

CITY OF NEDLANDS

Local Planning Scheme No. 3

Updated to include AMD 10 GG 04/02/2022



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
16 April 2019

Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

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

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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CITY OF NEDLANDS LPS NO. 3 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	16 April 2019	16/04/2019	GM	LPS 3 Gazetted.
1	17/01/2020	20/01/2020	MLD	Insert the words 'local planning policy' into clause 32.4(5)
5	02/10/2020	06/10/2020	GM	<p>Reclassify 14 Napier Street, Nedlands from 'Residential' Zoning to the 'Drainage/Waterway' Local Planning Scheme Reserve.</p> <p>Remove the residential density code of R15 from 14 Napier Street, Nedlands.</p> <p>Rezone 16 Napier Street, Nedlands from 'Drainage/Waterway' Local Planning Scheme Reserve to 'Residential'.</p> <p>Amend the LPS 3 Scheme Map to reserve 14 Napier Street, Nedlands for 'Drainage/Waterway' and zone 16 Napier Street, Nedlands to 'Residential' with an R15 residential density code.</p>
8	4/02/22	7/02/22	HB	<p>Modify the residential density code from R60 to R40 for the following properties:</p> <p>(i) 1, 3, 3A, 5A, 5B, 7A, 7B, 9, 15, 17, 19 and 21 Alexander Road Dalkeith;</p> <p>(ii) 107 and 108 Waratah Avenue, Dalkeith;</p> <p>(iii) 29, 31, 32, 33 and 35 Philip Road, Dalkeith; and</p> <p>(iv) 7 Alexander Place, Dalkeith</p> <p>Rretain the existing R80 residential density code for the following properties:</p> <p>(i) 4A, 4B, 6, 8A, 8B and 10 Alexander Road, Dalkeith; and</p> <p>(ii) 26 and 28 Philip Road, Dalkeith</p>
10	4/02/22	7/02/22	HB	<p>Modify the conditions applicable to Additional Use 9 (A9) as follows:</p> <p>(1) Residential aged care facility is a 'P' use.</p> <p>(2) A local development plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>(3) In relation to Lot 25 (69) Melvista Avenue:</p> <ul style="list-style-type: none"> • A maximum plot ratio of 1.0 applies. <p>(4) In relation to Lots 10 (16) and 11 (18) Betty Street, and Lots 19 (73) and 18 (75) Doonan Road:</p> <ul style="list-style-type: none"> • Development to be in accordance with the R80 density code and associated primary controls prescribed in State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments. <p>Allocate the R12.5 density code to Additional Use 9 site on the scheme map.</p>

SCHEME DETAILS

CITY OF NEDLANDS
LOCAL PLANNING SCHEME NO. 3

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

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Part 1 - Preliminary

1. Citation

This local planning scheme is the City of Nedlands Scheme No 3.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked:

Town Planning Scheme No. 2 1985

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map being the whole district of the City of Nedlands.

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

7. Contents of Scheme

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

- (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2);
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials –

There are no plans, maps, diagrams, or illustrations or materials in addition to the provisions set out in this document.

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

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are –

- (a) Protect and enhance local character and amenity;
- (b) Respect the community vision for the development of the district;
- (c) Achieve quality residential built form outcomes for the growing population;
- (d) To develop and support a hierarchy of activity centres;
- (e) To integrate land use and transport systems;
- (f) Facilitate improved multi-modal access into and around the district;
- (g) Maintain and enhance the network of open space;
- (h) Facilitate good public health outcomes;
- (i) Facilitate a high quality provision of community services and facilities;
- (j) Encourage local economic development and employment opportunities;
- (k) To maintain and enhance natural resources;
- (l) Respond to the physical and climatic conditions; and
- (m) Facilitate efficient supply and use of essential infrastructure.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

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

Part 2 - Reserves

13. Regional Reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

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

14. Local reserves

- (1) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each local reserve are as follows -

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential education facilities.
Government Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> • To set aside land required for a cemetery.

Reserve name	Objectives
Drainage / Waterway	<ul style="list-style-type: none"><li data-bbox="520 210 1412 241">• To set aside land required for significant waterways and drainage.

15. Additional uses for local reserves

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

Part 3 - Zones and Use of Land

16. Zones

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

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

Table 2 - Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • 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. • To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.
Mixed Use	<ul style="list-style-type: none"> • To provide for a significant residential component as part of any new development. • To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area. • To provide for a 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 and eating establishments which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Local Centre	<ul style="list-style-type: none"> • To provide a range of small-scale retail and service uses for the immediate neighbourhood, that are easily accessible but which do not adversely impact on the amenity of adjoining residential areas. • To focus on the main daily household shopping and community needs. • To encourage high quality, pedestrian friendly, street-orientated development. • To ensure non-residential uses are located at street level and are compatible with adjoining residential uses.
Neighbourhood Centre	<ul style="list-style-type: none"> • To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. • To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services. • To encourage diversity of land uses within the Centre to provide a broad range of employment opportunities. • To facilitate a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links.

