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# TOWN OF VICTORIA PARK

## Local Planning Scheme No. 1

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Updated to include AMD 85 GG 27/04/2021

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

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Department of Planning,  
Lands and Heritage  
Gordon Stephenson House  
140 William Street  
Perth WA 6000

Locked Bag 2506  
Perth WA 6001

website: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 9000  
fax: 08 6551 9001

National Relay Service: 13 36 77  
infoline: 1800 626 477

## TOWN OF VICTORIA PARK LPS 1 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
3	2/2/01	1/2/01	DH	Schedule 1 - introducing new definition "nightclub" following the existing definition of 'net floor area'. Zoning Table - adding new use class "Nightclub".
5	31/8/01	29/8/01	DH	Precinct Plan 10 - amending by inserting the following text as a new paragraph after the first paragraph of the Statement of Intent: "The area of land identified as Special Use zone generally bounded by Welshpool Road, Forward Street, Swansea Street East, Milford Street and Shepperton Road is to be consolidated as a node of commercial uses and serve as part of the southern "Gateway" to the Town of Victoria Park." Precinct Plan 10 - incorporating provisions for "Special use Zone" following the Development Standard provisions for the Office/Residential Zone.
12	6/9/02	3/9/02	DH	Table 1 - amending by changing Use Class for "Motor Vehicles and Marine Sales Premises, Open Air Sales and Display" to an "X" use in the "Residential, Residential/Commercial", "Office/Residential", "Local Centre", "District Centre" zones, an "AA" use in the "Commercial" zone and a "P" use in the "Industrial 1 and 2 zones." Amending Precinct Plan No's P3,4,7,8,11 and 12 by amending each extract of the Zoning Table appearing in those Precinct Plans such that Motor Vehicles and Marine Sales Premises, and Open Air Sales and Display is an "X" use within Local Centre and District Centre zones, and an "AA" use within Commercial zones.
6	8/10/02	10/10/02	DH	<i>Scheme Text</i> - Schedule 1 - inserting new definition following "Home Occupation" for "Home Office". <i>Scheme Text</i> - Clause 31 - "Exemption From Planning Approval" - inserting after existing provision (e) "(f) a home office;" and re-alphabetising the remaining existing provisions contained in the clause. <i>Policy Manual</i> - amending section 3.4 Home Occupation of the Policy Manual by inserting provision "3.4.3.g) The Proposed use will not cause injury to or adversely affect the amenity of the neighbourhood." <i>Scheme Text</i> - Zoning Table - amending Scheme Text zoning table by substituting all the "P" symbol notated against "Home Occupation" use class to an "AA" use in the "Residential", "Residential/Commercial", "Local Centre" & "District Centre" zones, an "AA/X <sup>3</sup> " symbol in the Commercial" zone, an "X" symbol in the "Industrial 1 & 2" zones, and in the Special Use Zone a note "Refer to provisions in Precinct Plan". <i>Note:</i> An amendment was unable to be made in the "Office/Commercial" zone as this does not exist. <i>Precinct Plans</i> - amending Precinct Plan zoning tables Nos P1-P13 (inclusive) by substituting all the "P" symbols in the list of Zones notated against the Home Occupation Use Class to an "AA" use in the "Residential", "Residential/Commercial", "Local Centre" & "District Centre" zones, an "AA/X <sup>3</sup> " symbol in the Commercial" zone, an "X" symbol in the "Industrial 1 & 2" zones, and in the Special Use Zone a note "Refer to provisions in Precinct Plan". <i>Note:</i> An amendment was unable to be made in the "Office/Commercial" zone as this does not exist. <i>Precinct Plans No. 2</i> - modifying the "Use Area" Table by substituting all the "P" symbols in the list of Zones notated against the Home Occupation Use Class with "AA" symbols. <i>Scheme Text</i> - Zoning Table - amending Scheme Text zoning table by substituting existing symbols notated against "Home Office" use class to a "P" use in the "Residential", "Residential/Commercial", "Local Centre" & "District Centre" zones, a "P/X <sup>3</sup> " symbol in the Commercial" zone, an "X" symbol in the "Industrial 1 & 2" zones, and in the Special Use Zone a note "Refer to provisions in Precinct Plan". <i>Note:</i> An amendment was unable to be made in the "Office/Commercial" zone as this does not exist. <i>Precinct Plan No. 2</i> - modifying "Use Area" Table by inserting the use class "Home Office" after the use class "Home Occupation" by inserting the "P" symbols in the list of zones notated against the Home Office Use Class. <i>Note:</i> An amendment was unable to be made in the "Office/Commercial" zone as this does not exist.

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16	15/11/02	14/11/02	DH	Precinct Plan - amending Precinct Plan P13 in respect of land within the 'Special Use zone - Residential and Special Facilities' by including additional text under the heading 'Development Standards' to include 'Building Height'.
8	4/2/03	12/2/03	DH	<p>Clause 12 section (1)(c) - amending sections (i)-(ix) inclusive.</p> <p>Clause 51 section (4), paragraph 3 - indent to be consistent with remainder of the provision.</p> <p>Policy Manual:</p> <p>Section 1.0 Note in paragraph 2 <i>"The register cannot be compiled until"</i> to be replaced with <i>"The register cannot be compiled until"</i>.</p> <p>Section 3.0 clause 3.1.1. paragraph 1 line 10 <i>"Buildings staff"</i> to be replaced with <i>"Building staff"</i>.</p> <p>Section 3.0 clause 3.1.2. paragraph 1 line 5 <i>"of a local scale"</i> to be replaced with <i>"on a local scale"</i>.</p> <p>Section 3.0 policy 3.2. clause 3.2.2 - replace letters "b), c) and d) with i., ii., and iii. respectively and indenting paragraphs and also replacing the letter "e)" with the letter "b)".</p> <p><i>Note: amendment does not call for replacement of letters (f) and (g).</i></p> <p>Precinct Plan 4 - McCallum Precinct, under Residential Zone heading para 1 <i>"Although the residential area is only small high density residential development, in line with R80 residential standards is appropriate."</i> to be replaced with <i>"Although the residential area is only small, high density residential development, in line with R80 residential standards is appropriate"</i>.</p> <p>Precinct Plan 6 - Victoria Park Precinct, under the Residential Zone heading, para 3, <i>"Local shops, child care facilities, schools and recreational areas serving the day-to-day needs of residents may be appropriate"</i> to be replaced with <i>"Child care facilities, schools and recreational areas serving the day-to-day needs of residents may be appropriate"</i>.</p> <p>Precinct Plan 6 - Victoria Park Precinct, under Residential Zone heading, para 6 <i>"Priority will be given to ensuring that new development. Particularly infill and development at higher densities, does not result in undue loss of privacy or amenity for existing residents"</i> to be replaced with <i>"Priority will be given to ensuring that new development, particularly infill and development at higher densities, does not result in undue loss of privacy or amenity for existing residents"</i>.</p> <p>Precinct Plan 8 - Carlisle Precinct, under the Residential Zone heading, para 2 <i>"that serve the day-to-day needs to residents"</i> to be replaced with <i>"that serve the day-to-day needs of residents"</i>.</p> <p>Precinct Plan 10 - Shepperton Precinct, under the Office/Residential Zone heading, para 4 <i>"The impact of car parks on the amenity of adjacent residential areas shall be reduced by ensure vehicle access to sites is via existing access points"</i> to be replaced with <i>"The impact of car parks on the amenity of adjacent residential areas shall be reduced by ensuring vehicle access to sites is via existing access points"</i>.</p> <p>Precinct Plan 11B - Albany Highway Precinct, under the Statement of Intent heading, para 4 <i>"The compatibility of all commercial and retail uses"</i> to be replaced with <i>"The compatibility of all commercial and retail uses"</i>.</p> <p>Precinct Plan 12A - East Victoria Park Precinct, under the Reserves heading, paragraph 3 <i>"vital to the residential areas the serve"</i> to be replaced with <i>"vital to the residential areas they serve"</i>.</p> <p>Precinct Plan 12B - East Victoria Park Precinct, under the Residential Zone heading, paragraph 3 <i>"are appropriate to these localities"</i> to be replaced with <i>"are appropriate in these localities"</i>.</p> <p>Precinct Plan 12B - East Victoria Park Precinct, under the Reserves heading, para 3 <i>"vital to the residential areas the serve"</i> to be replaced with <i>"vital to the residential areas they serve"</i>.</p> <p>Precinct Plan 13 - Curtin Precinct, under the Residential and Special Facilities heading, para 2 <i>"is of extreme important"</i> to be replaced with <i>"is of extreme importance"</i>.</p>
15	4/2/03	13/2/03	DH	<p>Schedule 1 - deleting definition "day care centre".</p> <p>Schedule 1 - inserting new definition "child care premises".</p> <p>Schedule 1 - inserting new definition "family day care".</p> <p>Clause 31 - amending by adding additional provision "(i)".</p> <p>Policy Manual - delete Policy 3.9 'Child Day Care Centres within Residential Areas' and replacing with new policy '3.9 Child Care facilities within Residential Areas'.</p>

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28	23/5/03	27/5/03	DH	<p>In Precinct Plan 2</p> <p>- Delete first paragraph contained in the "STATEMENT OF INTENT" section and replace with <i>"The Burswood Precinct should be redeveloped primarily as an area of mixed office and residential uses east of the railway and for residential uses with integrated mixed use development west of the railway."</i></p> <p>- In "SPECIAL USE ZONE" section delete first paragraph immediately under heading "SPECIAL USE ZONE", which reads, "THIS AREA COMPRISES THE...COMMERCIAL AREA", and the heading "Road Network" and the paragraph immediately under the heading, "COUNCIL WILL NOT CONSIDER...THE BURSOOD PENNINSULA." and replace with new text.</p> <p>- Under the heading "STRUCTURE PLAN" delete paragraph (c) and replace with "(c) All land within the Special Use Zone shall be designated "R-IC" under the Western Australian Planning Commission Residential Design Codes (R Codes).</p> <p>In the "SPECIAL USE ZONE" section delete and replace the "Use Area" Table.</p> <p>In the "SPECIAL USE ZONE" section delete 'Development Standards' 1. to 7. (inclusive) and the whole of the section headed "GENERAL DESIGN GUIDELINES" and replace with the new text following directly under the heading "DEVELOPMENT STANDARDS".</p> <p><b>Policy Manual</b> Adding a new policy to the Policy Manual "3.15 Design Guidelines for Burswood Lakes".</p> <p><b>Table of Contents</b> Adding reference to Policy 3.15 "DESIGN GUIDELINES FOR BURSOOD LAKES" following '3.11.9 ORNAMENTAL DETAILS'.</p>
29	23/5/03	28/5/03	DH	<p><b>Precinct Plans</b> Amending Precinct Plan 2 - Burswood Precinct by modifying the 'Development Standards' section in the 'Special Use Zone' by inserting two new sub headings and associated text, after sub heading '(b) Setbacks' and then re-alphabetising the remaining existing provisions contained in the clause.</p>
26	26/8/03	25/8/03	DH	<p><b>Precinct Plans</b> Amending Precinct Plan 12(Sheet A) East Victoria Park Precinct: by adding text provision to the 'Special Use' zone after the last paragraph to read: CARPARKING/DRAINAGE The only permitted use of this land is carparking and/or drainage.</p>
27	3/2/04	3/2/04	DH	<p><b>Scheme Text</b> Schedule 2 – adding additional use "1. No. 47 (Lot 10) Star Street, Carlisle on Diagram 65589" together with permitted uses and conditions.</p>
30	17/2/04	18/2/04	DH	<p>Scheme Text Adding "Division 3 – Special Control Areas" and clause "29A Operation of Special Control Areas" after clause 29. Table of Contents – amending by inserting after "Schedule 6" Register of Places of Cultural Heritage Significance", a new schedule "Schedule 7: Special Control Areas". Table of Contents – including a new Schedule in the list of Schedules "Schedule 7 – Special Control Areas".</p>
23A	6/4/04	7/4/04	DH	<p>Part 3 – amending text by including a new subclause (b) to clause 29A1, to be inserted after subclause (a). Part 3 – amending text to include new clause "29AB Development Areas and Structure Plans" after clause 29AA 'Building and Design Areas'. Table of Contents – adding reference to clause 29AB by inserting after "29AA Building and Designs Area" the words "29AB Development Areas and Structure Plans". Schedule 7 – amending by adding new Special Control Area – "DA1" being "The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse" together with purpose and particular requirements.</p>
19	14/9/04	20/9/04	DH	<p>Precinct Plan – amending the development standards of the 'commercial Zone' contained in Precinct Plan P4 by replacing point 5 'Building Height'. Precinct Plan – amending the development standard of the 'Residential Zone' contained in Precinct Plan P10 by inserting the additional provision for "Building Height". Precinct Plan – amending the development standards of the</p>

