CITY OF PERTH

LOCAL PLANNING SCHEME NO. 3

Modified Draft April 2026

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LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

CITY OF PERTH LOCAL PLANNING SCHEME NO. 3 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

SCHEME DETAILS

CITY OF PERTH

LOCAL PLANNING SCHEME NO. 3

The City of Perth under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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Part 1 - Preliminary

1. Citation

This local planning scheme is the City of Perth Local Planning Scheme No 3.

2. Commencement

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

3. Scheme revoked

The following local planning schemes are revoked -

(a) City of Perth City Planning Scheme No. 2, gazetted 9 January 2004, with the exception of the area bounded by Park Avenue, Crawley Avenue, Mounts Bay Road and Kings Park.

(b) City of Nedlands Town Planning Scheme No. 2 – gazetted 18 April 1985

(c) City of Perth Town Planning Scheme No. 11 (Wesley Trust) – gazetted 24 December 1974

(d) City of Perth Town Planning Scheme No. 13 (SGIO) – gazetted 14 January 1983

(e) City of Perth Town Planning Scheme No. 14 (Withernsea) – gazetted 10 December 1982

(f) City of Perth Town Planning Scheme No. 16 (AMP) – gazetted 2 October 1987

(g) City of Perth Town Planning Scheme No. 21 (FAI Site) – gazetted 9 June 1998

(h) City of Perth Town Planning Scheme No. 23 (Paragon) – gazetted 24 March 2000

(i) City of Perth Town Planning Scheme No. 24 (131-137 Adelaide Terrace) – gazetted 10 August 2001

(j) City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) – gazetted 11 September 2007

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme area

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

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

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the ***scheme text***), *this* Scheme includes the following -

(a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);

(b) the Scheme Map;

(c) the following plans, maps, diagrams, illustrations or materials —

(i) Maximum Base Plot Ratio Plan

(ii) Maximum Bonus Plot Ratio Plan

(iii) Additional Site and Development Requirements Plan

(iv) Neighbourhood Plan

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

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

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

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

(d) control and guide development including processes for the preparation of structure plans and local development plans; and

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

(f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and

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

(h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are –

(a) To promote the orderly and proper planning and development of land through appropriate zoning and development provisions.

(b) To recognise, promote and enhance the special social, economic, cultural, environmental and civic role of Perth as the capital of Western Australia.

(c) To facilitate economic and employment growth and diversification within the city.

(d) To support the vitality of the retail and entertainment area as well as neighbourhood centres of the city to ensure they meet community needs.

(e) To encourage residential growth to support the vibrancy, safety and prosperity of the city's neighbourhoods.

(f) To encourage the provision of a variety of housing types, tenures and affordability to cater for the needs of the community.

(g) To encourage the provision of an adequate and diverse range of public open space and community infrastructure to meet the needs of the community.

(h) To ensure development delivers high quality buildings and spaces that contribute to Perth being a distinctive, world class and liveable city, with a focus on:

  (i) high architectural design quality;

  (ii) delivering high levels of amenity both within buildings and the public realm;

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

  (iv) contributing to an attractive city skyline and outlook from the public realm.

(i) To ensure development is carried out in an efficient and environmentally sustainable manner which:

  (i) makes optimum use of land and infrastructure;

  (ii) supports water and energy efficiency;

  (iii) minimises waste and pollution;

  (iv) protects and enhances the natural environment; and

  (v) increases the tree canopy and urban greening and reduces urban heat island effects.

(j) To protect and enhance the cultural heritage of the city by:

  (i) identifying and conserving places and areas of cultural heritage significance; and

(ii) ensuring development respects and enhances the cultural heritage value of places and areas.

(k) To facilitate an integrated transport network that reduces private motor vehicle dependency and encourages a range of sustainable transport modes including public transport, cycling and walking.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other local planning schemes of the City of Perth which apply to the Scheme area.

12. Relationship with region planning scheme

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

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

Part 2 - Reserves

13. Regional Reserves

(1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.

(2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

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

14. Local reserves

(1) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each local reserve are as follows -

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	(a) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152. (b) To provide for a range of active and passive recreation uses including recreation buildings, courts and associated car parking and drainage.
Civic and Community	(a) To provide for a range of community facilities which are compatible with surrounding development. (b) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	(a) To provide for a range of essential physical and community infrastructure.

15. Additional uses for local reserves

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

Part 3 - Zones and use of land

16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows -

Table 2 - Zone objectives

Zone name	Objectives
Residential	(a) To provide for a range of housing types to meet the needs of the community. (b) To provide for a limited range of non-residential uses, which are compatible with and complementary to residential uses. (c) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
Mixed Use	(a) To provide for a range of housing types to meet the needs of the community. (b) To provide for residential-rich areas with compatible land uses that support vibrancy and diversity, which do not generate nuisances detrimental to the amenity of the district. (c) To provide for wide variety of active uses on street level which are compatible with residential.
Neighbourhood Centre	(a) To be the primary focus for uses which meet the local community's daily to weekly shopping, service and recreational needs. (b) To provide for a range of housing types, short-term accommodation and non-residential uses which are compatible with the centre's primary focus. (c) To provide for uses which generate day, night and weekend activity along the street.
Centre	• To provide for a range of housing types, short-term rental accommodation and non-residential uses which are compatible with the area's primary focus. • To provide for uses which generate day, night and weekend activity. ***Centre zone bounded by Mitchell Freeway, Hay Street, Barrack Street, The Esplanade and Mounts Bay Road:*** • To be the primary focus for office uses within the Capital city and the centre of commerce and administration for greater Perth and the State. ***Centre zone bounded by King Street, Wellington Street, Barrack Street and Hay Street Mall:***

	• To be the primary focus for retail uses within the Capital City along with other uses such as food and beverage, entertainment, cultural and creative uses. ***Centre zone bounded by Milligan Street, Parker Street, Aberdeen Street, William Street, and Roe Street:*** • To be the primary focus for entertainment, food and beverage, and cultural and creative uses for greater Perth.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning table

USE AND DEVELOPMENT CLASS	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CENTRE
Animal Establishment	X	D	D	D
Art Gallery	D	P	D	P
Betting Agency	X	A	A	D
Brewery	X	A	A	D
Bulky goods showroom	X	D	D	D
Car Park	X	D	D	D
Child Care Premises	X	D	D	D
Cinema/Theatre	X	D	D	P
Civic Use	X	D	D	D
Club Premises	X	D	D	D
Community Purpose	A	P	D	D
Consulting Rooms	A	P	P	P
Convenience Store	D	P	P	P
Educational Establishment	X	D	D	D

USE AND DEVELOPMENT CLASS	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CENTRE
Exhibition Centre	X	D	D	P
Family Day Care	A	D	D	D
Fast food outlet / lunch bar	X	D	P	P
Fast food outlet – drive through	X	A	X	X
Funeral Parlour	X	D	X	X
Garden Centre	D	D	D	D
Grouped Dwelling	P	D	X	X
Home Business	D	D	D	D
Home Occupation	P	P	P	P
Home Office	P	P	P	P
Home Store	D	D	D	D
Hospital	X	D	D	D
Hosted short-term rental accommodation	P	P	P	P
Hotel	D	D	D	D
Independent Living Complex	P	D	D	D
Industry – Light	X	A	X	D
Liquor Store – Large	X	D	D	D
Liquor Store – Small	X	D	P	P
Market	X	D	P	D
Medical Centre	X	D	D	P
Motor Vehicle, Boat or Caravan Sales	X	D	X	D

USE AND DEVELOPMENT CLASS	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CENTRE
Motor vehicle repair	X	A	X	X
Motor vehicle wash	X	A	X	X
Multiple Dwelling	P	D	D	D
Night Club	X	A	A	D
Office	X	P	P	P
Place of Worship	X	D	D	D
Reception Centre	X	D	D	D
Recreation – Private	A	D	D	D
Residential Aged Care Facility	D	D	D	D
Restaurant/Café	D	D	P	P
Restricted Premise	X	A	A	D
Service Station	X	A	X	X
Shop	D	D	P	D
Single House	P	D	X	X
Small Bar	D	D	P	P
Student accommodation	D	D	D	P
Tavern	X	A	A	D
Telecommunications Infrastructure	X	A	D	D
Tourist and visitor accommodation	D	D	D	P
Trade Supplies	X	A	X	X
Unhosted short-term rental accommodation	A	D	D	D

USE AND DEVELOPMENT CLASS	RESIDENTIAL	MIXED USE	NEIGHBOURHOOD CENTRE	CENTRE
Veterinary Centre	X	D	D	D
Warehouse / Storage	X	D	X	D

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings -

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

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

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

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

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

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

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -

(a) a structure plan;

(c) a local development plan.