Zone name	Objectives
	<ul style="list-style-type: none"> • To provide for a range of quality medium and high-density residential development, to meet the diverse needs of the community. • To ensure non-residential uses are located at street level and are compatible with adjoining residential uses.
Service Commercial	<ul style="list-style-type: none"> • 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 uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in centre, commercial or industrial zones. • To ensure land use is compatible with any adjacent commercial, mixed-use or residential areas and would not have a detrimental effect on the amenity of the locality. • To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
Private Community Purposes	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • 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.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions for this Scheme. • To identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning table

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	Neighbourhood Centre	Service Commercial	Private Community Purposes	Urban Development
Amusement parlour	X	D	X	D	X	X	Refer to clause 18(7)
Animal establishment	X	X	X	X	A	X	
Art gallery	X	P	P	P	X	D	
Bed and breakfast	A	D	D	D	X	X	
Betting agency	X	X	X	A	X	X	
Brewery	X	X	X	X	D	X	
Bulky goods showroom	X	D	X	X	P	X	
Caravan park	X	X	X	X	X	X	
Caretaker's dwelling	X	X	X	X	D	P	
Car park	X	A	A	A	D	X	
Child care premises	A	D	A	P	A	D	
Cinema/theatre	X	X	X	P	X	X	
Civic use	A	A	A	D	P	P	
Club premises	X	A	A	D	D	P	
Commercial vehicle parking	X	X	X	X	P	X	
Community purpose	A	A	A	D	P	P	
Consulting rooms	A	P	P	P	D	X	
Convenience store	X	P	P	P	D	X	
Corrective institution	X	X	X	X	X	X	
Educational establishment	X	P	P	D	D	P	
Exhibition centre	X	P	P	P	D	P	
Family day care	P	D	D	D	X	X	

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	Neighbourhood Centre	Service Commercial	Private Community Purposes	Urban Development
Fast food outlet	X	A	X	A	X	X	Refer to clause 18(7)
Funeral parlour	X	A	X	A	D	X	
Garden centre	X	X	X	X	D	X	
Holiday accommodation	A	D	A	D	X	X	
Holiday house	A	D	X	X	X	X	
Home business	A	D	D	D	X	X	
Home occupation	P	P	P	P	X	X	
Home office	P	P	P	P	X	X	
Home store	X	A	P	P	X	X	
Hospital	X	X	X	X	X	X	
Hotel	X	A	X	P	X	X	
Industry	X	X	X	X	X	X	
Industry — light	X	X	X	X	A	X	
Liquor store — large	X	X	X	X	X	X	
Liquor store — small	X	P	P	P	A	X	
Lunch bar	X	P	P	P	P	X	
Market	X	X	D	A	X	D	
Medical centre	X	D	D	D	X	X	
Motel	X	A	X	A	X	X	
Motor vehicle, boat or caravan sales	X	A	X	X	D	X	
Motor vehicle repair	X	X	X	X	A	X	
Motor vehicle wash	X	X	X	X	A	X	
Nightclub	X	X	X	A	X	X	
Office	X	P	P	D	I	X	
Place of worship	X	A	X	D	X	P	

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	Neighbourhood Centre	Service Commercial	Private Community Purposes	Urban Development
Reception centre	X	X	X	D	X	P	Refer to clause 18(7)
Recreation — private	X	A	A	A	X	D	
Renewable energy facility	X	X	X	X	X	X	
Residential	P	P	D	P	X	X	
Residential aged care facility	A	A	X	X	X	X	
Resource recovery centre	X	X	X	X	X	X	
Restaurant/café	X	P	P	P	X	X	
Restricted premises	X	X	X	X	X	X	
Road house	X	X	X	X	X	X	
Serviced apartment	X	D	D	P	X	X	
Service station	X	X	X	X	X	X	
Shop	X	P	P	P	I	X	
Small bar	X	A	A	D	X	X	
Tavern	X	A	X	A	X	X	
Telecommunications infrastructure	X	X	X	X	X	X	
Tourist development	X	A	X	P	X	X	
Trade display	X	X	X	X	P	X	
Trade supplies	X	X	X	X	D	X	
Transport depot	X	X	X	X	X	X	
Veterinary centre	X	A	X	D	P	X	
Warehouse/storage	X	X	X	X	D	X	

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table (Table 3) and the list of zones at the top of the zoning table (Table 3).

