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City of Wanneroo

DISTRICT PLANNING SCHEME NO. 2

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DISTRICT PLANNING SCHEME GAZETTAL DATE: 6 JULY 2001

SCHEME DETAILS

City of Wanneroo

DISTRICT PLANNING SCHEME NO. 2

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

CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2

AMENDMENTS

Published in the GOVERNMENT GAZETTE on the sixth day of July 2001 and subsequently amended as follows:

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
2	7/5/02	3/5/02	DH	Schedule 3 – increasing the net lettable area of the Hocking Local Centre from 500m^2 to 700m^2.
6	5/7/02	15/7/02	DH	Schedule 2 – adding additional use area item number 1-28 being "Lot 49 (56) St Andres Drive, Yanchep" with an additional use "Shop not exceeding 44 square metres NLA."
1	15/11/02	18/11/02	DH	Schedule 13 – including Lot 23 Badgerup Road, Gnangara in the Description of Locality for Special Rural Zone 17. Schedule 13 – In Special Rural Zone 17 changing the building envelope figure in Special Provision No. 5 from 1,200m^2 to 1,600m^2. Schedule 13 – In Special Rural Zone 17 including new Special Provision No. 12. Modifying Development Guide Plan for Special Rural Zone No. 17 by including Lot 23 Badgerup Road.
8	18/2/03	26/2/03	DH	Schedule 3 – deleting reference to the Mindarie Centre located on Part Lot 962.
4	4/3/03	5/3/03	DH	Schedule 3 – adding reference to Locality Yanchep located on Portion of Lot 1010 on diagram DP27575, 65 Yanchep Beach, Road, Yanchep.
16	21/3/03	Map updated		Recodes Lot 645 (40) Greville Way, Girrawheen from R20 to R30.
22	31/10/03	5/11/03	DH	Part 4 – modifying clauses 4.23.1 to 4.23.3 and 4.23.6.
24	4/11/03	Map updated		Rezones a portion of Lot 1 Flynn Drive, Carramar from Local Reserve for Parks and Recreation to Special Residential Zone No. 5; and Amends the Development Guide Plan for Special Residential Zone No. 5 to change the 3088m² portion of land concerned from 'public open space' to a Special Residential lot.
5	7/11/03	6/11/03	DH	Schedule 3 – modifying text under column 'Description of Centre and Commercial Zones' the words and numbers ['Part Lot 1001 on Plan 19619 (164) Tapping Way' with 'Portion of Lot 8002 Santa Barbara Parade'; and under column 'NLA (m^2) the number '3500' with '500'.
31	25/11/03	24/11/03	DH	Schedule 2 – modifying the additional use permitted for Lot 8 Mangano Place, Wanneroo from "Restaurant and Function Centre" to "child Care Centre".
28	17/2/04	Map updated		Rezones a portion of the road reserve of Old Yanchep Road in Carabooda to Rural Resource. Rezones and recodes a portion of the Quinns Rocks Foreshore to Residential R20. Rezones portions of the Orchid Road road reserve, Pt Lot 4 Mather Drive and Pt Lot 2692 Orchid Road in Neerabup to Industrial Development. Rezones Lot 6 corner Gnangara and Sydney Roads, Wangara from General Rural to Industrial Development.
36	14/5/04	Map updated		Rezones the 10 metre wide landscape buffer proposed along the western boundary of Lots 7 and 8 Wanneroo Road, Wangara from Local Scheme Reserves – Parks and Recreation to Business zone.
34	20/7/04	Map updated		Rezones Lots 100 & 101 Rawlinson Drive, Marangaroo from Local Scheme Reserve – Parks and Recreation to Residential and recodes Lot 100 Rawlinson Drive, Marangaroo from R20 to R30.
33	3/8/04	4/8/04	DH	Schedule 12 – amending by inserting 'Portion of Lot 2' under Environmental Condition 2, Location of Land.
39	20/8/05	24/8/04	DH	Schedule 3 – deleting the Ridgewood Centre, Pt Lot 31 on Plan 13337 (870) Connolly Drive and 3500m2 net lettable area for the Ridgewood Centre from Schedule 3 – Centres & Commercial Zones.
21	31/8/04	31/8/04	DH	Schedule 2 – Section 1 – including "Number 1-29, Portion of lot 27 Wanneroo Road, Neerabup" *(A29)*

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
26	10/9/04	13/9/04	DH	Schedule 14 – amending by including Special Provision *(SP6)* being Lot 51 (575) Flynn Drive, Carramar.
26	10/9/04	13/9/04	DH	Part 9 – inserting new Clause "9.1.3. Part 9 – modify clause 9.4 by replacing the first sentence in Clause 9.4.1. Part 9 – replace the second sentence in subclause 9.4.(a). Part 9 – replacing subclause 9.4.1(b). Part 9 – modify clause 9.4.2 by replacing 'sixty (60)' with 'ninety (90)'. Part 9 – modify Clause 9.6.1(b. Part 9 – modify Clause 9.6.1(b)(i). Part 9 – modifying Clause 9.6.3(b). Part 9 – modifying Clause 9.6.3©. Part 9 – modifying Clause 9.6.5. Part 9 – modifying Clause 9.6.5. Part 9 – inserting a new Clause 9.6.8. Part 9 – modify Clause 9.7. Part 9 – including the second sentence of Clause 9.7 as a new subclause 9.7.2. Part 9 – including the third sentence of Clause 9.7 as a new subclause 9.7.3. Part 9 – inserting a new subclause 'Clause 9.7.4'. Part 9 – modify Clause 9.8.1 by: - before the word 'date' insert 'later'. - after the word 'date' insert 'when'. - replace the word 'adopted' with 'either certified,'. - after the words 'subclause 9.6.3' insert 'or adopted, signed and sealed by the Council under subclause 9.6.5'. Part 9 – modify Clause 9.8.3(b) as follows: - after the word 'however' insert 'notwithstanding the provisions of paragraph (f),'. - after the word 'may' insert 'by a clear statement of intent to do so,'. Part 9 – modify Clause 9.8.3(f), Part 9 – modify Clause 9.11.1 as follows: - replace 'and 3.15.3' with ',3.15.3 and 3.23.2'. - delete the word 'should'. - replace the word 'shall' with 'should'. - insert 'Rural Community,' after 'Marina,'. Replace 'this' with the word 'that'. Part 9 – modify Clause 9.12.3 by deleting 'the Minister or'. Modify Schedule 7 as follows: - insert after the first sentence the words 'The proponent should submit a schedule to the City including a summary detailing how the following matters in Parts A and B below have been addressed.' - replacing (b) in Part A with the words 'a site analysis assessment and key opportunities and constraints of the structure planning area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, main physical/natural features, ownership, land use, roads and public transport, and services;' - modify © in Part A by deleting the words 'land reserved by', inserting the words 'consistency with' before the words 'the Metropolitan', and inserting the words 'and the City's Scheme' after the words 'Region Scheme'. - replace © in Part A with the words 'the planning context for the structure plan area including regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and how the proposed Structure Plan is to be integrated into the surrounding area;' - modify (f) in Part A by inserting '(including description & concepts)' after the words 'public open space', insert ',mixed use, business, industrial' before the words 'and commercial' and delete '(including the location and hierarchy of centres and the net lettable area of shops)'. -inserting the words 'likely employment requirements of the population residing within the structure plan area, measures proposed to establish a framework to encourage and retain local employment,' at the start of (h) in Part A. - modify (i) in Part A by inserting 'locations,' after the words 'together with', and after the words 'retail floor space' insert 'and the maximum retail net lettable area to be developed'.
26 (Cont'd)	10/9/04	13/9/04	DH	- insert '(preparation of a drainage strategy)' after the words 'main drainage' in (j) in Part A. - insert the words 'the proposed' at the start of (k) in Part A. - modify (m) in Part A by inserting the words 'the proposed' at the start, replace the words 'down to the level of local distributor roads' with the words 'and hierarchy,', and replace the words 'and proposed bus routes' with ', traffic modelling/strategies'. - replace (n) in Part A with the words 'existing and proposed public transport routes, stops, corridors and transit stations'. - replace (p) in Part A with the words 'strategies, structure plans and policies of the Council'. - insert the word 'strategies,' before the words 'structure plans' in (q) in Part A. - insert the word 'structure' between the words 'by the' and 'plan' in © in Part A.

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				- insert the words 'estimates for the staging of subdivision and development including' before the words 'the timeframe' in (v) in Part A. - insert 'and 5etailed area plans' after the word 'provisions' in (w) in Part A. - replace (x) in Part A with the words 'advice as to the appropriate Scheme zoning and provisions that should be contemplated for the land, when the Agreed Structure Plan is revoked by the Council under Clause 9.7 of the Scheme and upon the replacement of the Agreed Structure Plan by an amendment to the Scheme;' - insert 'and other Government agencies' after the word 'authorities' in (a) in Part B. - insert 'and/or details and results of any other public consultation process' after the word 'submissions' in © in Part B. Schedule 8 – delete '……Chairperson, Western Australian Planning Commission'. Schedule 8 – insert under 'Commission on……' 'Signed for an on behalf of the Western Australian Planning Commission……..' and 'an officer of the Commission duly authorised by the Commission pursuant to section 57 of the Western Australian Planning Commission Act 1985 for that purpose, in the presence of: ……..Witness' and '……..Date'. Schedule 8 – inserting '……Date' under 'Chief Executive Officer, City of Wanneroo'. Part 3 – modify clauses 3.10.3(a), 3.13.3, 3.14.3, 3.15.3 and 3.23.2 by deleting the words 'should be' in the first sentence. Part 3 – in Clauses 3.10.3(a), 3.13.3, 3.14.3, 3.15.3 and 3.23.2 replace the word 'shall' with 'should' in the first sentence. Part 3 – insert the words 'which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.' At the end of the last sentence in Clauses 3.10.3(a), 3.13.3, 3.14.3, 3.15.3. Part 3 – modify the last sentence of Clause 3.23.2. Part 6 – delete the word 'The' at the start of Clause 6.1.3 and insert 'Except in the case of the Marina Zone, the Centre Zone, the Urban Development Zone, the Industrial Development Zone and the Rural Community Zone in respect of land for which no Agreed Structure Plan is in place, the".
41	3/12/04	Map & text updated		Rezones portions of lots 118 and 807 and 'A' Class Reserve 27575 Clarkson from unzoned and General Rural to Urban Development Rezones portions of land abutting the Mitchell Freeway reservation at Clarkson, Ridgewood, Butler and Alkimos from unzoned and General Rural to Urban Development. Rezones portions of land abutting the Wanneroo Road reservation at Nowergup, Neerabup and Carramar from unzoned to Rural Resource, General Rural, Special Residential and Special Rural. Amends Schedule 12 to include Environmental Conditions relating to Lots 118 and 807 and 'A' Class Reserve 27575, Clarkson.
47	3/12/04	Map updated		Recodes Lot 279 Penola Court, Clarkson from R20 to R40.
44	24/12/04	3/1/05	DH	Schedule 2 (Section 1) – including "1-30 (Lot 500) Prindiville Drive, Wangara with an additional use "Office". *(A30)*
40	31/12/04	Map updated		Recodes Lot 941 Belhaven Terrace, Quinns Rocks, from Residential R20 to Residential R40; Recodes Lots 933, 934, 935 & 936 Belhaven Terrace, Lots 954 & 955 Agnes Way, Lots 949, 950, 951 & 965 Meringa Crescent and Lot 971 Hampshire Drive, Quinns Rocks, from R20 and R40 to R20.
17	21/1/05	24/1/05	DH	Part 3 – modifying subclause 3.183© by replacing the words "Clause 4.7" with "Clause 4.2". Part 4 – modifying Clause 4.2 heading and subclause 4.2.1 by replacing the term "design standards" with the term "development standards" in the Clause 4.2 heading (and including Contents page) and subclause 4.2.1. Part 4 – modifying Clause 4.2 by replacing "Clause 3.13.4 and 3.13.5" with "Subclause 3.13.5 and 3.13.6" in subclause 4.2.1. Part 4 – modifying clause 4.2.1 by replacing the term "the density requirements of the Residential Planning Codes" with the term "housing density requirements of the Residential Design Codes". Part 4 – modifying subclauses 4.5.1 and 4.6.3.2 by deleting the phrase "Minimum area of lot per dwelling prescribed in Column 3, Table 1 of" and replace it with "housing density requirements". Part 4 – modifying Clause 4.8 by adding the phrase "of a high standard of architectural design and" following "non residential development shall be". Part 4 – modifying Clause 4.23 in subclause 4.23.5 by adding at the end of the last sentence "or other location on the lot as approved by Council under subclause 4.23.6."

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				Part 4 – modifying in subclause 4.23.6 by replacing the words "subclause 4.23.3(b), (d) and (l)" with "subclause 4.23.3 (b), (d), ©, (k) and (l)", and replacing the words "in writing" with "upon application for planning approval". Schedule 1 – amend definition for "commercial vehicle" by moving the sentence commencing with the phrase "The term shall not include…" to the end of the definition. Table 1 – modify by – - introducing the use class "Market Garden Sales" into the table as a discretionary (D) use in the General Rural and Resource Zones only and an "X" use in all other zones; - by adding "3.23 The Rural Community Zone" to the list at the end of the Table. Schedule 1 – adding statement "this Schedule comprises two sets of definitions, 1. General Definitions and 2. Land Use Definitions" after the title Schedule 1 – Interpretations. Schedule 1 – adding "1." Before the heading "General Definitions" and "2." Before the heading "Land Use Definitions". Schedule 1 – adding a new definitions "market garden sales" and "woodyard" in Land Use Definitions. Schedule 1 – amending the definition for "Bed and breakfast". Schedule 1 – deleting the definitions of "communication antenna – domestic" and "Communication antenna – commercial". Schedule 1 – deleting the definition of "consulting rooms" and replacing it with new definition "consulting room". Schedule 1 – amending definition of "storage yard" and "marina wall". Table 1 & Table 2 – modifying by amending the land use "consulting rooms" to read "consulting room". Table of Contents – modifying table of contents to refer to Schedule 1 – Interpretations as comprising two sets of definitions, "1. General Definitions and 2. Land Use Definitions". Schedule 2 – modifying Section 1 by deleting the listings under reference numbers "1.10, 1.11, 1.12, 1.13 and 1.22". Schedule 9 – modifying clause 2.0, point 3 by adding ", or in the administration of Part 10 of the Scheme" at the end of the clause. Schedule 9 – modifying clause 2.0, point 4 by adding the words "treatments and" following the word "intersection". Schedule 9 – modifying clause 3.0, first paragraph by adding the words "intersection treatments," following "dual use paths,". Part 10 – modifying subclause 10.6.5 by deleting the following "which are zoned for General and Light Industry and Mixed Business purposes". Part 10 – modifying subclause 10.5.6 by replacing rhe words "shall only" with "may" and including the text ",or at a time as the Council determines having regard to the principles outlined in Clause 10.3 and within a 5 year period from the date of the contribution from the owner under Clause 10.10.6."
				Part 10 – modifying subclause 10.5.3 by deleting existing formula "S = G ÷ H x 100" and inserting "S = (G÷H) x V". Part 10 – modifying subclause 10.5.3 by inserting "V = value of the reserve, subject to subclause 10.5.3(b)" after the description of value G. Part 10 – modifying subclause 10.5.3 by deleting the words "…that the" and inserting the phrase "…, subject to subclause 10.5.3(b), that the area of the …" after "…the reserve" in line 5. Part 10 – modifying subclause 10.5.3 by inserting the phrase "…, subject to subclause 10.5.3(b),…" after "…a Reserve" in the description of value S. Part 10 – modifying subclause 10.5.3 by deleting the description of value G and insert "G =- the area of the owner's land within the historic subdivision area." Part 10 – modifying subclause 10.5.3 by denoting the last sentence of the subclause, commencing "the area of a reserve…" as subclause (b), and the preceding section of the subclause as subclause (a). Schedule 2 – including the eastern portion of Lot 888 Prindiville Drive, Wangara in site reference number 1.17 – Additional use (Markets) of Section 1. Part 3 – renumbering subclause 3.16.3(a) and 3.17.3(a) as subclauses 3.16.3 and 3.17.3 , and renumbering the remainder of subclauses 3.16.3(b), (c), (d) and © and 3.17.3 (b), (c), (d) and ©, including the preambles, as subclauses 3.16.4 (a), (b), (c) and (d) and 3.17.4 (a), (b), (c) and (d). ***Note: there are no clauses 3.16.4 or 3.17.4.*** Part 10 – modifying subclause 10.10.4 by deleting the words commencing in line two "final approval by the Minister for Planning and publication of Amendment No. 816 in the Government Gazette and". Part 10 – modifying subclause 10.10.4 by deleting the words "Amendment 816 and" from the seventh line. Part 10 – modifying subclause 10.10.4 by replacing the word "come" in the eighth line with the word "came". Part 10 – modifying subclause 10.10.4 by deleting the words "Amendment No. 816 and" from the twelfth line and replacing the words "have come" in the thirteenth line with the word "came". Part 10 – modifying subclause 10.10.5 by deleting the words "Amendment No. 816 and".

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				Part 10 – modifying clause 10.11 by deleting the phrase "Upon final approval by the Minister for Planning and publication of Amendment No. 816 in the Government Gazette and…". Schedule 9, section 2.0 point 8 – modify by replacing the words "Scheme Amendment Nos 773 and 816 introducing these provisions" with "East Wanneroo planning and developer contribution arrangement provisions either under this scheme or former Town Planning Scheme No. 1". Schedule 15, Rural Community Zone 1 – modify by deleting current Special Provision 1.1.2(l) and adding "Nutrient attenuating onsite effluent disposal systems shall be required within this zone to the satisfaction of the City of Wanneroo.". Schedule 14 - deleting Special Provision No. 2 to Special Residential Zone No. 2.
45	3/5/05	Map updated		Recodes Lot 3 (60) Hainsworth Avenue, Girrawheen from R20 to R40.
38	21/10/05	1/11/05	DH	Part 4 – including new Clause "4.24 Protection and Relocation of Native Fauna".
49	11/11/05	14/11/05	DH	Table 1 – modifying the use class "Ancillary Accommodation" from not permitted (X) to a discretionary (D) use in the General Rural, Rural Resource, Special Rural and Special Residential zones.
50	9/12/05	Map updated		Rezones a portion of Lot 34 Lancaster Road, Wangara from Business to Service Industrial zone.
54	6/1/06	11/1/06	DH	Schedule 2, Section 1 – deleting the listing under reference number 1.14. Schedule 3 – Centre & Commercial Zones – modifying by inserting "Wanneroo Local Centre (Villanova Street), Lot 5 Villanova Street, Wanneroo, NLA(m2) 700"
46	7/2/06	8/2/06	DH	Schedule 2, Section 1 – adding additional use "Portion of Lot 6278, 2632 Wanneroo Road, Nowergup". *(A31)*
56	17/2/06	Map updated		Rezones a portion of Lot 34670 Wanneroo Road, Wangara from Local Reserve – Parks and Recreation to Service Industrial.
35	17/2/06	23/2/06	DH	Part 10 – deleting the words "Gross" from the title of Clause 104, Clause 10.4 in Table of Contents, Clauses 10.4.1, 10.4.2, 10.51(a), 10.6.2, 10.6.3(a) and Schedule 9, Section 2.0, Point 2. Part 10 – modify clauses 10.4.(a), 10.7 and 10.11.2(c) by deleting the word 'Agreed' and replacing with the word 'Local' before the words 'Structure Plan' in each of the clauses. Part 10 – delete the words 'or owners' from Clauses 10.5.3(a), 10.5.4 and 10.5.5. Part 10 – modify Clause 10.4 by: - deleting the word 'regional' from Clause 10.4.1(a). - inserting the words 'for the relevant Cell' after the words 'Structure Plan' in Clause 10.4.1(a). - inserting after the third dot point in Clause 10.4.1(a) "**.** The public open space depicted on the Local Structure Plan for the relevant Cell;' - deleting the word 'Any' and replace with the words 'The land areas of any' at the start of Clause 10.4.1(b). - deleting the word 'Agreed' and replace with the words 'the relevant Local' before the words 'Structure Plan' in Clause 10.4.2. Part 10 – modify clause 10.5 by inserting after the first sentence in Clause 10.5.1(a) the words "For the purpose of calculating public open space contributions for Cells 1 to 6 the area of public open space referred to in Clause 10.4.1 shall not be deducted from the area of a Cell." Part 10 deleting the words 'an Agreed' and replace with words 'the relevant Local' before the words 'Structure Plan' in Clause 10.5.1(b). Part 10 – modify Clause 10.5.3 by deleting words 'paid a sum for the value of the Reserve' and insert 'allowed an appropriate adjustment in the Infrastructure Cost payable in respect of that landholding". Part 10 – delete the words 'an Agreed' and replace with the words 'the relevant Local' before the words 'Structure Plan' in Clause 10.5.1(b). Clause 10.5.3(a) – deleting the words 'paid a sum for the value of the Reserve' and insert 'allowed an appropriate adjustment in the Infrastructure Cost payable in respect of that landholding". Clause 10.5.3(a) – delete the word 'sum' and insert the word 'allowance'. Clause 10.5.3(a) – delete the words "subclause 10.5.3(b)" and insert "the provisions of paragraphs (b), (c) and (d) of this subclause," in the first paragraph and 'S' of Clause 10.5.3(a). Clause 10.5.3 (a) – delete the word 'are' and replace with 'is' in 'S' of Clause 10.5.3(a). Clause 10.5.3(a) – delete the words 'market value' and replace with 'Assessed Value' in 'S' of Clause 10.5.3(a). Part 10 – insert new subclauses 10.5.3© and (d). Part 10 – modify clause 10.5.4 by deleting the words 'entitlement of the present owner or owners to be paid for the value of the Credit for that Reserve' and inserting 'allowance due to the present owner' before the word 'may'. Part 10 – modify Clause 10.5.6(a) and (b). Part 10 – modify Clause 10.6.3 by deleting '6' and replacing with '12' in Clause 10.6.3(a).

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				Clause 10.6.3 – insert the word 'inclusive' after the 'Cells 1 to 6; and delete the words 'and/or potential lots to be produced (as contemplated by subclause 10.6.4)' in Clause 10.6.3(b). Clause 10.6.3 – delete Clause 10.6.3©. Clause 10.6.3 – renumber Clause 10.6.3(d) to Clause 10.6.3©. Part 10 – modify Clause 10.6.4 by deleting words 'Number of' and insert 'Potential' after the words 'Determination of'. Part 10 – modify first paragraph of Clause 10.6.4 . Part 10 – deleting words from Clause 10.6.4(a) 'Except where Council is satisfied that the maximum subdivision potential of land for a given area or lot will not be achieved,' and 'Residential'. Clause 10.6.4(a) – insert the word 'density' after 'R20' . Part 10 – delete Clause 10.6.4(b) and renumber Clause 10.6.4(c) to (b), Clause 10.6.4(d) to (c) and Clause 10.6.4© to (d). Part 10 – delete 'and ©' from the new Clause 10.6.4©.
35 (Cont'd)	17/2/06	23/2/06	DH	Part 10 – modify new clause 10.6.4(d) by changing reference to '10.6.4(d) to '10.6.4.(c)' and inserting the word 'subclause' after the word 'this'. Clause 10.7 – modify by: - inserting the words 'and/or density' after the words 'any use' and 'for the purpose'. - delete the words 'proposed to be'. - Following the phrase "...Cell Costs have previously been paid" add the phrase "under clause 10.6 hereof". Clause 10.10 modify by: - delete "10.10.6" and insert "10.10.5" in Clause 10.10.3. - Delete "10.10.6(d) and insert "10.10.5(d)" in the last sentence of Clause 10.10.4. - Delete the words "Agreed" in Clause 10.10.4. - Delete Clause 10.10.5 and renumber Clause "10.10.6" to 10.10.5". - Delete the word 'the' and insert the words 'a conventional green title, survey strata or strata' before the 'subdivision' in the new Clause 10.10.5. - insert the words 'deposited plan' before the word 'diagram' and include the words 'diagram of survey' in brackets '(diagram of survey)' in the new Clause 10.10.5. - Delete the word 'of' and insert the word 'to' before 'Regulation' in the new Clause 10.10.5. - delete "10.106(d)" and insert "10.10.5(d)" in the new Clause 10.10.5(d). Part 10 – insert a new Clause "Clause 10.10.6". Part 10 – modify by: - deleting first two paragraphs between the title of Clause 10.11 and Clause 10.11.1. Part 10 – modify Clause 10.11.3 by: - deleting the words 'to be acquired' and 'fair market'. - inserting the words "The Council may also apply a further among above the Assessed Value to recognize any compulsory taking of land and/or acquisition of structures." After the last sentence. Part 10 – modify Clause 10.11.6 by: - after the word 'review' inserting ", other than the Assessed Value which shall be dealt with under Clause 10.14. An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field of the cost revision being objected to and can only object to those elements that have been altered as part of the review.". - between the words 'Council' and 'during' insert the words 'in accordance with this subclause'. - between the words 'Council' and 'during' insert the words 'in accordance with this subclause'. - after the last sentence in Clause 10.11.6 insert the words "The arbitrator shall be bound by the provisions of Part 10 and Schedule 9 of the Scheme and the Local Structure Plan for that Cell.". Part 10 – modify Clause 10.12 by: - modifying the last sentence of Clause 10.12.2 to read "Council will endeavour to respond to an owner's claim within 60 days.". - deleting Clause 10.12.6(b) and renumbering Clause "10.12.6(a)" to "10.12.6". Clause 10.14 modify by: - modify Clause 10.14.2 by replacing the word 'shall' with 'may' between the words 'the Council' and 'claim compensation'. - modifying Clause 10.14.2 by deleting words 'Land Acquisition and Public Works Act 1902' and inserting 'Land Administration Act 1997'. - delete Clause 10.14.3(a) and renumber the subclause 10.14.3(b) to (a). Part 10 – modify new Clause 10.14.3(a) by: - deleting the words "the carrying out of Cell Works' and insert 'any purpose'. - deleting the words 'a licensed valuer' and inserting 'two licensed valuers".
35 (Cont'd)	17/2/06	23/2/06	DH	- deleting the word 'Council' and insert 'City'. - deleting the words 'Council Valuer' and inserting 'Valuation Panel'.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				- moving the last two sentences of the new Clause 10.14.3(a) to a new subclause 10.14.8(c). - inserting words at the end of the new Clause 10.14.3(a) to read "The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the City ("CEO") or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph ("the Proposed Value")." Part 10 – inserting new Clauses 10.14.3(b) to ©. Part 10 – inserting new Clause 10.14.4 (a) to (f). Part 10 – inserting new Clause 10.14.5. Part 10 – modify existing Clause 10.14.4 by renumbering existing Clause "10.14.4", to "10.14.8(a)", Clause "10.14.4(a)" to "10.14.8(a)(i)", Clause "10.14.4(b)" to "10.14.8(a)(ii)" and Clause "10.14.4(c)" to "10.14.8(a)(iii)". Part 10 – inserting new Clause 10.14.8. Part 10 – in new Clause 10.14.8(a) – deleting the words 'When the Council acquires land for any of the Cell Works the' . In new Clause 10.14.8(a)(ii) – inserting the words 'or Special Rural' after the words 'is zoned Rural'. Part 10 – modify existing Clause 10.14.5 by: - renumber existing Clause 10.14.5 to 10.14.8(b), Clause 10.14.5(a) to 10.14.8.(b)(i) and Clause 10.14.5(b) to 10.14.8(b)(ii). - deleting the words 'preceding subclause' and insert the words 'Clause 10.14.8(a)' in the new Clause 10.14.8(b). - deleting the words 'in Cells 1 to 8' in the new Clause 10.14.8(b). Part 10 – insert new subclause 10.14.8(d). Schedule 9 – delete the word 'PLANNING' after the word 'ARRANGEMENTS' in the title. Schedule 9 – modify Schedule 9, Section 2.0, Point 2 by deleting the words 'a minimum of' and inserting the word 'approximately' and by inserting the words '(including Community Purpose sites)' between the words 'public open space' and 'or the public open space'. Schedule 9 – deleting the word 'PLANNING' after the word 'ARRANGEMENTS' in the title of Schedule 9 in Contents Page.
37	14/3/06	3/4/06	DH	Part 9 – inserting new Clause "9.14 Detailed Area Plans". Table of Contents: - Insert 'AND DETAILED AREA PLAN' after the words 'STRUCTURE PLAN' IN 9.9. - INSERT '9.14 DETAILED AREA PLANS' at the end of Part 9. Part 6 – amending Clause 6.1 – Application for Planning Approval by: - inserting the words 'an Agreed Detailed Area Plan or' after the words 'Part 9 of the Scheme or' in the second paragraph of Clause 6.1.3(b). - insert the words 'an Agreed Detailed Area Plan or' after the words 'Part 9 of the Scheme or' in the last paragraph of Clause 6.1.3(b). Part 9 – amend Clause 9.9 – Compliance with Agreed Structure by: - inserting the words 'AND AGREED DETAILED AREA PLAN' after the words 'STRUCTURE PLAN' in the title of Clause 9.9. - inserting the words an Agreed Detailed Area Plan or' after the word 'under'. Part 9 – amending Clause 9.10 = Copyright and Ownership by: -inserting the words 'and Detailed Area Plans' between the words 'Plans' and 'together'. - inserting the words 'Agreed Detailed Area Plans and' between the words 'and' and 'Agreed'.
37 (Cont'd)	14/3/06	3/4/06	DH	Part 9 – amending Clause 9.12 – Reconsideration and Appeal by: - inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'in the exercise' in Clause 9.12.3. -inserting the words 'or the Detailed Area Plan' between the words 'Plan' and 'is dissatisfied' in Clause 9.12.3. - inserting the words 'or the Detailed Area Plan' between the words 'Structure Plan' and 'is' in Clause 9.12.6. Schedule 1 – amending the definition of 'Proponent' by: - inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'or'. - inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'under'. Schedule 1 – after the definition of 'density code' inserting definition "Detailed Area Plan". - inserting definition 'Agreed Detailed Area Plan" after the definition of 'advertising device'.
7	28/3/06	Map updated		Rezones the portion of Lot 10 (275) Flynn Drive, Carramar that is zoned Urban under the Metropolitan Region Scheme from Special Rural Zone to Urban Development Zone; and

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				modifies the Development Guide Plan for Special Rural Zone No. 1 by deleting Lot 10 (275) Flynn Drive, Carramar.
11	21/4/06	Map updated		Rezones Swan Location 8654 (8) High Road, Wanneroo from Local Scheme Reserve – Public Purpose to Residential zone with a density of R20.
52	16/6/06	26/6/06	DH	Part 3 – modifying subclause 3.7.1 by inserting words 'or proposed' following words 'is intended to accommodate existing'. Part 3 – modifying subclause 3.7.2(a) by inserting the words 'or proposed' following words 'make provision for existing'. Part 4 – renumbering clause 4.8 to subclause 4.8.1. Part 4 – inserting new subclause 4.8.2. Part 4 – modifying subclause 4.23.3(b) by inserting the zone 'Special Residential,' before the zone 'Special Rural'. Part 6 – modifying subclause 6.10.1 by deleting ',or the Minister' and replacing the words 'Town Planning Appeal Tribunal' with the words 'State Administrative Tribunal'. Part 6 – modifying subclause 6.11 by deleting the words 'the Minister or' after the words 'given by' and 'imposed by' and replacing the words 'Town Planning Appeal Tribunal' with 'State Administrative Tribunal'. Part 9 – modifying subclause 9.12.3 by replacing the words 'Town Planning Appeal Tribunal' with words 'State Administrative Tribunal'. Part 9 – modifying subclause 9.12.2 by replacing '35' days with '60' days. Part 11 – modifying subclause 11.4.6.2 by replacing word 'must' with the word 'should'. Table 1 – modifying use class 'Pharmacy' from an 'X' use in the Mixed use and Business zones to a 'D' use. Table 1 – renaming use class 'Mast and Antenna' to 'Mast or Antenna'. Table 2 – modifying number of on-site car parking spaces in use class 'Primary School' to read "A minimum of 46 car bays for staff and visitor parking for the first 475 students and then ten (10) car bays for every 100 students or part thereof afterwards, plus fourteen (14) pickup/set down bays for every 100 students or part thereof which may be provided in the road reserve." Table 2 – modifying use class 'Secondary School'. Table 2 – modifying number of on-site car parking spaces from 'see Child Care Centre' for use class 'Kindergarten' to read "Provision of a drive-in pickup/set down facility plus eight (8) bays.' Schedule 1 – deleting "(See "communications antenna".)" from definition of 'mast or antenna". Schedule 1 – amending definition 'medical centre' by deleting the phrase ' 'and may include ancillary uses such as a pathologist, radiologist and pharmacy." Schedule 1 – renaming definition of 'markets (retail)" to "market (retail)". Schedule 1 – renaming definition of 'motor vehicle repair' to 'motor vehicle repairs'. Modifying clauses and subclauses 1.9.1, 1.9.2, 1.9.3, 3.4.2, 4.2.1, 4.4, 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.6, 4.4.7, 4.5 and 4.21.1 by replacing the word 'Planning' before the word 'Codes' with the word 'Design'. Part 4 and 5 – modifying titles of Clauses 4.4 and 4.5 and titles in contents page of Clauses 4.4 and 4.5 by replacing the word 'Planning' before the word 'Codes' with the word 'Design'.
52	16/6/06	26/6/06	DH	Schedule 1 – replacing the word 'Planning' before the word 'Codes' with the word 'Design' in the definition of 'Residential building' and 'Codes'. Schedule 4 (a)– amending by replacing words 'provisions of the Signs Local Law' with 'requirements of the City's Signs Local Planning Policy'. Schedule 4 © – amending by replacing the figure '1.2m^2' with '2m^2'. Schedule 4 (g) – amending by inserting the words 'not exceeding 50% of the glazed area of any one window or 10m^2 in aggregate area per tenancy, whichever is the lesser,' after the word 'window'. Schedule 4 (m) – inserting words 'measuring up to 3m in height and 3m^2 in area,' after the words 'rural producer's sign'. Schedule 4 – adding additional exemptions (t) and (u). Schedule 13 – amending Special Provision 11 by adding the words 'with the exception of a post and wire boundary fence.' After the word 'zone'. Schedule 15 – modifying special provision No. 1.1.3 of Rural Community Zone No. 1 by inserting words 'Ancillary Accommodation,' after the phrase 'Home Business – Categories 1, 2 & 3,'.
55	25/8/06	31/8/06	DH	Schedule 3 – modifying description of land for "Lot 566, Lot 991 (127) and Lot 978 (21) The Broadview, Landsdale" to read "Lot 566, Lot 991 and Lot 978 the Broadview, Landsdale". Schedule 2 – Section 3 – adding Special use Zone "2-1 Portion of 9006, 154 Lagoon Drive, Yanchep" together with relevant conditions. Schedule 2 – Section 3 – Special use Zone "2-2 Lot 530, 2 Viridian Drive" together with relevant conditions. Schedule 3 – adding :Centre & Commercial zone "Lot 530 on Plan 23714 (2) Viridian Drive, Banksia Grove". Schedule 3 – adding Centre & Commercial zone "Portion of Lot 9018 (NE6)".

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				Schedule 3 – adding Centre & Commercial zone "Portion of Lot 9509, Banksia Grove".
63	9/1/07	Map updated		Rezones a portion of Reserve 45553 Hidden Valley Retreat, Clarkson from Local Scheme Reserve – Parks and Recreation to Local Scheme Reserve – Public Use.
70	20/2/07	Map updated		Rezones Lots 1, 6, 21-23, 26-28, 32-36, 83, 90-91, 103 & 300 Wanneroo Road, Woodvale from General Rural zone to Urban Development zone.
57	1/5/07	Map updated		Rezones Lot 1 Yanchep Beach Road, Yanchep from Local Authority Reserve – Parks and Recreation to Urban Development zone.
64	4/12/07	10/12/07	DH	Schedule 2 – Section 1 (Additional uses) – inserting Additional use 32 "Lot 2 (857) Wanneroo road, Wanneroo" together with relevant additional uses and conditions.
72	4/12/07	Map updated		Recodes Lot 7 (12) Dimitrios Court, Hocking from R20 to R40.
69	18/12/07	Map updated		Recodes Lots 282 – 284 Clarkside Court, Wanneroo from R20 to R40.
68	16/5/08	Map updated		Rezones areas of Alkimos-Eglinton, Butler and Banksia Grove from Centre, General Rural, Private Clubs/Recreation and unzoned to Urban Development zone.
67	6/6/08	13/8/08	DH	Schedule 2 (Section 1) – including additional use "Lot 19 Welwyn Avenue"
78	3/10/08	Map updated		Recodes Lots 611, 700 & 701 Hadlow Place and Lots 612 & 702 Dover Court, Marangaroo from R20 to R40.
62	24/10/08	Map & text updated		Rezones Lot 51 (275) Flynn Drive, Carramar from General Rural Zone to Special Residential Zone and amends Schedule 14 to include Special Provisions for this area.
74	9/12/08	Map updated		Recodes Lot 1321 (2) Pannell Way, Girrawheen from R20 to R40.
83	9/12/08	Map updated		Rezones Lot 12 (2) Fowey Loop, Mindarie from Civic and Cultural to Residential R40.
25	31/3/09	21/4/09	DH	Rezones the land collectively known as "East Landsdale Precinct 64" to Urban Development and amends Part 10 and Schedule 9 as below: Part 10 delete number '8' and insert number '9' in title of Part 10, Clause 10.1 and Clause 10.11.3 and Table of contents to reflect change. Part 10 – modifying Clauses 10.5.1(a), 10.5.2(b), 10.6.1 to 10.6.3, 10.6.3(b) 10.6.4 and 10.11.2(a) and (b). Schedule 9 – delete number 8 in title and insert '9' and amend table of contents to reflect change. Schedule 9 – modify Section 1 by deleting number '8' and inserting '9' before the word 'inclusive' and delete 'eight (8) and insert 'nine (9) before the word 'Urban'. Schedule 9 – modify Section 2 by inserting 'and 9' after the words 'Cells 1 to 6' in Point 2, in point 8 insert the words 'and any Amendments to Part 10 and Schedule 9' after 'Scheme No. 1 and replacing word 'eight' with 'nine',. Schedule 9 – modify Section 2 by inserting new Point 6 and renumber existing points 6 to 10 as 7 to 11. Schedule 9 – insert references to 'Cell 9' at the end of section 3.0.
92	12/5/09	Map updated		Recodes Lot 8 (94) Greenfields Circle, Hocking from Residential R20 to R40.
88	12/5/09	2/6/09	DH	Schedule 3 – deleting description of land "Lot 1769 on Diagram 90122 (241) Baltimore Parade and Lot 1768 on Diagram 90121 (235) Baltimore Parade" and substituting with "Lot 1769 on Diagram 90122 (16) Hughie Edwards Drive and Lot 1768 on Diagram 90121 (22) Hughie Edwards Drive". Retaining allocation of 500m^2 NLA for these properties in the third column. Schedule 3 – adding new additional description for the above reading "Lot 6 on Deposited Plan 48043 (12) Hughie Edwards Drive" and providing an allocation of 500m2 NLA in the third column.
89	29/5/09	9/6/09	DH	Schedule 2 – Section 1 – adding Additional use Area 1-33 "Lots 243 and 244 Dellamarta Road, Wangara".
43	20/11/09	14/12/09	DH	Schedule 15 – modifying Special Provision 1.1.1. Schedule 15 – modifying Special Provision 1.2.1. Schedule 15 – deleting Special Provision 1.3 (cluster Subdivision). Schedule 15 – modifying special Provisions 1.1.1, 1.1.2(f) and 1.1.3.
73	20/11/09	14/12/09	DH	Schedule 3 – amending to include Centre & Commercial Zone "Portion of Lot 478 Prestige Parade and Lot 479 Vision Street, Wangara".
81	20/11/09	14/12/09	DH	Schedule 3 – modifying locality and description of land relating to Pt Lot 614, Lagoon Drive by replacing with "Pt Lot 1126 (154) Lagoon Drive, Yanchep" with NLA (m^2) of "350".
97	8/12/09	Map updated		Recodes Lot 26 Brunswick Circuit, Banksia Grove from Residential R20 to Residential R40.