19. Additional uses

(1) Schedule 2 sets out -

(a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and

(b) the conditions that apply to that additional use.

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

20. Restricted uses

(1) Schedule 3 sets out

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

(b) the conditions that apply to that restricted use.

(2) Despite anything contained in the zoning table, land that is specified in Schedule 3 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

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

22. Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent -

(a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

(b) the carrying out of development on land if -

(i) before the commencement of this Scheme, the development was lawfully approved; and

(ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if -

(a) the non-conforming use of the land is discontinued; and

(b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -

(a) purchases the land; or

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

23. Changes to non-conforming use

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

(a) alter or extend a non-conforming use of land; or

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

(c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or

(d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

(3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -

(a) is less detrimental to the amenity of the locality than the existing non-conforming use; and

(b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

(2) A register prepared by the local government must set out the following -

(a) a description of each area of land that is being used for a non-conforming use;

(b) a description of any building on the land;

(c) a description of the non-conforming use;

(d) the date on which any discontinuance of the non-conforming use is noted.

(3) If the local government prepares a register under subclause (1) the local government -

(a) must ensure that the register is kept up-to-date; and

(b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.

(3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

(4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 – General development requirements

25. R-Codes

(1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

(2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.

(2A) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if -

(a) the area has a coding number superimposed on it in accordance with subclause (3); or

(b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

*[**27,28.** Deleted: SL2024/25r.50]*

29. Other State planning policies to be read as part of Scheme

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

30. Modification of State planning policies

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

31. Environmental conditions

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

32. Additional site and development requirements

(1) Table 4 and Schedule 3 set out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 4 - Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
ASD1	All Zones	**Plot Ratio**

No.	Description of land	Requirement
		(1) The plot ratio of development shall not exceed the maximum base plot ratio specified on the Maximum Base Plot Ratio Plan, except where: (a) bonus plot ratio is granted under the Bonus Plot Ratio provisions of this Scheme and associated local planning policy; or (b) transfer of plot ratio is granted under the Transfer of Plot Ratio provisions of this Scheme and associated local planning policy; and (c) the bonus plot ratio and/or transfer of transferable plot ratio granted is limited to the maximum plot ratio specified on the Maximum Bonus Plot Ratio Plan; or (d) sharing of plot ratio is granted under the Sharing Plot Ratio provisions of this Scheme or in accordance with an approved local development plan; or (e) a building has been developed (prior to scheme commencement day) at a greater plot ratio than permitted on the Maximum Base or Bonus Plot Ratio Plan, the local government may permit the building to be redeveloped up to the same plot ratio if it is destroyed or significantly damaged. (2) Where a residential land use is converted to short-term rental accommodation, the plot ratio definition that applies to residential development shall apply. (3) The achievement of the plot ratios specified in subclause (1), shall be dependent on the built form objectives of the Scheme and local planning policies being achieved. (4) The *student accommodation floor area* definition in clause 37 applies to the calculation of *plot ratio* for *student accommodation*.
ASD2	All Zones	**Bonus Plot Ratio** (1) The local government may approve an application for development approval which increases the plot ratio above the base plot ratio up to the maximum bonus plot ratio, for the delivery of one or more of the community benefits or strategic outcomes identified in local planning policy.

No.	Description of land	Requirement
		(2) The local government may only grant bonus plot ratio where the development would not have a significant adverse impact on: (a) the cultural heritage significance of any heritage protected place; (b) the amenity, streetscape or character of the area; and (c) any adjoining property. (3) The amount of bonus plot ratio granted should be proportionate to the value of the community benefit and/or strategic benefit provided.
ASD3	All Zones	**Register of Bonus Plot Ratio** (1) The local government shall record, on the Register of Bonus Plot Ratio: (a) places that have been approved for bonus plot ratio; (b) the amount of bonus plot ratio that has been approved; and (c) the approved community benefit or strategic outcome as identified in a local planning policy. (2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.
ASD4	All Zones	**Transfer of Plot Ratio** (1) The local government may approve a request from the owner of a heritage protected place to be a donor site for the transfer of transferable plot ratio, if it: (a) cannot be developed to the maximum base plot ratio specified on the Maximum Base 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; (b) is not located in a reserve shown on the Scheme Map; and (c) is subject to a current conservation management plan prepared in a manner and form to the satisfaction of the local government if the place is of cultural heritage significance.

No.	Description of land	Requirement
		(2) Where the local government approves a place as a donor site, it shall: (a) determine the amount of transferable plot ratio available for transfer from the donor site; (b) impose conditions including (where applicable): i. the requirement to enter into a heritage agreement in accordance with clause 10 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and ii. the completion of any urgent works specified in the conservation management plan, if considered necessary for the conservation of the place. (3) Approval of a place as a donor site shall lapse if all conditions of approval are not fulfilled within 12 months from the date of approval, or such further period as the local government may determine. (4) On fulfilment of all conditions of approval, the place shall be recorded as a donor site on the Register of Transfer of Plot Ratio. (5) The local government may approve an application for development approval for development of a recipient site that includes the transfer of all or part of the transferable plot ratio from a donor site on the Register of Transfer of Plot Ratio to the recipient site if: (a) the development will not have a significant adverse impact on: i. the cultural heritage significance of the recipient site or its locality; ii. the amenity, streetscape or character of the area; and iii. any adjoining property; and (b) the increase in plot ratio on the recipient site does not exceed the plot ratio shown on the Maximum Bonus Plot Ratio Plan. (6) 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 from the owner of the

No.	Description of land	Requirement
		recipient site and shall be recorded as a recipient site on the Register of Transfer of Plot Ratio. (7) 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.
ASD5	All Zones	**Register of Transfer of Plot Ratio** (1) On fulfilment of all conditions of approval, the local government shall record, on the Register of Transfer of Plot Ratio: (a) places that have been approved as donor sites; (b) the transferable plot ratio that is available from a donor site; (c) details of recipient sites that receive transferable plot ratio and the amount transferred; and (d) any remaining transferable plot ratio available from a donor site. (2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.
ASD6	All Zones	**Sharing of Plot Ratio** (1) The local government may approve an application for development approval which proposes the sharing of base plot ratio and/or bonus plot ratio across multiple lots which are contiguous to each other, subject to the following conditions: (a) the total area of all lots shall be treated as one lot for the purposes of calculating the plot ratio; (b) the total plot ratio (base and/or bonus) across the lots shall not exceed the plot ratio calculated in accordance with (1)(a). (2) The application for development approval must include landowner consent from all lots subject to the sharing of plot ratio. (3) The lots approved for the sharing of plot ratio and any associated conditions shall be recorded on the Register of Sharing of Plot Ratio.
ASD7	All zones	**Register of Sharing of Plot Ratio** (1) The local government shall record on the Register of Sharing of Plot Ratio:

No.	Description of land	Requirement
		(a) lots that have been approved for the sharing of plot ratio; and (b) any conditions of the arrangement. (2) A copy of the register shall be made available to the public by publishing the document on the website of the local government.
ASD8	All Zones & Reserves	**Flood levels - flood events** (1) Development approval shall not be granted to a new building unless the finished floor level of any habitable room or space that provides essential infrastructure to the building is at least 0.5 metres above the 1 in 100 (1%) annual exceedance probability (AEP) flood event level. (2) Where a development involves a facility that must continue to function for the public benefit during a 1 in 100 (1%) AEP flood event, such as but not limited to a hospital, the local government shall not grant development approval unless it can be demonstrated that the functionality and safety of the facility can be maintained during the flood event.
ASD9	Land zoned Mixed Use	(1) The following land uses are not to be located at the ground level fronting a street: • Car park • Motor vehicle repair • Motor vehicle wash • Warehouse/storage (2) The following land uses are to have an active frontage to the street if provided at the ground level in the Central Perth neighbourhood west of Victoria Avenue and Lord Street: • Independent living complex • Multiple dwelling • Residential aged care facility
ASD10	Land zoned Neighbourhood Centre	(1) The following land uses are not to be located at the ground level fronting a street: • Car park (2) The following land uses are to have an active frontage to the street if provided at the ground level: • Child care premises • Club premises • Consulting rooms • Educational establishment • Family day care

No.	Description of land	Requirement
		• Home business • Home occupation • Home office • Hospital • Independent living complex • Medical centre • Multiple dwelling • Office • Place of worship • Reception centre • Recreation – private • Residential aged care facility • Student accommodation
ASD11	Land zoned Centre	(1) The following land uses are not to be located at the ground level fronting a street: • Car park (2) The following land uses are to have an active frontage to the street if provided at the ground level: • Child care premises • Club premises • Consulting rooms • Educational establishment • Family day care • Home business • Home occupation • Home office • Hospital • Independent living complex • Medical centre • Multiple Dwelling • Office • Place of worship • Reception centre • Recreation – private • Student accommodation • Warehouse/storage (3) The following land use is not to be located at the ground level fronting a street: • Car park

*Refer to **Schedule 4 – Additional Site and Development Requirements**, for additional sites that are subject to clause 32.*

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

33. Additional site and development requirements for areas covered by structure plan or local development plan

There are no additional site and development requirements for areas covered by structure plans or local development plans.

34. Variations to site and development requirements

(1) In this clause -

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

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

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

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

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and

(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

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

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and

(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant -

(a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

(b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 – Special control areas

36. Special control areas

(1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map and set out in Schedule 5 of the Scheme.

(2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

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

Active frontage	means the frontage of a building or tenancy at ground level which enables visible activity and interaction between the private and public realms
Community benefit	means a substantive and long lasting public good which is: (a) publicly accessible and directly benefits the local community; or (b) directly benefits a segment of the local community.
Commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including: (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
Donor site	means a place recorded as a donor site on the Register of Transfer of Plot Ratio;
Floor area	has the meaning given in the Building Code;
Maximum base plot ratio	means the plot ratio for development which is specified for a lot or part of a lot on the Maximum Base Plot Ratio Plan;
Maximum bonus plot ratio	means the maximum plot ratio which is specified for a lot or part of a lot on the Maximum Bonus Plot Ratio Plan;
Plot ratio	(a) for all residential development to which the R-Codes apply, has the meaning given in the R-Codes; (b) means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located; and (c) for student accommodation, the ratio of the student accommodation floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
Precinct	means a definable area where particular planning policies, guidelines or standards apply;
Predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental;

Recipient site	means a place recorded as a recipient site on the Register of Transfer of Plot Ratio;
Retail	means the sale or hire of goods or services to the public;
Scheme commencement day	means the day on which this Scheme comes into effect under section 87(4) of the Act;
Short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;
Strategic outcome	Is a substantive and long-lasting market good identified in the Local Planning Strategy as being desired but not being delivered by the market.
Student accommodation floor area	means the gross total area of all floors of a building excluding: • toilets, bathrooms and laundries; • lift shafts; • all stairs and landings; • machinery, air conditioning and equipment rooms; • entry 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; • communal facilities, available free of charge for the exclusive use of the on-site residents/guests (eg. gyms, change rooms and indoor swimming pools/spa, but not common storage areas); • storerooms accessible from outside the dwelling/unit; • vehicle parking areas, service/loading bays, bicycle parking areas and associated circulation areas, for use by the occupants of the building or their visitors; • balconies, eaves, verandahs, courtyards and roof terraces.
Transferable plot ratio	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;
Wholesale	means the sale of goods or materials to be sold by others;

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

(a) has the meaning it has in the *Planning and Development Act 2005*; or

(b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

38. Land use terms used

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

Animal Establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

Art Gallery means premises —

(a) that are open to the public; and

(b) where artworks are displayed for viewing or sale.

Betting Agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003.*

Brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

Bulky Goods Showroom means premises -

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:

(i) automotive parts and accessories;

(ii) camping, outdoor and recreation goods;

(iii) electric light fittings;

(iv) animal supplies including equestrian and pet goods;

(v) floor and window coverings;

(vi) furniture, bedding, furnishings, fabrics, Manchester and homewares;

(vii) household appliances, electrical goods and home entertainment goods;

(viii) party supplies;

(ix) office equipment and supplies;

(x) babies' and children's goods, including play equipment and accessories;

(xi) sporting, cycling, leisure, fitness goods and accessories;

(xii) swimming pools. or

(b) used to sell goods and accessories by retail if -

(i) a large area is required for the handling, display or storage of the goods; or

	(ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
Car Park	means premises used primarily for parking vehicles whether open to the public or not but does not include — (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
Child Care Premises	means premises where — (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.
Cinema/Theatre	means premises where the public may view a motion picture or theatrical production.
Civic Use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
Club Premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Community Purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
Consulting Rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m^2 net lettable area.
Educational Establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

Exhibition Centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
Family Day Care	means premises where a family day care service as defined in the *Education and Care Services National Law* (Western Australia) is provided.
Fast food outlet / lunch bar	means premises for preparation, sale and serving of food to customers in a form ready to be eaten without further preparation and primarily off the premises but does not include premises with facilities for drive-through service.
Fast food outlet – drive through	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation and primarily off the premises and includes facilities for drive through service.
Funeral Parlour	means premises used — (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
Garden Centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
Home Business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession — (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m^2; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home Occupation	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

	(a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m^2; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m^2 ; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not — (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home Office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation — (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
Home Store	means a shop attached to a dwelling that — (a) has a net lettable area not exceeding 100m^2; and (b) is operated by a person residing in the dwelling.
Hospital	means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4).
Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.
Independent Living Complex	means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of

	such accommodation but does not include a development which includes these features as a component of a residential aged care facility.
Industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
Industry - Light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Liquor Store - Small	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m^2.
Liquor Store - Large	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m^2.
Market	means premises used for the display and sale of goods from stalls by independent vendors.
Medical Centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Motor Vehicle, Boat or Caravan Sales	means premises used to sell or hire motor vehicles, boats or caravans.
Motor Vehicle Repair	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres, other than recapping or re-treading of tyres.
Motor Vehicle wash	means premises primarily used to wash motor vehicles.
Night Club	means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*.
Office	means premises used for administration, clerical, technical, professional or similar business activities.
Place of Worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Reception Centre	means premises used for hosted functions on formal or ceremonial occasions.

Recreation – Private	means premises that are: (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
Residential Aged Care Facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; and (c) furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.
Restricted Premise	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of — (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
Restaurant / Cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.
Service Station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for: (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
Shop	means premises other than a bulky goods showroom, a liquor store – large, or a liquor store – small, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

Small Bar	means premises the subject of a small bar licence granted under the *Liquor Control Act 1988.*
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 principal place of residence for 3 months or more; and • that may have shared facilities, such as a communal living room, kitchen and amenities.
Tavern	means premises the subject of a tavern licence granted under the *Liquor Control Act 1988.*
Telecommunications Infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
Trade Supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises — (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
Tourist and visitor accommodation	(a) means a complex of 1 or more buildings wholly managed by a single person, body or entity that – (i) provides accommodation for guests, on a commercial basis, for a period or periods not exceeding a total of 3 months in any 12-month period; and (ii) may provide on-site services and facilities for use by guests; and (b) includes the following – (i) guest accommodation provided on a working farm; (ii) a self-contained serviced apartment that is regularly serviced or cleaned by the owner or

manager of the apartment or an agent of the owner or manager;

but

(c) does not include the following –

(i) a caravan park;

(ii) a dwelling designed and used for the purpose of aged care or dependent persons accommodation;

(iii) a park home park;

(iv) a residential building used as a lodging house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3;

(v) a road house;

(vi) workforce accommodation.