(2) The symbols used in the zoning table (Table 3) have the following meanings –

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

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

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

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

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

Note 1: The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for *both* the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

Note 2: In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

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

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

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

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

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

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

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -

(a) the development approval application relates to land that is being used for a non-conforming use; and

(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

- (7) If the zoning table (Table 3) 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) an activity centre plan;
 - (c) a local development plan.

19. Additional uses

- (1) Table 4 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.

Table 4 - Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 317 and Lot 318 (129) Stirling Highway, Nedlands	<ul style="list-style-type: none"> • Service station • Motor vehicle wash 	Service station and Motor vehicle wash are 'D' uses.
A2	Lot 14 (9) Broadway, Nedlands	<ul style="list-style-type: none"> • Service station • Motor vehicle wash 	Service station and Motor vehicle wash are 'D' uses.
A3	Lots 101 (118) and 102 (108) Monash Avenue, Nedlands Lot 103 (15) Karella Street, Nedlands	<ul style="list-style-type: none"> • Car park • Office • Medical centre • Place of worship • Residential aged care facility • Shop 	(1) Residential aged care facility is a 'P' use. (2) Car park, Office, Medical centre, Shop and Place of worship are 'I' uses. (3) Where there is no approved structure plan, local development plan and/or activity centre plan, the following height controls apply: (i) maximum of 6 storeys; or (ii) maximum of 3 storeys where development has a residential interface.
A4	Lot 416 (1) Heritage Lane, Mount Claremont	<ul style="list-style-type: none"> • Residential aged care facility • Caretaker's dwelling • Car park • Club premises • Educational establishment • Medical centre • Office • Recreation - private • Restaurant/café 	(1) Residential aged care facility is a 'P' use. (2) Caretaker's dwelling, Car park, Club premises, Educational establishment, Medical centre, Office, Recreation - private and Restaurant/ cafe are 'I' uses.

No.	Description of land	Additional use	Conditions
A5	<p>Lot 11605 (17) Lemnos Street, Shenton Park</p> <p>Lots 12830 (5), 12829 (7), 11329 (9), 701 (11), 702 (13A), 703 (13B), 9722 (6) and 10024 (4) Bedbrook Place, Shenton Park</p>	<ul style="list-style-type: none"> • Hospital • Industry – light • Car park • Commercial vehicle Parking • Consulting rooms • Convenience store • Family day care • Holiday accommodation • Holiday house • Medical centre • Office • Residential • Residential aged care facility • Serviced apartment • Shop • Tourist development • Veterinary centre • Warehouse/storage 	<p>(1) Hospital, industry – light, Car park, Commercial vehicle Parking, Consulting rooms, Convenience store, Family day care, Holiday accommodation, Holiday house, Medical centre, Office, Residential, Residential aged care facility, Serviced apartment, Shop, Tourist development, Veterinary centre and Warehouse/storage are 'P' uses.</p> <p>(2) Where there is no approved structure plan, local development plan and/or activity centre plan, the following setbacks and building height controls apply:</p> <ul style="list-style-type: none"> (i) 6m primary street setback; and (ii) 18m maximum building height. <p>(3) No residential or other sensitive land uses, as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located within the Subiaco Waste Water Treatment Plant odour buffer) are to be located within the Subiaco Waste Water Treatment Plant odour buffer.</p> <p>(4) In considering any application for development approval, scheme amendment request, structure plan, local development plan or subdivision application and in addition to matters listed in clause 67 of the deemed provisions, the local government shall have regard to the following:</p> <ul style="list-style-type: none"> (i) the recommendations of the Water Corporation and Department of Environment Regulation; and

No.	Description of land	Additional use	Conditions
			(ii) potential odour impact of the waste water treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant.
A6	Lot 500 (30) The Avenue, Nedlands. Lot 501 (35) Esplanade, Nedlands.	<ul style="list-style-type: none"> Betting agency Reception centre 	Betting agency and Reception centre are 'D' uses.
A7	Lots 104 (53) and 105 (57) Lisle Street, Mount Claremont. Lot 93 (125) Alfred Road, Mount Claremont.	<ul style="list-style-type: none"> Residential aged care facility 	Residential aged care facility is a 'P' use.
A8	Lot 169 (80) Mooro Drive, Mount Claremont	<ul style="list-style-type: none"> Residential aged care facility 	Residential aged care facility is a 'P' use.
A9	Lot 25 (69) Melvista Avenue, Nedlands. Lots 10 (16) and 11 (18) Betty Street, Nedlands. Lots 19 (73) and 18 (75) Doonan Road, Nedlands.	<ul style="list-style-type: none"> Residential aged care facility 	<ol style="list-style-type: none"> Residential aged care facility is a 'P' use. A local development plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In relation to Lot 25 (69) Melvista Avenue: <ul style="list-style-type: none"> A maximum plot ratio of 1.0 applies. In relation to Lots 10 (16) and 11 (18) Betty Street, and Lots 19 (73) and 18 (75) Doonan Road: <ul style="list-style-type: none"> Development to be in accordance with the R80 density code and associated primary controls prescribed in State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