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71	19/3/10	01/4/10	NM	Edited Subclause 3.19.1 and 3.19.3. Replaced all the special provisions relating to Special Residential Zone No. 5 with the following provision – "As per the provisions of the Lots 1 and 2 Flynn Drive, Carramar Agreed Structure Plan".
100	25/06/10	29/06/10	NM	Deleted "Tapping – Portion of Lot 9018 (NE6) – 200m^2 NLA".
101	16/07/10	30/07/10	NM	Inserted "60 Seagrove Boulevard, Mirrewa" into Schedule 2 – Section 3 (Clause 3.22) – Special Use Zone.
103	17/09/10	22/09/10	NM	Inserted "Higgins Road, Pinjar" into Schedule 2 – Section 1 – Additional Uses.
94	21/12/10	Map updated		Recodes the land bounded by Marangaroo Drive, Balgonie Avenue and Templeton Crescent in the locality of Girrawheen from Residential R20 to R60.
110	8/2/11	Map updated		Rezones Reserve 38075 (16) Harford Way, Girrawheen from Local Reserve – Public Use (Primary School) to Urban Development Zone.
112	8/3/11	Map updated		Rezones Lot 10460 (64) Allinson Drive, Girrawheen from Local Reserve – Public Use (Primary School) to Urban Development Zone.
116	2/9/11	Map updated		Rezones Lots 1 and 2 Flynn Drive, Carramar from Special Residential and Local Scheme Reserves – Parks and Recreation to Urban Development.
113	11/10/11	Map & text updated		Rezones Lot 3 Franklin Road, Wanneroo from Rural Resource Zone to Special Rural Zone and includes that lot in Special Rural Zone No. 3.
120	13/7/12	30/7/12	NM	Deleted 'Yanchep Beach Road' from the Street/Locality column within Additional Use 1-19 of Schedule 2. Deleted 'Portion of Lot 302' from the particulars of Land column within Additional Use 1-19 of Schedule 2.
82	2/11/12	Map updated		Rezones the lots within the Local Structure Plan No. 80 area that are zoned Urban under the Metropolitan Region Scheme to Urban Development zone (refer WAPC Amending plan no. 4.1580).
123	19/4/13	29/4/13	NM	Inserted Special provision No. 2 into Schedule 15. Inserted No. 2-3 into Schedule 2 – Section 2.
117	11/6/13	24/6/13	NM	Inserted 'Hardware Store' into Schedule 1 – interpretations, Land Use definitions. Inserted 'no. 1-35' into Schedule 2 – Additional uses and Conditions.
115	23/7/13	30/7/13	NM	Deleted '1-26' '2-1' and '2-2' from Schedule 2. Inserted 'Smart Growth Community' into subclause 3.1.1. Inserted clause 3.25 'Smart Growth Community Centre'. Modified clauses 6.1.3 and 9.11.1. Inserted '3.25 The Smart Growth Community Zone' to the list at the end of table 1. Inserted Table 3 – Transect Zone Descriptions. Inserted the following to Schedule 1 – Interpretations; • Calibration • Civic space • Control plan • Smart code • Special district • Transect • Transect based code • Transect plan • Transect zone Inserted Schedule 16 – Smart Growth Community Zone Special Provisions.
127	7/2/14			Rezones Lots 134 and 135 Village Row, Yanchep from 'Centre' to 'Commercial'; Rezones Lot 133 Village Row, Yanchep from 'Residential' to 'Commercial'; Applies a residential density code of R40 to Lots 133, 134 & 135 Village Row, Yanchep; and Modifies Schedule 3 – Centre & Commercial Zones.
125	26/8/14	Map updated		Zones portion of Lot 9474 (48) Casserley Avenue, Girrawheen (Crown Reserve 34068 – Casserley Park) from 'Local Scheme Reserve – Parks and Recreation' to 'Private Clubs/Recreation'.
134	26/8/14	12/2/15	MLD	Amend Scheme Map to rezone Lot 478 Prestige Parade and Lot 479 Vision Street and a portion of the Gnangara Road and Prestige Parade reservations, Wangara from 'Centre' zone to 'General Industrial' zone. Delete text – Schedule 3
122	9/09/14		CH	Incorporate Development Contribution Plans for the Alkimos Eglinton and Yanchep Two Rocks localities to collect cost contributions towards the construction of future community facilities.

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114	12/9/14	Map updated		Zones two portions of Lot 9502 (formerly Lot 9003) Marmion Avenue, Alkimos, as Centre Zone.
126	12/9/14	15/12/14	MD	Delete – Special Provisions No. 1 – Special Rural Zone No. 18 within Schedule 13 – insert new text Delete text – Special Provision No. 7 of Special Rural Zone No. 18.
131	28/11/14	Map updated		Recodes Lots 141 (no. 14), 142 (no. 15) and Lot 143 (no. 7) Clyde Court, Wanneroo from Residential R5 to R20.
133	5/12/14	Map updated		Rezones Lot 9001 Mullingar Way, Darch from Urban to Industrial and rezones a portion of Lot 1 Franklin Road, Jandabup from MRS Parks and Recreation reservation to General Rural.
137	30/01/15	31/03/15	MLD	Amending Schedule 2 – Section 3 (Clause 3.22) – Special Use Zone No 2-3, 60, Seagrove Boulevard, Merriwa, Part Lot 1803, Land uses to include Educational Establishment and Place of Worship.
130	22/05/15	25/05/15	MLD	Insert into Schedule 2 – Section 3 (Clause 3.22) – Special Use Zones: 2-4 Lot 435 (263) Gibbs Road, Nowergup.
128	11/09/15		CH	Rezones Lots 4, 5 and 888 Prindiville Drive, Wangara and Lots 897 and 898 Irwin Road, Wangara to 'Special Use'. Modifies Schedule 2 – Section 1 by deleting Additional Use No. 1-17 relating to Lot 5 and eastern portion of Lot 888 Prindiville Drive for Market use. Modifies Schedule 3 by deleting the entry relating to Lot 4 Prindiville Drive, Wangara. Modifies Schedule 2 – Section 3 by including Special Use and Conditions for Lots 4, 5 and 888 Prindiville Drive Wangara and Lots 897 and 898 Irwin Road, Wangara
138	15/09/15	14/12/15	CH	Amends Schedule 2 – Section 1 by including Additional Use and Conditions for Lot 908 (869) Connolly Drive, Merriwa
109	11/12/15	14/12/15	CH	Introduces a new local reserve classification titled 'Conservation' and applies the 'Conservation' reserve classification to various local reserves throughout the City of Wanneroo, as depicted on the Scheme (Amendment) Maps.
151	1/4/16	4/4/16	CH	Rezones Lot 5483 (41) Park Lane, Alexander Heights from Civic and Cultural zone to Parks and Recreation Reserve in accordance with the Scheme (Amendment) map.
119	29/4/16	3/5/16	CH	Amends the Scheme maps to recode lots in the Wanneroo and Girrawheen-Koondoola housing precincts to R20/R40 and R20/R60; and Inserts the following new clauses: 4.5.4 Split Density Code – Development 4.5.5 Split Density Code – Subdivision 4.5.6 Provision for land with a split density code directly abutting Wanneroo Road or Mirrabooka Avenue
121	31/5/2016	2/6/2016	CH	Amends 3.1.1 to include 'Landscape Enhancement' zone Inserts a new clause '3.26 Landscape Enhancement Zone' Inserts the Landscape Enhancement zone in Table 1 (Zoning Table) with corresponding permissibilities. Applies the Landscape Enhancement zone to areas of Carabooda and Nowergup as shown on the Scheme Amendment map.
132	15/7/2016	18/7/2016	CH	Aligns DPS 2 with the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Deletes those scheme provisions that ceased to have effect from 19 October 2015 due to them being inconsistent with deemed provisions that took effect on that date. Inserts a new Schedule A – Supplemental Provisions, which supplements the new deemed provisions and re-numbers the various parts and clauses of the Scheme to account for the above changes.
102	6/9/2016	20/9/2016	CH	Amends Part 9 *(previously Part 10)* and Schedule 6 *(previously Schedule 9)* to include some provisions relating to East Wanneroo Cell 9 – East Landsdale.
158	21/10/2016	24/10/2016	CH	Recodes 11 Hawley Place, Marangaroo, 71 Mirrabooka Avenue, Girrawheen and 14 Dallas Crescent, Wanneroo from R20 to R20/40; and

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				Amends Clause 4.5.4(b) to provide for an additional vehicle access point on corner lots in split coded areas.
148	28/10/2016	31/10/2016	CH	Amends "Table 1 (Clause 3.2) – The Zoning Table" by modifying the use class 'Liquor Store' to a discretionary use requiring advertising ('A') in the Commercial and Business Zones, and modifying the use class 'Tavern' to a discretionary use requiring advertising ('A') in the Business, Commercial and Private Clubs/Recreation Zones.
156	12/5/2017	Map Updated	AB	Rezones a portion of Lot 886 (4) St Andrews Drive, Yanchep from Public Use (Local Reserve) to Residential with a density coding of R40.
155	31/10/17	Map Updated	AB	Rezones Lot 9340 Hickory Road, Quinns Rocks from 'Public Use' to 'Residential R30'.
159	10/11/2017	Map Updated	AB	Rezones a portion of Lot 354 (25) Capilano Avenue, Yanchep from Public Use (Local Reserve) to Urban Development.
157	6/4/2018	10/4/2018	CH	Modifies clauses in Part 3 of the Scheme relating to land use permissibility within Structure Plan and Activity Centre Plan areas and introduces Schedule 16 which includes land use permissibility tables for Structure Plans and Activity Centre Plans.
150	27/4/2018	1/5/2018	CH	1. Removing the 'Urban Development' zoning on Lot 12462 (47) Drovers Place, Wanneroo and reserving this land parcel as 'Public Use' for the purpose of emergency services; 2. Rezoning Lot 100 (25) Drovers Place, Wanneroo from 'Urban Development' to 'Special Use', and introducing land use permissibility requirements for this Special Use Zone into Schedule 2 – Section 3 of DPS 2; 3. Rezoning Lot 5 (33) Drovers Place, Wanneroo from 'Urban Development' to 'Residential R20'; 4. Rezoning Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo from 'Urban Development' to 'Business'; 5. Introducing 'Additional Use' provisions into Schedule 2 – Section 1 of DPS 2 pertaining to Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo; 6. Removing the 'Urban Development' zoning on Lot 11 (1349) Wanneroo Road, Wanneroo, and reserving this land parcel as 'Public Use' for the purpose of drainage; 7. Rezoning Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo from 'Urban Development' to 'Special Residential'; 8. Imposing locational-specific requirements through the creation of a Special Control Area, to apply over the land subject to rezoning in this amendment; and 9. Introducing a 'Costume Hire' definition into Schedule 1 of DPS 2.
149	29/5/2018	30/5/2018	CH	a) Rezoning Lot 9164 Flynn Drive and portion of Lot 9189 Flynn Drive, Banksia Grove and Lot 8025 Donia Way, Carramar from Special Residential to Urban Development and amending the scheme map accordingly; and b) Replacing the 'Special Residential Zone No. 2' provisions of Schedule 11 – Special Residential Provisions.
144	15/6/2018	18/6/2018	CH	Rezones a portion of Lot 10776 (34) Highclere Boulevard, Marangaroo (John Maloney Park) from 'Local Scheme Reserve – Parks and Recreation' to 'Civic and Cultural'.

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154	25/09/2018	25/09/2018	TDV	Amends Schedule 2 – Section 1 by including Additional Use and Conditions for Lot 311 (1) Niche Parade, Wangara.
167	09/10/2018	09/10/2018	TDV	Amends Schedule 1 – amending the definition for "Service Station".
160	25/1/2019	29/1/2019	CLH	Amends Schedule 1 – General Definitions – to insert the definition of Short-Term Accommodation; Amends Schedule 1 – Land Use Definitions – to insert definitions of Holiday Accommodation and Holiday House; and Inserts land use permissibility for Holiday Accommodation and Holiday House within Table 1 – The Zoning Table.
139	16/4/2019	17/4/2019	CLH	Rezones Lots 16, 17 & 923 Grayswood Court, Lot 924, 925 & 926 Warradale Terrace and Lot 927 Kevo Place, Landsdale from Special Residential to Urban Development; and Deletes Special Residential 3 from Schedule 11;
136	10/5/2019	14/5/2019	CLH	Zones and codes Lot 800 (30) Crabtree Street, Alexander Heights as 'Residential R40'.
176	10/5/2019	14/5/2019	CLH	Deletes the land use definition for 'convenience store' from Schedule 1 and replacing it with a new definition.
166	18/6/2019	19/6/2019	CLH	Modifies "Schedule 15 – Yanchep Two Rocks Development Contributions Plan – Community Facilities" period of operation from the current 10 years from the date of gazettal to 16 years.
146	20/9/2019	25/9/2019	CLH	Designating East Wanneroo Cell 9 – East Landsdale as a Special Control Area No. 2 and insert provisions applicable to this area in Schedule 17.
165	3/12/2019	4/12/2019	CLH	• Changing the objectives of the Mixed Use Zone to align with model provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Clause 3.5.1); • Modifying the permissibility of the following land uses from not permitted (X) to discretionary (D) in the Mixed Use Zone: i. Amusement Facility/Parlour ii. Dry-Cleaning Premises iii. Laundromat iv. Shop v. Showroom vi. Telecommunications Infrastructure vii. Take-Away Food Outlet
174	13/12/2019	18/12/2019	CLH	Rezones Lot 9 (4) and Lot 1057 (6) Salcott Road, Girrawheen from Residential to Private Clubs and Recreation.
168	18/2/2020	20/2/2020	CLH	Inserts clause 67 (zc) and clause Part 6A into Schedule A – Supplemental Provisions to the Deemed Provisions. These clauses relate to Design Review Panels.
171	5/5/2020	6/5/2020	CLH	Modifies Schedule 2 to include the land use 'Restricted Premises' as an Additional Use at Unit 7, 20 Prindiville Drive, Wangara.
170	8/5/2020	11/5/2020	CLH	Modifies Schedule 2 to include the land use of 'Storage Yard' as an Additional Use at Lot 31 (90) Rousset Road, Jandabup
180	14/8/2020	17/8/2020	CLH	a) Modifies the permissibility of the following land uses from discretionary (D) to not permitted (X) in the Special Residential Zone: i. Cattery ii. Child Care Centre iii. Consulting Room b) Deletes Special Residential No. 6 from Schedule 11
178	13/10/2020	15/10/2020	CLH	Modifies the percentage of the total cost to acquire and construct Dundebar Road (between Griffiths Road & Steven Street), as defined in Schedule 6, Clause 3, from 100% to 50%.
179	15/1/2021	18/1/2021	CLH	Rezones Lots 1, 2, 7, 12, 13, 36, 37 & 38 Caporn Street, Wanneroo from Rural Resource to Urban Development.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
177	22/1/2021	25/1/2021	CLH	Rezones Lot 9193 Joseph Banks Boulevard, Banksia Grove from Special Residential to Urban Development and Modifies Schedule 11 - Special Residential Provisions relating to Special Residential Zone No.2 by deleting 'Portion of Lot 9189 Flynn Drive, Banksia Grove' currently described as Lot 9193 Joseph Banks Boulevard, Banksia Grove.
184	1/4/2021	6/4/2021	CLH	Introduces 'Smash Repair Station' as an Additional Use at Lot 216 (87) Innovation Circuit, Wangara
187	28/5/2021	1/6/2021	CLH	1. Rezones land subject to the Swan Location 13460 Yanchep Beach Road Structure Plan No. 41 from 'Urban Development' to 'Service Industrial' and 'Business', as shown on the Scheme (Amendment) Map No. 1; and 2. Reclassifies land subject to the Blackmore Local Structure Plan No. 97 from 'Urban Development' to 'Residential' with density codes of R40 and R60 and 'Local Schemes Reserve – Parks and Recreation', as shown on the Scheme (Amendment) Map No. 2.
173	30/7/2021	3/8/2021	CLH	1. Rezones Lot 250 (20) Burbridge Avenue, Koondoola from the 'Civic and Cultural' Zone to the 'Commercial' Zone; 2. Recodes Lot 250 (20) Burbridge Avenue, Koondoola and Lots 155 (20), 251 (38), 252 (34) and 253 (28) Koondoola Avenue, Koondoola from the 'R20' to the 'R60' residential density code; and 3. Amends Schedule 3 to include Lot 250 (20) Burbridge Avenue, Koondoola at Koondoola (Koondoola Plaza) as part of the Centre description.
182	8/10/2021	11/10/2021	CLH	Allows Retirement Village, Reception Centre and Aged and Dependent Persons' Dwelling as additional uses at Lot 23 (198) Mary Street, Wanneroo.
189	8/10/2021	11/10/2021	CLH	Imposing zoning, residential densities, public open space and public use reservations onto the City's DPS 2 map, as derived from the following structure plans: • Regent Waters (South), Wanneroo Agreed Structure Plan No. 11; • Mindarie Keys Agreed Local Structure Plan No. 12; • Merriwa Local Structure Plan No. 15; and • Clarkson South-East Agreed Structure Plan No. 29.
185	29/10/2021	1/11/2021	CLH	Amends various provisions in Part 9 relating to the administration of developer contribution arrangements for the East Wanneroo Cells.
193	22/2/2022	22/2/2022	CLH	Introduces 'Medical Centre' as an Additional Use at Lot 1 (845) Wanneroo Road, Wanneroo.
192	15/3/2022	15/3/2022	CLH	Transfers zoning, residential density and retail floorspace controls from the City's Brighton West Village Centre Agreed Local Structure Plan No. 52 into DPS 2.
190	25/3/2022	30/3/2022	CLH	Transfers zoning and land use planning controls from the City's Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 into DPS 2.
186	10/5/2022	10/5/2022	CLH	Introduces 'Place of Worship' and 'Reception Centre' as Additional Land Uses at Lot 60 (187) Hawkins Road, Jandabup.
197	16/12/2022	17/1/2023	CLH	Brings zoning and residential density codings into DPS 2 as contained in: • The Lot 12 Jindalee Local Structure Plan No. 36; and • The Lot 501 Two Rocks Road, Two Rocks Local Structure Plan No. 48
200	10/2/2023	13/2/2023	CLH	Amends various provisions relating to the East Wanneroo Cost Sharing Arrangement for Cell 2 as defined in Part 9 of District Planning Scheme No. 2.
172	5/05/2023	5/05/2023	SM	Alignment of District Planning Scheme No. 2 with *Schedule 1 – Model provisions for local planning schemes* of the *Planning & Development (Local Planning Schemes) Regulations 2015* (the Regulations), broadly consisting of the following modifications: 1. Restructuring the Scheme text into six parts and relocating all relevant clauses, subclauses, paragraphs and tables into the relevant new parts; 2. Replacing relevant District Planning Scheme No. 2 clauses and subclauses with corresponding clauses and subclauses of the 'model provisions'; 3. Revising the zoning table to generally reflect the types of zones and land use classes of the 'model provisions' and include new use permissibility symbols where required;

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				4. Moving development requirements into Part 4 and schedules referred to in that part; 5. Moving definitions into a new Part 6, and replacing a number of definitions with corresponding 'model provisions' definitions; 6. Deleting or modifying scheme provisions where considered required, particularly for improving alignment with the 'model provisions'; 7. Revising terminology and references throughout for consistency and readability; 8. Renaming and renumbering all scheme provisions and schedules and updating cross references accordingly; 9. Updating scheme maps to reflect new zones and mapping conventions stipulated under Schedule 1 of the Regulations.
183	22/09/2023	03/10/2023	FMS	Rezone lots 10 and 11 Dundebar Road and lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development and update the provisions relating to this land in schedule 6
196	7/11/2023	9/11/2023	CLH	Transfers zoning and planning controls from the City's Carramar South/Tapping North Agreed Local Structure Plan No. 21B and places those zonings and controls into District Planning Scheme No. 2.
202	12/1/2024	12/1/2024	CLH	lmposes new zoning and land use controls for the Neerabup Industrial Area through District Planning Scheme No. 2.
207	01/03/2024	05/0/03/2024	FMS	Transfers zoning and residential density codings into DPS 2 as contained in the City's Hainsworth Local Structure Plan No. 98.
204	19/03/2024	25/03/2024	CLH	Applying residential density codes into DPS 2 for Residential zoned land, as set out in City of Wanneroo's East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5.
216	9/8/2024	14/8/2024	CLH	Transfers zoning and residential density controls from the Drovers Place Precinct Agreed Local Structure Plan No. 80 into District Planning Scheme No. 2.
209	4/10/2024	14/10/2024	CLH	Updating zoning and residential density planning controls over much of the Tapping and Ashby localities. The planning controls introduced through Amendment No. 209 were generally transferred from the City's current East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 and Ashby Neighbourhood Centre Agreed Local Structure Plan No. 77.
206	8/10/2024	14/10/2024	CLH	Updating zoning and residential density planning controls over much of the Hocking and Pearsall localities – as well as an adjoining portion of the Wanneroo locatlity. The planning controls introduced through Amendment No. 206 were generally transferred from the City's current East Wanneroo Cell 4 (Hocking and Pearsall) Agreed Local Structure Plan No. 6 and Hocking Neighbourhood Centre Agreed Local Structure Plan No. 42.
143	25/10/2024	30/10/2024	CLH	Introduces Motor Vehicle Repairs, Office and Warehouse/Storge as an Additional Use on the western portion of Lots 43 and Lot 44 Wanneroo Road, Neerabup.
208	6/12/2024	9/12/2024	CLH	Implements developer contribution operational periods to East Wanneroo Cells 1-9 to comply with the provisions of State Planning Policy 3.6 – Infrastructure Contributions (Schedule 14 - Clause 1.15)
203	17/1/2025	20/1/2025	CLH	Introduces Office as an Additional Use at Lot 247 (7) Prindiville Drive, Wangara
210	4/3/2025	10/3/2025	CLH	Places zoning, retail floorspace and residential density planning controls into DPS 2, for a portion of the Clarkson locality affected by the City's Clarkson (Lot 16 Connolly Drive) Local Structure Plan No. 33.
225	11/04/2025	15/04/2025	BS	A text change from 'Council' to 'Local Government' to delegate powers to Administration to approve development contribution tax invoices issued for grouped dwelling sites in East Wanneroo Cells 1-9.
211	17/04/2025	15/04/2025	FMS	Part Normalisation of Land in the East Wanneroo Cell 5 (Landsdale) Agreed Local Structure Plan No. 7 Area.
213	09/05/2025	12/05/2025	FMS	Applies local scheme reserves over various land parcels in the Two Rocks locality owned or managed by the City; and modifies the Special Provisions in Schedule 8 relating to development in Rural-Residential Zone No. 19 (RR19).

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
212	04/07/2025	16/07/2025	JdV	Updating zoning, local scheme reservation and residential density controls over portions of the Butler and Ridgewood localities.
219	22/07/2025	23/07/2025	JdV	Updating zoning, local scheme reservation and residential density controls over a portion of the Woodvale locality.
233	15/08/2025	15/08/2025	JdV	Updating zoning, local scheme reservations and residential density controls over portions of the Jindalee locality.
229	04/11/2025	04/11/2025	BS	Amending Schedule 14, Clause 1.6.4(a) of the City of Wanneroo's District Planning Scheme No. 2 (DPS2) to include the following— (iv)The local government may, at its discretion, reduce the Infrastructure Cost Per Lot contribution payable for a grouped dwelling lot based on the number of dwellings depicted in a Development Approval.
205	21/11/2025	24/11/25	JdV	Updating zoning, local scheme reservation and residential density controls over portions of the Madeley and Darch localities.
224	02/01/2026	16/02/2026	JdV	Updating zoning, local scheme reservation and residential density controls over portions of the Yanchep locality.
222	13/01/2026	16/02/2026	JdV	Updating zoning, local scheme reservation and residential density controls over portions of the Jindalee and Alkimos localities.
221	03/02/2026	04/02/2026	JdV	Updating zoning, local scheme reservation, residential density controls and Special Control Area provisions over the eastern portion of the Landsdale locality. Much of the controls now placed in DPS 2 were taken from the City's East Wanneroo Cell 9 (East Landsdale) Local Structure Plan No. 57.
228	24/04/2026	28/04/2026	CDH	Alignment of District Planning Scheme No. 2 with the changes in the *Planning & Development (Local Planning Schemes) Regulations 2015* (the Regulations) regarding short-term rental accommodation, broadly consisting of the following modifications: 1. Introduction of new model land use definitions; 2. Amendment and deletion of existing terms and land use definitions; 3. Revising the zoning table to reflect new and deleted land use classes and include new use permissibility symbols; 4. Revising the Car Parking Standards to reflect new and deleted land use classes; 5. Replacing and updating superceded terminology and references throughout the scheme.
227	28/04/2026	30/04/2026	JdV	Updating zoning, local scheme reservation, and residential density controls over portions of the Alkimos locality. Much of the controls now placed in DPS 2 were taken from the following structure plans: • Lots 1001 and 1002 Marmion Avenue, Alkimos Agreed Local Structure Plan No. 60 (ASP 60); and • Agora Village – Trinity at Alkimos Pt Lot 9005 Marmion Avenue, Alkimos Agreed Local Structure Plan No. 86 (ASP 86).
232	06/10/2026	07/10/2026	JdV	Modifies Schedule 2 (Additional Uses) to: • make 'Restaurant/Café' a 'P' (Permitted) land use; and • make 'Shop' a 'P' (Permitted) land use for tenancies less than 200m² where the tenancy was lawfully operating prior to 5 May 2023; and • and minor formatting changes.

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Part 1 — Preliminary

1.1 Citation

This local planning scheme is the City of Wanneroo District Planning Scheme No. 2 (the "Scheme").

1.2 Commencement

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

1.3 Scheme revoked

The following local planning scheme is revoked —

Name	Gazettal date
Shire of Wanneroo Town Planning Scheme No. 1	13 September 1972

1.4. Notes do not form part of Scheme

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

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

1.5 Responsibility for Scheme

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

1.6 Scheme area

This Scheme applies to the whole of the district of the City of Wanneroo, comprising the area identified and contained within the inner edge of a broken black line on the Scheme Map.

Note: The Scheme area is also subject to the Metropolitan Region Planning Scheme (see clause 1.12).

1.7 Contents of Scheme

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

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

(b) the Scheme Map;

(c) the supplemental provisions to the deemed provisions contained in Schedule A of the Scheme;

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

1.8 Purposes of Scheme

The purposes of this Scheme are to —

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

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

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

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

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

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

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

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

1.9 Aims of Scheme

The aims of this Scheme are –

(a) To facilitate a sustainable approach to development in accordance with the statutory provisions of the Metropolitan Region Scheme and the planning principles embodied in state and regional policies relevant to the City.

(b) To encourage and facilitate development of the City in accordance with the City of Wanneroo Strategic Community Plan 2017/18-2026/27 and subsequent updates.

(c) To provide an accountable planning framework appropriate to the needs of a rapidly developing City and its diverse lifestyle opportunities.

(d) To facilitate the co-ordination and early provision of social and community facilities and other physical infrastructure in line with the needs of new development.

(e) To promote the revitalisation of existing urban areas in order to meet the changing needs of the community.

(f) To encourage development which will:

- Provide high standards of amenity, safety and welfare;
- Strive to ensure that new developments are energy-efficient;
- Ensure permanent and easy access by the public to the ocean shore and recreation reserves;
- Promote the development of business which increases employment opportunities close to living places; and
- Support a safe, efficient and effective transportation system.

(g) To encourage urban design which is compatible with and appropriate to the natural, built and social environment of the City.

(h) To protect and where appropriate, enhance the prospects of market gardening and other agricultural activity.

(i) To encourage the conservation and continued use of identified places and objects of cultural heritage significance.

(j) To provide the Council and landowners with appropriate mechanisms to protect identified places of landscape or environmental value within the City.

(k) To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles.

(l) To promote planning, management and strategic control of development in a rational and systematic manner, taking into account the aspirations of residents, environmental capacity, and the costs and benefits of development.

(m) To ensure that proper regard is given to the needs of the community in the determination of land use and development proposals.

1.10 Relationship with local laws

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

1.11 Relationship with other local planning schemes

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

1.12 Relationship with region planning scheme

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

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

Part 2 — Reserves

2.1 Regional Reserves

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

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

(3) Where, after the gazettal date, the Metropolitan Region Scheme is amended to zone a Regional Reserve, the local government shall treat an application for Development approval on such land as though the development involves a class D use, and such of the provisions of Part 3 and Schedule A as are relevant to class D uses shall apply until the Scheme has been amended to include the land in a zone or Local Reserve (see subclause 3.3).

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

2.2 Local reserves

(1) In this clause —

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

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

(3) The objectives of each local reserve are as follows —

Table 1 — Reserve objectives

Reserve name	Objectives
Public Open Space	• To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	• To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	• To provide for a range of essential physical and community infrastructure.

Education	• Public purposes which specifically provide for a range of essential education facilities.
Drainage / Waterway	• To set aside land required for significant waterways and drainage.
Local Road	• To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

(4) Applications for Development Approval on Local Reserves —

(a) The local government when considering applications for development approval for land within a Local Reserve shall have due regard to the ultimate purpose and objectives intended for the Local Reserve and the relevant matters set out in Clause 67 of the deemed provisions ("Matters to be Considered by local government").

(b) Provisions in the Scheme relating to applications for development approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.

(c) The local government shall treat an application for development approval for land within a local reserve as though the development involves a class D use and such of the provisions of Part 3 and Schedule A as are relevant to class D uses shall apply.

(d) To the extent that it is reasonable to do so, the local government shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the local government shall for that purpose stipulate the zone most relevant for comparison.

(e) Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the local government may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.

2.3 Additional uses for local reserves

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

Part 3 — Zones and use of land

3.1 Zones

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

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

Table 2 — Zone objectives

Zone name	Objectives
Residential	• To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. • To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Metropolitan Region Scheme.
Rural	• To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Resource	• To protect from incompatible uses or subdivision, intensive agriculture, horticultural and animal husbandry areas with the best prospects for continued or expanded use. • To protect from incompatible uses or subdivision basic raw materials priority areas and basic raw materials key extraction areas.
Rural Residential	• To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Light Industry	• To provide for a range of industrial uses and service industries generally compatible with urban areas. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.

	• To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	• To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Commercial	• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street boundary and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Mixed Use	• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Service Commercial	• To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, bulky goods showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the commercial or industrial zones.
Centre	• To designate land for future development as a town centre or activity centre. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.
Private Community Purpose	• To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	• To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the local government to impose specific conditions associated with the special use.
Smart Growth Community	• To designate land for future urban development. • To provide a framework for the application of a comprehensive Transect Based Code to facilitate the orderly planning and development of land. • To demonstrate development innovation through the incorporation of diverse and immersive human habitats that span the various zones of the transect. • To promote development that is responsive to the natural landscape, environment and contextual setting.
Landscape Enhancement	• To enable a range of activities and land uses that support the characteristics of the landscape, including agricultural and horticultural land uses, and small-scale tourism activities.

	• To ensure that development maintains the rural character of the locality and does not adversely affect the existing landscape and scenic values. • To facilitate development that: - is compatible with the landscape amenity and rural character of the Zone; - will not have a detrimental impact on sensitive land uses; - is coordinated and compatible with surrounding land parcels; and - does not necessitate the provision of large scale unplanned and uncoordinated service infrastructure and community services. • To encourage land use and management practices compatible with landscape and environmental conservation. • To encourage the preservation of vegetation and fauna and the protection of areas of visual or landscape quality.

3.2 Zoning table

The zoning table for this Scheme is set out in Schedule 1 of this Scheme.

3.3 Interpreting zoning table

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

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

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

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

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

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

X means that the use is not permitted by this Scheme except where the provisions of the Scheme specifically provide for the local government to approve a use that is otherwise not permitted.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land

2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.

3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

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

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

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

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

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

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

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

(a) a structure plan;

(b) a local development plan.

3.4 Additional uses

(1) Schedule 2 sets out —

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

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

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

3.5 Restricted uses

(1) Schedule 3 sets out —

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

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

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

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

3.6 Special use zones

(1) Schedule 4 sets out —

(a) special use zones for specified land that are in addition to the zones in the zoning table; and

(b) the classes of special use that are permissible in that zone; and

(c) the conditions that apply in respect of the special uses.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

3.7 Non-conforming uses

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

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

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

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

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

(2) Subclause (1) does not apply if —

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

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

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

(a) purchases the land; or

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

3.8 Changes to non-conforming use

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

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

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

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

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

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

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

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

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

3.9 Register of non-conforming uses

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

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

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

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

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

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

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

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

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

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

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

Part 4 — General development requirements

4.1 R-Codes

(1) The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.

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

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

(3) Subject to subclause 4.1(4), the coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if –

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

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

4.2 Modification of R-Codes

(1) Where residential development is proposed to be mixed with non-residential development, the local government may vary any provision of the R-Codes with the exception of the housing density requirements of the R-Codes.

Before exercising its powers of discretion the local government may require that a proposal be advertised and plans made available for public inspection in accordance with the procedures laid down in Clause 64 of the deemed provisions.

(2) Conditions relating to building setbacks in Schedule 3 and the provisions of clauses 4.2, 5.1 and 6.1 of Schedule 6 relating to setbacks shall prevail over any inconsistent deemed-to-comply provisions of the Residential Design Codes.

(3) Notwithstanding the density code applicable in a particular instance, development in excess of a single dwelling shall not be permitted in unsewered areas unless:

(a) The development accords with the Government Sewerage Policy – Perth Metropolitan Region (1995), or

(b) The Health Department of Western Australia recommends to the local government that there are exceptional circumstances to warrant a variation from the Policy.

(4) Split Density Code - Development

Where a split residential density code is depicted on the Scheme Maps, any development shall conform to the lower density code applicable to the lot, unless the local government determines that development up to the higher density code would comply with the following requirements:

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

(b) The development has a maximum of one consolidated vehicular access point for each street frontage of the lot, with reciprocal access rights to service all dwellings.

(5) Split Density Code - Subdivision

(a) Subdivision of land with a split residential density code should not result in the need for additional crossovers to those already available to the development site.

(b) In respect of applications for subdivision of land with a split residential density code, the local government should recommend that:

(i) A right of carriageway easement is established between the lots created to ensure that development has one consolidated vehicle access point; and

(ii) A restrictive covenant is placed on the certificate(s) of title preventing vehicle access from the remainder of the lots(s).

(6) For land with a split residential density code directly abutting Wanneroo Road or Mirrabooka Avenue, a Noise Management Plan shall be provided along with any subdivision application, or development application proposing grouped dwellings. The Noise Management Plan shall address the potential for road transport noise and recommend noise mitigation measures where appropriate.

4.3 State Planning Policy 3.6 to be read as part of Scheme

(1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.

(2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.

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

4.4 Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

4.5 Other State planning policies to be read as part of Scheme

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

4.6 Modification of State planning policies

There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

4.7 Environmental conditions

(1) The conditions set out in Schedule 5 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

(2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

(3) The local government must ensure that all statements relating to this Scheme published under the Environmental Protection Act 1986 Part IV Division 3 are published in accordance with clause 87 of the deemed provisions.

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

4.8 Additional site and development requirements

(1) Schedule 6 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

(2) To the extent that a requirement referred to in Schedule 6 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in Schedule 6 prevails.

(3) The provisions of Additional Requirements numbers 4 and 5 in Schedule 6 shall prevail if there is any conflict or inconsistency with the provisions of any of the other Additional Requirements in Schedule 6.

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

Schedule 17 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

4.10 Variations to site and development requirements

(1) In this clause –

Additional site and development requirements means requirements set out in Schedule 6.

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

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

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

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

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

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

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

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

4.11 Restrictive covenants

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

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

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

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

Part 5 — Special control areas

5.1 Special control areas

(1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

(2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 3.

Table 3 - Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
Alkimos Eglinton Development Contribution Area, identified as DCA1 on the Scheme Map	See clause 2.0 of Schedule 12.	To provide for development contributions in respect to infrastructure and administrative items specified in Schedule 13 for the Alkimos Eglinton Development Contribution Area.	The Alkimos Eglinton Development Contribution Area is subject to the relevant provisions contained in Schedules 12 and 13.
Yanchep Two Rocks Development Contribution Area, identified as DCA2 on the Scheme Map.	See clause 2.0 of Schedule 12.	To provide for development contributions in respect to infrastructure and administrative items specified in Schedule 13 for the Yanchep Two Rocks Development Contribution Area.	The Yanchep Two Rocks Development Contribution Area is subject to the relevant provisions contained in Schedules 12 and 13.
East Wanneroo Cells 1 to 9 Development Contribution Area, identified in DCA3 on the Scheme Map.	See clause 2.0 of Schedule 12.	To provide for development contributions in respect to infrastructure and administrative items specified in Schedule 14 for the East Wanneroo Cells 1 to 9 Development Contribution Area.	The East Wanneroo Development Contribution Area is subject to the provisions contained in Schedule 14.
Clarkson/Butler Development Contribution Area, identified as DCA4 on the Scheme Map.	See clause 2.0 of Schedule 12.	To provide for development contributions in respect to infrastructure and administrative items specified in Schedule 15 for the Clarkson/Butler Development Contribution Area.	The Clarkson/Butler Development Contribution Area is subject to the provisions contained in Schedule 15.
Drovers Place Special Control Area, identified as SCA1 on The Scheme Map.	To guide the future use and development of the Drovers Place SCA.	See special provision 1.2 of SCA 1 of Schedule 18.	The Drovers Place Special Control Area is subject to the relevant provisions contained in Schedule 18.
East Landsdale Special Control Area identified as SCA2 on the Scheme Map	To guide the future use and development of the East Landsdale SCA.	See special provision 1 of SCA 2 of Schedule 18.	The East Landsdale Special Control Area is subject to the relevant provisions contained in Schedule 18.

Part 6 — Terms referred to in Scheme

Division 1 — General definitions used in Scheme

6.1 Terms used

6.1.1 If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

amusement machine means any machine, game, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation;

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

cabin means a building that —

(a) is an individual unit other than a chalet; and

(b) forms part of –

(i) tourist and visitor accommodation; or

(ii) a caravan park; and

(c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

calibration means the process of adaption and revision of the model SmartCode® standards to arrive at development control standards that are responsive to the local conditions of a Smart Growth Community zoned site;

car parking bay means that area of a lot which is required for the parking of a stationary motor vehicle to the minimum dimensions specified by the Scheme, constructed and paved to the specifications set down by the local government and includes where the context permits an area considered appropriate by the local government for access and manoeuvring on the site to allow a vehicle to gain access to a parking bay but does not include crossovers, service areas and landscaping. The terms bay and parking bay have the same meaning;

Cell or Cells for the purpose of Schedule 14 of this Scheme means those parts of the Scheme area located in East Wanneroo identified by reference to the Draft Local Structure Plan submitted to Council on 10 September 1997 or as subsequently amended by an Agreed Structure Plan or Plans;

Cell Account or Cell Accounts for the purpose of Schedule 14 of this Scheme are the accounts into which the Cell Costs contributions of owners of land in such Cells are to be placed;

Cell Costs for the purpose of Schedule 14 of this Scheme are the costs of undertaking and completing the Cell Works;

Cell Works for the purpose of Schedule 14 of this Scheme are those general and specific works described in Part 2 of Schedule 14;

chalet means a building that —

(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

(b) forms part of –

(i) tourist and visitor accommodation; or

(ii) a caravan park; and

(c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

civic space means an outdoor area dedicated for public use within a Smart Growth Community Zone. A Civic Space may be a Local Reserve;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

(a) a utility, van, truck, tractor, bus or earthmoving equipment; and

(b) a vehicle that is, or is designated to be an attachment to a vehicle referred to in paragraph (a);

Contributing Land means all land capable of being subdivided or developed by an Owner contained with a Cell referred to in Schedule 14 of the Scheme;

Control plan means a plan that forms part of the regulating plan series for a Smart Growth community zone that is used to regulate locations where specific design responses are required;

development approval means approval of the local government granted under clause 68(2) of the deemed provisions;

District Structure Plan means a plan to guide the subsequent preparation of local structure plans for a specified area;

Draft Local Structure Plan means a local structure plan submitted for local government consideration;

floor area has meaning given in the Building Code;

gross floor area (GFA) has the same meaning as 'floor area'.

Infrastructure Cost or Costs for the purpose of Schedule 14 of the Scheme means the contribution of an owner of land in a Cell toward the Cell Costs;

medium density in the case of residential development means a density between and including R25 and R60 under the R-Codes;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

Minister means the Minister for Planning or the Minister in the Western Australian Government responsible for town planning;

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

public purposes includes Government and Local Authority Purposes;

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

retail net lettable area means the net lettable area used for any of the purposes listed in Planning Landuse Category 5 – Shop/Retail (excluding hotels, taverns and nightclubs) of the WA Standard Landuse Classification (WASLUC);

rural-residential means a land use where land is utilised primarily for residential purposes in a rural landscape but often also for some form of limited agricultural or rural use;

Scheme commencement day *means the day on which this Scheme comes into effect under section 87(4) of the Act;*

sensitive use means any use in which people involved in that use may have reason to object to noise, dust, odour and other impacts which may arise from surrounding rural activities and includes, but is not limited to, residential, hospitals, schools, shops and all public establishment where food and drink is consumed;

SmartCode means a form-based code consisting of a unified development ordinance calibrated to the local conditions of the land within a Smart Growth Community zone. Smart Code applies the transect as the organising principle for the creation of diverse human habitats ranging from the very urban to the very natural;

Special District means an area that, by its intrinsic function, disposition and/or configuration, does not conform to one or more of the normative transect zones identified in the Transect Based Code for a Smart Growth Community zone;

Transect means a geographical cross-section of a Smart Growth Community zone used to reveal a sequence of environments that vary by their level and intensity of urban character ranging from the very natural to the very urban. This range of environments provides the basis for organising the components of the built environment and landscape including buildings, land use, streets, planting and all the other physical elements of the human habitat;

Transect Based Code means a method for regulating and organising development to achieve a specific urban form. The Code uses the transect to understand and organise the human habitat in a continuum of intensity ranging from the most natural to the most urban condition. The transect zones that comprise the transect are differentiated primarily by physical intensity of the built form, the relationship between the natural and the built environment and the complexity of uses within each zone.