Veterinary Centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

Warehouse / Storage means premises including indoor or outdoor facilities used for —

(a) the storage of goods, equipment, plant or materials; or

(b) the display, or sale by wholesale of goods.

SCHEDULES

Schedule 1 - Supplemental provisions to the deemed provisions

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3 – Heritage Protection

Clause 12 – Variations to local planning scheme provisions for heritage purposes

(4) Notwithstanding clause (1), clause 32 (1) Table 4 No. 1, 2 or 4 of the Scheme cannot be varied.

Clause 13B Significant Tree Register

(1) The local government may establish and maintain a significant tree register to identify trees within the scheme area that are worthy of preservation.

(2) The significant tree register –

(a) must set out a description of each tree and the reason for its entry in the significant tree register; and

(b) must be made available with the scheme documents for inspection during business hours at the offices of the local government; and

(c) may be published on the website of the local government.

(3) The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. A written nomination can only be made by the owner of the land which contains the tree.

(4) Upon receiving a written nomination in accordance with subclause (3), the local government may –

(a) carry out any other consultation the local government considers appropriate; and

(b) following any consultation and consideration of the submissions made on the proposal, resolve that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.

(5) If the local government enters a tree in the significant tree register, or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.

(6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the Significant Tree Register.

Part 6A – Design Review

60A. The local government may appoint a Design Review Panel for the purpose of considering and advising the local government with respect to applications and/or planning documents.

60B. When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the local government shall have due regard for that recommendation.

Part 7 – Requirement for development approval

Clause 61

(1) Development approval is not required for works if:

(a) the works are of a class specified in Column 1 of an item in the Table; and

(b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
22.	Removal of a tree	The tree is not listed on the Significant Tree Register.

(2) Development approval of the local government is not required for the following uses:

(i) the use of land in a local reserve, where such land is held by the City or vested in a public authority:

(i) for the purpose for which the land is reserved under the Scheme; or

(ii) in the case of land vested in a public authority, for any purpose for which the land may be lawfully used by that authority.

Clause 67 (2)

(zc) Include any advice of the Design Review Panel.

77R. Register of shared parking arrangements

(1) The local government may establish a Register of shared parking arrangements to record:

(a) lots that have been approved for shared parking arrangements; and

(b) any requirements specified by the local government.

(2) A copy of the Register of shared parking arrangements shall be made available to the public by publishing the document on the website of the local government.

Schedule 2 – Specified Additional uses for zoned land in Scheme Area

No.	Description of land	Additional use	Conditions
A1	Lot 70 (75) Haig Park Circle, East Perth	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class P use: • Consulting rooms • Convenience store • Office Class D use: • Car park • Liquor store – small • Medical centre • Fast food outlet / lunch bar • Veterinary centre	With the exception of 'hotel' and 'tourist and visitor accommodation', the additional uses are not to be located fronting Haig Park Circle or the pedestrian accessway connecting Sovereign Close to Haig Park Circle.
A2	Lots 1-32 (1-8, 20-26) Saunders Street, East Perth	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class D use: • Consulting rooms • Office • Medical centre	Nil.
A3	Lots 1-5 (1-5,7) Henry Street, East Perth	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class D use: • Consulting rooms • Medical centre • Office	Nil.
A4	Lots bound by Kensington Street, Bunbury Crescent and Premier Lane	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following	Nil.

	Lots 1-4 (23, 25, 27, 29) Victory Terrace, East Perth Lot 3 (40) Kensington Street, East Perth Lots 1-2 (2 & 2A), Lots 1-3 (1-3, 4), Lots 1-3 (6, 6A, 6B), Lots 1-3 (1-3, 8), Lots 1-3 (1-3, 10), Lots 1-3 (1-3, 11) and Lots 1-3 (1-3, 12) Tully Road, East Perth Lots 1-3 (1A, 1B, 1C) Stokes Way, East Perth	permissibility applies to the additional uses: Class D use: • Consulting rooms • Medical centre	
A5	Lots 1-24 (1-24, 1) Henry Lawson Walk, East Perth	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class D use: • Consulting rooms • Medical centre • Office	Nil.
A6	Southern portion of Lot 10 (99) Adelaide Terrace, East Perth (zoned Residential and coded R-AC0); and Lot 11 (40) and Lot 12 (10) Terrace Road, East Perth (zoned Residential and coded R-AC0)	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class D use: • Childcare premises • Consulting rooms • Office Class A use: • Hospital • Medical centre	Nil.
A7	Land zoned Residential and located in the East Perth Neighbourhood	*Despite Table 3 - Zoning Table* and *Table 4 - Additional requirements that apply to land in Scheme area*, the following permissibility applies to the additional uses: Class D use: • Office	The additional use is only permissible on the first four floors fronting Terrace Road.

A8	Land zoned Mixed Use as depicted on the Scheme Map and located in the Inner Parliament House Precinct.	*Despite Table 3 - Zoning Table, the following permissibility applies to the additional use:* Class 'P' use: • Civic use	Nil.
A9	Lots 1-62 (11) Regal Place, East Perth	Class P use: Hotel Unhosted short-term rental accommodation	
A10	Lots 1-85 (50-60 and Lots 1-79 (20) Royal Street, East Perth	Class P use: Hotel Unhosted short-term rental accommodation Class D use: Tavern	

Schedule 3 – Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
R1	Land zoned Mixed Use as depicted on the Scheme Map and located in the Inner Parliament House Precinct.	All land uses that are prescribed in **Table 3 – Zoning table** as capable of being granted development approval, with the exception of the following land uses that are to be considered as 'X' uses: • Animal establishment • Betting agency • Brewery • Bulky goods showroom • Fast food outlet – drive through • Funeral parlour • Garden centre • Industry – light • Liquor store – large • Motor vehicle, boat or caravan sales • Motor vehicle repair • Motor vehicle wash • Night club • Restricted premises • Service station • Telecommunications infrastructure • Trade supplies • Warehouse / storage	The permissibility of the land uses that are not designated as 'X' use in the third column of this Schedule 3 shall be as prescribed in **Table 3 – Zoning table**.

Schedule 4 – Additional Site and Development Requirements

This schedule should be read in conjunction with the Additional Site and Development Requirements Plan of the Scheme which depicts the land described in this schedule.

*Refer to **Table 4 – Additional Site and Development Requirements** for additional areas that are subject to clause 32 (ASD1 to ASD11).*

No.	Description of land	Requirement
ASD12	Lot 11 (158), Lots 14-15 (160) and Lot 66 (164) Hay Street, East Perth. Lot 12-13 (29) and Lot 1 (33) Goderich Street, East Perth	Redevelopment of all or parts of the land shall occur in a co-ordinated manner and include the provision of community facility, public open space and retention of existing mature trees where practicable.
ASD13	Lot 10 (99) Adelaide Terrace, East Perth, Lot 11 (40) and Lot 12 (10) Terrace Road, East Perth	Redevelopment of all or parts of the land shall occur in a co-ordinated manner and include the provision of public spaces and pedestrian links within the site and connections into the adjoining streets.
ASD14	Lot 502 (832), Lot 504 (836) and Lot 500 (840) Wellington Street, West Perth Lot 4 (10) and Lot 502 (12) Market Street, West Perth	Redevelopment of all or parts of the land shall occur in a co-ordinated manner and include the provision of public links within the site and connections into the adjoining streets and to the train station.
ASD15	Lot 200 (66-84) and Lot 301 (102) Railway Street, West Perth	Redevelopment of all or parts of the land shall occur in a co-ordinated manner and include public open space and public pedestrian links within the site and to the train station.
ASD16	No. 1 (Lot 103) Altona Street, West Perth No. 32 (Lot 1-3 on SP10055) Kings Park Road, West Perth No. 30 (Lot 4 on D021836) Kings Park Road, West Perth Lot 300 on DP427062 (Altona Laneway, West Perth)	As part of the redevelopment of all or parts of the land, a safe public pedestrian connection will be provided connecting Altona Street and Altona Laneway for the general public.
ASD17	Lot 50 (77) St Georges Terrace and Lot 21 (12-14) The Esplanade, Perth	The extent of existing pedestrian access across the subject site, including public pedestrian access linking St Georges Terrace and The Esplanade to be provided with any redevelopment of the subject site.
ASD18	Lot 3001 (919) Hay Street and Lot 3000 (240) St Georges Terrace, Perth	The extent of existing public pedestrian access across the subject site to be provided with any redevelopment of the subject site.

