Residential use group	1. A maximum of 31 dwellings are permitted on this site, consistent with the number

				provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2 (a).
	89 Aberdeen Street Northbridge	Lot 1 on P 871, Certificate of title SP65326	Residential use group	1. A maximum of 64 dwellings are permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2 (a).
	87 Aberdeen Street Northbridge	`Lot 2 on 871, Certificate of title 566\15	Residential use group	1. A maximum of 1 dwelling is permitted on this site, consistent with the number provided in the existing development. 2. In the event of redevelopment, the development of accommodation land uses must be designed and constructed in accordance with Clause 28.4.2 (a).

28.7 Definitions used in Northbridge Special Entertainment Precinct Special Control Area

Accommodation land use means a land use listed in clause 28.4.1 (a).

Assumed entertainment venue means an entertainment venue that has been assumed to exist on a lot, for the purposes of the calculations in clause 28.4.2 (h).

Core area means the area identified as such in Figure 28.

Entertainment venue -

(a) includes a venue whether indoor or outdoor to which a hotel, nightclub, small bar, or special facility liquor licence under the *Liquor Control Act 1988* has been granted and from which music is regularly emitted as part of its day to day operations; but

(b) excludes premises such as restaurants, fast food outlets, shops, cinemas, and theatres.

Entertainment venue boundary (or the boundary of entertainment venue) means -

(a) In relation to existing entertainment venues and assumed entertainment venues in existing buildings -

(i) the boundary delineating the horizontal and vertical extent of an entertainment venue and may include:
    A external perimeter walls;
    B internal walls, floor and/or ceiling;
    C outdoor containment structures (for example a wall, fence or planter box); and
    D roof;
(ii) Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or rooftop venue, its vertical extent shall be 4 metres above the ground and/or floor level of the venue (where the outdoor space is located).
(iii) Where the entertainment venue is the sole land use on a lot or lots (including a strata lot(s)), its boundary shall be designated as the boundaries of the lot/s upon which it is located).

(b) In all other cases -
(i) the boundaries shall be designated as the boundaries of the subject lot or lots (including a strata lot(s)); and
(ii) the vertical boundary extent shall be 4 metres above the natural ground level.

Frame area means the area identified as such in Figure 28.

Music includes live music and pre-recorded music, whether vocal or instrumental and whether amplified or unamplified, and any combination of these things.

Music Entertainment Venue approval is an approval to emit music noise under the Environmental Protection (Noise) Regulations 1997.

Qualified acoustic consultant means a person who is at least a Member of, or eligible for membership as a Member of Australian Acoustical Society.

Receiving facade means the wall(s) of a building that are receiving music noise from an Entertainment Venue.

Residential accommodation means all land uses contained within the Residential land use group in Schedule 2.

Short term accommodation is defined in Schedule 4 of the Scheme.

Substantial internal building work means significant works to the internal building fabric, including:

(a) Demolition, removal, erection, construction, alteration or addition to:

(i) floors;
(ii) internal walls;
(iii) ceilings;
(iv) roofs;
(v) windows; or
(vi) internal doors.

(b) They do not include:

(i) electrical wiring for internal and external walls;
(ii) plastering or rendering walls;
(iii) tiling walls, floors or parts thereof;
(iv) plumbing;
(v) removing or replacing fixtures such as kitchen cupboards, benches or bathroom cabinets;
(vi) removing or replacing air-conditioning or security systems; and
(vi) cosmetic work such as painting, sanding floors, removing and replacing fittings such as light fittings

Student accommodation – means a purpose-built facility whose predominant purpose is to accommodate:

- Students while studying at a tertiary education facility; and
- Staff of a tertiary education facility or visiting staff to a tertiary education facility;
  - That is designed and managed to facilitate the predominant purpose;
  - That typically provides students with a principle place of residence for 3 months or more; and
  - That may have shared facilities, such as a communal living room, kitchen and amenities.

Transition Area - means the area identified as such in Figure 28.

Winter garden means an enclosed balcony (with glazing which can be opened for ventilation) and is a minimum of 1 metre in width.

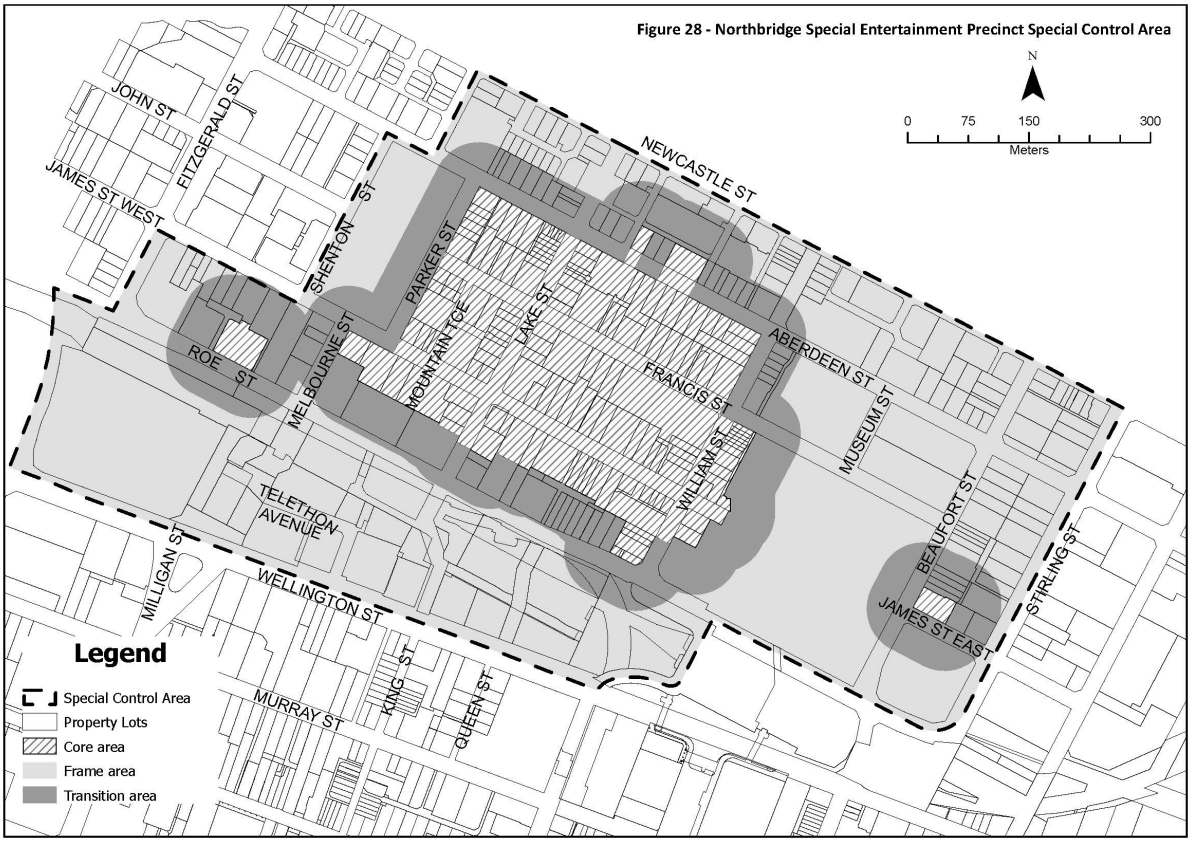


Figure 28 –Northbridge Special Entertainment Precinct Special Control Area

29. 1202-1204 Hay Street and 80 Colin Street Special Control Area
AMD 42 GG 05/02/2021

29.1 Special Control Area

The following provisions apply to the land marked as Figure 29 being the 1202-1204 Hay Street and 80 Colin Street Special Control Area.

