

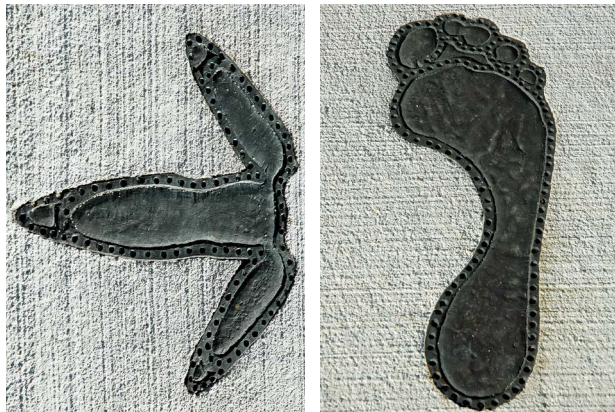


# METRONET EAST REDEVELOPMENT SCHEME

25 May 2021

Metropolitan Redevelopment Authority

## DevelopmentWA acknowledges the traditional owners of the land within its redevelopment area.



**INDIGENOUS ARTWORK: SIX SEASONS AND NYOONGAR DJENA/WAITJ DJENA  
ARTIST: LANCE CHADD (TJYLLYUNGOO)**



By using two simple but powerful images of feet, Lance pays tribute to the strong bond of brotherhood between emus and humans. The human feet (Nyoongar djena) represent Aboriginal traditional lands (Nyoongar boodjara), and the emu feet (waitj djena) represent the cultural connections between Aboriginal people, land, animals and the environment. Forty-five imprints of each design were cast in bronze and inlaid into the pavements around the Woodbridge Lakes subdivision. The feet alternate and are spaced apart as though on a hunting or walking track.



# USER GUIDE

## INTRODUCTION

This User Guide is provided to assist people who may be involved with or affected by the planning system of the Metropolitan Redevelopment Authority (the Authority). It provides an introduction to the Authority and includes a guide to using the Authority's METRONET East Redevelopment Scheme (the Scheme).

The User Guide provides the following four sections of useful information:

- The Authority's Role
- Planning Framework
- Scheme User Guide
- Development Applications

It is important to note that this User Guide does not form part of the actual Scheme document – the User Guide is for assistance only and is not a statutory (enforceable) document.

User's information is also provided throughout the Scheme document. Coloured "Notes Columns" run alongside each page of the Scheme and provides explanations and definitions relevant to that part of the Scheme, as well as other useful notes and images to assist the reader. The Notes Column also does not form part of the Scheme and is intended as a guide only.

The User Guide, the Notes Column, cover pages and any other images or graphics are all not part of the legislative Scheme document. The written text, maps and tables together form the actual Scheme document and these must be complied with.

## THE AUTHORITY'S ROLE

DevelopmentWA is the State Government's new land development agency which brings together the work of Western Australian Land Authority (formerly trading as LandCorp, now trading as DevelopmentWA) (WALA) and the Metropolitan Redevelopment Authority. Although DevelopmentWA is the common brand, both MRA and WALA will continue to operate as separate legal entities.

For the purposes of the METRONET East Redevelopment Scheme, DevelopmentWA is acting through the Metropolitan Redevelopment Authority under the powers of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act).

The Metropolitan Redevelopment Authority was established in 2011 by an Act of the Western Australian Parliament. The Authority is a State Government Authority responsible for redevelopment of land within its jurisdiction (this area is known as the "Redevelopment Area").

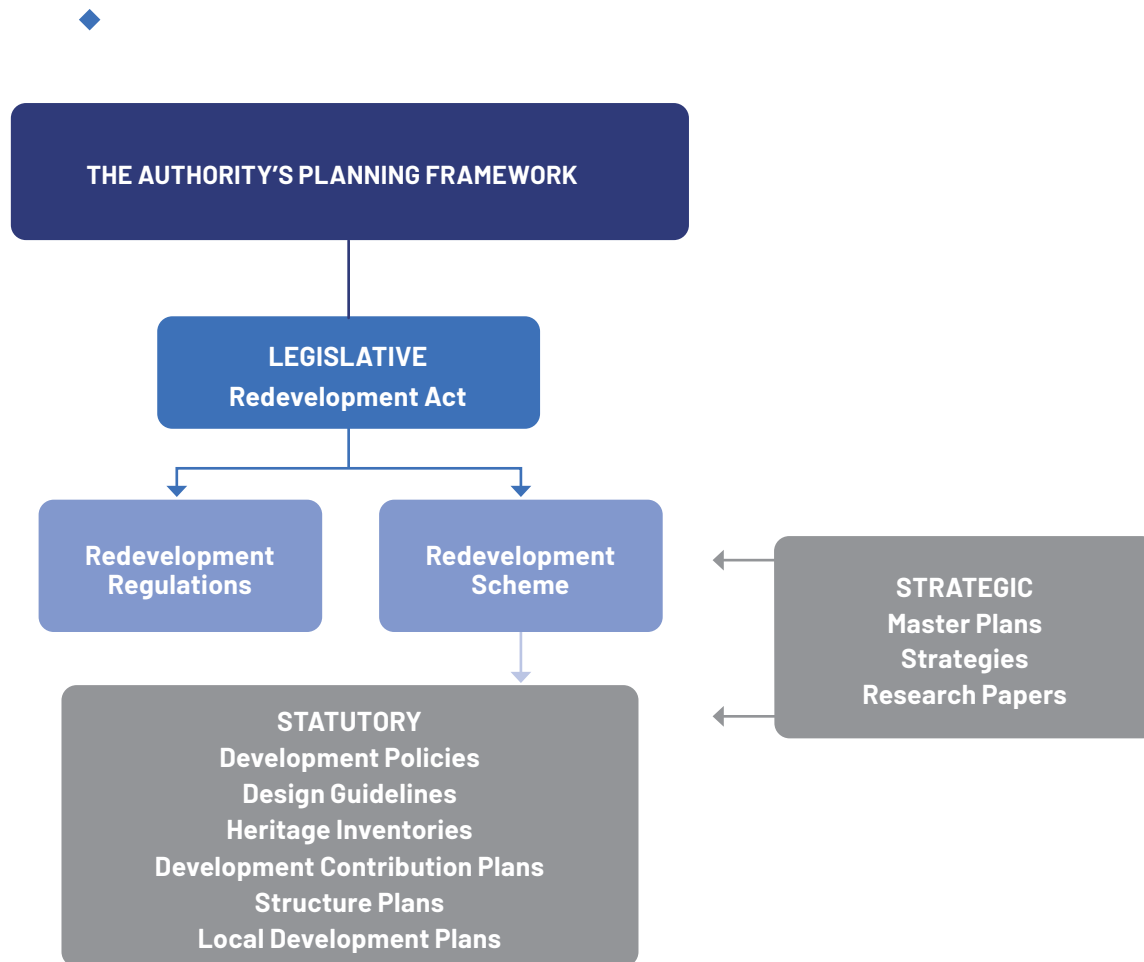
Under the responsibilities and powers provided by the *MRA Act*, the Authority performs a number of roles to enable the revitalisation of each of its project areas. These roles include land acquisition and land sales, subdivision of land, development of land, strategic planning for Project Areas, control of development undertaken by others, and activities to activate and enhance the Redevelopment Area.

The Authority has an expectation of high quality development in each of its redevelopment areas and seeks positive social, economic and environmental outcomes. The Authority also recognises that good

The User Guide and Notes Column on each page are not part of the legislative Scheme document.







with different purposes and different levels of legal obligations.

The flow chart illustrates the hierarchy and interrelationships between each planning tool that is explained below:

### LEGISLATIVE TOOLS

Legislative tools are tools that are prepared under legislative processes and are formal documents that must be consistently applied and adhered to.

**The MRA Act** is the legislation that enabled the establishment of the Metropolitan Redevelopment Authority. The MRA Act guides the Authority's operation and enables the preparation of key planning tools including the Redevelopment Regulations and the Redevelopment Scheme.

The *Metropolitan Redevelopment Authority Regulations 2011* (referred to in this text as "the MRA Regulations") are subsidiary legislation, enabled under the provisions of the MRA Act. The MRA Regulations set out matters 'prescribed' by the MRA Act, including the fees and required information for Development Applications and certain activities that do not require approval.

**The Redevelopment Scheme** is a legislative document which the MRA Act requires the Authority to prepare. The Scheme sets out the provisions for the development and use of land within the Scheme Area and enables the preparation of statutory planning tools. The Redevelopment Scheme is the Authority's most important document for managing the development of land.

governance is an essential component of delivering successful, sustainable redevelopment.

The Authority consults with Local Governments, including City of Swan, City of Bayswater and City of Kalamunda and other State agencies, such as the Department of Transport, to facilitate development that is consistent with the broader vision.

### PLANNING FRAMEWORK

The Authority has a planning framework in place to guide the sustainable redevelopment of land in its redevelopment area. This planning framework is made up of three components – Legislative Tools, Statutory Tools and Strategic Tools. Each type of tool allows for different types of plans and documents to be prepared





## STATUTORY TOOLS

Statutory tools are documents that are adopted under powers set out in the Redevelopment Scheme. They are a set of separate documents and are not part of the Scheme. The documents provide detailed requirements for land development, as well as guidance on other planning matters.

The statutory documents are to be applied consistently, yet more flexibly than the legislative planning tools.

Some specific requirements of the documents may be varied (with the consent of the Authority), however as the documents are statutory (legally enforceable) all development must be shown to generally comply with each document.

**Development Policies** are a set of guiding documents that address key development issues (such as sound attenuation or heritage conservation) by providing the Authority's position on that issue and detailing how that issue should be dealt with in the development or use of land. All development must comply with the policies that are relevant to the type of development being proposed.

**Design Guidelines** set out the requirements for building design and other development standards for land within a specific area of the redevelopment area, such as for a project area or a precinct. Design Guidelines provide the detailed guidance for designing and assessing development proposals and include standards such as building design and materials, building height and setbacks, and car parking.

**A Heritage Inventory** is a comprehensive record of buildings, sites or precincts that are recognised by the Authority as having cultural heritage significance. The Inventory provides a historic record and identifies the heritage significance or heritage fabric (building qualities) of each place. Entry of a place onto the Inventory has implications for the future development of the site, with conservation usually being a high priority.

**Development Contribution Plans** are plans that set out the major physical and social infrastructure needs of a defined area and formulate the contributions required from land owners towards the costs of this infrastructure. The plans will list major development infrastructure such as road works, public transport facilities, environmental works and community facilities that the Authority proposes for an area and requires payments from those who will benefit from this infrastructure when redeveloping their land.

**Structure Plans** provide the defined zones (including residential density) to support appropriate land uses and to guide subdivision, in accordance with the applicable master plan and objectives of the Scheme. It provides the framework to guide provisions of major roads, open space and environmentally sensitive areas.

**Activity Centre Plans** are graphical plans and supporting documents setting out the proposed structure and layout of a defined area which is proposed for future redevelopment.

The plan will typically identify the road and lot layout, the proposed different uses of land, areas of public open space and housing supply.

**Local Development Plans** are graphical plans and supporting documents setting out the proposed structure and layout of a defined area which is proposed for future redevelopment. The Authority or land owners within the Authority's redevelopment area usually prepare Local Development Plans for discrete areas such as a singular precinct or one large land holding.

The plan will typically identify the road and lot layout, the proposed different uses of land, areas of public open space and housing supply.

## STRATEGIC TOOLS

Strategic tools are those planning tools that are not adopted under the powers of the Scheme or other legislation. Strategic documents are generally based on research of issues, trends and opportunities relating to a place or topic, and are used to guide the Authority's future planning and other activities. Strategic documents are also used to help prepare legislative and statutory planning tools, yet they are not core considerations in development assessment.

**Master Plans** are graphical plans and supporting information setting out the high level direction of a large area. The Authority usually prepares a Master Plan for each of its redevelopment areas, prior to further planning and redevelopment of that area taking place. The plan sets out the vision for the future of the area and provides guidance on the layout,



design and building form of the area. Preparation of a Master Plan includes a high level of expert input, wide public consultation, and endorsed by the Minister for Planning. Master Plans influence the content of the Scheme and Design Guidelines.

**Strategies** are documents that are prepared to explore the issues and opportunities relating to a certain topic or specific place, and to set out the intended response to these issues and opportunities. Strategies generally include a future vision, objectives and proposed actions or desired outcomes, which are then incorporated into other planning documents, such as development policies, and are also used to guide other work undertaken by the Authority.

**Research Papers** are documents prepared by the Authority or other experts to explore particular issues in depth. Research Papers include Discussion, Issue or Background papers and any other planning research documents. Research Papers are used to guide the preparation of other planning tools, such as development policies.

## USING THE REDEVELOPMENT SCHEME

When preparing an application for Development Approval, the Scheme must be used in conjunction with the Authority's Development Policies and Design Guidelines.

## USING THE DESIGN REVIEW PANEL

Design review is a well-established process of improving the quality of design outcomes. The Authority's Design Review Panel (DRP) provides

independent, professional design advice on proposals. Advice is site specific and tailored to aid the designer to address design issues. Whilst the DRP is not a decision making body, DRP advice is considered in the assessment and determination process. Access to the State Design Review Panel may also be available for state significant projects, with this to be considered by the Authority on a case by case basis.

DRP members are selected to suit the needs of each proposal, with access to a wide range of professional disciplines. Continuity of DRP members is maintained for each proposal.

Early engagement is recommended to ensure proposals are aligned with the objectives and vision for the area. The applicant meets with the DRP to discuss the concept, followed by written design advice to facilitate modification prior to lodgement. Design advice is supplementary to the statutory planning advice that must be addressed.

## WHO & WHERE DOES THE SCHEME APPLY TO?

The Scheme applies to anyone proposing or undertaking any kind of development in the Authority's Scheme Area.

Development includes construction of new buildings and structures, alterations and additions to existing buildings, and changes in the way land is used.

The Scheme Area is the geographical area that the Scheme covers and is shown on the Scheme Map. You can view the Scheme Map in Appendix 1 to check if your property falls within the Scheme Area. Land that falls

within the Scheme Area is subject to the requirements of the Scheme document.

If the site you wish to develop is not within the Authority's redevelopment area, the relevant Local Government Authority (City of Swan, City of Bayswater or City of Kalamunda) will need to be consulted for all planning matters.

## WHAT IS THE ROLE OF THE SCHEME?

The Scheme is a legal document that provides guidance and requirements for the development and use of land within the Scheme Area.

A key element of the Scheme is the requirement for approval to be obtained before undertaking any development. The Scheme sets out the procedure for a person to apply for Development Approval and how the Authority will process that application, including what matters the Authority must consider. The Scheme also details other applications relating to land, such as In-Principle Applications and Structure Plan Applications.

Another important role of the Scheme is to set out the Authority's expectations for development, including the Authority's vision for the Scheme Area, the principles that guide development and decision making, and requirements for the use of land, heritage conservation and financial contributions from land developers.

The Scheme also establishes powers and procedures to guide the Authority's planning functions, such as provisions for preparing Policies, Design Guidelines



and Heritage Inventories, and other administrative functions.

### PREPARING A DEVELOPMENT APPLICATION

The following points provide a simplified step-through guide to assist in preparing a Development Application having regard to the Scheme.

### DEVELOPMENT APPLICATION PROCESS

<b>Step 1</b>	Arrange a meeting with the Authority to discuss your proposal. Advice from the DRP may be sought and preliminary comments provided by the Authority.
<b>Step 2</b>	Lodge your Development Application.
<b>Step 3</b>	The Authority checks the information, then a receipt note is posted to you.
<b>Step 4</b>	The Application is referred to the Local Government and other stakeholders for comment.
<b>Step 5</b>	The Authority may publicly advertise the Application or obtain expert advice, including advice from its DRP.
<b>Step 6</b>	The Authority assesses your Application against the Scheme, Development Policies, and Design Guidelines.
<b>Step 7</b>	The Authority may request changes to your plans.
<b>Step 8</b>	The Authority makes its decision on the Application.
<b>Step 9</b>	An approval or refusal notice is sent to you.

The Authority has 90 days to complete a standard application or 120 days for a major application.

### DEVELOPMENT (PLANNING) APPLICATIONS

A Development Approval (also known as a Planning Approval) is a legal document that gives permission for a specified building, land use or other development to occur on, over or under a particular piece of land. The Development Approval includes a signed approval form, which may include conditions of how that development is to take place, and approved plans and documents of the development.

#### DO I NEED DEVELOPMENT APPROVAL?

Development Approval must be obtained from the Authority prior to any development taking place on any land in the Authority's redevelopment area.

However some minor works and activities (such as non-heritage related building repairs) are not defined as 'development' and therefore do not require Development Approval to undertake.

The Authority also has a number of Development Policies that provide details of other specific activities that are considered to not require Development Approval - however, is not required only when those activities fall within all of the relevant criteria listed in the policy.

Refer to the following policies for further information:

- Additional Structures
- Signage
- Home Based Business
- Public Events

It is your responsibility to check if other State or Local Government permits are required for your proposal, for example a building permit, signage permit or health approval.





## LODGING A DEVELOPMENT APPLICATION

Once it has been confirmed that Development Approval is required from the Authority, a Development Application is required to be lodged showing detailed, professional plans of the proposed development and any relevant supporting information, along with the application form and application fee. Information is available on the Authority's website listing all information, forms and fees required with applications, see: [www.developmentwa.com.au](http://www.developmentwa.com.au)

Prior to lodging your Development Application, a thorough review of all of the Authority's planning documents should be undertaken to ensure your proposal complies with all of the Authority's requirements. The most important documents to consider are the Authority's Redevelopment Scheme, Development Policies and Design Guidelines (these can be accessed on the Authority's website).

You may find professional assistance from a town planner or architect beneficial in designing your plans and preparing the documentation to support your application, to ensure it meets the Authority's expected level of high quality development.

## WHAT HAPPENS AFTER THE APPLICATION IS LODGED?

After the application is lodged, the Authority will assess the proposal against the requirements of the Scheme, relevant Development Policies, Design Guidelines, and any other applicable statutory or strategic planning tools.

The Authority will also seek comment on the proposal from the relevant Local Government and affected State Government agencies, and may also seek technical advice from its DRP or other experts to ensure design quality is maximised in accordance with the objectives of the Scheme. Applications that present potential negative impacts to the streetscape or neighbouring properties may also be required to be publicly advertised.

The Authority has 90 days to assess standard applications, and 120 days for major applications, including the time take to gain comment from others.

If your application does not comply with all of the Authority's planning requirements you may be asked to submit revised plans or to fully justify the proposed variation, prior to the Authority making its decision on the application.

If the Authority is satisfied that the application meets all of the Authority's planning requirements the Authority will grant Development Approval. The Authority may attach conditions to the approval controlling how the development is to take place. If the Authority is not satisfied with the proposal, it has the power to refuse the application.

There is a right of review to the State Administrative Tribunal if an applicant is not satisfied with a decision by the Authority on a Development Application (such as a condition of approval, or a refusal).

Full details of the Development Application process are set out in Chapter 5 of the Scheme.

## WORKING DRAWINGS AND BUILDING PERMITS

A building permit from the relevant Local Government (City of Swan, City of Bayswater or City of Kalamunda) or permit authority will be required for most developments. After obtaining Development Approval, detailed working drawings for a building permit are to be submitted to the Authority and to the Local Government.

The Authority will check that the working drawings comply with the Development Approval plans and all Development Approval conditions prior to the Local Government issuing a building permit.

## MORE INFORMATION

If you require any further information or explanation about the Authority's planning framework, Development Applications or the Scheme, the following options are available:

### Website:

visit the Authority's website at:  
[www.developmentwa.com.au](http://www.developmentwa.com.au)

### Email:

email your query to the Authority at:  
[contact@developmentwa.com.au](mailto:contact@developmentwa.com.au)

### Phone:

phone the Authority to speak with a planner on  
**(08) 9482 7499**

### Meeting:

book a meeting to discuss your proposal with a planner by phoning **(08) 9482 7499**

# Contents

USER GUIDE	1
1.0 ADMINISTRATION	3
2.0 THE VISION AND SCHEME OBJECTIVES	9
3.0 PROJECT AREAS	20
4.0 DEVELOPMENT POLICIES AND DESIGN GUIDELINES	32
5.0 DEVELOPMENT MANAGEMENT	37
6.0 LAND USE	57
7.0 DEVELOPMENT CONTRIBUTIONS	73
8.0 HERITAGE PROTECTION	85
9.0 REQUIREMENTS FOR STRUCTURE PLANS, ACTIVITY CENTRE PLANS AND LOCAL DEVELOPMENT PLANS	92
10.0 APPENDICES	100





# 1.0 Administration





# Contents

<b>1.0 ADMINISTRATION .....</b>	<b>4</b>
1.1 INTRODUCTION .....	4
<b>PART A - ADMINISTRATION REGARDING THE SCHEME .....</b>	<b>4</b>
1.2 OPERATION OF THE SCHEME .....	4
1.3 APPLICATION OF THE SCHEME.....	4
1.4 INTERPRETATION OF WORDS & EXPRESSIONS.....	5
1.5 FORMS AND NOTICES REGARDING THE SCHEME .....	5
<b>PART B - ADMINISTRATION REGARDING DEVELOPMENT .....</b>	<b>5</b>
1.6 DELEGATION OF POWER TO DETERMINE APPLICATIONS .....	5
1.7 COMPLY WITH THE SCHEME AND DEVELOPMENT APPROVAL.....	5
1.8 CESSATION OF UNAUTHORISED DEVELOPMENT .....	5
1.9 PENALTY FOR UNLAWFUL DEVELOPMENT .....	6
1.10 VALIDITY OF AUTHORITY'S DECISION ON APPLICATIONS .....	6
<b>PART C - RIGHT OF REVIEW .....</b>	<b>6</b>
1.11 RIGHT OF REVIEW OF DECISION .....	6
<b>PART D - ADMINISTRATION REGARDING LAND .....</b>	<b>6</b>
1.12 LEGAL AGREEMENTS .....	6
1.13 RESERVES FOR PUBLIC PURPOSE.....	7
1.14 ACQUISITION OF LAND.....	7
1.15 DEALING WITH ACQUIRED LAND.....	7
1.16 AUTHORISED ENTRY .....	8



# 1.0 Administration

## 1.1 INTRODUCTION

The Administration Chapter establishes particular powers to assist the Metropolitan Redevelopment Authority (referred to in this text as “the Authority”) in managing the subdivision, development and use of land and to ensure the orderly and proper planning of the Scheme Area. This chapter also sets out certain procedures the Authority is required to follow in administering its powers under the Scheme.

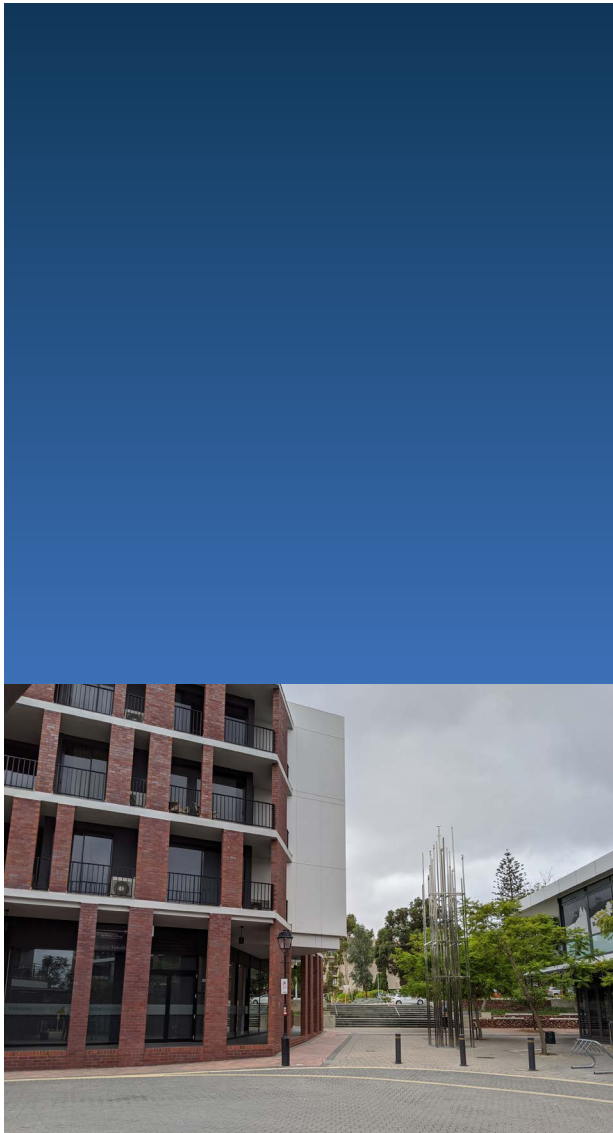
## PART A – ADMINISTRATION REGARDING THE SCHEME

### 1.2 OPERATION OF THE SCHEME

- (1) This Scheme is made pursuant to Part 5 of the *Metropolitan Redevelopment Authority Act 2011* (referred to in this text as “the MRA Act”).
- (2) The Scheme may be cited as the METRONET East Redevelopment Scheme (referred to in this text as “the Scheme”).
- (3) The responsible authority for the preparation and implementation of the Scheme is the Authority.
- (4) The Scheme shall come into operation on the day after a notice that the Scheme has been approved by the Minister is published in the Government Gazette. The Midland Redevelopment Scheme published in the Government Gazette on 8 February 2005 is hereby repealed.