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19 (Cont'd)				'Residential Zone' contained in Precinct Plan P12 (Sheets A and B) by deleting the existing 'Height Limit' provision and inserting a new provision for 'Building Height'.
25	12/10/04	13/10/04	DH	Policy Manual - including Policy 4.12 to be "Design Guidelines for Developments with Buildings above 3 Storeys" Policy Manual – amending Table of Contents to include above.
24	18/2/05	1/3/05	DH	Scheme Text: - Adding new subclause (a) to clause 29A(1), to read "(a) Building and Design Areas shown on the Precinct Plans as BD with a number and included in Schedule 7." - Amending text to include a new clause "29AA Building and Design Areas" after clause 29A to read "Schedule 7 describes the Building and Design Areas in more detail and sets out the purpose and particular requirements that may apply to the Building and Design Areas." Schedule 7 – amending to include new Special Control Area – BD 1 – Lot 905 Burswood Road (known as Sands & McDougall Site). Table of Contents – adding reference to clause 29AA by inserting under 29A Operation of Special Control Areas' to read "29AA Building and Design Areas".
31	8/3/05	16/3/05	DH	Policy Manual – Policy 3.12 Sunbury Park Site Design Guidelines amend by: - replacing first paragraph in clause 3.12.5 to read "These guidelines apply to lots 474 to 499 as shown on the attached Drawing S1 and lot 500 to 569 and shown on the attached Drawing S2. - replacing first paragraph in clause 3.12.5 to read "Lot sizes within the subdivision range in area generally between 200m <sup>2</sup> and 240m <sup>2</sup> . No lot will be less than 200m <sup>2</sup> in area. - replacing Clause 3.12.6a) to read "With respect to any lot, the amalgamation to form larger development sites or the further subdivision to create smaller single house lots will not be supported. (E) - replacing Clause 3.12.6b) to read "With the exception of Lots 522 to 530, all lots must address their primary street frontage, whilst meeting the necessary on-site parking and open space requirements of the guidelines. (E) - replacing Clause 3.12.6c) to read "Lots 522 to 530 are to address the Public Open Space as if it was the primary street frontage whilst meeting the necessary on-site parking and open space requirements of the guidelines. Two-storey development on these lots is to include windows facing towards and providing surveillance of Kitchener Avenue. (E) - replacing Clause 3.12.6d) to read "Lot levels must not be varied from those provided. (E) - replacing paragraph 2 in Clause 3.12.7.1c) to read "Nil side setbacks are permitted, although not a requirement, on the boundaries identified on Drawing S2 subject to compliance with clause 3.12.9 (D) - in paragraph 1 in Clause 3.12.7.1d) replace the word "Planning" with the word "Design". - in clause 3.12.7.1e) modify clause to read "Lots 522 to 531 are required to be setback between 1 metre (minimum) and 2 metres (maximum) from the primary street boundary. Nil setbacks are permitted to both side boundaries with the exception of lots 522, 530 and 531. (E) - modify Clause 3.12.9, paragraph 2 to read "Plans showing any overshadowing impact of the proposed development, will be required by Council to be submitted as part of the information lodged at the development approval stage. Council will require that not withstanding the nil setback guidelines indicated on Drawing S2, the dwelling be designed such that its shadow cast at midday, 21 June onto any other adjoining residential property does not exceed 35% of the site area of that adjoining property or Council will assess the applications in accordance with the Performance Criteria requirements of Clause 3.9.1 of the Residential Design Codes of Western Australia. (E)
33	1/4/05	3/5/05	DH	Precinct Plans: Amending Precinct Plan P 8 – Carlisle Precinct by reclassifying portions of Lot 20 and Pt Lot 6 (No. 264) Orrong Road, Carlisle and portion of the Galaxy Way road reserve from 'Other Regional Roads' reservation to 'Residential' zone with a permitted site density of R30.

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34	3/5/05	3/5/05	DH	Precinct Plans: Amending Precinct Plan P12 Sheet B – East Victoria Park Precinct by reclassifying portion of Location 4332 Albany Highway, East Victoria Park from 'Residential' zone to 'Public Purposes' Town of Victoria Park Scheme Reserve with a Civic Use/Community Purpose notation (CU/CP) and 'Parks and Recreation' town of Victoria Park Scheme Reserve
37	11/11/05	15/11/05	DH	Precinct Plan P2 (Sheet B) – modifying Table 1 – General Site Requirements by removing figure "16" under the Open Space column – Min. Communal (m <sup>2</sup> ) for Multiple Dwelling and inserting the comment "refer to communal open space table below". Inserting a new table – Open Space following Table 1. Inserting definition of "Plot Ratio" following the table of plot ratio requirements under clause (1)(c).
20	31/1/06	7/2/06	DH	Precinct Plan – amending Precinct Plan P11 Sheet B in respect to 'Albany Highway Central' by adding additional clause 5. under heading of Development Standards. Precinct Plan – amending Precinct Plan P11 Sheet B in respect to "District Centre Zone- East Victoria Park Shopping Area' by adding additional Clause "7. Building Height" under heading of Development Standards. Precinct Plan – amending Precinct Plan P11 Sheet B in respect to the 'Residential/Commercial Zone by adding Clause "8. Building Height:" under the heading of Development Standards". Precinct Plan – amending Precinct Plan P11 Sheet B in respect to the District Centre Zone – East Victoria Park Gateway Shopping Centre Area by adding Clause "7. Building Height:" under the heading Development Standards. Policy Manual – amending Policy 4.8 'Albany Highway Residential/Commercial Design Guidelines' by deleting the words "Heights of buildings can be 2-3 levels, or more if the development meets the objectives for the area" and inserting the words "Heights of buildings shall be a maximum of 11.5 metres (3 storeys)". Policy Manual – amending Policy 4.7 'East Victoria Park Gateway Shopping Area Design Guidelines' by modifying Clause 4.7.4.2(a). Policy Manual – modifying Figure 3 – Built Form by deleting the notation " Building could be 103 storeys high".
14	7/4/06	18/4/06	DH	Precinct Plan P11 (Sheet B) – in respect to the Commercial Zone – Albany Highway Gateway adding Development Standard "5. Building Height". Precinct Plan P11 (Sheet B) – in respect to the District Centre Zone – Victoria Park Shopping Area adding Development Standard "7. Building Height:".
40	9/2/07	13/2/07	DH	Schedule 4 - modifying schedule in the "Type of Advertisement" column. Part 4 - adding new clause "39A - Determination of Application for Advertisement". Table of Contents - modify by inserting new heading under Part 4 to read "39A. Determination of Application for Advertisement".
41	9/2/07	19/2/07	DH	Schedule 2 - adding additional use area No. 2 "No. 9 (Lot 712, Strata Lot 11) McMillan Street, Victoria Park on Vol 2546 Fol 485 Strata Plan 43914" together with relevant permitted uses and development standards & conditions.

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38	15/6/07	19/6/07	DH	<p>POLICY MANUAL:            Make below changes to Policy Manual:            Deleting from Policy Manual "3.2 Ancillary Accommodation"/            Deleting from Policy Manual "3.3 Development of Aged or Dependent            Persons' Dwelling".            Policy Manual 3.4 Home Occupation - reformat clause 3.4.3b), c), d)            and e).            Policy Manual 3.7 Mixed Residential/Commercial Development -            modify clause 3.7.8a) by deleting the words 'the 'B' standard of".            Policy Manual 3.8 Structures Within Setbacks in Residential Areas -            delete.            Policy Manual 3.9 Child Care Facilities Within Residential Areas -            modify clause 3.9.2 a) iii.            Policy Manual 3.9 Child Care Facilities Within Residential Areas -            modify Clause 3.9.2 a) by deleting the words "Any applications            submitted for child care premises will be referred to the Child Care            Services Board/Licensing Unit for confirmation of compliance with the  <i>Community Services (child Care) Regulations 1988.</i>"            Policy Manual 3.10 Vehicular Access to Properties Via a Right-of-Way            - modify clause 3.10.1.            Policy Manual 3.10 Vehicular Access to Properties Via a Right-of-Way            - delete Clause 3.10.2a)ii a), b), c) and d).            Policy Manual 3.10 Vehicular Access to Properties Via a Right-of-Way            - modify Clause 3.10.2a)ii.            Policy Manual 3.11 Raphael Residential Precinct Design Guidelines -            delete.</p>

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39	10/7/07	19/7/07	DH	<p><b>Scheme Text:</b>  Schedule 1 - modifying definitions "Residential Planning Codes", "Residential Design Codes", "dwelling", "floor area of a building", "grouped dwelling", "multiple dwelling", "residential building" and "single house".  Schedule 1 - inserting definition of "Day Care Centre", "substantially commenced" and "single bedroom dwelling".  Schedule 3 - modify Schedule.  Schedule 5 - modify schedule by inserting the word "substantially" between the words "not" and "commenced".  Zoning Table - modify Clause 15 (Zoning Table) by inserting the use "Single Bedroom Dwelling" with relevant symbols applicable.  Clause 31(1) - replacing sub-clause (g) with new wording.  Clause 31(1) - adding new sub-clause (j).</p> <p><b>Policy Manual:</b>  Policy 5.1 (Parking Policy) - modify subclause 5.1.6.1 by inserting sub-clause (d).  Policy 5.1 - modify the table following Clause 5.1.6.2 by deleting the Activity/Use of 'Technical Schools and Tertiary Institutions' and deleting the associated number of car parking bays for this use.  Policy 5.1 - modify the table following Clause 5.1.6.2 by inserting a car parking requirement for 'Educational Establishment' and 'Research and Development'.  Policy 5.1 - modify the table following Clause 5.1.6.2 by modifying the car parking requirement for 'Institutional home/nursing home' and 'Child Care facilities'.  Policy 5.1 - modify clause 5.1.6.3(a).  Policy 5.1 - modify clause 5.1.6.4(a).  Policy 5.1 - modify clause 5.1.6.12.2b).  Policy 5.1 - replace the word "should" with "shall" in Clauses 5.1.6.1a), 5.1.6.7a), 5.1.6.9a), 5.1.6.12a) and 5.1.6.12.5a).  Policy 5.1 - modify clause 5.1.7.7 by deleting sub-clause b) and rewording sub-clause a) to read "Appendix A: Car Parking Bay and Manoeuvring Dimensions for Residential and Non-Residential Development."  Policy 5.1 - modify Appendix A: Car Parking Bay and Manoeuvring Dimensions for Non-residential Development by retitling the Appendix as "Appendix A: Car Parking Bay and Manoeuvring Dimensions for Residential and Non-Residential Development".  Policy 5.1 - modifying Appendix A.  Policy 5.1 - deleting existing Appendix B.  Policy 4.8 - modify clause 4.8.6a) to read "a) Where available, vehicular access shall be from a right-of-way or adjoining side street. Vehicular access directly onto Albany Highway is restricted to existing crossovers only."  Policy 4.8 - modify the drawing following Clause 4.8.7 to indicate that vehicular access is to be from a right-of-way.  Policy Manual 4.11 - renumbering clauses 4.11.2a) and b) as Clauses 4.11.2b) and c) respectively and inserting a new Clause 4.11.2a).  Policy 4.11 - modify clause 4.11.2b)ii to read "satellite dishes greater than 1.5 metres in diameter are required to be located at ground level, with a maximum height of three (3) metres and should be located or screened such that they are not visible from any street or adjoining property."  Policy 4.11 - modify clause 4.11.2c)ii to read "satellite dishes greater than 2.0 metres in diameter are required to be located at ground level, with maximum height of three (3) metres and should be located or screened such that they are not visible from any street or adjoining property"  Policy 4.11 - inserting clause 4.11.2d).  Policy 3.12 Sunbury Park Site Design Guidelines - modify Clause 3.12.3 paragraph 2 by replacing the term 'Residential Design Guidelines' with 'Local Planning Policy - Streetscape'.  Policy 3.12 - deleting the reference to Policy 3.2 'Ancillary Accommodation' and Policy 3.8 'Structures Within Setbacks in Residential Areas' in Clause 3.12.3 paragraph 3.  Policy 3.12 - in Clauses 3.12.11a) and 3.12.23a) replace the term 'Town Planning Scheme Policy 3.1 Residential Design Guidelines, Section 3.1.6.6' with 'Local Planning Policy - Streetscape' to read " a) Front Fences Low front fences are encouraged in order to maintain an interaction between the dwellings and the street. Front fences are to comply with the Local Planning Policy - Streetscape (E)"</p>



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39 Cont'd				Policy 3.12 - modifying clause 3.12.21 by replacing reference to Clause 3.9.1 of the Residential Codes with Clause 3.9.1 of the Residential Design Codes to read "Council will not require strict compliance with the provisions of Clause 3.9.1 of the Residential Design Codes in respect to overshadowing. (D)" Policy 3.12 - inserting a sub-clause "d)" in Clause 3.12.8 and 3.12.20.
43	31/10/08	10/11/08	DH	Zoning Table - amending permissibility for use class "Restr8icted Premises" and adding footnote 4 to end of table. Schedule 1 - modifying definition of "Restricted Premises". Amending Precinct Plans P3, P4, P7, P8, P10 and P11 by amending the extract of the Zoning Table appearing in those Precinct Plans to reflect the amendments to the Zoning Table contained in the Scheme Text.
44	29/7/09	17/8/09	DH	Zoning Table - deleting existing Footnote 3 and modifying use classes "Home Occupation", "Home Office" & "Single House, Grouped Dwelling, Aged or Dependent Persons' Dwelling, Multiple Dwelling" in the Commercial Zone. Zoning Table - adding footnotes 3 & 4 and modifying use classes "Fast Food Outlet, Restaurant", "Hotel, Motel, Tavern", "Shop" and "Showroom" in the Office/Residential zone. Clause 22 - adding additional point (5).
46	03/09/10	13/09/10	NM	<b>Scheme Text:</b> Schedule 1 – Definitions; <ul style="list-style-type: none"> <li>- Replaced the definition of "storey"</li> <li>- Deleted the definition of "height"</li> <li>- Added new definition "building height"</li> <li>- Added new definition "natural ground level"</li> <li>- Replaced definition of "plot ratio"</li> <li>- Added new definition "plot ratio floor area"</li> <li>- Modified definition of "net floor area"</li> <li>- Deleted the definition of "floor area of a building"</li> </ul> <b>Precinct Plan:</b> Deleted 'Note(s)' relating to 'Building height' within Precinct Plan 2 – Burswood Precinct "Office/Residential Zone" and Precinct Plan 4 – McCallum Precinct "Residential Zone" and "Commercial Zone".
48	25/01/11	01/02/11	NM	Replaced the notation "X/AA <sup>4</sup> " with "X/AA <sup>5</sup> " within Zoning table, zone "Restricted Premises". Deleted "Lodging House" from Zoning Table. Deleted sub-clauses 23 (2) and (3) and renumbered (4) accordingly. Replaced sub-clause 38(1). Deleted the words "with the period of 60 days" and "within that period of 90 days" within Clause 43. Deleted the definition "Lodging house" and the associated "note" from Schedule 1 – Definitions. Inserted definitions "permanent" and "temporary" into Schedule 1 – Definitions. Replaced the words "TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)" with the words "PLANNING AND DEVELOPMENT ACT 2005" within Schedule 5 – Notice of Council Decision. Policy 4.14 – Replaced the word "speaking" with "parking" in c) Area 3 Parkside Residential, (ii) Land Use, dot point 3. Policy 4.14 – deleted provisions under (ii) Lot size and development controls for i) Area 9 Shepperton Streetscape Overlay, and inserted new text. Policy 5.1 – deleted the words "or part thereof" under Clause 5.1.6.2 in relation to the parking requirements for 'Showroom' and 'Warehouse/Industry'.
51	30/12/11	17/01/12	NM	Replaced Schedule 3 – Application for Planning Approval.
49	13/07/12	31/07/12	NM	<b>Precinct Plan</b> Inserted "Building Height" and related paragraph under the paragraph headed "Development Standards" under the heading "Residential Zone" within Precinct Plan P5 Raphael Precinct. Modified Precinct Plan P6 Victoria park Precinct plan under the heading "Development Standards". Inserted the words ", except where otherwise specified" after the last sentence of the second paragraph of the preamble in Residential Zone.
58	11/12/12	18/12/12	NM	Inserted Additional Use No. 3 into Schedule 2 – Additional uses.