ASD19	Lot 200 (123), Lot 201 (125-137) and Lot 11 (141) St Georges Terrace, Perth	The extent of existing public pedestrian access and existing public open space across the subject site, including the upper-level walkways and public pedestrian overpasses along and across Mounts Bay Road, to be provided with any redevelopment of the subject site.
ASD20	Lot 51 (225), Lot 57 (235) and Lot 55 (237-239) St Georges Terrace, Perth Lot 56 (1-9) Mount Street, Perth Lot 58 (78-90) Mounts Bay Road, Perth	The extent of existing pedestrian access across the subject site to be provided with any redevelopment of the subject site.
ASD21	Lot 350 (300) Murray Street, Perth	The extent of existing pedestrian access across the subject site to be provided with any redevelopment of the subject site.
ASD22	Lot 32, 33 (40), Lots 1-3 (44) and Lot 3 (50) St Georges Terrace, Perth Lot 11 (611-619) Hay St, Perth	The extent of existing publicly accessible open space across the subject site, including the landscaped forecourt fronting St Georges Terrace to be provided with any redevelopment of the subject site.
ASD23	Lot 200 (196) Colin Place, West Perth Lot 52 (28) and Lot 51 (32) Troode Street, West Perth	Visual surveillance of the underpass under Loftus Street from Colin Place to be provided with any redevelopment of the subject site.
ASD24	Lot 21 (75) William Street, Perth	The extent of existing publicly accessible open space across the subject site, including the curtilage of the Wesley Uniting Church, to be provided with any redevelopment of the subject site.
ASD25	Lot 112 (168-170) St Georges Terrace, Perth Lot 113 (815-823) Hay Street, Perth	(1) The extent of existing pedestrian access across the subject site, including connection to adjoining lots and between Hay Street and St Georges Terrace, to be provided with any redevelopment of the subject site. (2) The extent of existing publicly accessible open space across the subject site to be provided with any redevelopment of the subject site.
ASD26	Lot 29 & 30 (140), Lot 26 (150) and Lot 27 (152-158) St Georges Terrace, Perth Lot 15, 24 and 28 (759-795) Hay Street, Perth	The extent of existing pedestrian access and publicly accessible open space across the subject site to be provided with any redevelopment of the subject site.
ASD27	Lot 2001 (11) and Lot 2003 (17) Mount Street, Perth Lot 2005 (1) and Lot 2004 (5) Spring Street, Perth	The extent of existing pedestrian access across the subject site, including pedestrian accessway along the eastern boundary abutting Spring Street, to be provided with any redevelopment of the subject site.

ASD28	Lot 3-64 (160) St Georges Terrace, Perth Lot 1-154 (811) Hay Street, Perth	(1) The extent of existing public pedestrian access across the subject site, including pedestrian access between Hay St and St Georges Terrace to be provided with any redevelopment of the subject site. (2) Public pedestrian accessway to be provided over the subject site linking St Georges Terrace and Hay Street.
ASD29	Lot 70 (75) Haig Park Circle, East Perth	**General Development** (1) For the purposes of calculating the plot ratio, it shall exclude any public fee-paying car parking that is located within a basement. For the purposes of this clause, a basement is any portion of a building used primarily for car parking and having 50% or more of its volume below natural ground level. (2) Buildings shall be setback a minimum of 3.0 metres from Haig Park Circle. (3) The maximum street building height on Haig Park Circle shall be 10.5 metres with any height above this contained within a 45 degree angled height plane. (4) The local government may approve an application for development approval that does not meet subclause (2) or (3) where: (a) the development integrates the existing electrical substation at the south-east corner of the site; (b) a basement extends into the Haig Park Circle street setback where the basement is a minimum of 2.0 metres below the median level of the footpath adjoining the site at its southern boundary, allowing for adequate soil depth for inground planting to enhance the streetscape; (c) minor projections for items such as chimneys, finials and other similar architectural features; and (d) the variations make a positive contribution to the design of the building(s) and the amenity of the locality. (5) A pedestrian easement shall be provided across the lot for the purposes of public pedestrian access from Sovereign Close to Haig Park Circle. It shall have no height limit and a minimum width of 8.0 metres, except at its northern end where reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise its encroachment into the pedestrian easement and have minimum impact on safety and amenity for users of the pedestrian easement.

Schedule 5 – Special control areas

SCA1 – Northbridge Special Entertainment Precinct (NSEP)

1. Purpose

To establish a Northbridge Special Entertainment Precinct (NSEP), in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night-time economy.

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.

2. Application

The following provisions apply to the land shown in Figure 1 of this SCA, being the Northbridge Special Entertainment Precinct which comprises Core, Transition and Frame areas.

3. Objectives

(1) 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 designed and constructed to provide an acceptable level of amenity to occupants from existing and future music noise.

4. General Provisions

(1) 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.

(2) 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:

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

(i) The carrying out of substantial internal building work;

(ii) The erection of, or alterations or additions to, a single house;

(iii) The erection of, or alterations to, an ancillary dwelling.

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

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

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

(b) the internal amenity for building occupants; or

(c) the public realm.

5. Development standards – Accommodation Land Uses

(1) Application

(a) For the purposes of the NSEP Special Control Area only, accommodation land uses 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 rental accommodation; and

(iv) tourist and visitor accommodation.

(b) Despite the **Table 3 – Zoning table** and any other provision in this Scheme, residential accommodation land uses are not permitted in the Core Area identified in Figure 1 of the Northbridge Special Entertainment Precinct Special Control Area.

(c) 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.

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

(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 rental accommodation and tourist and visitor accommodation development in the NSEP Frame area should be designed and constructed to meet the attenuation standards outlined in 5(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 standardised 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 rental accommodation and tourist and visitor accommodation development in the NSEP Transition area should be designed and constructed to meet the attenuation standards outlined in 5(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 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 5(2)(h);

(ii) Separation distance from assumed entertainment venues;

(iii) Surrounding development; and

(iv) Other matters outlined in 5(2)(i) Attenuation Measures.

If supported, the development must be designed and constructed to meet the attenuation standards outlined in 5(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 rental accommodation and tourist and visitor accommodation development in the NSEP Frame area should be designed and constructed to meet the attenuation standards outlined in 5(2)(f) above, unless otherwise approved by the local government.

Assumed Venue music noise level

(h) The assumed venue music noise level means that each lot within the NSEP Special Control Area is assumed to emit 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 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 $L_{Ceq,\ 1\ min}$(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 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 use, 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 clause 37) for calculation of plot ratio.

(3) Development application accompanying material

(a) In accordance with clause 63(1)(d) of the deemed provisions, all ~~applications for~~ 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 5(2)(a) to (g).

(4) Determination of application

(a) The local government shall not grant its approval if it is not satisfied that the technical standards in clause 5(2) can be met.

(b) The local government, in addition to any other conditions which may be lawfully imposed, may 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)(o) 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 5(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 5(3)(a) have been implemented.

6. Development standards – Entertainment Venues

(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 6(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.