### 1.3 APPLICATION OF THE SCHEME

- (1) This Scheme shall apply to that part of the redevelopment area as defined in the MRA Act and associated *Metropolitan Redevelopment Authority Regulations 2011* (referred to in this text as “the MRA Regulations”) and delineated as “Scheme Area” on the Scheme Map in Appendix 1.
- (2) In accordance with section 51 of the MRA Act, the Metropolitan Region Scheme, the City of Swan Local Planning Scheme, City of Bayswater Local Planning Scheme, City of Kalamunda Local Planning Scheme and any other Scheme made under the *Planning and Development Act 2005* (referred to in this text as “the PD Act”) do not apply to the Scheme Area after the Scheme comes into operation in respect of the Scheme Area or any portion of the Scheme Area.
- (3) This Scheme comprises the following documents
  - a) the Scheme Text; and
  - b) the Scheme Map.





## 1.4 INTERPRETATION OF WORDS AND EXPRESSIONS

- (1) In the Scheme unless the context otherwise requires, or unless it is otherwise provided for in Appendix 3 – Glossary of Terms or Appendix 4 – Defined Land Uses, words and expressions have the respective meanings given to them in the MRA Act and the PD Act.
- (2) In the case of conflict between the meanings of words and expressions in those instruments, priority shall be given according to the order in which the instruments are referred to in clause 1.4(1).

## 1.5 FORMS AND NOTICES REGARDING THE SCHEME

- (1) The Authority may prepare and thereafter amend application forms, information forms or notices required to be used for any matter related to the Scheme.

## PART B – ADMINISTRATION REGARDING DEVELOPMENT

### 1.6 DELEGATION OF POWER TO DETERMINE APPLICATIONS

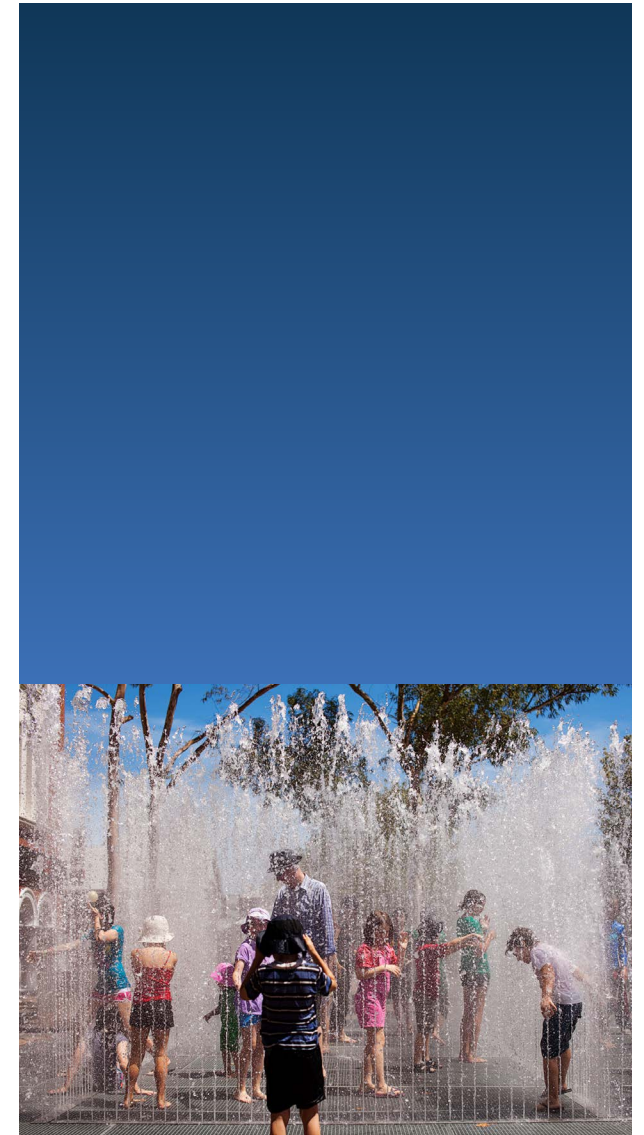
- (1) The delegation by the Authority of its powers and duties is dealt with by section 14 of the MRA Act.

### 1.7 COMPLY WITH THE SCHEME AND DEVELOPMENT APPROVAL

- (1) Subject to the provisions of the MRA Act and the Regulations, no person shall depart from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake any development within the Scheme Area which does not comply with the Scheme, without the written consent of the Authority.
- (2) No person shall use or permit the use of any land or building or undertake any development which does not comply with the terms of any Development Approval or any condition attached to that approval.

### 1.8 CESSATION OF UNAUTHORISED DEVELOPMENT

- (1) The Authority may by notice in writing:
  - a) serve on a person who is undertaking any development in or partly in the Scheme Area without the Development Approval of the Authority or in contravention of the approval, direct the person to forthwith stop doing so;







- b) serve on a person who has undertaken any development in or partly in the Scheme Area without the Development Approval of the Authority or in contravention of the approval, direct the person within such period as is specified in the notice, to remove, pull down, alter, or make good any development undertaken without approval or in contravention of an approval.

### **1.9 PENALTY FOR UNLAWFUL DEVELOPMENT**

- (1) A person must not undertake any development or cause any development to be undertaken on land that is in, or partly in, the Scheme Area without the Development Approval of the Authority, or in contravention of a Development Approval including contravention of a condition of approval.
- (2) The approval by the Authority of an existing development shall not affect the power of the Authority to take appropriate action for a breach of the Scheme or the MRA Act in respect of the undertaking of the development without prior Development Approval.
- (3) Unauthorised development may incur penalties under section 71 of the MRA Act including a fine of \$200,000 and a daily penalty of \$25,000.

### **1.10 VALIDITY OF AUTHORITY'S DECISION ON APPLICATIONS**

- (1) Provided the Authority has acted within the scope of its powers and authority, no procedural informality shall affect the validity of the Authority's decision on an application under this Scheme if the decision is acted upon by the applicant or the owner of the subject land or any person having an interest in the development through the applicant or the owner.

## **PART C – RIGHT OF REVIEW**

### **1.11 RIGHT OF REVIEW OF DECISION**

- (1) An applicant who is aggrieved by decisions of the Authority or the Minister may have a right of review of the decision to the State Administrative Tribunal, pursuant to section 69 of the MRA Act (as amended).

## **PART D – ADMINISTRATION REGARDING LAND**

### **1.12 LEGAL AGREEMENTS**

- (1) The Authority may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme for the purpose of implementing the Vision or Objectives of the Scheme.



- (2) In any such agreement the applicant or the owner or occupier may covenant for themselves, their transferees, assignees and successors, to carry out and observe all conditions imposed by the Authority, and any land may be charged with the obligation to observe such covenants. The agreement may also deal with any other matter relevant to the orderly and proper planning and sustainable development of the Scheme Area.
- (3) The Authority may enter into any other agreement which the Authority is authorised or empowered to enter into under the provisions of the MRA Act.

### 1.13 RESERVES

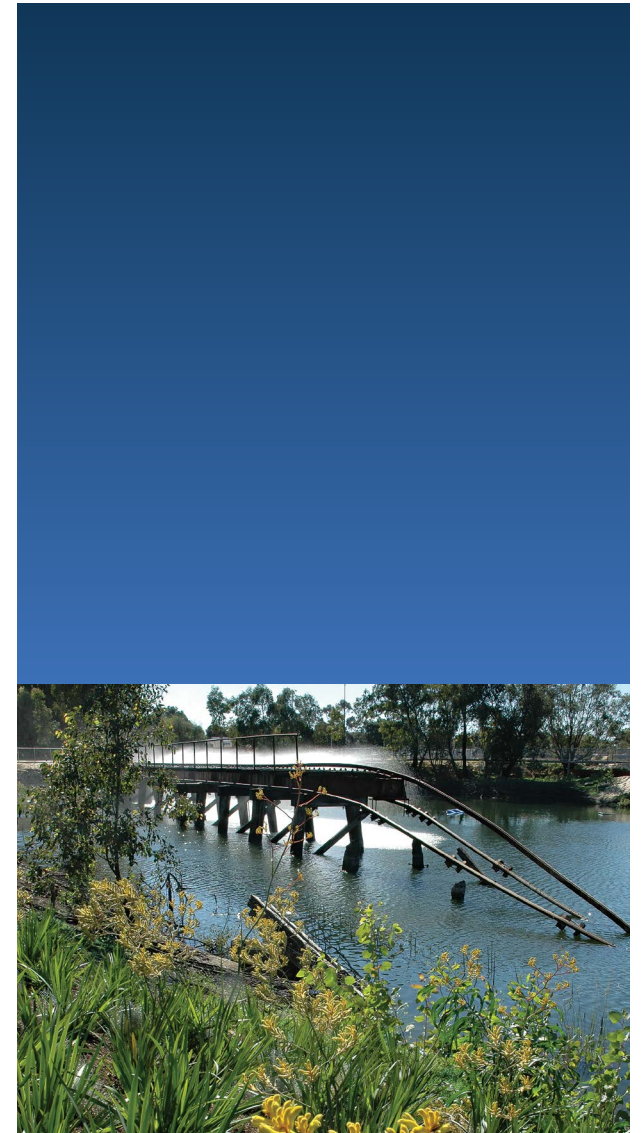
- (1) Certain land within the Scheme Area is set aside as reserves. Those reserves are delineated, identified and described as such on the Scheme Map and/or Project Area Maps.
- (2) Where compensation for injurious affection is claimed as a result of the operation of the provisions of Part 11 Divisions 1 and 2 and Sections 184 (3) and (4), 187 and 188 of the PD Act the Authority may elect to acquire the land so affected instead of paying compensation.
- (3) A claim for compensation is to be made in the form prescribed by the PD Act and addressed to the Authority.
- (4) In dealing with a development application relating to land reserved under this Scheme, the Authority is to have due regard to the ultimate purpose intended for the reserve.

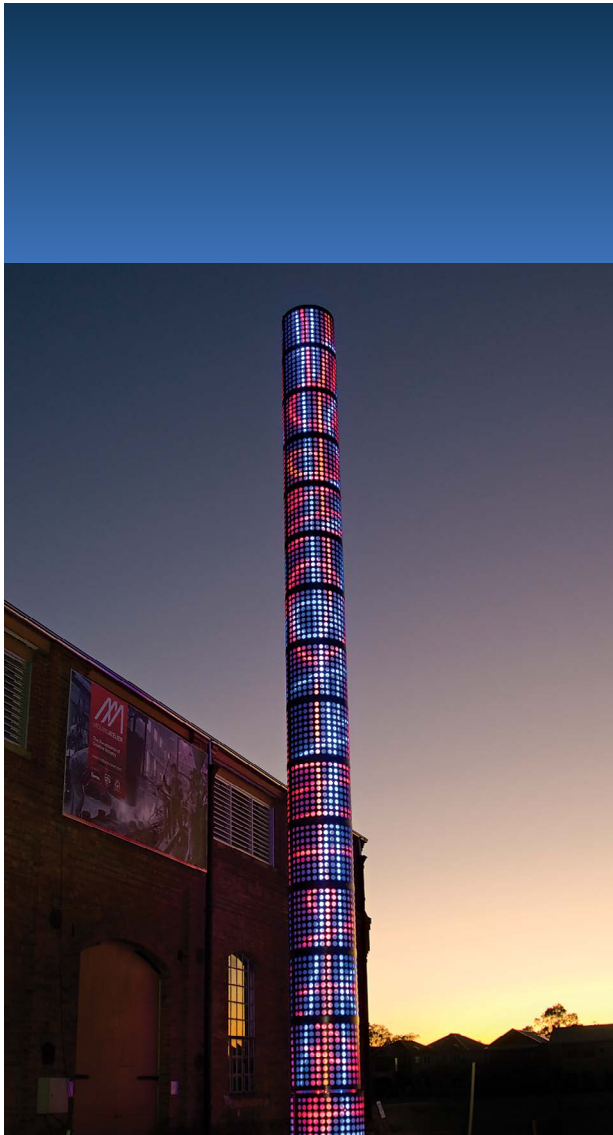
### 1.14 ACQUISITION OF LAND

- (1) In accordance with Part 2 of the MRA Act the Authority may acquire any land within the Scheme Area for the purpose of ensuring the delivery of the Project Vision or the Intent for the subject precinct, as set out in Chapters 2 and 3.
- (2) The Authority may compulsorily acquire land in accordance with section 22 of the MRA Act, pursuant to the provisions of the *Land Administration Act 1997* and the *Public Works Act 1902*.

### 1.15 DEALING WITH ACQUIRED LAND

- (1) The Authority may deal with or dispose of any land that it owns or which it acquires pursuant to the Scheme or under the MRA Act, in accordance with the powers conferred upon it by the MRA Act, and for that purpose may make such agreements with any other owner or person or body whatsoever as it sees fit, in accordance with the MRA Act.





- (2) The Authority may enter into any lease or licence or agreement for use of any land it acquires under the Scheme for such period and on such terms as the Authority thinks fit, but provided that any such lease, licence or agreement will not delay or in any way interfere with the carrying out of any necessary infrastructure or site works within the Scheme Area.

### **1.16 AUTHORISED ENTRY**

- (1) An officer of the Authority, authorised by the Authority for the purpose, may at reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme or any approval under the Scheme are being observed.





## 2.0 The Vision and Scheme Objectives

# Contents

<b>2.0</b>	<b>THE VISION AND SCHEME OBJECTIVES.....</b>	<b>11</b>
2.1	THE SCHEME VISION .....	11
2.2	DELIVERING THE VISION .....	12
2.3	SCHEME OBJECTIVES.....	13

## 2.0 The Vision and Scheme Objectives

### 2.1 THE SCHEME VISION

The Vision set out below is the overall aim that underpins the preparation, content and application of the Scheme.

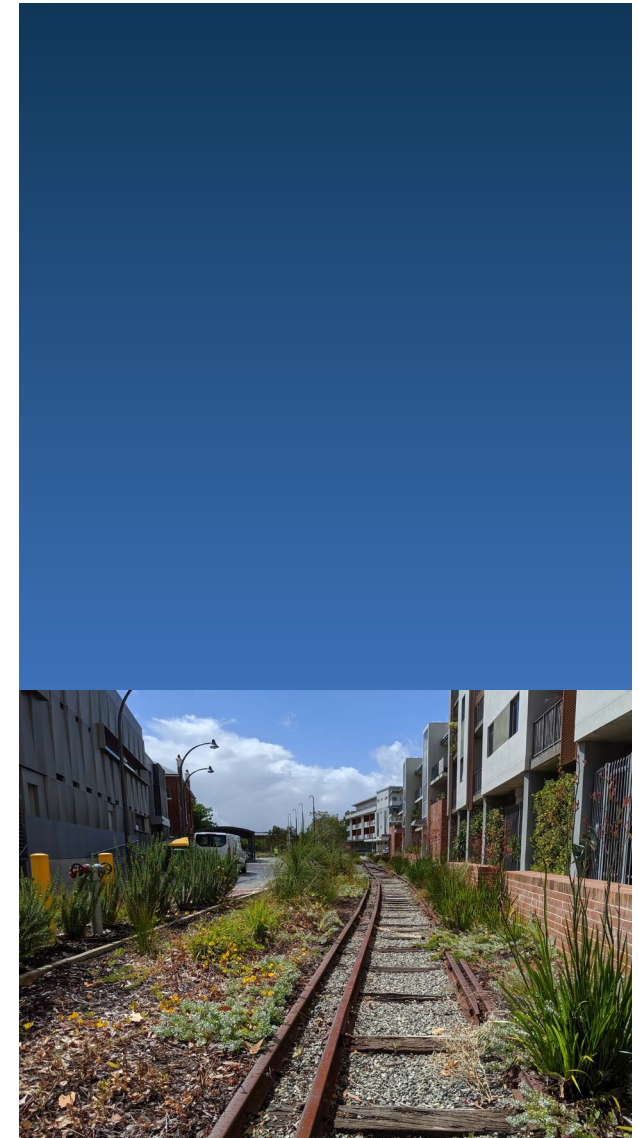
The Authority is to have due regard to the achievement of the Vision in determining applications made under the Scheme and when making all other discretionary decisions regarding the Scheme.

The Authority's vision for the Scheme Area is to continue to promote the proud history of each Metronet East project area and realise its exciting future. This will be enabled by promoting urban efficiency by introducing a critical mass of people to the existing communities, increasing housing diversity and supporting greater economic opportunities and wellbeing, while forging a connection with the past and the existing characteristics of the area. A key component of this will be to link the area's Aboriginal history and stories to the new life being created and to celebrate local ecology.

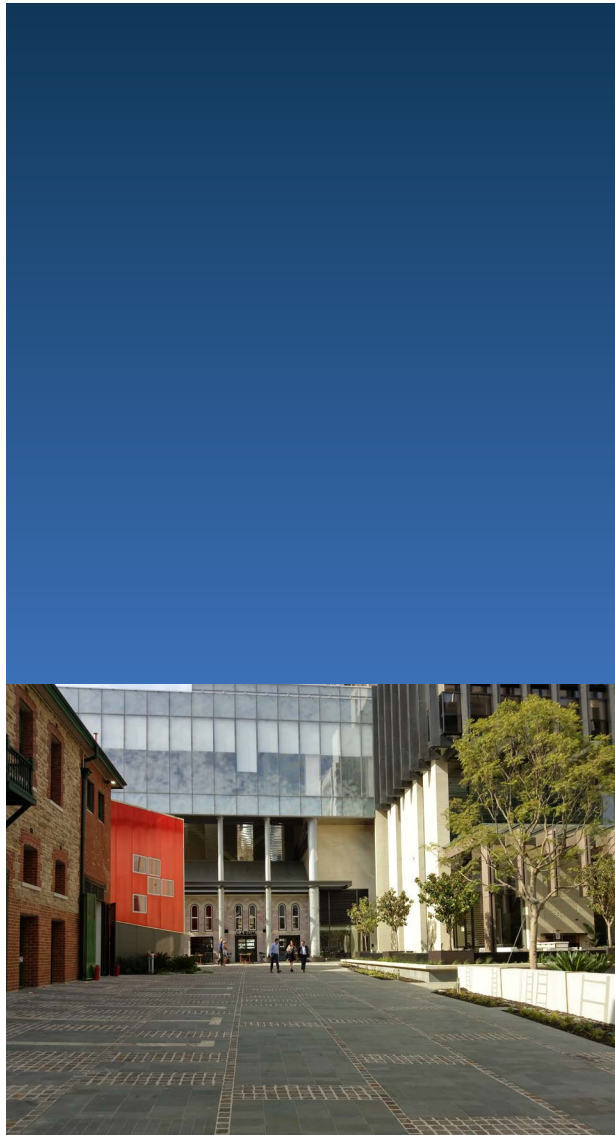
The Scheme Area will include vibrant mixed use station precincts supported by community infrastructure that connects communities, complements the surrounding local areas and provides opportunities for a diverse range of people to socialise and continue to foster community identity.

The Authority's vision is based on building a sense of place by supporting high quality design, development and sustainability outcomes that connect people and places and ensure a successful mix of land uses that respond to the unique characteristics and stages of development in Midland, Bayswater and High Wycombe.

The Authority will continue to work with the communities, local governments and other stakeholders to further define and implement the vision for each project area within the Scheme Area.







## 2.2 DELIVERING THE VISION

The Scheme is the principal statutory planning tool that will bring the Authority's Vision to life. The Scheme supports the strategic planning and visioning undertaken by the Authority and embeds this in a statutory planning framework to guide redevelopment of the Scheme Area. The Scheme has the flexibility of an outcomes based approach to development. It is supported by the Authority's Development Policies, Design Guidelines and other planning tools to achieve the sustainable development of the Scheme Area.

The Scheme is designed to provide opportunities for renewal, growth and innovation that can respond to changing environmental, economic and social trends and challenges. Inherent in the Scheme is a quadruple bottom line approach to sustainability, providing opportunities for social enrichment, economic innovation and environmental enhancement through appropriate and transparent governance.

The Scheme incorporates the requirements, provisions and opportunities to ensure sustainable growth and development, and includes important sustainability outcomes such as compact growth, mixed land use, high quality and ecologically sustainable design, primacy of public spaces, heritage conservation and reduced car use. The Scheme places importance on equity, opportunity, diversity and good governance, all intrinsic elements of sustainability.

The Objectives and provisions of the Scheme are intended to be applied in context of the most current technologies and best practices of the time. Community input, creativity and innovation are encouraged, to achieve outstanding development outcomes.

## 2.3 SCHEME OBJECTIVES

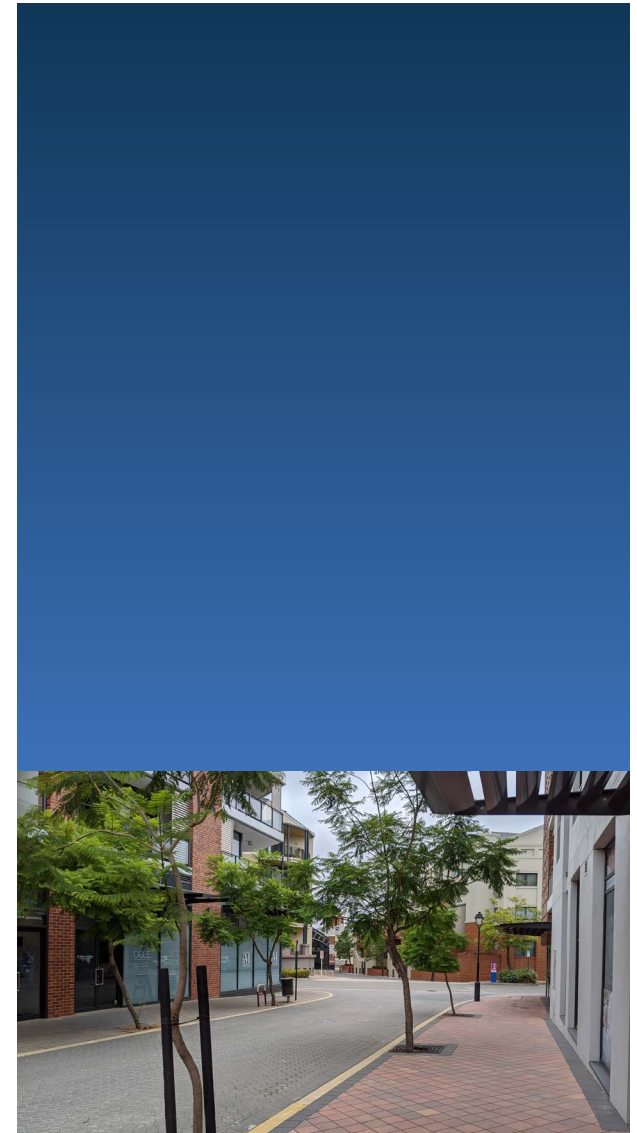
The Scheme Objectives are consistent with the Authority's Redevelopment Objectives, as prescribed by the MRA Regulations. The Scheme Objectives listed and described in this chapter must be taken into account in the preparation and approval of the planning framework for the Scheme Area and the assessment and determination of all applications for approval made under the Scheme. These Scheme Objectives are:

- Sense of Place;
- Economic Wellbeing;
- Urban Efficiency;
- Connectivity;
- Social Inclusion; and
- Environmental Integrity.

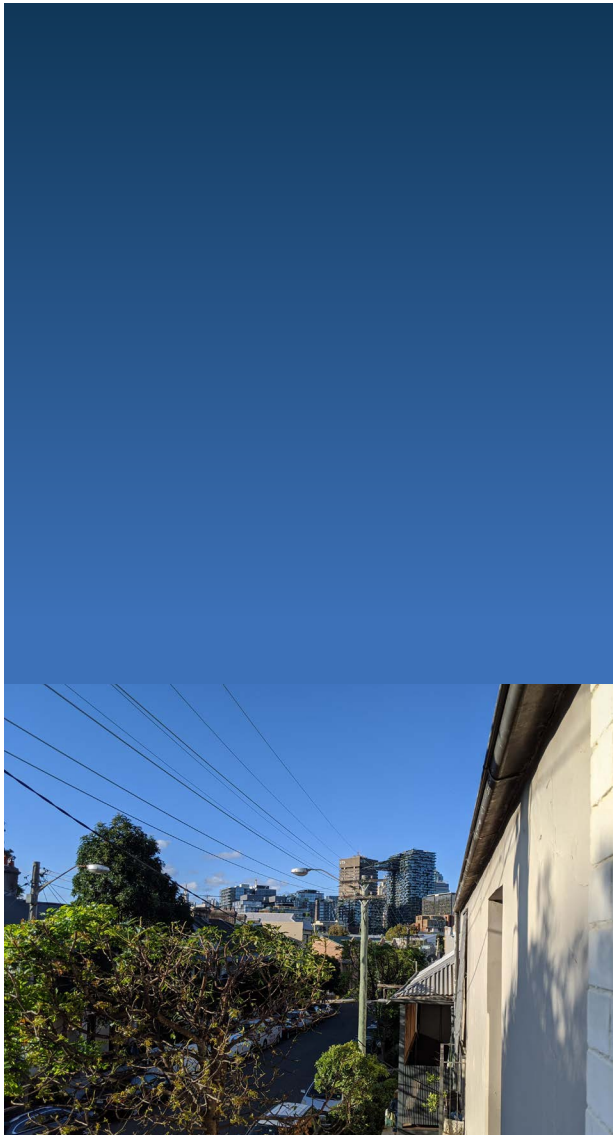
Development in accordance with the Scheme Objectives will ensure the Scheme Area develops in a sustainable manner which will enrich Midland, Bayswater and High Wycombe's role as destinations for people to live, work, visit and recreate within a vibrant, mixed use setting.