29.2 Objective

a) To facilitate the coordinated development of the Special Control Area.

b) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists and public transport.

c) To promote retention, use and conservation of the heritage listed Ross Memorial Church.

d) To ensure future development respects the cultural heritage significance of the Ross Memorial Church.

e) To provide sunlight penetration onto the Ross Memorial Church and sunlight penetration into Hay Street and any public spaces.

29.3 Plot Ratio

a) For the purpose of determining the plot ratio within the Special Control Area, the Special Control Area shall be treated as one site.

b) Notwithstanding the Public Facilities Bonus Plot Ratio Plan, Clause 28(2)(a)(ii) applies to the Special Control Area where a public space and pedestrian facilities are provided within the Special Control Area.

29.4 Car Parking

a) For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

b) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

c) Vehicle access should be consolidated and will not be permitted to and from Hay Street.

29.5 Heritage and Built Form

a) The Ross Memorial Church shall be maintained, conserved and used in a manner guided by the Conservation Management Plan.

b) Development shall be guided by the Statement of Significance and Conservation Plan for the Ross Memorial Church with any new development to be sited and designed with a scale, massing and grain to respect the cultural heritage significance of the Ross Memorial Church and its setting and curtilage.

c) Development shall be designed to provide appropriate levels of sunlight penetration onto the Ross Memorial Church.

d) Development shall be designed to promote informal surveillance of any public spaces provided on the site.

e) Development shall provide interactive frontages facing the Ross Memorial Church and any public space provided on the site.

f) The development shall incorporate high quality external finishes and materials.

29.6 Public Space

a) Any public space provided on the site shall remain under private ownership and management and be protected by an easement in gross.

29.7 Land Use

a) The lower levels of the development shall provide active uses addressing any

public space provided on the site and the Ross Memorial Church.

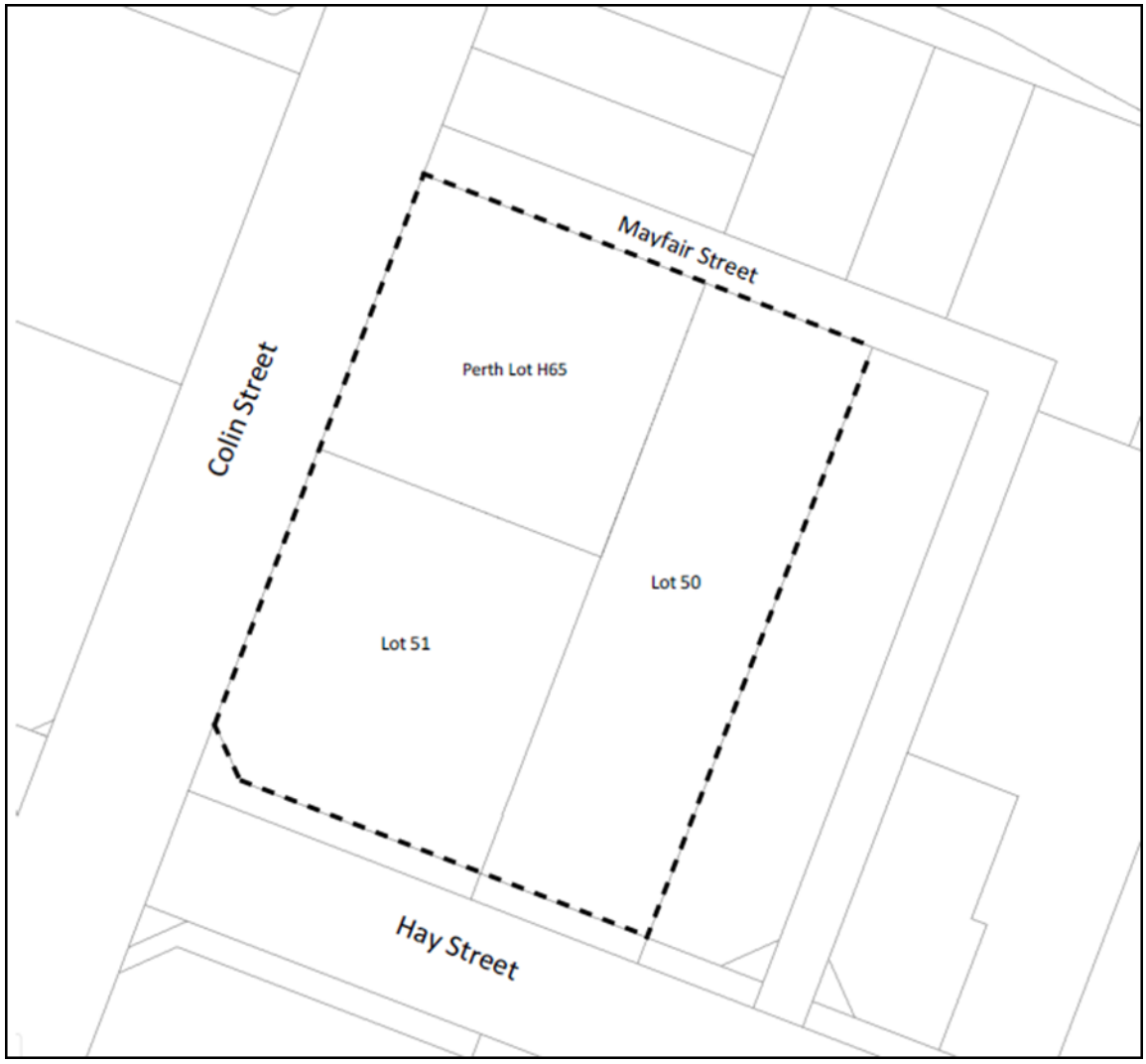


Figure 29: 1202-1204 Hay Street and 80 Colin Street, West Perth Special Control Area

30. 707 Murray Street Special Control Area

AMD 43 GG 07/05/2021

30.1 Special Control Area

The following provisions apply to the land marked as Figure 30 being the 707 Murray Street Special Control Area.

30.2 Objective

a) To accommodate the floor space requirements of a supermarket-led development that will assist in meeting the daily and weekly shopping of the community.

b) To ensure that the development on the site exhibits high design quality that will positively contribute to the desired character and amenity of the surrounding locality and create a landmark entry statements to the local government area.

30.3 Plot Ratio

Where a development incorporates a supermarket within the Retail (General) use group with a minimum floor area of 3,000m^2:

a) the maximum plot ratio for development on the lot may be increased from that shown on the Plot Ratio Plan to a maximum of 4.0 : 1.0 subject to the built form achieving compliance with clause 27(2) of this Scheme and a high standard of architectural, urban and landscape design appropriate to the prominent location of the site; and

b) bonus plot ratio under clause 28 of this Scheme and transfer of plot ratio under clause 30 of this Scheme shall not be permitted.

30.4 Design Principles and Built Form

Where development incorporates a supermarket within the Retail (General) use group with a minimum floor area of 3,000m^2, variations to the building setback and landscaping requirements applicable under the Scheme may be permitted where necessary to accommodate a functional supermarket floorplate subject to ensuring that the built form will:

a) meet the requirements of clause 36 of this Scheme;

b) make a positive contribution to the adjoining streetscapes, pedestrian amenity, and the character of the locality generally;

c) not have an undue adverse impact on the amenity of adjoining properties;

d) contribute to a sense of arrival into the local government area; and

e) incorporate high-quality landscaping.