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- (2) Despite anything contained in the zoning table (Table 3), land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 5 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.

Table 5 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Hollywood Hospital	(i) Hospital (ii) Incidental uses associated with the hospital are not permitted unless the local government has exercised its discretion by granting development approval.	(1) All development and uses are to be consistent and not detrimental to the primary function of the area being medical and hospital related. (2) Where there is no approved structure plan, local development plan and/or activity centre plan, development shall comply with the following provisions: (a) Setbacks: (i) Monash Avenue: 10m (ii) Verdun Street: 10m (iii) western boundary: 10m (iv) eastern boundary: nil (b) Wall Height: (i) maximum of 26.7m, except in the following instances: <ul style="list-style-type: none"> • No more than 10m where development is located less than 80m from Verdun Street; and • No more than 18.3m where the development is located less than 60m from Monash Avenue.

- (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.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

- (2) Subclause (1) does not apply if -
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval -
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use; and
 - (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 make a copy of the register available for public inspection during business hours at the offices of the local government; and

- (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General Development Requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) In relation to land coded R10, R12.5 and R15, other than lots identified in Schedule 2 - St John's Wood and Schedule 3 - Hollywood:
 - (a) clause 5.1.2 (Street setback) of the R-Codes is modified by replacing deemed-to-comply requirement C2.1 i to iv with:
 - (i) a minimum of 9m.
 - (b) clause 5.2.1 (Setback of garages and carports) of the R-Codes is modified by replacing deemed-to-comply requirements C1.1 to C1.5 with:

C1.1 Garages and carports setback 9m from the primary street.

C1.2 Garages and carports setback 1.5m from the secondary street.
- (2) In relation to land coded R30 or less:
 - (a) clause 5.1.4 (Open space) of the R-Codes is modified by including an additional deemed-to-comply requirement:

C4.1 Open areas of accessible and useable flat roofs of dwellings (ie. "roof terraces" including roof gardens, roof pools, viewing platforms or other roof-top recreational use and development), are excluded from being credited towards open space provision.
- (3) In relation to land coded R-AC1, clause A2.2.1 in the building height element of the primary controls in the R-Codes is replaced by:
 - (a) The default Acceptable Requirement for building height limit (storeys) as set out in Table 2.1: Primary Controls Table does not apply."

27. 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 28, is to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

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

30. Modification of State planning policies

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

31. Environmental conditions

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

32. Additional site and development requirements

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

Table 6 - Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
32.1	All zoned land	<p>Car parking requirements and cash-in-lieu payments.</p> <p>(1) Except for development to which the R-Codes apply, every development shall provide on-site car parking spaces in accordance with any applicable local planning policy adopted by the local government.</p> <p>(2) The requirement to provide on-site car parking spaces is subject to:</p> <p>(a) the local government agreeing to or requiring a cash-in-lieu payment pursuant to sub-clause 3;</p> <p>(b) the local government accepting a shared car parking arrangement pursuant to clause 32.2; and</p> <p>(c) any requirement to provide car parking spaces in a structure plan, local development plan or activity centre plan which applies to the development, in which case the requirement in the structure plan, local development plan or activity centre plan prevails to the extent of any inconsistency.</p> <p>(3) An application for development approval for a non-residential development may, if the local government agrees or requires, make a cash payment to the local government in-lieu of providing all or any of the car parking spaces required for the development for which approval has been sought.</p>