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
49	8/3/13	25/3/13	NM	Inserted subclause (6) East Victoria Park Precinct into Clause 22 – Special Application of the Residential Planning Codes. <b>Precinct Plan</b> Inserted notation 'No Multiple Dwellings' to Sheet A. Inserted a sentence after 'development standards for building heights' for Sheets A and B.
57	22/2/13	8/4/13	NM	Inserted sub-clause (7) within Clause 22. Inserted sub-clause (c) within Clause 29AB (12). <b>Precinct Plan</b> Replaced some text under 'Statement of Intent' of Burswood Peninsula Precinct Plan P1 Sheet A. Replaced text under 'Special Use Zone' of Burswood Peninsula Precinct Plan P1 Sheet A.
54	6/9/13	16/10/13	NM	<b>Policy Manual:</b> Inserted 'Area 6B Croquet Club Site' into Clause 4.14.2 and after 'Figure A2.8 Development Provisions for Area 6'.
62	23/09/14	26/02/14	MLD	Amend Precinct Plan 12 (Sheet A and B) by recoding the residential area bounded by Berwick Street, Westminster Street, Devenish Street and Canterbury Terrace, East Victoria Park from 'Residential R20' to 'Residential R30'.
61	14/11/14	9/2/15	MLD	Amend Schedule 1 – by inserting a use class and the definition of "Liquor Store Small" and "Liquor Store Large" and "net lettable area". Schedule 1 – amend definition of 'Shop'. 'Zoning table' – insert use classes of "Liquor Store – Small" and "Liquor Store – Large", and associated permissibility. Amend Precinct Plans to reflect the amendment to the Zoning Table in the Scheme Text. (P1 – P13).
60	19/8/14	23/4/15	MLD	Amend the Town Planning Scheme Text Zoning Table and add a Footnote 6 following Footnote 5. Amend Precinct Plan P11 - Sheet B – 'Albany Highway Precinct' by amending the extract of the Zoning Table for the Commercial zones known as 'Albany Highway Gateway' and 'Albany Highway Central'. Modify Town Planning Scheme Text Schedule 2 – Additional Uses. Modify Town Planning Scheme No. 1 Precinct Plan P11, Sheet A by applying to relevant properties the 'Ref. No' for that property listed in Schedule 2 – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.
63	09/06/15	15/06/15	MLD	Insert new clause 31A – Amending or Revoking a Planning Approval.
68	31/07/15	04/08/15	MLD	Amend Clause 46 of the Scheme Text. Modify the definition of Planning Policy in Schedule 1
71	19/07/16	21/07/16	MLD	Modify Precinct Plan P11, Sheet A by reclassifying 874 (Lot 442) Albany Highway, East Victoria Park from Local Scheme Reserve 'Public Purpose - Civic Use' to 'District Centre' zone.
69	02/12/16	21/12/16	GM	Amended Clause 3 by deleting subclause (1) (c) and inserting new subclause 1 (a) and renumbering related subclauses. Amended Note 1 associated with Clause 3 to delete the words "planning policy". Amended the Note associated with Clause 21 to delete the words "Planning Policies". Amended Clause 22(4) and 22(5) Amended Clause 38(1)(a). Amended the "planning policy" definition in Schedule 1 – Definitions.
67	05/05/2017	11/05/2017	RMc	1. Amend Schedule 2 to include - Ref no. A 54, 2-8A (Lots 1, 2, 137-141) Basinghall St, Victoria Park. Permitted uses - multiple dwellings. 2. Modify Precinct Plan P12, Sheet A by applying to 2-8A (Lots 1, 2, 137, 128, 139, 140 and 141) the "A54" notation as listed in Schedule 2 - Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.
75	23/06/17	26/06/17	GM	Deleted the following parts, clauses, subclauses and schedules from the Scheme Text as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 – Part 3, Division 2 (and associated Notes); 29AB (1) and (3)-(16); 30 (and associated Notes); 31 (with items (1)(b), (c), (e), (h), (i), and (j) to be moved to a new Schedule A and item (e) to be modified to refer to a heritage list or heritage area rather than the Register of Places of Cultural Heritage

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
75 Cont'd				<p>Significance); 31A; 33 (and associated Note); 35 (and associated Note); 36 (and associated Note); 40 (and associated Note); 41; 42; 43 (and associated Note); 45 (and associated Note); 46; 46A; 46B; 48; 49 (and associated Note); 53 (with subclauses (2), (3) and (4) to be moved to a new Schedule A); Schedule 3; Schedule 5; Schedule 6.</p> <p>Deleted the following definitions from Schedule 1 of the Scheme Text as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Act; advertisement; Chief Executive; conservation; conservation area; cultural heritage significance; heritage agreement; owner; place; premises; register of places of cultural heritage significance; Residential Design Codes; Residential Planning Codes; Scheme area; substantially commenced.</p> <p>Amended the following clauses in the Scheme Text by removing reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 – 18(2), 32(1), 37(2), 38(3), 39(1) 39A(1), Schedule 7 Area 'BD1'.</p> <p>Deleted Notes from the following clauses – 3, 13, 14, 16, 18, 24, 47, 50 and 52.</p> <p>Deleted Notes from definitions in Schedule 1 – 'land', 'lot' and 'public authority'.</p> <p>Amended Notes in the following clauses – 10, 11, 14, 15, 16, 34, 47 and 54.</p> <p>Amended Notes in Schedule 1 of the following definitions – 'development', 'dwelling', 'grouped dwelling', 'residential building', 'single bedroom dwelling', 'single house', 'multiple dwelling'.</p> <p>Deleted references to the following terms in the Scheme Text and Precinct Plans and replace them with the corresponding term throughout -</p> <p>'Residential Planning Codes' with 'R-Codes'.</p> <p>'Totalisator Agency Betting Board Act 1960' with 'Racing and Wagering Western Australia Act 2003'.</p> <p>'Health Act 1911' with the 'Health (Miscellaneous Provisions) Act 1911'.</p> <p>'Planning Approval' (including associated Notes) with 'Development Approval'.</p> <p>Inserted new Schedule A – Supplemental Provisions to the Deemed Provisions.</p> <p>Renumbered and renamed all remaining Schedules in the Scheme Text as follows:</p> <p>Schedule B - Definitions  Schedule C - Additional Uses  Schedule D - Advertisements Requiring Development Approval  Schedule E - Special Control Areas</p> <p>Replaced cross-references to Schedules 1, 2, 4 and 7 with Schedules B, C, D and E respectively, throughout the Scheme Text (including associated Notes).</p> <p>Amended definitions in the new Schedule B – Definitions – 'amenities', 'Metropolitan Region Scheme', 'Western Australian Planning Commission', and added new definition 'deemed clause'.</p> <p>Amended clauses 50(1), 52(1) and 52(2).</p> <p>Updated the Scheme Text as necessary to reflect consequential changes, including contents page, clause numbers, page numbers etc.</p> <p>Precinct Plans amended.</p>
74	11/07/17	17/07/17	GM	Amended Precinct Plan P3 by reclassifying 176A, 176B and a portion of 176 and 178 (Lots 76, 77, 40 & 100) Burswood Road, Burswood to 'Office/Residential' zone.
76	24/11/17	29/11/17	GM	<p>Inserted A55, No. 18 (Lot 101) Twickenham Road, Burswood on Diagram 77286, Volume 1863, Folio 639 into Schedule 2 – Additional Uses.</p> <p>Modified Town Planning Scheme No. 1 Precinct Plan P3 'Causeway Precinct' by applying to the property known as No. 18 (Lot 101) Twickenham Road, Burswood the notation of 'A55' as the Reference Number for that property listed in Schedule 2 - Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.</p>
77	19/06/18	28/06/18	MLD	<p>Modify the definition of 'industry' in Schedule B.</p> <p>Modify the definition of 'light industry' in Schedule B.</p> <p>Insert a definition of 'service industry' in Schedule B.</p> <p>Modify the Zoning Table by adding - 'Service Industry' under the</p>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
77 Cont'd				<p>heading 'Use Class' and insert the permissibility of this use in each zone.</p> <p><b>Precinct Plans</b> Update the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 4.</p>
81	25/1/19	04/02/19	MLD	<p>Delete from Schedule A 'Supplemental Provisions to the Deemed Provisions', part (6)(m) of Deemed Clause 61, and renumber accordingly; and</p> <p>Delete Schedule D 'Advertisements requiring Development Approval' from the Scheme Text.</p>
80	18/04/19	23/04/19	GM	<p>Insert general and land use terms and definitions into Schedule B 'Definitions' of the Scheme Text: Amend land use terms definitions in Schedule B 'Definitions'; Delete general and land use terms and definitions in Schedule B 'Definitions' and replace them with new definitions: Zoning Table replaced. Amend the extracts of the Zoning Table in all Precinct Plans in accordance with the Zoning Table. Amend clause 16 (2) of the Scheme Text to replace 'clause 37' with 'clause 28'.</p>
84	09/10/2020	13/10/2020	GM	<p>Inserting the following land use definition into Schedule B – Definitions of the Scheme Text: 'home business'. Amending the Zoning Table in the Scheme Text by inserting the use class Home Business in the left hand column under the heading 'Use Class' and inserting the permissibility of this use in each zone. Amending the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the amendment to the Zoning Table in item 2 above. Amending Clause 31 in the Scheme Text by:</p> <ul style="list-style-type: none"> <li>• Inserting 'and Home Businesses' to the end of the clause header after 'for Home Occupations'.</li> <li>• Insert 'or Home Business' within the text of the clause after 'a Home Occupation'.</li> </ul>
83	08/12/2020	09/12/2020	GM	<p>Inserting into Schedule C – Additional Uses A56 - Nos. 7, 9, 11 &amp; 15 (Lots 2, 3, 31 &amp; 32) Teddington Road, Burswood. Modify Town Planning Scheme No. 1 Precinct Plan P3 'Causeway Precinct' by applying to the property known as Nos. 7, 9, 11 &amp; 15 (Lots 2, 3, 31 &amp; 32) Teddington Road, Burswood the notation of 'A56' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.</p>
85	27/04/2021	27/04/2021	MLD	<p>Insert into Schedule C - Additional Uses A57 No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park. Modify Town Planning Scheme No. 1 Precinct Plan P4 'McCallum Precinct' by applying to the properties known as Nos. 53 &amp; 55 (Lots 31, 32 &amp; 33) Canning Highway, Victoria Park the notation 'A57' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.</p>

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## PART I - INTRODUCTORY

1. Title
2. Commencement
3. Scheme Documents
4. Scheme Area
5. Responsible Authority
6. Objectives and Intentions
7. Relationship with Other Laws
8. Minor Town Planning Scheme
9. Repeals
10. Definitions

## 1. TITLE

This Town Planning Scheme may be referred to as the Town of Victoria Park Town Planning Scheme No. 1.

## 2. COMMENCEMENT

This Scheme commences on the Gazettal date.

NOTE: The "Gazettal date" is defined in Schedule B.

## 3. SCHEME DOCUMENTS

AMD 69 GG 02/12/16; AMD 75 GG 23/06/17

(1) This Scheme comprises the following documents –

- (a) The deemed provisions (set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2);
- (b) the Scheme text;
- (c) each of the precinct plans; and
- (d) each Council register.

(2) If there is any inconsistency between the Scheme text and any other Scheme document, the Scheme text is to prevail.

NOTE:

1. The "Scheme text", "precinct plans", and "Council register" are defined in Schedule B. AMD 75 GG 23/06/17

## 4. SCHEME AREA

This Scheme applies to the Scheme area which covers all the municipal district of the Town of Victoria Park apart from the area comprising the land known as the "Resort Lands" to which Section 7 of the Casino (Burswood Island) Agreement Act 1985 applies.

NOTE: Parts of the Scheme area are also subject to other planning laws such as the Metropolitan Region Scheme (see clause 7) and a minor town planning scheme (see clause 8).

## 5. RESPONSIBLE AUTHORITY

The authority responsible for administering this Scheme is the Council.

NOTE: The "Council" is defined in Schedule B.

## 6. OBJECTIVES AND INTENTIONS

- (1) The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.
- (2) The overall goal of this Scheme is to ensure that the Town of Victoria Park and its environs will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner.
- (3) The general objectives of this Scheme are -
  - (a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
  - (b) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment of the Town;



- (c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which -
  - (i) recognises the individual character and needs of localities within the Scheme area; and
  - (ii) can respond readily to change;
- (d) to ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider regional planning strategies and objectives;
- (e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
- (f) to promote and safeguard the economic well-being and functions of the Town;
- (g) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which -
  - (i) makes optimum use of the Town's growing infrastructure and resources;
  - (ii) promotes an energy efficient environment; and
  - (iii) respects the natural environment; and
- (h) to promote and safeguard the cultural heritage of the Town by -
  - (i) identifying, conserving and enhancing those places which are of significance to the Town's cultural heritage;
  - (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
  - (iii) promoting public awareness of cultural heritage generally.

## **7. RELATIONSHIP WITH OTHER LAWS**

- (1) This Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme.
- (2) Where a provision of this Scheme is inconsistent with a provision of a by-law, the provision of this Scheme prevails.
- (3) The R-Codes are to be read as part of this Scheme.

### **NOTES:**

- 1. The "Metropolitan Region Scheme" is defined in Schedule B
- 2. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

## **8. MINOR TOWN PLANNING SCHEME**

The Council administers the Carlisle Minor Town Planning Scheme No. 3 which is complementary to this Scheme.

## 9. REPEALS

The following written laws are repealed -

	Name	Date of Publication in the Government Gazette
(a)	City of Perth City Planning Scheme	20 December 1985
(b)	Zoning By-law No 63	10 October 1961

NOTE: The repeal of this Scheme and By-law extends to any amendments to them (see section 33 of *the Interpretation Act 1984*).