Transect Plan means a plan that forms part of the regulating plan series for a Smart Growth Community zone used to assign transect zones, special districts and civic spaces for the classification of land within a Smart Growth Community zone;

Transect Zone means any of the six zones that are allocated on the Regulating Plan Series of a Transect Based Code to achieve the development and design outcomes intended of a Smart Growth Community zone. They include the Natural Reserve (T1 Zone), Natural Living (T2 Zone), Sub-Urban (T3 Zone), General Urban (T4 Zone), Urban Centre (T5 Zone) and Urban Core (T6 Zone);

vehicle includes motorcycles, boats, caravans, trailers;

verge means the land between the street boundary and the road pavement;

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

6.1.2 A word or expression that is not defined in this Scheme —

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

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

Division 2 — Land use terms used in Scheme

6.2 Land use terms used

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

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

agriculture - extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive.

agriculture — intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following —

(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;

(b) the establishment and operation of plant or fruit nurseries;

(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);

(d) aquaculture;

amusement parlour 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;

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

animal husbandry — intensive means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens;

art gallery means premises –

(a) that are open to the public; and

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

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

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

bulky goods showroom means premises —

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

(i) automotive parts and accessories;

(ii) camping, outdoor and recreation goods;

(iii) electric light fittings;

(iv) animal supplies including equestrian and pet goods;

(v) floor and window coverings;

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

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

(viii) party supplies;

(ix) office equipment and supplies;

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

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

(xii) swimming pools;

or

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

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

(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling 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;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include —

(a) any part of a public road used for parking or for a taxi rank; or

(b) any premises in which cars are displayed for sale;

child care premises means premises where —

(a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or

(b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

cinema/theatre means premises where the public may view a motion picture or theatrical production;

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

commercial vehicle parking 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;

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises —

(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and

(b) operated during hours which include, but may extend beyond, normal trading hours; and

(c) the floor area of which does not exceed 300 m² net lettable area;

display home centre means one or more dwellings which are intended to be open for public inspection and may include sales office and associated car parking;

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

family day care means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.

fast food outlet 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 —

(a) without further preparation; and

(b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

(a) as a service station; or

(b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used —

(a) to prepare and store bodies for burial or cremation;

(b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

(a) does not involve employing more than 2 people who are not members of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 50 m²; and

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volume in the neighbourhood; and

(f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

(a) does not involve employing a person who is not a member of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20 m²; and

(d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not —

(i) require a greater number of parking spaces than normally required for a single dwelling; or

(ii) result in an increase in traffic volume in the neighbourhood;

and

(g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

(a) is solely within the dwelling; and

(b) does not entail clients or customers travelling to and from the dwelling; and

(c) does not involve the display of a sign on the premises; and

(d) does not require any change to the external appearance of the dwelling;

home store means a shop attached to a dwelling that —

(a) has a net lettable area not exceeding 100 m²; and

(b) is operated by a person residing in the dwelling;

hospital means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);

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

independent living complex means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

(a) the storage of goods;

(b) the work of administration or accounting;

(c) the selling of goods by wholesale or retail

(d) the provision of amenities for employees;

(e) incidental purposes;

industry — cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —

(a) does not cause injury to or adversely affect the amenity of the neighbourhood;

(b) where operated in residential zone, does not employ any person other than a member of the occupier's household;

(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;

(d) does not occupy an area in excess of 50 m^2; and

(e) does not display a sign exceeding 0.2 m^2 in area;

industry — extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

(a) the processing of raw materials including crushing, screening, washing, blending or grading;

(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry — hazardous 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 property, or to the biophysical environment. Examples of such industries include oil refineries and chemical plants but would generally exclude light, rural or service industries.

industry — light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

industry — primary production means premises used —

(a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997 (Commonwealth)* section 995-1; or

(b) for a workshop servicing plant or equipment used in the primary production businesses;

liquor store — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m^2;

liquor store — small means premises the subject of a liquor licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m^2;

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

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

market garden sales means the sale or offering for sale of fresh fruit and vegetables from a lot which is predominantly used as agriculture – intensive.

medical centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

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

motor vehicle repair means premises used for or in connection with —

(a) electrical and mechanical repairs, or overhauls, to vehicles; other than panel beating, spray painting or chassis reshaping of vehicles; or

(b) repairs to tyres other than recapping or re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

office means premises used for administration, clerical, technical, professional or similar business activities;

open air display means the use of a site external to a building for the display and/or sale of goods or equipment;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997 Schedule 8*;

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

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation - private means premises that are —

(a) used for indoor or outdoor leisure, physical exercise, recreation or sport; and

(b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by renewable resources. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

reisdential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

(a) appropriate staffing to meet the nursing and personal care needs of residents;

(b) meals and cleaning services; and

(c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

restaurant/café means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

(a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or

(c) smoking-related implements;

road house means premises that has direct access to a State road other than a freeway and provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –

(a) a full range of automotive repair services;

(b) wrecking, panel beating and spray painting services;

(c) transport depot facilities;

(d) accommodation for guests, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

(e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

rural home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

(a) does not involve employing more than 2 people who are not members of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 200 m^2; and

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and

(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

rural pursuit/hobby farm means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

(a) the rearing, agistment, stabling or training of animals;

(b) the keeping of bees;

(c) the sale of produce grown solely on the premises;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature;

and/or

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

smash repair station means land and buildings used for, or in connection with, smash repairs including panel beating, spray painting, chassis reshaping, application and sanding down of motor vehicle body filter;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the Liquor Control Act 1988;

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist and visitor accommodation –

(a) means a building, or group of buildings forming a complex that –

  (i) is wholly managed by a single person or body; and

  (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and

  (iii) may include on-site services and facilities for use by guests; and

  (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following —

  (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);

  (ii) a caravan park;

  (iii) hosted short-term rental accommodation;

  (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);

  (v) a park home park;

  (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);

  (vii) a road house;

  (viii) workforce accommodation.

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

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

(a) automotive repairs and servicing;

(b) building including repair and maintenance;

(c) industry;

(d) landscape gardening;

(e) provision of medical services;

(f) primary production;

(g) use by government departments or agencies, including local government;

transport depot 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;

vehicle wrecking means any land or building used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse/storage means premises including indoor or outdoor facilities used for -

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

(b) the display or sale by wholesale of goods;

waste disposal facility means premises used —

(a) for the disposal of waste by landfill; or

(b) the incineration of hazardous, clinical or biomedical waste;

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

winery means premises used for the production of viticultural produce and associated sale of the produce;

workforce accommodation means premises, which may include modular or relocatable buildings, used —

(a) primarily for the accommodation of workers engaged in construction, resource, agriculture or other industries on a temporary basis; and

(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule 1 – Zoning Table

ZONES USE CLASSES	RESIDENTIAL	MIXED USE	COMMERCIAL[3]	SERVICE COMMERCIAL[3]	PRIVATE COMMUNITY PURPOSES	GENERAL INDUSTRY	LIGHT INDUSTRY	RURAL	RURAL RESIDENTIAL	LANDSCAPE ENHANCEMENT	RURAL RESOURCE
abattoir	X	X	X	X	X	D	X	X	X	X	X
agriculture – extensive	X	X	X	X	X	X	X	P	X	X	P
agriculture – intensive	X	X	X	X	X	X	X	P	X	D	P
amusement parlour	X	D	D	D	D	X	D	X	X	X	X
ancillary dwelling	P	D	X	X	X	X	X	D	D	D	D
art gallery	X	P	P	D	P	X	X	A	A	D	A
animal establishment	X	X	X	X	X	X	X	D	X	X	D
animal husbandry – intensive	X	X	X	X	X	X	X	D	X	X	D
betting agency	X	D	P	P	D	X	X	X	X	X	X
brewery	X	X	A	A	X	D	D	A	X	A	A
bulky goods showroom	X	X	D	P	X	X	P[4]	X	X	X	X
caravan park	D	X	X	X	D	X	X	A	X	D	X
caretaker's dwelling	X	X	X	X	D	D	D	D	X	D	D
car park	X	D	P	P	P	P	P	X	X	X	X
child care premises	D	D	D	D	D	X	X	X	X	X	X
cinema/theatre	X	A	D	D	D	X	X	X	X	X	X
civic use	D	D	D	D	D	D	D	D	D	D	D
club premises	X	X	D	D	D	X	D	X	X	X	X
commercial vehicle parking	A	X	X	X	X	P	P	D	A	A	A
community purpose	X	A	D	D	P	X	X	X	A	A	X
consulting rooms	D	P	P	P	X	X	X	X	X	X	X
convenience store	X	D	P	P	X	D	D	X	X	X	X
display home centre	D	D	D	X	X	X	X	X	X	X	X
educational establishment	X	A	D	D	D	X	D	X	X	X	X
exhibition centre	X	D	P	D	P	X	X	X	X	A	X
family day care	A	A	X	X	X	X	X	X	X	X	X
fast food outlet	X	A	D	D	X	X	X	X	X	X	X
fuel depot	X	X	X	X	X	P	D	X	X	X	X

ZONES USE CLASSES	RESIDENTIAL	MIXED USE	COMMERCIAL[3]	SERVICE COMMERCIAL[3]	PRIVATE COMMUNITY PURPOSES	GENERAL INDUSTRY	LIGHT INDUSTRY	RURAL	RURAL RESIDENTIAL	LANDSCAPE ENHANCEMENT	RURAL RESOURCE
funeral parlour	X	X	A	D	X	X	D	X	X	X	X
garden centre	X	X	D	D	X	X	D	D	X	A	A
grouped dwelling	P	D	X	X	X	X	X	X	X	X	X
home business	D	D	D	X	X	X	X	D	D	D	X
home occupation	D	D	D	X	X	X	X	D	D	D	P
home office	P	P	P	X	X	X	X	P	P	P	P
home store	A	A	X	X	X	X	X	D	A	D	X
hospital	X	X	D	D	D	X	X	X	X	X	X
hosted short-term rental accommodation	P	P	P	X	X	X	X	P	P	P	P
hotel	X	X	D	D	D	X	X	X	X	X	X
independent living complex	D	D	D	X	D	X	X	X	X	X	X
industry – cottage	A	A	D	D	X	D	P	D	D	D	D
industry – extractive	X	X	X	X	X	D	X	D	X	X	D
industry	X	X	X	X	X	P	A	X	X	X	X
industry – hazardous	X	X	X	X	X	D	X	X	X	X	X
industry – light	X	X	X	X	X	P	P	X	X	X	X
industry – primary production	X	X	X	X	X	D	D	D	X	X	P
liquor store – large	X	X	A	A	X	X	X	X	X	X	X
liquor store – small	X	A	A	A	X	X	X	X	X	X	X
lunch bar	X	P	P	P	X	D	D	X	X	X	X
market	X	D	D	D	X	X	X	X	X	X	X
market garden sales	X	X	X	X	X	X	X	D	X	D	D
medical centre	X	D	P	P	X	X	X	X	X	X	X
motor vehicle, boat or caravan sales	X	X	D	P	X	D	P[4]	X	X	X	X
motor vehicle repair	X	X	X	D	X	P	D	X	X	X	X
motor vehicle wash	X	X	D	D	X	P	P	X	X	X	X
multiple dwelling	D	D	D	X	X	X	X	X	X	X	X

ZONES USE CLASSES	RESIDENTIAL	MIXED USE	COMMERCIAL[3]	SERVICE COMMERCIAL[3]	PRIVATE COMMUNITY PURPOSES	GENERAL INDUSTRY	LIGHT INDUSTRY	RURAL	RURAL RESIDENTIAL	LANDSCAPE ENHANCEMENT	RURL RESOURCE
nightclub	X	X	A	D	X	X	D	X	X	X	X
office	X	P	P	D	X	X	X	X	X	X	X
open air display	X	X	X	D	X	D	D	X	X	X	X
park home park	A	X	X	X	D	X	X	X	X	X	X
place of worship	A	A	D	D	D	X	D	X	X	X	X
reception centre	X	D	D	D	D	X	X	A	X	D	X
recreation - private	X	D	D	D	P	X	D	X	X	D	X
renewable energy facility	X	X	X	X	X	D	D	A	X	A	A
residential building	D	D	D	X	X	X	X	X	X	X	X
residential aged care facility	D	D	D	X	X	X	X	X	X	X	X
resource recovery centre	X	X	X	X	X	D	A	X	X	X	X
restaurant/café	X	D	P	X	D	X	X	A	X	A	A
restricted premises	X	X	A	A	X	X	X	X	X	X	X
road house	X	X	D	D	X	D	D	X	X	X	X
rural home business	X	X	X	X	X	X	X	D	D	D	D
rural pursuit/hobby farm	X	X	X	X	X	X	X	D	A	D	D
service station	X	X	A	D	X	D	D	X	X	X	X
shop	X	D	P	X	X	X	X	X	X	X	X
single house	P	D	X	X	X	X	X	D	D	D	P
smash repair station	X	X	X	X	X	D	X	X	X	X	X
small bar	X	A	A	A	A	X	X	X	X	A	X
tavern	X	X	A	A	A	X	X	X	X	A	X
telecommunications infrastructure	A	D	D	D	D	D	D	D	A	D	D
tourist and visitor accommodation	X	A	D	X	D	X	X	A	X	A	X
trade display	X	X	X	D	X	D	D	X	X	X	X
trade supplies	X	X	D	D	X	D	D	X	X	X	X

ZONES USE CLASSES	RESIDENTIAL	MIXED USE	COMMERCIAL[3]	SERVICE COMMERCIAL[3]	PRIVATE COMMUNITY PURPOSES	GENERAL INDUSTRY	LIGHT INDUSTRY	RURAL	RURAL RESIDENTIAL	LANDSCAPE ENHANCEMENT	RURAL RESOURCE
transport depot	X	X	X	X	X	P	D	X	X	X	X
unhosted short-term rental accommodation	A	D	D	X	X	X	X	D	D	D	A
vehicle wrecking	X	X	X	X	X	P	D	X	X	X	X
veterinary centre	X	X	D	D	X	X	P	A	X	X	X
warehouse/storage	X	X	X	D	X	P	P	X	X	X	X
waste disposal facility	X	X	X	X	X	A	X	X	X	X	X
waste storage facility	X	X	X	X	X	D	X	X	X	X	X
winery	X	X	X	X	X	X	X	D	X	D	D
workforce accommodation	X	X	X	X	X	X	X	D	X	A	A

Notes:

1. For Zones which have not been listed in this table refer to:

   No. 2 in Schedule 6 Urban Development and Industrial Development Zones
   No. 3 in Schedule 6 Centre Zone
   No. 6 in Schedule 6 Smart Growth Community Zone

2. The symbols used in the zoning table have the following meanings –

   P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
   I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
   D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
   A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
   X means that the use is not permitted by this Scheme except where provision is made specifically for the local government to approve an otherwise prohibited use.

3. Amendment No. 172 deleted the Business zone and replaced it with either a Commercial or Service Commercial zone. Where an approved Structure Plan references the Business or Commercial zones, refer to Schedule 17 to determine the equivalent Scheme zone.

4. Refer to provisions contained in Schedule 6 (No. 27). *AMD 202 12/1/2024*

Schedule 2 – Specified additional uses for zoned land in Scheme area (see Clause 3.4)

No	Description of land	Additional use	Conditions
A1	Lots 1 - 12, SP 19841 (771) Wanneroo Road, Wanneroo	Medical Centre and office	
A2	Lot 801 (1964) Wanneroo Road, Neerabup	Bulky goods showroom	Bulky goods showroom shall only be used to sell birds, bird seed and associated bird accessories.
A3	Lot 50 (1976) Wanneroo Road, Neerabup	Shop	Shop shall only be used for the sale of: (i) Wildflower seeds, nuts and cones; (ii) Gift-packed quarantined native plants; (iii) Arts and crafts made from wildflowers and native plants; (iv) Souvenirs featuring wildflowers and native plants; and (v) Light refreshments.
A4	Lot 42 (2038) Wanneroo Road, Neerabup	Trade Supplies, Motor Vehicle Repair and Service Station	
A5	Lot 1955 (2310) Wanneroo Road, Nowergup	Tavern	
A6	Lot 1 (2624) Wanneroo Road, Nowergup	Service Station and Convenience Store	
A7	Lot 57 (30) Queensway Road, Landsdale	*DELETED BY AMND 221 GG 3/2/26*	
A8	Lot 200 (361)Yanchep Beach Road, Yanchep	Service Station and Shop	
A9	Lot 7 (424) Badgerup Road, Gnangara	Shop	Floor area not to exceed 100m^2 nla
A10	Lot 65 Belgrade Road, Wanneroo	*DELETED BY AMND 17 GG 21/1/05*	
A11	Lot 215 Morialta Avenue, Quinns Rocks	*DELETED BY AMND 17 GG 21/1/05*	
A12	Lot 58 Parkin Way, Marangaroo	*DELETED BY AMND 17 GG 21/1/05*	
A13	Lot 1795 & Lot 1796 Polglase Fairway, Clarkson	*DELETED BY AMND 17 GG 21/1/05*	
A14	Villanova Street, Wanneroo	*DELETED BY AMND 54 GG 6/1/06*	
A15	Lot 8 (7) Mangano Place, Wanneroo	Child Care Premises	

No	Description of land	Additional use	Conditions
	AMD 31 GG 25/11/03		
A16	Lot 7 (310) Bernard Road North, Carabooda	Service Station	
A17	Prindiville Drive, Wangara	*DELETED BY AMND 128 GG 11/9/15*	
A18	Portion Lot 32 (10) Menchetti Road, Neerabup	Shop	Floor area not to exceed 100m^2 nla
A19	Lot 1 (2) Stevenage Street,Yanchep Lot 2 (4) Stevenage Street, Yanchep Lot 3 (6) Stevenage Street, Yanchep Lot 4 (8) Stevenage Street, Yanchep Lot 5 (10) Stevenage Street, Yanchep Lot 6 (2) Bracknell Street, Yanchep Lot 7 (1) Glenrothes Street, Yanchep Lot 8 (3) Glenrothes Street, Yanchep Lot 9 (5) Glenrothes Street, Yanchep Lot 10 (7) Glenrothes Street, Yanchep Lot 11 (2) Glenrothes Street, Yanchep Lot 12 (4) Glenrothes Street, Yanchep Lot 13, (6) Glenrothes Street, Yanchep Lot 20 (8) Glenrothes Street, Yanchep Portion Lot 9101 (160) Yanchep Beach Road, Yanchep *AMD 67 GG 6/6/08* *AMD 120 GG 13/7/12*	Betting Agency Child Care Premises Cinema/Theatre Community Purpose Consulting Rooms Exhibition Centre Fast Food outlet Hospital Hotel Liquor Store – Large Liquor Store – Small Market Medical Centre Office Reception Centre Restaurant/Café Restricted Premises Shop Small Bar Tavern	i). The following uses must be advertised in accordance with Clause 64 the Deemed Provisions: a) Liquor Store – Large b) Liquor Store – Small c) Restricted Premises d) Small Bar e) Tavern ii). *Shop* shall only be for premises used for the preparation and dispensing of drugs and other medicinal products and where this occurs other predominantly toiletry products may be displayed and offered for sale by retail.
A20	Lot 1 (876) Wanneroo Road, Wanneroo	Medical Centre, Shop and Office	*Shop* shall only be for premises used for the preparation and dispensing of drugs and other medicinal products and where this occurs other predominantly toiletry products may be displayed and offered for sale by retail.
A21	Lot 80 (880) Wanneroo Road, Wanneroo	Office and Medical Centre	

No	Description of land	Additional use	Conditions
A22	Lot 12, 2359 Marmion Ave, Jindalee	*DELETED BY AMND 17 GG 21/1/05*	
A23	Lot 1 (2) Ridgewood Boulevard, Ridgewood	Fast Food Outlet and Restaurant/café	
A24	Lot 14 (1890) Wanneroo Road, Neerabup	Industry – Light	Industry – Light shall only be for the treating, processing and packing of apiary products.
A25	Lot 36 (529) Wanneroo Road, Woodvale	Restaurant/café and winery	
A26	2469 Marmion Ave, Jindalee	*DELETED BY AMND 115 GG 23/7/13*	
A27	Lot 6 (9) Bergen Way, Mindarie	Fast Food Outlet/Lunch Bar	
A28	Lot 49 (56)St Andrews Drive, Yanchep *AMD 6 GG 5/7/02*	Shop	nla not to exceed 44m^2
A29	Portion of Lot 27 (2048) Wanneroo Road, Neerabup *AMD 21 GG 31/8/04*	Educational Establishment Trade Supplies Warehouse	(i) Development to be designed to be complimentary to the rural character of the broader surrounding area; (ii) Educational Establishment to only provide for facilities for farmer advice and education. (iii) Trade Supplies only for: • The display and sale of items related to the agricultural industry; including vegetable and flower seeds, stockfeed, fertiliser, fungicides and insecticides; and • The display, sale, assembly and repair of farm machinery, farming implements and irrigation equipment. (iv) The Trade Supplies land use shall provide a maximum area of 2000 square metres that is open to the public. (v) Warehouse shall only store items related to the agricultural industry.
A30	Lot 500 (26) Prindiville Drive, Wangara *AMD 1 GG 24/12/04*	Office	

No	Description of land	Additional use	Conditions
A31	Portion of Lot 48 (2632) Wanneroo Road, Nowergup *AMD 46 GG 7/2/06*	Educational Establishment Garden Centre Trade Supplies Warehouse	i) Development to be designed to be complimentary to the rural character of the broader surrounding area. ii) Educational Establishment shall be carried out only for provision of training courses to growers. iii) Development to include provision for facilities for farmer advice and education. iv) Trade Supplies only for the display and sale of agricultural and horticultural materials, tools, equipment, machinery and goods. v) The Trade Supplies land use shall provide a maximum area of 600 square metres that is open to the public. vi) Warehouse shall only store agricultural and horticultural materials, tools, equipment, machinery and goods.
A32	Lot 2 (857) Wanneroo Road, Wanneroo *AMD 64 GG 4/12/07*	Medical Centre	
A33	Lot 900 (7) Lumsden Road, Lots 1 and 2, SP57594 (4) Dellamarta Road, Wangara *AMD 89 GG 29/5/09*	Office	Maximum floor area of 1500m^2 Net Lettable Area
A34	Lot 2295 (149) Higgins Road, Pinjar *AMD 103 GG 17/09/10*	*DELETED BY AMD 172 GG 05/05/2023*	
A35	Lot 900 (No. 200) Hartman Drive, LANDSDALE Lots 1, 2 and 4 (No's. 16, 8 and 24) Mullingar Way, LANDSDALE Lot 3 (No. 10) Wem Lane, LANDSDALE	Bulky Goods Showroom	1. The Additional Use of 'Hardware Store' is restricted to the northern half of the subject lots. 2. The portion of development(s) facing the intersection of Gnangara Road and Hartman Drive shall include architectural emphasis to achieve a landmark feature of appropriate amenity, to the satisfaction of the local government.

No	Description of land	Additional use	Conditions
A36	Lot 908 (869) Connolly Drive, Merriwa *AMD 138 GG 15/9/15*	*DELETED BY AMD 172 GG 05/05/2023*	
A37	Portion Lot 810 (1397) and Lot 811 (1387) Wanneroo Road, Wanneroo *AMD 150 GG 27/4/18* *AMD 232 GG 6/10/26*	P - Growers Mart P - Large Format Category/ Theme Based Showroom P - Restaurant/ Café P - Retail Nursery P - Shop P - Self-Storage Units (Lot 811 Wanneroo Road only)	a) The land use definitions for 'Growers Mart', 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' are prescribed as follows: ***Growers Mart :*** *means any land or buildings used for the wholesale, distribution and retail sale of primary products including fruit and vegetables, meat, fish, bread.* ***Large Format Category/Theme Based Showroom :*** *means a premises wherein goods, which are otherwise excluded by the Bulky Goods Showroom definition in Part 6, are displayed and may be offered for sale and hire, that:* *i. Are not supermarkets or department stores, as defined in Part 6;* *ii. Are category/theme based retail outlets;* *iii. Due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and* *iv. Have a minimum gross floor area of 500m^2.* ***Retail Nursery :*** *means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental café.* b) Conditions for 'Shop' are prescribed as follows:

No	Description of land	Additional use	Conditions
			i. **Shop (on Lot 810 and 811):** minimum retail NLA of 200m^2 per tenancy, (except, the minimum shall not apply to a 'Shop' tenancy that was operating prior to 5 May 2023); maximum retail NLA up to 1500m^2 per tenancy, maximum overall NLA up to 3000m^2 across Lot 810 and 811. ii. The applicant is to prepare a traffic impact assessment, to the satisfaction of the local government, in consultation with Main Roads. iii. A 'Shop' shall not be approved until adequate vehicular access arrangements can be achieved, to the satisfaction of the local government, in consultation with Main Roads. iv. The applicant shall undertake any works necessary to ensure adequate vehicular access arrangements are achieved, to the satisfaction of the local government, in consultation with Main Roads.
A38	Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo *AMD 150 GG 27/4/18*	Large Format Category/Theme Based Showroom and Retail Nursery	The land use definitions for 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' are prescribed as follows: ***Large Format Category/Theme Based Showroom :*** *means a premises wherein goods, which are otherwise excluded by the Bulky Goods Showroom definition in Part 6, are displayed and may be offered for sale and hire, that:* *a) Are not supermarkets or department stores, as defined in Part 6;* *b) Are category/theme based retail outlets;* *c) Due to their nature are generally not appropriate to or*

No	Description of land	Additional use	Conditions
			cannot be accommodated in a commercial area; and *d) Have a minimum gross floor area of 500m^2.* ***Retail Nursery :** means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental café.*
A39	Lot 311 on Deposited Plan 400352 (1) Niche Parade (cnr Ocean Reef Road), Wangara	Fast Food Outlet/Lunch Bar	nla limited to a maximum of 300m^2
A40	Lot 31 (90) Rousett Road, Jandabup *AMD 170 GG 8/5/2020*	Car Park	To expire within 3 years of the date the subject land is gazetted 'Urban' under the Metropolitan Region Scheme
A41	Lot 7 on Strata Plan 18103 (20) Prindiville Drive, Wangara *AMD 171 GG 5/5/2020*	Restricted Premises	
A42	87 Innovation Circuit Wangara *AMD 184 GG 1/4/2021*	Smash Repair Station	
A43	198 Mary Street, Wanneroo *AMD 182 GG 8/10/2021*	Independent Living Complex, Reception Centre, Residential Aged Care Facility	Conditions: i. Development is to be in accordance with an approved Local Development Plan (LDP). ii. The LDP shall include provisions relating to retention of: a) Threatened species and communities in consultation with the Department of Biodiversity, Conservation and Attractions; and the Commonwealth Department of

No	Description of land	Additional use	Conditions
			Agriculture, Water and Environment; and b) Remnant vegetation in the southeast and/or northeast of the site, and that these areas should not be impacted by any bushfire management measures/requirements associated with future development but may be utilised for passive recreation purposes associated with the proposed development. iii. The land use definitions for 'Aged and Dependent Persons' Dwelling' is prescribed as follows: **Aged and dependent persons' dwelling:** means a dwelling designed and used solely for the accommodation of aged or dependent persons.
A44	187 Hawkins Road, Jandabup *AMD 186 GG 10/5/2022*	Place of Worship and Reception Centre.	1. A 'Reception Centre' is only permitted where it is incidental to a 'Place of Worship'. 2. Any development application for a Place of Worship is to be accompanied by the following documentation to the satisfaction of the local government on advice from the Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions: a. A water Management plan to address potential development impacts to the adjoining Lake Jandabup from changes to surface and groundwater hydrology and water quality; b. Information to demonstrate adequate setbacks and buffers from adjacent wetland boundaries, consistent with State policy and guidance; c. Information to demonstrate compliance with the Government Sewerage Policy
A45	845 Wanneroo Road, Wanneroo	Medical Centre	

No	Description of land	Additional use	Conditions
	AMD 193 GG 22/2/2022		
A46	Lot 435 (263) Gibbs Road, Nowergup *AMD 172 GG 05/05/2023*	Warehouse/Storage	(i) Warehouse use is restricted to within the existing poultry sheds on Lot 435 Gibbs Road, Nowergup. (ii) Warehouse to be used for storage purposes only. (iii) Warehouse must not be open to the public for sale of goods. (iv) The period of any Development Approval granted for a warehouse use on the property shall not exceed 5 years from the date of the development approval. (v) Any Development Approval granted for a warehouse use on the property shall be contingent upon the cessation of all poultry farm operations on the property. (vi) The keeping, rearing and fattening of poultry for meat or egg production is not permitted on Lot 435.
A47	Lot 2 (No. 162) and Lot 3 (No. 182) Wanneroo Road, Madeley *AMD 172 GG 05/05/2023*	Ancillary Dwelling Caretaker's Dwelling Grouped Dwelling Motor Vehicle Repairs Single House	
A48	Multiple land parcels zoned General Industry in the Neerabup locality *AMD 202 GG 12/1/2024*	• Agriculture – Intensive • Data Storage Premises • Educational Establishment	1. All the 'Additional Uses' shall be dealt with as "D" uses, pursuant to Clause 3.3 (2). 2. Land uses referred to in this table, but which are not defined in Clause 6.2, are defined below: ***Data Storage Premises*** *– means premises that provide computer servers or other devices for the storage or retention of electronic data, and may include the provision of ancillary infrastructure and offices.*

No	Description of land	Additional use	Conditions
			3. Conditions and parameters for the carrying out of land uses listed in this table are provided for below: **Agriculture – Intensive:** The cultivation and harvesting of produce shall only occur within a building, enclosed by walls and a roof (excluding greenhouses). Cultivation of produce shall not occur where exposed to the open natural environment. **Educational Establishment:** Activities shall be limited to establishments that provide education or training relating to activities consistent with Table 2 in Clause 3 – objectives of the General Industry zone.
A49	• Portion Lot 801 (410) Flynn Drive (on DP: 415725); • Portion Lot 9014 (301K) Pederick Road (on DP: 425769); • Lot 888 (21) Global Road (on DP: 424955); • Lot 2 (19) Hemisphere Street (on DP: 413473); • Lot 1 (13) Hemisphere Street (on DP: 413473); • Lot 1057 (5) Ring Street (on DP: 420872); • Lot 1058 (11) Ring Street (on DP: 420872); • Lot 1060 (11) Pinnacle Drive (on DP: 420872); • Portion Lot 1059 (1) Pinnacle Drive (on DP: 420872); • Portion Lot 1064 (2) Pinnacle Drive (on DP: 420872); • Lot 1063 (10) Pinnacle Drive (on DP: 420872);	• Data Storage Premises • Industry – Extractive	1. Data Storage Premises shall be dealt with as a "D" use and Industry – Extractive as an "A" use pursuant to Clause 3.3 (2). 2. Land uses as referred to in this table, but which are not defined in Clause 6.2, are defined below: ***Data Storage Premises*** *– means premises that provide computer servers or other devices for the storage or retention of electronic data, and may include the provision of ancillary infrastructure and offices.*

No	Description of land	Additional use	Conditions
	• Lot 1061 (19) Pinnacle Drive (on DP: 424106); • Lot 1062 (18) Pinnacle Drive (on DP: 424106); • Lot 1065 (26) Pinnacle Drive (on DP: 424106); • Lot 1066 (34) Pinnacle Drive (on DP: 424106); • Lot 1067 (45) Avery Street (on DP: 424106); • Portion Lot 5 (190) Flynn Drive (on D: 91435); • Portion Lot 900 (170) Flynn Drive (on DP: 50843); • Portion Lot 901 (150) Flynn Drive (on DP: 50843); All in the Neerabup locality. *AMD 202 GG 12/1/2024*		
A50	• Portion Lot 1001 (11) Greenwich Parade (on DP: 61212); • Portion Lot 1021 (10) Greenwich Parade (on DP: 61212); • Portion Lot 5 (190) Flynn Drive (on D: 91435); • Portion Lot 900 (170) Flynn Drive (on DP: 50843) All in the Neerabup locality. *AMD 202 GG 12/1/2024*	• Data Storage Premises • Office • Restaurant/Cafe • Shop • Fast Food Outlet	1. In addition to Conditions 2-5 below, all the relevant conditions that are specified for Additional Use area A49 also apply to A50. 2. All the 'Additional Uses' shall be dealt with as "D" uses, pursuant to Clause 3.3 (2). 3. The maximum floorspace for the 'Office' land use is limited to no more than: a) 700m^2 net lettable area (NLA) across both subject portions of Lots 1001 and 1021; and b) 700m^2 NLA across both subject portions of Lot 5 and Lot 900. 4. The maximum floorspace for the 'Restaurant/Cafe' and 'Fast Food Outlet' land uses are limited to no more than: a) 1,000m^2 NLA across both subject portions of Lots 1001 and 1021; and

No	Description of land	Additional use	Conditions
			b) 1,000m^2 NLA across both subject portions of Lot 5 and Lot 900; and Individual premises shall not exceed 500m^2. 5. The maximum floorspace for the 'Shop' land use are limited to no more than: a) 750m^2 NLA across both subject portions of Lots 1001 and 1021; and b) 750m^2 NLA across both subject portions of Lot 5 and Lot 900; and Individual premises shall not exceed 300m^2 NLA.
A51	Lot 9634 (10) Fomiatti Street, Ashby (on DP: 417598) *AMD 209 GG 4/10/2024*	Warehouse/Storage (A)	
A52	Portion Lot 43 (No. 2060) and Portion Lot 44 (No. 2066) Wanneroo Road, Neerabup *AMD 143 GG 25/10/2024*	• Motor Vehicle Repairs ('D' Use) • Office ('D' Use) • Warehouse/Storage ('D' Use) • Transport Depot ('D' Use)	1. **Motor Vehicle Repairs** is not to occupy an area greater than 250m2. 2. **Office** is limited to the extent of the existing house on Lot 43. 3. **Warehouse/Storage** shall be limited to outdoor storage related to the vehicles using the site as a Transport Depot. 4. A development approval for the additional uses and developments shall be: a. limited to a maximum period of 5 years; and b. renewed for a maximum period of 5 years on each subsequent approval
A53	• Lot 2000 (144) Celebration Boulevard, Clarkson (on DP: 408645); • Lot 1161 (146) Celebration Boulevard, Clarkson (on DP: 49180); • Lot 1162 (148) Celebration	Grouped Dwelling (D)	

No	Description of land	Additional use	Conditions
	Boulevard, Clarkson (on DP: 49180); • Lot 1163 (150) Celebration Boulevard, Clarkson (on DP: 49180); • Lot 1187 (160) Celebration Boulevard, Clarkson (on DP: 44079); • Lot 1188 (280) Ocean Keys Boulevard, Clarkson (on DP: 45434); • Lot 1189 (300) Ocean Keys Boulevard, Clarkson (on DP: 45434); • Lot 1196 (291) Ocean Keys Boulevard, Clarkson (on DP 45433); • Lot 1195 (34) Ladera Drive, Clarkson (on DP: 44079); and • Lot 1194 (33) Ladera Drive, Clarkson (on DP 45433). *AMD 210 GG 4/3/2025*		
A54	Lot 247 (7) Prindiville Drive, Wangara (on D52481) *AMD 203 GG 17/01/2025*	Office ('D' Use)	Office is limited to a maximum floor area of 1500m^2 Net Lettable Area.

Schedule 3 – Restricted uses for land in Scheme area (see Clause 3.5)

No	Description of land	Restricted use	Conditions
R1	2469 Marmion Avenue, Jindalee	*DELETED BY AMND 115 GG 23/7/13*	
R2	2469 Marmion Avenue, Jindalee	*DELETED BY AMND 115 GG 23/7/13*	
R3	59 Sydney Road Gnangara; 1701 Ocean Reef Road, Gnangara; and 139 Sydney Road, Gnangara *AMD 190 GG 25/3/22*	'P' Uses – Auction Facility Car Park Industry – General Industry – Light Motor Vehicle, Boat and Caravan Sales Motor Vehicle Repair Motor Vehicle Wash Transport Depot Warehouse/storage 'D' Uses – Caretaker's Dwelling Convenience Store Lunch Bar Open Air Display Service Station Smash Repair Station Telecommunications Infrastructure Trade Display Trade Supplies Vehicle Wrecking	
R4	Lots 2, 3, 32 and 33 and Part Lots 20 and 21 all of Wanneroo Estate Lot 13; lots 30, 31 and 32 Part Lots 1, 27 and 33 all of Wanneroo Estate 14 and portion of Scenic Drive.	'P' Uses – Home Office Single House 'D' Uses – Ancillary Dwelling Civic Use Home Business Home Occupation Hosted Short-term Rental Accommodation Unhosted Short-term Rental Accommodation 'A' Uses – Commercial Vehicle Parking Industry – Cottage Residential building Telecommunications Infrastructure	1. A range of lot sizes with a minimum lot size of 4000m^2 shall be provided. Subdivision shall be in accordance with the Structure Plan. 2. Access from individual lots to Wanneroo Road shall only be via approved subdivisional roads. 3. All stormwater run-off shall be disposed of by means of drainage systems constructed within Restricted Use area No. 4 to the satisfaction and specification of the local government. 4. No building shall be constructed closer than 15 metres to a street alignment, within 5 metres of a side boundary, or within 10 metres of the rear boundary of any lot. Where a lot has frontage to more than one street, the local government shall designate one such street as the frontage

No	Description of land	Restricted use	Conditions
			and may permit the construction of buildings to within 7.5 metres from the other street boundaries. 5. Except to the extent necessary for the construction of approved buildings and driveways, no land shall be cleared of vegetation without the prior written approval of the local government. 6. A person shall not without Development Approval of the local government remove, cut down, or damage any mature tree on land within Restricted Use area No. 4 including street verges. 7. The local government may, as a condition of any approval granted under Conditions 5 and 6, require the application to plant and/or maintain to its satisfaction mature trees and shrubs to promote the natural or other aesthetic setting of the area.
R5	Lots 2111-2115 Carramar Road, Carramar Lots 3186-3193 Golf Links Drive, Carramar Lots 5001-5006 Peridot Turn, Banksia Grove Lots 70-78 Turquoise Loop, Banksia Grove and Lots 398-401 Harbour Elbow, Banksia Grove *AMD 206 GG 8/10/24*	'P' Uses – Home Office Single House 'D' Uses – Ancillary Dwelling Civic Use Home Business Home Occupation Hosted Short-term Rental Accommodation Unhosted Short-term Rental Accommodation 'A' Uses – Commercial Vehicle Parking Industry – Cottage Residential building Telecommunications Infrastructure	1. Subdivision is restricted to a minimum lot size of 5000m^2 in accordance with the Development Guide Plans for Restricted Use area No. 5 and that all development shall be contained within the building envelopes as specified on these plans. 2. No building shall be constructed closer than 15 metres to a street alignment, within 5 metres of a side boundary, or within 10 metres of the rear boundary of any lot. Where a lot has frontage to more than one street, the local government shall designate one such street as the frontage and may permit the construction of buildings to within 7.5 metres from the other street boundaries. 3. Except to the extent necessary for the construction of approved buildings and driveways, no land shall be cleared of vegetation without the prior written approval of the local government. 4. A person shall not without Development Approval of the local government remove, cut down, or damage any mature tree on land within Restricted Use area No. 5 including street verges.

No	Description of land	Restricted use	Conditions
			5. The local government may, as a condition of any approval granted under Conditions 3 and 4 require the application to plant and/or maintain to its satisfaction mature trees and shrubs to promote the natural or other aesthetic setting of the area.
R6	Lot 10 (1327), Lot 501 (1321), Lot 2 (1303), Lot 406 (1297) Wanneroo Road, Wanneroo	'P' Uses – Home Office Single House 'D' Uses – Ancillary Dwelling Civic Use Home Business Home Occupation Hosted Short-term Rental Accommodation Unhosted Short-term Rental Accommodation 'A' Uses – Commercial Vehicle Parking Industry – Cottage Residential building Telecommunications Infrastructure	1. See Special Provision 4.0 for SCA 1 in Schedule 18. 2. No building shall be constructed closer than 15 metres to a street alignment, within 5 metres of a side boundary, or within 10 metres of the rear boundary of any lot. Where a lot has frontage to more than one street, the local government shall designate one such street as the frontage and may permit the construction of buildings to within 7.5 metres from the other street boundaries.
R7	• Lot 375 (51) Paltara Way, Wanneroo (on DP: 70907); • Lot 376 (21) Stockholm Road, Wanneroo (on DP: 70907); • Lot 385 (99) Stockholm Road, Wanneroo (on DP: 70908) and • Lot 386 (117) Stockholm Road, Wanneroo (on DP: 70908). *AMD 206 GG 8/10/24*	P' Uses— • Home Office • Single House 'D' Uses— • Ancillary Dwelling • Civic Use • Home Business • Home Occupation • Hosted Short-term Rental Accommodation • Unhosted Short-term Rental Accommodation • 'A' Uses— • Commercial Vehicle Parking • Industry—Cottage	Nil

No	Description of land	Restricted use	Conditions
		• Residential Building • Telecommunications Infrastructure	
R8	Lot 50 (204) Shiraz Boulevard, Pearsall (on D: 98987) *AMD 206 GG 8/10/24*	'D' Uses— Service Station Convenience Store Motor Vehicle Wash Fast Food Outlet	1. External open-air storage of automotive parts or service yards visible to the public shall not be permitted. 2. The maximum gross floor area of a Fast Food Outlet shall be $25m^{2.}$
R9	• Lot 619 (1) Furniss Road, Darch (on DP: 52612); • Lot 618 (3) Furniss Road, Darch (on DP: 52612); • Lot 617 (7) Furniss Road, Darch (on DP: 52612); • Lot 616 (9) Furniss Road, Darch (on DP: 52612); • Lot 615 (15) Furniss Road, Darch (on DP: 52612); • Lot 614 (19) Furniss Road, Darch (on DP: 52612); • Lot 21 (23) Furniss Road, Darch (on DP: 97581); • Lot 22 (27) Furniss Road, Darch (on DP: 97581); • Lot 23 (31) Furniss Road, Darch (on DP: 97581); • Lot 24 (35) Furniss Road, Darch (on DP: 97581); • Lot 25 (39) Furniss Road, Darch (on DP: 97581); • Lot 26 (43) Furniss Road, Darch (on DP: 97581); • Lot 27 (47) Furniss Road, Darch (on DP: 97581);	'P' Uses- • Betting Agency • Bulky Goods Showroom • Car Park • Consulting Rooms • Convenience Store • Medical Centre • Motor Vehicle, Boat and Caravan Sales 'D' Uses - • Art Gallery • Child Care Premises • Civic Use • Educational Establishment • Exhibition Centre • Funeral Parlour • Garden Centre • Hotel • Industry - Cottage Market • Motel • Motor Vehicle Repair Office • Open Air Display • Place of Worship Recreation – Private • Telecommunications • Infrastructure • Trade Display • Trade Supplies • Warehouse/Storage	

No	Description of land	Restricted use	Conditions
	• Lot 28 (51) Furniss Road, Darch (on DP: 97581); • Lot 29 (55) Furniss Road, Darch (on DP: 97580); • Lot 30 (59) Furniss Road, Darch (on DP: 97580); • Lot 31 (63) Furniss Road, Darch (on DP: 97580); • Lot 32 (67) Furniss Road, Darch (on DP: 97580); • Lot 33 (71) Furniss Road, Darch (on DP: 97580); • Lot 34 (75) Furniss Road, Darch (on DP: 97580); • Lot 35 (79) Furniss Road, Darch (on DP: 97580); • Lot 39 (83) Furniss Road, Darch (on DP: 97580); *AMD 205 GG21/11/25*	'A' Uses - • Brewery • Liquor Store Large • Liquor Store Small • Restricted Premises	

Schedule 4 – Special use zones in Scheme area (see Clause 3.6)

<table>
<tr><th>No</th><th>Description of land</th><th>Special use</th><th>Conditions</th></tr>
<tr><td>SU-1</td><td>Portion of 9006 (154) Lagoon Drive, Yanchep

AMD 55 GG 25/8/06</td><td>Land use as per Commercial Zone with the following exceptions:

Multiple Dwellings not permitted.</td><td>Development to be in accordance with endorsed Local Development Plan</td></tr>
<tr><td>SU-2</td><td>Lot 530 (2) Viridian Drive, Banksia Grove

AMD 55 GG 25/8/06</td><td>Land use as per Commercial Zone</td><td>Residential development shall not be permitted unless it forms part of mixed use development as defined in State Planning Policy 7.3: Residential Design Codes.</td></tr>
<tr><td>SU-3</td><td>Lot 900 (60) Seagrove Boulevard, Merriwa

AMD 101 GG 16/07/10
AMD 137 GG 31/01/15</td><td colspan="2">DELETED BY AMD 172 GG 05/05/2023</td></tr>
<tr><td>SU-4</td><td>Lot 435 (263) Gibbs Road, Nowergup

AMD 130 GG 22/05/15</td><td colspan="2">DELETED BY AMD 172 GG 05/05/2023</td></tr>
<tr><td>SU-5</td><td>Lots 4, 5, 888, 897 and 898 (33 – 39) Prindiville Drive, (4 – 6) Irwin Road, Wangara.