All development proposals will be required to be consistent with the Scheme Objectives set out in this Chapter (clauses 2.3.1-2.3.6). The Authority is to have due regard to these Objectives in discretionary decision making regarding the Scheme, including the assessment of:

- Development Applications;
- In-Principle Applications;
- Structure Plan Applications;
- Activity Centre Plan Applications;
- Local Development Plan Applications; and
- Subdivision Proposals







### 2.3.1 Sense of Place

To build a sense of place by supporting high quality urban design, heritage protection, public art and cultural activities that respond to Perth's environment, climate and lifestyle, including:

- **Quality Public Realm** – Planning, development and management of places and spaces contributes to the vitality, amenity, comfort and safety of the public realm which is attractive to all people;
- **Quality Architecture and Urban Design** – Encourage the conservation of places of recognised cultural heritage significance, create visually attractive development, with appropriately scaled streetscapes and other elements, providing a diverse but unified urban townscape characterised by high quality urban design and landscaping;
- **Local Character** – Enable buildings and development which respects, responds to and builds upon the positive and unique characteristics of Midland, Bayswater and High Wycombe;
- **Local Assets** – Development and enhancement of key destinations within the Scheme Area providing for community events, outdoor activities and social engagement, create development which respects and builds upon the existing fabric of the community; protecting, maintaining and enhancing view corridors and prominent assets;
- **Activation** – Increasing place activation of public spaces to increase vibrancy and economic viability and adding vitality through active ground floor uses, a palate of diverse materials and textures, and visual and physical interaction between the public and private realm;
- **Liveability** – A high quality of life is facilitated by accommodating a diversity of land uses, services and social infrastructure in a compatible and complimentary manner, with high levels of amenity;
- **Heritage** – Encourage the conservation and protection of places of recognised cultural significance and the interpretation of the themes surrounding places, people and stories no longer in physical presence;
- **Intergenerational Equity** – Providing a quality urban environment and protecting community assets, heritage places and natural resources for future generations; and
- **Health and Wellbeing** – Support development that facilitates physical and social health and wellbeing and contributes to a safe and comfortable environment for all people through providing a high level of walkability and diverse opportunities for social interaction.

### 2.3.2 Economic Wellbeing

To promote economic wellbeing by supporting, where appropriate, development that facilitates investment and provides opportunity for local businesses and emerging industries to satisfy market demand, including:

- **Connectivity and Diversity** – Encourage mixed use development close to transit hubs promote the exchange of ideas between people and businesses;
- **Business and Employment Growth** – Increased business activity establishes a critical mass of employment, services and economic activity, enhancing an areas liveability and competitiveness; create diversity of land use and development which contributes to a range of enhanced employment and residential opportunities in Midland, Bayswater and High Wycombe throughout the course of a day;
- **Resilient Local Economy** – Facilitate urban renewal that creates a sustained customer base by providing a critical mass of people within walking distance of transit hubs;
- **Investment Opportunities** – Facilitate the ongoing revitalisation of Midland and Bayswater and the establishment of High Wycombe as attractive and sustainable urban destinations for local and international investment;
- **Live and Work** – Deliver a diverse range of housing choices, providing the opportunity for people to live, work and play in each project area; and
- **Communication Networks** – Encourage the progressive upgrade of data connectivity to ensure effective virtual connections locally and internationally.

#### GREAT PLACES

Urban renewal is all about creating great places. Somewhere you want to live, work or visit. People want the urban environment to be attractive and activated, with a 'sense of place' – having qualities and characteristics that make people feel connected to a location.





## UNIVERSAL ACCESS

The concept of universal access is to provide the ability for all people, regardless of their background, social status or abilities, to have equal opportunity to access places, services and facilities.

When places and buildings are designed to allow people with special needs to access them, these places become successful, enjoyable places for all people. Designing and developing for changing demographics and life stages enhances the longevity and adaptability of places.



### 2.3.3 Urban Efficiency

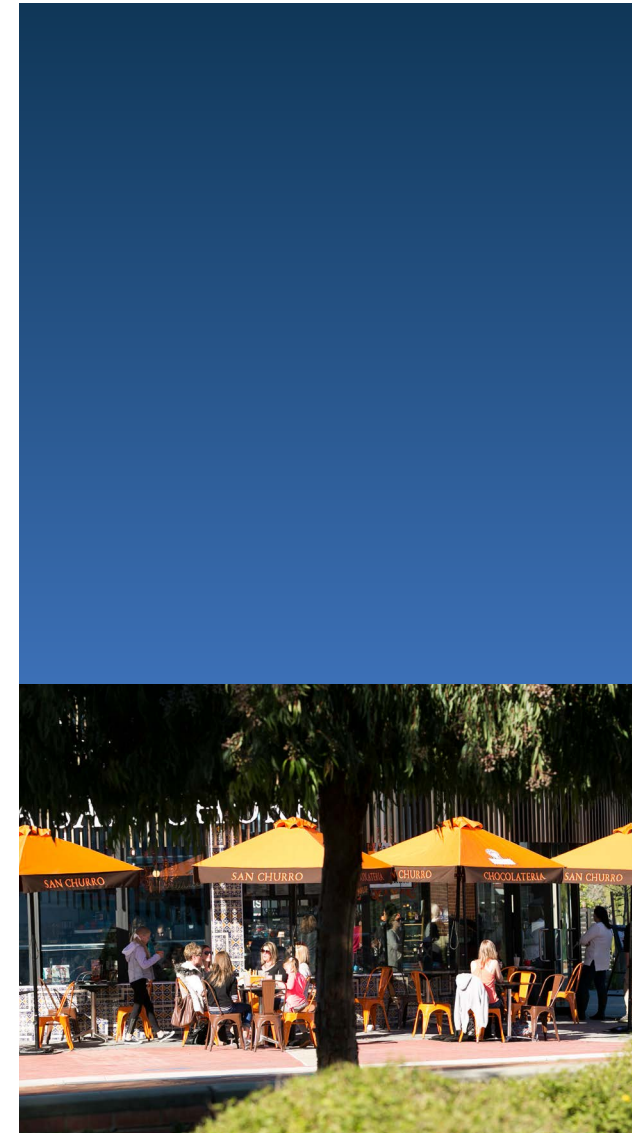
To promote urban efficiency through infrastructure and buildings, the mix of land use and facilitating a critical mass of population and employment, including:

- **Integration** – Ensure efficient integration of development with adjoining areas and transport networks;
- **Diversity** – Diversity of land use and development contributes to enhanced residential and employment opportunities and promotes the ongoing revitalisation of Midland and Bayswater and establishment of High Wycombe as metropolitan attractors;
- **Infrastructure Efficiency** – Providing improved efficiency (cost effectiveness) in infrastructure services, community facilities and services;
- **Increased Population** – Existing underutilised land in strategic locations are optimised to facilitate population and employment growth;
- **Community Infrastructure** – Facilitate flexible, multi-use public spaces in strategic locations to provide opportunities for active and passive recreation and community activities; and
- **Resource Efficiency** – Minimise the ecological footprint of building and lifestyles through density, diversity, adaptive reuse and efficiency in the urban environment.

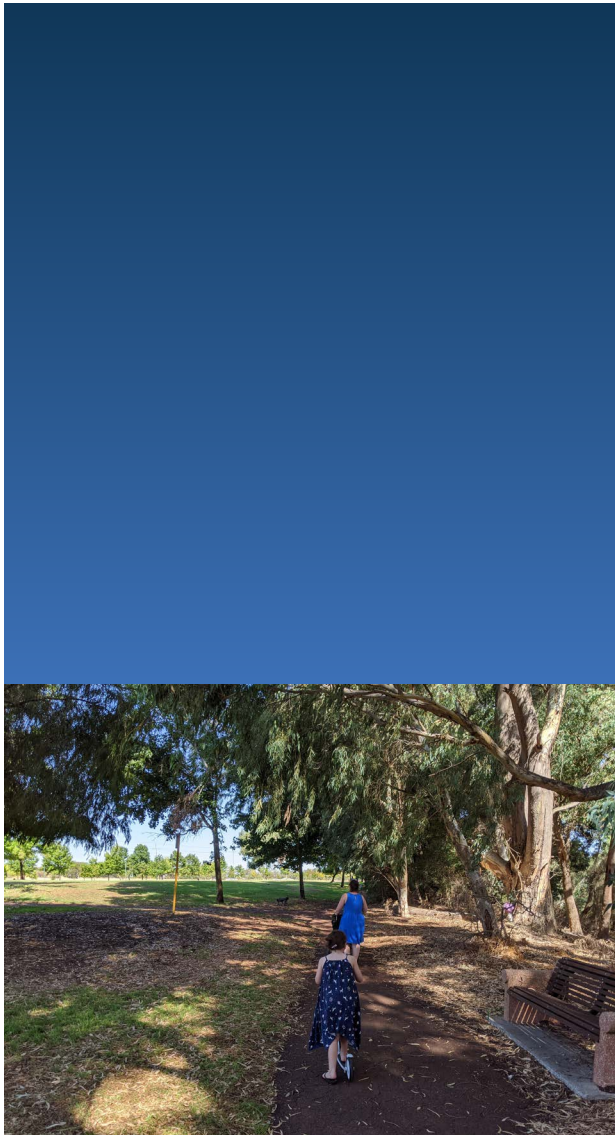
### 2.3.4 Connectivity

To enhance connectivity and reduce the need to travel by car, supporting development aimed at well-designed places that support walking, cycling and public transit, including:

- **Transit Orientated Development** – Contemporary transport planning and design principles are used to develop appropriate land uses and population densities around well designed and accessible multi-modal transport nodes;
- **Connectivity** – A range of transport networks for residents, visitors and commuters will facilitate access to and from Midland, Bayswater and High Wycombe and minimise physical barriers posed by rail infrastructure , while promoting the use of sustainable transport modes such as cycling, walking and public transit options;
- **Land Use and Transport Integration** – Development and transport systems support each other to create an efficient and successful urban environment;
- **Walking and Cycling** – Accessible by active transport modes (walkable and bikeable) through high levels of amenity, safety and permeability throughout the Scheme Area;
- **Reduced Car Dependency** – Reduce car usage through on-site parking controls and promotion of alternative non-car based transport options, car sharing and new technologies; and
- **Equity of Access** – Provide travel networks that are accessible by all.







### 2.3.5 Social Inclusion

To promote social inclusion by encouraging, where appropriate, a diverse range of housing and by supporting community infrastructure and activities and opportunities for visitors and residents to socialise, including:

- **Place Making** – Creation of high quality sustainable places and spaces is underpinned by facilitating a diverse range of land uses, housing types, buildings, events and transportation options that meet the needs of a wide demographic;
- **Choice and Accessibility** – Development facilitates choice and access in housing, employment, leisure and transport, for a wide range of people’s needs and interests;
- **Inclusive Design** – Development is designed to help children, youth, seniors, Aboriginal people, minority groups and people with disabilities feel included and connected to the community;
- **Diversity** – Provide a diverse range of housing types and tenures, commercial, cultural, leisure and transport options to create opportunities for everyone to live, work and play within Midland, Bayswater and High Wycombe;
- **Affordability** – Provide a diverse range of affordable housing options within the Scheme Area in order to enable people from all walks of life to live, work and play within Midland, Bayswater and High Wycombe;
- **Activation** – Promotion of key locations within the Scheme Area as destinations for community events, ongoing place activation, recreation, socialising and leisure spaces; and
- **Healthy Design** – Develop green spaces in strategic locations throughout the Scheme Area, provide high amenity walking environments through new development to provide opportunities for active and passive recreation and maximise opportunities for exercise within developments, community activities including community gardens.



### 2.3.6 Environmental Integrity

To enhance environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology, including:

- **Ecological Footprint** – Encourage and facilitate development which is consistent with efficient use of energy and minimisation of greenhouse gas emissions;
- **Efficient Use of Land** – Redevelopment provides improved efficiency in land and resource use;
- **Environmentally Sensitive Development** – Building design, construction, refurbishment and operation ensures resource efficiency, minimises use of non-renewable resources, the production of waste, pollution and other damaging emissions and maximises use of renewable resources through promotion of innovation and best practice;
- **Water Sensitive Design** – Development reduces demand on natural water resources and promotes water reuse and recycling;
- **Natural Environments** – Development connects with and celebrates natural features, responds to and assists in the protection of waterways, the management of groundwater and drainage and protection of remnant vegetation, for the benefit of wildlife, the local community and the wider Perth region;
- **Mitigation of Urban Heat Island Effect** – Conservation of existing mature trees on public and private land and new plantings within deep soil zones allows for growth and opportunities for soft landscaping via road verges, green roofs and walls;
- **Integrated Transport** – Development incorporates innovative technologies that support non-car based forms of transport, including rail, bus, cycling and walking. It should also incorporate the potential for future public transport expansion; and
- **Site Responsive Design** – Development responds to the site and environmental constraints.

#### TRANSIT INTEGRATED DEVELOPMENT

Transit integrated development, also known as transit oriented development (TOD) is an important element of sustainable urban renewal.

The aim is to create more compact, diverse and accessible urban development, within walkable precincts that are served by good public transport, to reduce car dependency and provide a wide choice of housing within easy reach of workplaces, education, shops and other community facilities.



## 3.0 Project Areas



# Contents

<b>3.0 PROJECT AREAS .....</b>	<b>22</b>
3.1 INTRODUCTION .....	22
<b>PART A - MIDLAND PROJECT AREA .....</b>	<b>22</b>
3.2 MIDLAND VISION.....	22
3.2.1 VICTORIA PRECINCT .....	22
3.2.2 HELENA PRECINCT .....	23
3.2.3 CLAYTON PRECINCT.....	23
<b>PART B - BAYSWATER PROJECT AREA .....</b>	<b>25</b>
3.3 BAYSWATER VISION .....	25
3.3.1 CORE PRECINCT .....	26
3.3.2 FRAME PRECINCT .....	27
<b>PART C - HIGH WYCOMBE PROJECT AREA .....</b>	<b>29</b>
3.4 HIGH WYCOMBE VISION .....	29
3.4.1 HIGH WYCOMBE STATION PRECINCT.....	29
3.4.2 POISON GULLY CREEK PREINCT .....	30



## 3.0 Project Areas

### 3.1 INTRODUCTION

The Scheme Area comprises three Project Areas, each with individual Precincts. Additional Project Areas and Precincts may be added or removed either whole or in part from the Scheme Area from time to time. This Chapter identifies the Project Areas and Precincts that make up the Scheme Area and sets the Authority's vision and intent for their future development.

A Project Area Map is provided for each Project Area and identifies the Precincts in that Project Area. The corresponding text sets out the Authority's vision for the development of that Project Area and the intent for each Precinct in the Project Area. All development within the Scheme Area is required to be generally consistent with the Scheme Vision and Scheme Objectives in Chapter 2 and the Vision and intent set out in this chapter for the relevant Project Area and Precinct.

### PART A – MIDLAND PROJECT AREA

#### 3.2 MIDLAND VISION

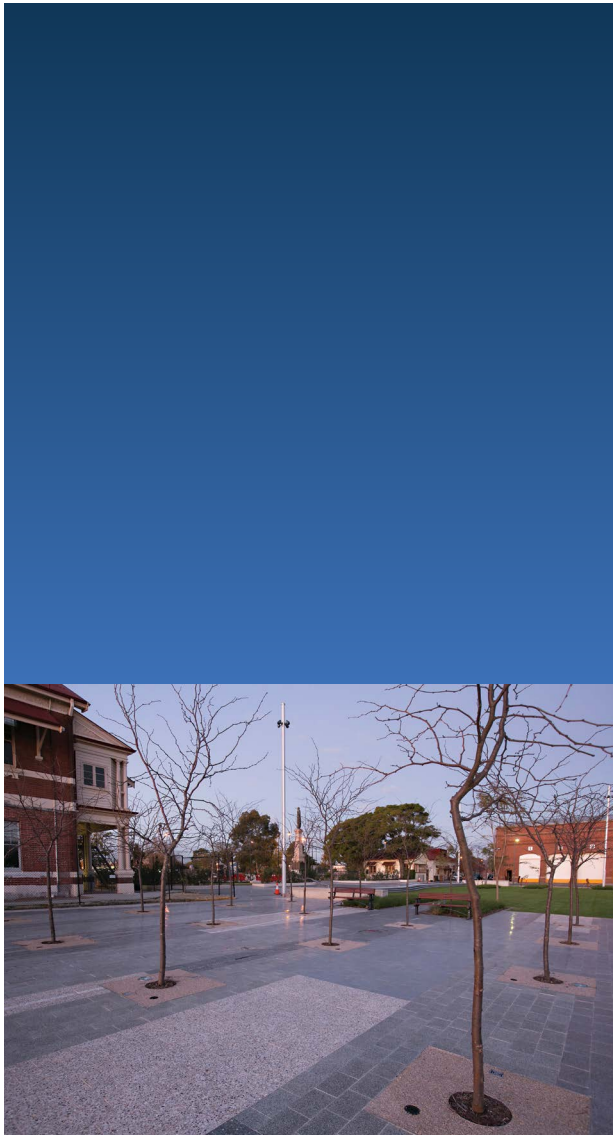
Midland has become a thriving activity centre serving as a gateway connecting Perth's eastern region, Perth Hills, the Wheatbelt and beyond. As a major employment destination with a high degree of self-sufficiency, Midland has delivered an attractive, affordable, productive and sustainable city living environment.

Development within Midland will continue to promote its proud history while revitalising and transforming the city centre. This will be supported by development that demonstrates high quality and sustainable design principles that build a sense of place, provides a critical mass of people, facilitates investment, and provides opportunities for existing and emerging local businesses. Additionally, development will continue to protect and leverage the area's natural assets and respond to noise and vibration associated with the railway and Perth Airport. The next phase of development in Midland will also need to enhance connectivity and reduce the need to travel by private vehicle, while also promoting social inclusion by supporting community infrastructure that provides opportunities for interaction between people and places.

##### 3.2.1 Victoria Precinct Intent

The Victoria Precinct will continue to transform as a vibrant mixed-use area with contemporary building forms that respond to both the heritage character of the area and the public domain within the heart of Midland.

The precinct has become a place that celebrates its historic character and provides enjoyment for the people of Midland and visitors to the city. This has created a distinct sense of place for the precinct, which must be continued through any new development. Retail and commercial uses will be focused around Great Eastern







Highway, as the gateway to the Project Area and Precinct, The Crescent, Cale Street, Helena Street and Victoria Street. Residential and supporting commercial uses will be spread across the precinct, with higher intensity surrounding the Midland transit station.

Built form is required to be of a high quality and will address street interfaces and maintain a pedestrian scale at the street, with taller elements set back from the street edge. Development on the edge of the precinct is to ensure that it interacts positively with adjoining precincts, particularly as it relates to key connection points and to points of interest. The precinct will continue to provide a diverse range of housing in order to better support urban efficiency. Development is to enhance connectivity, particularly north-south connection points across the rail reserve and to the wider Midland Activity Centre, optimising the benefits of non-car based forms of transport and providing a pedestrian friendly environment.

### 3.2.2 Helena Precinct Intent

A large portion of the Midland Railway Workshops buildings occupy land within the Helena Precinct, which is located to the south of the passenger and freight rail line and to the north of the Helena River. The significant heritage fabric provides a rich foundation for redevelopment focused around an enhanced public realm, including Railway Square. The Helena River is an important feature of the Precinct Area with new development to ensure it interacts positively with the foreshore area.

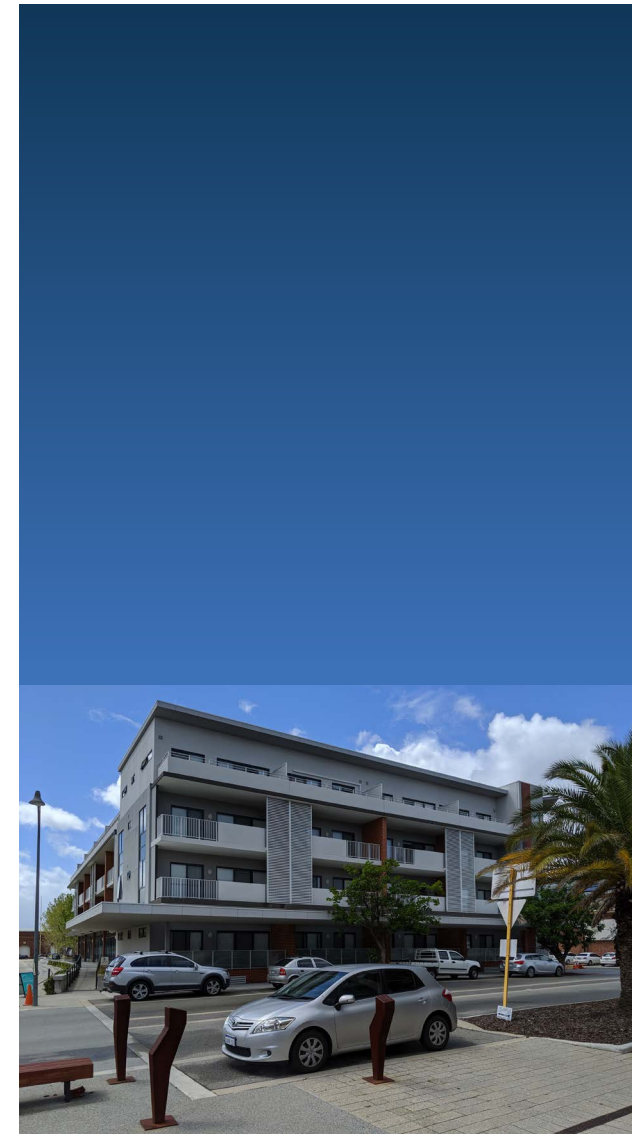
The focus of the precinct will continue to be the Workshops that have and will be developed, along with adjoining land, with a mix of uses including commercial, health and allied services, education and creative industries. This will support the precincts continued economic wellbeing with residential development providing a critical mass to create a vibrant, sustainable and diverse community.

Surrounding the Workshops, new development will continue to build upon Midland's proud history with a new era of activity and high quality contemporary buildings that respond to the heritage significance of the precinct.