(2) Technical standards

<u>Venue music noise levels</u>

(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 $L_{Ceq,\ 1\ min}$ (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) The 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 use
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.

(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 6(2)(a).

(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, 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)(o) 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 6(3);

(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 6(3) have been implemented.

7. Additional uses

(1) Additional uses

(a) The Table sets out –

(i) classes of use for specified land that are permissible in the Core Area identified in Figure 1 of the Northbridge Special Entertainment Precinct Special Control Area; and

(ii) the conditions that apply to that additional use.

Table 4: Specified additional uses for land in this Special Control Area

No.	Description of Land	Additional Use	Conditions
SCA-A1	191 James Street, Northbridge	Multiple dwelling	(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 any accommodation land uses must be designed and constructed in accordance with clause 5(2)(a).
SCA-A2	182 James Street, Northbridge	Multiple dwelling	(1) A maximum of 18 multiple dwellings are permitted on this site, consistent with the number provided in the existing development. (2) In the event of redevelopment, the development of any accommodation land uses must be designed and constructed in accordance with clause 5(2)(a).
SCA-A3	103 Francis Street, Northbridge	Multiple dwelling	(1) A maximum of 31 multiple dwellings are permitted on this site, consistent with the number provided in the existing development. (2) In the event of redevelopment, the development of any accommodation land uses must be designed and constructed in accordance with clause 5(2)(a).
SCA-A4	89 Aberdeen Street, Northbridge	Multiple dwelling	(1) A maximum of 64 multiple dwellings are permitted on this site, consistent with the number

			provided in the existing development. (2) In the event of redevelopment, the development of any accommodation land uses must be designed and constructed in accordance with clause 5(2)(a).
SCA-A5	87 Aberdeen Street, Northbridge	Single house	(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 any accommodation land uses must be designed and constructed in accordance with clause 5(2)(a).

8. Definitions used in Northbridge Special Entertainment Precinct Special Control Area

Accommodation land use means a land use listed in clause 5(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 5(h).

Core area means the area identified as such in Figure 1.

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, food outlets, shops, ~~and~~ 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).

(iv) In all other cases:

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

B the vertical boundary extent shall be 4 metres above the natural ground level.

Frame area means the area identified as such in Figure 1.

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

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, the Australian Acoustical Society.

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

Residential accommodation means premises for long-term or permanent residential accommodation including aged persons dwelling, caretaker's dwelling, grouped dwelling, single house, multiple dwelling.

Short-term rental accommodation is as defined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

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

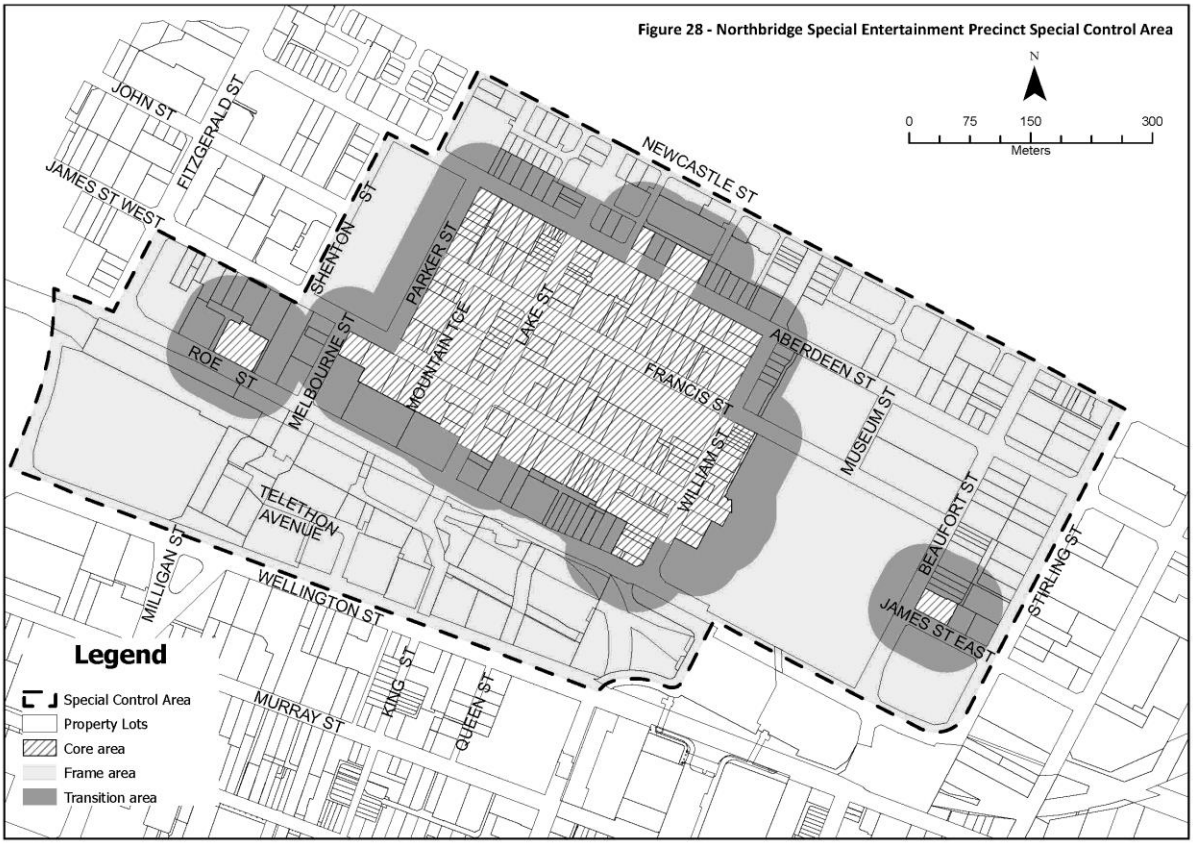
Student accommodation means a purpose-built facility whose predominant purpose is to accommodate students while studying at a tertiary education facility; and staff of a tertiary education facility or visiting staff to a tertiary education facility:

- 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 1 of this Special Control Area.

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

Figure 1 - Northbridge Special Entertainment Precinct



SCA2 – Royal Perth Hospital Helicopter Flight Path Protection

1. Purpose

To protect the Royal Perth Hospital Emergency Flight Path.

2. Application

The following provisions apply to the land shown in Figures 1 to 7 of this SCA, being the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area which comprises Core and Frame Flight Path Areas.

Note: The provisions of this SCA do not apply to the parts of the SCA which are legislated under the Metropolitan Redevelopment Act 2011 or to telecommunication facilities legislated by the Telecommunications (Low Impact Facilities) Determination Act 1997.

3. Objectives

(1) The objectives of the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area (SCA) 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.

4. General Provisions

(1) Where land within this SCA also falls within another SCA under this Scheme, the provisions of this SCA prevail to the extent of any inconsistency.

(2) Where the maximum building heights specified in sub-clause 5(1) of this SCA are inconsistent with the maximum building heights specified in local planning policy, whichever is the lower height shall apply.

5. 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 shall be required for works that are situated above or within 30 metres of the maximum AHD heights specified in Figures 3 to 8 of this SCA for the Core and Frame Flight Path Areas.

6. Development Requirements

(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 3 to 8 of this SCA, as well as intermediate maximum AHD height values determined by a 4.5% gradient as shown in Figure 9 of this SCA.

(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.

7. 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 3 to 8 of this SCA, and/or the intermediate maximum AHD heights specified in Figure 9 of this SCA 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.

8. Consideration of Application by Local Government

(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 3 to 8 of this SCA or the intermediate maximum AHD heights specified in Figure 9 of this SCA.

(2) In considering an application for development approval (other than an application for which approval cannot be granted under clause 7(1)), the local government is to have due regard to the following matters:

(a) the objectives of this SCA; 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.

(3) Where development and associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 3 to 8 of this SCA, or the intermediate maximum AHD heights in Figure 9 of this SCA, 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.

(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.

(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.

(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.