AMD 128 GG 11/9/15</td><td>Land use as per Commercial Zone with the following exceptions:

<u>‘P’ Uses</u>

Market, Warehouse/Storage

<u>‘D’ Uses</u>

Garden Centre, Hardware Store, Industry – Light, Office, Open Air Display.

<u>‘X’ Uses</u>

Ancillary Dwelling, Caretaker’s Dwelling, Cinema/Theatre, Civic Use, Club Premises, Display Home Centre, Exhibition Centre, Home Office, Home Occupation, Home Business, Hospital,</td><td>1. The Retail Net Lettable Area (NLA) shall be limited to the following:

<table><tr><th>Land Description</th><th>NLA (m^2)</th></tr><tr><td>Lot 4 (35) Prindiville Drive, Wangara</td><td>500</td></tr><tr><td>Lot 888 (39) Prindiville Drive, Wangara</td><td>2,500</td></tr></table>
The Market (Retail) Net Lettable Area (NLA) shall be limited to the following:

<table><tr><th>Land Description</th><th>NLA (m^2)</th></tr><tr><td>Lot 5 (33) Prindiville Drive, Wangara</td><td>4,200</td></tr></table>
2. A Local Development Plan is to be approved by the local government prior to any further development on the site with all development to be in accordance with the endorsed Local Development Plan. The Local Development Plan shall address the following:
- Parking and access;
- Loading and unloading;
- Urban design principles including Interface with Prindiville Drive.</td></tr>
</table>

No	Description of land	Special use	Conditions
		Hosted Short-Term Rental Accommodation, Hotel, Motor Vehicle, Boat or Caravan Sales, Multiple Dwelling, Night Club, Place of Assembly, Place of Worship, Reception Centre, Recreation - private, Residential Aged Care Facility, Residential Building, Independent Living Complex, Service Station, Tourist and Visitor Accommodation, Veterinary Centre.	
SU-6	Lot 100 (25) Drovers Place, Wanneroo AMD 150 GG 27/4/18	The following land uses are discretionary ('D') on Lot 100: • Caravan Park • Exhibition Centre • Reception Centre • Recreation - private • Restaurant/Café • Telecommunications Infrastructure • Tourist and Visitor Accommodation All other land uses shall be prohibited ('X').	
SU-7	Mindarie Keys, Mindarie Land generally bound by Rosslare Promenade, Anchorage Drive, Crown Reserve 35890 and the Indian Ocean	Land use permissibility to be in accordance with approved Structure Plan No. 13.	Development to be in accordance with approved Structure Plan No. 13.
SU-8	Two Rocks Marina, Two Rocks. Land generally bound by Sovereign Drive, Lisford Avenue, Marcon Street, Jordan Street and Crown Reserve 51174	Land use permissibility to be in accordance with approved Structure Plan No. 70.	Development to be in accordance with approved Structure Plan No. 70

Schedule 5 - Environmental conditions that apply to land in Scheme area (see Clause 4.7(1)

1. LOCATION OF LAND:

EC1
Lots 201 & 202 Breakwater Drive, Two Rocks

Environmental Conditions:

1.1 Environmental Management Plans

1.1.1 The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be implemented" No. 537 published on 15 February 2000:

- Drainage, Nutrient and Water Management Plan
- Karst Landform Management Plan

1.1.2 The Environmental Management Plans referred to in Condition 1.1.1 shall be prepared and implemented in accordance with the provisions of the Plans, to the requirements of the Responsible Authority.

1.2 Vegetation and Fauna Management

1.2.1 Regionally significant vegetation ('Bush Forever' sites) which surrounds the amendment area (as shown in Figure 1 of the Minister's Statement) shall be protected from indirect and direct impacts associated with the development of the amendment area by the following:

- Clear delineation of regionally significant areas of vegetation from the amendment area through the use of dual use paths, public open space areas and the like
- Control of off-road vehicle use and dumping of rubbish
- Fire management
- Promotion of community awareness of bushland protection

1.3 Aboriginal Heritage Management

1.3.1 The subdivider shall protect on a lot or public open space area not less than 3 hectares, the identified heritage site and the area immediately surrounding the site shall be fenced and sign posted, as appropriate. The entrance to the cave (which is part of the Aboriginal site) shall be gated in as sensitive a manner as possible. The Responsible Authority shall also ensure that management of the cave is undertaken to ensure public safety and to protect the biodiversity and cultural values of the cave and surrounding 3 hectares.

1.3.2 Prior to commencement of site works, contractors shall undergo a briefing on Aboriginal Heritage issues to enable them to recognise materials that may constitute an Aboriginal Site. During earthworks, all contractors shall be supervised by a Site Manager, who shall seek advice from the Aboriginal Affairs Department to confirm the identification of any suspected site.

2. LOCATION OF LAND: *AMD 33 GG 3/8/04*

EC2
Portion of Lot 2, Lots 207, 206, 220, 320, 321, 204, 101, 303, 304, 302, 16, 102, 301, Part 103, 200, 221, 209, 8, 322, 310, 311, 312, 309, 315, 208, 205, 200, 201, Location 11353 and Reserve 11932

Yanchep-Two Rocks District

Environmental Conditions:

2.1 Environmental Management Plans

2.1.1 The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be implemented" No. 538 published on 15 February 2000:

- Stygofauna and/or Troglobitic Fauna Management Plan
- Drainage, Nutrient and Water Management Plan
- Karst Management Strategy
- Solid and Liquid Waste Management Plan
- Aboriginal Culture and Heritage Management Plan

2.1.2 The Environmental Management Plans referred to in Condition 2.1.1 shall be prepared and implemented in accordance with the provisions of the Plans, to the requirements of the Responsible Authority.

2.2 Vegetation and Fauna Management

2.2.1 Regionally significant vegetation (Bush Forever sites) which surrounds the amendment area (as shown in Figure 1 of the Minister's Statement) shall be protected from indirect and direct impacts associated with the development of the amendment area by the following:

- Clear delineation of regionally significant areas of vegetation from the amendment area through the use of dual use paths, public open space areas and the like
- Control of off-road vehicle use and dumping of rubbish
- Fire management
- Promotion of community awareness of bushland protection

2.3 Stygofauna and Troglobitic Fauna Management

2.3.1 If studies in relation to karst and hydrology (see 2.4.1) indicate the likelihood of significant stygofauna and/or troglobitic fauna assemblages being present in or immediately adjacent to the amendment area, the landowner (with assistance from relevant scientific experts) shall undertake a survey (at the Local Structure Planning Stage) to assess the nature and extent of any population/s.

The survey shall be completed prior to finalisation of the Local Structure Plan and to the requirements of the Responsible Authority on advice from the Department of Conservation and Land Management and the University of Western Australia (Department of Zoology).

2.4 Assessment of Karst Landform

2.4.1 At the District and Local Structure Planning Stage, the landowner shall review existing geotechnical information and undertake further site investigations to confirm the nature and extent of karst landform within the amendment area.

This review shall be completed prior to finalisation of the District and Local Structure Plan and to the requirements of the Responsible Authority on advice from the Department of Environmental Protection.

2.5 Solid and Liquid Waste Management

2.5.1 The landowner shall ensure that lots within the industrial zone are connected to the deep sewerage system for the disposal of appropriate liquid wastes as approved by the relevant Government Agency/Agencies.

2.6 Environmental Reporting

2.6.1 The Responsible Authority shall provide a report to the Environmental Protection Authority every five years, or at the time of the review of the existing town planning scheme (whichever is the earlier), as per Section 48H of the Environmental Protection Act.

3. LOCATION OF LAND *AMD 41 GG 3/12/04*

EC3
Portions of Lots 118 and 807 and 'A' Class Reserve 27575, Clarkson

Environmental Conditions:

3.1 Buffer from Tamala Park Landfill

Residential land uses shall not be permitted within 500 metres of the active face of any existing or proposed putrescible waste filling area. Encroachments within this buffer may be acceptable if it is demonstrated to the Environmental Protection Authority, through appropriate studies and investigations, that odour, noise, landfill gas and dust will not adversely impact on future residents.

3.2 Environmental Management Plans

The following Management Plans are to be prepared in accordance with the specifications set out in Attachment 2 to the Minister for the Environment's "Statement that a Scheme may be Implemented" No 629 published on 8 July 2003 and shall subsequently be implemented in accordance with the provisions of those Management Plans:

- Environmental Management Plan.
- Stygofauna and Troglobitic Fauna Management Plan.

Schedule 6 — Additional site and development requirements that apply to land in Scheme Area (see Clause 4.8(1))

No.	*Description of land*	*Requirement*
1.	Commercial and Centre zones	1.1 All land contained in the Commercial and Centre zones shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum retail net lettable area shall be included in Schedule 7 of this Scheme, and subject to requirement 1.2 of this Schedule, shall bind the development of the land to no more than that area specified. 1.2 Notwithstanding the provisions of requirement 1.1 of this Schedule, the local government when considering applications for development approval may permit the development of the land to exceed the maximum retail net lettable area included in Schedule 7 of the Scheme, provided that the retail net lettable area for that land does not exceed what is stipulated in a structure plan or precinct structure plan approved by the Commission.
2.	Urban Development and Industrial Development zones	2.1 Subject to Clause 27 of the deemed provisions, no subdivision (including strata or survey strata subdivision), or other development should be commenced or carried out in an Urban Development or Industrial Development zone until a structure plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with a structure plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority. 2.2 The permissibility of uses in the Urban Development or Industrial Development zone, subject to Clause 27 of the deemed provisions, shall be determined with regard to the provisions of the relevant structure plan.
3.	Centre zone	3.1 Subject to Clause 43 of the deemed provisions, no subdivision (including strata or survey strata subdivision), or other development should be commenced or carried out in a Centre zone until an precinct structure plan has been prepared and adopted under the provisions of Part 5 of the deemed provisions. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with a precinct structure plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority. 3.2 The permissibility of uses in the Centre zone, subject to Clause 43 of the deemed provisions, shall be determined with regard to the provisions of the relevant precinct stcuture plan.
4.	Rural zone	4.1 When considering applications for subdivision or for development approval for development which relate to land which is within the Rural zone, the local government shall have regard to the objectives set out in subclause 3.1(2) for the Rural zone, the contents of any Local Planning Strategy adopted by the local government and the Commission and any other requirement for proper and orderly planning. 4.2 Where residential development is carried out in the Rural zone, the following provisions shall apply:

No.	*Description of land*	*Requirement*
		a) No person shall construct any building or undertake any development or other works, other than a fire break or an equivalent alternative approved by the local government or an accessway, closer than 7.5 metres to a street alignment or 4 metres to any other boundary. b) Notwithstanding that "Grouped Dwelling" is designated as a not permitted use class in the Rural zone in Schedule 1, the local government may approve the development of a maximum of two grouped dwellings on a lot if having regard to all relevant considerations it is reasonable to do so provided the local government is satisfied of all the following facts: i) The lot is a minimum of 5 hectares in area if situated south of Flynn Drive and 8 hectares in area if situated north of Flynn Drive; ii) Both dwellings will be erected in a position that complies with all other provisions of the Scheme, subject to any discretionary modifications by the local government. iii) The second dwelling is necessary or desirable to provide accommodation on the lot for a person or persons who will assist in the lawful management or exploitation of a rural or other resource on the land consistent with the objectives of the zone. iv) There is no current proposal for or intention of any person to propose subdivision of the lot including strata or survey strata subdivision. c) If the local government approves or has at any time before the gazettal of the Scheme approved a second dwelling on a lot in the circumstances set out in paragraph (b), that approval shall not be and shall not be taken to be support in any way for the future subdivision or strata subdivision of the lot or provision of separate certificates of title in respect of the two dwellings on the lot. d) It is the intent of the preceding paragraphs (b) and (c) that a second dwelling on a lot in this zone should be allowed to facilitate the carrying on of rural and resource exploitation uses, and the provisions should expressly not be used presently or in the future to support fragmentation of the land, or the alienation of ownership or use of either of the dwellings from the ownership and control of the person carrying on the rural or resource exploitation use. e) Notwithstanding anything set out in the preceding paragraphs, any approval by the local government for two grouped dwellings under the preceding paragraph (b) shall in any case require the owner seeking approval for a second dwelling to grant a Restrictive Covenant in gross in favour of the local government against the lot prepared at that owner's expense by solicitors for the local government precluding the owner or any future owner of the lot from seeking strata-subdivision or subdivision approval in any form for the lot.
5.	Rural Resource zone	5.1 When considering applications for subdivision or for development approval for development which relate to land which is within the Rural Resource zone, the local government shall have regard to the relevant matters listed in Clause 67 of the deemed provisions and in addition to the following matters:

No.	*Description of land*	*Requirement*
		a) The contents of any Local Planning Strategy adopted by local government and the Western Australian Planning Commission. b) Within the Rural Resource zone the priority uses are intensive agriculture, horticulture and basic raw materials extraction. c) The local government shall not support any use or subdivision or zoning that is, or potentially could be, incompatible with the carrying out of the priority uses referred to in requirement 5.1 (b). d) Unless proved otherwise to the satisfaction of the local government on a case by case basis, rural residential development is considered an incompatible use. e) There is a presumption in favour of applications for agriculture - intensive land uses in the agricultural resource areas identified in the Local Planning Strategy subject to the acceptable management of any offsite environmental and land use impacts. f) There is a presumption in favour of applications for the extraction of basic raw materials in the basic raw materials resource areas identified in the Local Planning Strategy subject to the management of offsite impacts and an approved land restoration plan to a standard suitable for intended subsequent long term land uses. g) Notwithstanding the presumptions in requirements 5.1 (e) & (f) above the local government will not support any proposals that adversely impact on any designated Bush Forever site, conservation category wetlands and their buffers, important heritage site and important site of Aboriginal significance. h) In the Rural Resource zone, erection of a single house shall be subject to development approval. i) In applying for development approval for 'sensitive uses' within the Rural Resource zone or on lots directly abutting the boundary of the Rural Resource zone, the local government shall require that the applicant includes with the application a written acknowledgment by the applicant, acknowledging the nature and legitimacy of any nearby existing or future priority use, and acceptance of the existence, or potential existence of noise, dust, odour and other impacts which may be associated with such uses. The local government shall not grant development approval to any 'sensitive use' where an acknowledgment in writing as required under this subclause does not accompany the development application. j) A copy of such written acknowledgments shall be kept in a permanent register by the local government, which shall be made available for public information. k) In addition to the provision of the written acknowledgments required pursuant to (i) above, applicants shall also be required, prior to granting of development approval by the local government, to arrange for the inclusion on the title of the land concerned, a notice to the same effect as that given by the written acknowledgment, to facilitate awareness of the matters concerned by future owners of that land. 5.2 No person shall construct any building or undertake any development or other works, other than a fire break or an equivalent alternative proposed by the local government or an accessway, closer than 7.5 metres to a street boundary or 4 metres to any other boundary; 5.3 Where residential development is carried out in the Rural Resource zone, the following provisions shall apply: a) Notwithstanding that "Grouped Dwelling" is designated as a not permitted use class in the Rural Resource zone in Schedule 1, the local

No.	Description of land	Requirement
		government may approve the development of a maximum of two grouped dwellings on a lot if having regard to all relevant considerations it is reasonable to do so provided the local government is satisfied of all the following facts: (i) The lot is a minimum of 5 hectares in area if situated south of Flynn Drive and 8 hectares in area if situated north of Flynn Drive; (ii) Both dwellings will be erected in a position that complies with all other provisions of the Scheme, subject to any discretionary modifications by the local government; (iii) The second dwelling is necessary or desirable to provide accommodation on the lot for a person or persons who will assist in the lawful management or exploitation of a rural or other resource on the land consistent with the objectives of the zone; (iv) There is no current proposal for or intention of any person to propose subdivision of the lot including strata or survey strata subdivision. b) If the local government approves or has at any time before the gazettal of the scheme approved a second dwelling on a lot in the circumstances set out in paragraph (a), that approval shall not be and shall not be taken to be support in any way for the future subdivision or strata subdivision of the lot or provision of separate certificates of title in respect of the two dwellings on the lot. c) It is the intent of the preceding paragraphs (a) and (b) that a second dwelling on a lot in this zone should be allowed to facilitate the carrying on of rural and resource exploitation uses, and the provisions should expressly not be used presently or in the future to support fragmentation of the land, or the alienation of ownership or use of either of the dwellings from the ownership and control of the person carrying on the rural or resource exploitation use. d) Notwithstanding anything set out in the preceding paragraphs, any approval by the local government for two grouped dwellings under the preceding paragraph (a) shall in any case require a person seeking approval for a second dwelling to grant a Restrictive Covenant in gross in favour of the local government against the lot prepared at that owner's expense by solicitors for the local government precluding the owner or any future owner of the lot from seeking strata subdivision or subdivision approval in any form for the lot.
6.	Rural Residential zone	6.1 General Provisions a) The Scheme provisions for a specific Rural Residential zone shall include a structure plan for that specific zone. The structure plan for a specific zone shall include any of the matters in Clause 16 of the deemed provisions which local government considers appropriate for that specific zone. Subdivision and development should be in accordance with the structure plan. b) The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing, at the time of purchase of a

No.	*Description of land*	*Requirement*
		lot, the requirements and provisions of the Rights in Water and Irrigation Act and more specifically the fact that: (i) the Department of Water and Environmental Regulation imposes constraints on the extraction of ground water from and the use of groundwater on the land. (ii) where the lot is within a proclaimed groundwater area it is unlikely that a licence will be issued for the use of groundwater for amounts more than 1500m3 per annum, i.e. sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 hectare of pasture or other crops. c) Only one dwelling (a single house) may be erected on each lot. d) No development shall take place within 25 metres of a street boundary or within 15 metres of a side or rear boundary. Where a lot has a boundary with more than one street the local government shall designate one such street as the frontage and may permit buildings to within 15 metres from the other street boundaries. e) When exercising its powers to relax requirements and standards under the provisions of Clause 4.10 the local government shall, in addition, pay particular regard to the effect on flora and fauna, and the character and amenity of the Rural Residential zone. f) Except where a reticulated water supply is provided, a person shall not construct a dwelling unless a concrete water tank of not less than 90,000 litres or other type of domestic water supply approved by the local government is incorporated in the plans and constructed at the same time as the dwelling. If with the approval of the local government groundwater is used the approval of the Department of Water and Environmental Regulation is also required. All lots less than 2 hectares in size shall have a reticulated scheme water supply to the satisfaction of the Water Corporation. g) The approval of the local government and of the Commissioner for Health to the proposed method of disposal of sewage and other domestic wastes (either solid or liquid) is required. h) No dwelling shall be constructed unless it is on at least a 1,000m^2 portion of the lot, located behind the building setback line, which will result in the dwelling and base of the dwelling effluent disposal chamber being a minimum height (as determined by the Health Department of Western Australia and the Department of Water and Environmental Regulation) above the expected maximum water table level as shown on the Structure Plan. This will ensure compliance with the requirements for effluent disposal systems set down by the Health Department of Western Australia. i) The land is to be managed in such a manner as to avoid it being laid bare of vegetation. Land shall not be cleared of vegetation except where necessary to permit the construction of buildings or where the vegetation is dead or poses a hazard to safety. j) A person shall not without development approval of the local government remove, cut down, or damage any vegetation on land

No.	Description of land	Requirement
		within a Rural Residential zone including street verges. Where the local government grants approval it may impose a condition requiring the planting of suitable vegetation at the cost of the applicant. k) The local government may permit an area of not more than 1,000m^2, in a central location on each lot, to be cleared for the establishment of a residence, garage, ancillary buildings and a non-commercial garden/product/ pasture area, this cleared area shall be no closer than 15 metres to any side or rear boundary. l) The approval of the local government is required for the keeping of horses. In seeking such approval, the applicant is required to include with the application a management plan demonstrating that the proposal is acceptable to Agriculture Western Australia and the Department of Water and Environmental Regulation. m) The subdivider shall develop all areas designated as or set aside for the purposes of public open space within the land the subject of the subdivision to the satisfaction of the local government and within the period stipulated by the local government. n) When a Special Rural zone Development Guide Plan was adopted and approved under the City's Town Planning Scheme No. 1 immediately before the revocation of Scheme No. 1, and was referred to the Schedule 4 of Scheme No. 1, it shall have the status of a structure plan under requirement 6.1 a) of this Schedule of this Scheme as if it was proposed and adopted under the provisions of this Scheme. 6.2 Special Provisions: Special Provisions relating to individual Rural Residential zones are set out in Schedule 8. In the case of any conflict the Special Provisions shall prevail over the general provisions of the Scheme. The Special Provisions for a specific Rural Residential zone shall specify, amongst other things: a) Proposals for the control of land uses and development which will ensure that the objectives of the zone are secured and the rural environment and amenities are not impaired; b) Any stipulation or requirement the owner of the land must satisfy pursuant to any agreement between the owner and the local government; c) Without limiting the generality of requirement 6.1, any other obligation of the owner relevant to the subdivision, development or use of the land. 6.3 Notwithstanding any other provision of the Scheme, in the case of any conflict between the special provisions relating to individual Rural Residential zones and Schedule 1, the special provisions shall prevail.
7.	Smart Growth Community Zone	7.1 The purpose of the Smart Growth Community zone is to facilitate the orderly planning and development in an integrated manner within a regional context through the application of a Transect Based Code. The Transect Based Code is to include standards to regulate land use and coordinate the design of buildings, thoroughfares and civic spaces to promote development that adheres to the principles of the Transect.

No.	*Description of land*	*Requirement*
		7.2 Subclauses 4.1(3) and 4.1(6) shall not apply to the Smart Growth Community zone. 7.3 Special provisions relating to individual Smart Growth Community zones are set out in Schedule 9. 7.4 Subject to Clause 27 of the deemed provisions, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in a Smart Growth Community zone until a structure plan has been prepared and adopted under Part 4 of the deemed provisions of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan which is in existence at the time of the application for approval of the subdivision or other development is received by the responsible authority. 7.5 The structure plan area shall allocate transect zones of the transect, and may allocate civic spaces and special districts. A minimum of three of the following transect zones shall be allocated to any Smart Growth Community zone— Transect Zone 1—Natural Reserve (T1) Transect Zone 2—Natural Living (T2) Transect Zone 3—Sub-Urban (T3) Transect Zone 4—General Urban (T4) Transect Zone 5—Urban Centre (T5) Transect Zone 6—Urban Core (T6). 7.6 The character and development within each transect zone shall be consistent with the transect zone descriptions contained in Schedule 10. 7.7 A Transect Based Code shall form part of a structure plan under Part 4 of the deemed provisions of the Scheme. 7.8 Notwithstanding requirement 7.7, the Western Australian Planning Commission is not required to consider, approve or administer the Transect Based Code component of the Agreed Structure Plan. 7.9 The Transect Based Code component of a structure plan shall be consistent with the remainder of the structure plan in relation to residential density, lot size ranges, thoroughfare width, layout and hierarchy, public open space, land use permissibility and any other issue identified by the Western Australian Planning Commission in a Structure Plan. 7.10 In addition to the items referred to in Clause 16 of the deemed provisions, the Transect Based Code, shall include the following design standards calibrated from the SmartCode® model ordinance— a) Regulating Plan Series, comprising as a minimum, a Transect Plan and Control Plan.

No.	*Description of land*	*Requirement*
		b) Urban Standards, comprising as a minimum, standards for building types, site coverage, building setbacks, car parking placement, building height and building frontage types. c) Thoroughfare Standards, comprising as a minimum, the assignment of thoroughfare types for all vehicular and pedestrian ways of the movement network and the inclusion of design specifications for each thoroughfare type. d) Landscape Standards, allocating civic space types to all public open space areas and including design specifications for each type. 7.11 The Transect Based Code, excluding residential density, lot size ranges, thoroughfare width, layout and hierarchy, public open space and any other issue identified by the Western Australian Planning Commission in a structure plan, may be varied through the preparation and approval of a local development plan in accordance with Part 6 of the deemed provisions.
8.1	Landscape Enhancement Zone	8.1 The Landscape Enhancement zone is intended to accommodate agricultural and horticultural land uses and small-scale tourism activities. All development in the Landscape Enhancement zone shall be conducted in a manner that preserves the rural character of land within this zone. 8.2 When considering applications for development approval for development which relate to land which is within the Landscape Enhancement zone, the local government shall have regard to the objectives set out in Clause 3.1(2) for the Landscape Enhancement zone, the relevant matters listed in Clause 67 of the deemed provisions and to the following: a) The local government shall not support any use or zoning that is, or potentially could be, incompatible with the intent of the Landscape Enhancement zone as set out in requirement 8.1 of Schedule 6. b) The local government will not support any proposals that adversely impact on any designated Bush Forever site, conservation category wetlands and their buffers, important heritage site and important site of Aboriginal significance. c) A person shall not without development approval of the local government remove, cut down, or damage any vegetation on land within a Landscape Enhancement zone including street verges. Where the local government grants approval it may impose a condition requiring the planting of suitable vegetation at the cost of the applicant. d) The provisions of any Local Planning Policy relating to the zone. 8.3 Building and development on a lot, except for fences and firebreaks, must be contained within a building envelope defined on a plan adopted by the local government. Such an envelope shall accord with any relevant local government Policy and must be located so as to: a) Avoid detrimentally impacting on areas of landscape and scenic value; b) Avoid areas where ground or soil conditions may inhibit the structural integrity of buildings or cause pollution, erosion or flooding;

No.	*Description of land*	*Requirement*
		c) Maximise opportunities for buildings to take advantage of passive solar light; and d) Maximise opportunities for efficient effluent disposal. 8.4 Notwithstanding the requirements set out in requirement 8.3 of Schedule 6, the local government may at its discretion approve development outside the building envelope, if it is satisfied that the amenity of the area, the privacy of adjoining properties, and the landscape or environment of the area will not be detrimentally affected.
9.	All zones	Setbacks for Non Rural and Non Residential Development 9.1 Subject to the provisions of Part 3 or as otherwise provided in this clause, non rural and non residential buildings shall be set back as follows: a) Street boundary – 6 metres; b) Side and rear boundaries – Nil. 9.2 Where a lot has a boundary with two or more streets, the local government shall determine which of these streets may be considered secondary street boundaries. Setbacks to secondary street boundaries may be reduced by the local government to 3 metres. 9.3 Where a non residential development is proposed to be located on a lot having a common boundary with a Residential zoned lot, the side and rear setbacks shall not be less than: a) 3 metres for buildings of one storey; or b) 6 metres for buildings of two or more storeys. 9.4 That portion of a lot within 3 metres of the street boundary shall only be permitted to be used for a means of access and landscaping. 9.5 That portion of a lot between 3 metres of the street boundary and the building setback line shall only be permitted to be used for: a) a means of access; b) the loading and unloading of vehicles; c) landscaping; d) a trade display; e) the daily parking of vehicles used by employees and customers of the development. No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired or for the stacking or storage of materials, products or wastes. 9.6 All buildings constructed on a lot adjoining a Right-of-Way shall be setback a minimum of 1.5 metres from the Right-of-Way, or in the case of a carport, garage or parking bay, such additional distance that the local government may require to ensure adequate vehicular manoeuvring. 9.7 All development on land abutting a road which is proposed to be widened shall be setback from the street boundary of the road as if the road had been widened as proposed.
10.	All zones	Building Facades for Non Rural and Non Residential Development

No.	*Description of land*	*Requirement*
		10.1 The façade or facades of all non rural and non residential development shall be of a high standard of architectural design and constructed in brick, masonry and/or plate glass or other approved material which in the opinion of the local government would not adversely impact on the amenity or streetscape of the area. Where metal clad walls are approved by the local government they shall have a factory applied paint finish. 10.2 The facade or facades of all non rural and non residential development shall have incorporated in their design, integrated panels for the purpose of signage placement.
11.	All zones	Traffic Entrances 11.1 The local government may where it considers it desirable and in the interests of traffic safety, to reduce traffic hazards or otherwise to assist in the planning for vehicular traffic, direct the owner of any lot to limit access and egress or provide such additional access and egress as it requires to any premises.
12.	All zones	Visual Truncations to Vehicular Accessways in the Vicinity of Streets or Rights-of-Way 12.1 No building, wall, fence, landscaping or other development greater than 0.6 metres in height measured from the natural ground level at the boundary shall be constructed or maintained within the sight line area stipulated in the Australian Standard for Off Street Parking AS2890.1 at the intersection of a vehicular accessway and a street or right-of-way.
13.	All zones	Pedestrian and Vehicle Reciprocal Access Requirements 13.1 If the local government approves car parking and pedestrian access on neighbouring premises in a manner which relies on the reciprocal movement of vehicles and pedestrians between or across the premises, the owners concerned shall allow the necessary reciprocal access and parking at all times to the satisfaction of the local government.
14.	All zones	Service Areas and Access 14.1 Provision shall be made for service access to the rear of all taverns, hotels, tourist and visitor accommodation, shops, bulky goods showrooms, restaurants/cafes, lunch bars, fast food outlets, convenience stores, liquor stores (large or small) and other commercial uses as required by the local government for the purpose of loading and unloading goods unless considered by the local government to be undesirable in a particular instance.
15.	All zones	Storage and Rubbish Accumulation 15.1 All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 metres in height constructed of brick, masonry or other approved material. All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.

No.	*Description of land*	*Requirement*
16.	All zones	Car Parking Standards 16.1 The number of on-site car parking bays to be provided for specified development shall be in accordance with Schedule 11. Where development is not specified in Schedule 11 the local government shall determine the parking standard. The local government may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate. 16.2 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS2890.1 or AS2890.2 as amended from time to time. Car parking areas shall be constructed, marked, drained and thereafter maintained to the satisfaction of the local government.
17.	All zones	Car Parking – Cash in Lieu or Staging 17.1 The local government may permit car parking to be provided in stages subject to the landowner setting aside an area of land sufficient to accommodate the total car parking requirement for the development and entering into a legal agreement to satisfactorily complete all the remaining parking when requested to do so by the local government. 17.2 The local government may accept a cash payment in lieu of the provision of any required parking area subject to being satisfied that there is adequate provision for car parking or a reasonable expectation that there will be adequate provision for public car parking in the proximity of the proposed development. 17.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the local government, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the local government shall from time to time determine. 17.4 Any cash payment received by the local government pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by the local government.
18.	All zones	Bicycle Parking and End of Trip Facilities 18.1 The local government may require the provision of bicycle parking and end of trip facilities such as showers, change rooms and lockers in commercial developments and other employment centres in accordance with Austroads' Guide to Engineering Practice Part 14: Bicycles.
19.	All zones except for rural and residential zones	Landscaping Requirements for Non Rural and Non Residential Development 19.1 A minimum of 8% of the area of a development site shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. In addition the road verge adjacent to the lot shall be landscaped and maintained to the satisfaction of the local government.

No.	*Description of land*	*Requirement*
		19.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause. 19.3 Landscaping shall be carried out and maintained on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking. Alternatively, the local government may require these areas to be screened from view of streets and other public places. 19.4 Landscape areas shall be designed and located to improve the visual appeal of the development from the street and other public spaces and the standard of amenity for those using the development. The use of endemic trees and shrubs are encouraged. 19.5 Shade trees shall be planted and maintained in car parking areas designed within the wells at the rate of one tree for every four (4) car parking bays, to the local government's satisfaction.
20.	All zones	Screening of Storage Areas 20.1 The owner of land on which there is stored, stacked or allowed to remain any materials which in the local government's opinion detract from the amenity of the area shall completely screen the said materials from adjoining properties and from streets in a manner specified by and to the satisfaction of the local governments, by means of walls, fences, hedges or shrubs.
21.	All zones	Minimum Lot Dimensions 21.1 Minimum lot sizes and frontages are not specifically set for the purposes of this Schedule. The extent of any development on any lot shall be dependent upon other development requirements. Notwithstanding the foregoing, the local government may establish policies outlining specific minimum lot dimensions for specific types of development where it considers that it is prudent to do so.
22.	All zones	Commercial Vehicle Parking 22.1 Parking of commercial vehicles in the Residential, Mixed Use, Urban Development, Centre, Commercial, Rural Residential and Rural zones shall not be permitted except in accordance with the provisions set out in the following paragraphs of this requirement. The requirements of No. 22 in Schedule 6 do not apply when the commercial vehicle parking is in association with or incidental to a commercial use that has been approved by the local government or a use that is otherwise lawfully being undertaken on the land. 22.2 A person shall not park, or permit to be parked, more than one commercial vehicle on any lot in the zones referred to in this requirement except in the Rural Residential and Rural zones, where the following requirements shall apply in respect to the parking of more than one commercial vehicle on any lot in those zones: a) Upon application for development approval the local government may permit up to two commercial vehicles to be parked on a lot in the Rural Residential zone, or on a lot of two hectares or less in the Rural zone.

No.	*Description of land*	*Requirement*
		b) Upon application for Development Approval the local government may permit up to four commercial vehicles to be parked on a lot larger than two hectares in the Rural zone. 22.3 A person may only park a commercial vehicle on a lot in the zones referred to in the requirements of No. 22 of Schedule 6 if: a) The lot on which the vehicle is parked contains only a single house (including any associated outbuildings) provided that the local government may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling developed or the surrounding area; b) In the case of a lot in the Residential, Mixed Use, Urban Development, Centre and Commercial zones the vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front of the dwelling, or alternatively the vehicle is parked within a garage. In the case of a lot in the Rural Residential and Rural zones, the vehicle(s) shall not be readily visible from beyond the property boundaries and shall be located within the building envelope (if applicable) and behind the building setbacks, with adequate screening or alternatively parked within a garage; c) The vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling. The foregoing requirement of this item shall not be satisfied in any case unless the owner of the vehicle or an occupier of the dwelling within seven days of the local government making a request, supplies to the local government full information as to the name and occupation of the person said to be using the vehicle. The request for that information is made for the purpose of this item by posting the request to the address of the owner of the vehicle shown on the vehicle registration, or by posting the request to or leaving it at the dwelling addressed in general way to the occupier. The parking of the vehicle on the lot does not authorise the conduct on that lot of the occupation of the vehicle user; d) The vehicle does not exceed 3 metres in height (including the load), 2.5 metres in width, or 8 metres in length, except in the case of a lot in the Rural Residential, and Rural zones where the height and width are not controlled but the maximum vehicle combination length shall not exceed 19 metres; e) The vehicle is not started or manoeuvred on site between the hours of 10.00 pm and 6.00 am the next following day; f) While on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five minutes; g) Storage of liquid fuels on the lot complies with the Explosive and Dangerous Goods Act, 1961; h) The vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes or other use so as to cause nuisance or pollution as defined in the Health Act 1911 and/or the Environmental Protection Act 1986;

No.	*Description of land*	*Requirement*
		i) The vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis; j) While on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, unloading or unloading of the vehicle, or storage of goods associated with the use of the vehicle; k) The vehicle is not used or operated as a tow truck or other emergency vehicle, between the hours of 10.00 pm to 6.00 am in a manner that adversely affects the residential amenity of the area; l) The parking and manoeuvring of the vehicle shall not cause damage or removal to existing vegetation on the lot. 22.4 Where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the Environmental Protection Act 1986, the hours of operation shall be restricted to 7.00 am – 9.00 pm Monday to Saturday and 9.30 am – 9.00 pm Sundays and Public Holidays. Any restrictions imposed on the hours of operation shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986. 22.5 Only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same or other location on the lot as approved by the local government under requirement 22.6. All cleaning and servicing shall be conducted behind the front of the dwelling. 22.6 The local government may upon application for Development Approval approve a variation to any of the requirements of requirements 22.3 (b), (d), (e), (k) and (l) provided the local government is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation. 22.7 An approval of the local government granted under requirement 22.6 is personal to the person to whom it is granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted. 22.8 A vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than one hour in aggregate over any period of 24 hours unless the vehicle is being used bona fide in connection with ongoing construction work legally being carried out on the lot, the burden of proving which shall lie upon the person asserting it.
23.	All zones	Protection and Relocation of Native Fauna 23.1 Where land is to be cleared of vegetation or where landforms or drainage patterns are to be altered and in the opinion of the local government the area may provide habitat for native fauna, the local government may, as

No.	Description of land	Requirement
		part of the preparation of a structure plan under Part 4 of the deemed provisions or an approval to commence development and/or subdivision, require the applicant to prepare a Native Fauna Management Plan to the satisfaction of the local government on the advice of the Department of Biodiversity, Conservation and Attractions prior to clearing the land. 23.2 The Native Fauna Management Plan is to be prepared and implemented at the developer's/subdivider's cost by a suitably qualified person(s) acceptable to the local government. 23.3 The Native Fauna Management Plan should include, but is not limited to the following: a) A description of the field survey and recording methodology; b) A time frame and program for undertaking the surveys; c) The field survey results and recommendations; d) The method of protecting, enhancing and conserving the existing habitat where any native fauna is to be retained on-site or on adjoining land; e) A time frame and program for undertaking the trapping and relocation of any native fauna; f) The method of relocating the native fauna, if appropriate; g) A description of the trapping procedure, if required; h) The identification of a suitable alternative habitat for the native fauna, if required; and i) A time frame for advising the local government and the relevant Government agencies of the outcome of any relocation program undertaken for any native fauna.
24.	All zones	Control of Advertisements 24.1 Objectives The objectives of the provisions for control of advertisements are: a) To ensure that the visual quality and character of particular localities and transport corridors are not eroded; b) To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic; c) To minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising; d) To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their number, colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;

No.	*Description of land*	*Requirement*
		e) To reduce and minimise clutter; and f) To promote a high standard of design and presentation in outdoor advertising. 24.2 Existing Advertisements Advertisements which: a) Were lawfully erected, placed or displayed prior to the Commencement Day of the Scheme; or b) May be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of this Scheme: may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate. 24.3 Enforcements and Penalties The offences and penalties specified in the Act shall apply to the advertiser in this requirement.
25.	Lots 10 & 11 Dundebar Road and Lots 28 & 29 Belgrade Road, Wanneroo	i. A Structure Plan is to be approved prior to any subdivision and/or development occurring. ii. A Structure Plan prepared for this land shall include: 1. The retention and protection of fauna habitat and flora and vegetation values being incorporated into the design of future on-site development, in consultation with the Department of Biodiversity, Conservation and Attractions. 2. Identification of infrastructure upgrades required to support development on the subject land and support subdivision and/or development approval conditions for infrastructure as identified in the approved Structure Plan.
26.	Neerabup Industrial Area Bound by Lot 801 on DP 415725, Lot 502 on DP 409677, Lot 1 on D 12751, Lot 9003 on DP 70103, Lot 100 on DP 63371, Lot 1506 on DP 407752, Lot 801 on DP 57533, Lot 902 on DP 50843 and Flynn Drive *AMD 202 GG 12/1/2024*	Subdivision and development of the subject land shall be in accordance with an approved structure plan.
27.	Light Industry zone in the Neerabup locality *AMD 202 GG 12/1/2024*	Notwithstanding the provisions of Schedule 1 – Zoning Table, the 'Bulky Goods Showroom' and 'Motor Vehicle, Boat or Caravan Sales' use classes shall be dealt with as "P" uses pursuant to Clause 3.3 (2); except in the Neerabup locality

No.	*Description of land*	*Requirement*
		where these use classes are dealt with as “D” uses.