## 10. DEFINITIONS

- (1) In this Scheme, unless the context otherwise requires, the words and expressions used have the meanings set out in Schedule B.
- (2) Where a word or term is defined in the R-Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the R-Codes.
- (3) Words and expressions used in the Scheme but not defined in Scheme 1, elsewhere in the Scheme or in the R-Codes shall have their normal and common meanings.

NOTE: The definitions of words and expressions set out in the Act are also relevant for the purposes of this Scheme.  
*AMD 75 GG 23/06/17*

## PART 2 - LAND USE

- 11. Precincts
- 12. Reserves and Scheme Zones
- 13. Types of Uses
- 14. Use of a Town of Victoria Park Scheme Reserve
- 15. Use of Land in a Scheme Zone
- 16. Unlisted Uses
- 17. Additional Uses
- 18. Non-Conforming Uses
- 19. Register of Non-Conforming Uses

## 11. PRECINCTS

- (1) The Scheme area is divided into the precincts set out in the precinct table at the end of this clause.
- (2) For each precinct, there is a precinct plan/or plans.

NOTE: "precinct" and "precinct plan" are defined in Schedule B.

AMD 75 GG 23/06/17

### PRECINCT TABLE

P1	Burswood Peninsula
P2	Burswood
P3	Causeway
P4	McCallum
P5	Raphael
P6	Victoria Park
P7	Lathlain
P8	Carlisle
P9	Welshpool
P10	Shepperton
P11	Albany Highway
P12	East Victoria Park
P13	Curtin

## 12. RESERVES AND SCHEME ZONES

AMD 8 GG 4/2/03

- (1) The land within the Scheme area is classified into either -
  - (a) a Metropolitan Region Scheme reserve; or
  - (b) a Town of Victoria Park Scheme reserve; or
  - (c) one of the following Scheme zones -
    - (i) Residential;
    - (ii) Residential/Commercial
    - (iii) Office/Residential;
    - (iv) Local Centre;
    - (v) District Centre;
    - (vi) Commercial;
    - (vii) Industrial
    - (viii) Industrial (2); or
    - (ix) Special Use.

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

NOTE: "Metropolitan Region Scheme reserve" and "Town of Victoria Park Scheme reserve" are defined in Schedule B.

## 13. TYPE OF USES

AMD 75 GG 23/06/17

- (1) Uses are classified in this Scheme as -
  - (a) permitted uses (see clauses 14 and 15);
  - (b) discretionary uses; and
  - (c) prohibited uses.

#### 14. USE OF A TOWN OF VICTORIA PARK SCHEME RESERVE

AMD 75 GG 23/06/17

- (1) A permitted use for a Town of Victoria Park Scheme Reserve is -
- (a) a use which gives effect to the purposes for which the land is reserved under this Scheme; and
  - (b) where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to any purpose for which the land may lawfully be used.

NOTE:

1. "public authority" and "Commonwealth agency" are defined in Schedule B.

AMD 75 GG 23/06/17

#### 15. USE OF LAND IN A SCHEME ZONE

- (1) The Scheme Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various Zones. The permissibility of any use 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.

The symbols used in the cross reference in the Zoning Table have the following meanings:

**"P"** means that the use is permitted by the Scheme.

**"AA"** means that the use is not permitted unless the Council has granted Development Approval.

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

- (2) Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other Use Class which by its more general term might otherwise include such particular use.

NOTE: Development Approval is required for most uses (deemed clauses 60 and 61).

AMD 75 GG 23/06/17

## ZONING TABLE

AMD 80 GG 18/04/19

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Amusement Parlour	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X	
Animal Establishment	X	X	X	X	X	X	AA	X	
Animal Husbandry – Intensive	X	X	X	X	X	X	X	X	
Art Gallery	X	AA	AA	AA	AA	AA	AA	X	
Betting Agency	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	AA	AA	AA	X	X	
Brewery	X	X	AA/X <sup>2</sup>	X	AA	AA	AA	X	
Bulky Goods Showroom	X	P	P/X <sup>2</sup> / AA <sup>3</sup>	X	P	P	P	P	
Car Park	X	X	AA	AA	AA	AA	AA	AA	
Child Care Premises	AA	P	P/X <sup>2</sup>	P	P	P	AA	AA	
Cinema/Theatre	X	X	X	X	AA	AA	X	X	
Civic Use	X	AA	AA/X <sup>2</sup>	AA	P	AA	X	X	
Club Premises	X	X	AA	X	AA	AA	AA	X	
Commercial Vehicle Parking	AA	AA	AA	AA	AA	AA	P	P	
Community Purpose	AA	AA	AA/X <sup>2</sup>	AA	P	AA	X	X	
Consulting Rooms	AA	P	P/X <sup>2</sup>	P	P	P	P	P	
Convenience Store	X	X	X	AA	AA	AA	AA	AA	
Educational Establishment	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	
Exhibition Centre	X	AA	AA	AA	AA	AA	AA	X	
Family Day Care	AA	AA	P	X	X	X	X	X	
Fast Food Outlet	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P	
Funeral Parlour	X	AA	AA/X <sup>2</sup>	X	AA	AA	AA	X	
General Industry	X	X	X	X	X	X	AA	P	
Grouped Dwelling	P	P	P	AA	AA	P	X	X	
Hazardous Industry	X	X	X	X	X	X	X	X	
Home Business <i>AMD 84 GG 09/10/2020</i>	AA	AA	P	AA	AA	AA	X	X	
Home Occupation	AA	AA	P	AA	AA	AA	X	X	
Home Office	P	P	P	P	P	P	X	X	
Home Store	AA	AA	AA	AA	AA	AA	X	X	
Hospital	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Hotel	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X	
Light Industry	X	X	X	X	X	AA	P	P	
Liquor Store-Small	X	P	AA	P	P	AA	X	X	
Liquor Store-Large	X	X	X	X	AA	AA	AA	X	
Lunch Bar	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P	
Market	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X	
Massage Rooms	X	X	X	X	X	X	AA	AA	
Motel	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X	
Motor Vehicles and Marine Sales Premises	X	X	X	X	X	X <sup>6</sup> /AA	P	P	
Motor Vehicle Repair	X	X	X	X	X	X	P	P	
Motor Vehicle Wash	X	X	X	X	AA	AA	P	P	
Multiple Dwelling	P <sup>1</sup>	P	P	AA	AA	P	X	X	
Nightclub	X	X	X	X	X	X	X	X	
Noxious Industry	X	X	X	X	X	X	X	X	
Nursing Home	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	P	P	

Refer to provisions in Precinct Plan

Use Class	Zone									
	Residential 1.	Residential/Commercial 2.	Office/Residential 3.	Local Centre 4.	District Centre 5.	Commercial 6.	Industrial (1) 7.	Industrial (2) 8.	Special Use 9.	
Place of Worship	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	Refer to provisions in Precinct Plan	
Reception Centre	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X		
Recreation – Private	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X		
Residential Building	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA		
Restaurant/Café	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P		
Restricted Premises	X	X	X	X	X/AA <sup>5</sup>	X/AA <sup>5</sup>	AA	AA		X
Serviced Apartment	AA	AA	P/X <sup>2</sup>	AA	AA	AA	X	X		
Service Industry	X	AA	AA	AA	AA	AA	P	AA		
Service Station	X	X	X	AA	AA	AA	AA	AA		
Shop	X	P	AA/X <sup>2</sup> / AA <sup>4</sup>	P	P	AA	AA	AA		
Single House	P	P	P	AA	AA	P	X	X		
Small Bar	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X		
Tavern	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X		
Transport Depot	X	X	X	X	X	X	AA	P		
Telecommunications Infrastructure	AA	AA	AA	AA	AA	AA	AA	AA		
Veterinary Centre	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X		
Warehouse/Storage	X	X	X	X	AA	P	P	P		

**P - Permitted Use**

**AA - Discretionary Use**

**X - Prohibited Use**

**Footnotes:**

- Multiple Dwellings are only permitted in areas coded R40 and above, and in addition are subject to clause 22 Special Application of the R-Codes.
- The "Prohibited Use" notation applies to the Office/Residential Zone within Precinct P10 - Shepperton Precinct.
- The "Discretionary Use" notation applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct.  
*AMD 44 GG 29/7/09*
- The 'Discretionary Use' notation only applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct. "Shop" uses should primarily be limited to "Area 8 - Retail Hub Overlay" with the total shop floor space within the Precinct being limited to 1400m<sup>2</sup>.  
*AMD 43 GG 31/10/08; AMD 44 GG 29/7/09;*
- The "Discretionary Use" notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11–Albany Highway Precinct, and the Commercial zone located within Precinct P4–McCallum Precinct.  
*AMD 48 GG 25/01/11*
- The "Prohibited Use" notation applies to the Commercial Zone within Precinct P11 – Albany Highway Precinct.  
*AMD 60 GG 19/8/14*

**16. UNLISTED USES**

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use Class categories the Council may:

- determine that the use is consistent with the objectives and purposes of the particular Zone and is therefore permitted; or
- determine that the proposed use may be consistent with the objectives and purposes of the Zone and thereafter follow the advertising procedures of clause 28 in considering an application for Development Approval; or  
*AMD 80 GG 18/04/19*
- determine that the use is not consistent with the objectives and purposes of that particular Zone and is therefore not permitted.

**NOTE:**

- Development Approval must be obtained for most unlisted uses (see clause 37 and deemed clauses 60 and 61.).  
*AMD 75 GG 23/06/17*

## 17. ADDITIONAL USES

- (1) An additional use is a use which, in relation to a specific site -
  - (a) is a prohibited use in the precinct in which that use is located;
  - (b) is listed, with reference to that site, in Schedule C; and
  - (c) is taken, as the result of its listing in Schedule C, to be a permitted use for that site subject to the conditions, if any, set out in Schedule C in respect of that use.
- (2) The Council may -
  - (a) after receiving an application for Development Approval involving a prohibited use; or
  - (b) at any other time,initiate an amendment to Schedule C of this Scheme to add, amend or delete an additional use to the site to which it applies or one or more conditions to which that use is subject.
- (3) The Council is not to initiate an amendment under subclause (2) unless it is satisfied that -
  - (a) a development involving the proposed additional use would be consistent with -
    - (i) the orderly and proper planning of the locality;
    - (ii) the conservation of the amenities of the locality; and
    - (iii) the statement of intent set out in the relevant precinct plan.
  - (b) the use of the specific site for that purpose would not have any undue adverse effect on -
    - (i) the occupiers and users of the development;
    - (ii) the property in, or the inhabitants of, the locality; or
    - (iii) the likely future development of the locality.

NOTE: The listing of any use, or the amendment or revocation of any use, in Schedule C is an amendment to this Scheme Text to which clause 32 applies.

## 18. NON-CONFORMING USES

*AMD 75 GG 23/06/17*

- (1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:
  - (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme;
  - (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
  - (c) the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.



- (2) A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Development Approval of the Council under the Scheme and unless in conformity with any other provision and requirements contained in the Scheme. All applications for Development Approval under this clause will be subject to notice under deemed clause 64 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality. *AMD 75 GG 23/06/17*
- (3) Notwithstanding anything contained in the Zoning Table, the Council may grant its Development Approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the Zone or Reserve.
- (4) When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- (5) The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.
- (6) When a building used for a non-conforming use is destroyed to 75 per cent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use, or in a manner not permitted by the Scheme, except with the Development Approval of the Council.

NOTE:

1. A "non-conforming use" and "Gazettal date" are defined in Schedule B.

## **19. REGISTER OF NON-CONFORMING USES**

- (1) A person who wishes the Council to record a non-conforming use may submit to the Council in writing full details of the nature, location and extent of the non-conforming use.
- (2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.
- (3) A copy of the register of non-conforming uses is to be -
- (a) kept at the offices of the Council; and
  - (b) made available for public inspection during office hours.

## **PART 3 - DEVELOPMENT REQUIREMENTS**

### **Division 1 - General Development Requirements**

- 20.     Source of Development Requirements
- 21.     R-Codes.
- 22.     Special Application of the R-Codes
- 23.     Densities
- 24.     Sewerage Connection

### **Division 2 – Special Control Areas**

- 25A.    Operation of Special Control Areas
- 25AA.   Building and Design Areas
- 25AB.   Development Areas and Structure Plans

## **DIVISION 1 - GENERAL DEVELOPMENT REQUIREMENTS**

### **20. SOURCE OF DEVELOPMENT REQUIREMENTS**

Unless otherwise consistent with a Development Approval, the development of land is to be in accordance with the standards and requirements contained in this Scheme text, the precinct plan applying to the land proposed to be developed, the planning policies, Council registers, and the R-Codes.

### **21. R-CODES**

*AMD 75 GG 23/06/17*

- (1) For the purposes of this Scheme, R-Codes is defined in deemed clause 1.
- (2) A copy of the R-Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- (3) Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of those Codes.
- (4) The R-Codes dwelling density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code's dwelling density number superimposed on the particular areas shown on the Scheme Map as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code dwelling density, as being contained within the centre-line of those borders.

NOTE: This Scheme comprises the Scheme Text, Precinct Plans, and Council Registers.