No.	Description of land	Requirement
		<p>(4) The amount of the cash-in-lieu payment shall be determined by the local government by reference to the cost to the local government of providing and constructing the shortfall in car parking spaces that would otherwise have been constructed on the development site in accordance with sub-clause 1 or 2(c) and may include, without limitation:</p> <ul style="list-style-type: none"> (a) the value of land required for the car parking spaces, including any manoeuvring areas, as estimated by a licenced valuer appointed by the local government; (b) the cost of constructing the car parking spaces including manoeuvring areas; (c) any costs ancillary to providing and constructing the car parking spaces, such as the installation of signs and lighting; and (d) any other cost incurred by the local government in determining the cash-in-lieu payment. <p>(5) Payments made to the local government pursuant to this clause 32.1 must be held in trust and used by the local government only for:</p> <ul style="list-style-type: none"> (a) the provision and maintenance of public parking infrastructure; and (b) any ancillary expenses incurred for the purposes of this clause, including loan repayments. <p>(6) In this clause, public parking infrastructure includes but is not limited to land and facilities for public parking, whether on-street or in a designated car parking station, and includes facilities, technologies and infrastructure ancillary to this land use.</p>
32.2	All zoned land	<p>Shared car parking</p> <p>(1) Where an application for development approval is made for a non-residential use which does not provide the required number of on-site car parking spaces, the local government may permit part or all of the shortfall to be provided through an agreement to share car parking space(s) on an adjacent site (Shared Site).</p> <p>(2) When considering whether to permit a proposal for shared car parking, the local government must:</p> <ul style="list-style-type: none"> (a) be satisfied that the hours of peak operation of the proposed development and those of the Shared Site do not substantially overlap; (b) be satisfied that adequate car parking will be available at all times for both the development site and the Shared Site; (c) be satisfied that the relationship between the development site and the Shared Site is such that the shared car parking space(s) is likely to be used by people visiting the development site; and (d) have regard to other relevant considerations in any applicable local planning policy.

No.	Description of land	Requirement
		<p>(3) An application for development approval which proposes shared parking must include:</p> <ul style="list-style-type: none"> (a) information addressing the matters in the preceding sub-clause 2; (b) a draft parking management plan; and (c) any other relevant material referred to in an applicable local planning policy. <p>(4) If the local government permits a shared car parking arrangement, it may require the owner of the development site to enter into a legal agreement for the purpose of ensuring the satisfactory provision and maintenance of the shared car parking. The legal agreement:</p> <ul style="list-style-type: none"> (a) must be to the satisfaction of the local government; (b) must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government); (c) must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site; (d) may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained; and (e) must not be amended, surrendered or terminated without the approval of the local government.
32.3	All zoned land	<p>Ceding of rights-of-way and laneway widening.</p> <p>(1) The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:</p> <ul style="list-style-type: none"> (a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and (b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government. <p>(2) The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.</p>
32.4	<p>Mixed Use, Local Centre and Neighbourhood Centre zones</p> <p><i>AMD 1 GG 17/01/2020</i></p>	<p>(1) On land zoned Local Centre and Neighbourhood Centre, residential uses are not permitted on the ground floor facing a primary and/or secondary street, except where the use faces a right-of-way or laneway.</p> <p>(2) Residential uses are not permitted on the ground floor facing primary or secondary streets, except where the use faces a right-of-way or laneway in the Mixed Use zone, or where identified in an approved local planning policy.</p> <p>(3) Buildings are to have active frontages to the primary and/or secondary street, except where a use faces a right-of-way or laneway.</p>

No.	Description of land	Requirement
		<p>(4) Minimum tenancy depth facing a street is 10m.</p> <p>(5) In relation to developments that are not subject to the R-Codes, where development standards are not specified in an approved structure plan, local development plan, local planning policy and/or activity centre plan, the development standards are subject to the applicable R-Code.</p>
32.5	Service Commercial zone	<p>(1) Height (a) 10m maximum building height.</p> <p>(2) Setbacks (a) 2m minimum primary street setback; (b) 2m minimum secondary street setback; and (c) nil setbacks permitted to all side and rear boundaries.</p>
32.6	Private Community Purposes zone	<p>(1) Where there is no approved structure plan, local development plan and/or activity centre plan, development are to comply with the following:</p> <p>(a) Height (i) 8.5m maximum wall height; and (ii) 10m maximum building height.</p> <p>(b) Setbacks (i) 6m minimum primary street setback; and (ii) 3m minimum setback to all other boundaries.</p>

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

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

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause –

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

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

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

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

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 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 of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 - Special Control Areas

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table below.