Schedule 7 - Centre & Commercial Zones (see No. 1 of Schedule 6)

COMMERCIAL AND CENTRE ZONES: RETAIL NET LETTABLE AREA

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m^2)
ALEXANDER HEIGHTS (Alinjarra Village)	Lots 5484 and 5481 on Diagram 57377 (40) Greenpark Road	1000
ALEXANDER HEIGHTS	Lots 1-5 on Plan 23848 (190-200) Mirrabooka Avenue	12000
BANKSIA GROVE (Neerabup)	Lot 2000 on Plan 21683 (131) Clarkson Avenue Lot 2001 on Plan 21682 (129) Flynn Drive	15000
BANKSIA GROVE *AMD 55 GG 25/8/06*	*DELETED BY AMD 196 GG 7/11/23* Portion of Lot 9509 - Lot 530 on Plan 23714 (2) Viridian Drive	
BANKSIA GROVE *AMD 196 GG 7/11/23*	Lot 530 on Plan 23714 (2) Viridian Drive	200
CARRAMAR *AMD 196 GG 7/11/23*	Lot 2495 on Deposited Plan 49069 (7) Cheriton Drive	5500
CLARKSON DISTRICT CENTRE	Various lots on Plans 12492, 23837, 23838 & 23839 comprising approximately 41ha. and bounded generally by Marmion Avenue to the west, Belleville Gardens to the north, Neerabup Road to the south and Lower Keys Drive to the east.	28800
CLARKSON	Lot 1 on Diagram 93277 (30) Ainsbury Parade	3000
CLARKSON	Lot 16 on Plan 12489 (650) Connolly Drive *DELETED BY AMD 210 GG 4/3/2025 and replaced with:* Lot 2000 Celebration Boulevard on DP: 408645 Lot 1161 Celebration Boulevard on DP: 49180 Lot 1162 Celebration Boulevard on DP: 49180 Lot 1163 Celebration Boulevard on DP: 49180 Lot 1187 Celebration Boulevard on DP: 44079 Lot 1188 Ocean Keys Boulevard on DP: 45434 Lot 1189 Ocean Keys Boulevard on DP: 45434 Lot 1196 Ocean Keys Boulevard on DP 45433 Lot 1195 Ladera Drive on DP: 44079 Lot 1194 Ladera Drive on DP 45433	~~3000~~ 3000
GIRRAWHEEN (Newpark)	Lot 501 on Diagram 47190 (64) Marangaroo Drive	10500
GIRRAWHEEN (Marangaroo)	Lot 503 on Diagram 52429 (70) Marangaroo Drive	2000
GIRRAWHEEN (Hainsworth Plaza)	Lot 10 on Plan 16672 (1) Tonkin Place	1000
GIRRAWHEEN (Summerfield)	Lots 1, 3 and 4 on Diagram 52358 (1, 2 and 3) Wade Court	5500

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m^2)
HOCKING *AMD 2 GG 7/5/02*	Lot 179 on Diagram 95026 (21) East Road	700
JINDALEE	Lot 10 on Plan 12465 (2469) Marmion Avenue	3000
JINDALEE *AMD 172 GG 05/05/2023*	Lot 1378 on Plan 49303 (6) Jindalee Boulevard and Lot 1377 on Plan 49303 (6) Cockleshell Brace	1700
JINDALEE *AMD 192 GG 15/3/22*	Lot 1900 on Deposited Plan 401242 (10) Clew Way	1000
JINDALEE	*DELETED BY AMD 17 GG 21/1/05* Lot 12 on Plan 12466 (2539) Marmion Avenue	
KOONDOOLA (Koondoola Plaza)	Lots 251 and 253 on Diagram 51424 (38 and 28), Lot 1 on SP 6328252 (34) Koondoola Avenue, and Lot 250 on Diagram 52505 (20) Burbridge Avenue Koondoola Avenue	3000
LANDSDALE *AMD 55 GG 25/9/06*	Lot 991 and Lot 978 The Broadview	3000
MADELEY (Kingsway City)	*DELETED BY AMD 205 GG 21/11/25* Portions of Lots 2 and 3 on Diagram 24051 Wanneroo Road	15000
MARANGAROO (Banksia MiniMart)	Lot 417 on Plan 15037 (50) Highclere Boulevard	500
MERRIWA	Pt Lot 1384 on Diagram 83356 (44) and Lot 1383 (50) Baltimore Parade, Lot 800 (12) and Lot 801 (10) Jenolan Way.	4000
MERRIWA AMD 88 GG 12/5/09	Lot 1769 on Diagram 90122 (16) Hughie Edwards Drive and Lot 1768 on Diagram 90121 (22) Hughie Edwards Drive Lot 6 on Deposited Plan 48043 (12) Hughie Edwards Drive	500 500
MINDARIE	*DELETED BY AMD 8 GG 18/2/03* Pt Lot 962 on Plan 17343 (1991) Anchorage Drive	
MINDARIE	Lots 1 on Diagram 94198 (6) Rothesay Heights, and Lot 2 on Diagram 94198 (36) Anchorage Drive	2000
QUINNS ROCKS	Lot 21 on Diagram 73962 (23) Beverley Crescent	1500
QUINNS ROCKS (General Store)	Lot 119 on Plan 7318 (80) Ocean Drive	500
QUINNS ROCKS	Lot 80 on Plan 16188 (121) Quinns Road	2500
QUINNS ROCKS *AMD 5 GG 7/11/03*	Portion of Lot 8002 Santa Barbara Parade	500

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m^2)
QUINNS ROCKS	Lot 292 on Plan 20371 (8) Duncombe Grove	500
RIDGEWOOD	*DELETED BY AMD 39 GG 20/8/04* Pt Lot 31 on Plan 13337 (870) Connolly Drive	
TAPPING AMD 55 GG 25/8/06	*DELETED BY AMD 100 GG 25/6/10* Portion of Lot 9018 (NE6)	
TWO ROCKS (Atlantis Village)	Lot 51 on Diagram 67042 (8) Enterprise Avenue	1500
WANGARA	*DELETED BY AMD 128 GG 11/9/15* Lot 4 on Diagram 58425 (35) Prindiville Drive	
WANGARA AMD 73 GG 20/11/09	*DELETED BY AMD 134 GG 26/8/14* Portion of Lot 478 Prestige Parade and Lot 479 Vision Street	
WANNEROO DISTRICT CENTRE	Various lots in the precinct generally bounded by the following roads/lots (in a clockwise direction from the southwest): Frederick Street, Crisafulli Avenue, Leach Street, Hastings Street, Keane Street, Shaw Road, Frederick Street, Church Street, Wanneroo Road, Lot 9000 (1000) Wanneroo Road (northern & eastern boundaries), Dundebar Road, Civic Drive, Sinagra Street, Wanneroo Road and Ariti Avenue.	30000
WANNEROO LOCAL CENTRE (Villanova Street) *AMD 54 GG 6/1/06*	Lot 5 Villanova Street, Wanneroo	700
YANCHEP	Lot 12 on Diagram 73759 (3) Newman Road	1500
YANCHEP *AMD 81 GGT 20/11/09*	Pt Lot 1126 (154) Lagoon Drive, Yanchep	350
YANCHEP *AMD 4 GG 4/3/03*	Portion of Lot 1010 on diagram DP27575, 65 Yanchep Beach Road, Yanchep	550

Schedule 8 – Rural Residential Zone Special Provisions

(see Requirement 6.2 of No. 6 of Schedule 6)

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
RR1	Swan Location 1757 and 618 Flynn Drive and Wanneroo Road, Wanneroo	1) The minimum lot size shall be not less than 2ha. The maximum number of Rural Residential lots to be created in the Amendment area shall be 154. Subdivision shall generally be in accordance with the structure plan. 2) The land the subject of this zone may be used for residential, equestrian, horticultural and/or agricultural purposes only. Notwithstanding this, the use of lots of less than 4 ha in area for commercial purposes is prohibited. 3) The existing vegetation on lots which are to be used for approved equestrian, horticultural and/or agricultural purposes may be cleared to the extent approved for those purposes. 4) The keeping of livestock and poultry for commercial purposes is prohibited.
RR2	Pt Swan Location 1942 and Pt 1669 and Lot 16 Swan Location 1791 Trichet Road, Wanneroo.	1) The minimum lot size shall be not less than 1.0 hectare and the average lot size shall be not less than 1.85ha and subdivision shall be carried out in accordance with the Structure Plan. 2) The land east of Franklin Road/Lenore Road may be used for equestrian, residential and/or horticultural purposes only. 3) Subject to the provisions of Special Provision No 4 the land west of Franklin Road/Lenore Road may be used for rural/residential purposes. 4) The keeping of livestock (with the exception of horses) and poultry for commercial purposes is prohibited. 5) The existing vegetation on lots which are to be used for approved equestrian or horticultural purposes may be cleared to the extent approved for those purposes.
RR3	Swan Location 1805 corner Franklin and Caporn Roads, Wanneroo	1) The minimum lot size shall be not less than 1.0 hectare and the average lot size not less than 1.5ha and subdivision shall generally be in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential and/or horticultural purposes only. 3) The existing vegetation on lots which are to be used for horticultural purposes may be cleared to the extent approved for that purpose. 4) The keeping of livestock and poultry for commercial purposes is prohibited.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
RR4	Swan Location 1948 and 1540 Corner Pinjar Road and Neaves Road, Wanneroo.	1) The minimum lot size shall be 1.0 hectare with the average lot size being not less than 1.5ha and all subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for equestrian, residential and/or horticultural purposes only. 3) The existing vegetation on lots which are to be used for approved equestrian or horticultural purposes may be cleared to the extent approved for those purposes. 4) The keeping of livestock (with the exception of horses) and poultry for commercial purposes is prohibited. 5) All fencing must be carried out to the satisfaction of the local government.
RR5 (formerly SRZ No.7 under TPS1)	Lot Numbers 3, 4, 5 Sydney Road, Swan Location 2488 Part Swan Location 887 Sydney Road, Perth Shire Location 104 (C/T 1048 Sydney Road; Lots 18 and 19 Lorian Road, Swan Location 1882; Part Swan Location 1494 Lorian Road and Lot 20 Knight Street, Swan Location 1882 (A113 and 287).	1) The minimum lot size shall be not less than 1.0 hectare and subdivision shall generally be in accordance with the Structure Plan adopted 23 September 1987. 2) The land the subject of this Zone may be used for equestrian, residential and/or horticultural purposes only. 3) The existing vegetation on lots which are to be used for approved equestrian or horticultural purposes may be cleared to the extent approved for those purposes. 4) The keeping of livestock (with the exception of horses) and poultry for commercial purposes is prohibited. 5) Each lot is to have included within it an area of at least 1000m2 which for the land west of Sydney Road, lies above the 47 metre (AHD) contour; for the land east of Sydney Road, lies above the 48 metre (AHD) contour; all residential development must be undertaken above that level. (6) No Road surface is to be constructed below the 46.75 metre (AHD) contour.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
RR6 (formerly SRZ No.12 under TPS1)	Part Swan Location 1942 and Part 1669 and Lot 16 Swan Location 1791 Trichet Road, Wanneroo.	1) The minimum lot size shall be not less than 1.0 hectare and the average lot size shall be not less than 1.85ha and subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential, equestrian and/or horticultural purposes only. 3) The existing vegetation on lots which are to be used for approved equestrian or horticultural purposes may be cleared to the extent approved for those purposes. 4) The keeping of livestock (with the exception of horses) and poultry for commercial purposes is prohibited.
RR7 (formerly SRZ No. 15 under TPS1)	Swan Locations 672, 774, 1687m 1688, 2385, 2384, 2451 and Pt Swan Location 740.	1) The minimum lot size shall be 1.0 hectare and all subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential and equestrian purposes only. 3) The existing vegetation on lots which are to be used for approved equestrian purposes may be cleared to the extent approved for that purpose. 4) The keeping of livestock and poultry for commercial purposes is prohibited.
RR8	Lots 1584, 1866, 2311 and 2314 Neaves Road, Mariginiup	1) The minimum lot size shall not be less than 2.0 hectares and the subdivisions and development shall be carried out in accordance with the structure plan. 2) As parts of the land are subject to periodic inundation, no dwelling shall be constructed unless it is on at least a 1000m^2 portion of the lot, located behind the building setback, which will result in: i) the finished floor level of dwellings being: a) within areas determined by the local government to be subject to periodic inundation – a minimum of thirteen hundred (1300) millimetres above the Reduced Level to which flooding may occur (as determined from time to time by the local government); b) within areas determined by the local government to not be subject to periodic inundation – a minimum of four hundred (400) millimetres above natural ground level; ii) the underside of effluent disposal chambers of conventional effluent disposal systems servicing dwellings being a minimum of two (2) metres above the estimated

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; (iii) the underside effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings being a minimum of five hundred (500) millimetres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; (iv) the effluent disposal chambers of conventional on-site sewage disposal systems servicing dwellings being a minimum horizontal distance of one hundred (100) metres from areas determined from time to time by the local government to be subject to periodic inundation; (v) the effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings being a minimum horizontal distance of fifty (50) metres from areas determined from time to time by the local government to be subject to periodic inundation. 3) The land the subject of this Zone may be used for residential and equestrian purposes only. 4) The existing vegetation on lots which are to be used for approved equestrian purposes may be cleared to the extent approved for that purpose. 5) The keeping of livestock (with the exception of horses) and/or poultry for commercial purposes is prohibited.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
RR9	Portions of Swan Locations 1811, 1826, Lot 1 Swan Location 1827 and Lot 13 Swan Location 1676 Badgerup Road, Gnangara.	1) The minimum lot size shall be not less than 1ha and subdivision shall generally be in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential, equestrian and/or non-commercial horticultural purposes only. 3) The keeping of livestock and poultry for commercial purposes is prohibited. 4) The local government may permit an area of not more than 2000 m^2, in a central location on each lot, to be cleared for the establishment of a residence and a non-commercial garden/produce/pasture area, this cleared area shall be no closer than 15 metres to any side boundary. 5) Development of this Zone shall have regard to protection of landscape qualities including topography and vegetation cover, as well as replanting where appropriate, in order to minimise the potential for soil erosion.
RR10 (formerly SRZ No. 19 under TPS 1)	Portion Swan Location 934 and Swan Locations 2393, 2483 and 2829 Badgerup Road, Wanneroo.	1) The minimum lot size shall be 1ha and all subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for rural/residential purposes and ancillary uses. 3) The keeping of livestock for commercial purposes is prohibited. Livestock shall be precluded from the transition zone shown on the Structure Plan by means of a stock-proof fence. 4) No more than one horse shall be permitted on any lot. 5) A cleared building envelope measuring no greater than 2000m^2 and sited outside the transition zone will be permitted on each lot in a position to be endorsed by the local government. The clearing of trees and native vegetation outside of the building envelope is prohibited other than for fences, fire breaks, access and servicing. 6) Ancillary land uses may be permitted on the condition that they do not generate further significant nutrient application, or involve the clearing of land (other than for building envelopes, fences, firebreaks, access and servicing). 7) An on-site stormwater drainage system shall be constructed which is capable of retaining for three to four days a one-in-ten year flood event, and this system is to be designed in accordance with the local government's specifications. 8) Septic systems are to be located at least 100m from Lake Badgerup with a minimum of 2m vertical separation between the

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		base of the leach drains or soakwell and the highest known groundwater level or bedrock. Where separation cannot be achieved other Health Department of Western Australia approved domestic waste water treatment system with adequate phosphorus retention capacity may be installed provided that the base of the system or modified irrigation area are above the highest known water table or are installed to the satisfaction of the Health Department.
RR11 (formerly SRZ No. 20 under TPS1)	Swan Location 1739 Neaves Road, Mariginiup.	1) The minimum lot size shall not be less than 2.0 hectares and the subdivisions and development shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential/equestrian purposes only. 3) The keeping of livestock and/or poultry for commercial purposes is prohibited. 4) A building envelope no greater than 10 per cent of the lot size is to be endorsed by the local government for each lot. 5) Lots shall not be cleared of vegetation (new or existing remnant) outside of the endorsed building envelopes. Fertiliser application is to be restricted to the building envelope. 6) No reticulated water can be provided by the Water Corporation. 7) As part of the land is subject to periodic flooding, no dwelling shall be constructed unless it is on a portion of the lot at least 1000m^2 in area located behind the building setback, which will result in the dwelling and on-site effluent disposal system being located such that there is a two metre vertical separation between the base of the leach drain and the highest recorded groundwater level or bedrock, and at least a 100 metre horizontal separation between the disposal system and the nearest water body. Alternative disposal systems can be considered if approved by the Council subject to advice from the Environmental Protection Authority and an appropriate amendment to these provisions.
RR12 (formerly SRZ No. 24 under TPS1)	Pt Lot 22 Swan Locations 1794 and 2731 Badgerup Road, Wanneroo.	1) The minimum lot size shall be 1 hectare and all subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential, equestrian and/or non-commercial horticultural purposes only. 3) The keeping of livestock and poultry for commercial purposes is prohibited. 4) The local government may permit the clearing of 2000 m^2 in a central location on a lot for the establishment of a non-commercial private product/pasture area. This cleared area shall be no closer than 10m to a side boundary.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		5) All effluent disposal systems are to be located above the 47.5m AHD contour.
RR13 (formerly SRZ No. 24 under TPS1)	Lots 5, 7, 53 and Portion Location 3144 Adams Road, Mariginiup.	1) The minimum lot size should be 1.0 hectare and subdivision should generally be in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential purposes only. 3) The keeping of livestock is prohibited. 4) The keeping of poultry for commercial purposes is prohibited. 5) No dwelling shall be approved by the local government unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of Western Australia with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection and with the base of the system or the modified irrigation area being 0.5 metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency. 6) No dwelling shall be constructed unless it has a vertical separation of at least 1.5 metres between the top of the building pad and the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government Agency or is constructed at the minimum level indicated on the Structure Plan. 7) All lots 2 hectares or below being provided with a reticulated water supply. 8) All dwellings and buildings should be aesthetically compatible with the site in terms of height and construction. 9) The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the local government prior to the transfer of lot(s) to a new owner. 10) The subdivider shall maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the local government.
RR14 (formerly SRZ No. 25 under TPS1)	Part Swan Location 887 Sydney Road, Gnangara	1) The land the subject of this Zone may be used for rural/residential living purposes only. 2) The keeping of livestock is prohibited. 3) A cleared building envelope area measuring at least 1000m^2 and sited above 48 metres (AHD) will be permitted on each lot in a

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		position to be endorsed by the local government generally as depicted on the structure plan. The clearing of trees and native vegetation outside of this designated building envelope area is prohibited. 4) Ancillary land uses may be permitted but only within the designated building envelope area and on the condition that they do not generate further significant nutrient application, or involve the clearing (other than for building envelopes, fences, firebreaks, access and servicing). 5) An adequate buffer of native vegetation shall be provided in the form of a public open space reservation along land which abuts Lake Gnangara. The size and configuration of the public open space reservation shall be shown on the Structure Plan. 6) Septic systems are to be located at least 100m from Lake Gnangara with a minimum of 2m vertical separation between the base of the leach drains or soakwell and the highest known groundwater level or bedrock. As an alternative, other Health Department of Western Australia approved domestic wastewater treatment systems with adequate phosphorus retention capacity may be installed provided that the base of the system or modified irrigation area are above the highest known water table or are installed to the satisfaction of the Environmental Protection Authority. 7) Where native vegetation is absent or degraded within the public open space reservation, the developer of the estate shall rehabilitate the area with appropriate indigenous trees and shrubs as required. 8) Where other cleared areas of native vegetation exist, these shall be rehabilitated with indigenous species. 9) An on-site stormwater drainage system shall be constructed by the developer of the estate which is capable of retaining for three to four days a one-in-ten year flood event, and this system is to be designated in accordance with the local government specifications.
RR15 (formerly SRZ No. 26 under TPS1)	Pt Location 883 Gnangara Road, Gnangara	1) The minimum lot size should not be less than 1.0 hectares whereby subdivision should generally be in accordance with the structure plan. 2) The land the subject of this Zone may be used for rural/residential living purposes only. 3) The keeping of livestock is prohibited. 4) A cleared building envelope area measuring not more than 1000m^2 and sited above 48 metres (AHD) will be permitted on each lot in a position to be endorsed by the local government generally as depicted on the structure plan. The clearing of trees and native vegetation outside of this designated building envelope area is prohibited.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		5) Ancillary land uses may be permitted but only within the designated building envelope area and on the condition that they do not generate further significant nutrient application, pose an increased risk to groundwater quality, or involve the clearing of land (other than for building envelopes, fences, firebreaks, access and servicing). Ancillary land uses shall be in accordance with the Water and Rivers Commission's guidelines for 'Acceptability of Land Uses within public Drinking Water source Areas'. 6) An adequate buffer of native vegetation shall be provided in the form of a public open space reserve along land which abuts Lake Gnangara. The size and configuration of the public open space reservation shall be as shown on the Structure Plan. 7) Septic systems shall be situated within the designated building envelope area and in the case of Lot 4, shall be situated only in the portion of the building envelope outside the groundwater capture zone as noted on the Structure Plan. Septic systems are to be located at least 100m from Lake Gnangara with a minimum of 2m vertical separation between the base of the leach drains or soakwell and the highest predicted groundwater level or bedrock. As an alternative, other Health Department of Western Australia approved domestic wastewater treatment systems with adequate phosphorus retention capacity may be installed provided that the base of the system or modified irrigation area are above the highest predicted water table or are installed to the satisfaction of the Environmental Protection Authority. 8) Where native vegetation is absent or degraded within the public open space reservation, the developer of the estate shall rehabilitate the area with appropriate indigenous trees and shrubs as required. 9) Where other areas cleared of native vegetation exist, these shall be rehabilitated with indigenous species. 10) An on-site stormwater drainage system shall be constructed by the developer of the estate which is capable of retaining for three to four days a one-in-ten year flood event, and this system is to be designed in accordance with the local government specifications. 11) Each lot shall be serviced by a reticulated water supply.
RR16 (formerly SRZ No. 27 under TPS1)	Lot 21 Badgerup Road, Gnangara	1) The minimum lot size shall be 1.0 hectare and all subdivision shall be carried out in accordance with the structure plan. 2) The land the subject of this Zone may be used for residential purposes only. 3) The keeping of livestock and poultry for commercial purposes is prohibited.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		4) A cleared building envelope will be permitted on each lot in a position to be endorsed by the Council. All building envelopes are to be located below 65m AHD. 5) All lots are to be serviced with a reticulated water supply. 6) Ownership or horses on each lot is restricted to a maximum of 2.
RR17 (formerly SRZ No.28 under TPS1)	Lots 23, 24, 25, 26, 27 and 28 Badgerup Road, Gnangara *AMD 15/11/02*	1) The minimum lot size should be not less than one hectare and subdivision should generally be in accordance with the structure plan. 2) The land the subject of this zone may be used for residential and equestrian purposes only. Ancillary land uses may be permitted on the condition that they do not generate further significant nutrient application, or involve the clearing of land (other than for building envelopes, fences, fire breaks, access and servicing). 3) The keeping of livestock for commercial purposes is prohibited. 4) No more than one horse shall be permitted on any lot. 5) A cleared building envelope measuring no greater than 1,600 m^2 will be permitted on each lot as shown on the structure plan. The clearing of trees and native vegetation outside of the building envelope is prohibited other than for fences, fire breaks, access and servicing. The position of the building envelope shown on each lot may be varied subject to local government approval. 6) Where re-vegetation is indicated on the structure plan, the subdivider of the estate shall re-vegetate the area in accordance with the recommendations contained in Appendix D1 of the 'Special Rural Rezoning Proposal Report for Lots 24, 25, 26, 27 and 28 Badgerup Road, Gnangara' prepared by Greg Rowe and Associates and dated November 1996 and such re-vegetation shall be undertaken by the subdivider prior to any lots being created. 5) The subdivider shall provide a reticulated water supply to all proposed lots within this zone. 6) The 2.5 metre widening of Badgerup Road shown on the Structure Plan shall be ceded free of cost to the Crown at the time of subdivision of the land within this zone. 7) Prior to the final approval of a plan or diagram of survey, the subdivider shall undertake to the satisfaction of the Department of Environmental Protection a site investigation of building envelopes shown on the structure plan which have previously

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		been used for market gardening purposes to determine the presence or otherwise of contamination through past use of fertiliser, pesticides, or herbicides. Should such contamination be determined as present, the subdivider shall undertake such actions as deemed necessary by the Department of Environmental Protection to achieve an acceptable building envelope. 8) Proposed Lot Nos 19 and 20 shown on the structure plan are to be the subject of Service Agreements between the owners of those lots and the Water Corporation, ensuring that the owners of those lots are aware that these lots will not receive a normal standard of water supply from the Water Corporation's reticulated supply due to the height of these lots, and the difficulty this presents for normal gravity supply. 11) On-site effluent disposal system requirements: a) the underside of effluent disposal chambers of conventional effluent disposal systems servicing dwellings shall be a minimum of two (2) metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; b) the underside of effluent disposal chambers or effluent disposal pads of modified nutrient attenuating on-site sewage disposal systems servicing dwellings shall be a minimum of five hundred (500) millimetres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; c) the effluent disposal chambers of conventional on-site sewage disposal systems servicing dwellings shall be a minimum horizontal distance of one hundred (100) metres from areas determined from time to time by the local government to be subject to periodic inundation; d) the effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings shall be a minimum horizontal distance of fifty (50) metres from areas determined from time to time by the local government to be subject to periodic inundation. 12) The following additional provisions apply to Lot 23 Badgerup Road: a) Prior to applying for subdivision approval, the subdivider shall prepare and implement to the satisfaction of the local government a Revegetation Plan for Lot 23. Subsequent owners of the subdivided lots shall maintain the vegetation planted to the satisfaction of the local government.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		b) The subdivider shall establish all firebreaks required around all proposed lots to be created to the satisfaction of the local government.
RR18 (formerly SRZ No.29 under TPS1)	Description of Locality Lot 50 and Lot 3288 Bailey Road, Carabooda	1) Subdivision and development shall be in accordance with the structure plan dated 2 August 2011. *AMD 126 GG 12/9/14* 2) Building Envelopes: a) In the interest of landscape preservation, indicative building envelopes (to a maximum size of 2000 m^2) shall be shown on the lots in the Modified Structure Plan. b) Prior to the final approval of a plan or diagram of subdivision, the subdivider shall produce certificates from a registered engineer that the area within the indicative building envelope is geologically suitable for the construction of a dwelling house. 3) Bushfire Management: Prior to the issue of clearances for diagrams of surveys, the local government shall require the subdivider to prepare a Bush Fire Management Plan to the satisfaction of the local government and the Bush Fires Board. Such a plan will be used as the basis for ongoing bush fire management over the property. 4) Prior to subdivision of the land for rural-residential purposes, the subdivider shall prepare to the satisfaction of the local government, a Caves and Other Karstic Features Management Plan on which the local government will seek and have regard to advice from relevant State Government agencies, such plan to address the following matters: a) the identification and protection of caves and other karstic features on the subject land; b) the stability of all lands proposed for development including buildings, roads and driveways; c) the location of bores and on-site effluent disposal systems so as to avoid any detrimental impact on the water balance and water quality affecting caves; d) control of access, particularly by children, and including access to caves on Reserve 24637; e) inclusion of advisory records on the title of proposed lots affected by caves.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		5) Prior to subdivision of the land for rural-residential purposes, the subdivider shall undertake a survey to the satisfaction of the local government, of significant trees worthy of protection. 6) The subdivider shall make arrangements satisfactory to the Water and Rivers Commission to ensure that the prospective purchasers in the initial transfer of lots acknowledge in writing that they are aware that the lots are located within the Wanneroo Groundwater Area where there is a need to obtain a licence before a well/bore can be constructed. The licence will contain a number of conditions including the quantity of water that can be pumped each year. 7) The land subject of this zone shall only be used for residential and controlled non-commercial keeping of livestock. *AMD 126 GG 12/9/14* 8) Building Envelopes: Buildings shall not be constructed outside of the geologically verified envelopes except where approved by the local government. 9) Dwellings of more than a single-storey shall not be permitted on those lots shown with an asterisk (*) on the Modified Structure Plan, unless otherwise approved by the local government. 10) The following guidelines for building shall apply (these guidelines being of an advisory rather than a mandatory nature) – a) Guidelines for Colour i) The following colours are suitable for blending into the environment - Cinnamon, rusts, brown, fawn, buff colours, greys, black, blood red to darker red, greens from yellow-green to dark green, blue-greens, all shades of blue from sky blue to darker, all purples from lavender to darker. ii) The following colours would be obtrusive for this area – White and cream, all shades of yellow and orange, pinks and bright reds, pale blues and mauves, silver, gold and pale greys. b) Guidelines for materials i) The following materials are suitable for blending into the environment -

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		Brick, mud brick and timber ii) The following materials would be obtrusive for this area – Raw galvanised iron, pale colour-bond materials, glass or plastic roof panels and white stucco. 11) Except with the approval of the local government, no fencing outside of the building envelope shall be constructed within the land the subject of this zone with the exception of a post and wire boundary fence. *AMD 52 GG 16/6/06* 12) With the intention of preventing over-stocking or other practices detrimental to the amenity of the zone, the breeding or keeping of animals, other than domestic pets, shall not be permitted without the approval in writing of the local government. If approved, the keeping or breeding of animals shall be restricted, by the erection of fencing, to the fixed building envelope area. Trees within the building envelope shall also be fenced to protect them from damage by livestock. In considering any applications for breeding or keeping of stock, the local government will be guided by advice from the Department of Agriculture. Notwithstanding the above, in cases where stocking approval has been given but where environmental problems develop, the local government may, after consultation with the Department of Agriculture, take appropriate action to ban or reduce the stocking of animals. Individual land owners shall be responsible for organising and meeting all costs associated with obtaining advice from the Department of Agriculture where the keeping of any stock is proposed. 13) No vegetation on any part of the proposed lots may be cleared for any purpose other than the construction of buildings, driveways, strategic fire breaks, selective clearing of lower fuel areas around buildings and for road construction associated with the subdivision development of the property. The land is to be managed in such a manner to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions. All improvements within building envelopes shall be sited and located such that the removal of vegetation within the building envelope is minimised. The local government may also, at its discretion, vary the position of any required fire break or building envelope to avoid destruction of vegetation or other ways to take account of the physical features or building envelope to avoid destruction of vegetation or other ways to take account of the physical features of the land, subject to the land owner concerned providing a certificate from a registered engineer that the area within the proposed new building envelope is geologically suitable for construction of a dwelling house

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		14) Outside of an approved building envelope, only endemic vegetation may be planted. (Endemic vegetation in this case being vegetation of the Cottesloe North Complex). 15) Bushfire Management: a) Individual land owners shall be responsible for the maintenance of strategic fire breaks where they cross the land owner's lot as depicted on the Bush Fire Management Plan. b) The clearing of firebreaks, other than for strategic fire break purposes, will not be permitted unless for safety reasons to comply with the local government and Bush Fire Board requirements. Selective clearing of low fuel areas to a minimum of 20m around each building shall be required by the local government. Such low fuel zones should be kept free of debris and shrubs and maintained to a standard approved by the local government in accordance with the Bush Fire Management Plan. c) All fire breaks shall be provided to the specification and satisfaction of the local government and the Bush Fires Board. 16) On Site Effluent Disposal System Requirements: a) The underside of effluent disposal chambers of conventional effluent disposal systems servicing dwellings shall be a minimum of two (2) metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; b) The underside of effluent disposal chambers of effluent disposal pads of modified nutrient attenuating on-site sewage disposal systems servicing dwellings shall be a minimum of five hundred (500) millimetres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency; c) The effluent disposal chambers of conventional on-site sewage disposal systems servicing dwellings shall be a minimum horizontal distance of one hundred (100) metres from areas determined from time to time by the local government to be subject to periodic inundation; d) The effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewerage disposal systems servicing dwellings shall be a minimum horizontal distance of fifty (50) metres from areas determined from time to time by the local government to be subject to periodic inundation.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		17) All caves and other karstic landform features shall not be damaged in any way unless the prior written approval of the local government has first been obtained.
RR19	Former Lots 201 and 202 Breakwater Drive, Two Rocks (on P: 21783) *AMD 17 GG 21/1/05* *AMD 52 GG 16/6/06* *AMD 43 GG 20/11/09* *AMD 213 GG 25/168488*	1) Unless otherwise supported by a structure plan, no subdivision shall occur which will result in an increased number of rural-residential lots. 2) Notwithstanding the permissibility of land uses prescribed for the Rural-Residential Zone in Schedule 1 (Zoning Table), the 'Home Store' land use is not permitted (an 'X' use) on all lots—except for Lot 12 (3) Countryside Drive, Two Rocks, where 'Home Store' is considered an "A' use. 3) Applications for development approval involving works shall be supported by information that demonstrates to the satisfaction of the local government that: • The affected land is physically capable of development and geologically suitable for the works proposed; and • The proposed works will not pose a foreseen and unacceptable impact on karstic features. The local government may accept the resubmission of information prepared to support a prior planning proposal as a means to meet the requirements of this provision. 4) Appropriate treatment for lots abutting Breakwater Drive shall reinforce the rural character of the area. The developer will undertake planting a 15 metre wide landscape buffer along both sides of Breakwater Drive. Building setback to Breakwater Drive is to be 50 metres. 5) The local government will only grant approval to the keeping of horses when it is satisfied that the site has been suitably fenced to protect trees and other vegetation requiring protection. Should a horse or horses be kept and damage is being caused to trees and other vegetation by the horse or horses, then local government may require that the horse or horses be removed from the lot until such time as improvements to the satisfaction of the local government have been made to the fencing which is intended to protect the trees and other vegetation. The landowner will be required to rehabilitate, to the satisfaction of the local government, any trees and other vegetation damaged by the keeping of horses on the property. 6) The keeping of livestock and poultry for commercial purposes is prohibited. 7) Stormwater shall be contained by landowners onsite to the satisfaction of the local government, with drainage systems provided in a manner that avoids impacting on karstic features, natural vegetation, human safety and the structural integrity of development.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		8) Nutrient attenuating onsite effluent disposal systems shall be required to the satisfaction of the local government. The placement of effluent disposal systems is to avoid impacting on natural vegetation, karstic features, buildings and lot boundaries. 9) The storage of fuels or other dangerous goods (other than domestic quantities) is not permitted.
RR20	Lot 6 Sydney Road, Gnangara; portion of Lot 10 Sydney Road, Gnangara; and portion of Lot 50 Ocean Reef Road, Gnangara	1) In addition to the matters contained in Clause 16 of the deemed provisions of the Scheme, a structure plan for this land shall also include the following – (a) Identification of the final Bush Forever area 463 boundary and associated management provisions. (b) The management provisions prepared pursuant to (a) above shall include preparation of a Bush Forever Rehabilitation and Management Plan which addresses— (i) Revegetation of areas within the Bush Forever boundary in accordance with the Bush Forever Negotiated Planning Solution and the Department of Environment and Conservation restrictive covenant management guidelines; (ii) Delineation of boundaries and fencing requirements (iii) Bush Fire management; (iv) Weed and pest control and management (v) Dieback control and management; (vi) Bush interface measures; (vii) Controls for unauthorised off-road vehicle use and dumping of rubbish; and (viii) Controls for access, including signage. (c) Identification of any registered Aboriginal heritage sites. (d) Delineation of any contamination on Lot 6. (e) The location of building envelopes for future dwellings shall be located outside of the areas identified in (a), (c) and (d) above and depicted on the structure plan. Building envelopes shall be located having due regard to bush fire management requirement including any building protection and/or hazard separation zones. (f) No drainage of stormwater and/or wastewater shall enter the Bush Forever area. 2) The clearing of trees and native vegetation within the Bush Forever area 463, other than for fire management purposes, is prohibited without the prior approval of the local government and the Department of Environment and Conservation.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		3) No domestic animals or other livestock (including horses) are to be kept within Bush Forever area 463. 4) These general provisions are not intended to preclude subdivision of the Aboriginal Cemetery from Lot 6 for vesting with a suitable management authority (i.e. Metropolitan Cemeteries Board). 5) There shall be no subdivision or development within the Bush Forever area, with the exception of only amalgamation proposals. 6) The local structure plan, subdivision and development must be in accordance with Western Australian Planning Commission's (WAPC) Planning for Bush Fire Protection Guidelines, which includes but is not limited to— (i) identifying appropriate hazard separation zones and building protection zones; (ii) construction to AS3959-2009 (noting (iii) below); (iii) no residential development within the bush fire attack level (BAL) zones BAL-FZ or BAL-40; and (iv) consideration of ember protection features incorporated in all dwelling design within the zone.

Schedule 9– Smart Growth Community Zone Special Provisions

(see Requirement 7.3 of No. 7 of Schedule 6)

AMD 115 GG 23/7/13

No	Description of Locality	Special Provisions
SG 1	• Lot 9036 Marmion Avenue, Jindalee being portion of Swan Location 1370 of Plan 70682, Volume 2773, Folio 490; and • Portion Lot 3054 on Deposited Plan 47953, Volume 2611, Folio 665.	**1.0 Environmental Provisions** 1.1 The Land identified as the southern T2 Zone, indicatively shown on the map in the amending document, shall occupy approximately 12.5 hectares and be located between the Metropolitan Region Scheme reserves. This area shall be referred to as the Protected Natural Living Area. 1.2 To protect landform and vegetation within the Protected Natural Living Area, the following environmental requirements shall apply— (a) The two Metropolitan Region Scheme Parks and Recreation reservations will be linked with native vegetation retained on private land. (b) Building envelopes and building zones for residential development will be established in the applicable Detailed Areas Plan. (c) The total area occupied by all building envelopes shall not comprise more than 30% of the total land area of the Protected Natural Living Area. The 'land area' shall be defined as the Protected Natural Living Area less thoroughfare reserves and civic spaces. (d) No development shall occur in the Protected Natural Living Area unless there is an approved Local development plan for the area being developed or a development approval. (e) Development can only occur within the agreed building envelopes, building zones, thoroughfares and civic spaces. (f) For the avoidance of doubt, clearing or disturbance of native vegetation can only occur within the agreed building envelopes, building zones, thoroughfares and civic spaces. (g) All services and access to the principal building and/or outbuilding will be undertaken within the nominated building zone only and involve minimum native vegetation clearing. (h) Any areas of native vegetation outside the building zone and building envelope that are damaged during construction will be rehabilitated to the satisfaction of the local government after installation of services or construction as the case may be.

No	Description of Locality	Special Provisions
		(i) Appropriate fencing will be detailed as part of the applicable local development plan and shall allow, as far as practical, a corridor to assist the free passage of reptiles between the two regional reserves. 1.3 Building Envelope, as referred to in Schedule 9, subclause 1.2(b) means the area identified on a local development plan and is the only portion of the site to contain a dwelling, sheds, gardens, internal fences and other items ancillary to and normally associated with a dwelling. 1.4 Building Zone, as referred to in Schedule 9, subclause 1.2(b) means the area identified on a local development plan accommodating driveways, boundary fencing, urban firebreaks and services to the dwelling such as water/sewer and power and other items ancillary to and normally associated with a dwelling. **2.0 Retail Provisions** 2.1 The coastal node of SG1 shall function as a Neighbourhood Centre in the hierarchy of activity centres adopted pursuant to State Planning Policy 4.2—Activity Centres for Perth and Peel, as amended from time to time. 2.2 Retail Development within the SG1 area shall be limited to a maximum Net Lettable Area of 3,000m2, except where— (a) The local government and the Western Australian Planning Commission considers that the retail activities constitute tourist/visitor related retailing, meaning retail activities that customarily rely wholly or partly on the trade of visitors originating from outside the SG1 area; and (b) A retail needs assessment study demonstrates to the satisfaction of the local government and the Western Australian Planning Commission sufficient demand for a larger retail floorspace allocation to the SG1 area. **3.0 Application of Adopted Policies** 3.1 Local government Local Planning Policies adopted under the Scheme do not apply to the SG1 area unless otherwise stated in an adopted local planning policy.