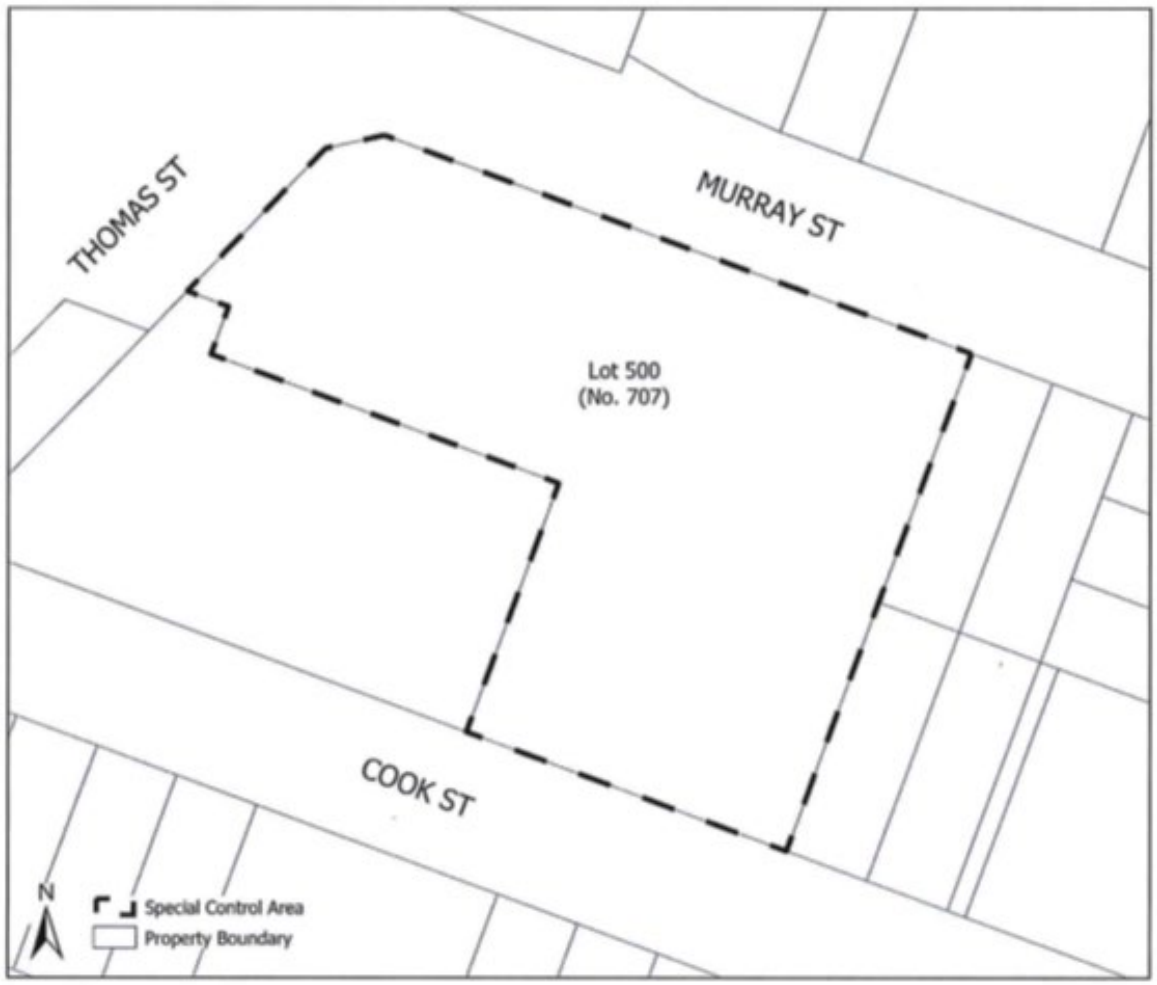


Figure 30: 707 Murray Street Special Control Area

31. 707-725 Wellington Street and 482-488 Murray Street Special Control Area

AMD 44 GG 13/07/2021

31.1 Special Control Area

The following provisions apply to the land marked as Figure 31 being the 707-725 Wellington Street and 482-488 Murray Street Special Control Area.

31.2 Objective

To facilitate the development of the Special Control Area as a whole in a coordinated manner.

31.3 Plot Ratio

a) For the purpose of calculating plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Plot Ratio Plan.

b) For the purpose of calculating bonus plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.

31.4 Car Parking

a) The tenant car parking allowance for the Special Control Area shall be the sum of the allowances calculated on an individual lot basis in accordance with the Perth Parking Policy.

b) The tenant car parking may be distributed across the Special Control Area as if it were one lot.

c) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

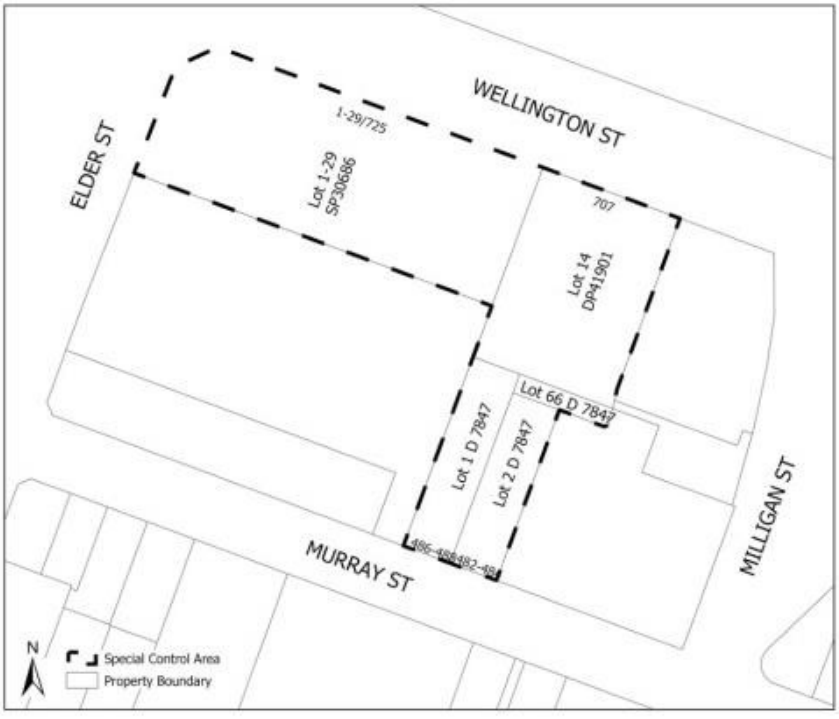


Figure 31: 707-725 Wellington Street and 482-488 Murray Street Special Control Area

32.0 11 and 27 Newcastle Street Special Control Area

AMD 45 GG 11/06/2021

32.1 Special Control Area

The following provisions apply to the land marked as Figure 32 being the 11 and 27 Newcastle Street Special Control Area.

32.2 Objective

To facilitate the development of the Special Control Area as a whole in a co-ordinated manner.

32.3 Plot Ratio

a) The maximum plot ratio for the Special Control Area shall be determined in accordance with the Plot Ratio Plan. The plot ratio floor area may be distributed across the Special Control Area as if it is one lot.

b) The maximum bonus plot ratio for the Special Control Area shall be determined as per the Plot Ratio Plan and the Maximum Bonus Plot Ratio Plan. The plot ratio floor area may be distributed across the Special Control Area as if it is one lot.