Table 7 - Special control area in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1 Subiaco Strategic Water Resource Precinct	Identify the area as the Subiaco Waste Water Resource Precinct for orderly and proper planning.	<ul style="list-style-type: none"> • To prevent the introduction and intensification of land uses or development which would be incompatible with: <ul style="list-style-type: none"> - ongoing operation of the Subiaco Waste Water Treatment Plant; - expansion of the capacity of the treatment plant to support population growth in the catchment; and - establishment and operation of resource recovery infrastructure and land uses. • To facilitate the use and development of land for uses which are beneficial to the operation of the Subiaco Waste Water Treatment Plant and the surrounding catchment. • To prevent adverse impacts on residential and other sensitive uses. 	<ol style="list-style-type: none"> (1) No residential or other sensitive land uses as defined by EPA Guidance Statement No. 3 (Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located in the Subiaco Waste Water Treatment Plant odour buffer. (2) In considering any application for development approval, scheme amendment request, structure plan, local development plan or subdivision application, and in addition to the matters listed in clause 67 of the deemed provisions, the local government shall have regard to the following: <ol style="list-style-type: none"> (a) the recommendations of the Water Corporation and Department of Environment Regulation; and (b) potential odour impact of the waste water treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant. (3) A structure plan, activity centre plan, local development plan and/or scheme amendment proposal is to provide a current odour modelling technical report to review and confirm the boundaries of the odour buffer.

Part 6 - Terms Referred to in Scheme

Division 1- General Definitions used in Scheme

37. Terms used

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

Building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
Building height	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
Cabin	means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.
Chalet	means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
Commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
Commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including - (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
Floor area	has meaning given in the Building Code.
Frontage	in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.
Incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use

- Minerals** has the meaning given in the *Mining Act 1978* section 8(1).
- Net lettable area or NLA** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas -
- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - (b) lobbies between lifts facing other lifts serving the same floor;
 - (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
 - (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.
- Non-conforming use** has the meaning given in the *Planning and Development Act 2005* section 172.
- 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.
- Retail** means the sale or hire of goods or services to the public.
- Short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest/s accommodated for periods totalling more than 3 months in any 12 month period.
- Wall height** in relation to a wall of a building –
- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
 - (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
- Wholesale** means the sale of goods or materials to be sold by others.
- (2) A word or expression that is not defined in this Scheme -
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

38. Land use terms used

(1) 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 -

- 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.
- Art gallery** means premises -
- (a) that are open to the public; and
 - (b) where artworks are displayed for viewing or sale.
- Bed and breakfast** means a dwelling -
- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and,
 - (b) containing not more than 2 guest bedrooms.
- Betting agency** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.
- Brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.
- Bulky goods showroom** means premises -
- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;

- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools.

or

- (b) used to sell goods and accessories by retail if -
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.

Caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> 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 - any part of a public road used for parking or for a taxi rank; or any premises in which cars are displayed for sale.
Child care premises	means premises where - <ul style="list-style-type: none">(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> 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 <i>Child Care Services Act 2007</i> 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 - <ul style="list-style-type: none">(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 - <ul style="list-style-type: none"> (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 300m² net lettable area.
Corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
Educational establishment	means premises used for the purposes of 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 <i>Education and Care Services National Law (Western Australia)</i> 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 – <ul style="list-style-type: none"> (a) without further preparation; and (b) primarily off the premises.
Funeral parlour	means premises used – <ul style="list-style-type: none"> (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.
Holiday accommodation	means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot.
Holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
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 - <ul style="list-style-type: none"> (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 50m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle 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 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; 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 does not -
- (f) require a greater number of parking spaces than
 - (i) 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 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 100m²; and
- (b) is operated by a person residing in the dwelling.

Hospital

means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1).

Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
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 - <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
Industry – light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Liquor store – large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² .
Liquor store – small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m 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) within industrial or commercial areas.
Market	means premises used for the display and sale of goods from stalls by independent vendors.
Medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - <ul style="list-style-type: none"> (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
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 - <ul style="list-style-type: none"> (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 premise primarily used to wash motor vehicles.

Nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
Office	means premises used for administration, clerical, technical, professional or similar business activities.
Place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Reception centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation – private	means premises that are - <ul style="list-style-type: none"> (a) used for indoor or outdoor leisure, 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 a renewable resource, where energy is being produced for commercial gain (ie. solar farms as opposed to solar panels).
Residential aged care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
Resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
Restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
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 - <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and (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.
Roadhouse	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services - <ul style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities;

	<ul style="list-style-type: none"> (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and (f) dump points for the disposal of black and/or grey water from recreational vehicles.
Serviced apartment	<p>means a group of units or apartments providing -</p> <ul style="list-style-type: none"> (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
Service station	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</p> <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
Shop	<p>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.</p>
Small bar	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>.</p>
Tavern	<p>means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>.</p>
Telecommunications infrastructure	<p>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.</p>
Tourist development	<p>means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -</p> <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
Trade display	<p>means premises used for the display of trade goods and equipment for the purpose of advertisement.</p>
Trade supplies	<p>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 any of the following purposes including goods which may be assembled or manufactured off the premises -</p> <ul style="list-style-type: none"> (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.