Schedule 10 – Transect Zone Descriptions (see Requirement 7.6 of No. 7 of Schedule 6)

AMD 115 GG 23/7/13

T1	T-1 NATURAL RESERVE T-1 Natural Reserve Zone shall consist of lands approximately or reverting to a natural condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Typical buildings are limited to civic functions.	General Character: Building Placement: Frontage Types: Typical Building Height:	Natural landscape Not applicable Not applicable Not applicable
T2	T-2 NATURAL LIVING T-2 Natural Living Zone shall consist of lots that are of sufficient size to enable the retention of natural features such as vegetation or topography. These areas shall be more 'natural' in character than 'urban' or 'sub-urban'. Road treatments shall be mostly informal including open swales with natural drainage and informal landscaping consisting of multiple species in naturalistic clusters.	General Character: Building Type: Building Placement: Typical Building Height:	Larger lots retaining natural landscape features such as vegetation or topography Predominately detached dwellings Larger and variable front and side setbacks 1 to 2 storeys
T3	T-3 SUB-URBAN T-3 Sub-Urban Zone shall consist of low density residential areas, adjacent to higher zones that contain some mixed use. Home occupations / business and outbuildings are allowed. Planting is naturalistic and setbacks vary from shallow to relatively deep. Larger lot sizes and irregular thoroughfare alignments may be included to accommodate natural site conditions.	General Character: Building Type: Building Placement: Typical Building Height:	Medial to larger sized lots accommodating dwellings and landscaped gardens Predominately detached dwelling Large and variable front and side setbacks 1 to 3 storeys
T4	T-4 GENERAL URBAN T-4 General urban Zone shall consist of medium density residential areas and a component of mixed use activity. Home occupation / business and outbuildings are allowed. It shall include a wide range of building types including detached dwellings, terraces and apartments. The character is to be formal including smaller setbacks, raised kerbs, regular road patterns and landscaping consisting of single species regularly spaced.	General Character: Building Type: Building Placement:	Mix of house types including detached dwellings, townhouses, small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of regular pedestrian activity Mixture of building types: including, but not be limited to detached dwellings, terraces, loft houses, loft buildings, apartment houses, flex buildings and mixed-use buildings Shallow to medium front and side setbacks 1 to 6 storeys

		Typical Building Height:	
T5	T-5 URBAN CENTRE T-5 Urban Centre Zone shall consist of higher density mixed use buildings that accommodate retail, offices, terraces and apartments. It shall have a tight network of streets, with wide footpaths, raised kerbs, regular street tree planting and buildings set close to the footpaths.	General Character: Building Type: Building Placement: Typical Building Height:	Shops mixed with townhouses, larger apartments, offices, lodging, work places, and civic buildings; predominately attached buildings; trees within the thoroughfare reserve; substantial pedestrian activity Predominately apartments and mixed use buildings Shall setbacks or none; buildings oriented to street, attached buildings form a continuous street wall 2 to 8 storeys
T6	T-6 URBAN CORE T-6 Urban Core Zone shall consist of the highest density and height, with the greatest variety of uses and civic buildings of regional importance. It shall have larger blocks; regular street tree planting and buildings set close to wide footpaths.	General Character: Building Type: Building Placement: Typical Building Height:	Medium to high density mixed use buildings, for a range of uses including retail, residential, commercial, entertainment, civic and cultural; trees within the thoroughfare reserve; highest pedestrian and transit activity Predominately apartments, commercial buildings and mixed use buildings Shallow setbacks or none; buildings oriented to street; attached buildings form a continuous street wall 1 to 8 storeys
SD	SD SPECIAL DISTRICT SD Special District is an area that by its intrinsic function, disposition or configuration cannot or should not conform to one or more of the Transect Zones.		All standards and controls to regulate development within a Special District shall be established through the Local Structure Plan and refined in Local Development Plans

Schedule 11 – Car Parking Standards (see Requirement 19.1 of No. 19 of Schedule 6)

USE CLASS	NUMBER OF ON-SITE CAR PARKING SPACES
Residential	
ancillary dwelling	As per R-Codes
caravan park	1 per caravan site plus 1 visitor bay per 10 caravans for permanent sites and 1 visitor bay per 20 caravan sites for short stay sites with an overall minimum of two visitor bays plus 1 per non resident staff member
caretaker's dwelling	2
display home centre	5 per display home
grouped dwelling	As per R-Codes
hosted short-term rental accommodation	No parking requirement
independent living complex	1 per dwelling plus 1 visitor bay per 10 dwellings (minimum 2) plus 1 per non resident staff member plus event parking
industry – cottage	1 per employee in addition to residential requirement
multiple dwelling	As per R-Codes
park home park	1 per park home plus 1 visitor bay per 10 park homes (minimum 2) plus 1 per non resident staff member plus event parking
residential building	1 per 2 people accommodated
residential aged care facility	1 per 5 residents plus 1 staff member
single house	As per R-Codes
tourist and visitor accommodation	1 per unit plus 1 per staff member
unhosted short-term rental accommodation	1 per 2 guests accommodated
workforce accommodation	2 plus 1 per 2 people accommodated
Commercial	
amusement parlour	See shopping centre
betting agency	See shopping centre
brewery	1 per staff member but not less than 5
bulky goods showroom	1 per 30 m^2 GFA
child care premises	Per local planning policy but not less than 5
consulting rooms *AMD 17 GG 21/1/05*	5
convenience store	7 per 100m^2 NLA. Up to 50% of bays may be located in refuelling positions
fast food outlet	1 per 4 guests in indoor and outdoor seated areas plus 7 per 100m^2 NLA for non seated areas. Up to 50% of non seated area parking may be located in drive through queue
funeral parlour	1 per 4 people accommodated
home store	2 per dwelling plus 4 per 100m^2 GFA
hotel	1 per bedroom plus 1 per 3 m^2 drinking area plus 1 per 5m^2 of seating area
liquor store – large	See shopping centre
liquor store – small	See shopping centre
lunch bar	7 per 100m^2
market	See shopping centre
medical centre	5 per practitioner plus 7 per 100m^2 of pharmacy
motor vehicle, boat or caravan sales	1 per 200m^2 vehicle display area plus 1 per 30m^2 NLA

USE CLASS	NUMBER OF ON-SITE CAR PARKING SPACES
motor vehicle repair	5 per service bay
motor vehicle wash	Nil if incidental to other development on same site otherwise 1
office	1 per 30 m^2 NLA
open air display	1 per staff member but not less than 5
reception centre	1 per 4 people accommodated or 1 per 5m^2 seating area
restaurant/café	1 per 4 people accommodated or 1 per 5m^2 seating area
restricted premises	See Shopping Centre
road house	3 bays per service bay plus 1 per 5m^2 of seating area plus 7 per 100m^2 of NLA of non seated area. Up to 50% of non service and non seated bays may be located in refuelling positions.
service station	5 bays per service bay plus 7 per 100m^2 non service bay NLA. Up to 50% of non service bays may be located in refuelling positions
shop	See shopping centre
Shopping Centres under 10 000m^2	7 per 100m^2 NLA
Shopping Centres from 10 000m^2 to 30 000m^2 NLA	700 for the first 10 000m^2 NLA plus 6.25 per 100m^2 NLA thereafter
Shopping Centres from 30 000m^2 to 50 000m^2 NLA	1950 for the first 30 000m^2 NLA plus 5.25 per 100m^2 NLA thereafter
Shopping Centres greater than 50 000m2	3000 for the first 50 000m^2 NLA plus 4.8 per 1000m^2 thereafter
small bar	1 per 4 people accommodated
tavern	1 per 3m^2 of bar area plus 1 per 5m^2 of dining area
trade supplies	1 per staff member but not less than 5
trade display	1 per staff member but not less than 5
veterinary centre	5 per practitioner
Public Buildings	
art gallery	1 per 50m^2 NLA
civic use	1 per 4 people accommodated
club premises	1 per 4 people accommodated
community purpose	1 per 30m^2 NLA
exhibition centre	1 per 50m^2 NLA
hospital	1 per 3 patients plus 1 per staff member
place of worship	1 per 4 people accommodated
Education Establishments	
Kindergarten *AMD 52 GG 16/6/06*	Provision of a drive-in pickup/set down facility plus eight (8) bays.
Primary School *AMD 52 GG 16/6/06*	A minimum of 46 car bays for staff and visitor parking for the first 475 students and then ten (10) car bays for every 100 students or part thereof afterwards, plus fourteen (14) pickup/set down bays for every 100 students or part thereof which may be provided in the road reserve.
Secondary School *AMD 52 GG 16/6/06*	A minimum of 60 car bays for staff and visitor parking for the first 600 students and then ten (10) car bays for every 100 students or part thereof afterwards plus seven (7) pick up/set down bays for every 100 students or part thereof which may be provided in the road reserve.
Tertiary College	1 per 3 students accommodated

USE CLASS	NUMBER OF ON-SITE CAR PARKING SPACES
Recreation	
recreation - private	1 per 4 people accommodated
Entertainment	
cinema/theatre	1 per 4 people accommodated
nightclub	1 per 3 people accommodated
Industrial	
abattoir	1 per 50m^2 GFA
fuel depot	1 per staff member but not less than 5
industry	1 per 50m^2 GFA
industry – hazardous	1 per staff member but not less than 5
industry – light	1 per 50m^2 GFA
industry – primary production	1 per 50m^2 GFA
resource recovery centre	1 per staff member
renewable energy facility	1 per staff member but not less than 5
smash repair station	1 per 50m^2 GFA
transport depot	1 per staff member but not less than 5
vehicle wrecking	1 per 50m^2 GFA
warehouse/storage	1 per 50m^2 GFA
waste disposal facility	1 per staff member but not less than 5
waste storage facility	1 per staff member but not less than 5
Rural	
animal establishment	1 per staff member but not less than 5
animal husbandry – intensive	1 per staff member but not less than 5
garden centre	1 per 500m^2 display area plus 1 per 10m^2 GFA
rural pursuit/hobby farm	2
winery	1 per staff member plus 7 per 100m^2 NLA of sales area

Schedule 12 – Provisions Relating to Specified Development Contribution Areas (see Clause 5.1 – Table 3)

1.0 INTERPRETATION

In Schedule 12, unless the context otherwise requires—

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

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

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with Clause 10.0.

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

'Development contribution area' means the area shown on the scheme map as DCA and included in Schedule 13.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of Schedule 13 of the scheme.

'Development contribution plan report' means a report prepared and distributed in accordance with clause 10.0.

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

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

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

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

2.0 PURPOSE

The purpose of having development contribution areas is to:

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

(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and

(c) coordinate the timely provision of Infrastructure

3.0 DEVELOPMENT CONTRIBUTION PLAN REQUIRED

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

4.0 DEVELOPMENT CONTRIBUTION PLAN PART OF SCHEME

The development contribution plans are incorporated in Schedule 13 as part of this scheme.

5.0 SUBDIVISION, STRATA SUBDIVISION AND DEVELOPMENT

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

6.0 GUIDING PRINCIPLES FOR DEVELOPMENT CONTRIBUTION PLANS

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

(a) Need and the nexus

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

(b) Transparency

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

(c) Equity

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

(d) Certainty

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

(e) Efficiency

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

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

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

(h) Accountable

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

7.0 RECOMMENDED CONTENT OF DEVELOPMENT CONTRIBUTION PLANS

7.1 The development contribution plan is to specify—

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

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

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

(d) the priority and timing for the provision of infrastructure.

8.0 PERIOD OF DEVELOPMENT CONTRIBUTION PLAN

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

9.0 LAND EXCLUDED

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:

(a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;

(b) existing public open space;

(c) existing government primary and secondary schools; and

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

is to be excluded.

10.0 DEVELOPMENT CONTRIBUTION PLAN REPORT AND COST APPORTIONMENT SCHEDULE

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

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

10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 11.0.

11.0 COST CONTRIBUTIONS BASED ON ESTIMATES

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

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

(a) in the case of land to be acquired, in accordance with clause 12.0; and

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

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

11.4 The local government's review of estimated costs, carried out in accordance with clause 11.2, shall recommend that the estimated costs are to be:

(a) maintained;

(b) reduced; or

(c) increased.

11.5 Where the review of estimated costs recommends those costs be maintained or reduced, pursuant to clauses 11.4(a) or (b), then the local government shall decide to either maintain or reduce the estimated costs and shall notify owners of its decision.

11.6 Where the review of estimated costs recommends those costs be increased pursuant to clause 11.4(c), then the local government shall in writing invite comment on the proposal from owners for a period of not less than 28 days, prior to making any decision to increase the estimated costs.

11.7 The local government shall consider all submissions received and within ninety (90) days of the date of the latest date specified in the notice given under clause 11.6, decide that the estimated costs are to be:

(a) maintained; or

(b) increased and if so the degree of that increase.

The local government shall notify affected persons of its decision.

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

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

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

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

12.0 VALUATION

12.1 Clause 12.0 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

12.2 In clause 12.0:

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.
'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

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

12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—

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

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

13.0 LIABILITY FOR COST CONTRIBUTIONS

13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of Schedule 12.

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

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

(b) the commencement of any development on the owner's land within the development contribution area with the exception of clearing and earthworks commenced under a Development Approval in the case of land subdivisions;

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

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

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

13.3 Notwithstanding clause 13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

13.4 Where a development contribution plan expires in accordance with clause 8.0, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

14.0 PAYMENT OF COST CONTRIBUTION

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

(a) cheque or cash;

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

(c) the provision of physical infrastructure;

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

(e) any combination of these methods.

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

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

15.0 CHARGE ON LAND

15.1 The amount of any cost contribution for which an owner is liable under clause 13.0, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

15.2 The local government, at the owner's expense and subject to other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under Clause 15.0.

16.0 ADMINISTRATION OF FUNDS

16.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.

The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 16.1 is to be applied in the development contribution area to which the reserve account relates.

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

17.0 SHORTFALL OR EXCESS IN COST CONTRIBUTIONS

17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may—

(a) make good the shortfall;

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

(c) raise loans or borrow from a financial institution, but nothing in subclause 17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

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

18.0 POWERS OF THE LOCAL GOVERNMENT

The local government in implementing the development contribution plan has the power to—

(a) acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and

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

19.0 ARBITRATION

Subject to clauses 12.3 and 12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985."

Schedule 13 - Development Contribution Plans (see Clause 5.1 – Table 3)

Reference No.	Alkimos Eglinton Development Contributions Plan – Community Facilities.
Area Name:	Alkimos Eglinton Development Contribution Area; identified as DCA 1 on the Scheme Map.
Relationship to other planning instruments:	The development contribution plan generally conforms to the Alkimos Eglinton District Structure Plan, the Northern Coastal Growth Corridor Community Facilities Plan and the City of Wanneroo Long Term Financial Plan 2013/14 - 2022/23.
Infrastructure and administrative items to be funded:	<u>District Facilities</u> Surf Life Saving Club, Alkimos South Coastal Village - facility to support surf lifesaving operations and associated activities, including: • Planning, design and project management costs; • Site, servicing and construction costs. Public Open Space (Active), Alkimos Regional Parks and Recreation Reserve - playing fields and associated infrastructure to support sporting and recreational uses, including; • Planning, design and project management costs; • Site, servicing and construction costs. Multipurpose Hard Courts, Alkimos Regional Parks and Recreation Reserve - fenced hard courts facilities and associated amenity to support a variety of court sports, including: • Planning, design and project management costs; • Site, servicing and construction costs. Library, Alkimos Secondary Centre - facility to support the storage and community access to printed and electronic media and associated community meetings and activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Community Centre, Alkimos Secondary Centre - facility to support community meetings, gatherings and associated activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Indoor Recreation - private, Alkimos Secondary Centre - facility to support indoor recreation and sporting activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Public Open Space (Active), Eglinton District Centre - playing fields and associated infrastructure to support sporting and recreational uses, including: • Planning, design and project management costs; • Site, servicing and construction costs.

	Multipurpose Hard Courts, Eglinton District Centre - Fenced hard courts facilities and associated amenity to support a variety of court sports, including; • planning, design and project management costs; • Site, servicing and construction costs. Indoor Recreation - private, Eglinton District Centre - Facility to support indoor recreation and sporting activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Community Centre, Eglinton District Centre - facility to support community meetings, gatherings and associated activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Library, Eglinton District Centre - facility to support the storage and community access to printed and electronic media and associated community meetings and activities, including: • Planning, design and project management costs; • Land acquisition costs; • Site, servicing and construction costs. Contributions shall be payable for the initial district facility only. No contributions shall be payable for any future upgrade of a district facility to regional standard." <u>Administrative Costs</u> • Costs to prepare and administer the plan during the period of operation; • Costs to prepare and review estimates; • Costs to prepare the cost apportionment schedule; • Valuation costs; and • Costs to service loans established by the local government to fund early provision of facilities.
Method for calculating contributions:	The local government's Northern Coastal Growth Corridor Community Facilities Plan Report identifies the needs that impact on the Development Contribution Plan. The contributions outlined in the Development Contribution Plan Report have been based on the need for facilities generated by additional development in the development contribution area. This calculation excludes the: • demand for a facility that is generated by the current population; • demand created by external usage - the proportion of use drawn from outside of the main catchment area; and • future usage - the proportion of usage that will be generated by future development outside of the development contribution plan timeframe. The methodology for determining contributions is in accordance with the following formula: • CPH = TC / NCA • CC = CPH x GSA Where: CPH =Cost per hectare ($/ha) TC =Total cost of delivering community facilities ($) NCA = Net contributing area (ha) CC = Cost Contribution Amount ($)

	GSA = Gross area of proposed subdivision (ha)
Period of operation:	25 years from the date of gazettal.
Priority and timing:	In accordance with the Development Contribution Plan Report and the Northern Coastal Growth Corridor Community Facilities Plan.
Review process:	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 11 of Schedule 12 of DPS No. 2.
Reference No.	Yanchep Two Rocks Development Contributions Plan – Community Facilities
Area Name:	Yanchep Two Rocks Development Contribution Area; identified as DCA 2 on the Scheme (Amendment) Map.
Relationship to other planning instruments:	The development contribution plan generally conforms to the Yanchep Two Rocks District Structure Plan, the Northern Coastal Growth Corridor Community Facilities Plan and the City of Wanneroo Long Term Financial Plan 2013/14 - 2022/23.
Infrastructure and administrative items to be funded:	<u>District Facilities</u> Surf Life Saving Club, Yanchep Lagoon - facility to support surf lifesaving operation and associated activities, including: • Planning, design and project management costs; • Site, servicing and construction costs. Coastal Node Facilities, Capricorn Coastal Node - facilities and amenity to support community use and enjoyment of coastal node areas, including: • Planning, design and project management costs; • Site, servicing and construction costs. Public Open Space (Active), Yanchep Metropolitan Centre - playing fields and associated infrastructure to support sporting and recreational uses, including; • Planning, design and project management costs; • Land acquisition costs, on the basis that the land shall not form part of the minimum 10% public open space contribution for Lot 602 Yanchep Beach Road; • Site, servicing and construction costs. Contributions shall be payable for the initial district facility only. No contributions shall be payable for any future upgrade of a district facility to regional standard." <u>Administrative Costs</u> • Costs to prepare and administer the plan during the period of operation; • Costs to prepare and review estimates; • Costs to prepare the cost apportionment schedule; • Valuation costs; and • Costs to service loans established by the local government to fund early provision of facilities.

Method for calculating contributions:	The local government's Northern Coastal Growth Corridor Community Facilities Plan identifies the needs that impact on the Development Contribution Plan. The contributions outlined in the Development Contribution Plan have been based on the need for facilities generated by additional development in the development contribution area. This calculation excludes the: • demand for a facility that is generated by the current population; • demand created by external usage - the proportion of use drawn from outside of the main catchment area; and • future usage - the proportion of usage that will be generated by future development outside of the development contribution plan timeframe. The methodology for determining contributions is in accordance with the following formula: CC = TC x NDU / TDU Where; CC = Landowner's Cost Contribution Amount ($) TC = Total cost of delivering community facilities + Total Administrative Costs ($) NDU = Number of additional lots proposed to be created as part of a proposed subdivision; and the number of dwellings proposed to be created as part of an application for planning approval, other than the first dwelling. TDU = Total number of dwellings expected within the DCA."
Period of operation:	16 years from the date of gazettal.
Priority and timing:	In accordance with the Development Contribution Plan Report and the Northern Coastal Growth Corridor Community Facilities Plan.
Review process:	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 11 of Schedule 12 of DPS No. 2.

Schedule 14 - East Wanneroo Planning and Developer Contributions Arrangements – Cells 1 to 9 (see Clause 5.1 – Table 3)

AMD 25 GG 31/3/09

PART 1 General Provisions

1.1 LOCAL STRUCTURE PLANS

The local government has prepared Local Structure Plans for Cells 1 – 9 inclusive in East Wanneroo in accordance with the provisions of Part 4 of the deemed provisions of the Scheme for the purpose of facilitating subdivision and development of the land comprised in such Cells. Irrespective of the provisions of Part 4 of the deemed provisions, after a Structure Plan has been adopted for a Cell in East Wanneroo, it shall not be modified without the approval of the local government and Western Australian Planning Commission.

1.2 FINANCIAL RECORDS

1.2.1 The local government shall for the purpose of properly managing the implementation of a Local Structure Plan for each Cell, establish Cell Accounts for each Cell into which contributions from owners of land within that Cell which are made in accordance with this Part will be credited and from which all payments for Infrastructure Costs associated with the implementation of the Local Structure Plan for that Cell and any acquisition by the local government under subclause 1.10.13 will be paid.

1.2.2 The Cell Accounts shall be maintained in accordance with the provisions of the Local Government (Financial Management) Regulations 1996 and shall be audited on an annual basis.

The local government shall make available for inspection to any owner of land within a Cell on request, a detailed statement of accounts for that Cell.

1.3 CELL AREA DEVELOPMENT

Within each Cell, Cell Works will be undertaken for the benefit of land contained within the Cell as generally set out in Part 2 of this Schedule.

With a view to implementing Cell Works for each Cell in the most economical and prompt manner possible, the local government shall determine the order and manner in which the Cell Works are to be carried out and may appoint contractors to carry out such works where it considers it appropriate to do so.

1.4 CALCULATION OF AREA OF A CELL

AMD 35 GG 17/2/06

1.4.1 The Area of a Cell is calculated by deducting from the total area of the Cell (represented by the sum area of all the land in the Cell). *AMD 35 GG 17/2/06*

(a) the total of the land areas in a Cell for public purposes as shown on the Local Structure Plan for the relevant Cell including: *AMD 35 GG 17/2/06*

- Crown Reserves;
- High school sites;
- The roads set out in Part 2 of this Schedule and drainage and underpasses associated with such roads;
- The public open space depicted on the Local Structure Plan for the relevant Cell; *AMD 35 GG 17/2/06*
- Land reserved "Other Major Highways" under the Metropolitan Region Scheme; and

(b) The land areas of any other developments which in the opinion of the local government have a limited subdivision or development potential. *AMD 35 GG 17/2/06*

1.4.2 Additionally, for the purpose of estimating lot yields for apportioning the cost of acquiring land for public open space in accordance with Clause 1.6, the Area of a Cell will be further reduced by the proposed land area of any private school sites within the Cell as shown on the relevant Local Structure Plan. *AMD 35 GG 17/2/06*

1.5 CALCULATION OF PUBLIC OPEN SPACE CONTRIBUTIONS

AMD 35 GG 17/2/06

1.5.1 (a) All owners of land in Cells 1 to 6 and 9, are required to contribute towards the provision of 10% of the Area of a Cell for public open space the cost of which shall form part of the Cell Costs. For the purpose of calculating public open space contributions for Cells 1 to 6 the area of public open space referred to in Clause 1.4.1 shall not be deducted from the area of a Cell. *AMD 35 GG 17/2/06; AMD 25 GG 31/3/09*

With the exception of the Landsdale District Centre site, the area of all local/neighbourhood/district shopping centre sites will be included in the Gross Area of a Cell, and the area of school sites and land required for local drainage shall be deducted from the Gross Area of a Cell to form the basis for determining the total area of public open space to be provided in a Cell; and

(b) All owners of land in Cells 7 and 8 shall be required to contribute towards the provision of public open space as part of the Cell Costs, where such public open space is identified by way of environmental impact assessment, buffer or any other requirements on the relevant Local Structure Plan. *AMD 35 GG 17/2/06*

1.5.2 Public open space shall include:

a) all community purpose sites except in Cell 9; and
AMD 102 GG 6/9/16

b) those reserves previously given up for public open space on historic subdivisions being:

- Reserve 27294
- Reserve 27071
- Reserve 34683 (in respect of Cell 5 only) *AMD 25 GG 31/3/09*
- Reserve 24794
- Reserve 24881
- Reserve 27340
- Reserve 25489
- ('the Reserves')

1.5.3 (a) If a land holding in a Cell previously contributed land for one of the Reserves referred to in subclause 1.5.2 (b) as part of an historic subdivision, the present owner of such land holding shall be allowed an appropriate adjustment in the Infrastructure Cost payable in respect of that landholding. The allowance due to an owner is the proportion of the total value of the Reserve, subject to the provisions of paragraphs (b) (c) and (d) of this subclause, that the area of the owner's landholding bears to the total land area in the historic subdivision and shall be calculated in accordance with the following formula:
AMD 17 GG 21/1/05; AMD 35 GG 17/2/06

$$S = (G \div H) \times V$$ *AMD 17 GG 21/1/05*

Where:

S = the value of the proportion of the historic contribution that an owner's land in a Cell made to a Reserve, subject to the provisions of paragraphs (b), (c) and (d) of this subclause, for which the owner is entitled to be paid the Assessed Value ("the Credit").
AMD 17 GG 21/1/05; AMD 35 GG 17/2/06

H = the total land area of the historic subdivision which contributed to the Reserve.

G = the area of the owner's land within the historic subdivision area.
AMD 17 GG 21/1/05

V = value of the reserve, subject to subclause 1.5.3(b)
AMD 17 GG 21/1/05

(b) The area of a Reserve that is to be valued is, for the purpose of calculating public open space in this clause, to be limited to 10% of the area of the historic subdivision that created it whether or not the actual area of the Reserve exceeds that proportion. *AMD 17 GG 21/1/05*

(c) The value to be applied under paragraph (b) of this subclause shall be the same as the value established from time to time of public open space for the purpose of calculating the relevant Cell Costs. *AMD 35 GG 17/2/06*

(d) Credit shall be allowed for public open space in historic subdivision once only. If public open space in an historic subdivision has been the subject of allowance under paragraph (c) of this subclause, no further allowance shall be made in respect of that public open space on any further subdivision of land from the historic subdivision, whether the further subdivision is a conventional green title, survey strata or strata subdivision. *AMD 35 GG 17/2/06*

1.5.4 If a land holding of an owner now overlapping two or more Cells was previously part of land which was subdivided and contributed land for one of the Reserves referred to in subclause 1.5.2 (b), even if the Reserve is not in the same Cell as the current land holding, or is not in any Cell, then the allowance due to the present owner may be spread as a Cell Cost across the different Cell Accounts for the Cells in which such land holding is situated;
AMD 35 GG 17/2/06

1.5.5 In the case in subclauses 1.5.3 and 1.5.4, the present owner of the land which historically contributed the Reserve will still be required to contribute to the public open space component of the calculation of the Infrastructure Costs described in Clause 1.6 for each Cell without regard to the public open space contribution previously made on the historic subdivision.
AMD 35 GG 17/2/06

1.5.6 The allowance due to an owner may be paid or allowed at the time such owner subdivides or develops any part of the owner's landholding generally in accordance with the Local Structure Plan for the Cell in which the landholding is situated. Such payment may, at the discretion of the local government, be credited against the Cell Infrastructure Costs payable by the owner for the subdivision or development.
AMD 17 GG 21/1/05; AMD 35 GG 17/2/06

1.6 CALCULATION AND APPORTIONMENT OF CELL WORKS AND COSTS – INFRASTRUCTURE COSTS

AMD 35 GG 17/2/06

1.6.1 Cell Costs shall be estimated by the local government and recovered from owners of land in each Cell in the manner provided for in this Part.
Cells 1 to 6 and 9 – Infrastructure Cost Per Lot: *AMD 25 GG 31/3/09*

1.6.2 The local government will, for the purposes of apportioning Cell Costs to Owners in Cells 1 to 6 and 9, make an estimate of the lot yield for each Cell called the 'Estimated Lot Yield'. This will be calculated by determining the number of hectares in the Area of a Cell and multiplying that area by 9 in the cases of Cell 1 and Cells 3 to 6, multiplying that area by 13 in the case of Cell 9, and multiplying that area by 15 in the case of Cell 2; *AMD 35 GG 17/2/06; AMD 25 GG 31/3/09; AMD 102 GG 6/9/16; AMD 200 GG 10/2/23*

1.6.3 The contribution to be made by each owner of land within a Cell to the implementation of the Cell Works for that Cell (to the extent that the land relates to Cells 1 to 6 and 9) shall be an Infrastructure Cost, based on an Infrastructure Cost Per Lot which is to be calculated by the local government in the following manner: *AMD 25 GG 31/3/09*

(a) The Infrastructure Cost Per Lot is determined by first deriving the Net Cell Cost:

(i) A – B = C

Where:

A = gross cost of Cell Works being the total of fixed actual and estimated future costs which will be based on costs estimated no more than 12 months in advance. Such estimates shall be based on an average for each Cell cost and recognise all factors affecting the development of the relevant Cell and associated constraints the local government will encounter in the provision of the Cell Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Cell Works

B = payments made to date by owners of land who subdivide or develop land within a Cell calculated on the basis of whichever is the lesser of:

(1) in the case of Cell 1 and Cells 3 to 6 the lots produced at the rate of 9 lots per hectare for the Area equivalent of the land holding of an owner, in the case of Cell 9 at the rate of 13 lots per hectare for the Area equivalent of the land holding of an owner, and in the case of Cell 2 at the rate of 15 lots per hectare for the Area equivalent to the land holding of an owner; or
AMD 35 GG 17/2/06 AMD 102 GG 6/9/16 AMD 200 GG 10/2/23

(2) the actual number of lots produced by the land holding of an owner;

C = Net Cell Costs;
and then dividing the Net Cell Cost by the subdivision potential of the balance of the Area of a Cell remaining unsubdivided. *AMD 35 GG 17/2/06*

(ii) C ÷ D = E

Where:

D = in the case of Cell 1 and Cells 3 to 6 the number of lots to be produced to achieve 9 lots per hectare for the Area equivalent of the unsubdivided balance area of a Cell, in the case of Cell 9 the number of lots to be produced to achieve 13 lots per hectare for the Area equivalent of the unsubdivided balance area of

that Cell, and in the case of Cell 2 the number of lots to be produced to achieve 15 lots per hectare for the Area equivalent of the unsubdivided balance area of that Cell.
AMD 35 GG 17/2/06 AMD 200 GG 10/2/23

E = the Infrastructure Cost Per Lot.

(b) The Infrastructure Cost payable by each owner of land in Cells 1 to 6 and 9 inclusive is calculated by multiplying the number of lots produced by the Infrastructure Cost Per Lot.
AMD 35 GG 17/2/06; AMD 25 GG 31/3/09

(c) Infrastructure Costs shall not be payable for land that is used for government school sites.
AMD 35 GG 17/2/06

1.6.4 Cells 1 to 6 and 9 – Determination of Potential Lots to Which the Infrastructure Cost Per Lot Applies
AMD 35 GG 17/2/06; AMD 25 GG 31/3/09

In addition to the number of lots on which the Infrastructure Cost payable by each owner pursuant to subclause 1.6.3(b) is assessed, a further Infrastructure Cost Per Lot shall be payable on the potential lots/dwellings capable of being produced, assessed in accordance with the following provisions:
AMD 35 GG 17/2/06

(a) where Local Government identifies land as having the potential or the capability of being developed for grouped dwellings, or any other non-public purpose land uses, the Infrastructure Cost per lot will be charged on the basis that the lot has residential subdivision potential at the time is created. This shall be calculated by Local Government as follows:
AMD 225 GG 11/04/25

(i) In the case of land in Cells 1, 3, 4, 5 and 6, by dividing the total area of the lot by 450m2 ;

(ii) In the case of land in Cell 2, by dividing the total area of the lot by 450m2 for land coded R20 or lower, and by 350m2 for land coded R25 or higher;

(iii) In the case of land in Cell 9, by dividing the total area of the lot by 500m2;
AMD 35 GG 17/2/06 AMD 102 GG 6/9/16 AMD 200 GG 10/2/23

(iv) The local government may, at its discretion, reduce the Infrastructure Cost Per Lot contribution payable for a grouped dwelling lot based on the number of dwellings depicted in a Development Approval.
AMD 2088 GG 31/10/25 AMD 2098 GG 04/11/25

(b) where the local government is satisfied that an area of land is intended to be developed as a church or a private school and the local government considers it appropriate in the circumstances, the Infrastructure Cost per lot may be charged on the basis of the Estimated Lot Yield referred to in subclause 1.6.2 or any other agreed basis;

(c) where a subdivision is proposed for land on which a dwelling exists and a smaller lot is created to contain the dwelling, the lot containing the dwelling ("the existing house lot") will be subject to an Infrastructure Cost Per Lot contribution based on the Residential R20 density described in subclause 1.6.4(a). If, however, the owner of such land can demonstrate that the size of the existing house lot is required to accommodate the dwelling, landscaping and other outbuildings associated with that dwelling and that the actual development potential of that lot may not exist without substantial cost and redevelopment, then the local government may, at its discretion, reduce the Infrastructure Cost Per Lot contribution payable for the existing house lot provided any future subdivision or development of the existing house lot will incur further contributions as outlined in subclause 1.6.4(a); *AMD 35 GG 17/2/06*

(d) where a subdivision of the kind contemplated in subclause 1.6.4(c) is proposed the local government may impose on the balance of the lot excluding the existing house lot ("the

remaining land") an Infrastructure Cost Per Lot contribution based on the R20 development potential of that lot as prescribed in Paragraph (a) of this subclause the Local Government may reduce or defer such payment if: *AMD 35 GG 17/2/06*

(i) the owner of such a lot can demonstrate that the subdivision was primarily carried out to create the existing house lot and to effect the sale of the remaining land; and

(ii) the size of the remaining land is such that it will be developed in stages or will be further subdivided.

1.6.5 Cells 7 & 8 Calculation of Infrastructure Cost Per Square Metre

The infrastructure contribution to be paid by owners of land in Cells 7 and 8 shall be calculated on the basis of the number of square metres of each Cell which are capable of being developed ("the Infrastructure Cost Per Square Metre").
AMD 17 GG 21/1/05

The Infrastructure Cost to be paid by each owner of land in Cells 7 and 8 is calculated as follows:

$X \div Y = Z$

Where

X = gross cost of Cell Works being the total of fixed actual and Estimated Future Costs the calculation of which will be based on costs anticipated no more than six (6) months in advance. Such estimates shall be based on an average for each Cell cost and recognise all factors affecting the development of the relevant Cell and associated constraints the local government will encounter in the provision of the Cell Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Cell Works.

Y = the area of a Cell which the Local Government estimates by deducting all land for existing and future roads, proposed drainage sites and other land for public purposes as depicted on the Structure Plan for the Cell from the total area of a Cell.

Z = the Infrastructure Cost Per Square Metre.

1.6.6 Cell 7 & 8 Variables Affecting the Calculation of Infrastructure Costs

a) In the case of subdivision and strata subdivision, the Infrastructure Cost contribution of an owner of land within Cell 7 or 8 will be calculated by multiplying the Infrastructure Cost per Square Metre by the total area of each lot proposed to be created with the exception of land or lots created for public purposes; and

b) in the case of development, the contribution of an owner of land within Cell 7 or 8 will be calculated by multiplying the Infrastructure Cost Per Square Metre by the total area of the land that the local government considers to be the subject of the Application to Commence Development or an application for a Building Licence including the area of all structures, car parking, storage, landscaping, necessary setbacks and the like.

1.7 RE-ASSIGNMENT OF USES OF LAND

Where land originally proposed on an Local Structure Plan in any Cell for any use and/or density, is subsequently subdivided and/or developed for a purpose and/or density and for which no Cell Costs or only partial Cell Costs have previously been paid under clause 1.6 hereof, such land will be liable for the full payment of the Cell Costs. The level of contribution required will reflect the rate of Infrastructure Cost Per Lot or Per Square Metre (or part thereof as applicable) current at the time the further subdivision or development occurs. *AMD 35 GG 17/2/06*

1.8 RECOUPMENT OF INFRASTRUCTURE COSTS

Subject to the agreement of the Western Australian Planning Commission, the local government may retrospectively obtain payment of Infrastructure Costs from any owner or former owner of land within a Cell where the appropriate Infrastructure Contribution payment as required by subclauses 1.10.6 (a) – (c) was inadvertently not required or made.

1.9 APPLICATION OF FUNDS IN CELL ACCOUNTS AND PRIORITISATION OF CELL WORKS

1.9.1 Borrowing of Funds (Including borrowings from other Cell Accounts to carry out Cell Works)

The local government may borrow funds contained in another Cell Account or borrow from any other permitted source to undertake or to complete Cell Works in a Cell or where it can be demonstrated that such borrowing will generally be of benefit to owners of land in a particular Cell.

1.9.2 Accounting for Borrowings in Cell Accounts

Where funds are borrowed pursuant to subclause 1.9.1, the local government shall at all times keep proper accounts of any such transactions and shall charge interest at the rate applicable to the scheme accounts from time to time.

1.9.3 Changes in Priority of Cell Works

The local government, with the objective of minimising any borrowing and in managing the land acquisition and road construction programme for each Cell, may use funds in a Cell Account to undertake any Cell Works for that Cell as the Local Government sees fit. The components used to calculate the Infrastructure Cost contributions shall not determine or limit the local government's decision as to whether any Cell Work should be carried out in priority to another.

1.10 ESTIMATES OF INFRASTRUCTURE COSTS

1.10.1 The local government may, upon receiving any written request from an owner of land in a Cell make an estimate of Infrastructure Costs and issue an estimate to the enquirer which states the rate of contribution of Infrastructure Costs for the subject Cell. All estimates issued by the local government in writing, are valid for a period not exceeding six (6) months from the date of issue. The estimate will be based on the calculation described in Clause 1.6 and will be an estimate of the Infrastructure Costs that will apply in six (6) months from the date of issue.

1.10.2 Where an owner of land in a Cell seeks to make a payment for Infrastructure Costs based on the estimate provided under subclause 1.10.1 and the Infrastructure Costs being charged by the local government at the time are less than the amount of the estimate, then the owner may pay the lesser amount.

1.10.3 Where an owner has been provided with an estimate of the Infrastructure Cost for any land of the owner within a Cell and the owner subsequently pays a sum equal to that estimate within the time allowed for under subclause 1.10.1, then the owner is not liable to pay further Infrastructure Costs in relation to that land unless the estimation provided by the local government was calculated in error, then subclauses 1.10.5 (a) to (c) and Clause 1.8 would apply. *AMD 35 GG 17/2/06*

1.10.4 The provisions of subclause 1.10.3 shall not apply to those owners or former owners of land in a Cell who, prior to the adoption of an Local Structure Plan for the Cell have made a payment to Cell Works on the basis of Infrastructure Cost Contribution that is less than the contribution rate required after the Local Structure Plan for the relevant Cell came into effect. In such circumstances, the local government may seek a further payment from those owners who have made such payments, which represents the difference between such payment and the amount

of the owner's contribution calculated as if the payment was made at the time the Local Structure Plan for that Cell came into effect.
AMD 17 GG 21/1/05; AMD 35 GG 17/2/06

Owners shall make the further payment stipulated by the local government on demand in accordance with subclause 1.10.5(d). *AMD 35 GG 17/2/06*

1.10.5 The contribution of an owner to Cell Costs by way of payment of Infrastructure Costs shall be paid: *AMD 35 GG 17/2/06*

(a) prior to the local government providing written advice to the Commission confirming that conditions relating to a conventional green title, survey strata or strata subdivision or amalgamation have been completed to enable the Commission to endorse its approval to the relevant plan or deposited plan (diagram of survey) pursuant to Section 145 of the Act or as otherwise required of the relevant local government and/or Western Australian Planning Commission under the Strata Titles Act 1985 and its Regulations; or *AMD 35 GG 17/2/06*

(b) prior to the issue of a Building Licence for any development (including a use) on the land of an owner in a Cell; or

(c) at the time of granting of Development Approval by the local government or the Commission for the commencement of any development on land of the Owner in a Cell involving the creation or production of any new lot or residential unit; or

(d) whether or not an owner has reached the stage of subdividing or amalgamating or carrying out any use or development on land within a Cell subject to the approval of the Commission, such owner shall be liable to pay to the local government the Infrastructure Costs or such part thereof as the local government from time to time requires as from the date of posting to him by or on behalf of the local government by prepaid post addressed to the owner's last address known to the local government of a notice informing such owner of the amount of the appropriate proportion or part then required and calling on the owner to make payment. Within six (6) months of the posting to an owner of such a notice the owner shall pay the sum sought together with any interest accrued to the date of payment.

The local government shall advertise or cause to be advertised in a newspaper circulated in the District any requirement for Infrastructure Contributions to be paid under subclause 1.10.5(d) to all affected landowners.

1.10.6 Having regard to the availability of funds in the relevant Cell Account and the priority of Cell Works, the local government shall endeavour to offset any credit to which an owner is entitled under this Part against the Infrastructure Contribution first assessed to be payable by that owner after determination of the credit. *AMD 35 GG 17/2/06*

1.10.7 If the date upon which the liability of an owner or former owner to pay Infrastructure Costs cannot be ascertained with certainty by reference to the time of the commencement of a development including a use involving the creation or production of a new or additional dwelling, then the date upon which the Infrastructure Costs shall be treated as being due and payable shall be the date of posting by the local government to the owner of a demand for payment of the contribution by prepaid letter addressed to the owner at the last address known to the local government of the owner.

1.10.8 The local government may agree (but is not required) to allow an owner to defer part of any Infrastructure Costs payable by such owner prior to or upon such costs becoming due and payable until a date acceptable to the local government and subject to payment of interest. Any interest payable pursuant to subclause 1.10.9 shall only be calculated on the balance of the Infrastructure Costs outstanding.

1.10.9 Interest shall be paid on all overdue Infrastructure Costs at the rate payable from time to time on judgement debts pursuant to *Civil Judgement Enforcement Act (2004) and the associated Regulations*from the date the contribution became due until the date of payment, although on application by an owner, the local government may agree to suspend or waive such interest or any part thereof if satisfied that it would be fair and equitable to make such allowance. *AMD 185 GG 29/10/2021*

1.10.10 Any overdue Infrastructure Costs relating to land in a Cell shall be a liquidated debt due to the local government by the owner of such land and may be recovered by the local government in a court of competent civil jurisdiction.

1.10.11 Additionally, any overdue Infrastructure Costs relating to land in a Cell shall be a charge on that land and the local government may lodge a caveat against the title of the land in respect thereof. The local government may at the cost of the owner of such land and subject to such other conditions as the local government considers appropriate, withdraw a caveat to permit dealings and thereafter re-lodge the caveat to prevent further dealing until such costs are paid. Upon the payment of all Cell Costs contributions in respect of any land, and if requested to do so the local government shall withdraw any such caveat which it has lodged on the title to that land at the request of and at the expense of the Owner.

1.10.12 The local government may, but is not required, to accept land within the Cell to the value of any amount due to the local government in respect of Infrastructure Costs in lieu of payment of that amount. The land can either be provided to the local government on an *en globo* basis or as serviced and developed land. Any such land shall only be valued on a fair market value basis by a licensed valuer who is a member of the Australian Institute of Valuers and Land Economists (Inc) (WA Division) ("AIVLE") acceptable to the parties or if no such agreement can be reached as nominated by the President for the time being of AIVLE.

The local government shall hold any land so acquired for future sale and expenditure of the proceeds on Cell Works, or for transfer to an owner in exchange for land required to be contributed for other Cell Works, on a fair market value basis.

1.10.13 Where the local government is required to acquire land for Cell Works and the owner of the land requests that the local government acquire the balance of the lot, local government may, subject to availability of funds within the Cell Account for that Cell, acquire such land. If deemed appropriate by the local government, funds may be drawn from another approved source.

1.10.14 Where the local government acquires land pursuant to subclause 1.10.13, it may at its absolute discretion, either offer this land for sale on a fair market value basis to an adjoining owner or other interested party or alternatively subdivide or develop this land in accordance with the prescribed zoning and the Structure Plan for the Cell.

1.10.15 Where the local government sells any land pursuant to subclause 1.10.14 the proceeds of sale shall be credited to the Cell Account from which the acquisition, subdivision or development costs were drawn and they shall not form part of the local government's Municipal Fund unless the acquisition, subdivision or development costs were drawn from that Fund.

1.11 REVISION OF CELL COSTS, ESTIMATED LOT YIELDS AND AREAS CAPABLE OF BEING DEVELOPED

AMD 35 GG 17/2/06

1.11.1 The local government shall from time to time review Cell Costs provided such reviews are conducted at least on an annual basis and in any event prior to the commencement of each new financial year.