32.4 Car Parking

a) For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

b) The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

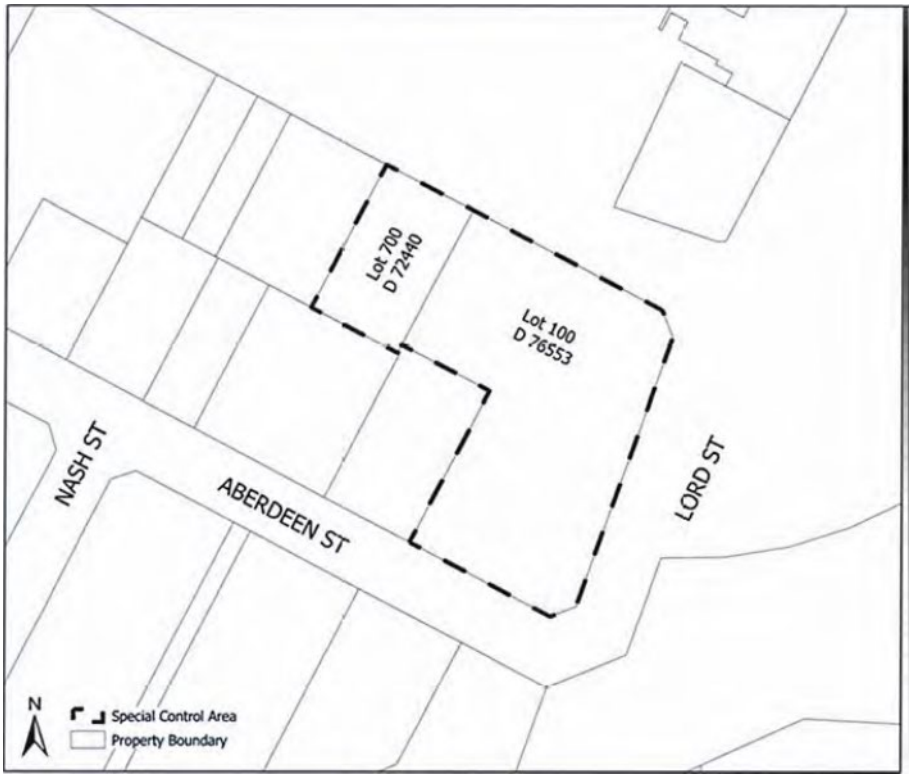


Figure 32: 11 and 27 Newcastle Street Special Control Area

33. Royal Perth Hospital Flight Path Protection Special Control Area

AMD 47 GG 22/03/24

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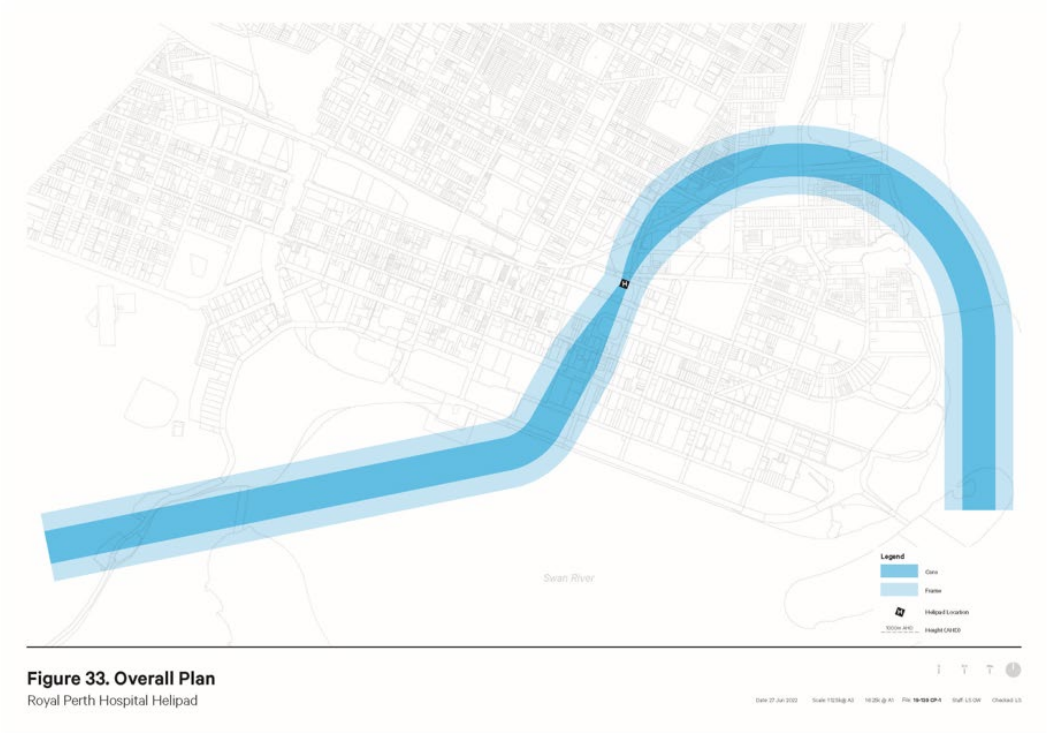

Figure 33. Overall Plan
Royal Perth Hospital Helipad

33.1 Special Control Area

The following provisions apply to the land shown in Figures 33, 33.1 to 33.7 as the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area which comprises Core and Frame Flight Path Areas.

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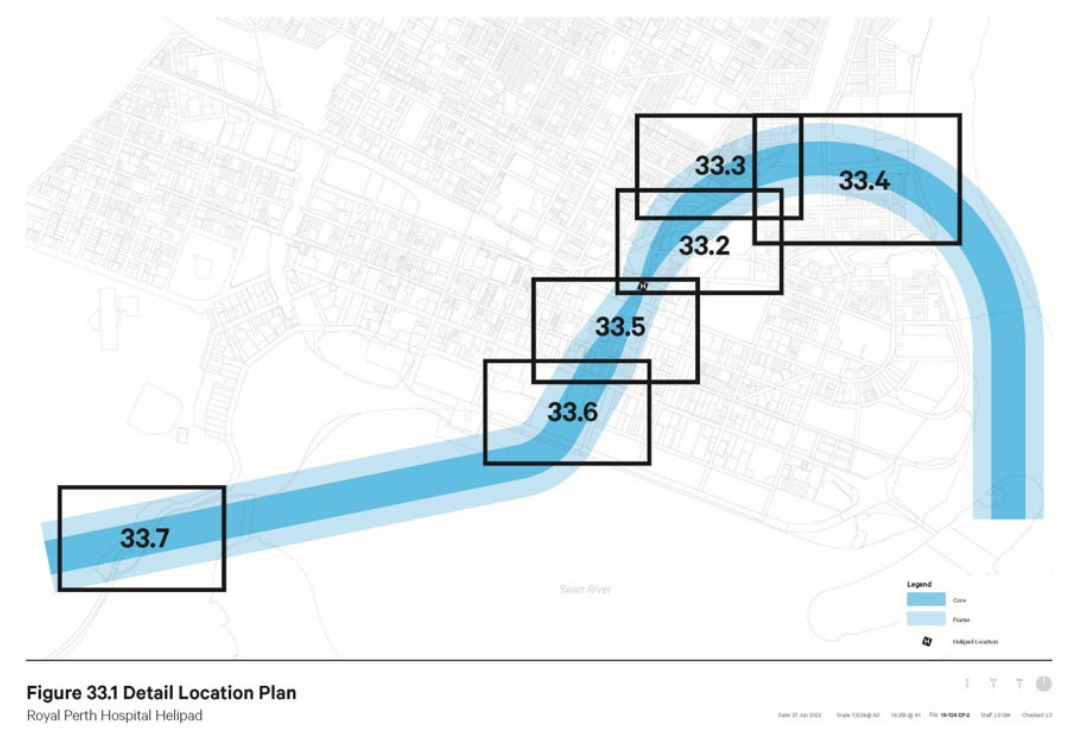