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 the sale by wholesale of goods.

Schedule 1 – Supplemental provisions

67. Matters to be considered by local government

(zc) any advice of the Design Review Panel.

85A. Transitional arrangements for local planning policies

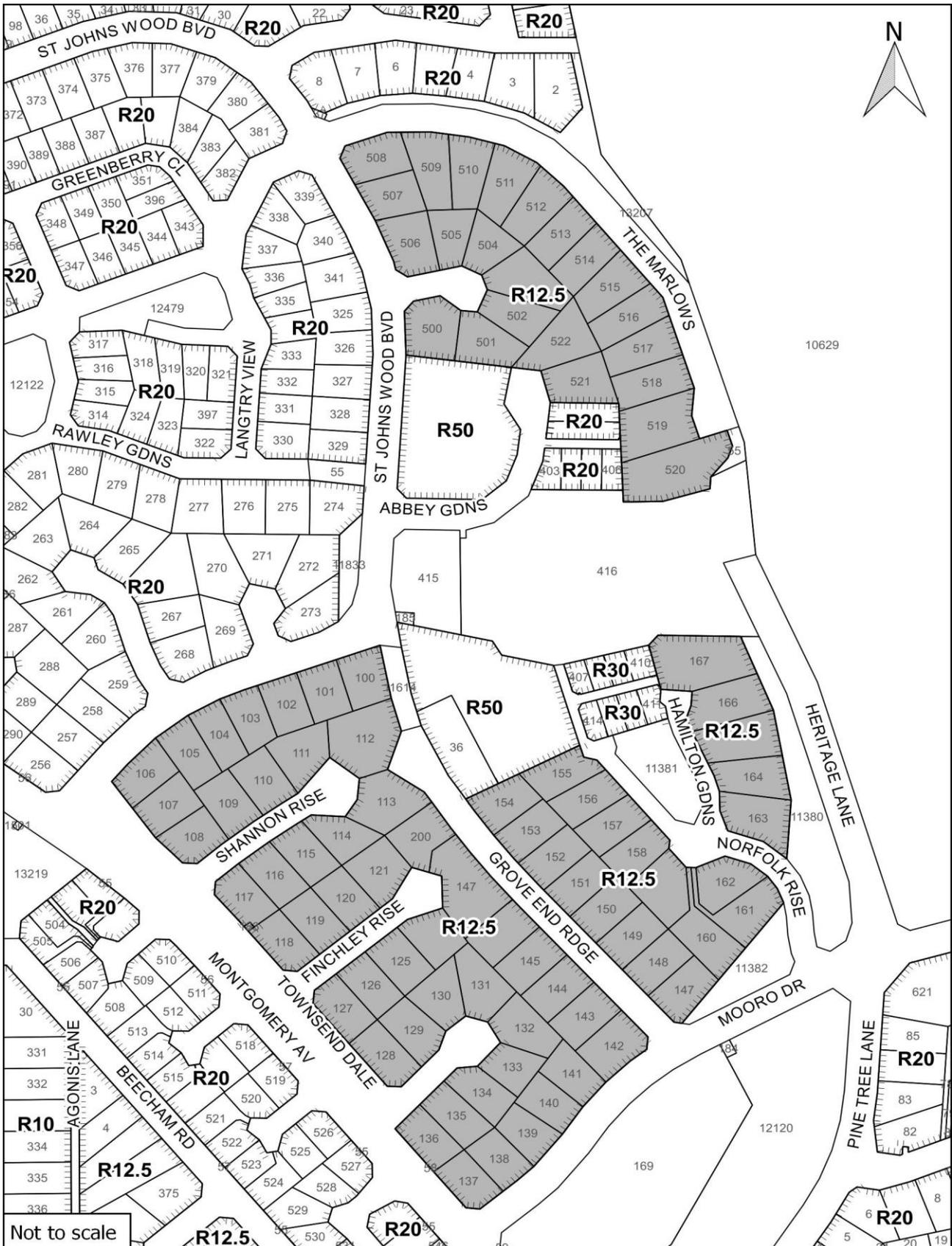
Where a local planning policy has been prepared in accordance with the requirements of Town Planning Scheme No. 2, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 3.

85B. Planning instruments in course of preparation

Any step taken under Town Planning Scheme No. 2 before commencement day in the preparation of a planning instrument is to be taken to be a step taken in the preparation of a planning instrument of that type under Local Planning Scheme No. 3.