### **22. SPECIAL APPLICATION OF THE R-CODES**

Notwithstanding the provisions of the R-Codes the following special applications of the R-Codes apply -

- (1) Victoria Park Precinct - Multiple dwellings are not permitted within areas coded Residential R40;
- (2) Lathlain Precinct - Within the area codes Residential R40/R60, development to a maximum dwelling density of Residential R60 will only be permitted where two or more of the lots are amalgamated; and
- (3) Shepperton Precinct -
  - (a) in the area north of Shepperton Road and west of Oats Street, coded Residential R40, multiple dwellings are not permitted; and
  - (b) in the area south of Shepperton road and west of Dane Street coded Residential R40, multiple dwellings are not permitted.
- (4) Sunbury Park Precinct -

Setback, building heights, plot ratio and site coverage shall be guided by the Site Design Guidelines for Sunbury Park - Part A and Part B as contained in the planning policies.  
*AMD 2 GG 26/10/99; AMD 69 GG 02/12/16*
- (5) Causeway Precinct - development requirements shall be guided by the Development Standards for Causeway Precinct as contained in the planning policies.  
*AMD 44 GG 29/7/09; AMD 69 GG 02/12/16*

- (6) East Victoria Park Precinct – *AMD 49 GG 8/3/13*
- (a) in the area bounded by Lennard Street, Berwick Street, McMillan Street and Hordern Street coded Residential R40, multiple dwellings are not permitted.
  - (b) In the area bounded by Kent Street, Berwick Street, Basinghall Street, Moorgate Street and Gloucester Street, coded Residential R40, multiple dwellings are not permitted.
- (7) Burswood Peninsula Precinct – in the area north of the Graham Farmer Freeway (known as the Belmont Park Racecourse Site and included in the Special use zone), all residential densities shall be as shown on an adopted structure plan and site and development requirements shall comply with that included in the adopted structure plan for the site. *AMD 57 GG 22/2/13*

### **23. DENSITIES**

- (1) The permitted site dwelling density per hectare under the R-Codes for any land is to be determined by reference to the R-Codes density number, as illustrated on the relevant Precinct Plan, for that land.
- (2) Land developed for the purpose of serviced apartments, hotels, motels, or other similar short term commercial accommodation, is to conform with the standards and requirements applicable to multiple dwellings under the R-Codes for the dwelling density illustrated on the relevant Precinct Plan for that land. *AMD 48 GG 25/01/11*

### **24. SEWERAGE CONNECTION**

- (1) Notwithstanding any provision on this Scheme to the contrary, all residential developments are to be connected to a comprehensive sewerage system, if one is available.
- (2) Where no comprehensive sewerage system is available, the Council is not to grant Development Approval for any residential development, other than the erection of a single house, unless the proposed development complies with the requirements of the Government Sewerage Policy.

## **DIVISION 2 – SPECIAL CONTROL AREAS**

*AMD 30 GG 17/2/04; AMD 75 GG 23/06/17*

### **25A. OPERATION OF SPECIAL CONTROL AREAS**

- (1) The following Special Control Areas are shown on the Scheme Map:
  - (a) Building and Design Areas shown on the Precinct Plans as BD with a number and included in Schedule E. *AMD 24 GG 18/2/05*
  - (b) Development Areas shown on the Precinct Plans as DA with a number and included in Schedule E. *AMD 23A GG 6/4/04*
- (2) In respect of a Special Control Area shown on Precinct Plans, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### **25AA. BUILDING AND DESIGN AREAS**

*AMD 24 GG 18/2/05*

Schedule E describes the Building and Design Areas in more detail and sets out the purpose and particular requirements that may apply to the Building and Design Areas.

### **25AB. DEVELOPMENT AREAS AND STRUCTURE PLANS**

*AMD 23A GG 6/4/04; AMD 75 GG 23/06/17*

- (1) Purpose of Development Areas
  - (a) The purpose of Development Areas are to:
    - (i) identify areas requiring comprehensive planning; and
    - (ii) coordinate subdivision and development in areas requiring comprehensive planning.
  - (b) Schedule E describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

## PART 4 - DEVELOPMENT APPROVAL

- 26. Unauthorised Existing Developments
- 27. Design Advisory Committee
- 28. Determination of Application for an Unlisted Use
- 29. Determination of Non-Complying Application
- 30. Determination of Application for Demolition
- 30A. Determination of Application for Advertisement
- 31. Revocation of Development Approval for Home Occupations

## **26. UNAUTHORISED EXISTING DEVELOPMENTS**

- (1) Where a development has been, or is being, carried out contrary to deemed clause 60, a person may apply to the Council for Development Approval for that development.  
*AMD 75 GG 23/06/17*
- (2) If the Council grants Development Approval in respect of an application made under subclause (1), the Development Approval is not to be taken as -
  - (a) authorising development before the date on which the Council resolved to grant the Development Approval; or
  - (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant Development Approval.

## **27. DESIGN ADVISORY COMMITTEE**

- (1) The Council may appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.
- (2) The design advisory committee may be consulted on design matters relating to development.

NOTE: Matters relating to the powers, constitution and procedures of an advisory committee are set out in the *Local Government Act 1995*.  
*AMD 75 GG 23/06/17*

## **28. DETERMINATION OF APPLICATION FOR AN UNLISTED USE**

- (1) Subject to subclause (2), the Council may refuse or approve an application which involves an unlisted use.
- (2) The Council cannot grant Development Approval for a development which involves an unlisted use unless -
  - (a) the advertising procedure referred to in deemed clause 64 has been followed; and  
*AMD 75 GG 23/06/17*
  - (b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in deemed clause 67.  
*AMD 75 GG 23/06/17*

NOTE: Unlisted uses are described and identified in clause 16.

## **29. DETERMINATION OF NON-COMPLYING APPLICATION**

- (1) In this clause -
  - (a) An application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a Precinct Plan), where that standard or requirement does not provide for variation, is called a “non-complying application”;  
*AMD 69 GG 02/12/16*
  - (b) An application involving a prohibited use, and an application for residential development in a Residential zone, are not non-complying applications for the purpose of item (a) of this subclause (1); and
  - (c) In the case of development in a Non-Residential zone, notwithstanding that a relevant standard or requirement may provide for variation, an application for such development is to be treated as, and shall be considered always to have been, a non-complying application so as to attract the discretion in this clause 29.  
*AMD 48 GG 25/01/11*

- (2) Subject to subclause (3), the Council may refuse or approve a non-complying application.
- (3) The Council cannot grant Development Approval for a non-complying application unless -
- (a) if so required by the Council under deemed clause 64, the application has been advertised; and *AMD 75 GG 23/06/17*
  - (b) the Council is satisfied by an absolute majority that -
    - (i) if approval were to be granted, the development would be consistent with -
      - the orderly and proper planning of the locality;
      - the conservation of the amenities of the locality; and
      - the statement of intent set out in the relevant Precinct Plan; and
    - (ii) the non-compliance would not have any undue adverse effect on -
      - the occupiers or users of the development;
      - the property in, or the inhabitants of, the locality; or
      - the likely future development of the locality.

### **30. DETERMINATION OF APPLICATION FOR DEMOLITION**

*AMD 75 GG 23/06/17*

- (1) In considering an application for or involving demolition, the Council is to have regard to the matters listed in deemed clause 67 and -
- (a) may defer consideration of the application until -
    - (i) it has granted Development Approval for subsequent development of the relevant site;
    - (ii) it has issued a building licence for that development; and
    - (iii) it is satisfied that the subsequent development will commence;
  - (b) may approve the application, subject to conditions including -
    - (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;
    - (ii) the screening of the site during redevelopment; and
    - (iii) where the development that has been approved has not been substantially commenced for a total period of more than six months, the landscaping of or other treatment of the site to the satisfaction of the Council; or
  - (c) may refuse the application.



### **30A. DETERMINATION OF APPLICATION FOR ADVERTISEMENT**

*AMD 40 GG 9/2/07; AMD 75 GG 23/06/17*

- (1) In considering an application for or involving an advertisement, the Council is to have regard to the matters listed in deemed clause 67 and -
  - (a) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;
  - (b) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed.
  - (c) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;
  - (d) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and
  - (e) how many signs are on the land where the sign will be displayed.
- (2) Council may refuse to approve an application, where -
  - (a) the sign may obstruct the sight lines of a person driving or riding a vehicle or a pedestrian;
  - (b) the sign may unreasonably distract persons driving or riding vehicles;
  - (c) the sign may detract from the quality of the streetscape or area where it is to be displayed;
  - (d) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;
  - (e) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;
  - (f) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; or
  - (g) the sign will be additional to other signs on the land where it will be displayed.

### **31. REVOCATION OF DEVELOPMENT APPROVAL FOR HOME OCCUPATIONS AND HOME BUSINESSES**

*AMD 84 GG 09/10/2020*

If, in the case of a Development Approval granted for a Home Occupation or Home Business, a notice served under clause 35 (1) is not complied with, the Council may, without further notice to the owner or occupier, revoke its Development Approval.

NOTE: Where Development Approval has been revoked under this clause, a fresh application for Development Approval must be submitted to and approved by the Council before any development which was the subject of the revoked Development Approval can be continued or recommended.

## PART 5 - MISCELLANEOUS

- 32. Amendment of Other Scheme Documents
- 33. Compensation
- 34. Election to Purchase and Valuation

### 32. AMENDMENT OF OTHER SCHEME DOCUMENTS

- (1) Council may only amend or revoke a Scheme document with the exception of a Council register in accordance with the procedures applying to a town planning scheme amendment. *AMD 75 GG 23/06/17*
- (2) An amendment to a Council Register may be made by resolution of the Council.

NOTES:

*AMD 75 GG 23/06/17*

1. The Interpretation Act 1984 defines "amend" to include "replace, substitute, in whole or in part, add to or vary".
2. The detailed provisions applying to a town planning scheme amendment are contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### 33. COMPENSATION

- (1) Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to the Act resultant from the making of, or the making of an amendment to the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette. *AMD 75 GG 23/06/17*
- (2) Where, in respect of any application for Development Approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

NOTES:

*AMD 75 GG 23/06/17*

1. The "Gazettal date" is defined in Schedule B.

### 34. ELECTION TO PURCHASE AND VALUATION

- (1) Where compensation for injurious affection is claimed pursuant to clause 33, the Council may, at its option elect to acquire the land so affected instead of paying compensation.
- (2) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.
- (3) Where the Council elects to acquire land as provided in subclause (1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause (4).
- (4) The value of the land referred to in subclause (3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined -
  - (a) by arbitration in accordance with the *Commercial Arbitration Act 1985*; or
  - (b) by some other method agreed upon by the Council and the owner of the land,and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.
- (5) The Council may deal with or dispose of land acquired for a Council reserve pursuant to the preceding subclause (4) or upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

## PART 6 - ENFORCEMENT

### 35. NOTICES

AMD 75 GG 23/06/17

- (1) A notice required to be given by the Council under the Act is to be a 28 day notice signed by the local government CEO and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.
- (2) The Council may recover expenses under the Act in any manner in which it is from time to time entitled to recover rates levied by it under the *Local Government Act 1995*.

### 36. OFFENCES

- (1) Subject to Part 4 of this Scheme, a person shall not erect, alter or add to a building or use or change the use of any land or building, or permit or suffer any land or building to be used, or the use of any land or building to be changed for any purpose -
  - (a) other than a purpose permitted or approved of by the Council in the zone in which that land or building is situated;
  - (b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;
  - (c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and
  - (d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the Council pursuant to this Scheme with respect to that building, or the use of that land or building have been and continue to be complied with.
- (2) Where the Council has granted Development Approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

NOTE: A person who fails to comply with a provision of this Scheme is guilty of an offence and is subject of the penalty set out in the Act. AMD 75 GG 23/06/17

# SCHEDULES

Schedule A – Supplemental Provisions to the Deemed Provisions

Schedule B - Definitions

Schedule C - Additional Uses

Schedule D - Advertisements Requiring Development Approval

Schedule E - Special Control Areas

## **SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS**

AMD 75 GG 23/06/17; AMD 81 GG 25/1/19

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

### Deemed Clause 61

- (6) In accordance with deemed clause 61, for the purposes of the Scheme the following development does not require the development approval of the Council:
- (k) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with the maintenance or improvement of a public street; or
  - (l) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with any public utility; or
  - (m) the use of land in a reserve, where such land is held by the Council 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.
  - (n) a family day care service for five children or less (including any children of the service provider(s)), when operated within the hours of 7am and 7pm by no more than one person in addition to any occupier of the dwelling.
  - (o) a satellite dish with a diameter of 1.0 metre or less not visible from the street.

### Deemed Clause 79

- (3) An authorised officer exercising the power of entry under subclause (2) or any other person accompanying an authorised officer who -
- (a) finds a person committing; or
  - (b) on reasonable grounds suspects a person of having committed, a breach of a provision of this Scheme may ask that person for his or her name and address.
- (4) A person who -
- (a) in any way opposes the exercise of an authorised officer's power of entry; or
  - (b) when asked to do so under subclause (3), refuses to state his or her name or address or states a false name or address, commits an offence.
- (5) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (3) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

## SCHEDULE B - DEFINITIONS

AMD 75 GG 23/06/17

### 1. In this Scheme, unless the contrary intention appears -

<b>“absolute majority”</b>	means in relation to the Council, means a total majority of the members for the time being of the Council, whether present and voting or not;
<b>“additional use”</b>	means a use, in respect of a specific site, listed in Schedule C to which clause 17 applies;
<b>“aged person”</b> AMD 80 GG 18/04/19	<i>has the same meaning given to it in the R-Codes;</i>
<b>“amenities”</b> AMD 75 GG 23/06/17	means facilities providing use, convenience or enjoyment;
<b>“amusement parlour”</b> AMD 80 GG 18/04/19	means premises — (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines;
<b>“animal establishment”</b> AMD 80 GG 18/04/19	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;
<b>“animal husbandry – intensive”</b> AMD 80 GG 18/04/19	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
<b>“application”</b>	means an application for Development Approval;
<b>“approved plan”</b>	means any plan that – (a) forms part of an application for which Development Approval has been granted; and (b) has been endorsed with the approval of the Council;
<b>“art gallery”</b> AMD 80 GG 18/04/19	means premises - (a) that are open to the public; and (b) where artworks are displayed for viewing or sale;
<b>“betting agency”</b> AMD 80 GG 18/04/19	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ;
<b>“brewery”</b> AMD 80 GG 18/04/19	means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
<b>“building”</b>	includes a structure erected or placed on land;
<b>“building height”</b> AMD 46 GG 03/09/10; AMD 80 GG 18/04/19	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