Figure 33.1 Detail Location Plan
Royal Perth Hospital Helipad

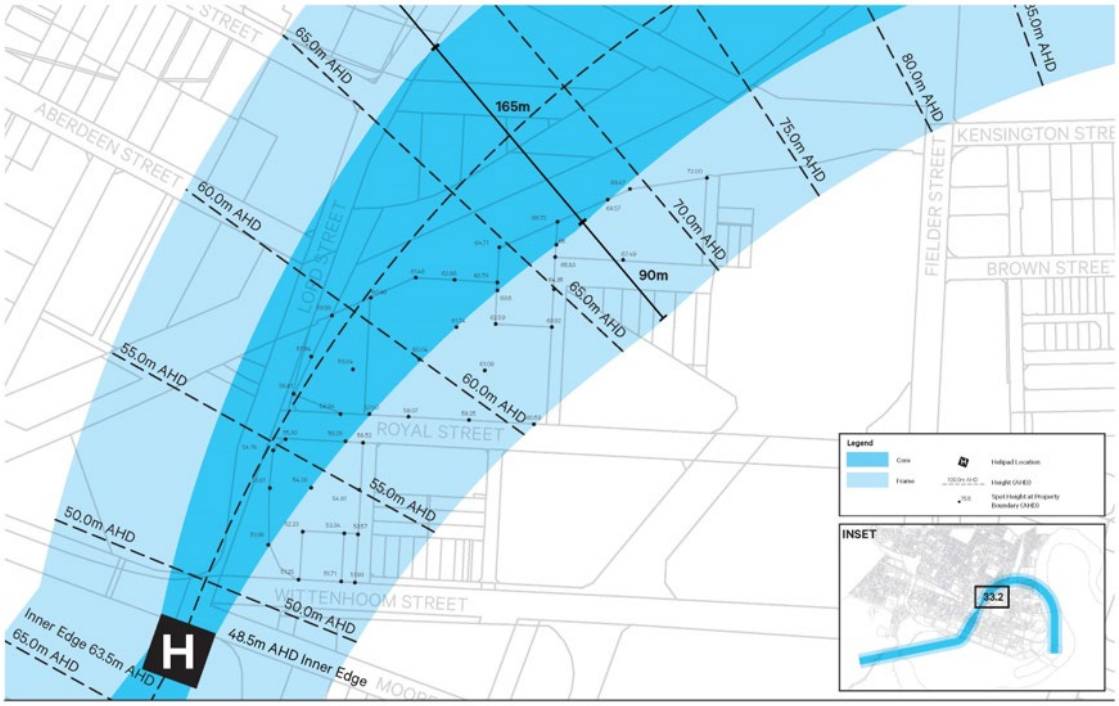


Figure 33.2 Detail
Royal Perth Hospital Helipad

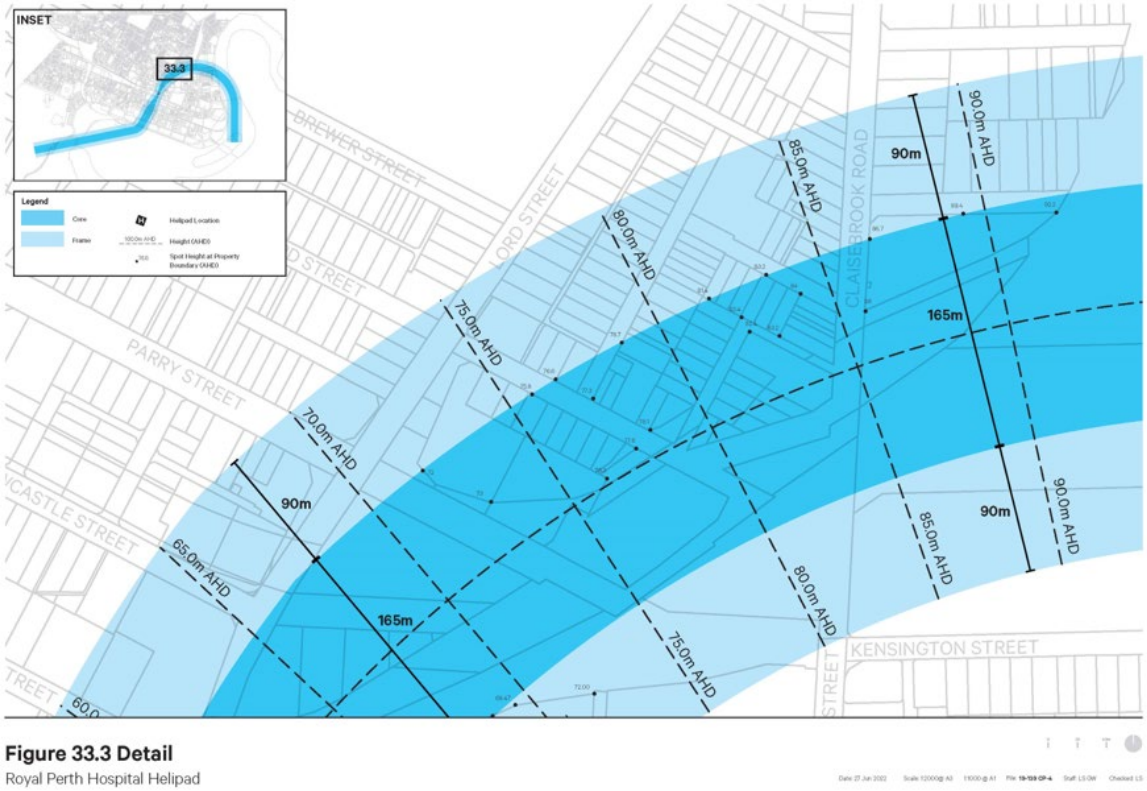


Figure 33.3 Detail
Royal Perth Hospital Helipad

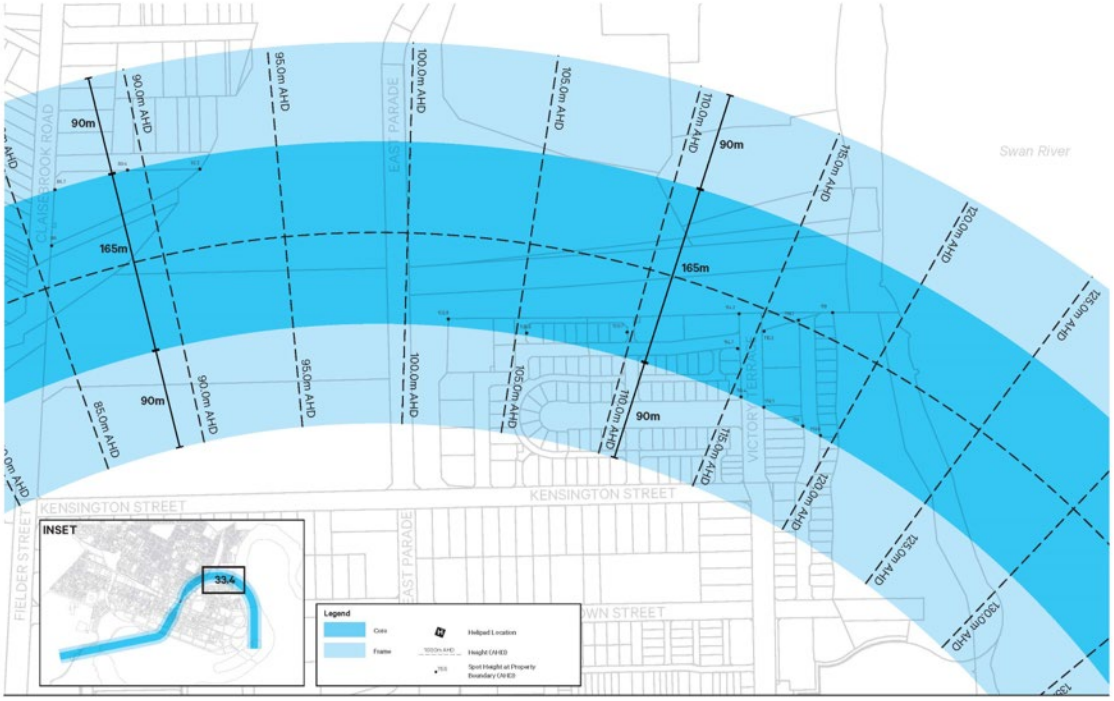


Figure 33.4 Detail
Royal Perth Hospital Helipad

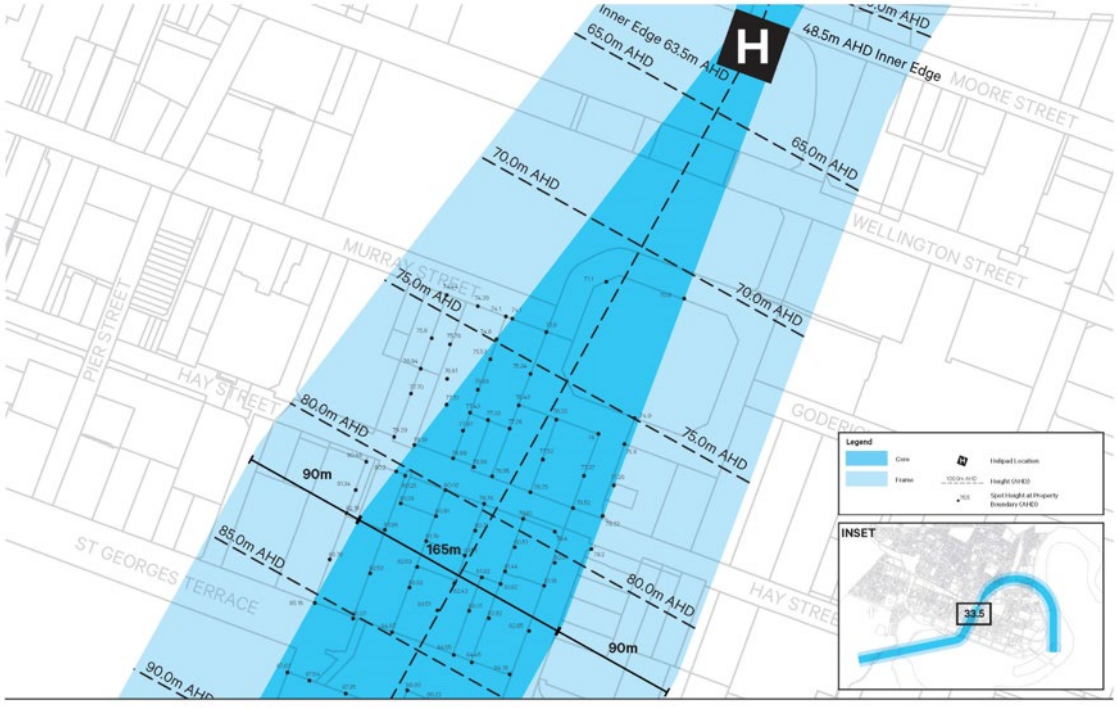


Figure 33.5 Detail
Royal Perth Hospital Helipad

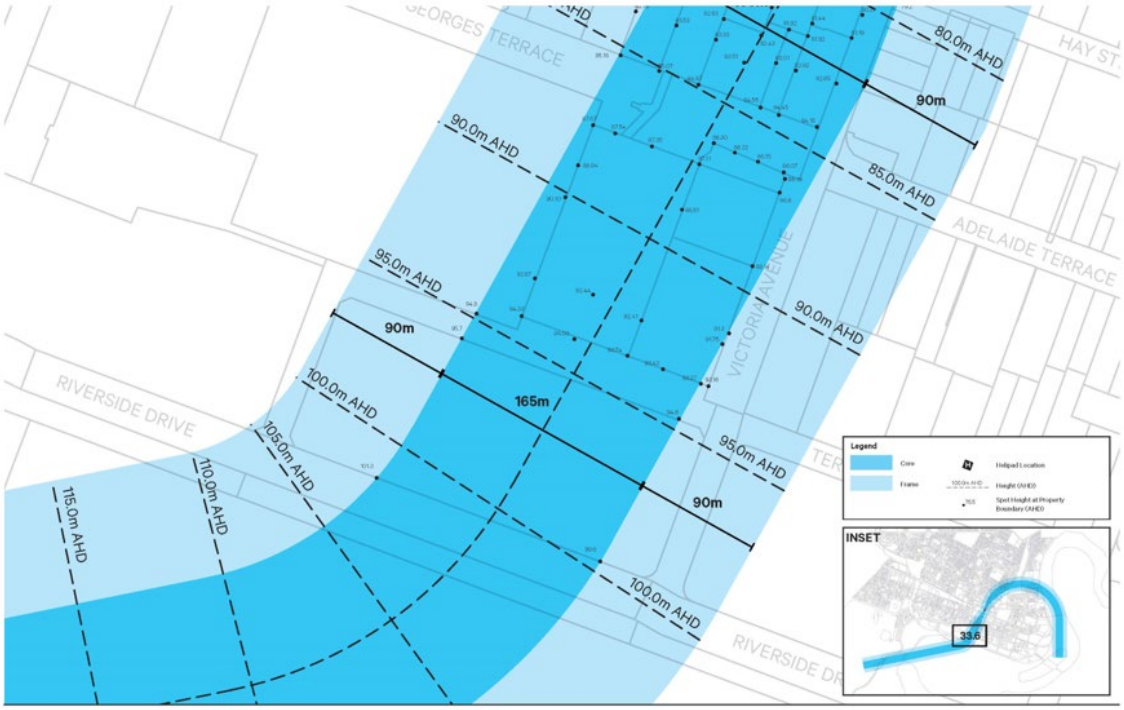


Figure 33.6 Detail
Royal Perth Hospital Helipad

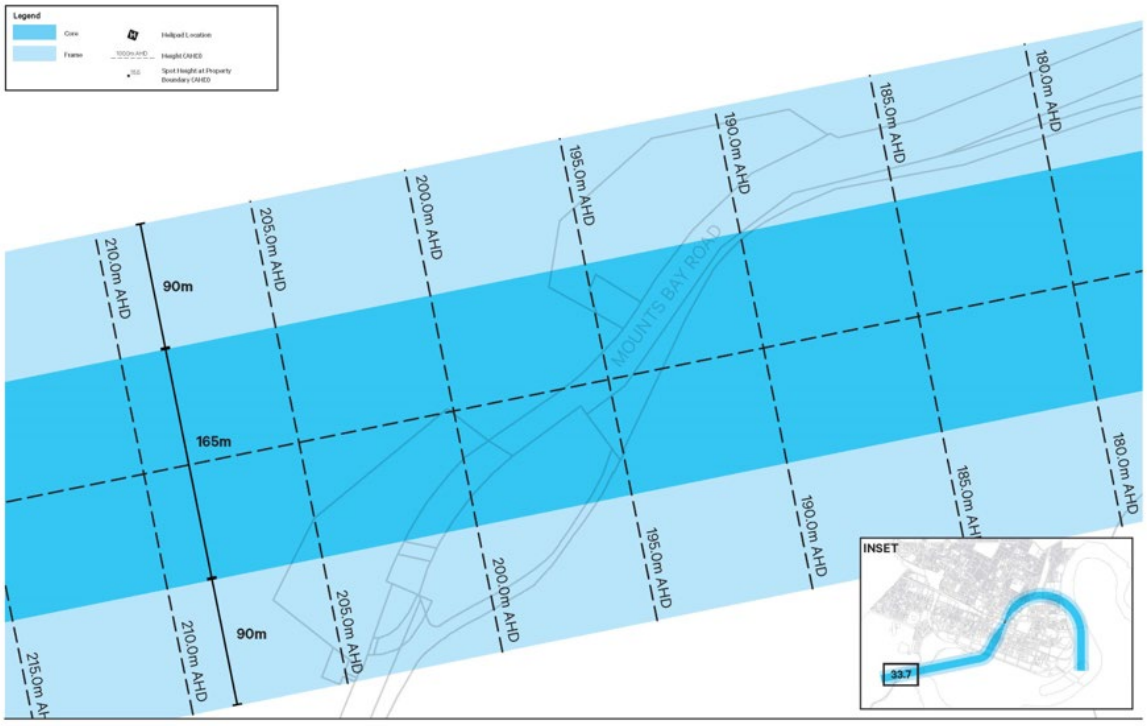


Figure 33.7 Detail
Royal Perth Hospital Helipad

Note: The provisions of this Special Control Area do not apply to the parts of the Special Control Area which are legislated under the *Metropolitan Redevelopment Act 2011* or to telecommunication facilities legislated by the *Telecommunications (Low Impact Facilities) Determination Act 1997*.

33.2 Objectives

The objectives of the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area are –

(a) To ensure the continued safe operation of Royal Perth Hospital's Strategic Helicopter Landing Site in support of the hospital's function as the State's Major Trauma Unit.
(b) To ensure that permanent development does not encroach into the Core Flight Path Area.
(c) To ensure that temporary works and equipment within the Special Control Area do not present a hazard to helicopters using the Core Flight Path Area.

33.3 General Provisions

33.3.1 Where a provision of another Special Control Area is inconsistent with a provision of this Special Control Area, the provisions of the latter are to prevail.

33.3.2 Notwithstanding clause 39(3) of the Scheme, where the heights specified in sub-clause 33.5.1 of this Special Control Area are inconsistent with the heights specified on the Maximum Building Heights Plan, whichever is the lower height shall apply.

33.4 Requirement for Development Approval for Works

In accordance with sub-clause 61(6)(a) of the Deemed Provisions, an application for development approval for works that are typically excluded under clause 61(1) of the Deemed Provisions and schedule 7 of the Scheme shall be required for works that are situated above or within 30 metres of the maximum AHD heights specified in figures 33.2 to 33.7 for the Core and Frame Flight Path Areas.

33.5 Development Requirements

33.5.1 Within the Core Flight Path Area, permanent development, including the parts of a building which are ordinarily excluded from building height calculations, shall not exceed the maximum AHD heights specified in Figures 33.2 to 33.7, as well as intermediate maximum AHD height values determined by a 4.5% gradient as shown in Figure 33.8.