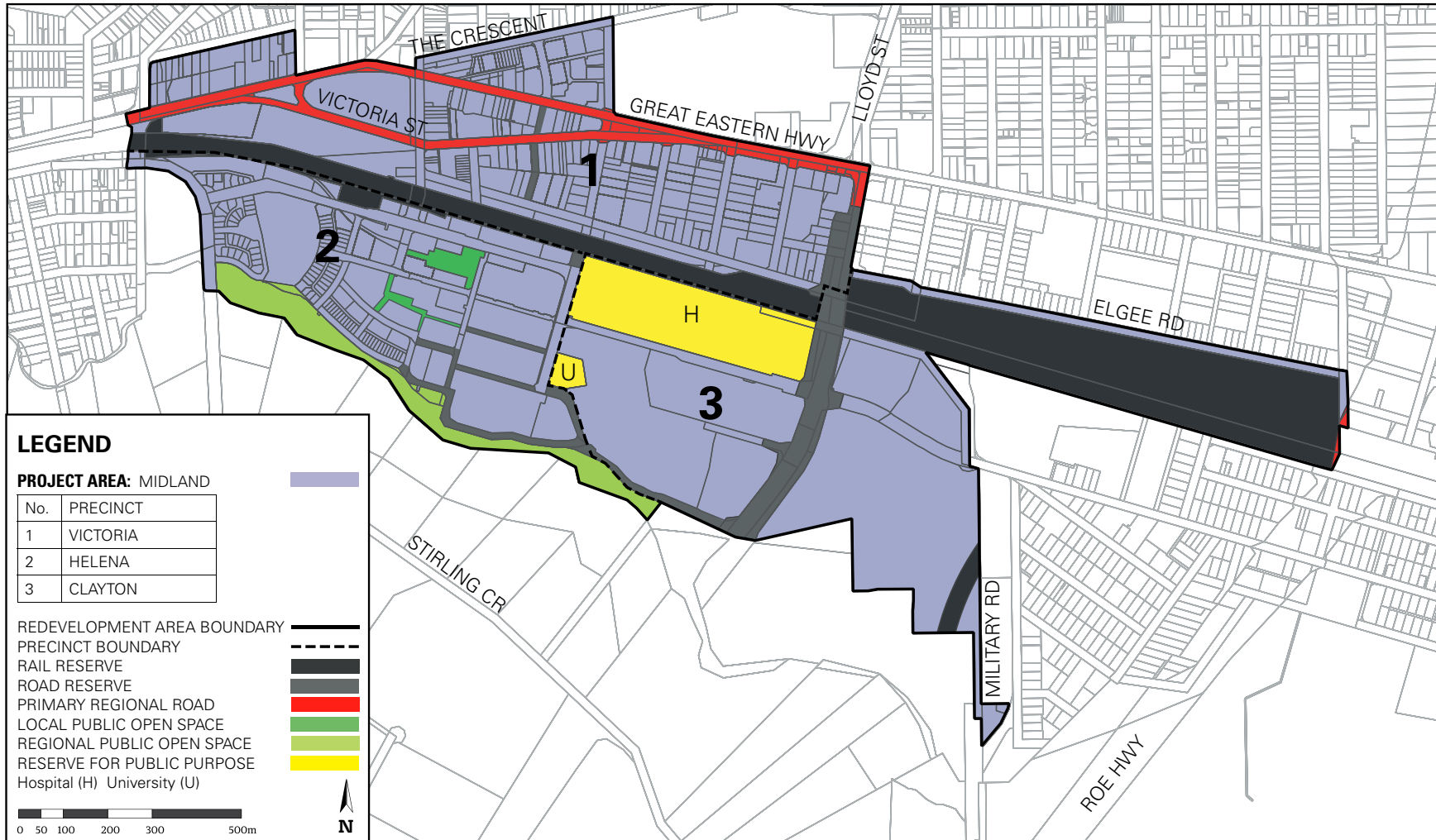
### 3.2.3 Clayton Precinct Intent

The Clayton Precinct has effective access to regional roads including the future extension of Lloyd Street to the Great Eastern Highway bypass. The Clayton Precinct is a high employment generator with high quality large format showroom development taking advantage of access to regional roads, ensuring the effective operation of the road network while providing a safe urban environment for pedestrians and workers.

The precinct has and will continue to support development of civic buildings for the health, education and police services as well as the allied health industries. The Public Transport Authority (the PTA) Rail yards also continuing to provide rail activities and associated infrastructure to meet the needs of the PTA.



# METRONET EAST MIDLAND PROJECT AREA MAP





## PART B – BAYSWATER PROJECT AREA

### 3.3 BAYSWATER VISION

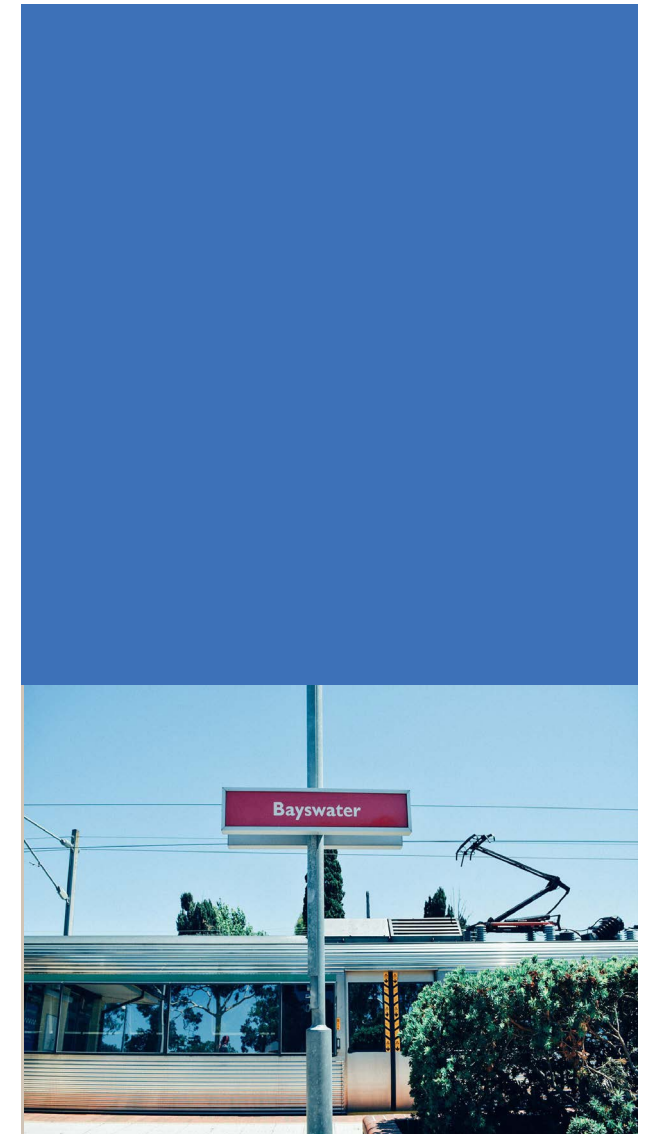
Development within the Bayswater Project Area will provide inviting, connected and quality streetscapes and laneways that improve permeability and accessibility within the project area, particularly along Bayswater’s north-south axis, inclusive of King William Street-Coode Street and around the upgraded Bayswater station.

The Project Area will connect communities and create a valued destination with a resilient local economy, where people choose to live, work and recreate, and that complements other activity centres within the local government area. Place activation and interactive built form will contribute to increased vibrancy drawing people to the area and promoting and enhancing local business development opportunities. Transient residential uses (e.g. hotels) within the Project Area will build on the upgraded train station linkage with Perth Airport, promoting Bayswater as a destination for tourists.

Development will be unique for its time, drawing on and enhancing the existing sense of place, heritage and character, while enabling the development of high quality buildings and public spaces. Development will optimise the community benefit the upgraded station affords and have particular consideration for the undulating topography of the location, retention of trees for the benefit of wildlife and people and maximisation of views towards the Swan River, Perth hills and the centre of Perth. Development will further promote social inclusion, fostering sustainable communities through the delivery of diverse and affordable housing options. Lot amalgamation is encouraged to promote activation and high quality development outcomes, however built form will ensure the original character of fine grain shop fronts is maintained.

Development will provide active ground floor land uses promoting visual and physical interaction and passive surveillance. There is opportunity to increase the intensity of development bordering parks within the Project Area to realise their exceptional value to the community and to provide increased surveillance and safety. Laneway activation and legibility represent a priority, with development to address laneways in the same way as primary streets to promote activation and legibility and increase safety.

Redevelopment will enhance environmental integrity by addressing and implementing mitigation strategies in response to climate change through encouraging green transport, sustainable design and resource efficiency throughout the Project Area. Development will focus on reducing car dependency through delivering high quality walking and cycling environments and access to public transport, with landscaping to improve the comfort of users of the street and promote a strong sense of connection to the Swan River.





## ENVIRONMENTAL INTEGRITY

The sustenance of important biophysical processes which support plant and animal life and which must be allowed to continue without significant change. The objective is to assure the continued health of essential life support systems of nature, including air, water, and soil, by protecting the resilience, diversity, and purity of natural communities (ecosystems) within the environment.



### 3.3.1 Core Precinct Intent

The Bayswater Core Precinct will enable the successful redevelopment of land surrounding the Bayswater station. The Core Precinct maximises its prominence and accessibility ensuring that public spaces provide the opportunity for community engagement and interaction, supporting increased vibrancy and activity.

King William Street and Coode Street represent the heart of Bayswater, which should be extended further along its length, particularly King William, to facilitate business and employment growth through the clustering of highly activated retail and dining and entertainment uses. These land uses will further support urban efficiency, providing a diverse and vibrant offering throughout the course of a day while also creating a night time economy for Bayswater. To support this, King William Street extending into Coode Street is envisaged as a leafy, low speed, promenade that would serve to better connect the urban centre and surrounds with Riverside Gardens and the Swan River.

Beechboro Road through its linkage with Coode Street represents an opportunity to increase the ability for the economy of Bayswater to grow and service its growing population. These linkages will be facilitated and seamlessly connected by the Bayswater station plaza, which will provide a much needed meeting place for the community further complementing the existing community facilities located within the Precinct.

Higher intensity development is envisaged north of the railway line, which is supported by the larger lot sizes. Development to the south will respond to site context, with particular consideration for the enhancement of existing sense of place, local character and heritage significance. Development adjoining the Character Protection Area, located outside of the Project Area, will have regard to the objectives of this Precinct, with all development on the periphery to ensure the amenity of lots outside of the Precinct are not unduly impacted upon.

Design and development of buildings will demonstrate high quality and innovative development solutions that respond to the principles of good design, as set out in State Planning Policy 7.0 - Design of the Built Environment (as amended)(SPP 7), and continue the fine grain of shops fronts at street level. The delivery of leading sustainability practices will be integral to the achievement of high quality development, including minimising non-renewable resource use, ongoing costs to occupants and the carbon footprint of development, while also ensuring vibration and noise from the adjoining rail reserve is appropriately mitigated.





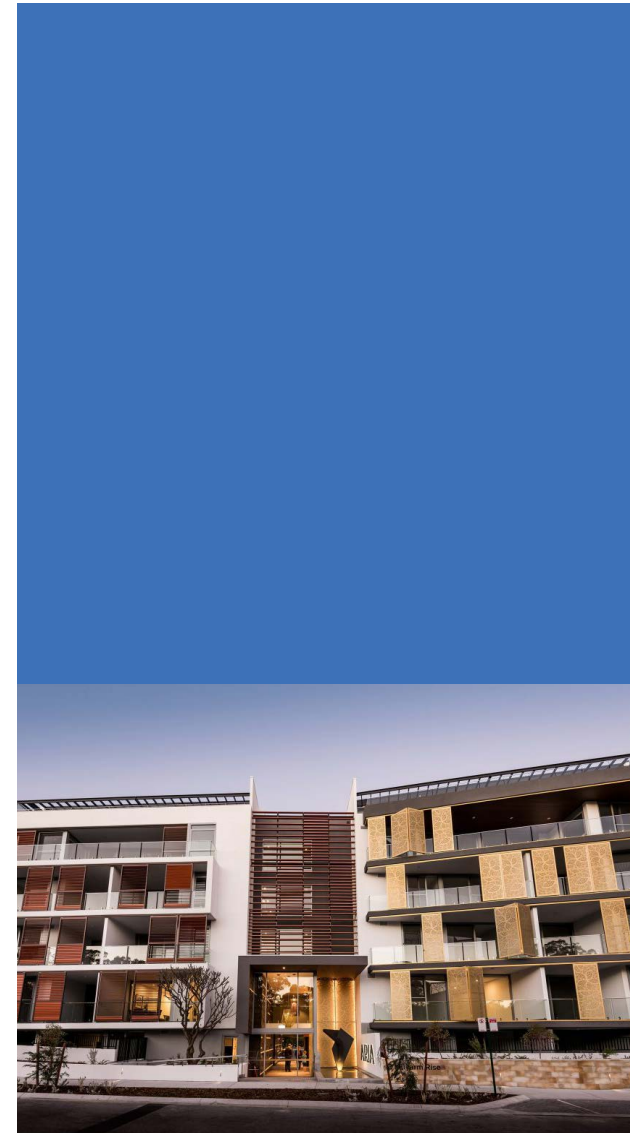
### 3.3.2 Frame Precinct Intent

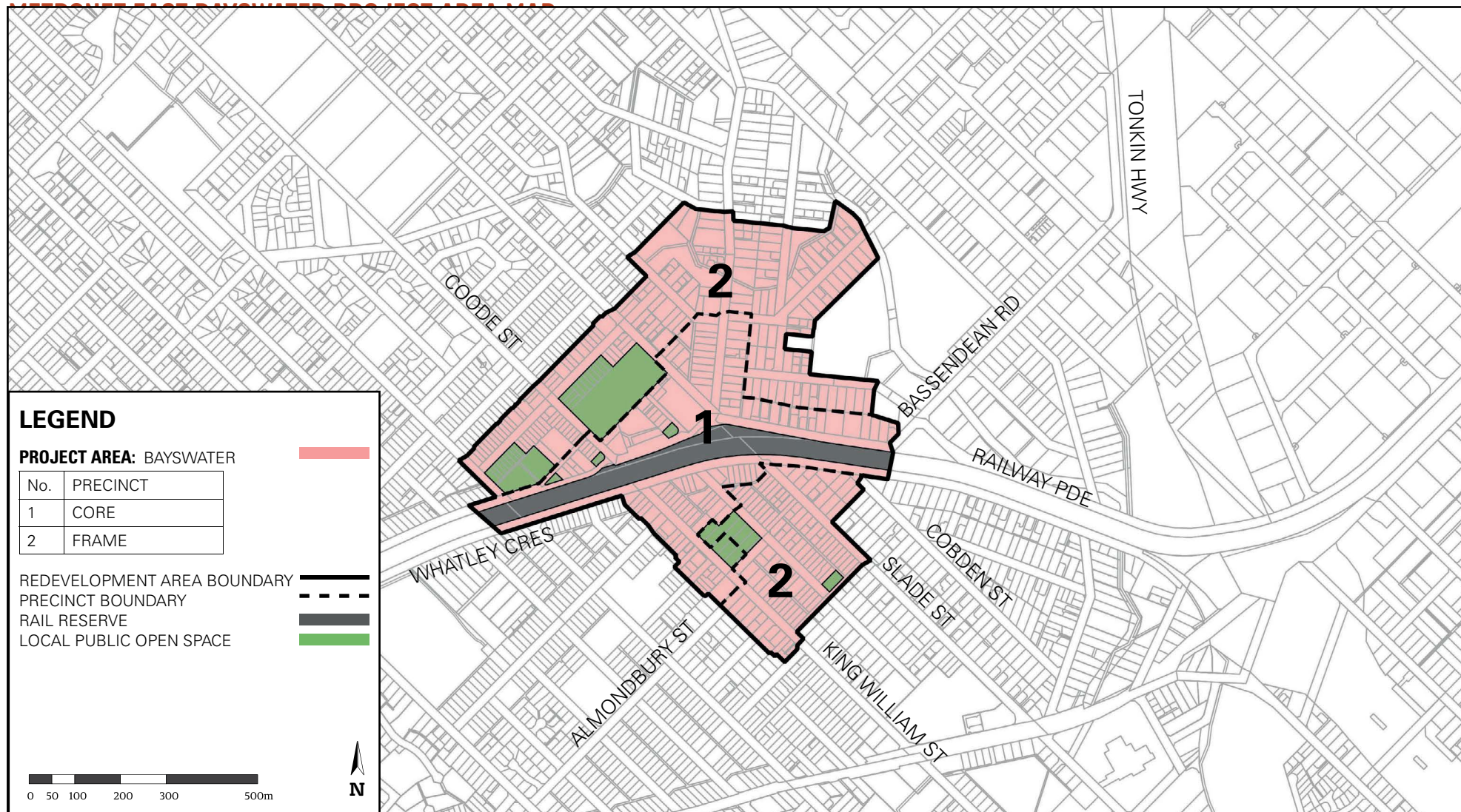
Development within the Bayswater Frame Precinct will facilitate increased residential population to maximise the strategic location at the interchange of the Midland, Airport Line and Morley-Ellenbrook lines. Housing diversity is a key objective, which further supports social inclusion, with new development to incorporate a diverse range of housing typologies including affordable housing product.

It is envisaged that development of medium intensity will occur within the Precinct to support higher intensity development within the core, with all development to support the principles of good design in accordance with SPP 7. Local amenities and other community facilities, such as Bert Wright Park, Halliday Park and Mills Avenue Park will support the growing population and expansion of businesses within the Project Area.

Increased intensity will be focused closer to the station and railway line, along key roads such as Beechboro Road, Coode Street and King William Street and immediately surrounding areas of amenity such as parks. This will enable transition in height and intensity towards the periphery of the redevelopment area, minimising the impact on the amenity of adjoining areas. Increased intensity may be possible on amalgamated sites where higher quality development outcomes can be provided.

The Precinct will promote connectivity, facilitating quality pedestrian, cycling and public transport linkages to improve connections to the upgraded Bayswater Station, encouraging active and sustainable forms of travel.









## PART C – HIGH WYCOMBE PROJECT AREA

### 3.4 HIGH WYCOMBE VISION

Development within the High Wycombe Project Area will provide for a high quality employment focused hub centred on High Wycombe Station, which enhances environmental integrity through celebrating the biodiversity of the area including Poison Gulley Creek, remnant vegetation and local fauna. High Wycombe Station will improve connectivity by providing an accessible and efficient transport option to and from the City to Perth's eastern suburbs and foothills, as well as to tourist attractions in the Perth hills and Bickley Valley.

The long term vision for the High Wycombe Project Area will support the delivery of a resilient local economy with a distinct sense of place. This will be achieved through the provision of a medium to high density urban neighbourhood focused around the station, inclusive of commercial, retail and community based development. Development will demonstrate high quality design and innovative solutions to mitigate noise and vibration impacts associated with the High Wycombe Freight Yard, Mainline Freight Rail and Perth Airport.

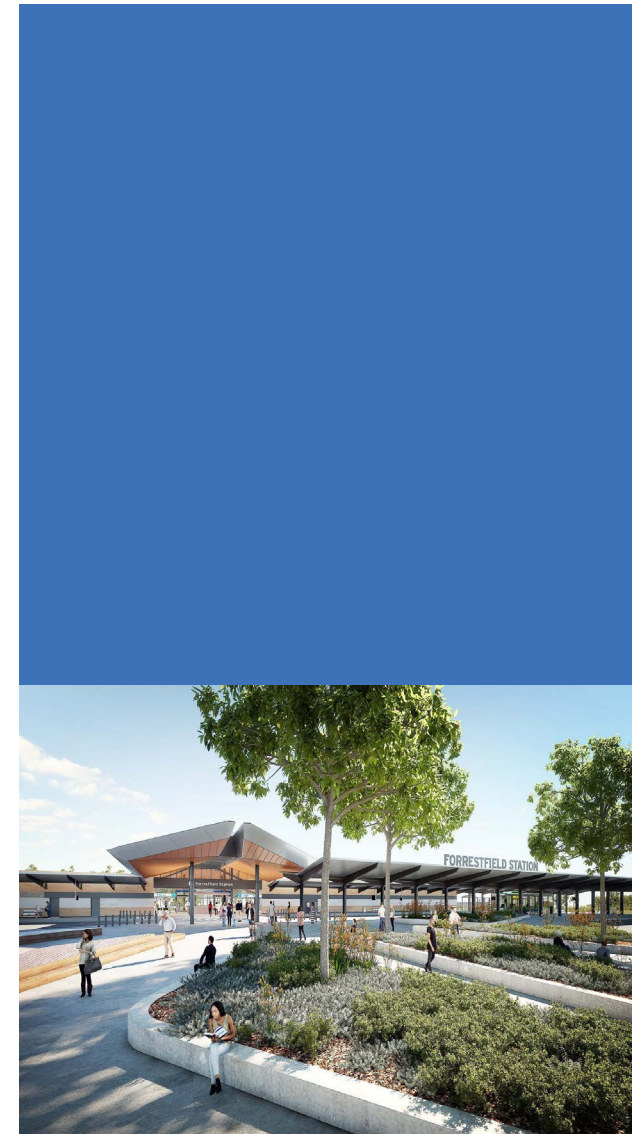
Streetscapes will be inviting and green, with sustainable water management integral to their success. Connectivity will be further enhanced through improving the legibility of existing and new streets within the Project Area. The delivery of an integrated and connected movement network that promotes the efficient operation of the road network while delivering a safe pedestrian environment is central to the success of the project.

Design and development of buildings will demonstrate high quality, sustainable and innovative solutions that respond to the principles of good design, as set out in SPP 7, and incorporate landscaped settings. Biophilic design will be integral to the development of buildings to enhance connections to the significant natural environment within and surrounding the Project Area.

#### 3.4.1 High Wycombe Station Precinct Intent

Early activation of the precinct will be supported through the provision of a plaza and temporary or short term retail and dining and entertainment based businesses, as well as short term and/or permanent community facilities, that promote social inclusion and service local and surrounding community demand generated by the new station. As demand increases, these temporary land uses can be replaced with larger mixed use development.

To leverage the presence of the logistics based businesses in the short term, well designed technologically based commercial businesses, research and development and training centres could be accommodated with opportunity for transient residential uses, given the new station links directly with the airport offering synergies with these land uses.





Land uses located opposite industrial development within the southern portion of the Precinct will primarily be commercially focused and low impact development to appropriately manage this interface and provide a transition to the more activated centre of the precinct, which will also include a residential component over time. Mixed use development may be included where amenity impact from the proximity to the airport is mitigated. Extensions to existing light-industrial uses in the short term can be considered where it does not increase the intensity of the use overall and is well designed having regard to the other objectives of the Project Area and Precinct.

Development east of Milner Road and bound by Sultana Road West, will have regard to the objectives of the adjacent low density residential land outside of the Project Area. Development on the periphery is to ensure the amenity of lots outside of the Precinct are not unduly impacted upon, while also acknowledging it represents a gateway to the Project Area.

The environmental integrity of the Precinct will be further enhanced with development focused around the key environmental corridors, providing the opportunity to celebrate and protect the natural environment, while addressing groundwater and drainage through innovative responses to water sensitive urban design.

### 3.4.2 Poison Gully Creek Precinct Intent

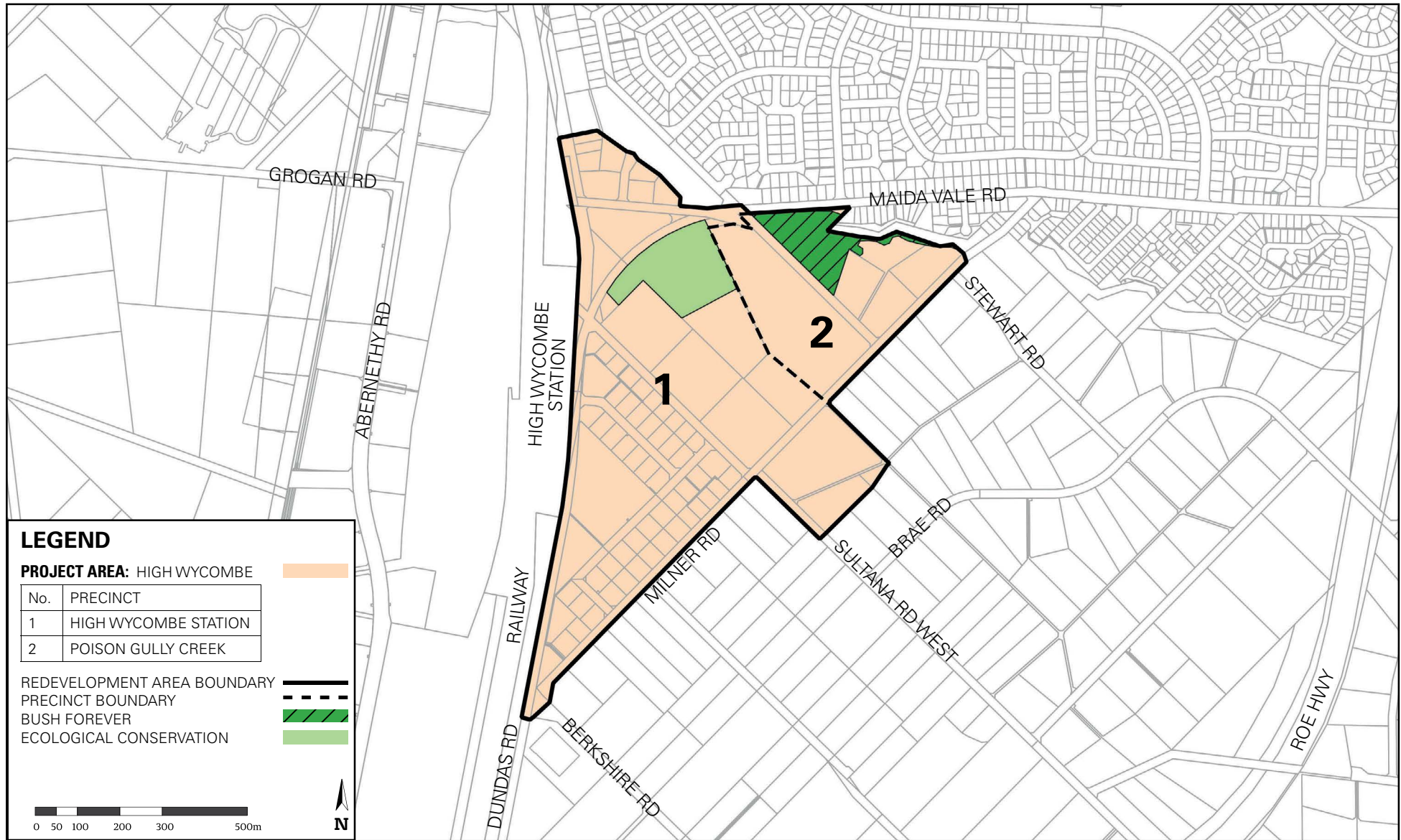
The primary use of this precinct will be residential, however given the precinct's proximity to the station, the development of complementary non-residential land uses that promote activation along key connections, provide natural surveillance and do not compete with land uses within the Station Precinct and wider locality can be considered. The precinct will be well connected with the High Wycombe station, with local movement networks designed to prioritise walking and cycling in a comfortable environment.