9. Definitions

core flight path area means 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 3 to 8 of this SCA;

frame flight path area means the area adjoining the Core Flight Path Area as shown in Figures 3 to 8 of this SCA 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 means 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 2 of this SCA.

permanent development means development which is not temporary works or equipment.

temporary works and equipment means works and equipment such as cranes, machinery and structures used temporarily to undertake development and/or maintenance

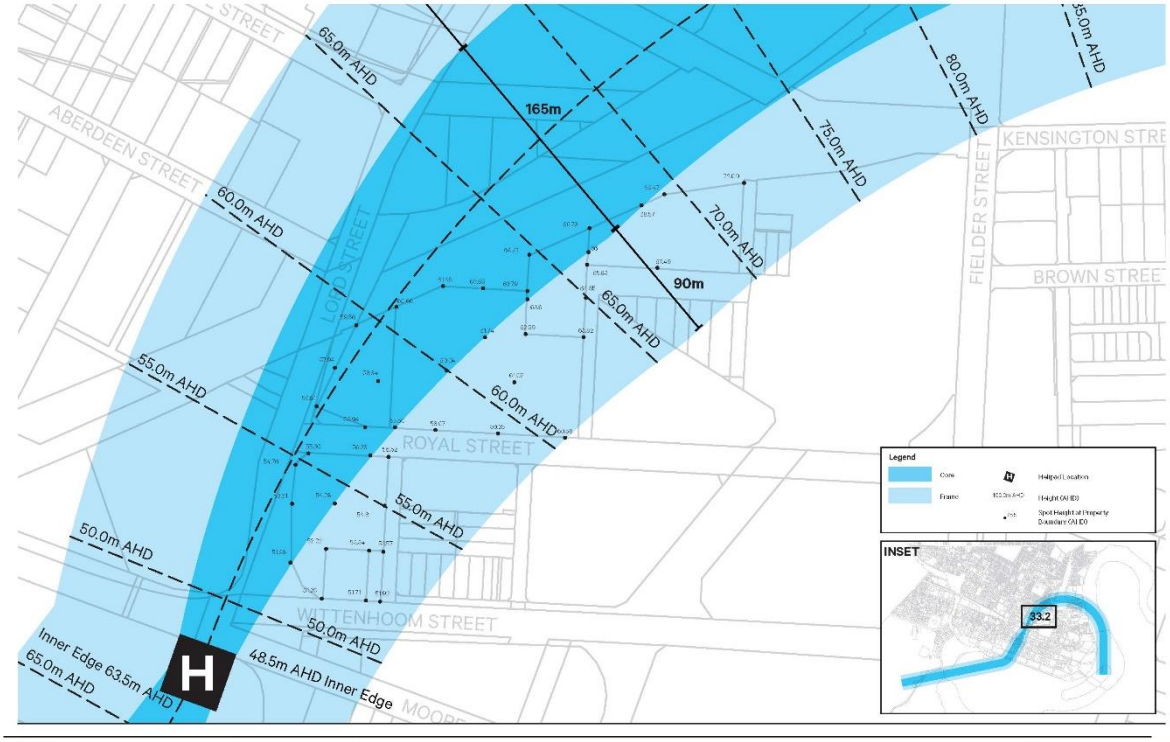


Figure 1 - SCA2 Royal Perth Hospital Helicopter Flight Path – Overall Plan

Figure 2 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Location Plan

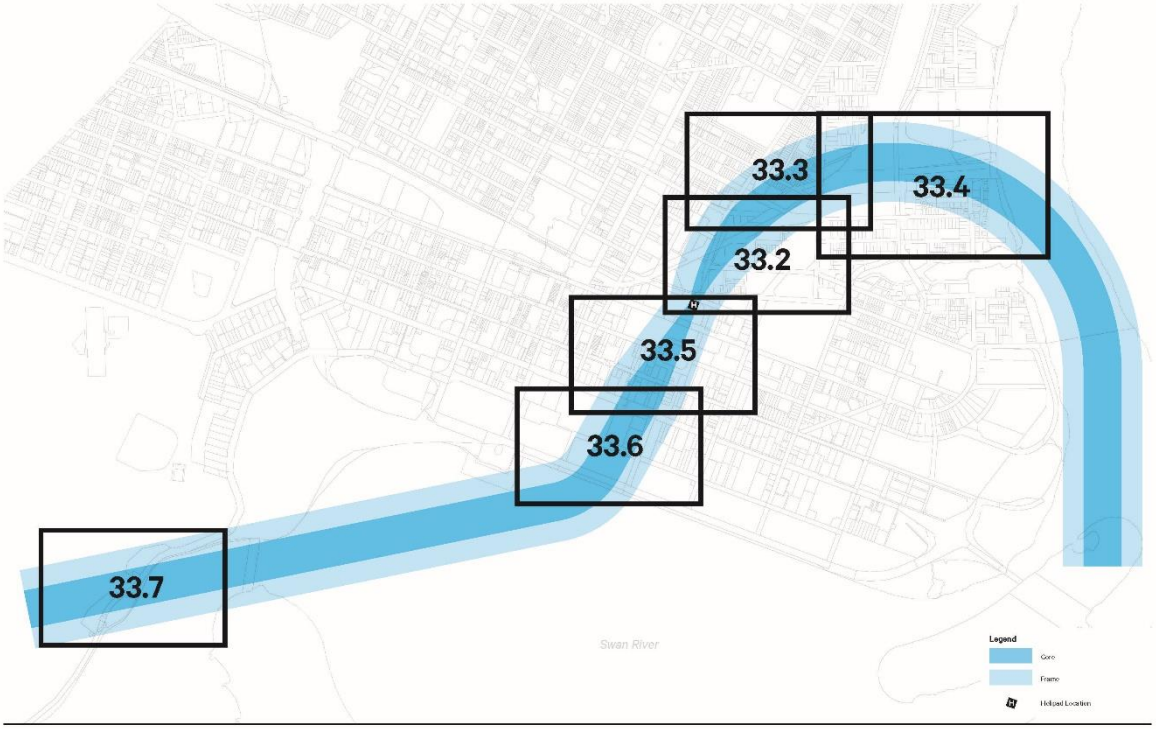


Figure 3 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

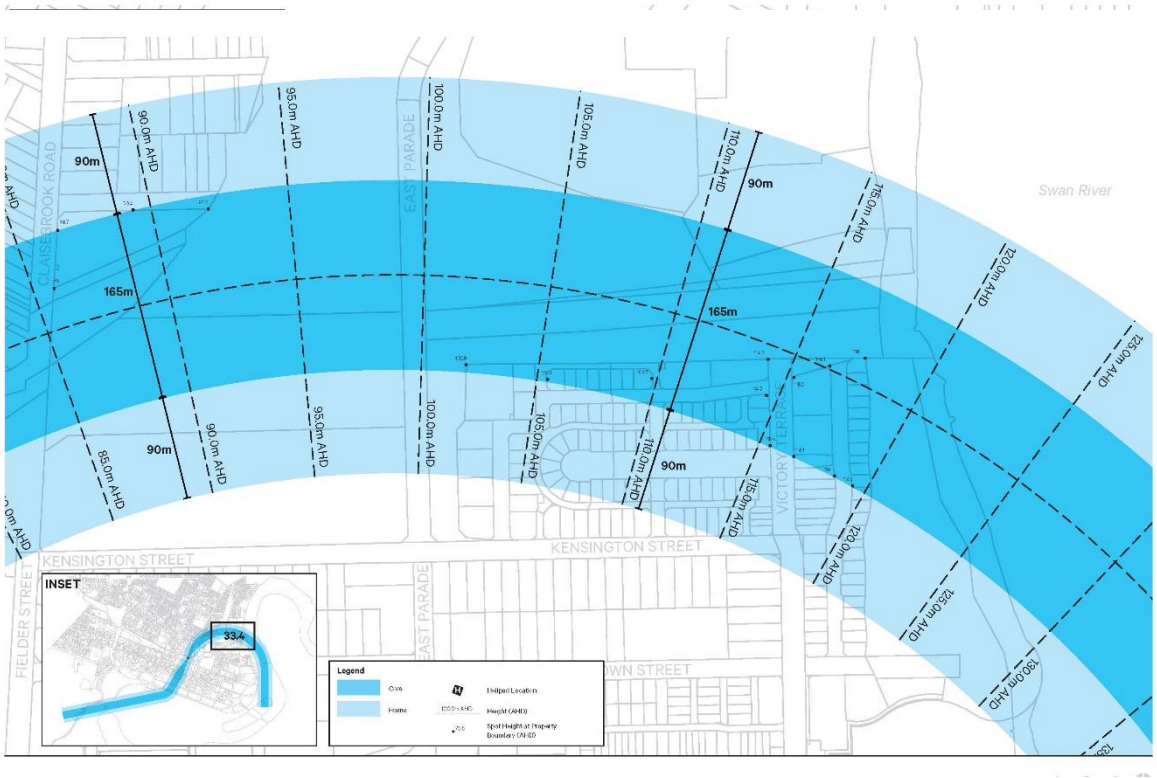
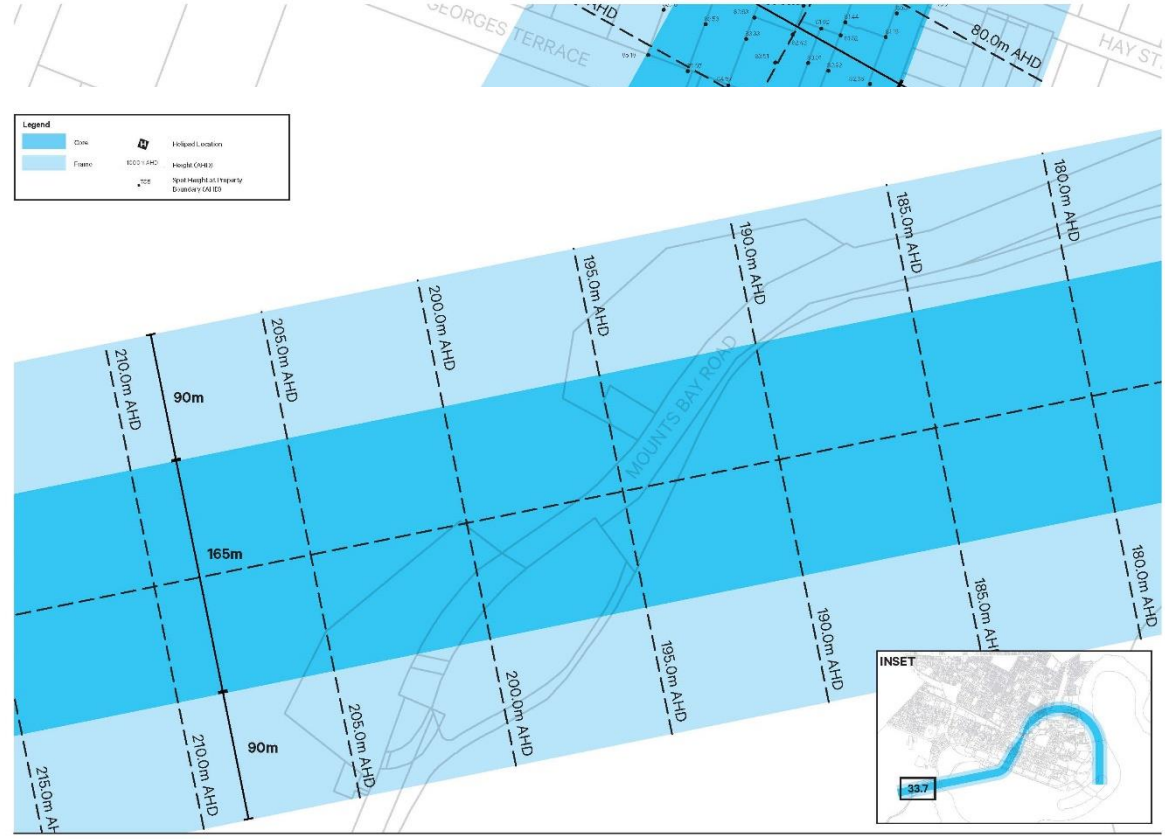


Figure 4 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

Figure 5 – SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

Figure 6 -SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path



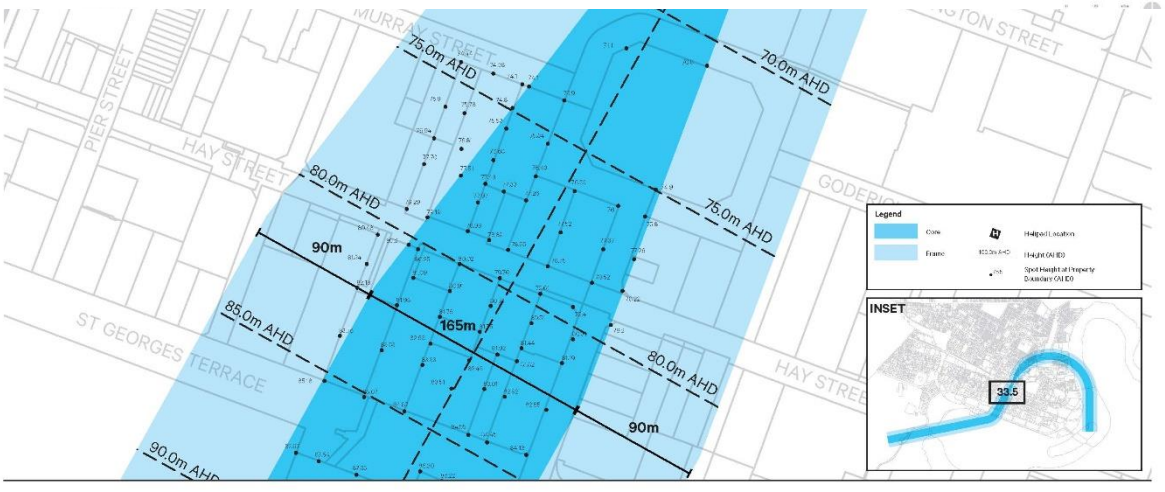
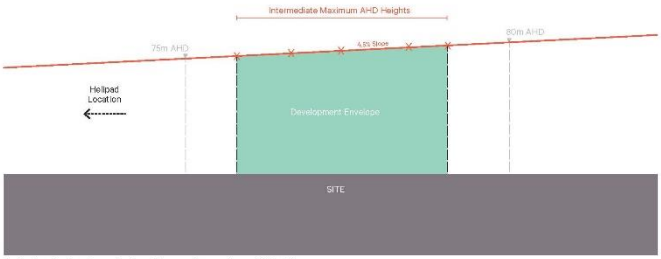


Figure 7 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

Figure 8 - SCA2 Royal Perth Hospital Helicopter Flight Path – Detailed Path

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 9 - SCA2 Royal Perth Hospital Helicopter Flight Path – Intermediate Maximum AHD Heights

The certification pages for local planning schemes have been updated as follows -

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **[INSERT LOCAL GOVERNMENT]** at the **[INSERT MEETING TYPE]** Meeting of Council held on the **[DATE]**

_____

CHIEF EXECUTIVE OFFICER

_____

PRESIDENT/ MAYOR

COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT* SCHEME FOR APPROVAL

Council resolved to **support / not support*** approval of the draft Scheme of the **[INSERT LOCAL GOVERNMENT]** at the **[INSERT MEETING TYPE]** Meeting of Council held on the **[DATE]**

The Common Seal of the **[INSERT LOCAL GOVERNMENT]** was

hereunto affixed by authority of a resolution

of the Council in the presence of:

_____

CHIEF EXECUTIVE OFFICER

_____

PRESIDENT/ MAYOR

delete whichever is not applicable

WAPC Recommended for Approval

_____

Delegated under S.16 of the Planning

and Development Act, 2005

Date: _____

Approval Granted

_____

MINISTER FOR PLANNING

Date: _____