33.5.2 Within the Core and Frame Flight Path Areas, temporary works and equipment shall not present a hazard to helicopters using the Core Flight Path Area.

33.6 Consultation with Other Authorities

Where development and any associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 33.2 to 33.7, and/or the intermediate maximum AHD heights specified in Figure 33.8 for the Core and Frame Flight Path Areas, the local government shall provide a copy of the application for development approval to the owner of the Royal Perth Hospital Helicopter Landing Site for objections and recommendations in accordance with clause 66 of the Deemed Provisions.

Note: The Department of Health's East Metropolitan Health Service is the owner of the Royal Perth Hospital helicopter landing site.

33.7 Consideration of Application by Local Government

33.7.1 Development approval shall not be granted for permanent development in the Core Flight Path Area which exceeds the maximum AHD heights specified in Figures 33.2 to 33.7 or the intermediate maximum AHD heights specified in Figure 33.8.

33.7.2 In considering an application for development approval (other than an application for which approval cannot be granted under subclause 33.7.1), the local government is to have due regard to the following matters:

(a) the objectives of this Special Control Area; and

(b) the views of the owner of the Royal Perth Hospital Helicopter Landing Site in relation to how the application addresses the National Airports Safeguarding Framework - Guideline H, or any other relevant technical guidelines.

33.7.3 Where development and associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 33.2 to 33.7, or the intermediate maximum AHD heights in Figure 33.8, for the Core and Frame Flight Path Areas, the local government shall include as a condition of development approval, the submission of a Construction and Demolition Management Plan in a form and manner to the satisfaction of the local government.

33.7.4 The local government shall provide a copy of the Construction and Demolition Management Plan, including any subsequent amendments to the plan, to the owner of the Royal Perth Hospital Helicopter Landing Site for recommendations for the local government to consider in determining the acceptability of the plan.

33.7.5 The owner of the Royal Perth Hospital Helicopter Landing Site shall, within 21 days of receiving the Construction and Demolition Management Plan, or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any recommendations with respect to the plan and any subsequent amendments to the plan.

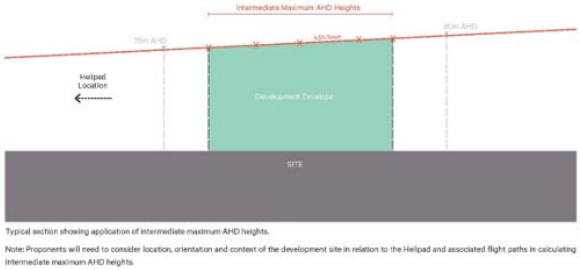