Housing diversity and affordability is encouraged through the delivery of medium to high density residential development, providing a critical mass of people to support the growth and expansion of businesses in the locality. Townhouses will further support the delivery of diverse housing product, providing choice and accessibility that caters to a wide range of people's needs and interests and that complements the adjoining low density residential areas located adjacent to the redevelopment area.

New development will achieve best practice sustainable design outcomes through innovative solutions to water sensitive design and energy use reduction. Building design will respond to the site context to maintain and celebrate remnant vegetation, prioritise linkages, connections and views towards the natural environment and respond to and enhance the natural features of the precinct, such as Poison Gully Creek.



# METRONET EAST High Wycombe PROJECT AREA MAP







## 4.0 Development Policies and Design Guidelines





# Contents

<b>4.0</b>	<b>DEVELOPMENT POLICIES AND DESIGN GUIDELINES.....</b>	<b>34</b>
4.1	PREPARATION OF DEVELOPMENT POLICIES .....	34
4.2	PREPARATION OF DESIGN GUIDELINES.....	34
4.3	CONSULTATION OF DRAFT POLICIES AND GUIDELINES .....	34
4.4	FINAL ADOPTION OF POLICIES AND GUIDELINES .....	35
4.5	AMENDING AND RESCINDING POLICIES AND GUIDELINES .....	35
4.6	POLICIES AND GUIDELINES PREVIOUSLY PREPARED.....	35
4.7	DEVELOPMENT TO COMPLY WITH POLICIES AND GUIDELINES .....	36
4.8	DUE REGARD FOR POLICIES AND GUIDELINES IN DECISION MAKING .....	36

## 4.0 Development Policies and Design Guidelines

### 4.1 PREPARATION OF DEVELOPMENT POLICIES

- (1) The Authority may prepare and adopt Development Policies which may:
  - a) make provisions for any matter related to the planning or development of the Scheme Area; and
  - b) apply generally to the Scheme Area, or to a particular matter, or to a particular area of the Scheme Area.
- (2) The content of a Development Policy is to be based on one or more of the Scheme Objectives and each Policy is to be written to establish or protect appropriate levels of amenity and to guide the sustainable development of the Scheme Area.
- (3) Development Policies are to be prepared and adopted in accordance with clauses 4.3 and 4.4

### 4.2 PREPARATION OF DESIGN GUIDELINES

- (1) The Authority may prepare and adopt Design Guidelines which:
  - a) make a provision for any matter related to urban, building, architectural or landscape design within the Scheme Area; and
  - b) apply generally to the Scheme Area, or to a particular type of development, or in a particular area of the Scheme Area.
- (2) The content of Design Guidelines is to be based generally on the Scheme Vision and Objectives and each Design Guideline is to be written to ensure a high standard of design and amenity in new buildings and other development, and to facilitate a high quality public realm.
- (3) Design Guidelines are to be prepared and adopted in accordance with clauses 4.3 and 4.4.

### 4.3 CONSULTATION OF DRAFT POLICIES AND GUIDELINES

- (1) After preparation of a draft Development Policy or draft Design Guidelines in accordance with clause 4.1 or 4.2, and prior to final adoption, the document/s must be endorsed for the purpose of public consultation.
- (2) The Authority will undertake a 42 day consultation period during which the draft document is to be made available for stakeholders and the general public to provide comment on.
- (3) The consultation period is to commence with the following actions:
  - a) referral of the draft document/s to relevant Local Government and State Government agencies;
  - b) referral of the draft document/s to other organisations, service providers, land owners or other stakeholders who in the opinion of the Authority may be reasonably affected by the adopting of the document;







- c) notification in a newspaper circulating within the Scheme Area inviting comment on the draft document/s and advising where and when the document/s can be viewed; and
- d) notification, including publishing the draft document/s, on the Authority's website inviting comment on the draft document/s.

#### **4.4 FINAL ADOPTION OF DEVELOPMENT POLICIES AND GUIDELINES**

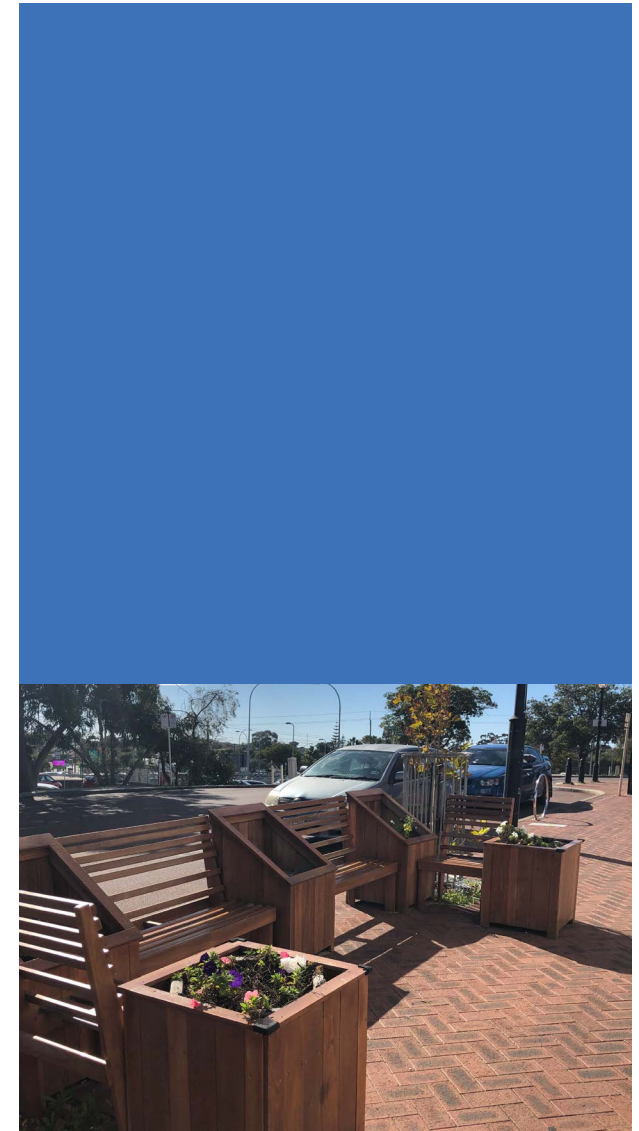
- (1) Following the undertaking of consultation of a draft Development Policy or draft Design Guidelines as set out in clause 4.3, the Authority will undertake the following actions:
  - a) review all submissions made during the consultation period and consider whether modification to the document is necessary; and
  - b) resolve either to finally adopt the document with or without modification, or not to proceed with the draft document.
- (2) As soon as practicable after the Authority makes a determination under clause 4.4(1)b) details of that resolution is to be:
  - a) provided to the relevant Local Government;
  - b) provided to all those that made a submission during the consultation period; and
  - c) published in a notification in a newspaper circulating within the Scheme Area and on the Authority's website.
- (3) The Authority is to make copies of any adopted Development Policy and Design Guidelines available to view at the Authority's offices, and make electronic or printed copies available subject to payment of any necessary fee.

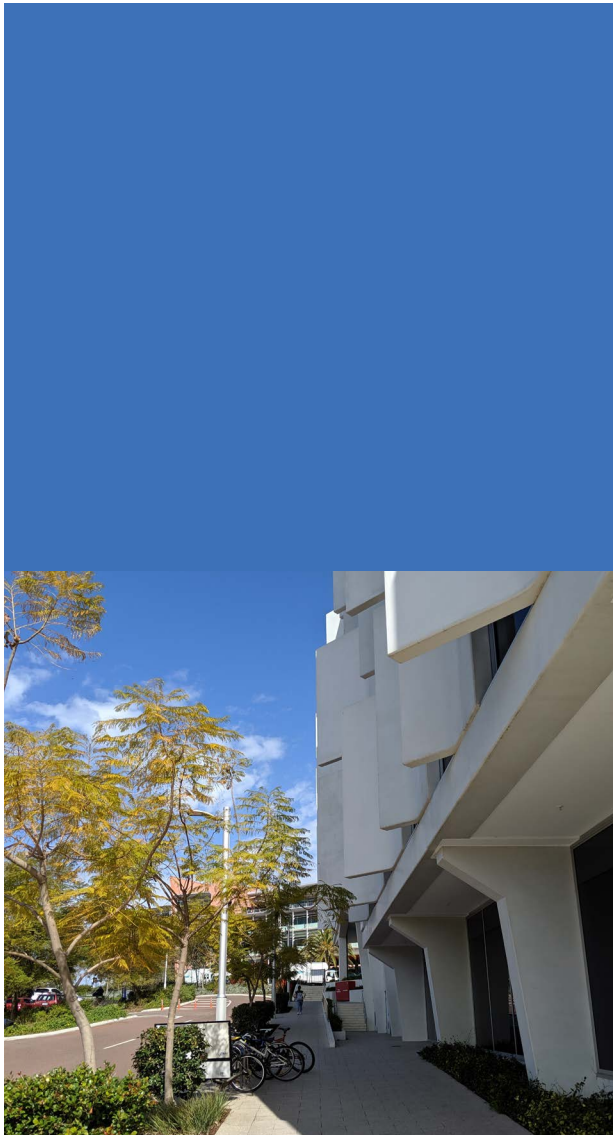
#### **4.5 AMENDING AND RESCINDING POLICIES AND GUIDELINES**

- (1) The Authority may resolve to amend or rescind an adopted Development Policy or Design Guidelines at any time. The Authority is to publicly advertise any such resolution, and in the case of a substantial amendment, this shall be carried out in accordance with the procedures set out in clauses 4.3 and 4.4.

#### **4.6 DEVELOPMENT POLICIES AND GUIDELINES PREVIOUSLY PREPARED**

- (1) Development Policies and Design Guidelines prepared by the Authority under the provisions of the Midland Redevelopment Scheme 2 which were:





- a) still in operation at the Gazettal date of the Scheme are deemed to have been made in accordance with the Scheme and shall come into operation on the gazettal of this Scheme; and
  - b) prepared and advertised prior to the commencement of the Scheme may be adopted under the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of the Scheme.
- (2) Development Policies or Design Guidelines may be adopted under clause 4.4 even if the Development Policy or Design Guideline was prepared prior to the commencement of the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of Chapter 4.

#### **4.7 DEVELOPMENT TO COMPLY WITH DEVELOPMENT POLICIES AND GUIDELINES**

- (1) All development within the Scheme Area is to generally comply with the Development Policies and Design Guidelines that are relevant to the nature and location of the proposed development. The provisions of relevant Development Policies and Design Guidelines will form the basis of the assessment of development proposals, in addition to the provisions of the Scheme.

#### **4.8 DUE REGARD FOR DEVELOPMENT POLICIES AND GUIDELINES IN DECISION MAKING**

- (1) Subject to the provisions of Chapter 5, a Development Policy or Design Guideline shall not bind the Authority in respect of any Application for Approval to Undertake Development, however the Authority shall have due regard to the provisions of relevant Development Policies and Design Guidelines and the objectives or outcomes which the Policy or Guideline was designed to achieve.



# 5.0 Development Management





# Contents

<b>5.0 DEVELOPMENT MANAGEMENT .....</b>	<b>39</b>	5.17 WITHDRAWAL OF APPLICATION .....	46
<b>PART A -OVERVIEW.....</b>	<b>39</b>	5.18 KEY MATTERS FOR CONSIDERATION IN DETERMINATION.....	47
5.1 VISION AND OBJECTIVES OF SUSTAINABLE DEVELOPMENT .....	39	5.19 DETERMINATION WHEN NON-COMPLIANT .....	48
5.2 HIGH QUALITY BUILDINGS.....	39	5.20 DETERMINATION DECISION .....	48
5.3 IMPORTANCE OF THE PUBLIC REALM.....	39	5.21 NOTIFICATION OF THE AUTHORITY'S DETERMINATION.....	48
5.4 ENVIRONMENTAL INTEGRITY.....	39	5.22 CONDITIONS OF APPROVAL.....	49
<b>PART B -SUBDIVISION .....</b>	<b>40</b>	5.23 REASONS FOR REFUSAL.....	49
5.5 SUBDIVISION.....	40	5.24 MULTIPLE DEVELOPMENT APPROVALS.....	50
<b>PART C -WHAT REQUIRES DEVELOPMENT APPROVAL .....</b>	<b>41</b>	5.25 VALIDITY PERIOD FOR COMMENCEMENT OF DEVELOPMENT .....	50
5.6 REQUIREMENT FOR DEVELOPMENT APPROVAL .....	41	5.26 VALIDITY PERIOD FOR DEVELOPMENT OF LIMITED DURATION .....	50
5.7 LEVEL OF ASSESSMENT .....	41	5.27 POWER TO REVOKE APPROVAL .....	51
5.8 MATERIAL CHANGE IN USE .....	41	5.28 APPLICATION OF PREVIOUSLY ADOPTED OR APPROVED STATUTORY TOOLS .....	51
5.9 SELF EVALUATION OF OTHER ACTIVITIES NOT CONSTITUTING DEVELOPMENT .....	42	<b>PART E -SPECIAL DEVELOPMENT APPLICATIONS.....</b>	<b>52</b>
<b>PART D -DEVELOPMENT APPLICATION PROCESS.....</b>	<b>42</b>	5.29 IN-PRINCIPLE DEVELOPMENT APPLICATION .....	52
5.10 APPLICATION FOR DEVELOPMENT APPROVAL .....	42	5.30 APPLICATION TO AMEND A DEVELOPMENT APPROVAL .....	53
5.11 SUPPORTING TECHNICAL DOCUMENTS .....	42	5.31 RETROSPECTIVE DEVELOPMENT APPLICATION.....	54
5.12 RECEIPT OF A COMPLETE APPLICATION .....	43	5.32 DEVELOPMENT APPLICATION INVOLVING DEMOLITION .....	54
5.13 DETERMINATION PERIOD AND DEEMED REFUSAL.....	44	<b>PART F -OTHER DEVELOPMENT MANAGEMENT PROCESSES .....</b>	<b>55</b>
5.14 REFERRAL OF APPLICATIONS TO GOVERNMENT BODIES .....	44	5.33 WORKING DRAWINGS PROCESS.....	55
5.15 PUBLIC CONSULTATION ON CERTAIN APPLICATIONS .....	45	5.34 DEVELOPMENT AUDIT PROCESS.....	56
5.16 SPECIALISED ADVICE.....	46		





# 5.0 Development Management

## PART A: OVERVIEW

### 5.1 VISION AND OBJECTIVES OF SUSTAINABLE DEVELOPMENT

Chapter 2 of the Scheme sets out the Authority's Vision and Objectives for the sustainable urban renewal of the Scheme Area. Ensuring a high quality built environment which provides social, environmental and economic benefits is central to implementing the Vision and Objectives.

In the assessment and determination of all applications made under this chapter the Authority shall have due regard to the Vision and Objectives set out in Chapter 2.

### 5.2 HIGH QUALITY BUILDINGS

The achievement of sustainable development and the implementation of the Scheme Vision and Objectives place a strong emphasis on quality of built environment.

For the purposes of promoting the Scheme Vision and Objectives, in assessment and determination of all applications made under this chapter the Authority shall require high quality in all built form that embraces all aspects of the Scheme Vision and Objectives. The Authority may require the redesign of any proposed building, or improvements in the building design or exterior materials and finishes to achieve an outcome that is of a quality acceptable to the Authority.

### 5.3 IMPORTANCE OF THE PUBLIC REALM

Creating sustainable places and spaces and the implementation of the Scheme Vision and Objectives require a strong emphasis to be placed on the quality of the public realm.

For the purposes of promoting the Scheme Vision and Objectives, in the assessment and determination of all applications the Authority shall require well designed, activated, safe and comfortable public realm and may require the amendment or redesign of any proposal to meet a public realm outcome that is of a quality acceptable to the Authority.

### 5.4 ENVIRONMENTAL INTEGRITY

The achievement of sustainable development and the implementation of the Scheme Vision and Objectives place a strong emphasis on incorporating innovative environmental and urban water management principles and facilitating efficient use of resources and infrastructure.



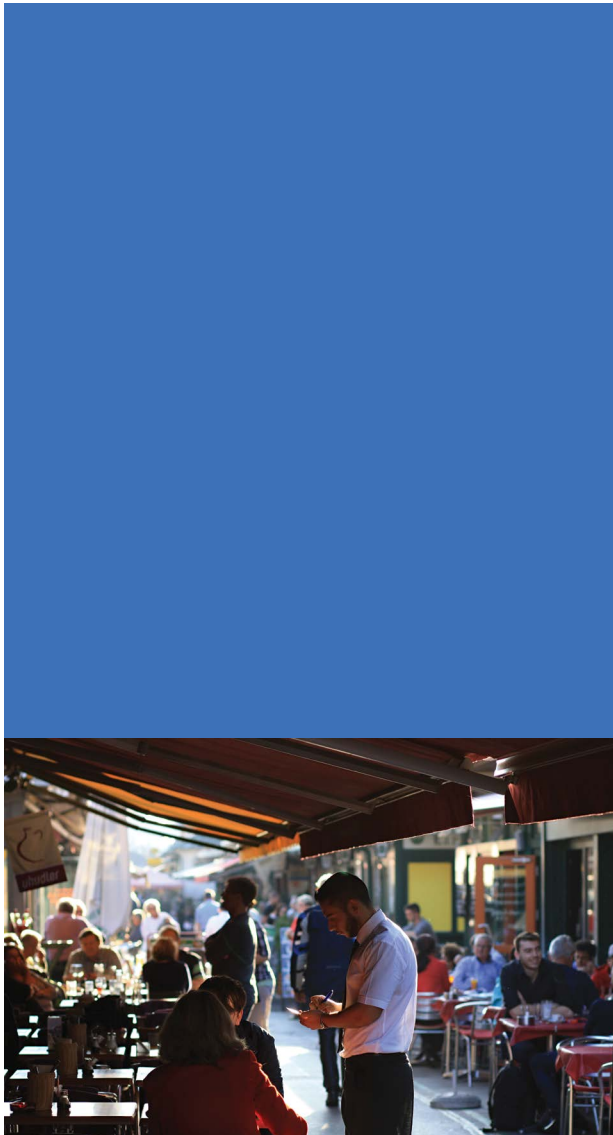


For the purposes of promoting the Scheme Vision and Objectives, in the assessment and determination of all applications, the Authority shall require the conservation and enhancement of significant environmental features and ensure that post development surface water quality is improved compared with pre-development surface water quality. The Authority may require the improvement or redesign of any proposal to achieve a sustainable outcome that is of a quality acceptable to the Authority.

## **PART B: SUBDIVISION**

### **5.5 SUBDIVISION**

- (1) In exercising its functions in respect to subdivision and amalgamation under section 18 of the MRA Act, or in providing advice on proposed subdivisions in the Scheme Area, the Authority shall have regard to:
  - a) the Scheme Vision and Objectives and the achievement of sustainable development;
  - b) all other relevant provisions of the Scheme;
  - c) any relevant State Planning Policy or Development Control Policy of the Western Australian Planning Commission;
  - d) a strategic master plan approved by the Authority for the relevant project or locality;
  - e) any relevant planning document adopted under the Scheme, including but not limited to a Design Guideline, Development Policy, Heritage Inventory, or Development Contribution Plan;
  - f) a Structure Plan, Activity Centre Plan or Local Development Plan approved by the Authority that includes the subject site;
  - g) any relevant management plan or strategy prepared for the relevant project area or locality;
  - h) any submission received as a result of a referral to government bodies or public consultation;
  - i) any specialised advice obtained from a suitably qualified professional in relation to particular aspects of the proposal;
  - j) the requirements of orderly and proper planning;
  - k) the current and intended amenity of the locality; and
  - l) environmental management plans for the High Wycombe Project Area, prepared and approved in accordance with Appendix 2 of the Scheme.





## **PART C: WHAT REQUIRES DEVELOPMENT APPROVAL**

### **5.6 REQUIREMENT FOR DEVELOPMENT APPROVAL**

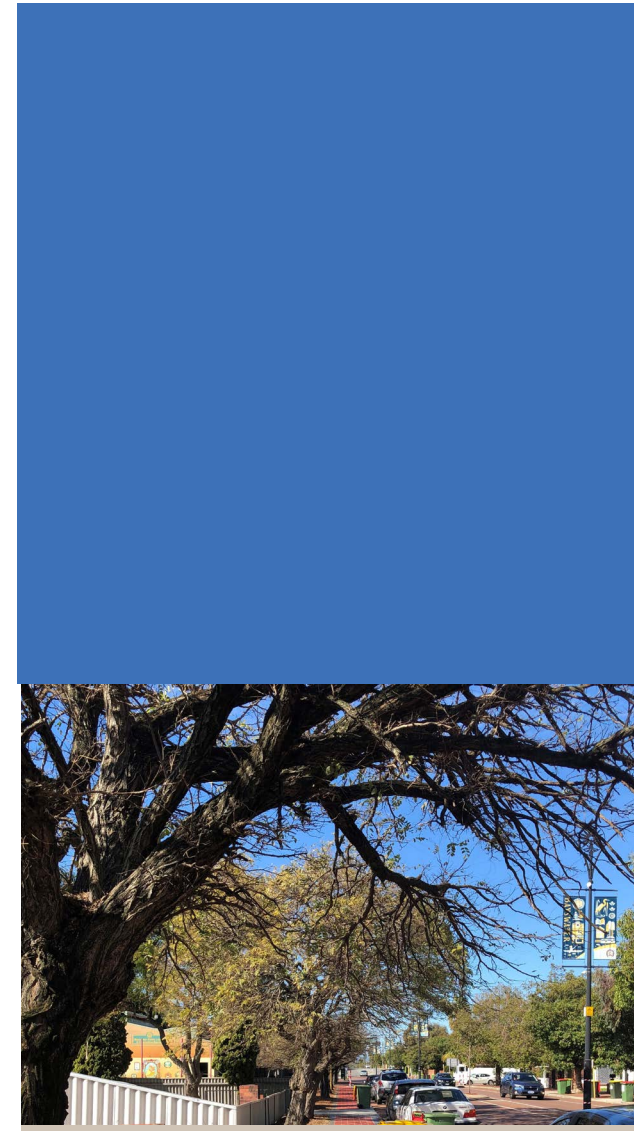
- (1) Development approval is required from the Authority to undertake any development on or partly on any land within the Scheme Area. An Application for Approval to Undertake Development is required to be lodged in accordance with Part D of this chapter and approved prior to development taking place.

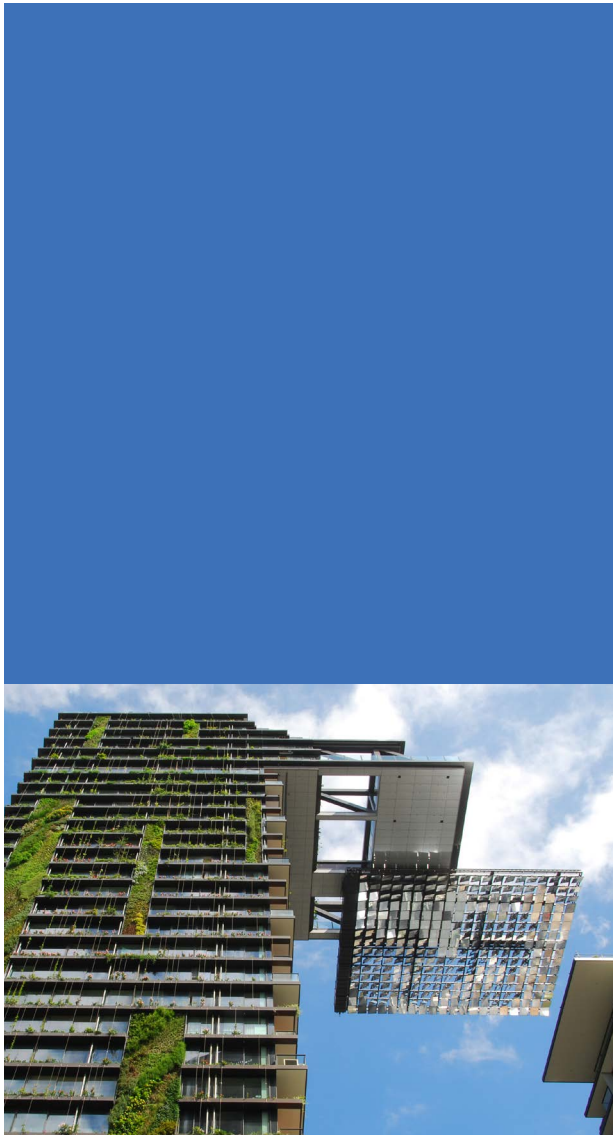
### **5.7 LEVEL OF ASSESSMENT**

- (1) The Authority takes an “impact level” based approach to the requirement for Development Approval and to the level of detailed assessment undertaken of Development Applications.
- (2) The four levels of assessment are:
  - a) Excluded Activities – certain activities and works are identified in the MRA Regulations as being excluded from the definition of development, and therefore do not require Development Approval.
  - b) Self Evaluation – in certain situations, particular low impact activities and minor structures are not considered by the Authority to constitute development, and therefore do not require Development Approval. Individuals can self-evaluate a proposal against a relevant Development Policy to assess whether Development Approval is required.
  - c) Standard Application – proposals for a standard development (as defined in the MRA Regulations) within the Scheme Area that require assessment and approval by the Authority.
  - d) Major Application – proposals for a major development (as defined in the MRA Regulations) within the Scheme Area that require assessment and approval by the Authority.