<p><b>“bulk goods showroom”</b> AMD 80 GG 18/04/19</p>	<p>means premises –</p> <p>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -</p> <ul style="list-style-type: none"> <li>(i) automotive parts and accessories;</li> <li>(ii) camping, outdoor and recreation goods;</li> <li>(iii) electric light fittings;</li> <li>(iv) animal supplies including equestrian and pet goods;</li> <li>(v) floor and window coverings;</li> <li>(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;</li> <li>(vii) household appliances, electrical goods and home entertainment goods;</li> <li>(viii) party supplies;</li> <li>(ix) office equipment and supplies;</li> <li>(x) babies’ and childrens’ goods, including play equipment and accessories;</li> <li>(xi) sporting, cycling, leisure, fitness goods and accessories;</li> <li>(xii) swimming pools;</li> </ul> <p>or</p> <p>(b) used to sell by retail goods and accessories by retail if -</p> <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods; or</li> <li>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;</li> </ul>
<p><b>“caretaker’s dwelling”</b> AMD 80 GG 18/04/19</p>	<p>means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;</p>
<p><b>“car park”</b> AMD 80 GG 18/04/19</p>	<p>means premises premises used primarily for parking vehicles whether open to the public or not but does not include —</p> <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or</li> <li>(b) any premises in which cars are displayed for sale;</li> </ul>
<p><b>“child care premises”</b> AMD 15 GG 4/2/03; AMD 80 GG 18/04/19</p>	<p>means premises where –</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) a child care service as defined in the <i>Child Care Services Act 2007 section 4 is provided</i>;</li> </ul>
<p><b>“cinema/theatre”</b> AMD 80 GG 18/04/19</p>	<p>means premises where the public may view a motion picture or theatrical production;</p>
<p><b>“civic use”</b> AMD 80 GG 18/04/19</p>	<p>means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;</p>
<p><b>“club premises”</b> AMD 80 GG 18/04/19</p>	<p>means premises used by a legally constituted club or association or other body of persons united by a common interest;</p>
<p><b>“commencement day”</b> AMD 80 GG 18/04/19</p>	<p>means the day this Scheme comes into effect under section 87(4) of the Act;</p>



<b>“commercial”</b>	means any activity involving any form of purchase, hire or sale of goods or services;
<b>“commercial vehicle”</b> AMD 80 GG 18/04/19	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);
<b>“commercial vehicle parking”</b> AMD 80 GG 18/04/19	means premises used for parking of one or 2 commercial vehicles but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land;
<b>“Commonwealth agency”</b>	includes a Commonwealth Minister, department, body or officer and an agency or instrumentality of the Crown in right of the Commonwealth;
<b>“community purpose”</b> AMD 80 GG 18/04/19	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;
<b>“consulting rooms”</b>	means premises used for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital) in the practice of a profession by a person who is a legally qualified medical practitioner, dentist, physiotherapist, podiatrist or similar, but does not include a masseur and does not include a premises practising therapeutic massage or similar services;
<b>“convenience store”</b>	means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which may include, but which may extend beyond normal trading hours and provide associated parking. The buildings associated with a convenience store shall not exceed 300m <sup>2</sup> gross leasable area;
<b>“Council”</b>	means the Council of the Town of Victoria Park;
<b>“Council register”</b>	means – (a) register of places of cultural heritage significance; (b) register of non-conforming uses; and (c) any other register kept by the Council under this Scheme;
<b>“deemed clause”</b> AMD 75 GG 23/06/17	refers to the relevant clause contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 'Deemed provisions for local planning schemes';
<b>“dependant person”</b> AMD 80 GG 18/04/19	has the same meaning given to it in the R-Codes;
<b>“development”</b> AMD 75 GG 23/06/17	has the same meaning as is given to it in the Act; <b>NOTE:</b> <i>The Planning and Development Act 2005 defines “development” to mean – the development or use of any land, including –</i> (a) <i>any demolition, erection, construction, alteration of or addition to any building or structure on the land;</i> (b) <i>the carrying out on the land of any excavation or other works;</i> (c) <i>in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that –</i>

	<p>(i) is likely to change the character of that place or the external appearance of any building; or</p> <p>(ii) would constitute an irreversible alteration of the fabric of any building;</p>
<b>“Development Approval”</b>	means approval, with or without conditions, granted by Council in respect of an application, to begin or continue development;
<b>“discretionary use”</b>	means a use described in clauses 13 and 15;
<b>“dwelling”</b> AMD 39 GG 10/7/07	<p>has the same meaning given to it in the R-Codes;</p> <p><b>NOTE:</b> AMD 75 GG 23/06/17 The R-Codes defines “dwelling” to mean - “a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family”</p>
<b>“educational establishment”</b> AMD 80 GG 18/04/19	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;
<b>“exhibition centre”</b> AMD 80 GG 18/04/19	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
<b>“family day care”</b> AMD 80 GG 18/04/19	means means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;
<b>“fast food outlet/lunch bar”</b> AMD 80 GG 18/04/19	<p>means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -</p> <p>(a) without further preparation; and</p> <p>(b) primarily off the premises;</p>
<b>“frontage”</b>	<p>in relation to a building -</p> <p>(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or</p> <p>(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;</p>
<b>“funeral parlour”</b> AMD 80 GG 18/04/19	<p>means premises used -</p> <p>(a) to prepare and store bodies for burial or cremation;</p> <p>(b) to conduct funeral services;</p>
<b>“Gazettal date”</b>	means the date on which this Scheme is published in the Government Gazette;
<b>“general industry”</b>	means an industry other than a cottage, extractive, hazardous, light or noxious industry;
<b>“grouped dwelling”</b> AMD 39 GG 10/7/07	<p>has the same meaning given to it in the R-Codes;</p> <p><b>Note:</b> AMD 75 GG 23/06/17 The R-Codes defines “grouped dwelling” to mean - “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property”;</p>

<p><b>“hazardous industry”</b></p>	<p>means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or poverty, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries;</p>
<p><b>“Health Act”</b></p>	<p>means the <i>Health (Miscellaneous Provisions) Act 1911</i>;</p>
<p><b>“Heritage of Western Australia Act”</b></p>	<p>means the <i>Heritage of Western Australia Act 1990</i>;</p>
<p><b>“home business”</b> AMD 84 GG 09/10/2020</p>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) does not involve employing more than 2 people who are not members of the occupier’s household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 50m<sup>2</sup>; and</li> <li>(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</li> <li>(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</li> <li>(f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and</li> <li>(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.</li> </ul>
<p><b>“home occupation”</b> AMD 80 GG 18/04/19</p>	<p>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 –</p> <ul style="list-style-type: none"> <li>(a) does not involve employing a person who is not a member of the occupier’s household; and</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</li> <li>(c) does not occupy an area greater than 20m<sup>2</sup>; and</li> <li>(d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and</li> <li>(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</li> <li>(f) does not – <ul style="list-style-type: none"> <li>(i) require a greater number of parking spaces than normally required for a single dwelling; or</li> <li>(ii) result in an increase in traffic volume in the neighbourhood; and</li> </ul> </li> <li>(g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and</li> <li>(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(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;</li> </ul>
<p><b>“home office”</b> AMD 6 GG 8/10/02; AMD 80 GG 18/04/19</p>	<p>means - a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation -</p>

	<ul style="list-style-type: none"> <li>(a) is solely within the dwelling; and</li> <li>(b) does not entail clients or customers travelling to and from the dwelling; and</li> <li>(c) does not involve the display of a sign on the premises; and</li> <li>(d) does not require any change to the external appearance of the dwelling;</li> </ul>
<p><b>“home store”</b> AMD 80 GG 18/04/19</p>	<p>means a shop attached to a dwelling that -</p> <ul style="list-style-type: none"> <li>(a) has a net lettable area not exceeding 100 m<sup>2</sup>; and</li> <li>(b) is operated by a person residing in the dwelling;</li> </ul>
<p><b>“hospital”</b> AMD 80 GG 18/04/19</p>	<p>means premises that are a hospital within the meaning given in the <i>Health Services Act 2016 section 8(4)</i>;</p>
<p><b>“hotel”</b> AMD 80 GG 18/04/19</p>	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises;</p>
<p><b>“incidental use”</b> AMD 80 GG 18/04/19</p>	<p>means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;</p>
<p><b>“industry”</b> AMD 77 GG 19/06/18</p>	<p>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 -</p> <ul style="list-style-type: none"> <li>(a) the storage of goods;</li> <li>(b) the work of administration or accounting;</li> <li>(c) the selling of goods by wholesale or retail;</li> <li>(d) the provision of amenities for employees; and</li> <li>(e) incidental purposes.</li> </ul>
<p><b>“land”</b> AMD 75 GG 23/06/17</p>	<p>has the same meaning given to it in the Act;</p>
<p><b>“landscaped area”</b></p>	<p>means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, barbecue areas or children’s playgrounds and includes any other area approved by the Council as Landscaped area;</p>
<p><b>“light industry”</b> AMD 77 19/06/18</p>	<p>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;</p>
<p><b>“Liquor Store - Large”</b> AMD 61 GG 14/11/14; AMD 80 GG 18/04/19</p>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m<sup>2</sup>;</p>
<p><b>“Liquor Store - Small”</b> AMD 61 GG 14/11/14; AMD 80 GG 18/04/19</p>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m<sup>2</sup>;</p>
<p><b>“local area traffic management”</b></p>	<p>means the management of traffic on residential or other streets;</p>
<p><b>“lot”</b> AMD 75 GG 23/06/17</p>	<p>has the same meaning given to it in the Act;</p>
<p><b>“marina”</b> AMD 80 GG 18/04/19</p>	<p>means –</p> <ul style="list-style-type: none"> <li>(a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including</li> </ul>

	<p>the associated sale of any boating gear or equipment; and</p> <p>(b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;</p>
<p><b>“market”</b> AMD 80 GG 18/04/19</p>	means premises used for the display and sale of goods from stalls by independent vendors;
<p><b>“massage rooms”</b></p>	means premises used by a masseur or which provides therapeutic massage or similar services;
<p><b>“Metropolitan Region Scheme”</b> AMD 75 GG 23/06/17</p>	means the Metropolitan Region Scheme made under the Act;
<p><b>“Metropolitan Region Scheme reserve”</b></p>	means land reserved under the Metropolitan Region Scheme;
<p><b>“Minister”</b></p>	means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning;
<p><b>“motel”</b> AMD 80 GG 18/04/19</p>	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - <p>(a) used to accommodate guests in a manner similar to a hotel; and</p> <p>(b) with specific provision for the accommodation of guests with motor vehicles;</p>
<p><b>“motor vehicles and marine sales premises”</b></p>	means any land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site;
<p><b>“motor vehicle repair”</b> AMD 80 GG 18/04/19</p>	means premises used for or in connection with - <p>(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or</p> <p>(b) repairs to tyres other than recapping or re-treading of tyres;</p>
<p><b>“motor vehicle wash”</b> AMD 80 GG 18/04/19</p>	means premises primarily used to wash motor vehicles;
<p><b>“multiple dwelling”</b> AMD 39 GG 10/7/07</p>	<p>has the same meaning given to it in the R-Codes;</p> <p><b>Note:</b> AMD 75 GG 23/06/17  <i>‘The R-Codes defines ‘multiple dwelling’ to mean - ‘a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:</i></p> <ul style="list-style-type: none"> <li>• <i>does not include a grouped dwelling; and</i></li> <li>• <i>includes any dwellings above the ground floor in a mixed use development’.</i></li> </ul>
<p><b>“natural ground level”</b> AMD 46 GG 03/09/10</p>	for all forms of development means the levels on a site which precede the proposed development. Where it is evident that the site has been substantially modified by a previous development, the natural ground level will be determined at Council’s discretion using either the corners of the site as reference points or historical data;
<p><b>“net floor area”</b> AMD 46 GG 03/09/10</p>	for the purpose of determining car parking requirements under the parking policy, has the same meaning as “plot ratio floor area”, but does not include any area of public fee paying car parks;
<p><b>“net lettable area” or “nla”</b> AMD 61 GG 14/11/14; AMD 80 GG 18/04/19</p>	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – <p>(a) stairs, toilets, cleaner’s cupboards, lift shafts and motor</p>

	<p>rooms, escalators, tea rooms and plant rooms, and other service areas;</p> <p>(b) lobbies between lifts facing other lifts serving the same floor;</p> <p>(c) areas set aside as public spaces and thoroughfares and not for the exclusive use of occupiers of the floor or building;</p> <p>(d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;</p> <p>(e)</p>
<b>"night-club"</b> AMD 80 GG 18/04/19	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
<b>"non-conforming use"</b> AMD 80 GG 18/04/19	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
<b>"noxious industry"</b>	means an industry which is subject to licensing as "Prescribed Premises" under the <i>Environmental Protection Act 1986</i> (as amended);
<b>"nursing home"</b>	means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;
<b>"office"</b> AMD 80 GG 18/04/19	means premises used for administration, clerical, technical, professional or similar business activities;
<b>"permanently"</b> AMD 48 GG 25/01/11	in relation to the term used in the land use definition of 'residential building' means six months or more;
<b>"permitted use"</b>	means a use described in clauses 13 and 15;
<b>"place of worship"</b> AMD 80 GG 18/04/19	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
<b>"planning policy"</b> AMD 68 GG 31/7/15; AMD 69 GG 02/12/06	means a local planning policy made by the Council pursuant to Part 2 Division 1 of the deemed provisions;
<b>"plot ratio"</b> AMD 80 GG 18/04/19	means the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries;
<b>"plot ratio area"</b> AMD 80 GG 18/04/19	<p>(a) Residential Development: as defined by the R-Codes;</p> <p>(b) Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding –</p> <ul style="list-style-type: none"> <li>- Toilets and bathrooms;</li> <li>- Lift shafts, stairs and stair landings;</li> <li>- Machinery, air conditioning, storage, equipment and plant rooms;</li> <li>- Lobbies and circulation spaces common to two or more tenancies;</li> <li>- Staff tea preparation, lunch areas or amenities;</li> <li>- Staff changeroom / locker facilities;</li> <li>- Areas used for the parking of vehicles at or below ground level;</li> <li>- Balconies, verandahs, terraces and courtyards; and</li> <li>- Space that is wholly below natural ground level;</li> <li>-</li> </ul>
<b>"precinct"</b> AMD 80 GG 18/04/19	means a definable area where particular planning policies, guidelines or standards apply;