1.11.2 The local government shall, at the time it reviews Cell Costs, review:

the Estimated Lot Yield referred to in subclause 1.6.2 in respect of Cells 1 to 6 and 9;
AMD 35 GG 17/2/06

the Infrastructure Cost per Lot in respect of Cells 1 – 6 and 9; *AMD 35 GG 17/2/06*

the remaining area of Cells 7 and 8 which is capable of being developed;

having regard for the actual lots produced in each Cell since the last review, the remaining Cell Works, any amendments to the Local Structure Plan and any other factors the local government considers relevant. *AMD 35 GG 17/2/06*

1.11.3 When calculating or reviewing Cell Costs, the local government will have regard to the value of the land required for Cell Works and include an amount of 10% over and above the assessed value of such land, to ensure that the local government has or will receive sufficient funds in the Cell Accounts to acquire land for Cell Works relating to the 9 Cells in East Wanneroo to meet its obligations for appropriate payment to such owners, and ensure the Cell Works can be completed in a manner that minimises the need for external borrowing. The local government may also apply a further amount above the Assessed Value to recognize any compulsory taking of land and/or acquisition of structures.
AMD 35 GG 17/2/06; AMD 25 GG 31/3/09

1.11.4 The local government, in reviewing the various elements pursuant to subclauses 1.11.1 and 1.11.2, may revise or amend any of those elements and any Infrastructure Costs payable by an owner of land in a Cell.

1.11.5 Following revision or amendment of the elements mentioned in subclauses 1.11.1 to 1.11.3 inclusive, the local government shall notify by way of public advertising all owners of land in a Cell that are affected by the outcome of the review advising of the availability of details concerning the review and revisions and inviting comment.

1.11.6 Following the issue of the invitation pursuant to subclause 1.11.5 a period of 42 days shall be allowed from the date such advertising commenced for an owner affected by the review to object to the revision of Cell Costs and any other finding of the review, other than the Assessed Value which shall be dealt with under Clause 1.14. An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field of the cost revision being objected to and can only object to those elements that have been altered as part of the review. Any objection received by the local government in accordance with this subclause during this period shall be assessed by the local government and if not agreed by the local government, shall be referred by the local government to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 2012. The arbitrator shall be bound by the provisions of Schedule 14 of the Scheme and the Local Structure Plan for that Cell.
AMD 35 GG 17/2/06

1.11.7 If the parties are unable to agree upon the arbitrator, the arbitrator may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party. The costs of each party involved in the arbitration process will be borne by that party, however, in the case where the arbitrator believes an objection to be frivolous or where a party has unnecessarily frustrated the process of arbitration, the Arbitrator may at his discretion, award costs against the erring party.

1.11.8 The local government shall after each annual review and as part of the updating of the business plans prepared for Cells, prepare a summary financial statement for each Cell stating all income, expenditure and works undertaken for the preceding financial year. This statement will be forwarded to the Commission together with a schedule of any revisions that have been made pursuant to this clause. The Commission may provide the local government with any comment or objection it may have pursuant to subclause 1.11.6.

AMD 35 GG 17/2/06

1.12 PRE-FUNDING OF CELL WORKS

1.12.1 An owner of land with a Cell may, with the prior approval of the Local Government, undertake any or all of the Cell Works referred to in Part 2 of this Schedule.

1.12.2 Where an owner wishes to undertake Cell Works pursuant to subclause 1.12.1, the owner shall, before commencing to carry out such works, first lodge a formal claim for the cost of those Cell Works with the local government which reserves the right to review and accept or reject the claim, and to permit or prevent the owner from carrying out the works until such time as the owner's claim has been agreed. The local government will endeavour to respond to an owner's claim within 60 days. *AMD 35 GG 17/2/06*

1.12.3 If the local government agrees that an owner can pre-fund Cell Works the owner shall at all times maintain proper and itemised records of all relevant expenditure, including receipts and invoices and provide copies of the same to the local government on request. Where the cost of carrying out such works exceeds the amount of the claim originally agreed to by the local government, the local government may accept or reject the additional cost or any part thereof.

Any dispute regarding the entitlement of the owner to additional reimbursement from the Cell Account shall be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 2012 and if the parties are unable to agree upon the arbitrator he may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party.

1.12.4 Where the local government accepts a claim for an entitlement to re-imbursement for the carrying out of Cell Works, the local government shall record the extent of the claim and if necessary adjust the extent of Cell Costs accordingly.

1.12.5 Where an owner seeks a credit for a contribution to Cell Works (whether by the provision of land or the construction of any works) against his Infrastructure Cost liability and the local government has previously agreed to the carrying out of such works by that owner on that basis, then the credit to be given to the owner will be calculated on the basis of the greater of the value of the Cell Works as ascribed by the local government in the calculation of the Cell Costs or the cost incurred by that owner.

1.12.6 Notwithstanding subclause 1.12.5, where an owner has pre-funded works and the credit allowed by the local government exceeds the obligation for payment towards Infrastructure Costs by the owner under this Part, the owner shall be refunded the excess after the local government has received sufficient contributions from other owners in that Cell towards meeting all the anticipated Cell Costs. *AMD 35 GG 17/2/06*

1.13 FINANCE

1.13.1 The local government may (but is not obliged to do so) raise loans or provide funds from other sources for the purpose of providing the finance necessary for the implementation of the designated Cell Works and any interest or charges incurred in doing so will be deemed to be a Cell Cost.

1.13.2 Where a Cell remains with no further land remaining from which a contribution to Cell Works can be levied by the local government under the provisions of this Part, the local government may (but is not obliged to do so) complete any outstanding Cell Works.

1.13.3 In the event that upon the subdivision, development or strata subdivision of all the land in the Cell, the Infrastructure Contributions received by the Local Government exceeds the amount necessary to complete the Cell Works and meet all of the Cell Costs, the amount of such excess will be distributed amongst the owners who made Infrastructure Cost payments to the Cell Account in accordance with sub clause 9.6.3. The amount of any excess that an owner may be entitled to receive shall be in the same proportion to the total value of contributions paid by the landowner to the total value of the contributions received in a Cell. The amount payable to an owner under this clause shall be reduced by the amount of any shortfall in the payments made by that owner to their assessed Infrastructure Costs.

If an owner or other person or persons, corporation or other legal entity entitled to an interest in a Cell cannot be located by the Local Government after the giving of public notice by way of an advertisement in a local, state or national newspaper circulating in the area on at least two occasions, writing by registered mail to their last known address as shown in the Local Government records and on the City's website and no request for a claim is received by the Local Government within a period of six months from a decision being made by the Local Government to distribute excess funds, that owner's proportion of the surplus funds may be expended, subject to the approval of the Minister of Planning, either towards further improvements and facilities within the Cell or transferred to the Cell Account of an abutting Cell where insufficient funds will be received to complete Cell Works that are common to both Cells and thereafter such an owner shall have no claim in respect to such money.
AMD 185 GG 29/10/2021.

1.14 ACQUISITION OF LAND FOR CELL WORKS, PAYMENT, VALUATION AND COMPULSORY ACQUISITION

AMD 35 GG 17/2/06

1.14.1 Without limiting the generality of Clause 78 of the deemed provisions, if an owner fails or refuses to transfer any part of the land of the owner which is required as part of the Cell Works following the giving of any notice by the local government requiring such land, the local government may forthwith or after giving such formal notices as to the local government shall seem appropriate in the circumstances, compulsorily acquire the relevant portion of that owner's land within the Cell.

1.14.2 Where land has been compulsorily acquired and a lawful claim for compensation has been served on the local government, the local government may claim compensation for betterment under section 184 of the Act and the value attributed to the betterment of the land the subject of the claim shall be set off against any compensation otherwise payable to the claimant under the Land Administration Act 1997 or any re-enactment of its provisions related to compulsory acquisition and compensation. *AMD 35 GG 17/2/06*

1.14.3 (a) Subject to subclause 1.14.6, if it is necessary, for any purpose, to ascertain the value of any land, such value shall be determined by two licensed valuers appointed from time to time by the City herein referred to as "the Valuation Panel". The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the City ("CEO") or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph ("the Proposed Value"). *AMD 35 GG 17/2/06*

(b) As soon as possible after the Proposed Value has been ascertained it shall be advertised at least once in each a newspaper circulating within the State and a newspaper only circulating locally, and an opportunity for submissions within a period of not less than 28 days from the latest advertisement shall be given. Additionally, a written notification to the same effect should be given to any owner of land within the relevant Cell who, at the time of advertising, has received approval to subdivide land within the Cell but who

has not made contribution to Cell Costs on that subdivision. That notification shall allow not less than 28 days from its date for submissions to be made in regard to the Proposed Value. *AMD 35 GG 17/2/06*

(c) The local government shall as soon as possible consider all submissions made on the Proposed Value and may refer any submission to the Valuation panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in this Part, it shall be referred by the local government to the Valuation Panel for comment. Having considered the submissions and any comment from the Valuation Panel, the local government shall fix upon the value to be applied under this clause ("the Assessed Value") until the next Assessed Value has been determined. *AMD 35 GG 17/2/06*

(d) It is intended that any Assessed Value should apply for no more than 12 months but while an Assessed Value remains current it shall stand as the Value of land within the relevant Cell for all purposes under this Part. *AMD 35 GG 17/2/06*

(e) Where land is acquired, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired the value of the land shall be calculated according to the same Assessed Value as was applied to the Infrastructure Contribution paid or payable by that owner on the subdivision of land in the same deposited plan as contains the land acquired. *AMD 35 GG 17/2/06*

1.14.4 In ascertaining the Assessed Value under Clause 1.14.3, all land shall be valued in its broad acre form as depicted on 1 January 1989, ignoring any services or infrastructure provided in accordance with the provisions of the relevant Local Structure Plan and applying the following principles: *AMD 35 GG 17/2/06*

(a) regard is to be had to the land classifications and zonings existing at the date of valuation;

(b) the date of valuation is to be the date on which the local government requests the Valuation Panel to provide the relevant Assessed Value;

(c) ignoring any improvements or words on the land;

(d) ignoring any condition on the land which might require rectification or remediation;

(e) in selecting relevant sales evidence, regard should be had first to values derived from land in the same Cell, and if that is not adequate evidence, from nearby or similar Cells in the East Wanneroo area, in priority to any other sales evidence;

(f) the method of valuation shall otherwise be in accordance with normal fair market valuation principles.

1.14.5 Where land is acquired in the circumstances contemplated in Clause 1.14.3(e), the local government shall pay to the owner an additional amount not more than 10% of the amount calculated under that clause. This provision does not apply to public open space referred to in Clause 1.5.2(b). *AMD 35 GG 17/2/06*

1.14.6 Where land is acquired for a Cell Work it shall be valued without regard to the Cell Work and the purpose for which the land is acquired shall not be taken into consideration.

1.14.7 Where the local government has acquired land for Cell Works it may lease such land and/or any associated buildings until the land is required for the purpose for which it was acquired or for any other period the local government determines to be appropriate. Any land that is acquired for Cell Works shall only be leased or rented for uses that do not affect or

detrimentally impact on the surrounding residents or land uses and the future use and enjoyment of the land for the purpose the land was acquired for. All rent and other money received by it under the lease shall be credited to the Cell Account for the Cell from which the land was acquired.

1.14.8 Where land required for Cell Works is ceded to the Crown prior to the Minister for Planning granting final approval and publication of Amendment No. 35 in the Government Gazette and the appointment of the Valuation Panel by the City under Clause 1.14.3, the land shall be valued in-accordance with the following subclauses by a licensed valuer appointed from time to time by the local government herein referred to as "the local government Valuer". *AMD 35 GG 17/2/06*

(a) the land value shall be the capital amount that an unencumbered estate in fee simple of the land en globo might reasonably be expected to realise upon sale and reflecting that: *AMD 35 GG 17/2/06*

i) if the land is zoned or to be zoned for residential or industrial or any higher purpose, then the land shall be valued on a fair market value basis accordingly;

ii) if the land is zoned Rural or Special Rural and is not proposed by the Scheme to be rezoned for any higher purpose then the land shall be valued on a fair market value basis according to its existing zoning; and

iii) The value placed upon the land of any owner of land within a Cell may be revised from time to time by the local government Valuer provided that if it is necessary as a result of such revision, the Valuer may reconsider the values placed on other land and make such re-evaluations as he considers just and equitable.

(b) Subject to the provisions of the Clause 1.14.8(a), the local government Valuer shall apply the following provisions when valuing land; *AMD 35 GG 17/2/06*

i) The method of valuation shall be in accordance with normal fair market valuation principles;

ii) Unless the provisions of the Scheme indicate a contrary intention, the date of valuation shall be the date upon which the local government gives notice to the owner in writing that it requires the land, or the date upon which the local government and the owner agree that the land should be made available, and if neither of those provisions applies, the relevant time shall be the date upon which the land is made available for the relevant Cell Works.

(c) If an owner of land that is the subject of such a valuation rejects the value ascribed to such land by the Valuation Panel, the owner may give notice of such rejection to the local government within 28 days after having been informed of the value. If the local government does not agree to change the value to a figure acceptable to the owner, the value shall be determined by arbitration in accordance with the Commercial Arbitration Act 2012. *AMD 35 GG 17/2/06*

(c) Clauses 1.14.8 does not apply to those reserves previously transferred to the Crown for public open space on historic subdivisions as identified in Clause 1.5.2(b).

1.15 OPERATIONAL PERIODS FOR EAST WANNEROO CELLS 1-9

AMD 208 GG 6/12/24

1.15.1 The following Operational Periods shall apply to the East Wanneroo Cells.

a) Cell 1 operational timeframe will be until 30 June 2027

b) Cell 2 operational timeframe will be until 30 June 2033
c) Cell 3 operational timeframe will be until 30 June 2032
d) Cell 4 operational timeframe will be until 30 June 2033
e) Cell 5 operational timeframe will be until 30 June 2029
f) Cell 6 operational timeframe will be until 30 June 2034
g) Cell 7 operational timeframe will be until 30 June 2034
h) Cell 8 operational timeframe will be until 30 June 2036
i) Cell 9 operational timeframe will be until 30 June 2033

PART 2 Cell Works and Contribution Provisions

2.1 INTRODUCTION

For the purposes of administering the orderly development of the East Wanneroo Cells 1 to 9 inclusive, as outlined in Part 1 of this Schedule of the Scheme, the following shall be classified as Cell Works which are to be paid for by the affected Owners located in each of the nine (9) Urban and Industrial Cells in the East Wanneroo area. *AMD 25 GG 31/3/09*

These Cell Works and Contribution Provisions are presented in the form of General Cell Works and Specified Cell Works.

2.2 GENERAL CELL WORKS

1. The carrying out by local government of any cadastral survey or resurvey in connection with any matter set out in the Scheme in connection with Cell Works.

2. The acquisition of land for any arterial road (and associated infrastructure) and approximately 10% of the area of the Urban Cells 1 to 6 and 9 for public open space (including Community Purpose sites) or the public open space areas identified on the Agreed Structure Plan for the Industrial Cells 7 and 8. *AMD 35 GG 17/2/06; AMD 25 GG 31/3/09*

3. Any compensation paid or payable for or in respect of the provision of any of the Cell Works or facilities referred to in this Schedule, or in the administration of Part 1 of this Schedule of the Scheme. *AMD 17 GG 21/1/05*

4. The provision of any road including land acquisition, earthworks, the formation, preparation, priming and sealing of the road and the provision of kerbing, drainage, service ducts, intersection treatments and lighting and costs associated with the relocation of existing services in connection with the road or in the road reserve, as referred to in this Schedule. *AMD 17 GG 21/1/05*

5. The provision of any easement or way, including but without limiting the generality of the foregoing any carriageway, cycleway or walkway as referred to in this Schedule.

6. In the case of Cell 9, the development of public open space areas to a basic standard as proposed in the City of Wanneroo Local Planning Policy 4.3 '*Public Open Space'*.
ADDED BY AMD 25 GG 31/3/09 & SUBSEQUENT CLAUSES RENUMBERED AMD 102 GG 6/9/16

7. Any environmental remediation or improvement including the removal of any contaminant and peat associated with Cell Works referred to in this Schedule.

8. Any consulting fees associated with designing and undertaking Cell Works.

9. All costs associated with the preparation, processing and gazettal of the East Wanneroo planning and developer contribution arrangement provisions either under this scheme or former Town Planning Scheme No. 1 and any Amendments to this Schedule, the District Structure Plan for East Wanneroo and the Local Structure Plans for the nine Urban and Industrial Cells, including but not limited to any environmental assessment as required by the Department of Environmental Protection (DEP) and Environmental Protection Authority (EPA). *AMD 17 GG 21/1/05; AMD 25 GG 31/3/09*

10. Interest on loans raised externally or provided by the local government or drawn from the various accounts from each Cell (in accordance with Clause 1.9) apportioned to Cell Works and any other cost incurred by the local government with the preparation and administration of Part 1 of this Schedule of the Scheme.

11. Local government administration costs including bank charges, audit fees, office and sundry costs, legal expenses, valuation fees, conveyancing fees, local government staff salaries and on costs and the costs of establishing a Geographic Information System facilitating the administration of the ongoing management of development of the East Wanneroo area along with the specific requirements of the Scheme pertaining thereto.

2.3 SPECIFIC CELL WORKS

For the purposes of understanding the extent of Cell Works proposed, the term 'structures' includes but is not limited to underpasses/overpasses, drainage sites associated with arterial roads, dual use paths, intersection treatments, etc. *AMD 17 GG 21/1/05*

Cell 1

Pinjar Road (between Wanneroo Road and Caporn Street)

* 50% of the total cost to acquire the ultimate road reserved land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Pinjar Road (between Caporn Street and Clarkson Avenue)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Reimbursement to the local government of a proportional contribution toward Joondalup Drive (between Wanneroo Road and western boundary of Pt Lot 8 Drovers Place).

Cell 2

Pinjar Road (between Wanneroo Road and Caporn Street)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Dundebar Road (between Wanneroo Road and Griffiths Road)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Caporn Street (between Pinjar Road and the eastern boundary of Cell 2)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Reimbursement to the local government of a proportional contribution toward Joondalup Drive (between Wanneroo Road and western boundary of Pt Lot 8 Drovers Place).

Cell 3

Dundebar Road (between Griffiths Road and Steven Street)

* 50% of the total cost to acquire the ultimate road reserve land;

* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.
AMD 178 – GG 13/10/2020

Cell 4

Elliot Road (abutting Cell 4)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Lenore Road (between northern end of Cell 4 and Ocean Reef Road)
* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Reimbursement to the local government of half the cost for the reserve and half the cost of construction of the full earthworks and one carriageway for the portion of Ocean Reef Road which abuts Cell 4 between Wanneroo Road and Lenore Road/Hartman Drive intersection.

Cell 5

Mirrabooka Avenue (abutting Cell 6 and Cell 8)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Mirrabooka Avenue (between Furniss Road and Gnangara Road)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriage and all structures.

Hepburn Avenue (between Mirrabooka Avenue and Rangeview Road)

* 73% of the total cost to acquire the ultimate road reserve land;
* 73% of the total cost of constructing the full earthworks, one carriageway and all structures.

Hepburn Avenue (between Rangeview Road and the eastern boundary of Cell 5)

* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Ocean Reef Road (between Mirrabooka Avenue and the eastern boundary of Cell 5)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Cell 6

Skeit Road (between Hepburn Avenue and Gnangara Road)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Hepburn Avenue (abutting the Kingsway Recreation Reserve)

* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Hepburn Avenue (between the eastern boundary of Kingsway Recreation Reserve and Mirrabooka Avenue)

* 73% of the total cost to acquire the ultimate road reserve land;

* 73% of the total cost of constructing the full earthworks, one carriageway and all structures.

Mirrabooka Avenue (between Hepburn Avenue and Furniss Road)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Gnangara Road (between Wanneroo Road and Hartman Drive/Skeit Road)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Cell 7

Hartman Drive (between Gnangara Road and Action Place)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Gnangara Road (between Wanneroo Road and Hartman Drive/Skeit Road)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Cell 8 *AMD 25 GG 31/3/09*

Hartman Drive (between Gnangara Road and Action Place)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Hartman Drive (between Action Place and Ocean Reef Road)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Gnangara Road (between Hartman Drive/Skeit Road and Mirrabooka Avenue)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Ocean Reef Road (between Hartman Drive/Lenore Road and Mirrabooka Avenue)

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriageway and all structures.

Mirrabooka Avenue (between Gnangara Road and Ocean Reef Road)

* 50% of the total cost to acquire the ultimate road reserve land;
* 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

Cell 9

Gnangara Road/Ocean Reef Road (between Alexander Drive and the western boundary of Cell 9);

* 100% of the total cost to acquire the ultimate road reserve land;
* 100% of the total cost of constructing the full earthworks, one carriage way and all structures;

Hepburn Avenue (between Alexander Drive and the Western boundary of Cell 9);

* 100% of the total cost to acquire any road widening for the ultimate road reserve;
* 100% of the total cost of constructing the full earthworks, one carriage way and all structures;

Reimbursement to the local government of its portion of the costs for the above works;

Alexander Drive (between Hepburn Avenue and Gnangara Road)

*100% of the total cost to acquire the ultimate road reserve land, including associated drainage sites;
* 100% of the total cost of constructing the full earthworks, one carriage way and all structures;

Reimbursement to the local government of its portion of the costs for the above works.

The cost of acquisition of the land for buffer and landscaping of the buffer along the eastern boundary abutting Alexander Drive.

Community Purpose Site:

The acquisition of land for the 5000m^2 Community Purpose site;
Design and construction of a Community Centre on the Community Purpose site.
AMD 102 GG 6/9/16

Schedule 15 - District Distributor Road Infrastructure Contributions Arrangements – Cells 1 to 4 Clarkson/Butler Planning District (see Clause 5.1 – Table 3)

PART 1 General Provisions

1.1 AREA OF CELLS

The provisions of this Schedule shall apply to the land contained within the black line as shown on Map 1 in Part 2 of this Schedule (hereinafter referred to as the Clarkson/Butler Planning District). The Clarkson/Butler Planning District is broken into four (4) Cells delineated by the broken black line on Map 1 in Part 2 of this Schedule.

1.2 DEFINITIONS

The following definitions apply to this Schedule:

"Cell" or "Cells" mean those parts of the Scheme area located in the Clarkson/Butler locality of the City's District, as set out in Map 1 in Part 2 of this Schedule.

"Cell Works" are those works required for the construction of District Distributor Roads and Pedestrian Crossings described in Part 2 of this Schedule or as agreed to by the local government and the Western Australian Planning Commission.

"Contributing Landholding" - refers to the total area of the landholding of a Landholder in a Cell contributing to Cell Works as described in the table in Part 2 of this Schedule.

"District Distributor Roads" are those roads generally comprising portions of Marmion Avenue, Connolly Drive, Neerabup Drive, Hester Avenue and Lukin Drive generally shown on Map 1 in Part 2 of this Schedule.

"Infrastructure Contributions" for the purposes of this Schedule means the contribution of a landowner towards Cell Works comprising District Distributor Road works or cash payments and Pedestrian Crossings works or cash payments together with the Landowner's proportion of Incidental Cell Works Costs calculated in accordance with this Schedule.

"Landowner" or "Landowners" refers to the registered proprietors of the contributing landholdings within Cells 1 to 4 as described in the table in Part 2 of this Schedule, or their successors in title.

"Pedestrian Crossings" means the grade separated or if agreed to by the local government and the Commission, at grade, traffic controlled pedestrian crossings constructed on parts of the District Distributor Roads as described in Part 2 of this Schedule.

1.3 OBJECTIVE

The objective of the Schedule 15 provisions is to provide a simple framework for Landowners of Contributing Landholdings to meet their pro-rata 'area' based Infrastructure Contributions within each Cell through the construction of their Cell Works in accordance with a timing and staging strategy which they may determine to the satisfaction of the local government.

1.4 LANDOWNER CONTRIBUTIONS

Landowners shall make Infrastructure Contributions as outlined in this Schedule.

1.4.1 District Distributor Road Contributions

1.4.1.1 Subject to the satisfaction of the local government, Landowners within each Cell may determine the order and manner in which construction of District Distributor Roads is carried out within a particular Cell.

1.4.1.2 Notwithstanding subclause 1.4.1.1, the local government may determine the order and manner in which that construction is to be carried out and may, if necessary, appoint contractors to carry out such works where it considers it appropriate to do so.

1.4.1.3 Unless otherwise determined by the local government, wherever possible, the District Distributor Roads will be constructed by Landowners adjacent to their Contributing Landholding.

1.4.2 Calculation and Apportionment of Infrastructure Contributions District Distributor Road Component.

1.4.2.1 Calculation of Gross Area of a Cell

The gross area of a Cell is the total area of the Contributing Landholdings in a Cell.

1.4.2.2 Formula for Infrastructure Contributions

The Infrastructure Contribution to be made within each Cell toward providing District Distributor Roads shall be in accordance with the following formula:

(A divided by B) multiplied by C equals D or (A÷B) x C = D

Where:

A = Area of Contributing Landholding
B = Gross area of the Cell
C = The total length of District Distributor Roads within a Cell
D = Total length of Landowner's District Distributor Road Infrastructure Contribution.

1.4.3 Timing of Infrastructure Contributions for District Distributor Roads

Landowners will meet their Infrastructure Contributions for District Distributor Roads through construction of these roads.

1.4.3.1 Unless otherwise agreed by the local government in writing, Infrastructure Contributions for District Distributor Roads shall be constructed prior to the local government providing written advice to the Commission confirming that conditions relating to the subdivision or amalgamation have been completed to enable the Commission to endorse its approval to the relevant plan or diagram of survey pursuant of Section 145 of the Act or as otherwise required of the relevant local government or the Commission under the Strata Titles Act 1985 and its Regulations in the case of strata subdivision (hereinafter referred to as clearance).

1.4.3.2 The local government may from time to time accept a part contribution from Landowners as a payment towards their Infrastructure contribution. The amount of the part contribution is to be determined by the local government and will be based on the proportion that the total area of the Landowner's land the subject of the relevant clearance bears to the whole of the Landowner's Contributing Landholding in a Cell, applied to the relevant Infrastructure Contribution for District Distributor Roads to be constructed by that landowner.

1.4.3.3 Notwithstanding subclause 1.4.3.2, Landowners must construct 50% or more of the total District Distributor Roads representing part of their Infrastructure Contribution prior to 50% of their Contributing Landholding having received clearance by the local government as described in 1.4.3.1.

1.4.3.4 Subject to subclause 1.4.3.3, the local government may accept additional part contributions as described in subclause 1.4.3.2 prior to 90% of the Contributing Landholding having received clearance by the local government as described in subclause 1.4.3.1 at which point the Landholder must construct its total District Distributor Roads component of the Infrastructure Contribution.

1.4.3.5 Unless otherwise agreed to by the local government, should a Landowner not construct District Distributor Road's as detailed in subclause 1.4.3, the local government may use any payments previously received from that Landowner for the construction of District Distributor Roads within the relevant Cell.

1.4.3.6 Upon the satisfactory construction of District Distributor Road by a Landowner, the local government shall return to the Landowner any payments previously received from that landowner as part contribution for that portion of District Distributor Road.

1.4.4 Pedestrian Crossing(s) Contributions

1.4.4.1 Subject to the satisfaction of the local government, Landowners within each Cell may determine the order and manner in which construction of Pedestrian Crossings is carried out within a particular Cell.

1.4.4.2 Notwithstanding subclause 1.4.4.1, the local government may determine the order and manner in which that construction is to be carried out and may, if necessary, appoint contractors to carry out such works where it considers it appropriate to do so.

1.4.4.3 Unless otherwise determined by the local government, wherever possible Pedestrian Crossings will be constructed by Landowners adjacent to their Contributing Landholdings.

1.4.5 Calculation and Appointment of Pedestrian Crossings Contributions.

1.4.5.1 Calculation of Gross Area of a Cell

The Gross Area of a Cell is the total area of the Contributing Landholdings in a Cell.

1.4.5.2 Formula for Contributions

The Infrastructure contribution to be made by each landowner within a Cell to Pedestrian Crossings shall be in accordance with the following formula:

(A divided by B) multiplied by E equals F or (A÷B) x E = F

Where:

A = Area of Contributing Landholding
B = Gross area of the Cell
E = The total number of Pedestrian Crossings within a Cell
F = Total Landowner Pedestrian Crossing Infrastructure Contribution.

1.4.6 Timing of Pedestrian Crossings Contributions

1.4.6.1 Pedestrian Crossings Infrastructure Contributions shall be made on the same basis as District Distributor Road Contributions as outlined in subclauses 1.4.3.1 - 1.4.3.2.

1.4.6.2 Notwithstanding subclause 1.4.4.2, Pedestrian Crossings should be constructed at the time that the District Distributor Road within which the Pedestrian Crossing is situated is constructed and that construction will be undertaken by the landowner(s) constructing that portion of the District Distributor Road. *AMD 52 GG 16/6/06*

1.4.6.3 Where a Pedestrian Crossing has been constructed pursuant to subclause 1.4.6.2, Infrastructure Contributions for that Pedestrian Crossing shall be determined by the local government as a proportion that each contributing landholding bears to the total area of the Cell. Unless otherwise agreed to by the local government, Contributing Landowners will compensate the constructing landholder based on the above proportional contribution within 6 months of the completion of construction to the satisfaction of local government.

1.4.6.4 The local government may, at its discretion, accept a cash payment from a landowner to extinguish all or part of that Landholders Infrastructure Contribution for Pedestrian Crossings within a Cell.

1.4.6.5 The local government may, at its discretion, use cash payments already received as Infrastructure contributions within a Cell for the purposes of constructing Pedestrian Crossings within that Cell.

1.5 GENERAL PROVISIONS

1.5.1 Consultative Committee

The local government may form a Consultative Committee for each or all Cells comprising of Landowners, representatives of the local government and the Western Australian Planning Commission and any other persons considered appropriate by Council to make recommendations to the local government in respect to timing and arrangements for Cell Works.

1.5.2 Retrospective Payment of Infrastructure Contributions

Subject to the agreement of the Western Australian Planning Commission, the local government may retrospectively obtain payment from any landowner where the appropriate Infrastructure Contribution payment as required by Clause 1.4.3.1 or 1.4.6.1 was inadvertently not required or made.

1.5.3 Payment of Excess Overestimate

Landowners in a Cell who, prior to the publication of final approval of Amendment No. 821 to Town Planning Scheme No. 1 in the Government Gazette have either constructed Cell Works or made a cash payment towards such works based on preliminary estimates will be required, after Amendment No. 821 came into effect and when Infrastructure Contributions have been determined, to provide further Cell Works or payments which represent the difference between the preliminary contribution and the amount of the landowner's contribution calculated at the time Amendment No. 821 came into effect.

In such circumstances Landowners shall make the further contribution stipulated by the local government within 6 months of the date of the request or in accordance with other arrangements agreed to by the local government.

1.5.4 Compensation for Over Provision

Unless otherwise determined by the local government, should a Landowner be entitled to credit where the value of any constructed Cell Works or payment of those works exceeds the total

Landowners contribution at the time Amendment No. 821 came into effect, then the difference shall be calculated by the local government and that Landowner reimbursed either by cash payment paid proportionately by the remaining Landowners within the Cell or via some other arrangements agreed to by the local government.

1.5.5 Recoverability of Infrastructure Contributions

Any overdue Landowner Infrastructure Contributions relating to land in a Cell shall be a liquidated debt due to the local government by the landowner of such land and may be recovered by the local government in a court of competent civil jurisdiction.

1.5.6 Additionally, any Infrastructure Contributions relating to land in a Cell which are due but not met shall be a charge on that land and the local government may lodge a caveat against the title of the land in respect thereof. The local government may at the cost of the Landowner and subject to such other conditions as local government considers appropriate, withdraw a caveat to permit dealings and thereafter relodge the caveat to prevent further dealing until such costs are paid. Upon the completion of the Landowner Contributions in respect of such land and upon receiving a request in writing the local government shall withdraw any such caveat which it has lodged on the title at the expense of the landowner.

1.5.7 Arbitration

1.5.7.1 Pursuant to subclauses 1.4.6.4, 1.5.3 and 1.5.4, in the event where a landowner and the local government are unable to agree to the amount of a cash payment required under these parts then the matter is to be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 2012.

1.5.7.2 If the parties are unable to agree upon the arbitrator, the arbitrator may be nominated by the President for the time being of the Royal Australian Institute of Civil Engineers (or its successor) on the application of any party. The costs of each party involved in the arbitration process will be borne by that party, however, in the case where the arbitrator believes an objection to be frivolous or where a party has unnecessarily frustrated the process of arbitration, the arbitrator may, at his discretion, award the costs against the erring party.

1.5.8 Financial Records

1.5.8.1 In the case where cash payments are received for Infrastructure Contributions within a Cell, the local government shall for the purpose of properly managing the implementation of Cell Works for each Cell, establish Cell Accounts for the Cell into which cash payments from Landowners of land within that Cell which are made in accordance with this Part will be credited and from which required payments for Cell Works will be paid.

1.5.8.2 The Cell Accounts shall be maintained in accordance with the provisions of the Local Government (Financial Management) Regulations 1996 and shall be audited on an annual basis. The local government shall make available for inspection to any landowner on request, a detailed statement of accounts for that Cell.

1.5.8.3 The local government may (but is not obliged to do so) raise loans or provide funds from other sources for the purpose of providing the finance necessary for the implementation of the designated Cell Works and any interest or charges incurred in doing so will be deemed to be a cost which will form part of the Cell Works.

PART 2 Cell Works and Contribution Provisions

2.1 INTRODUCTION

For the purposes of administering the construction of District Distributor Roads and Pedestrian Crossings, Clarkson/Butler Planning District for Cells 1 to 4 as outlined in this Schedule of the Scheme and Map 1 set out in Part 2 of this Schedule, the following shall be classified as Cell Works which are to be contributed towards by Landowners in each of the four (4) Cells in the Clarkson/Butler District in accordance with the proportions shown in the table set out in Part 2 of this Schedule.

2.2 CELL WORKS

2.2.1 District Distributor Roads

i) The construction of the complete earthworks both within the road reserves and where necessary, external to the road reserves, that are required for all future carriageways of the roads as well as public services, to the specification and satisfaction of the local government;

ii) the construction of one carriageway of a width of two lanes with associated shoulder within the road reserves to the specifications and satisfaction of the local government;

iii) construction of minimum pipe drainage at low points and a piped outfall to the drainage storage facility, intersections and road crossings to drain the road reserves of stormwater;

iv) the construction of pathways designed for the dual purpose of the carriage of pedestrians and non-motorised cyclists along the total length of one side of each of the road reserves to the specifications and satisfaction of the local government;

v) intersection channelisations;

vi) the costs incurred for the survey design and supervision (including 1.5% fee, Local Government Act) of the implementation of the works described in paragraphs (i) to (v) hereof.

2.2.2 Pedestrian Crossings

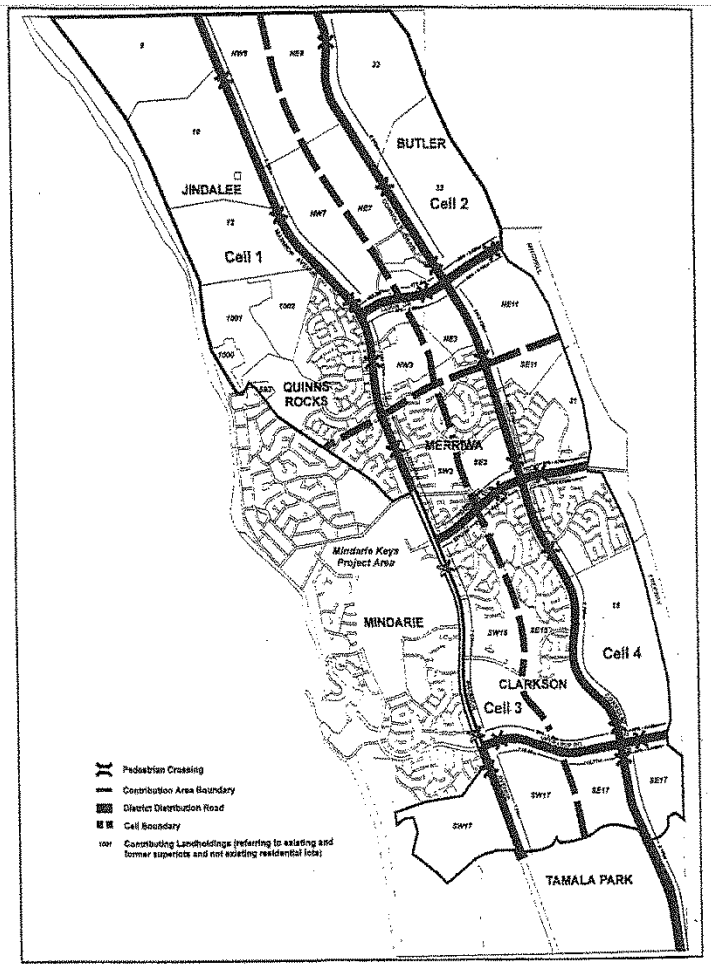
i) the construction of pedestrian crossing facilities (underpasses, overpasses, or if agreed by the local government and the Commission, a crossing at grade, traffic controlled as the case may be) shown at various locations within the Clarkson/Butler Planning District as detailed on Map 1 to the specifications and satisfaction of the local government. Such crossing facilities shall extend the full width of the road reserve to enable pedestrian access under/over the carriageway referred to in paragraph 2.2.1 (ii) hereof as well as the second carriageway to be constructed by the local government in the future when it determines that carriageway is necessary as if the two carriageways were constructed to their ultimate design widths.

2.2.3 Other

i) All costs associated with the preparation, processing and Gazettal of the Scheme Amendment introducing these provisions.

Interest on loans raised externally or provided by the local government or drawn from the various accounts from each Cell (in accordance with Schedule 15) apportioned to Cell Works and any other cost incurred by the local government with the preparation and administration of this Schedule of the Scheme.

MAP 1 (Part 2)


BUTLER
JINDALEE
Cell 2
Cell 1
QUINNS ROCKS
MERRIDA
Mindarie Keys Project Area
MINDARIE
Cell 4
CLARKSON
Cell 3
TAMALA PARK
Pedestrian Crossing
Contribution Area Boundary
District Distribution Road
Cell Boundary
Contributing Landholdings (referring to existing and former superlots and not existing residential lots)

Part 2									
Lot (or portions of - see Map 1)		Area	%	District Distributor Roads			Pedestrian Crossings		
				Km's	Funded	Balance	P.Crossings	Funded	Balance
Cell 1	3 (NW)	44.7201	6.3%	0.31	0.26	0.05	0.25	0.00	0.25
	905	10.1717	1.4%	0.07	0.00	0.07	0.06	0.00	0.06
	7(NW)	77.2048	11.0%	0.54	0.00	0.54	0.44	0.00	0.44
	8(NW)	69.3996	9.8%	0.49	0.00	0.49	0.39	0.00	0.39
	9	104.6549	14.8%	0.73	0.00	0.73	0.59	0.00	0.59
	10	112.2947	15.9%	0.79	0.00	0.79	0.64	0.00	0.64
	12	77.5797	11.0%	0.54	0.00	0.54	0.44	0.00	0.44
	1000	7.8643	1.1%	0.06	0.00	0.06	0.04	0.00	0.04
	1001	43.5038	6.2%	0.30	0.00	0.30	0.25	0.00	0.25
	1002	34.1598	4.8%	0.24	0.00	0.24	0.19	0.00	0.19
	2	60.3032	8.6%	0.42	0.66	-0.24	0.34	0.00	0.34
	593	2.4789	0.4%	0.02	0.00	0.02	0.01	0.00	0.01
	1	60.5478	8.6%	0.42	0.00	0.42	0.34	0.00	0.34
	Total	**704.8833**	**100.0%**	**4.93**	**0.92**	**4.01**	**4.00**	**0.00**	**4.00**
Cell 2	3(NE)	45.1883	9.4%	0.48	0.00	0.48	0.56	0.00	0.56
	8(NE)	59.5474	12.4%	0.63	0.00	0.63	0.74	0.00	0.74
	7(NE)	82.3923	17.2%	0.87	0.00	0.87	1.03	0.00	1.03
	11(NE)	76.6275	16.0%	0.81	0.00	0.81	0.96	0.00	0.96
	33	114.1992	23.8%	1.21	0.00	1.21	1.43	0.00	1.43
	32(NE)	98.3015	20.5%	1.04	0.00	1.04	1.23	0.00	1.23
	905	4.0017	0.8%	0.04	0.00	0.04	0.05	0.00	0.05
	Total	**480.2579**	**100.0%**	**5.08**	**0.00**	**5.08**	**6.00**	**0.00**	**6.00**
Cell 3	3(SW) & 31	81.6082	25.5%	1.13	0.65	0.36	1.02	0.00	0.82
	15(SW)	111.9903	35.1%	1.55	1.27	0.11	1.40	0.50	0.62
	17(SW)	125.85	39.4%	1.74	1.26	0.30	1.58	0.50	0.76
	*Homeswest	n/a	n/a	n/a	0.47	n/a	n/a	0.80	n/a
	Total	**319.4485**	**100.0%**	**4.42**	**3.65**	**0.77**	**4.0**	**1.8**	**2.20**
Cell 4	3(SE)	50.6422	9.0%	0.75	0.50	0.25	0.63	0.00	0.63
	11(SE)	19.8502	3.5%	0.29	0.00	0.29	0.25	0.00	0.25
	31	61.4767	10.9%	0.91	1.39	-0.48	0.77	0.50	0.27
	32(SE)	68.8959	12.3%	1.02	0.39	0.63	0.86	0.00	0.86
	16	120.3225	21.4%	1.77	0.00	1.77	1.50	0.00	1.50
	15(SE)	137.7752	24.5%	2.03	0.65	1.38	1.72	0.00	1.72
	17(SE)	102.55	18.3%	1.51	0.00	1.51	1.28	0.00	1.28
	Total	**561.5127**	**100.0%**	**8.28**	**2.94**	**5.34**	**7.00**	**0.50**	**6.50**
	Total	**2066.1024**		**22.71**	**7.50**	**15.21**	**21.00**	**2.30**	**18.70**

* Homeswest have previously undertaken District Distributor Road Infrastructure Works in Cell 3 and require compensation from landowners in Cell 3 on a proportional area basis. The balance of works shown for Cell 3 reflect only the outstanding works required (and assume Homeswest will be compensated).