### **5.8 MATERIAL CHANGE IN USE**

- (1) In accordance with the provisions of the MRA Act, Development Approval is required for a material change in the use of land. A material change in use includes:
  - a) change from one land use to another use, whether or not the use is a defined use under Chapter 6 and Appendix 3 of the Scheme;
  - b) an intensification of use, including a significant increase in floor space, operating hours, or customer or vehicular patronage;
  - c) any change in the nature of a land use that presents a significant change in the function of a development, as determined by the Authority; or





- d) any change in the nature of a land use that presents a significant impact on the public realm, as determined by the Authority.
- (2) The Authority may adopt a Development Policy or Policies in accordance with Chapter 4 to provide guidance in relation to activities considered by the Authority to constitute or to not constitute a material change in use and whether Development Approval is required.

### **5.9 SELF EVALUATION OF OTHER ACTIVITIES NOT CONSTITUTING DEVELOPMENT**

- (1) The Authority may consider other low impact activities and minor structures not listed in the Regulations to not constitute development in certain situations, and therefore not require Development Approval.
- (2) The Authority may adopt a Development Policy or Policies in accordance with Chapter 4, to provide guidance in relation to when such activities or structures are considered by the Authority to constitute or to not constitute development.

## **PART D: DEVELOPMENT APPLICATION PROCESS**

### **5.10 APPLICATION FOR DEVELOPMENT APPROVAL**

- (1) An application for approval to undertake development or change of use, referred to in the Scheme as a “Development Application”, must include the following:
  - a) a completed application form, as prescribed by the MRA Regulations;
  - b) the application fee, as prescribed by the MRA Regulations;
  - c) detailed development plans, as prescribed by the MRA Regulations;
  - d) a written statement describing the nature and impact of the proposal, as prescribed by the MRA Regulations; and
  - e) any additional information or supporting material the Authority requires to assist in the determination of the application.

### **5.11 SUPPORTING TECHNICAL DOCUMENTS**

- (1) In receiving, assessing or determining a Development Application the Authority may require the submission of technical reports or documents, which are to be prepared by a suitably qualified person, at the applicant’s cost and expense. The report/s are to assess or detail the proposed development’s compliance or



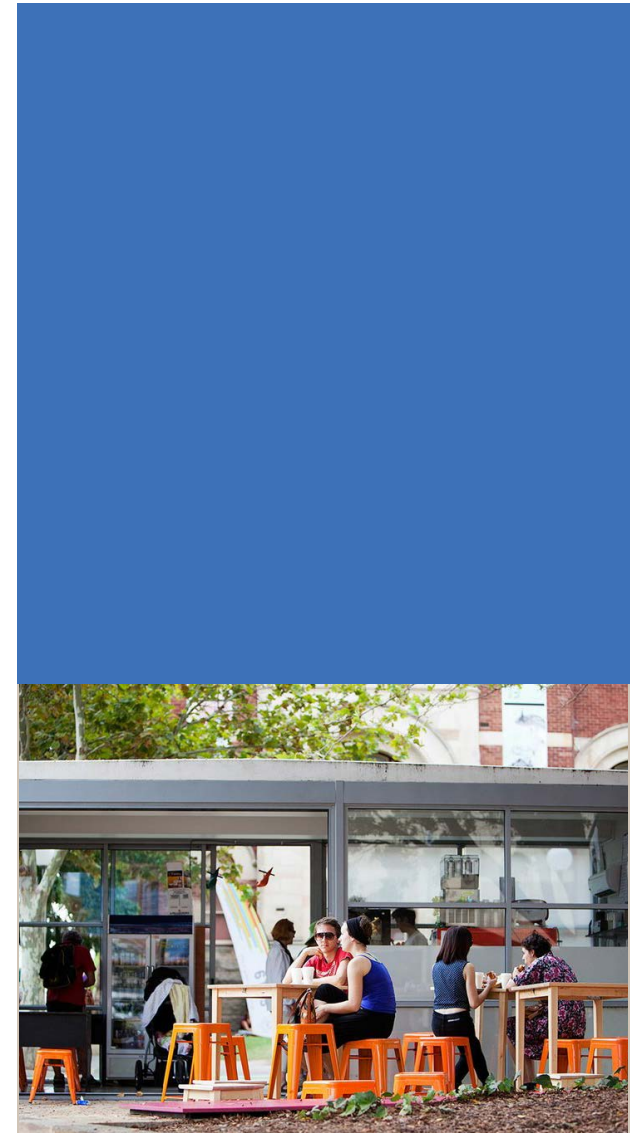


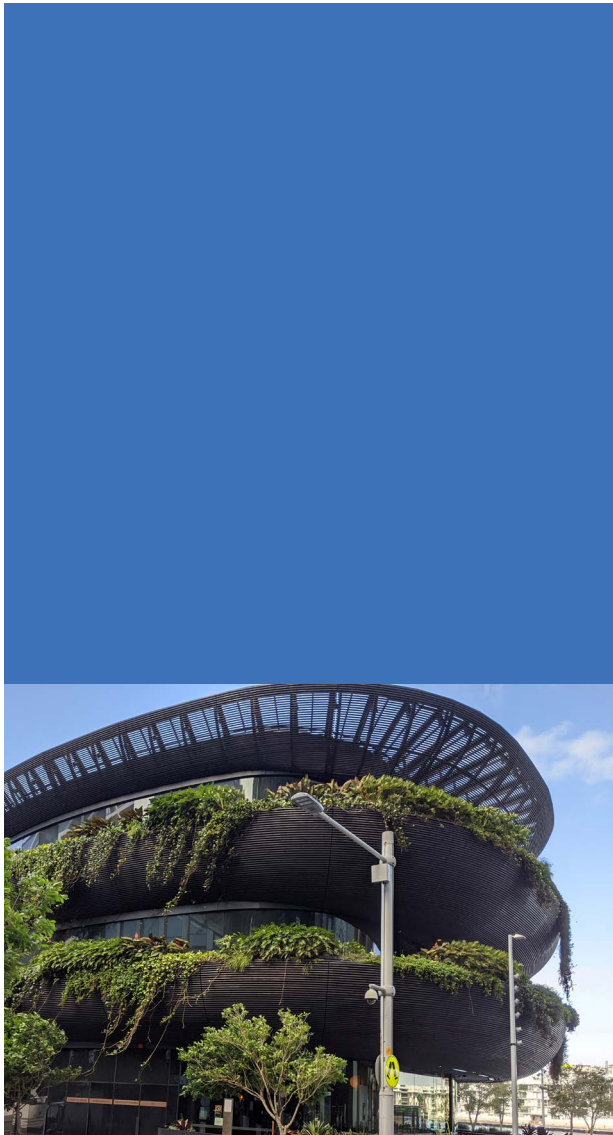
compatibility with aspects of the statutory planning framework, including but not limited to the following aspects:

- a) building design philosophy, response to context, design quality and external materials and finishes;
- b) environmentally sustainable design;
- c) management of water, wind, overshadowing, heat, waste or other environmental matters;
- d) acoustic attenuation;
- e) heritage conservation;
- f) traffic and transport matters;
- g) engineering considerations;
- h) universal design and accessibility;
- i) public realm design, amenity and safety;
- j) public art proposal;
- k) venue or event management plan;
- l) retail needs and/or impact assessment; and/or
- m) environmental management plans for the High Wycombe Project Area, prepared and approved in accordance with Appendix 2 of the Scheme.

## 5.12 RECEIPT OF A COMPLETE APPLICATION

- (1) A Development Application may be lodged with the Authority, but will not be formally received until all required information is supplied in accordance with clauses 5.9 and 5.10 and the application is considered by the Authority as a "Complete Application".
- (2) Following receipt of a Complete Application the Authority will issue a Notice of Acknowledgement of a Complete Application to the applicant detailing:
  - a) the date of formal receipt;
  - b) the level of assessment and the determination period;
  - c) details of any referral to local or state government body; and
  - d) whether public advertising will be required.





- (3) The Authority may resolve to defer determination of a “Complete Application” if there is an insufficient planning framework in place to guide determination of a Development Application. Insufficient planning framework is defined as the absence of ::
  - a) a strategic master plan or Design Guidelines approved by the Authority for the relevant project area or locality; and
  - b) a Structure Plan, Activity Centre Plan or Local Development Plan approved by the Authority, where required for the subject site.

In deferring an application the Authority is to endeavour to reach an agreement with the applicant as to the timeframe for preparation of the necessary planning framework and when a development application may be determined.

### **5.13 DETERMINATION PERIOD AND DEEMED REFUSAL**

- (1) The Authority is required to determine a Development Application, by way of making a decision on the application, within 90 days of formal receipt of a Complete Application for a Standard Application and within 120 days of formal receipt of a Complete Application for a Major Application. These time frames are referred to as the “Determination Period”.
- (2) The time period for the Authority to refer applications to government bodies and/or to undertake public consultation on applications is included in the determination period.
- (3) The length of the Determination Period may be extended by agreement in writing between the applicant and the Authority.
- (4) A Development Application shall be deemed to have been refused if the Authority has not made a decision in respect of that application by the end of the Determination Period, unless otherwise agreed by the Authority.

### **5.14 REFERRAL OF APPLICATIONS TO GOVERNMENT BODIES**

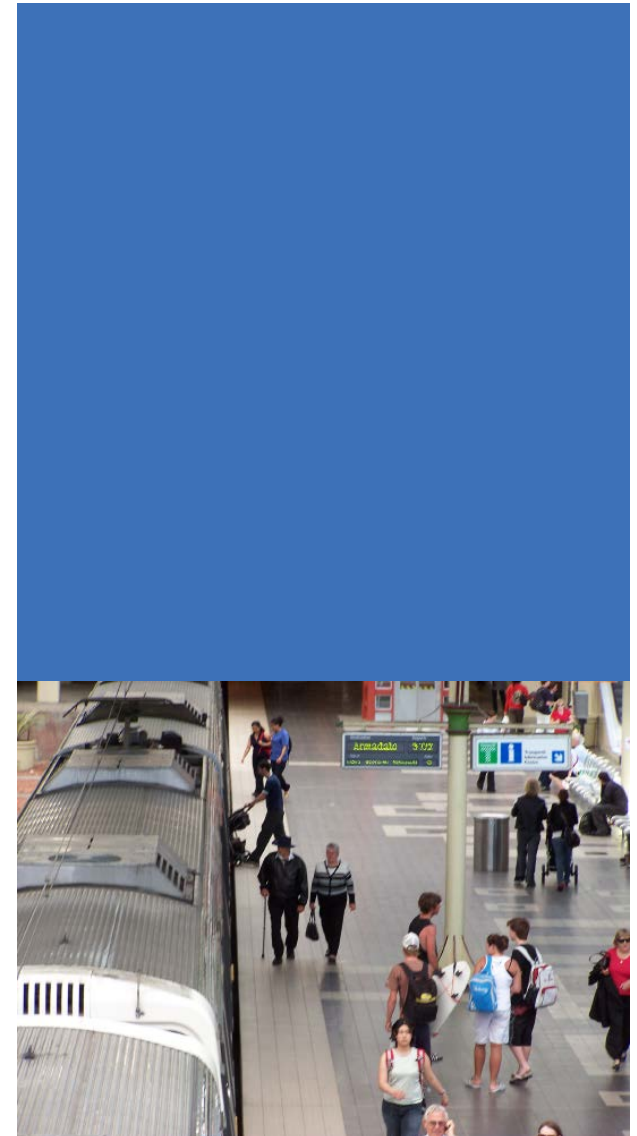
- (1) Within 7 days of receipt of a Complete Application the Authority shall refer a copy of the application and all supporting information to the applicable Local Government and to relevant State Government bodies for their consideration and comment, in accordance with section 65 of the MRA Act.
- (2) In accordance with the provisions of the MRA Act, no decision shall be made on a Development Application or other application until comment from all referred government bodies has been received, or until after the expiration of 42 days, whichever occurs first.

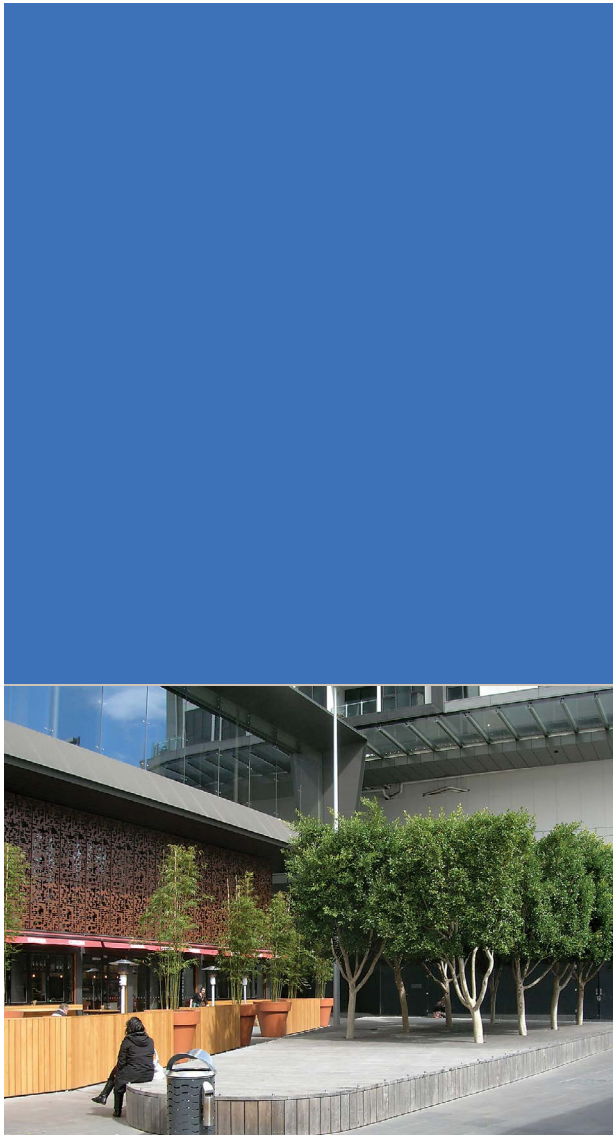


- (3) Should a Development Application or other application be subsequently significantly revised, the Authority may again refer the application to the referred local government and Public Authorities for consideration and comment.
- (4) The Authority is to have due regard for the matters raised in any submission made by any government body when determining an application.

### 5.15 PUBLIC CONSULTATION ON CERTAIN APPLICATIONS

- (1) In determining a Development Application or other applications made under this Scheme, the Authority may undertake public consultation on the application seeking comment from nearby property owners and occupiers, other potentially affected stakeholders, or the general public.
- (2) The Authority will undertake consultation for an application that in the opinion of the Authority: -
  - a) includes proposed land uses that necessitate public advertising in accordance with Chapter 6;
  - b) proposes a substantial variation to an adopted Design Guideline or Policy;
  - c) proposes a substantial variation to an approved Structure Plan or similar;
  - d) has the potential to significantly impact amenity due to the bulk and scale or design of a development, or the operation of a development; or
  - e) necessitates consultation for any other reason, as determined by the Authority.
- (3) Public consultation is to involve a minimum 21 day period, where information regarding the application is made available to the public and comment on the application is invited. The consultation period is to commence with one or more of the following actions:
  - a) written notification of the proposed development served on neighbouring property owners and occupiers and all other potentially affected stakeholders;
  - b) notice of the proposed development published on the Authority's website;
  - c) notice of the proposed development published in a local newspaper circulating in the Scheme Area; and
  - d) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land.





- (4) In determining an application which has been the subject of public consultation the Authority will have due regard for any of the following matters raised regarding the application in any submission received within the consultation period:
- a) any proposed significant variation to Scheme, Design Guideline or Policy requirements;
  - b) the potential impact on the amenity of an affected landowner, or occupier, or the locality of the development generally;
  - c) the design quality of the development;
  - d) environmental, heritage, cultural or social impacts of the development; or
  - e) any other comments relevant to orderly and proper planning and sustainable development.

#### **5.16 SPECIALISED ADVICE**

- (1) The Authority may obtain specialist advice, from individuals or bodies with suitable expertise to provide advice on specific technical elements of a proposal, to assist in the determination of any application made under this Scheme.
- (2) Specialised advice may be sought on matters including, but not limited to:
- a) environmentally sustainable building design;
  - b) water sensitive urban design;
  - c) architectural and urban design;
  - d) landscape design;
  - e) acoustic attenuation;
  - f) modelling of energy use, wind impacts, or overshadowing;
  - g) transport services and traffic impacts;
  - h) heritage conservation;
  - i) engineering considerations;
  - j) public realm design, amenity or safety;





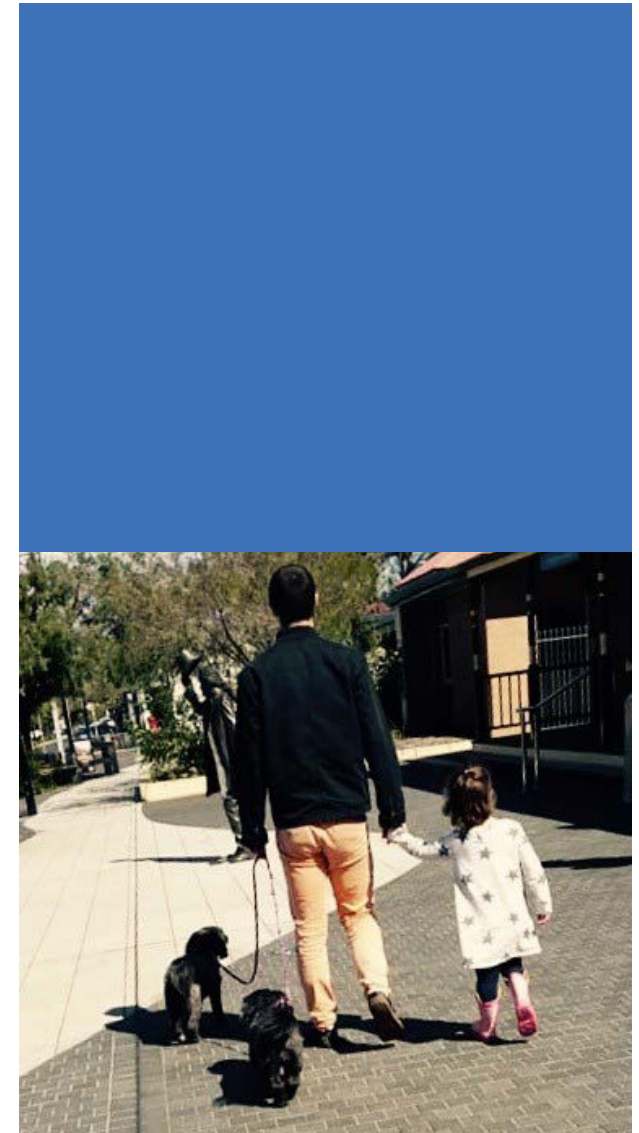
- k) public art provision;
  - l) aboriginal heritage and interpretation; or
  - m) compliance with a Design Guideline or Development Policy.
- (3) The Authority is to have due regard to any specialised advice obtained under this clause in determining an application.

### 5.17 WITHDRAWAL OF APPLICATION

- (1) A Development Application may be withdrawn by written request of the applicant at any time prior to the Authority determining the application.
- (2) The Authority, at its discretion, may refund part or all of the application fee when an application is withdrawn if assessment of the proposal has not been substantially commenced.

### 5.18 KEY MATTERS FOR CONSIDERATION IN DETERMINATION

- (1) In the determination of any application made under the Scheme the Authority shall have due regard for:
  - a) the Scheme Vision and Objectives and the achievement of sustainable development;
  - b) all other relevant provisions of the Scheme;
  - c) any currently valid decision on an In-Principle Development Application, Structure Plan, Activity Centre Plan or a Local Development Plan Application;
  - d) any relevant planning document adopted under the Scheme, including but not limited to a Design Guideline, Development Policy, Heritage Inventory, or Development Contribution Plan;
  - e) any relevant State Planning Policy or Development Control Policy of the Western Australian Planning Commission;
  - f) any strategic master plan approved by the Authority for the relevant project area or locality;
  - g) any relevant management plan or strategy prepared for the relevant project area or locality;
  - h) any submission received as a result of a referral to government bodies or public consultation, in accordance with clauses 5.14 and 5.15;
  - i) any specialised advice obtained under clause 5.16;





- j) the requirements of orderly and proper planning; and
- k) the current and intended amenity of the locality.

### **5.19 DETERMINATION WHEN NON-COMPLIANT**

- (1) If a Development Application does not comply with a provision of the Scheme or a provision of any other planning document adopted or approved under the Scheme, the Authority may approve the application if it is satisfied that the development:
  - a) is consistent with the Scheme Vision and Objectives;
  - b) is consistent with sustainable development and orderly and proper planning;
  - c) would not have a significant adverse impact on the current or intended amenity of the locality; and
  - d) would not compromise the development intent of the relevant project area and/or precinct.

### **5.20 DETERMINATION DECISION**

- (1) In determination of a Development Application the Authority may:
  - a) approve the application without condition;
  - b) approve the application subject to condition/s; or
  - c) refuse the application, with reasons for refusal.

### **5.21 NOTIFICATION OF THE AUTHORITY'S DETERMINATION**

- (1) A determination made by the Authority in regard to a Development Application takes effect from the date on which the approval or refusal form is signed by a delegated officer of the Authority.
- (2) The Authority shall give notice in writing of its decision in respect of an application to the applicant within 7 days of the approval or refusal form being signed. The Authority shall also give notice in writing of its decision to the relevant local government and each Public Authority to which a referral notice was given and to each person who made a written submission during any consultation period.