<b>“precinct plan”</b>	means a document setting out the planning intentions for a particular precinct;
<b>“predominant use”</b> AMD 80 GG 18/04/19	means the primary use of premises to which all other uses carried out on the premises are incidental;
<b>“prohibited use”</b>	means a use described in clauses 13 and 15;
<b>“public authority”</b> AMD 75 GG 23/06/17	has the same meaning given to it in the Act;
<b>“public utility”</b>	means any works or undertaking constructed or maintained by a public authority, Commonwealth agency or municipality to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
<b>“reception centre”</b> AMD 80 GG 18/04/19	means premises used for hosted functions on formal or ceremonial occasions;
<b>“recreation – private”</b> AMD 80 GG 18/04/19	means premises that are — (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
<b>“register of non-conforming uses”</b>	means the register kept in accordance with clause 19;
<b>“research and development”</b>	means scientific and industrial research and the development, production and assembly of products associated with that research;
<b>“residential building”</b> AMD 39 GG 10/7/07	has the same meaning given to it in the R-Codes;  <b>Note:</b> AMD 75 GG 23/06/17 <i>The R-Codes defines “residential building” to mean - “a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation: temporarily by two or more persons, or permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school”;</i>
<b>“restaurant/café”</b> AMD 80 GG 18/04/19	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 <i>the Liquor Control Act 1988</i> ;
<b>“restricted premises”</b> AMD 43 GG 31/10/08; AMD 80 GG 18/04/19	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 <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i> ; 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;
<b>“retail”</b> AMD 80 GG 18/04/19	means the sale or hire of goods or services to the public;
<b>“retail floor area”</b>	means the floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a

	toilet;
<b>“Scheme text”</b>	means the document to which this Schedule is attached and includes this and all other Schedules;
<b>“Scheme zone”</b>	means an area, identified in clause 12 (1), for which permitted uses are described in the Zoning Table;
<b>“serviced apartment”</b> AMD 80 GG 18/04/19	means a group of units or apartments providing - (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities;
<b>“Service industry”</b> AMD 77 GG 19/06/18	means – (a) a light industry carried out from premises which may have a retail shop front and from which goods manufactured on premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
<b>“service station”</b> AMD 80 GG 18/04/19	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 vehicles 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; (c)
<b>“shop”</b> AMD 61 GG 14/11/14; AMD 80 GG 18/04/19	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;
<b>“single bedroom dwelling”</b> AMD 39 GG 10/7/07	has the same meaning given to it in the R-Codes;  <b>Note:</b> AMD 75 GG 23/06/17 <i>The R-Codes defines “single bedroom dwelling” to mean - a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom”;</i>
<b>“single house”</b> AMD 39 GG 10/7/07	has the same meaning given to it in the R-Codes;  <b>Note:</b> AMD 75 GG 23/06/17 <i>The R-Codes defines “single house” to mean - “a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property”;</i>
<b>“small bar”</b> AMD 80 GG 18/04/19	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> ;
<b>“storey”</b> AMD 46 GG 03/09/10	means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling or underside of a roof above it, with the following exclusions: (a) roof structures of a high quality design that reduce the visual impact of lift plant and other similar utility or services, not exceeding 3.0 metres in height; and (b) unenclosed roof structures of a high quality design that provide weather protection to areas used for private or communal open space, not exceeding 3.0 metres in



	<p>height, such that the roof structure does not represent more than 25% of the floor area of the uppermost level of the building and is no more than 50% of the length or width of the uppermost level of the building; and</p> <p>(c) minor architectural projections or external fixtures above the roof line; and</p> <p>(d) any portion of a building having 50% or more of its volume located below natural ground level; and</p> <p>(e) a floor area wholly contained within the roof space and having no vertical walls extending outside the external angle of the roof space, with the exception of the dormer windows.</p> <p><b>Note:</b> The definition of storey does not apply to Single Houses and Grouped Dwellings within the 'Residential Zone'. The height standards for these forms of development are as per the R-Codes;</p>
<b>“street alignment”</b>	means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment;
<b>“tavern”</b> AMD 80 GG 18/04/19	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;
<b>“telecommunications infrastructure”</b> AMD 80 GG 18/04/19	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;
<b>“temporary”</b> AMD 48 GG 25/01/11	in relation to the term used in the land use definition of 'residential building' means less than six months;
<b>“Town”</b>	means the Town of Victoria Park established as a municipality under the Local Government Act;  <b>Note:</b> The division of the municipality of the former City of Perth was effected by S.9 of the <i>City of Perth Restructuring Act 1993</i> .
<b>“Town of Victoria Park Scheme reserve”</b>	means land reserved under this Scheme and shown on a Precinct Plan as a Town of Victoria Park Scheme reserve;
<b>“transport depot”</b> AMD 80 GG 18/04/19	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
<b>“unlisted use”</b>	has the meaning given to it in clause 16 of the Scheme Text;
<b>“veterinary centre”</b> AMD 80 GG 18/04/19	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
<b>“warehouse/storage”</b> AMD 80 GG 18/04/19	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;
<b>“Western Australian Planning Commission”</b> AMD 75 GG 23/06/17	means the Commission established by the Act;

<b>wholesale”</b> AMD 80 GG 18/04/19	means the sale of goods or materials to be sold by others;
<b>“Zoning Table”</b>	means the table set out at the end of clause 15;

**2. In this Scheme, unless the contrary intention appears, a reference to -**

- (a) land, includes part of the land;
- (b) premises, includes part of the premises; and
- (c) a building, includes part of the building;

**Note:**

*The reference to "this Scheme" in clauses 1 and 2 includes all the Scheme documents listed in clause 3 (1) of the Scheme text.*

## SCHEDULE C - ADDITIONAL USES

	Ref. No.	Land Particulars	Permitted Uses	Development Standards/Conditions
A1	1	No. 47 (Lot 10) Star Street, Carlisle on Diagram 65589  <i>AMD 27 GG 3/2/04</i>	Office for Accountants only	<ol style="list-style-type: none"> <li>1. Additional Use of Office is restricted to use by accountants.</li> <li>2. Additional Use of Office for accountants to be limited to the existing building identified by Strata Lot 2 on Strata Plan 11861.</li> <li>3. Additional Use of Office for Accountants to be limited to existing building only with any redevelopment, extension or demolition relating to the subject Strata Lot 2 extinguishing the Additional Use.</li> <li>4. A maximum of one sign to a maximum size of 1m<sup>2</sup> is permitted on Strata Lot 2.</li> </ol>
A2	2	No. 9 (Lot 712, Strata Lot 11) McMillan Street, Victoria Park on Vol 2546 Fol 485 Strata Plan 43914  <i>AMD 41 GG 9/2/07</i>	Office for Financial Planning Service only	<ol style="list-style-type: none"> <li>1. Additional Use of Office is restricted to use by Financial Planning Service.</li> <li>2. Additional Use of Office for Financial Planning Service to be limited to the existing building identified by Strata Lot 11 on Strata Plan 43914.</li> <li>3. Additional Use of Office for Financial Planning Service to be limited to existing building only with any redevelopment, extension or demolition relating to the subject Strata Lot 11 extinguishing the Additional Use.</li> <li>4. A maximum net floor area of 94.6m<sup>2</sup> to be used for the Office for Financial Planning Service.</li> <li>5. A minimum of two carparking bays to be provided on Strata Lot 11 at all times for use of the Office for Financial Planning Service.</li> </ol>

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A3	3	No. 10-12 (Lot 100) Asquith Street, Burswood on Diagram 72633, Volume 1781, Folio 957 <i>AMD 58 GG 11/12/12</i>	Motor Vehicle and Marine Sales Premises	<p>1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances –</p> <p>(a) upon the expiry of ten (10) years from the date that an application for Development Approval for the use is first granted by the Council, except where a further application(s) for Development Approval has been granted for the continued operation of the use whereby the Additional use shall extinguish upon the expiry of that approval(s); or</p> <p>(b) upon the demolition, destruction or redevelopment of seventy-five (75) per cent or more of the value of the building(s) on the land approved to carry out the use;</p> <p>Whichever occurs first.</p> <p>2. The sale and display of vehicles is not to occur within the building(s) approved to carry out the use at all times.</p> <p>3. The open air sale and display of vehicles is not permitted.</p> <p>4. The use of any part of the existing building(s) on the site other than as a Motor Vehicle and Marine Sales Premises is restricted to the storage of vehicles incidental to the use only, or as otherwise permitted by a valid Development Approval for the site.</p> <p>5. The existing building being externally upgraded to the satisfaction of the Town.</p>

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A4	4	No. 101 (Lot 800) Albany Highway, Victoria Park on Volume 2639, Folio 400  <i>AMD 60 GG 19/8/14</i>	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A5	5	No. 107 – 111 (Lots 4 & 5) Albany Highway, Victoria Park on Volume 33, Folio 50A	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A6	6	No. 115 (Lot 51, Strata Lots 1, 2, 3, 4 & 5) Albany Highway, Victoria Park on Volume 2001, Folio 53, 54, 55, 56 & 57	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A7	7	No 141 (Lot 800) Albany Highway, Victoria Park on Volume 1906, Folio 175	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A8	8	No. 1-7 (Lot 22) Shepperton Road, Victoria Park on Volume 1930, Folio 266	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A9	9	No. 160 (Lots 1 & 2) Albany Highway, Victoria Park on Diagram P002908	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A10	10	No. 9 (Lot 100) Albany Highway, Victoria Park on Volume 1930, Folio 268	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A11	11	No. 49-51 (Lots 51, 29, 9 & 10) Shepperton Road, Victoria Park on Volume 1422, Folio 574	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A12	12	No. 182 (Lot 1) Albany Highway, Victoria Park on Volume 1618, Folio 187	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A13	13	No. 184 (Lot 11) Albany Highway, Victoria Park on Volume 1218, Folio 305	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A14	14	No. 188 (Lot 4) Albany Highway, Victoria Park on Volume 1303, Folio 371	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A15	15	No. 190 (Lot 5) Albany Highway, Victoria Park on Volume 1303, Folio 371	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A16	16	No. 192 (Lot 6) Albany Highway, Victoria Park on Volume 1624, Folio 473	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A17	17	No. 196 (Lot 7 & 8) Albany Highway, Victoria Park on Volume 335, Folio 38A	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A18	18	No. 181 (Lots 283, 284 & 285) Albany Highway, Victoria Park on Volume 1458, Folio 947, Diagram P004377	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A19	19	No. 211-213 (Lot 1) Albany Highway, Victoria Park on Volume 145, Folio 120A	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A20	20	No. 210-246 (Lot 8) Albany Highway, Victoria Park on Volume 2122, Folio 537	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A21	21	No. 2 (Lots 3 & 92) Teddington Road, Victoria Park on Volume 1356, Folio 715, Diagram D046191 & D002908	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A22	22	No. 9 (Lot 7) Rushton Street, Victoria Park on Volume 2104, Folio 881	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A23	23	No. 61 – 61B (Lot 1) Shepperton Road, Victoria Park on Volume 1908, Folio 710	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.



	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A24	24	No. 495-513 (Lot 50) Albany Highway, Victoria Park on Volume 1834, Folio 825	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A25	25	No. 529-541 (Lot 101) Albany Highway, Victoria Park on Volume 2609, Folio 88	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A26	26	No. 526-528 (Lots 300 & 301) Albany Highway, Victoria Park on Volume 1667, Folio 479, Diagram P002916	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A27	27	No. 530-534 (Lot 299) Albany Highway, Victoria Park on Volume 1845, Folio 685	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A28	28	No. 544 (Lot 3) Albany Highway, Victoria Park on Volume 1652, Folio 156	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A29	29	No. 546 (Lot 2) Albany Highway, Victoria Park on Volume 1627, Folio 704	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A30	30	No. 552 (Lot 1) Albany Highway, Victoria Park on Volume 780, Folio 64	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A31	31	No. 554 (Lots 76 & 77) Albany Highway, Victoria Park on Volume 1086, Folio 139	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A32	32	No. 574 (Lot 17) Albany Highway, Victoria Park on Volume 105, Folio 10A	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A33	33	No. 577 (Lot 991) Albany Highway, Victoria Park on Volume 1474, Folio 183	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A34	34	No. 579A (Lot 992) Albany Highway, Victoria Park on Volume 1028, Folio 839	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A35	35	No. 593-595 (Lot 171) Albany Highway, Victoria Park on Volume 809, Folio 51	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A36	36	No. 614 (Lot 19) Albany Highway, Victoria Park on Volume 1683, Folio 846	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A37	37	No. 621-623 (Lot 201) Albany Highway, Victoria Park on Volume 1087, Folio 751	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A38	38	No. 625-629 (Lot 203) Albany Highway, Victoria Park on Volume 1366, Folio 345	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A39	39	No. 635-639 (Lot 1053) Albany Highway, Victoria Park on Volume 1718, Folio 525	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A40	40	No. 645-645A (Lot 56) Albany Highway, Victoria Park on Volume 1327, Folio 175	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A41	41	No. 1 (Lot 57) Tuam Street, Victoria Park on Volume 1225, Folio 832	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A42	42	No. 646 (Lots 451, 1 & 2) Albany Highway, Victoria Park on Volume 1685, Folio 987	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A43	43	No. 652 (Lot 327) Albany Highway, Victoria Park on Volume 1205, Folio 955	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A44	44	No. 1-3 (Lot 329) Miller Street, Victoria Park on Volume 1430, Folio 968	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A45	45	No. 660 (Lot 24) Albany Highway, Victoria Park on Volume 1104, Folio 273	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A46	46	No. 661 (Lots 1 & 2) Albany Highway, Victoria Park on Volume 1240, Folio 947, Diagram 005338	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A47	47	No. 667 (Lot 1083) Albany Highway, Victoria Park on Volume 1571, Folio 20	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A48	48	No. 671 (Lot 84) Albany Highway, Victoria Park on Volume 2568, Folio 378	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A49	49	No. 688 (Lot 2) Albany Highway, Victoria Park on Volume 1342, Folio 96	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A50	50	No. 707-709 (Lots 4 & 6) Albany Highway, Victoria Park on Volume 1166, Folio 413	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A51	51	No. 716 (Lot 6) Albany Highway, Victoria Park on Volume 1655, Folio 220	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A52	52	No. 720 (Lot 7) Albany Highway, Victoria Park on Volume 1655, Folio 219	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A53	53	No. 767 (Lots 11 & 12) Albany Highway, Victoria Park on Volume 1471, Folio 296	Motor Vehicle and Marine Sales Premises	The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid Development Approval for Motor Vehicle and Marine Sales Premises.
A54	54	2-8A (Lots 1, 2, 137 - 141) Basinghall Street, Victoria Park	Multiple Dwellings	Development to be in accordance with the following development standards and conditions, with variations permitted subject to achieving the outcomes identified in the relevant section below:

	Ref. No.	Land Particulars	Permitted Uses	Development Standards/Conditions
A54	54	2-8A (Lots 1, 2, 137 - 141) Basinghall Street, Victoria Park Cont'd		<p><u>General</u></p> <ul style="list-style-type: none"> <li>Where there is an inconsistency between the development standards and conditions applicable to additional use A54 and the provisions of the Scheme, the Residential Codes and/or Council policies, the development standards and conditions applicable to additional use A54 prevail.</li> </ul> <p><u>Residential Density</u></p> <ul style="list-style-type: none"> <li>Development to be in accordance with the R60 residential code.</li> </ul> <p><u>Setbacks</u></p> <ul style="list-style-type: none"> <li>Minimum 4.0 metre setback to Basinghall Street.</li> <li>Minimum 4.0 metre setback from the north-eastern boundary.</li> <li>Other boundary setbacks as per the R-Codes.</li> </ul> <p><u>Building Height</u></p> <p>Subject to the setback requirements stated above the following building height limits apply:</p> <ul style="list-style-type: none"> <li>Single storey development on any portion of the site.</li> <li>Development setback a minimum of 6.5 metres from the south-eastern boundary and setback consistent with R-Codes from the south-western site boundary may comprise 2 storeys up to a maximum wall height of 6 metres.</li> <li>Development setback a minimum of 10.5 metres from the south-eastern boundary and a minimum of 5.5 metres from the south-western site boundaries may comprise 3 storeys up to a maximum wall height of 9 metres.</li> <li>Development to a maximum of 4 storeys up to a maximum wall height of 15 metres is permitted, where; <ul style="list-style-type: none"> <li>Adjacent to the Basinghall Street frontage the 4<sup>th</sup> storey is located behind the alignment of the 3<sup>rd</sup> storey within a 45 degree recession plane.</li> <li>The 4<sup>th</sup> storey is setback a minimum of 19.5 metres from the south-eastern boundary.</li> </ul> </li> </ul>

	Ref. No.	Land Particulars	Permitted Uses	Development Standards/Conditions
A54	54	2-8A (Lots 1, 2, 137 - 141) Basinghall Street, Victoria Park Cont'd		<ul style="list-style-type: none"> <li>▪ The 4<sup>th</sup> storey is setback a minimum of 14 metres from the south-western boundary.</li> </ul> <p><u>Variations to Development Standards</u></p> <ul style="list-style-type: none"> <li>• Variation to development standards including a plot ratio of up to a maximum of 1.0 may be considered by Council where the variations and resulting development achieve positive design outcomes, positive streetscape outcomes, high levels of amenity in new dwellings, and the protection of the amenity of adjoining residential properties.</li> </ul> <p><u>Vehicular Access</u></p> <ul style="list-style-type: none"> <li>• A 4m wide building setback being applied over Lot 1 from the adjoining boundary of the rear of commercial zoned lots 1, 2 and 148 Albany Highway to allow for vehicular access to the properties fronting Albany Highway as a joint benefit. Additional vehicular access will be considered to the site if required as part of the development design, or as part of a staged development provided the number of vehicle access points in minimised as far as practical.</li> </ul> <p><u>Basinghall Street Facade</u></p> <ul style="list-style-type: none"> <li>• Buildings designed to address Basinghall Street with individual access to the ground floor units to Basinghall Street and with a high degree of surveillance over Basinghall Street are preferred.</li> <li>• The proposed development is to include design elements that reflect the architectural elements and streetscape of the locality.</li> </ul>
A55	55	No. 18 (Lot 101) Twickenham Road, Burswood on Diagram 77286, Volume 1863, Folio 639  <i>AMD 76 GG 24/11/17</i>	Motor Vehicle and Marine Sales Premises	<p>1. Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances:</p> <p>(a) upon the expiry of ten (10) years from the date that an application for development approval for the use is first granted by the Council, except where a further applications(s) for</p>



	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A55	55	No. 18 (Lot 101) Twickenham Road, Burswood on Diagram 77286, Volume 1863, Folio 639 Cont'd  <i>AMD 76 GG 24/11/17</i>		<p>development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s); or</p> <p>(b) upon the demolition, destruction or redevelopment of seventy-five (75) per cent or more of the value of the building(s) on the land approved to carry out the use;</p> <p>2. The sale and display of vehicles is to occur within the building(s) approved to carry out the use at all times.</p> <p>3. The open air sale and display of vehicles is not permitted.</p> <p>4. The use of any part of the existing building(s) on the site other than as a Motor Vehicle and Marine Sales premises is restricted to the storage of vehicles incidental to the use only, or as otherwise permitted by a valid development approval for the site.</p> <p>5. The existing building being externally upgraded to the satisfaction of the Town.</p>
A56	56	Nos. 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood  <i>AMD 83 GG 08/12/2020</i>	Motor Vehicle and Marine Sales Premises	<p>1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish upon the expiry of eleven (11) years from the gazettal date of this amendment, except where a further application for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s);</p> <p>2. The sale and display of vehicles is to occur within the building(s) or structure(s) approved to carry out the use at all times; and</p> <p>3. Development is to result in a significant improvement to the visual appearance of the site.</p>

	<b>Ref. No.</b>	<b>Land Particulars</b>	<b>Permitted Uses</b>	<b>Development Standards/Conditions</b>
A57	57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741  <i>AMD 85 GG 27/04/2021</i>	Restaurant/Café (AA)	<ol style="list-style-type: none"> <li>1. Additional Uses is restricted to the ground floor at the corner of Taylor Street and McCallum Lane.</li> <li>2. Additional Use must address the street to the satisfaction of the Town.</li> <li>3. The maximum net lettable area of any Restaurant/Café uses shall be 120m<sup>2</sup> in aggregate.</li> <li>4. The Additional Use of Restaurant/Café shall be deemed to be an 'AA' use for the purposes of the Scheme.</li> <li>5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.</li> </ol>

## **SCHEDULE D - ADVERTISEMENTS REQUIRING DEVELOPMENT APPROVAL**

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THIS SCHEDULE WAS DELETED BY AMENDMENT 81 GAZETTED ON 25 JANUARY 2019

## SCHEDULE E - SPECIAL CONTROL AREAS

AMD 30 GG 17/2/04

Area No	Land Description	Purpose and Particular Requirements
<b>DA1</b>	<p>The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse)</p> <p><i>AMD 23A GG 6/4/04</i></p>	<p>A structure Plan must be prepared and approved prior to any subdivision and/or development of the land, with the exception of development or use associated with the current racecourse activities.</p>
<b>BD1</b>	<p>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood”</p> <p><i>AMD 24 GG 18/2/05; AMD 75 GG 23/06/17</i></p>	<p><b>(1) Planning Objectives</b></p> <p>The objectives for development and planning decisions making within BD 1 are:</p> <ul style="list-style-type: none"> <li>(a) the development of BD 1 as a whole in a co-ordinated manner;</li> <li>(b) the adequate provision of carparking areas for residents and visitors;</li> <li>(c) the adequate provision of landscaped areas and green space offering attractive areas for pedestrians and residents;</li> <li>(d) where provision is made between subdivisional lots for the sharing of open space, ensuring the long term availability of shared communal open space to occupiers of those lots; and</li> <li>(e) ensuring the long term re-arrangement of plot ratio entitlements between parts of BD 1 which are or may be subdivided into separate lots.</li> </ul> <p><b>(2)</b> In addition to the matter referred to in deemed clause 67 the Council shall have regard to the objectives set out in the preceding subclause when determining any application for Development Approval on land within BD 1.</p> <p><b>(3) Conflict with other provisions of the Scheme</b></p> <p>Where a provision contained in this Schedule pertaining to BD 1 is inconsistent with any other provision of the Scheme, the provision contained in this Schedule pertaining to BD 1 shall prevail.</p> <p><b>(4) Plot Ratio</b></p> <ul style="list-style-type: none"> <li>(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan ‘BD 1 – Lot 905 Burswood Road’ as contained in this Schedule.</li> <li>(b) For the purpose of determining plot ratio with respect to land within BD 1, Lot 1 and Lot 2 shall be treated as</li> </ul>

Area No	Land Description	Purpose and Particular Requirements
<p><b>BD1</b></p>	<p>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” Cont’d</p> <p><i>AMD 24 GG 18/2/05; AMD 75 GG 23/06/17</i></p>	<p>separate sites, each having plot ratio entitlements in accordance with the Scheme.</p> <p>(c) The area of any land taken from either of Lot 1 or Lot 2 and added to the ROW shall be notionally added back to the area of the Lot from which it was taken for the purpose of calculating the plot ratio entitlement of that lot.</p> <p>(d) Lots 3 and 4 shall be treated as one site for the purpose of calculating plot ratio. Regardless of how the plot ratio is distributed between the lots, the total plot ratio entitlements over the area of the two lots shall not exceed the plot ratio entitlements applicable to that area of land under this Scheme.</p> <p><b>(5) Carparking</b></p> <p>(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan BD 1 ‘Lot 905 Burswood Road’ as contained in this Schedule.</p> <p>(b) For the purpose of determining provisions for parking under the Scheme with respect to the land within BD 1, Lot 1 and Lot 2 shall be treated as separate sites, each having parking requirements and making provision for parking as required by any development approval issued by the Council.</p> <p>(c) Lot 3 and Lot 4 shall be treated as one site for the purpose of calculating parking requirements. Regardless of how parking areas are distributed between the lots, the total requirement for parking for the development established on the two lots shall comply with the requirements of the Scheme. The Council shall not allow any deficit of parking bays for development on one of the lots which is not made up by additional parking already provided or otherwise secured to the satisfaction of the Council on the other lot.</p> <p>(d) When the Council has approved development on either Lot 3 or Lot 4 that depends upon the provision of parking on the other lot, nothing may be done on either lot which would restrict free access from the lot benefited to the parking provided on the lot burdened by that requirement.</p>

Area No	Land Description	Purpose and Particular Requirements
<p><b>BD1</b></p>	<p>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” Cont’d</p> <p><i>AMD 24 GG 18/2/05; AMD 75 GG 23/06/17</i></p>	<p><b>(6) Open Space</b></p> <p>(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan ‘BD’ Lot 905 Burswood Road’ as contained in this Schedule.</p> <p>(b) For the purpose of determining the allocation of communal open space on private land within BD 1, Lots 3 and 4 shall be treated as one site. The requirement for open space applicable to the total area of those lots may be distributed between the lots in such manner as the Council approves.</p> <p>(c) Subject to any determination by the Council to the contrary, nothing shall be done on either Lot 3 and Lot 4 which restricts free access for persons on one of those lots to communal open space areas provided on the other lot.</p> <p><b>(7) Staged Development</b></p> <p>(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4 , or to the ROW is a reference to the land so designated in Plan ‘BD 1 – Lot 905 Burswood Road’ contained in this Schedule.</p> <p>(b) If development on either Lot 3 or Lot 4 or Lots 3 and 4 combined occurs in stages, each stage shall be constructed in such a manner that the stage has the appearance of a completed development, and without limiting the generality of the foregoing:</p> <p>(i) the common facilities such as basement carparking areas and any common areas of open space shall be completed as part of the first stage of development; and</p> <p>(ii) should either Lot 3 or Lot 4 be developed and development on the other lot not be commenced within twelve months after commencement of development on the first lot, the vacant land is to be landscaped to prevent unsightly vacant area.</p> <p><b>(8) Application for Town Development Approval</b></p> <p>Notwithstanding any other provision of the Scheme, Council shall seek comments from all owners in the BD 1 area prior to determination of an Application for Development Approval by the Council.</p>

Area No	Land Description	Purpose and Particular Requirements
<p><b>BD1</b></p>	<p>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” Cont’d</p> <p><i>AMD 24 GG 18/2/05; AMD 75 GG 23/06/17</i></p>	<p><b>(9) Existing Development Approval</b></p> <p>(a) The provisions contained in this Schedule pertaining to BD1 do not in any way extend the validity of any current Development Approval issued prior to the coming into operation of these provisions, beyond the time period stipulated in that approval.</p> <p>(b) If at the time of coming into operation of the provisions contained in this Schedule pertaining to BD 1 a valid Development Approval remains in operation in respect to the whole or part of any land within the area of BD 1, development may be carried out in accordance with the terms of the approval.</p> <p>(c) Notwithstanding the preceding provisions of this subclause, any development carried out within BD 1 whether Development Approval was given before or after the coming into operation of the provisions contained in this Schedule pertaining to BD 1, shall comply with the provisions of this Schedule pertaining to BD 1, and the use of land within the area of BD 1 shall be carried out in accordance with the provisions contained in this Schedule pertaining to BD 1.</p> <p>(d) To give effect to the provisions of paragraph (c), to the extent that it is necessary, it is intended that the provisions contained in this Schedule pertaining to BD 1 shall have retrospective effect.</p> <p><b>(10) Cessation of the Provisions Contained in This Schedule Pertaining to BD 1</b></p> <p>(a) The provisions contained in this Schedule pertaining to BD 1, with the exception of this clause, shall cease to have effect if within 5 years of the gazettal date of the amendment adding the BD 1 area to this Schedule 100% of the earthworks and footings for the floor area of the development of any one of the four lots has not been completed.</p> <p>(b) In the event that the provisions contained in this Schedule pertaining to BD 1 cease to have effect by the operation of subclause (a), any special endorsement notation or provision whatsoever on Precinct Plan P3 – Causeway Precinct relating to BD 1 shall cease to have effect.</p>

## **ADOPTION**

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 9th day of August 1994.

\_\_\_\_\_  
**J A E LEE**  
**MAYOR**

\_\_\_\_\_  
**J M BONKER**  
**CHIEF EXECUTIVE OFFICER**

## **FINAL ADOPTION**

Adopted for final approval by resolution of the Council of the Town of Victoria Park at the Ordinary meeting of the Council held on the 11th day of August 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

\_\_\_\_\_  
**J A E LEE**  
**MAYOR**

\_\_\_\_\_  
**J M BONKER**  
**CHIEF EXECUTIVE OFFICER**

## **RECOMMENDED FOR FINAL APPROVAL**

\_\_\_\_\_  
**CHAIRMAN OF THE**  
**WESTERN AUSTRALIAN PLANNING COMMISSION**

\_\_\_\_\_  
**Date**

**FINAL APPROVAL GRANTED**

\_\_\_\_\_  
**MINISTER FOR PLANNING**

**Date 20 August 1998**