Schedule 16 - Exempted Advertisements (see Clause 61(1) of the deemed provisions)

(a) All signs or advertising devices where the sign or advertising device does not exceed the design requirements of the local government's Signs Local Planning Policy;
AMD 52 GG 16/6/06

(b) a sign erected or maintained in accordance with an Act;

(c) a property disposal sign not exceeding $2m^2$ erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property; *AMD 52 GG 16/6/06*

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

(e) a direction sign;

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

(g) an advertisement affixed to or painted on a shop window not exceeding 50% of the glazed area of any one window or $10m^2$ in aggregate area per tenancy, whichever is the lesser, by the occupier thereof and relating to the business carried on therein; *AMD 52 GG 16/6/06*

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

(i) a sign within a building unless:

  (i) it is clearly visible from a public place outside the building;

  (ii) it is exempted under any other paragraph of this sub clause; or

  (iii) it is considered objectionable by the local government;

(j) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel approved by or with the consent of the local government for the purpose of displaying public notices for information;

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

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

(m) a rural producer's sign measuring up to 3m in height and $3m^2$ in area, which is the only sign on the lot on which it is erected; *AMD 52 GG 16/6/06*

(n) a sign erected by the local government, or with the approval of the local government, on land under the care, control and management of the local government;

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

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

(q) a sign painted on a kerb, adjacent to a property depicting the house number and in accordance with specifications approved by the local government;

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

(i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 5 weeks prior to the election; or

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

(s) an election sign which is: *AMD 52 GG 16/6/06*

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

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

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

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

(t) a sign permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company. *AMD 52 GG 16/6/06*

Schedule 17 - Land Use Permissibility for Structure Plans and Precinct Structure Plans (see Clause 4.9)

AMD 157 GG 6/4/18

<table>
<tr><th>STRUCTURE PLAN/PRECINCT STRUCTURE PLAN</th><th>USE PERMISSIBILITY PROVISIONS</th></tr>
<tr><td>All Structure Plans
AMD 172 GG 05/05/2023</td><td>
For land identified as a Business or Commercial zone within an approved structure plan, the following interpretation shall apply unless otherwise prescribed in this Scheme –
<table>
<tr><th>Existing Structure Plan Zone</th><th>Location</th><th>Equivalent Scheme Zone</th></tr>
<tr><td rowspan="2">Business</td><td>Within Activity Centre</td><td>Commercial</td></tr>
<tr><td>Outside Activity Centre</td><td>Service Commercial</td></tr>
<tr><td rowspan="2">Commercial</td><td>Within Activity Centre</td><td>Commercial</td></tr>
<tr><td>Outside Activity Centre</td><td>Service Commercial</td></tr>
</table>
The above interpretation for the Business and Commercial zones shall be varied in the following structure plans, until such time as the relevant structure plan is amended –
<table>
<tr><th>Structure Plan</th><th>Precinct/Zone</th><th>Equivalent Scheme Zone</th></tr>
<tr><td>Clarkson Activity Centre Plan No. 2</td><td>Business</td><td>Service Commercial</td></tr>
<tr><td>Structure Plan No. 17 - Neerabup Industrial Area</td><td>Business</td><td>Service Commercial</td></tr>
<tr><td rowspan="2">Structure Plan No. 44 - Capricorn Coastal Village</td><td>Commercial</td><td>Commercial</td></tr>
<tr><td>Business</td><td>Commercial</td></tr>
<tr><td>Structure Plan No. 68 – Yanchep City</td><td>Business</td><td>Commercial</td></tr>
<tr><td>Structure Plan No. 69 – Two Rocks LSP</td><td>Business</td><td>Commercial</td></tr>
<tr><td>Structure Plan No. 87 – Butler District Centre</td><td>‘Precinct C’ as noted on the structure plan map</td><td>Service Commercial</td></tr>
<tr><td>Alkimos City Centre Activity Centre Structure Plan No. 89</td><td>Business</td><td>Service Commercial</td></tr>
</table>
Land uses deleted from this Scheme, but which are prescribed in approved structure plans, shall be interpreted as follows –
<table>
<tr><th>Structure Plan Land Use</th><th>Equivalent Zoning Table Land Use</th></tr>
<tr><td>Bakery
Beauty Parlour
Costume Hire
Department Store
Dry Cleaning Premises
Hairdresser
Hire Service
Laundromat
Laundry
Shop
Stall – General
Supermarket
Video Hire</td><td>Shop</td></tr>
</table>
</td></tr>
</table>

	Camping Ground Golf Course Private Recreation Special Place of Assembly Sports Ground	Recreation – Private

Yanchep City Centre Activity Centre Plan No. 100

Designation of land identified in Structure Plan Map as Precincts 1 to 4.

Table 1 – Precinct 1 Land Use Permissibility Table

'P' Uses	'D' Uses	'A' Uses
Amusement Parlour Art Gallery Cinema/Theatre Civic Use Consulting Rooms Exhibition Centre Home Store Home Business Home Occupation Home Office Hotel Lunch Bar Medical Centre Multiple Dwelling Office Reception Centre Restaurant/cafe Shop	Car Park Child Care Premises Club Premises Display Home Centre Educational Establishment Market Night Club Place of Worship Restricted Premises Small Bar Telecommunications Infrastructure Tourist and Visitor Accommodation Trade Display	Liquor Store - small Tavern

Notes:

1. Land uses not listed in Table 1, which are listed as 'x' uses under the Scheme in the Commercial zone, are 'x' uses within the Precinct. Land uses listed in the Scheme in the Commercial zone as 'P', 'D' or 'A', but not listed in Table 1, or are unlisted in the Scheme, are to be considered in accordance with subclause 3.3(4) of the Scheme (excepting 'Single House' which is 'x').

2. Notwithstanding the provisions of Table 1, only non-residential development is permitted on the ground floor of buildings within Precinct 1.

3. Small Bar means premises the subject of a small bar license granted under the Liquor Control Act 1988.

4. Precinct land use permissibility is subject to the building typologies and associated development controls contemplated by the Yanchep City Centre Activity Centre Plan.

Table 2 – Precinct 2 Land Use Permissibility Table

'P' Uses	'D' Uses	'A' Uses
Amusement Parlour Art Gallery Child Care Premises Cinema/Theatre Civic Use Consulting Rooms Educational Establishment Exhibition Centre Home Store Home Business Home Occupation Home Office Hosted Short-Term Rental Accommodation Hotel Lunch Bar Medical Centre Multiple Dwelling Office Reception Centre Recreation - private Restaurant/Cafe Shop Veterinary Centre	Bulky Goods Showroom Car Park Club Premises Funeral Parlour Grouped Dwelling Hospital Independent Living Complex Market Night Club Open Air Display Place of Worship Residential Aged Care Facility Residential Building Restricted Premises Single House Small Bar Telecommunications Infrastructure Tourist and Visitor Accommodation Trade Display Trade Supplies	Liquor Store - small Tavern

Notes:

1. Land uses not listed in Table 2, which are listed as 'x' uses under the Scheme in the Mixed Use zone, are 'x' uses within the Precinct. Land uses listed in the Scheme in the Mixed Use zone as 'P', 'D' or 'A', but not listed in Table 2, or are unlisted in the Scheme, are to be considered in accordance with subclause 3.3(4) of the Scheme.

2. Notwithstanding the provisions of Table 2, 'bulky goods showroom' is only a permitted use where the gross retail floorspace does not exceed 400m².

3. Small Bar means premises the subject of a small bar license granted under the Liquor Control Act 1988.

4. Precinct land use permissibility is subject to the building typologies and associated development controls contemplated by the Yanchep City Centre Activity Centre Plan.

Table 3 – Precinct 3 Land Use Permissibility Table

'P' Uses	'D' Uses	'A' Uses
Consulting Rooms Hospital Lunch Bar Medical Centre Office	Amusement Parlour Art Gallery Car Park Child Care Premises Cinema/Theatre Civic Use Club Premises Educational Establishment Exhibition Centre	Liquor Store - small Tavern

	Hotel Multiple Dwellings Place of Worship Reception Centre Recreation - private Residential Building Shop² Small Bar Telecommunications Infrastructure	

Notes:

1 Land uses not listed in Table 3, which are listed as 'x' uses under the Scheme in the Business zone, are 'x' uses within the Precinct. Land uses listed in the Scheme in the Business zone as 'P', 'D' or 'A', but not listed in Table 3, or are unlisted in the Scheme, are to be considered in accordance with subclause 3.3(4) of the Scheme (excepting 'Single House' which is 'x').

2. Notwithstanding the provisions of Table 3, 'shop' is only a permitted use where the gross retail floorspace does not exceed 300m².

3. Small Bar means premises the subject of a small bar license granted under the Liquor Control Act 1988.

4. Precinct land use permissibility is subject to the building typologies and associated development controls contemplated by the Yanchep City Centre Activity Centre Plan.

Table 4 – Precinct 4 Land Use Permissibility Table

'P' Uses	'D' Uses	'A' Uses
Amusement Parlour Art Gallery Bulky Goods Showroom Consulting Rooms Convenience Store Exhibition Centre Fast Food Outlet Lunch Bar Market Medical Centre Motor Vehicle Wash Office Open Air Display Restaurant/Cafe Service Station Trade Supplies Veterinary Centre	Car Park Child Care Premises Civic Use Club Premises Educational Establishment Funeral Parlour Garden Centre Hotel Market Motor Vehicle Repair Place of Worship Reception Centre Recreation - private Residential Building Restricted Premises Shop² Telecommunications Infrastructure Tourist and Visitor Accommodation Trade Display Trade Supplies Warehouse/Storage	Liquor Store – large Liquor Store - Small Tavern

	Notes: *1. Land uses not listed in Table 4, which are listed as 'x' uses under the Scheme in the Business zone, are 'x' uses within the Precinct. Land uses listed in the Scheme in the Business zone as 'P', 'D' or 'A', but not listed in Table 4, or are unlisted in the Scheme, are to be considered in accordance with subclause 3.3(4) of the Scheme (excepting 'Single House' which is 'x').* *2. Notwithstanding the provisions of Table 4, 'shop' is only permitted in Precinct 4 where the gross retail floor space of the shop exceeds 300m².* *3. Precinct land use permissibility is subject to the building typologies and associated development controls contemplated by the Yanchep City Centre Activity Centre Plan.*

Schedule 18 – Special Control Areas that are not Development Contribution Areas (see Clause 5.1(2))

AMD 150 GG 27/4/18

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
SCA 1	Lot 100 (25) and Lot 5 (33) Drovers Place, Wanneroo Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369), Lot 132 (1351), Lot 11 (1349), Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo	**1.0 General Special Control Area Provisions** The following provisions apply in this Special Control Area. Where any inconsistency arises between any Special Provision of this part of this Schedule and the General Provisions of the Scheme, then the provision of this part of this Schedule shall prevail to the extent of that inconsistency. **1.1 Land Use Definitions** In addition to the definitions prescribed in Part 6, the land use definitions for 'Growers Mart', 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' provided in Schedule 2 (Additional Use numbers A37 and A38) shall also be read in conjunction with the provisions of this Special Control Area. **1.2 Objectives of the Special Control Area** The general objectives of this Special Control Area are as follows: a) Guide subdivision and provide for a variety of appropriate land uses and development, where proposals will have high exposure to Yellagonga Regional Park; b) Facilitate adaptive built form that maintains a visual relationship with and provides pedestrian access to Yellagonga Regional Park; and c) To protect and enhance the environmental, heritage, and landscape values of the adjacent Yellagonga Regional Park. **1.3 Local Development Plan Requirements** 1.3.1 Local development plans prepared for this Special Control Area should be consistent with the objectives as outlined in Clause 1.2 of this Schedule. 1.3.2 The local government may resolve not to support or approve development within the Special Control Area in the absence of a local development plan, unless it is satisfied that the development proposed is of a scale and permanence that will not prejudice the provision of infrastructure and services to the area; or other development on land within and adjoining the Special Control Area. 1.3.3 In addition to any general matters required to be included within a local development plan under the General Provisions of this Scheme, local development plans for the Special Control Area should illustrate, as a minimum, the following where applicable:

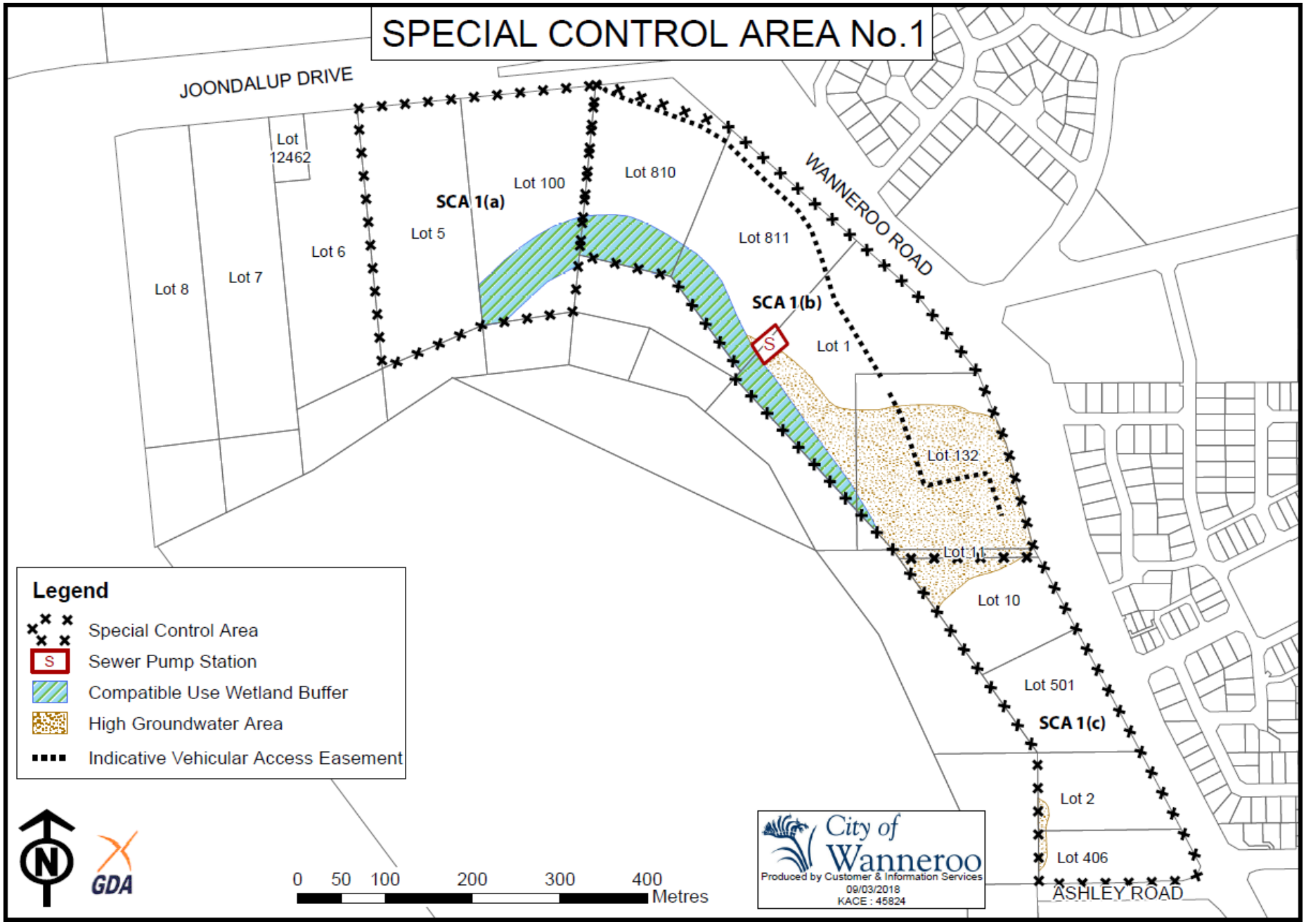
NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		a) Detailed site analysis including topography, vegetation, tree survey, view corridors, and microclimate. The vegetation analysis and tree survey should clearly identify and justify the extent of: i. Any clearing that is proposed during the development stages; and ii. Vegetation that will be retained and managed at the subdivision and development stages. b) Footpaths and shared paths, linking with Yellagonga Regional Park; c) Integration of landscaping and public realm with Yellagonga Regional Park; d) Principles of landscape design; e) Maintenance of visual relationship with Yellagonga Regional Park; f) Fencing as it relates to Yellagonga Regional Park; g) Signage as it relates to Yellagonga Regional Park; and h) Earthworks plan with indicative design levels and likely extent of retaining walls. **1.4 Wetland Buffers** 1.4.1 Areas designated as a wetland buffer in the Plan included in this Schedule shall preclude development, however will allow low-impact uses, including: (a) Water sensitive urban design best management practices; (b) Passive recreational facilities as deemed appropriate by the local government; (c) Amenity landscaping utilising locally native species; and (d) Other low-impact uses as deemed appropriate by the local government in consideration of the advice from relevant government agencies. 1.4.2 Any application for development and/or subdivision affecting or adjacent to Lake Joondalup or the Wetland Buffer shall be supported by a Wetland Management Plan that incorporates the following to the satisfaction of the Western Australian Planning Commission (subdivision) and the Local Government (development): a) A concept plan showing the location of wetland compatible uses to be included within the buffer area, and those areas to be rehabilitated with native vegetation;

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		b) A re-vegetation plan to provide for the planting of native vegetation within the wetland buffer area. c) Midge management plans; d) Fertiliser and irrigation management plan; e) Urban Water Management Plan demonstrating: i. Onsite retention and treatment of all stormwater up to the one year critical duration rainfall event; ii. Attenuation of peak flows to pre-clearing levels; and iii. The use of appropriate water sensitive urban design structural controls to achieve above design criteria; f) Bushfire management; and g) Dieback management. **1.5 High Groundwater Areas** 1.5.1 The local government shall not support subdivision or approve development on land that is shown as a 'High Groundwater Area' on the Plan included in this Schedule, unless it can be demonstrated that: a) Finished floor levels, without the use of a controlled groundwater level, can be achieved that have 1.2 metre separation from historical maximum groundwater levels and 0.5 metre separation from 100 Year Average Recurrence Interval (ARI) Top Water Level in flood storage areas; b) The introduction of fill to achieve (a) will not present any interruption to flood water flows in the 100 Year ARI flood event; c) The introduction of fill to achieve (a) will coordinate with natural levels at the common boundary with Yellagonga Regional Park; d) Batters arising from introduced fill shall result in no retaining walls greater than one metre required, and that batters can be revegetated to prevent future erosion; e) Fill introduced to the site shall be clean of Phytophthora dieback, weeds and accredited as such; f) All stormwater up to and including the 1 Year ARI critical duration event shall be infiltrated at source and not conveyed through the drainage network to infiltration areas in open space or drainage reserves; and g) Stormwater leaving the development site shall not exceed pre-development flow rates. All post development

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		stormwater shall be attenuated on the development site and off-line from overland flow paths. 1.5.2 The conditions above shall be demonstrated to the local government in the form of Urban Water Management Plans that incorporate an indicative earthworking plan, indicative design levels and modelling of 100 year flood levels for Lake Joondalup; in addition to any requirement or guidance issued by the local government and/or relevant government agencies. 1.5.3 Urban Water Management Plans shall be finalised by the applicant and endorsed by the local government through a condition of subdivision or development, issued prior to commencement of any site works. **2.0 Special Control Area Provisions – SCA No. 1 (a)** **2.1 Extent of Special Control Area 1 (a):** Special Control Area 1 (a) incorporates the following lots: • Lot 100 (25), Drovers Place, Wanneroo • Lot 5 (33) Drovers Place, Wanneroo (see plan forming part of this Schedule) **2.2 Intent of Special Control Area 1 (a)** The intent of Special Control Area 1 (a) is to provide for a diverse precinct of residential, community and private recreation uses that integrate with the environment of Yellagonga Regional Park. **2.3 Development and Application Requirements** 2.3.1 The design of development adjacent to the Yellagonga Regional Park shall limit the visual impact of site levels, retaining walls, and fencing. Visually impermeable fencing and/or retaining walls above one metre in height shall be prohibited adjacent to Yellagonga Regional Park. 2.3.2 Development shall be designed at a scale and level that would render it unobtrusive from the Yellagonga Regional Park boundary and shall be screened from the park by way of local native vegetation. **3.0 Special Control Area Provisions – SCA No. 1 (b)** **3.1 Extent of Special Control Area 1 (b):** Special Control Area 1 (b) incorporates the following lots: • Portion Lot 810 (1397) Wanneroo Road, Wanneroo • Lot 811 (1387) Wanneroo Road, Wanneroo • Lot 1 (1369) Wanneroo Road, Wanneroo • Lot 132 (1351) Wanneroo Road, Wanneroo • Lot 11 (1349) Wanneroo Road, Wanneroo

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		(See plan forming part of this Schedule) **3.2 Intent of Special Control Area 1 (b)** The intent of Special Control Area 1 (b) is to provide for a Business Zone with built form that respects and recognises the environment of Yellagonga Regional Park. **3.3 Development Requirements** 3.3.1 Development adjacent to the Yellagonga Regional Park shall coordinate with natural levels at the common boundary with Yellagonga Regional Park to minimise the visual impact of site levels, retaining walls, and fencing. Retaining walls above one metre in height shall be discouraged. 3.3.2 The location and design of buildings, access ways and footpaths shall provide for view corridors to the Yellagonga Regional Park. 3.3.3 The bulk and scale of any future development shall have regard for preserving the views, significance and character of and visual relationship to Yellagonga Regional Park. 3.3.4 Provision of a Right-of-Carriageway Easement from Wanneroo Road to the existing Pump Station site and works required to interface the Pump Station installation with the proposed adjacent subdivision or development. 3.3.5 Service areas shall be integrated within the development and designed to minimise any negative visual impacts along the interface with the Yellagonga Regional Park and Wanneroo Road. All service areas shall be appropriately screened from the public realm. 3.3.6 Hardscape shall provide for reduction of impervious area to facilitate water sensitive design. 3.3.7 Building façades shall be of a high architectural standard utilising brick, masonry, concrete and glazing and include colour schemes sympathetic to the natural environment. 3.3.8 Buildings are to be designed to suit local climatic conditions, be energy efficient and designed to help reduce the risk and fear of crime. 3.3.9 New buildings are to be of a quality of architectural design that is consistent with the role, setting and natural character of the Special Control Area. 3.3.10 Buildings are to provide opportunities for passive surveillance and be sited to enable and encourage pedestrian access to Yellagonga Regional Park. This may include glazing and seating or alfresco areas to integrate development with the Yellagonga Regional Park.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		3.3.11 A minimum of eight percent of a site shall be provided as landscaping in addition to the Wetland Buffer defined in the Plan included in this Schedule. **4.0 Special Control Area Provisions – SCA No. 1 (c)** **4.1 Extent of Special Control Area 1 (c):** Special Control Area 1 (c) incorporates the following lots: • Lot 10 (1327) Wanneroo Road, Wanneroo • Lot 501 (1321) Wanneroo Road, Wanneroo • Lot 2 (1303) Wanneroo Road, Wanneroo • Lot 406 (1297) Wanneroo Road, Wanneroo (See plan forming part of this Schedule) **4.2 Intent of Special Control Area 1 (c)** The intent of Special Control Area 1 (c) is to provide for single dwellings in a natural landscape setting, whilst protecting adjacent natural assets. **4.3 Subdivision and Development Provisions** 4.3.1 The minimum lot size shall not be less than 2,000sqm. 4.3.2 All lots shall be connected to a reticulated sewage system. 4.3.3 With the exception of a suitable access driveway, development (including earthworks) shall be located within the building envelope identified on the approved local development plan. 4.3.4 No vegetation shall be cleared or removed outside the building envelope, or that area used for an approved vehicular access, without the prior approval of the local government. 4.3.5 Development shall be designed at a scale and level that would render it unobtrusive from the Yellagonga Regional Park boundary and shall be screened from the park by way of local native vegetation. **4.4 Specific Local Development Plan Requirements** In addition to any matters required to be included within a local development plan under the General Provisions of this Scheme and Clause 1.3.3 of this Schedule, a local development plan for Special Control Area 1 (c) shall illustrate the following: a) Building envelopes on lots to be created through subdivision, to a maximum area of 800sqm. Up to three building envelopes may be proposed on a single lot, provided the total land area of all envelopes does not exceed 800sqm.


SPECIAL CONTROL AREA No.1
JOONDALUP DRIVE
WANNEROO ROAD
ASHLEY ROAD
Lot 12462
Lot 100
Lot 810
Lot 5
Lot 6
Lot 7
Lot 8
Lot 811
Lot 1
Lot 132
Lot 11
Lot 10
Lot 501
Lot 2
Lot 406
SCA 1(a)
SCA 1(b)
SCA 1(c)
S
Legend
Special Control Area
Sewer Pump Station
Compatible Use Wetland Buffer
High Groundwater Area
Indicative Vehicular Access Easement
N
GDA
0 50 100 200 300 400
Metres
City of Wanneroo
Produced by Customer & Information Services
09/03/2018
KACE : 45824

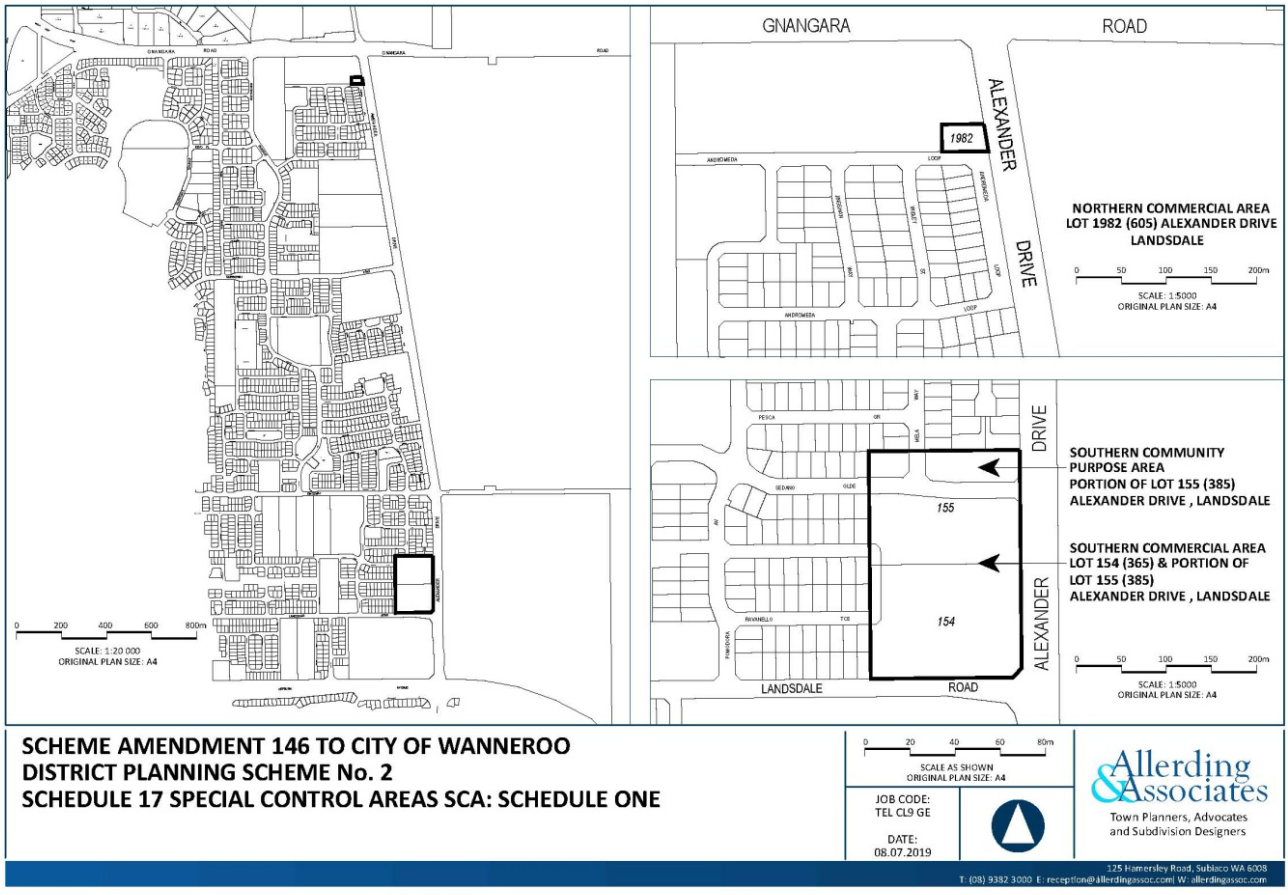
NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
SCA2	Land bound by Gnangara Road to the North, Alexander Drive to the East, Hepburn Avenue to the South and the eastern boundary of East Wanneroo Cell 5 (but excluding reserve 34683 Alexander Drive) as shown on the Scheme Map.	**1. Objective** To reduce the risk of radio frequency emissions and interference to the operations of the Perth International Telecommunications Centre (PITC) located on Lot 1 (620) Gnangara Road, Cullacabardee. **2. Special Provisions Shall Prevail** (a) Where any inconsistency arises between any Special Provision of this Schedule and the general provisions of the Scheme or any other document, then the provision(s) of this Schedule shall prevail to the extent of that inconsistency; and (b) The special provisions of SCA 2 cannot be varied except to the extent provided for by this schedule. **3. Subdivision and Development** (a) The land use permissibility in the Residential Zone within SCA 2 is limited to the following: Grouped Dwelling – D Home Business – D Home Occupation – D Home Office – P Single House – D *AMD 221 GG 3/2/2026* (b) Notwithstanding the deemed provisions, development approval is required for Residential Development within SCA 2. *AMD 221 GG 3/2/2026* (c) The subdivision and development of all land within SCA 2 shall have due regard to the requirements of any structure plan, local development plan or local planning policy that is adopted under or for the purposes of this Scheme subject to the provisions contained within the Scheme. (d) Residential subdivision and development within SCA 2 is to achieve a minimum average site area of not less than 500m^2 per dwelling. (e) Lots within SCA 2 are to have a predominantly north south orientation. (f) Roads within SCA 2 are to have a predominantly east west orientation. **4. Residential Development** All Residential development is to comply with the following standards: (a) The maximum height of any residential building is not to exceed the height limits for Category B Buildings provided in Table 3 of the Residential Design Codes; (b) To the extent permitted by the Building Code of Australia or planning requirements, double brick construction must be used for all external walls except: i. Garages (for which single brick construction may be used); and

		ii. Outbuildings (for which materials other than brick may be used). (c) Outbuildings not constructed of brick must not exceed 2.7 metres in height above natural ground level; (d) If all external walls are not double brick construction (except garages and outbuildings), overlapping sisalation must be installed between the outer wall and abutting inner wall located on the eastern side of the building; (e) All roofs (except roofs of garages and outbuildings with dimensions less than 3.0 metres x 3.0 metres) must have a pitch of at least 10 degrees; (f) All garages must not have a permanent opening on the eastern side; or on more than one side but, for avoidance of doubt, one of the 3 enclosed sides may include a garage door; (g) Antennae connected to equipment that has transmit capabilities must not be installed without planning approval and such will only be permitted with the prior written approval of Telstra Corporation Limited; (h) Where practical, windows must be located on the northern and southern sides of any residential dwellings; and (i) Where practical, kitchens must be located on the western side of residential dwellings. **5. Non-Residential Development Requirements** All development within the Northern Commercial Area, Southern Commercial Area and Southern Community Purpose Area (as detailed in Schedule One of the SCA) is to comply with the following standards: (a) Prior to the approval of any non-residential subdivision or development, a local development plan is to be prepared which identifies: i. measures to mitigate radiofrequency interference with the PITC. This is to include the identification of walls that are required to be solid and/or have glazing in accordance with Clauses 5(b), 5(e), 6.1(a), 6.2(a) and 6.3(a); ii. the orientation of building frontage, setbacks, car parking and landscaping to provide an attractive and integrated interface to residential areas and the public street network; iii. the retention of remnant vegetation within car parking and development sites; and iv. the orientation and positioning of services and loading areas to avoid interfacing with residential areas. (b) Any eastern facing walls for buildings that front Alexander Drive must be solid unless approved in accordance with Clause 7.1; (c) All roofs must have a pitch of at least 10 degrees, except for portions of the roof accommodating roof mounted plant; (d) Unless varied in accordance with the requirements of Clause 7.2, car parking is to be located:

		i. To the west of the buildings adjacent to Alexander Drive; and/or, ii. Between the buildings; and/or iii. To the south of the buildings for the Southern Commercial Area; and/or iv. To the south and/or west of the Southern Community Purpose Area; and/or v. To the north of the buildings for the Northern Commercial Area. (e) Vehicle access is not permitted from Alexander Drive other than from: i. Existing constructed roads; ii. The existing access for the Ambulance Depot on Lot 1982 Alexander Drive; and iii. The proposed extension to Sedano Glade through to Alexander Drive. (f) All glazing on the windows and glass doors of the following building elevations is to be treated with RF shielding window film to block up to 20 Gigahertz frequencies: i. The eastern elevation of all buildings fronting or directly facing Alexander Drive; ii. The northern elevation of buildings of the Southern Commercial Area and Southern Community Purpose Area, where the walls front or directly faces the extension of Sedano Glade, where identified in an approved Local Development Plan; and iii. The southern elevation of the Northern Commercial Area. (g) Any other requirement applicable to an area as specified in Clause 6 below. **6. Development Requirements for Specific Commercial Areas** The following provisions apply to the specific areas identified in Schedule One of SCA 2. 6.1 Northern Commercial Area For the Northern Commercial Area (Lot 1982 Alexander Drive), the following additional provisions apply: (a) The wall/s on the southern elevation of a building must be solid unless approved in accordance with Clause 7.1. (b) The height of all buildings must not exceed 6.0 metres above finished ground level; (c) No electrical or illuminated signs are permitted on the southern or eastern elevations of the buildings above 6.0 metres above finished ground level; (d) Architectural features and isolated mechanical plant screening may be permitted up to 9.0 metres in height if such screening provides a barrier between the plant and the eastern and northern elevations to screen any such plant from creating potential radio frequency emission issue to PITC; and

		(e) Stand-alone signage shall not contain electrical/illuminated signs located higher than 6.0 metres above finished ground level on the southern or eastern elevations of the signage structure. 6.2 Southern Commercial Area and Southern Community Purpose Area For the Southern Commercial Area (Landsdale Road), and Southern Community Purpose Area the following additional provisions apply: (a) The wall/s on northern elevation of buildings, where the wall fronts or directly faces the extension of Sedano Glade and are identified on an endorsed local development plan as being solid must be solid unless approved in accordance with Clause 7.1; (b) The height of all buildings must not exceed 7.5 metres above finished ground levels; (c) No electrical or illuminated signs are permitted on the northern or eastern elevations of the buildings above 6.0 metres above finished ground levels unless specifically permitted by an endorsed local development plan; (d) Architectural features may be permitted up to 13.0 metres in height above finished ground levels where specifically permitted by an endorsed local development plan; (e) Isolated mechanical plant screening may be permitted up to 9.0 metres in height above finished ground levels if such screening provides a barrier between the plant and the eastern and northern elevations to screen any such plant from creating potential radio frequency emission issue to PITC; and (f) Stand-alone signage shall not contain electrical/illuminated signs located higher than 6.0 metres above finished ground levels on the northern or eastern elevations of the signage structure unless specifically permitted by an endorsed local development plan. **7. Variations to Non-Residential Development Requirements** 7.1 Solid Wall Requirement Variation to Clauses 5.2(a), 6.1(a) and 6.2(a) may be permitted where a 3.0 metre wide landscape strip is provided on the lot, adjacent to the Alexander Drive frontage, and planted with trees at a minimum of 7.5 metre intervals between the centre line of the trunk of each tree with the following species and planting sizes: i. Common Sheoak - 200mm pot size; ii. Candle Banksia - 200mm pot size; iii. Holly Leaf Banksia - 200mm pot size;

		iv. Firewood Banksia - 200mm pot size; v. Marri - 200mm pot size; vi. Jarrah - 200mm pot size; and vii. Coastal Blackbutt - 200mm pot size. 7.2 Car Parking Where a landscaping strip is provided in accordance with Clause 7.1: i. Not more than one row of car parking bays may be provided between the Alexander Drive landscaping strip and buildings on the site; and ii. a limited number of bays may be provided in a second row directly in front of the eastern elevation of each building that faces Alexander Drive. **Schedule One** Refer to Schedule One Plan.



Schedule One Plan

Schedule A — Supplemental Provisions to the Deemed Provisions

Note: The following provisions supplement the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. For ease of use, these supplemental provisions have been included in the version of the deemed provisions provided on this website, and are shown in italics, and underlined.

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

Clause 60:

(c) The terms or conditions of any development approval obtained under Part 9 are complied with.

Clause 60A: APPLICATION FOR APPROVAL OF USE

(k) Without affecting the generality of any other provision of the Scheme, for the purpose of the Scheme the commencement, carrying out or change of a use on land shall be development notwithstanding that it does not involve the carrying out of any building or other works.

(l) If an application for development approval involves the carrying out of building or other work on land, the approval by the local government of the application, shall unless the local government stipulates otherwise in its approval, be an approval also of the commencement and carrying out of any use of the land which is:

i. Specifically proposed and referred to in the application; or

ii. Normally associated with and follows as the most usual consequence of the carrying out or completion of the building or other work.

Clause 61(1):

(k) The erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is located in a heritage protected place as referred to in clause 1A(1) of the deemed provisions.

(l) The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is located in a heritage protected place as referred to in clause 1A(1) of the deemed provisions.

(m) The erection of a boundary fence in any zone where the R Codes do not apply;

Clause 67(2):

(zc) Any relevant advice of a Design Review Panel

Clause 67A: DUE REGARD BY LOCAL GOVERNMENT

If the local government in exercising any discretion is required by the Scheme or by any other written law to have due regard to any matter or thing, it shall be deemed to have had due regard to such matter or thing unless the contrary is expressly stated in the Minutes of the relevant local government meeting or the document communicating the determination for decision to the applicant, or is otherwise proved. In any event, due regard

to the matter or thing by the responsible Committee or officer of the local government under delegated authority shall be sufficient compliance.

Clause 71A: COMMENCEMENT OF USE

No use shall commence until such time as all conditions of approval have been satisfied and the development from which the use is to be conducted has been completed in accordance with approved plans, unless otherwise agreed in writing by the local government.

Clause 75(5):

An application for development approval shall for the purpose of calculating the time limits referred to in sub-clause 75(1) be deemed not to have been received by the local government until such time as all of the plans, information and details as may be reasonably required by the local government have been received by the local government.

Clause 78(1)(c):

Without affecting the generality of the preceding subclauses the local government may, with the prior consent of the Minister, acquire premises by purchase or resumption for public works to facilitate the development of adjacent land in accordance with a Structure Plan to assist a landowner who is endeavouring to develop land to comply with a structure plan, provided that the landowner:

(n) Proves to the local government's satisfaction that during a period of not less than six months, bone fide negotiations to acquire the premises have not been successful; and

(o) Enters into an agreement with the local government to meet all the costs of purchase or resumption including the local government's legal costs, and to develop the premises for the purposes specified within the specified time limit.

Clause 80A: APPROVALS BY DEVELOPMENT ASSESSMENT PANEL OR ON APPEAL

In any case where a development approval is given by a Development Assessment Panel or the State Administrative Tribunal, or where a condition is imposed by the Development Assessment Panel or the Tribunal, then that approval and/or any such conditions shall be deemed for the purpose of enforcement to have been imposed by the local government under the Scheme and may be enforced by the local government as such.

Clause 80B: AMENITY

(1) No building shall be so constructed, finished or left unfinished that its external appearance would significantly detract from the amenity of the locality or tend to depreciate the value of adjoining property. All land and buildings shall be so used and maintained as to preserve the local amenity.

(2) No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, glare, vibration or waste products in such quantity or extent or in such a manner as will create or be a nuisance to any inhabitant, or to traffic or persons using any land or roads in the vicinity.

(3) If the local government forms the opinion that there has been a breach of the requirements of the preceding sub clauses it may, by notice in writing, require the owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known to the local government, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.

(4) Any person upon whom a notice is served pursuant to this clause may, within 28 days of the date of service of the notice on that person appeal pursuant to Part 14 of the Act against the requirements of the notice and, where any such appeal is lodged the effect of the notice shall be

suspended until a decision to uphold, quash or vary the notice has been made on the appeal or the appeal has been withdrawn, whereupon the time stated in the notice shall again begin to run.

(5) Failure to comply with a notice under this clause shall be a breach of the provisions on the Scheme.

Clause 80C: UNKEMPT LAND

(1) On any land within the Scheme Area any undergrowth, refuse, rubbish or disused material which in the opinion of the local government is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, the local government may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.

(2) Every owner or occupier of land upon whom a notice is served shall comply with such notice within the time period therein specified.

(3) Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice given by the local government, the local government may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of and recover in a court of competent jurisdiction the amount of the expense from the owner or occupier to whom the notice is given.

(4) Failure to comply with a notice under this clause shall be a breach of the provisions of the Scheme.

Part 6A — Design Review Panels

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

60B. The Local Government shall prepare and adopt a local planning policy that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted.

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2

Adopted by resolution of the local government of the City of Wanneroo at the Ordinary meeting of the local government held on 27th day of March 1991.

Modified by resolution of the local government of the City of Wanneroo at the Special meeting of the local government held on 22nd day of August 1996.

Modified by resolution of the local government of the City of Wanneroo at the Special meeting of the local government held on 10th day of September 1997.

On 1 July 1998 the City of Wanneroo ceased to exist. In its place, the City of Joondalup and the Shire of Wanneroo were created, with both municipalities coming into existence on the same date, 1 July 1998.

Adopted for final approval by resolution of the Shire of Wanneroo at the Ordinary meeting of the local government held on 22nd day of September 1998.

Modified and adopted for final approval by resolution of the Shire of Wanneroo at the Special meeting of local government held on 17th May 1999.

On 1 July 1999 the Shire of Wanneroo become the City of Wanneroo, notice of which was published in the Government Gazette on 18 June 1999.

Adopted for final approval by the local government of the City of Wanneroo at the Ordinary meeting held on the 6th day of February 2001 and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the local government in the presence of:

_____

MAYOR

_____

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for final approval

_____

CHAIRPERSON, WESTERN AUSTRALIAN PLANNING COMMISSION

DATE _____

Final Approval Granted

_____

MINISTER FOR PLANNING

DATE 27/6/2001