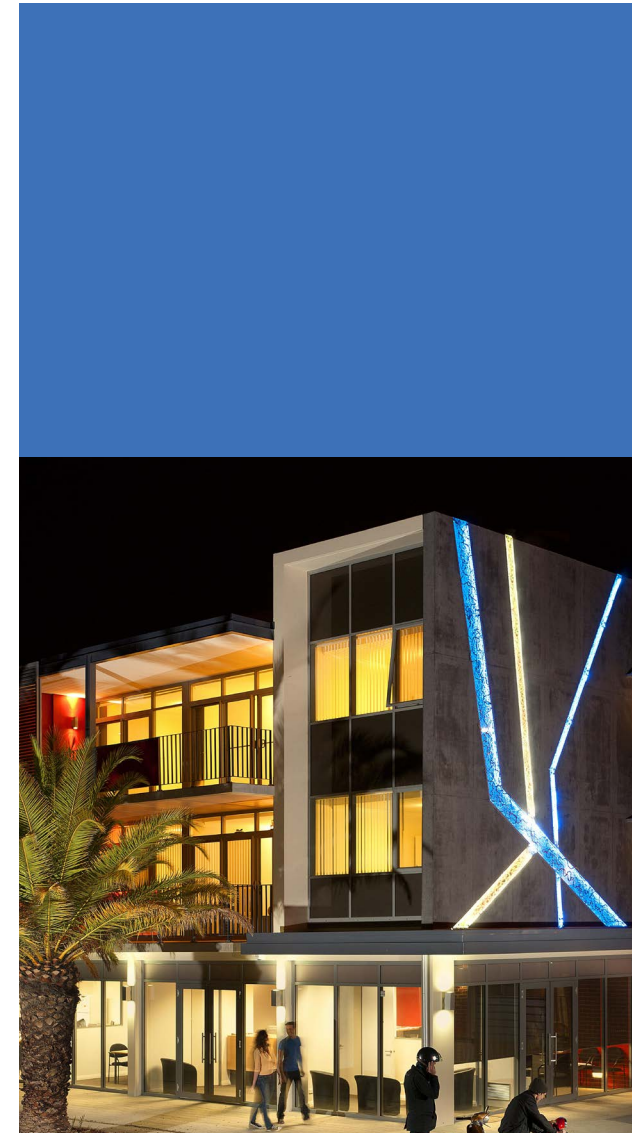


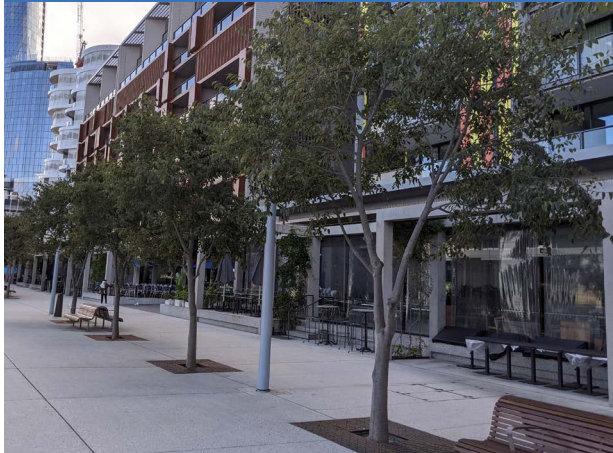
## 5.22 CONDITIONS OF APPROVAL

- (1) In approving a Development Application the Authority may apply conditions to that approval that must be adhered to, relating to any of the following matters:
  - a) building quality, such as form, layout, appearance, materials, colours and finishes;
  - b) environmentally sustainable design, construction and operation, such as environmental ratings, energy and water efficiency targets, and building design and materials;
  - c) development impacts, such as impacts on the public realm, relationship of buildings to the street, impacts on privacy, access to light and ventilation, and safety and security;
  - d) amenity impacts such as noise, light, dust, odour, and other emissions;
  - e) business or premises management, such as customer numbers, hours of operation, security, and management plans;
  - f) transport and access matters, such as traffic management, parking provision, cyclist facilities, pedestrian amenity and accessibility;
  - g) environment quality and impacts, such as remediation, site management, site topography and levels, water sensitive design, provision of landscaping, and preservation of vegetation or trees;
  - h) compliance with any provision of the Scheme, Design Guideline or Policy, including but not limited to the Scheme Objectives, housing affordability, diversity and adaptability, heritage conservation, sound attenuation, green building design and public art;
  - i) payment of a development contribution in accordance with an applicable Development Contribution Plan; and/or
  - j) any other matter as considered appropriate by the Authority, having regard for the requirements of orderly and proper planning, sustainable development and the current or intended amenity of the locality.

## 5.23 REASONS FOR REFUSAL

- (1) If the Authority refuses a Development Application the Authority shall give the applicant written reasons for the refusal. The reasons for which the Authority may refuse a Development Application may include, but are not limited to:
  - a) non compliance with one or more provisions of the Scheme;





- b) non compliance with an applicable Design Guideline or Development Policy;
- c) non-compliance with an approved Structure Plan, Activity Centre Plan or Local Development Plan;
- d) the application is not consistent with sustainable development practices;
- e) the application is not consistent with orderly and proper planning; and/or
- f) the application presents a likely adverse effect on the current or intended amenity of the locality.

### **5.24 MULTIPLE DEVELOPMENT APPROVALS**

- (1) The Authority may receive and determine more than one Development Application for any site at any one time.
- (2) Where a Development Approval has been substantially commenced and that approval is inconsistent with any other Development Approval for the same land, then, to the extent of the inconsistency, the commenced approval is taken to prevail and any other previous or concurrent approval that is inconsistent with the commenced approval is taken to have been superseded and revoked.

### **5.25 VALIDITY PERIOD FOR COMMENCEMENT OF DEVELOPMENT**

- (1) If the Authority approves a Development Application that approval shall lapse and be no longer valid if the development has not been substantially commenced within two years of the date of the approval form, or within any other time frame stipulated by the Authority on the approval form.
- (2) An applicant may lodge an Application to Amend a Development Approval pursuant to clause 5.30 of this Scheme to extend the validity period, prior to expiry.

### **5.26 VALIDITY PERIOD FOR DEVELOPMENT OF LIMITED DURATION**

- (1) The Authority may limit the period during which development may occur where the Authority considers that the undertaking of a proposed development for an extended or indefinite period of time would be:
  - a) contrary to the Scheme Vision, Project Area Vision or Precinct Statement of Intent; and/or
  - b) likely to detrimentally affect the amenity of the locality.
- (2) When the Authority limits the time that a development may occur, no person shall undertake that development or use that land or building for that purpose after the expiration of the time limit without gaining the approval of the Authority.



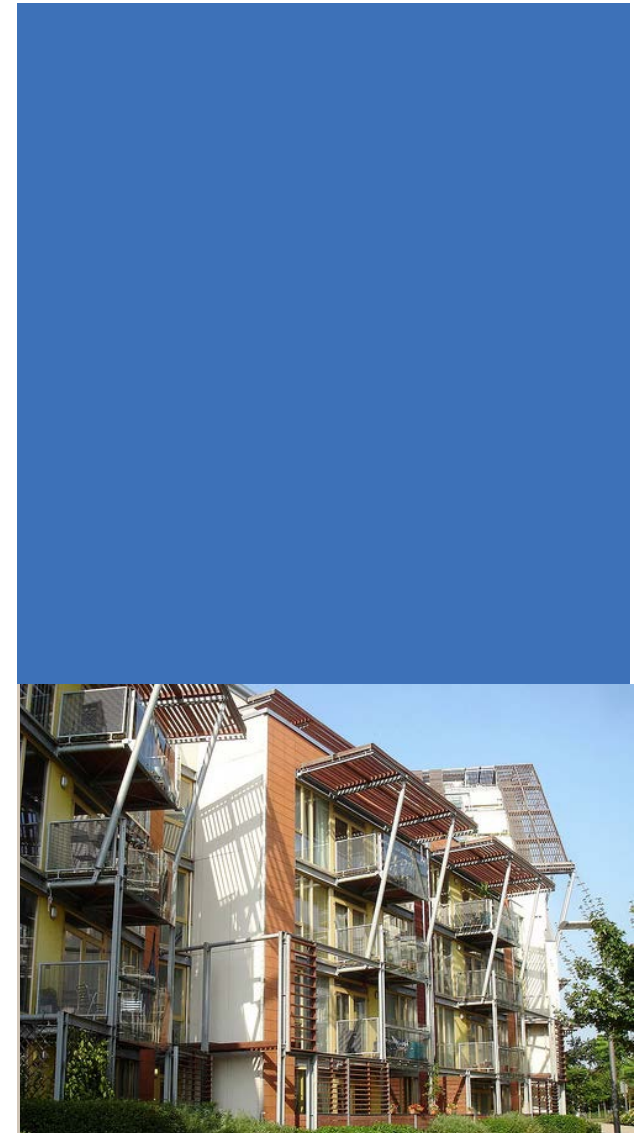


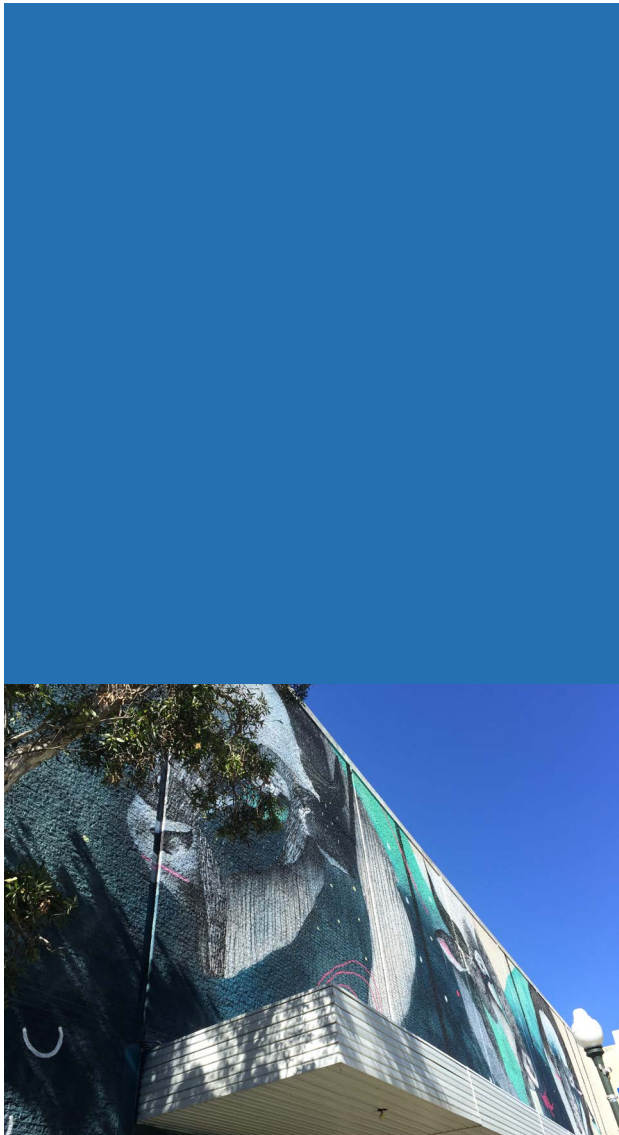
## 5.27 POWER TO REVOKE APPROVAL

- 1) The Authority may revoke a Development Approval granted under the Scheme or the previous Midland Redevelopment Scheme 2 in any of the following circumstances:
  - a) the development is not being or has not been constructed generally in accordance with the approved plans and documents of the Development Approval; or
  - b) the development is not being or has not been carried out generally in accordance with one or more conditions of the Development Approval; or
  - c) at any time at the written request of the current landowner/s of the subject land.
- (2) Prior to revocation of a Development Approval the Authority is to provide 21 days written notice to the applicant and land owner of its intention to revoke the approval and is to offer the applicant or owner options to remedy the situation to avert the approval being revoked.
- (3) Final revocation of a Development Approval is to be provided in writing to the applicant and land owner and signed by a delegated officer of the Authority.

## 5.28 APPLICATION OF PREVIOUSLY ADOPTED OR APPROVED STATUTORY TOOL

- (1) The Bayswater Town Centre Structure Plan shall apply as if approved under Chapter 9 of the Scheme. Where an R-ACO density code is applied under the approved Bayswater Town Centre Structure Plan, detailed planning through Design Guidelines or a similar statutory tool(s) is required to establish site specific primary controls within the Bayswater Town Centre Structure Plan Area.
- (2) Where no Design Guidelines or similar statutory tool(s) apply to land with an R-ACO density code within the Bayswater Town Centre Structure Plan Area, a Local Development Plan is to be prepared by the landowner(s) and submitted to the Authority for determination. Approval of a local development plan is generally required prior to the Authority determining a Development Application, or recommending approval of a subdivision application to the Western Australian Planning Commission or the Minister for Planning for land within the subject area.





## **PART E: SPECIAL DEVELOPMENT APPLICATIONS**

### **5.29 IN-PRINCIPLE DEVELOPMENT APPLICATION**

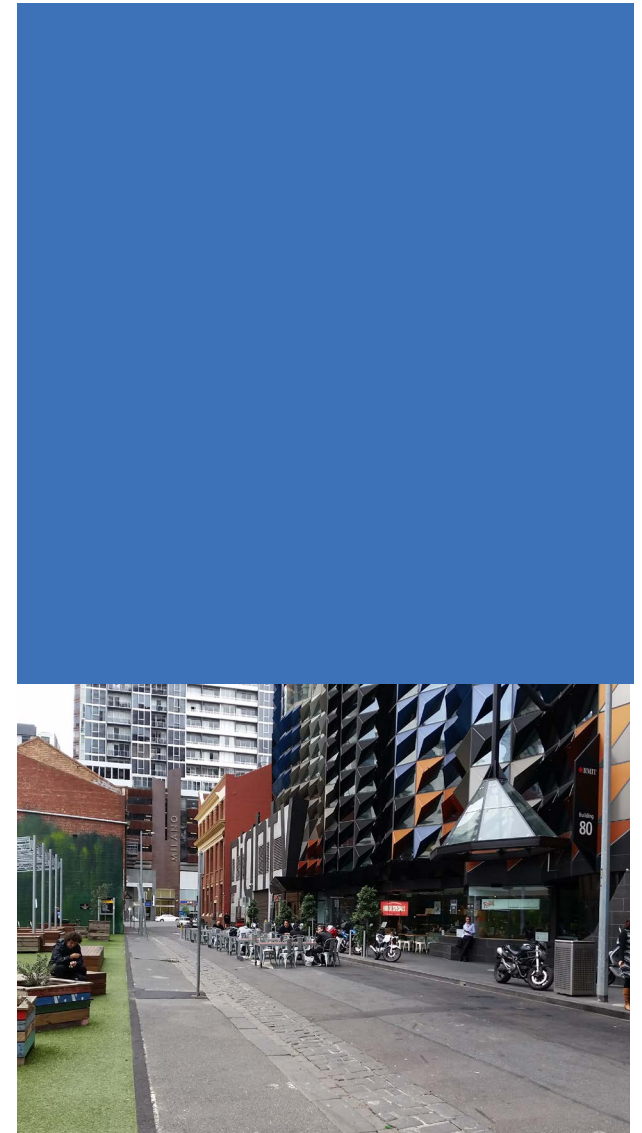
- (1) Where an applicant considers it beneficial to obtain the Authority's preliminary position on a proposal prior to lodging a Development Application, an application for In-Principle Development Approval may be made to the Authority.
- (2) An In-Principle Development Application may deal with one or more of the following matters:
  - a) the proposed built form of the proposal;
  - b) the response to the site and streetscape context;
  - c) the response to relevant environmental, transport, heritage and public realm considerations;
  - d) compliance with or proposed variations to Scheme, Design Guideline or Development Policy provisions; and
  - e) any other important considerations or aspects of the development, as determined by the Authority, or as requested by the applicant.
- (3) An In-Principle Development Application must include professional plans and sufficient detail to allow the Authority to undertake assessment of the proposal.
- (4) An In-Principle Development Application is to be processed and determined by the Authority generally in accordance with Part D of this chapter, as determined necessary by the Authority, as if the application were an application for Development Approval, including but not limited to the clauses addressing:
  - a) major applications, referral to local government and Public Authorities;
  - b) public consultation;
  - c) design advice or specialist advice; and
  - d) decision of the Authority to approve, approve subject to condition/s or refuse the application.
- (5) A decision on an In-Principle Development Application conveys the Authority's preliminary position on the proposal but does not in any way constitute an approval or refusal to undertake development.

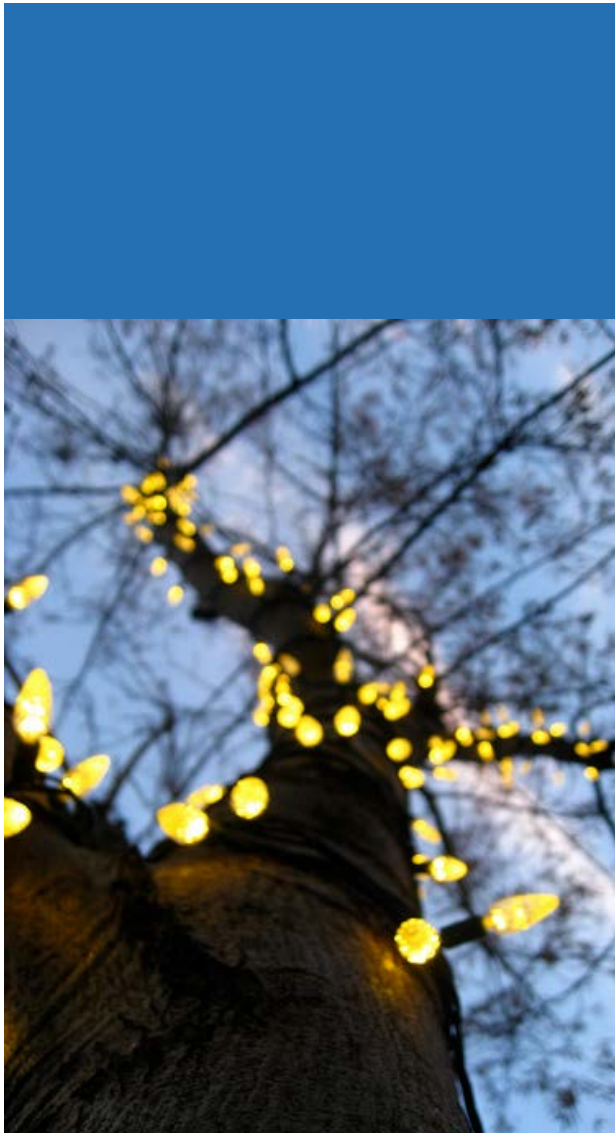


- (6) An In-Principle Development Approval is current for two years from the date of the In-Principle Approval Form being signed, or until such time as stipulated on the form.
- (7) The Authority is to have due regard for the decision on any current In-Principle Development Application when determining any subsequent Development Application for the land. However the in-principle decision is in no way binding on the Authority.

### 5.30 APPLICATION TO AMEND A DEVELOPMENT APPROVAL

- (1) Where a valid Development Approval exists, the applicant or owner of the subject land may apply to the Authority for a reconsideration or amendment of aspects of the approval through an Application to Amend a Development Approval. The application may seek approval to:
  - a) amend or delete one or more conditions of the Development Approval;
  - b) make a minor amendment/s to the approved plans of the Development Approval;
  - c) make minor amendments to other details or aspects of the Development Approval; and/or
  - d) extend the period within which any development approval must be substantially commenced.
- (2) An Application to Amend a Development Approval is to include:
  - a) a completed Application to Amend a Development Approval form;
  - b) the application fee, as prescribed by the MRA Regulations;
  - c) copies of amended plans, where required;
  - d) detailed written justification of the grounds to amend the approval; and
  - e) any other information or supporting material as required by the Authority.
- (3) An Application to Amend a Development Approval is to be processed and determined by the Authority generally in accordance with Part D of this Chapter, as determined appropriate by the Authority and as if the application were an application for Development Approval of a Standard Application.
- (4) Any approval notice by the Authority to amend a development approval does not affect or extend the validity period of the original development approval other than where requested and approved in accordance with sub-clause (1)d).





- (5) This clause will apply to any Development Approval granted by the Authority whether before or after the commencement of the Scheme.

### **5.31 RETROSPECTIVE DEVELOPMENT APPLICATION**

- (1) Where development has been or is being carried out and does not have a Development Approval, a person may apply to the Authority for Retrospective Development Approval for that development in accordance with the provisions of this chapter.
- (2) A Retrospective Development Application is to be processed and determined by the Authority in accordance with Part D of this chapter.
- (3) If the Authority grants Retrospective Development Approval it does not render lawful any unauthorised development before the date on which the approval was granted, nor does it prevent action being taken by the Authority in respect of the unauthorised development before the date of approval.

### **5.32 DEVELOPMENT APPLICATION INVOLVING DEMOLITION**

- (1) In accordance with the provisions of the MRA Act, demolition may require Development Approval from the Authority, unless excluded from the definition of development by provisions of the MRA Regulations or a Development Policy.
- (2) Apart from the additional matters outlined in this clause, a Development Application involving demolition is to be processed and determined by the Authority in accordance with Part D of this chapter, as a Standard Application.
- (3) The Authority may resolve to defer determination of a development application that involves substantial or complete demolition of all structures on a site until after it has received and approved a Development Application for replacement or new development for the site.
- (4) In determining a Development Application involving demolition the Authority may require –
  - a) A written submission from the applicant justifying the grounds on which demolition is sought;
  - b) A written justification and/or impact statement from a suitably qualified person, where the proposed demolition relates to a heritage place; and
  - c) Details regarding the method of demolition and management of environmental and amenity impacts.



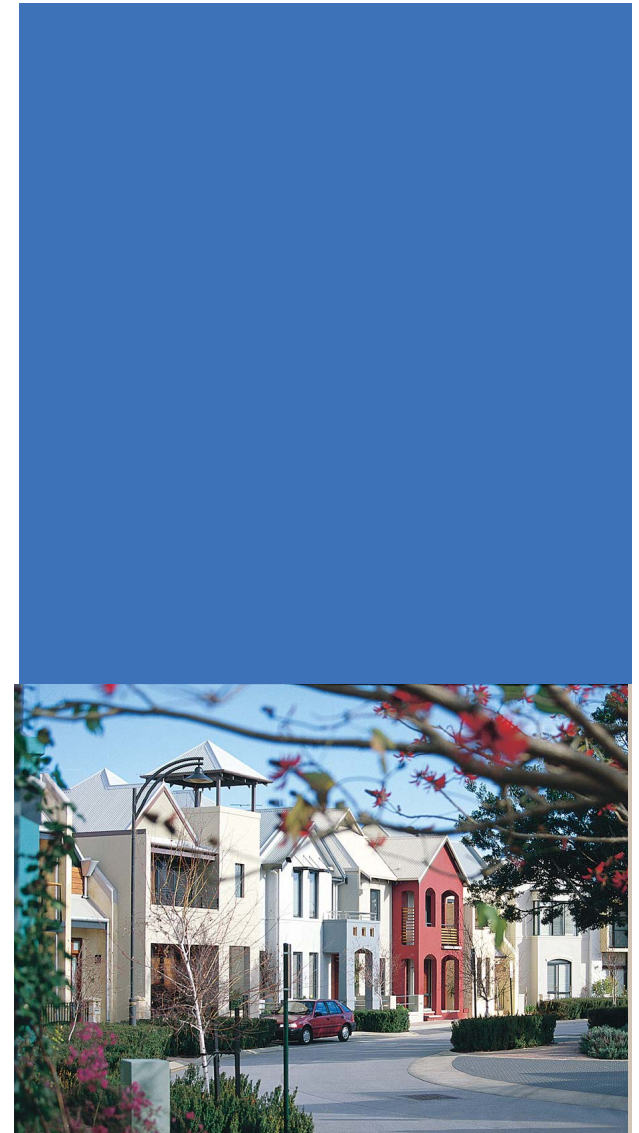


- (5) Should the Authority approve a Development Application involving demolition, conditions may be applied to that approval relating to, but not limited to, the following matters –
- a) The retention, maintenance, reinstatement, or relocation of any part of a building or structure, particularly those listed on a Heritage Inventory;
  - b) The method or process of demolition works;
  - c) Mitigation and/or management of environmental and amenity impacts;
  - d) The date by which demolition is to be completed; and
  - e) The fencing and maintenance of the subject land during and after demolition.

## **PART F: OTHER DEVELOPMENT MANAGEMENT PROCESSES**

### **5.33 WORKING DRAWINGS PROCESS**

- (1) Working drawings are a set of detailed drawings and supporting information which may be required by the Authority to demonstrate compliance with a development approval and associated conditions. Where Working Drawings are required to be submitted, they must be endorsed by the Authority, prior to the commencement of development.
- (2) Where Development Approval has been granted and that development requires a building permit from a Permit Authority, the Authority may require the applicant or builder to submit Working Drawings and supporting information to the Authority for review and clearance prior to submission of a Building Permit, in order for the Permit Authority to ascertain that the development is in accordance with planning requirements and conditions of approval.
- (3) The requirement for the Authority to review and clear Working Drawings may be applied by way of condition/s of a Development Approval or by other written notice of the Authority.
- (4) The Authority may, at its discretion, grant consent for the Working Drawings to be submitted separately for different stages of a development.
- (5) The Authority will refer Working Drawings to the relevant local government and any relevant Public Authority and seek specialised advice as deemed necessary, for consideration and comment.





- (6) The Authority may consider variations to approved plans that are part of a Development Approval where it can be demonstrated that the variations are minor in nature and are consistent with the intent of the Development Approval. Major variations will require an Application to Amend a Development Approval or a new Application for Development Approval, at the discretion of the Authority.
- (7) Once satisfied that the Working Drawings and supporting information comply with the approved plans and all relevant conditions of the Development Approval, the Authority shall provide notification of the Working Drawings clearance to the Permit Authority to assist in their determination of the building permit application.
- (8) Endorsement of the Working Drawings and supporting information by the Authority confirms general compliance with the Development Approval only and does not indicate compliance with all of the Authority's planning framework or compliance with the Building Code of Australia or any other relevant legislation.
- (9) The provisions of this clause do not affect the obligation to comply with a Development Approval, including all conditions of the approval, in perpetuity.

### **5.34 DEVELOPMENT AUDIT PROCESS**

- (1) Where construction or undertaking of a development has been completed, the Authority may require, or the land owner may request, a Development Audit be undertaken to confirm that the development has been carried out in accordance with the Development Approval.
- (2) A Development Audit will involve an inspection and assessment of the relevant site by the Authority to ensure the development has been constructed and undertaken in accordance with the approved plans and conditions and details of the Development Approval.
- (3) Following a Development Audit, the Authority may require any aspect of the development that does not comply with the Development Approval, or which has been carried out without Development Approval, to be rectified within a specified time period.
- (4) Once satisfied that the development is compliant with all applicable development requirements the Authority will issue a notice to that effect to the land owner and applicant.
- (5) The provisions of this clause do not affect the obligation to comply with a Development Approval, including all conditions of the approval, in perpetuity.