33.7.6 The Construction and Demolition Plan shall provide details of the temporary works and equipment, including cranes, to be used on site for construction and demolition purposes including but not limited to:

(a) The duration of the construction period (start date and end date) and the time period in which any crane or other equipment will remain on site;
(b) Maximum operating height, maximum operating radius and operating time/s of any crane or other equipment; and
(c) The measures to be taken to minimise any potential impact on and/or encroachment into the Core Flight Path Area.

33.8 Definitions

OFFICIAL

element



Typical section showing application of intermediate maximum AHD heights.

Note: Proponents will need to consider location, orientation and context of the development site in relation to the Helipad and associated flight paths in calculating intermediate maximum AHD heights.

Figure 33.8 Intermediate Maximum AHD Heights

Royal Perth Hospital Flight Path

The following definitions apply within the Special Control Area:

Core Flight Path Area - is the protected operational flight paths used by helicopters arriving and departing the Royal Perth Hospital Helicopter Landing Site as defined by the relevant civil aviation guidelines and/or standards as shown in Figures 33.2 to 33.7.

Frame Flight Path Area - is the area adjoining the Core Flight Path Area as shown in Figures 33.2 to 33.7 within which temporary works and equipment need to be considered in relation to their impact on the Core Flight Path Area.

Royal Perth Hospital Helicopter Landing Site – the rooftop landing surface used for the arrival or departure of helicopters associated with the operations of the Royal Perth Hospital State Major Trauma Unit as shown in Figure 33.1.

Permanent Development – development which is not temporary works or equipment.

Temporary works and equipment – works and equipment such as cranes, machinery and structures used temporarily to undertake development and/or maintenance.

34.0 Barrack Street Special Control; Area

AMD 50 GG 31/05/24

34.1 Special Control Area

The folowing provisions apply to the land marked as Figure 34 - Barrack Street Special Control Area:

34.2 Objectives

a) Facilitate development in a coordinated manner and to enable applicable development standards and requirements to be applied to the site as though it was a single lot.

b) Ensure future development respects the cultural heritage of the Barrack Street Heritage Area, which includes the Moana Buildings and the Connor Quinlan Building.

c) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists and public transport.