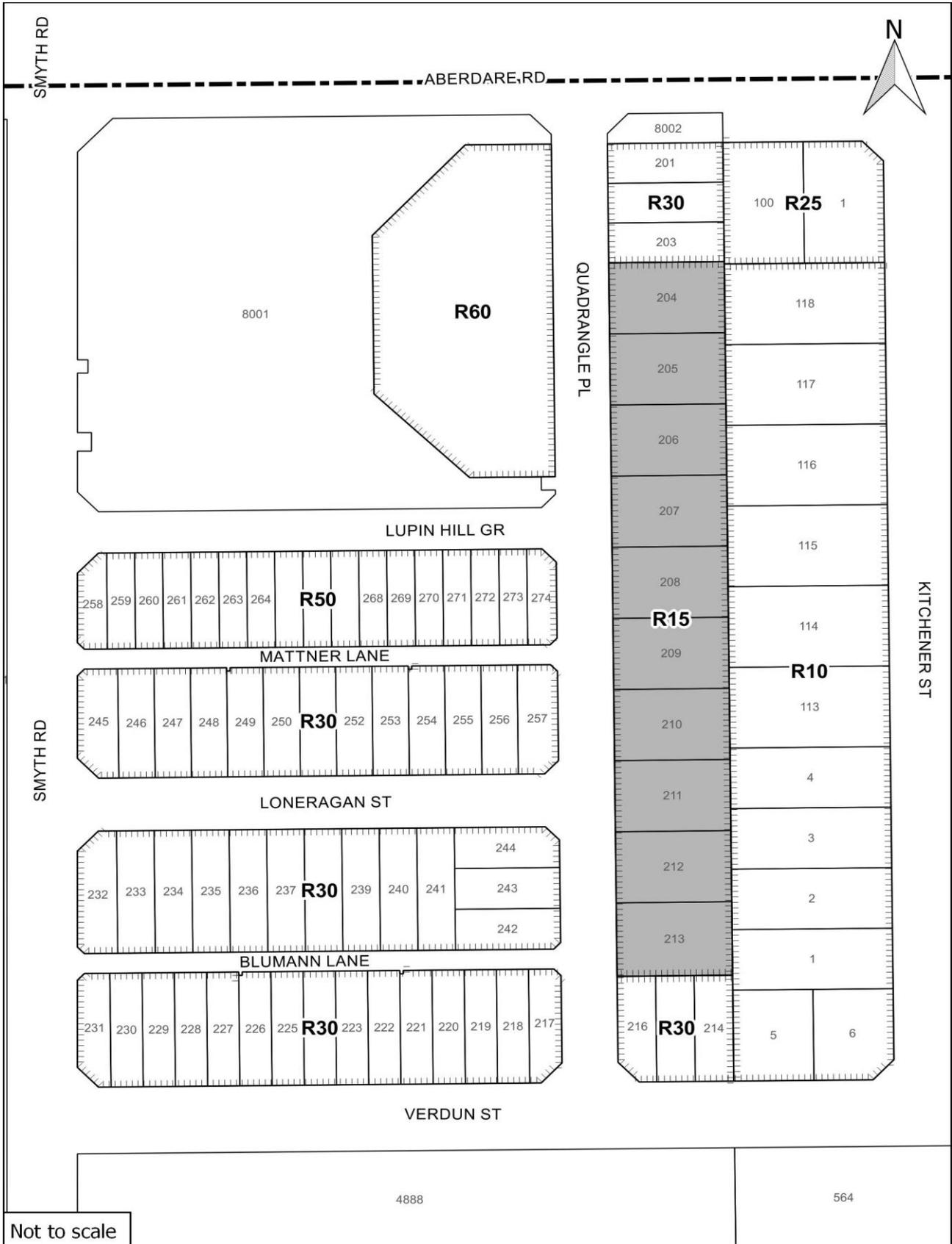
Schedule 2 – St John’s Wood

These provisions are to be read in conjunction with clause 26, Modification of R-Codes, of the Scheme.



Schedule 3 – Hollywood

These provisions are to be read in conjunction with clause 26, Modification of R-Codes, of the Scheme.



Signed on behalf of the City of Nedlands:

Mark Goodlet

CHIEF EXECUTIVE OFFICER

Bill Hassell

**DEPUTY MAYOR
(FOR THE MAYOR UNDER LOCAL GOVERNMENT ACT 1995 S5.34)**

WAPC ENDORSEMENT (r.63)

Rohan Miller

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE: 4 APRIL 2019

APPROVAL GRANTED

Rita Saffioti

MINISTER FOR PLANNING

DATE: 5 APRIL 2019