34.3 Heritage

a) The State listed heritage building (Lot 3) shall have all work undertaken in a manner guided by a Heritage Retention and Conservation Plan prepared in accordance with State Heritage Office Guidelines.

b) Conservation works being undertaken on Lots 2 to 5 in accordance with current Conservation Management Plans.

c) Conservation works shall enable the reinstatement of use of the heritage buildings, including the reinstatement of access to any upper or lower levels which have been removed.

34.4 Plot Ratio

a) For the purpose of determining plot ratio, the total area of Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, and Lots 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street Special Control Area shall be treated as one lot.

b) For the purpose of calculating bonus plot ratio, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.

c) All development applications that propose to utilise bonus plot ratio shall provide the City with a draft Heritage Agreement between the landowner and the City (and the Heritage Council for Slate heritage listed places).

d) The Heritage Agreement shall require the landowner lo complete lhe conservation works detailed in the Conservation Management Plan prior to the issue of an occupancy permit for the building.

34.5 Car Parking

a) For the purpose of determining the tenant car parking allowance under the Perth Parking Policy for any redevelopment as may be identified in the Perth Parking Policy, the Barrack Street Special Control Area shall be treated as one lot.

b) The tenant parking facilities in one building within the Special Control Area may be leased or used by tenants of other buildings within the Special Control Area.

35.0 935, 937 and 939 Wellington Street Special Control Area
AMD 52 GG 29/04/25

35.1 Special Control Area
The following provisions apply to the land marked as Figure 35, being 935, 937 and 939 Wellington Street Special Control Area.

35.2 Objectives
To facilitate the development of the Special Control Area and increase the bases plot ratio for residential development, whilst retaining the lower plat ratio for non-residential groups.

35.3 Plot Ratio
a) For the purposes of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one site.
b) The maximum plot ratio identified on the Plot Ratio Plan does not apply to the Special Control Area for Residential and Special Residential use groups.
c) A maximum plot ratio of 4:1 applies within the Special Control Area for Residential and Special Residential use groups.



Figure 35 – 935, 937 and 939 Special Control Area Map

SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 35 GG 24/02/17

Clause 3A: Precinct Plans and Other Scheme Documents

(1) The local government may make precinct plans for the purpose of setting out the intent of a particular precinct.

(2) The making and amendment of any precinct plan or functional road hierarchy map must follow the procedure set out in clauses 4 and 5.

(3) The following precinct plans as adopted by the local government at its meeting held on 26 June 2001 shall be taken to be precinct plans adopted in accordance with the requirements of clause 3 -

(a) City Centre Precincts Plan;

(b) Northbridge Precinct Plan;

(c) Cultural Centre Precinct Plan;

(d) Stirling Precinct Plan;

(e) Victoria Precinct Plan;

(f) Citiplace Precinct Plan;

(g) St Georges Precinct Plan;

(h) Civic Precinct Plan;

(i) Foreshore Precinct Plan;

(j) Matilda Bay Precinct Plan;

(k) West Perth Precinct Plan;

(l) Hamilton Precinct Plan;

(m) Langley Precinct Plan;

(n) Adelaide Precinct Plan;

(o) Goderich Precinct Plan; and

(p) East Perth Precinct Plan.

(4) An amendment to a precinct use area boundary can only be made in accordance with procedures applying to a town planning scheme amendment set out in section 7 of the Act.

(5) Where a precinct plan is required to be amended to reflect an amendment to the City Planning Scheme or a minor local planning scheme, then, and not withstanding clauses 4 and 5, this action can be undertaken without the need to follow the procedure set out in clauses 4 and 5.

Clause 8: Heritage list

(5) Any place which:-

(a) as at the gazettal date had been the subject of resolution under clause 30(1) of City Planning Scheme No. 2 repealed by the Regulations; or

(b) is included in the State Register of Heritage Places established under the provisions of the *Heritage of Western Australia Act 1990*,

is deemed to be included in the Heritage List under clause 8(1) of the Deemed Provisions.

Clause 9: Designation of Heritage Areas

(1A) Any area which as at the gazettal date had been the subject of resolution under clause 31(1) of City Planning Scheme No. 2 repealed by the Regulations is deemed to be the subject of a designation under clause 9(1) of the Deemed Provisions.

Clause 61: Development for which Development Approval Not Required

(j)(i) Minor Development as identified in Schedule 7 of the City Planning Scheme No. 2

Clause 64: Advertising Applications

1(f) Involves an unlisted use

(1A) Where an application involves the development of land affected by a minor town planning scheme as listed in Clause 8 of City Planning Scheme No. 2 or a special control area as listed in Schedule 8 of City Planning Scheme No. 2, the local government may direct the applicant to advertise the application to all owners within the area affected by that minor town planning scheme or special control area, in a manner that it considers appropriate.

(1B) The local government may decline to consider a submission that has not been lodged on time or fails to comply with any other requirement applying to it.

Clause 66A: Design Advisory Committee

(1) The local government is to appoint a design advisory committee for the purpose of considering, and advising the local government with respect to, applications.

(2) The design advisory committee –

(a) is to be consulted where an application seeks the Local government's permission under Clause 28 of City Planning Scheme No. 2 for bonus plot ratio; and

(b) may be consulted on other design matters relating to development.

Clause 66B: Referral of Applications to the Western Australian Planning Commission

(1) This clause applies to an application which –

(a) in respect of a non-residential development in the Perth Parking Management Area, seeks a car parking bonus of 10% or more than is permitted in the Perth Parking Management Area;

(b) proposes a public car park with 50 bays or more in the Perth Parking Management Area; or

(c) is made by, or on behalf of, the local government.

(2) In respect of an application to which this clause applies, the local government, at the completion of the advertising procedure, if any, required by it, is to forward to the Western Australian Planning Commission copies of –

(a) the application; and

(b) the submissions, if any, duly lodged with the local government in response to the advertising of the application.

Clause 70: Form and Date of Determination

(3) The local government may give a copy of the documents referred to in subclause (1) to the owner or occupier of the lot to which the application relates.

Clause 77A: Inconsistent Development Approvals

Where, in relation to a particular premises, the local government grants a planning approval which is inconsistent with another development approval in respect of the same premises, then, to the extent of the inconsistency, the development approval which the applicant acts upon is to prevail.

ADOPTION

In accordance with the requirements of the Town Planning and Development Act 1928 and pursuant to Regulation 13 of the Town Planning Regulations 1967, the local government adopts the proposed City of Perth City Planning Scheme No. 2, as laid on the table, for the purposes of enabling the State Planning Commission to examine the Scheme and to obtain the consent of the Hon Minister for Planning to advertise the Scheme for public inspection.

Adopted by resolution of the Local government of the City of Perth at the Ordinary Meeting of the local government held on the ***NINTH*** day of ***AUGUST 1992.***

.....
THE RT HON. THE LORD MAYOR

.....
FRANK EDWARDS
CHIEF EXECUTIVE OFFICER

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

ADOPTED for final approval by the resolution of the Local government of the City of Perth at the Ordinary Meeting of the Local government held on the ***TWENTY SIXTH*** day of ***JUNE 2001*** and the seal was, pursuant to that resolution, hereunto affixed in the presence of: -

.....
Dr P. NATTRASS
THE RT HON. THE LORD MAYOR

.....
F.R. EDWARDS
CHIEF EXECUTIVE OFFICER

RECOMMENDED: .....
NEIL FOLEY
DELEGATED UNDER S.20 OF WAPC
ACT 1985

Dated: 9 December 2003

APPROVED: .....
ALANNAH MacTIERNAN
MINISTER FOR PLANNING AND
INRASTRUCTURE

Dated: 9 December 2003