## 6.0 Land Use



# Contents

<b>6.0</b>	<b>LAND USE.....</b>	<b>59</b>
6.1	INTRODUCTION .....	59
6.2	DIVERSE LAND USE ENVIRONMENTS.....	59
6.3	ACTIVE STREET LEVEL LAND USES.....	59
6.4	LAND USE SYSTEM .....	60
6.5	PREFERRED USES .....	60
6.6	CONTEMPLATED USES .....	60
6.7	USES NOT PREFERRED OR CONTEMPLATED.....	61
6.8	DEFINITION OF LAND USES.....	62
6.9	USES NOT DEFINED IN THE SCHEME.....	62
6.10	NON-CONFORMING USES.....	63
6.11	CULTURE AND CREATIVE INDUSTRY USES.....	64
6.12	COMMERCIAL LAND USES.....	64
6.13	LIGHT AND SERVICE INDUSTRY LAND USES.....	65
6.14	RETAIL LAND USES.....	66
6.15	RESIDENTIAL LAND USES.....	66
6.16	COMMUNITY LAND USES.....	67
6.17	DINING AND ENTERTAINMENT LAND USES.....	67
6.18	CAR PARKING.....	71
6.19	CASH IN LIEU OF CAR PARKING .....	72
6.20	RELAXATION OF CAR PARKING STANDARDS.....	72





# 6.0 Land Use

## 6.1 INTRODUCTION

The Land Use Chapter sets out the provisions guiding the use of land within the Scheme Area. Use of land or changing the use of land is generally considered to be “development” and may require development approval from the Authority, in accordance with Chapter 5 of the Scheme.

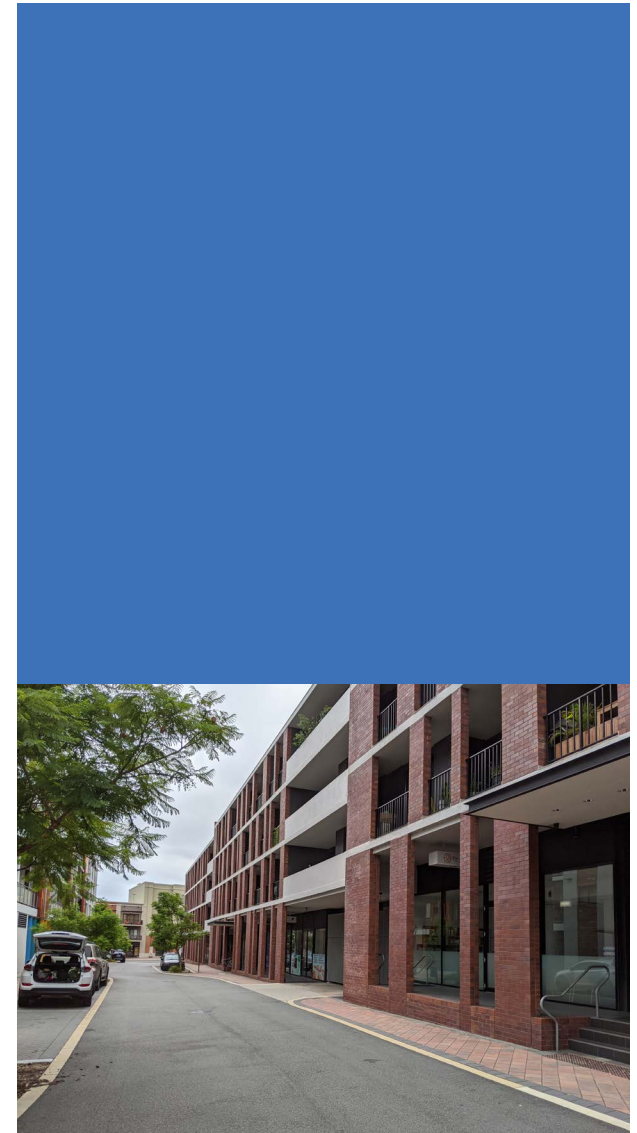
This chapter establishes a land use system based on identifying the preferred activities for which a site should be used for, while generally allowing for a flexible approach to encourage mixed land use, diversity and economic wellbeing. The chapter also includes specific considerations for certain land uses, to enable a compatible land use mix in the Scheme Area.

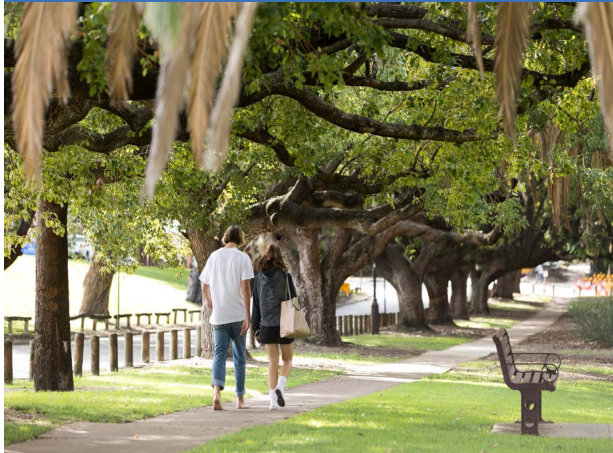
## 6.2 DIVERSE LAND USE ENVIRONMENTS

- (1) The Authority’s land use system is predominantly based on the Scheme Objectives, including the provision of mixed land use urban environments to enable urban efficiency and connectivity. Successful mixed land use environments enable a diversity of complimentary and compatible land uses to provide local convenience, connectivity, reduced travel, and day to evening vitality.
- (2) For the purpose of promoting the Scheme Objectives, and subject to any provisions of this chapter to the contrary, the Authority in dealing with any application under the Scheme shall encourage a mixture of compatible land uses throughout the Scheme Area and may require a specified mixture of uses within any precinct, site or building.

## 6.3 ACTIVE STREET LEVEL LAND USES

- (1) The Authority seeks to develop a strong sense of place in the Scheme Area, which includes ensuring an activated and interesting public realm. An active public realm provides a diversity of activity and opportunities for social interaction, whilst also enhancing the personal experience and safety of an area.
- (2) For the purpose of promoting the Scheme Objectives, the Authority in dealing with any application under the Scheme may require specific land uses at street or pedestrian level of a building or place in order to help achieve activation and passive surveillance of the public realm.





## 6.4 LAND USE SYSTEM

- (1) The Authority has adopted a precinct based Preferred and Contemplated land use system. The Scheme does not use land use zones.
- (2) Table 6.1 – Land Use Categories group together similar types of land uses into seven specific categories. Table 6.2 – Land Use Table then identifies which of these categories are Preferred Uses or Contemplated Uses for each precinct within the Scheme Area. Definitions of each land use within each category are provided in Appendix 3 of the Scheme.
- (3) Design Guidelines, prepared and adopted in accordance with the Scheme may also specify or limit the Preferred or Contemplated Use or Uses for a precinct, site or building. In the event of any inconsistency with regard to Preferred Uses between a Design Guideline and the broader provisions found in Table 6.2 – Land Use Table, the Design Guidelines shall prevail.

## 6.5 PREFERRED USES

- (1) Preferred Uses are land uses which are considered to contribute to the vision and intent for a location, as set out in Chapter 2 – Vision and Chapter 3 – Project Areas. Preferred Uses are those uses within the land use category or categories which are shown as a Preferred category for a particular precinct in Table 6.2 – Land Use Table.
- (2) If Table 6.2 stipulates a land use category as Preferred for a particular precinct the Authority shall not refuse a Development Application for a use within that category on the basis that the proposed use is not suitable for that location, unless the Preferred Uses for that site are limited by provisions of a Design Guideline.
- (3) In dealing with a Development Application, the Authority may, having due regard to the provisions of Chapters 5 and 6, relax or vary any requirement of the Scheme or any relevant Design Guideline or Policy if the Authority considers it desirable to encourage the incorporation of a Preferred Use into the development.

## 6.6 CONTEMPLATED USES

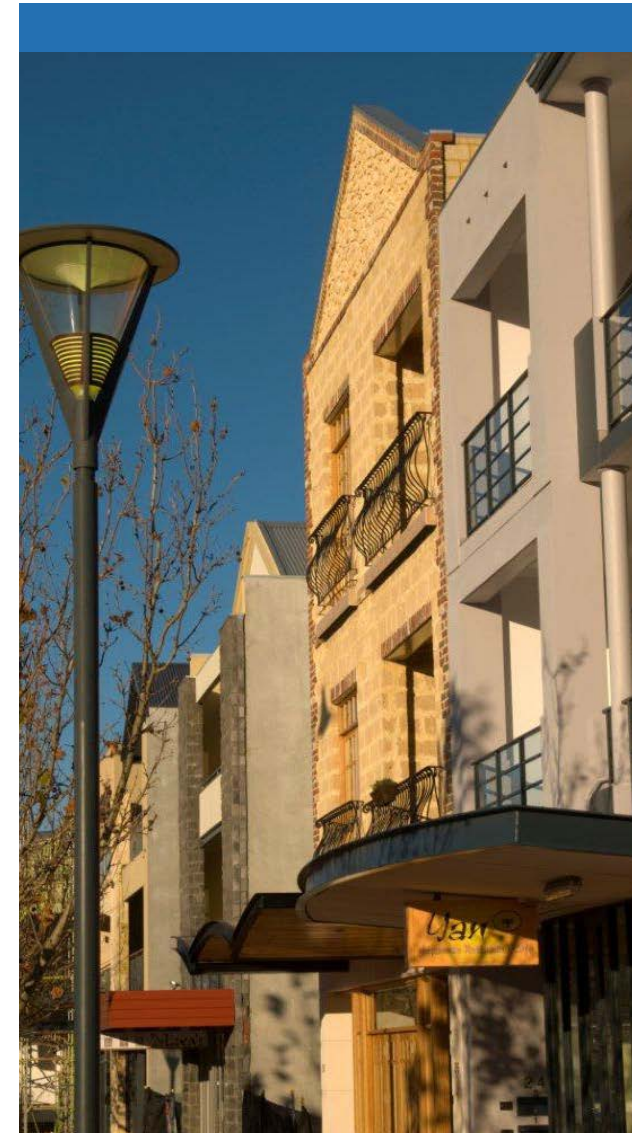
- (1) Contemplated Uses are land uses which the Authority may consider suitable for a precinct or site if it can be shown that such a use would not detract from the precinct intent and the amenity of the locality. Contemplated Uses are those uses within the Land Use Category or Categories which are shown as a Contemplated category for a particular precinct in Table 6.2 – Land Use Table.



- (2) If Table 6.2 stipulates a Land Use Category as Contemplated for a particular precinct, in dealing with a Development Application involving a use within that category the Authority may:
  - a) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Scheme Vision and Objectives and precinct intent, and its compatibility with surrounding land uses;
  - b) seek specialised advice on the application or require the applicant to obtain specialised advice (at the applicant's cost) on aspects of the proposal;
  - c) advertise the application for public comment; and/or
  - d) require the incorporation of a Preferred Use into the development instead of, or as well as, the Contemplated use.
- (3) The Authority may approve or refuse an application involving a Contemplated Use, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.

## 6.7 USES NOT PREFERRED OR CONTEMPLATED

- (1) Where a use is a defined use in Table 6.1 but is not included in a category that is shown in Table 6.2 as a Preferred or Contemplated use for a relevant precinct, the use or uses are generally considered to be inconsistent with the precinct intent and may be inappropriate for that precinct. However those uses may be considered for approval.
- (2) In dealing with a Development Application for a defined use that is not Preferred or Contemplated the Authority will:
  - a) require written justification from the applicant detailing the suitability of the use in that location, including its consistency with the Scheme Vision and Objectives and precinct intent, and its compatibility with surrounding land uses;
  - b) seek specialised advice on the application if required, or require the applicant to obtain specialised advice (at the applicant's expense) on aspects of the proposal;
  - c) advertise the application for public comment; and





- d) may require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.
- (3) The Authority may approve or refuse an application involving a use that is not Contemplated or Preferred, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.

### **6.8 DEFINITION OF LAND USES**

- (1) The land uses in Table 6.1 and the corresponding land use definitions set out in Appendix 3 will enable the Authority to classify most proposed activities into a defined land use.
- (2) Where an application is received which is characterised by the applicant as a defined land use but, in the opinion of the Authority, would be more appropriately classified as another defined use, the Authority may classify the proposed use under a definition it considers appropriate and may then proceed to determine the application in accordance with the provisions of the Scheme.
- (3) Where an application is received for a proposed use that does not match the terminology of land uses in Table 6.1 the Authority may, with the assistance of the land use definitions, determine the proposed use fits reasonably within a defined use and may then proceed to determine the application in accordance with the provisions of the Scheme.
- (4) The Authority may require any additional information from an applicant to assist in defining the use of any proposed Development Application.
- (5) The Authority will provide the applicant a written copy of any decision made in regard to this clause.

### **6.9 USES NOT DEFINED IN THE SCHEME**

- (1) Where a Development Application is received which includes a use that in the opinion of the Authority does not reasonably fit within the definition of any defined land use in Appendix 3, in dealing with that application the Authority will consider the proposed use against the Category Descriptions in Table 6.1 for the purpose of determining if the proposed use should generally fit within a category.

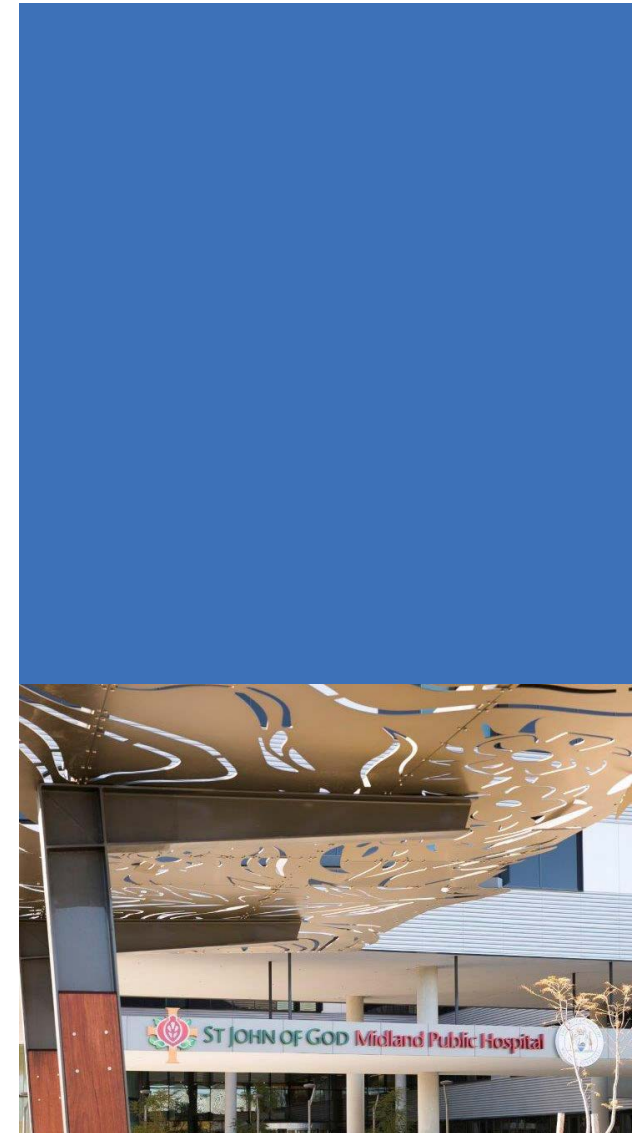




- (2) If in the opinion of the Authority the proposed use generally fits into a land use category in Table 6.1, the Authority may then use Table 6.2 to determine if the use falls within a Preferred or Contemplated category for the particular precinct and may then proceed to determine the application in accordance with the Scheme.
- (3) In dealing with a Development Application involving a land use not defined in the Scheme the Authority may:
  - a) require additional information from the applicant to assist in determining an appropriate land use definition or land use category for the proposed use;
  - b) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Scheme Vision and Objectives and precinct intent, and its compatibility with surrounding land uses;
  - c) seek specialised advice on the application, or require the applicant to obtain specialised advice (at the applicant's expense) on aspects of the proposal;
  - d) advertise the application for public comment; and/or
  - e) require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.
- (4) The Authority may approve or refuse an application involving a land use not defined in the Scheme, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.

## 6.10 NON-CONFORMING USES

- (1) Notwithstanding section 62 of the MRA Act, no provision of the Scheme is to be taken to prevent the continuation of a non-conforming use.
- (2) A person must not:
  - a) alter or extend a non-conforming use;
  - b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
  - c) change the use of the land from a non-conforming use to another non-conforming use, without having first applied for and obtained development approval under the Scheme.





An application for development approval under this clause is to be dealt with in accordance with clause 6.9.

- (3) Where a non-conforming use of any land has been discontinued for a period of 6 months or more the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.
- (4) The Authority may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.
- (5) If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the Authority.

### **6.11 CULTURE AND CREATIVE INDUSTRY USES**

- (1) Support for and growth of cultural activities and creative industries is a part of the vision and intent for the Scheme Area. These land uses can provide both character and economic advantage to an area, and engender diversity and a unique sense of place.
- (2) In determining a Development Application for a land use within the Culture and Creative Industry land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
  - a) the encouragement of creative industries in appropriate locations;
  - b) providing opportunities for business incubation;
  - c) infusing creativity, originality and innovation into the built environment;
  - d) the provisions of flexible and adaptive spaces to live, work and display; and
  - e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.

### **6.12 COMMERCIAL LAND USES**

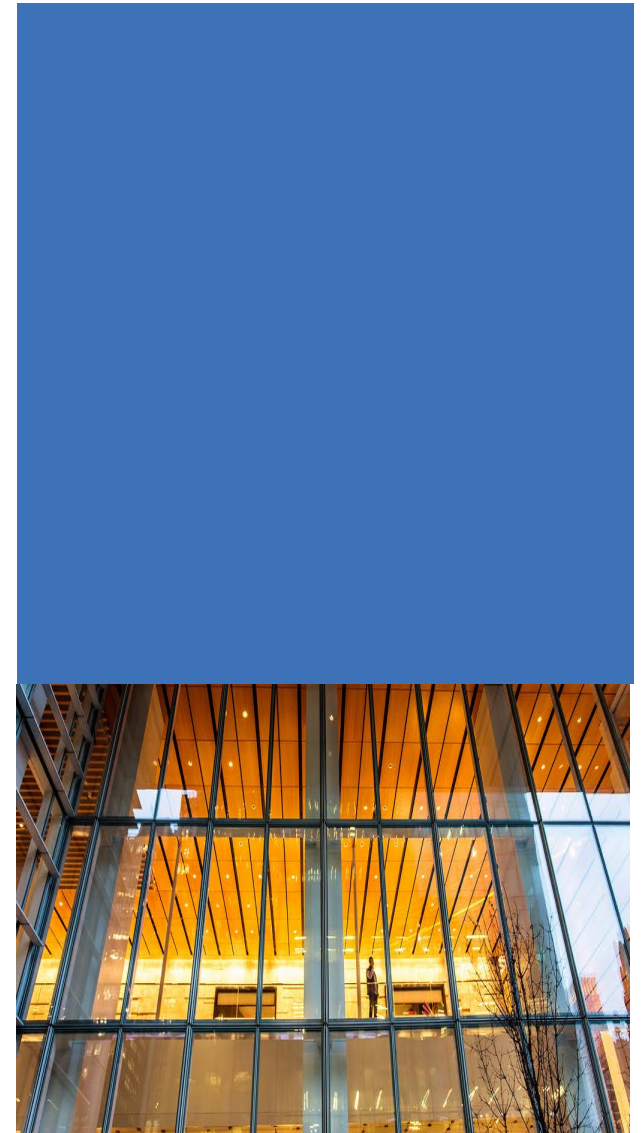
- (1) Commercial activities are an important aspect of the function of most precincts within the Scheme Area. The Authority seeks to encourage an appropriate portion of commercial development throughout the Scheme Area to facilitate economic growth and job creation, the achievement of urban efficiency, and connection of residents to workplaces and services.

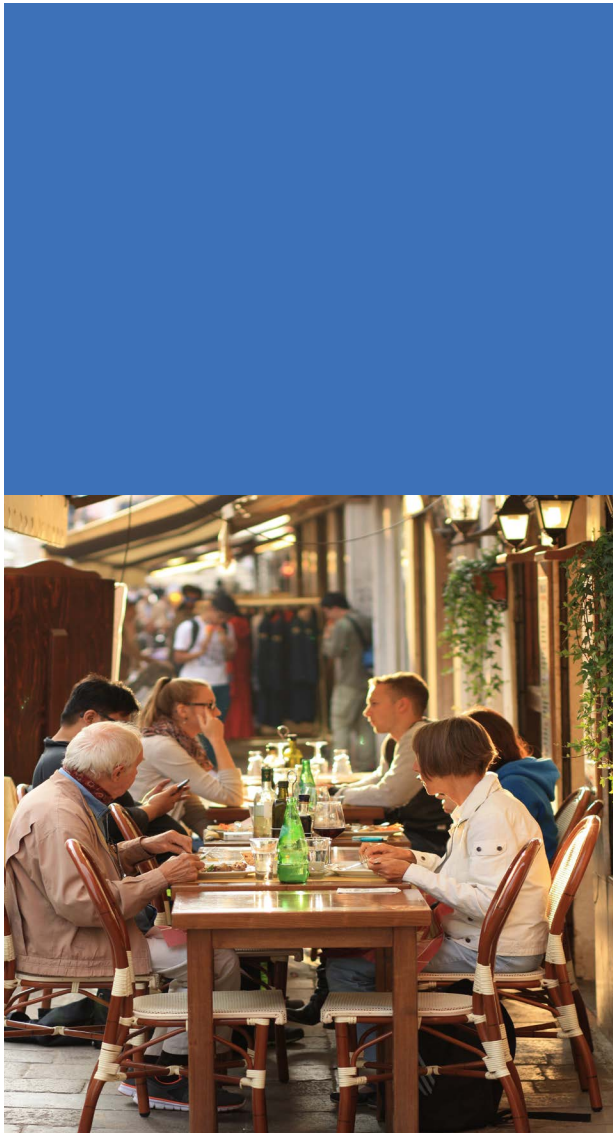


- (2) In determining a Development Application for a land use within the Commercial land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
- a) ensuring an active ground floor interface with the public realm throughout the day;
  - b) supporting the attainment of a critical mass of people around commercial enterprises to facilitate economic prosperity and ease of access;
  - c) facilitating environmentally sustainable workplaces;
  - d) facilitating a knowledge economy for education, health and/or technology industries; and
  - e) ensuring accessibility to work places by sustainable modes of transport.

### 6.13 LIGHT INDUSTRY LAND USES

- (1) New light industry land uses are generally not encouraged within the Scheme Area unless identified as a preferred or contemplated use in Table 6.2. Low impact light industry uses in the Clayton Precinct within the Midland Project Area and the High Wycombe Station Precinct within the High Wycombe Project Area are to be designed and located in accordance with the applicable Design Guidelines, or approved Structure Plan, where no Design Guidelines exist.
- (2) In determining a Development Application for a land use within the Light Industry land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
- a) ensuring the proposed development will not detract from the vision for the Scheme Area and the intent for the relevant precinct;
  - b) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise, emissions and other operations are compatible with surrounding land uses;
  - c) the appropriate interface of development with the surrounding environment, including amenity, quality streetscape and traffic management; and
  - d) the need to separate industrial development from sensitive land uses or other land uses by providing a land use buffer, screening, noise walls or other mitigation method, where appropriate.





#### 6.14 RETAIL LAND USES

- (1) Retail development is an important activity throughout much of the Scheme Area, both in supporting the role of the centres as retail destinations, and in providing convenient goods and services to local residents.
- (2) In determining a development application for a land use within the Retail land use category, in addition to the other provisions of the Scheme, the Authority shall have regard to the following objectives:
  - a) encouraging a diversity of retail services and premises in appropriate locations;
  - b) ensuring an active ground floor interface with the public realm; and
  - c) focusing the majority of retail development in the station precincts.

#### 6.15 RESIDENTIAL LAND USES

- (1) Increasing both the permanent and transient residential population in the Scheme Area is a key element of the Scheme Vision and Objectives to create dynamic, authentic and sustainable places. An increased population will facilitate critical mass and provide increased vibrancy and improved efficiencies. The Authority also recognises that all types of individuals and households should have the opportunity to live in the redevelopment area.
- (2) In determining a Development Application for a land use within the Residential land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
  - a) encouragement of socially diverse population;
  - b) the provision of a diversity of housing and accommodation types, size and tenure;
  - c) the provision of affordable and social housing;
  - d) the provision of universally accessible and adaptable housing;
  - e) the compatibility of new residential development with existing land uses; and
  - f) the need to separate permanent residential development from transient accommodation or other land uses, where appropriate.
- (3) Where the provisions of this chapter or a Design Guideline indicate that residential development is a Preferred Use within a specific precinct or site, the Authority when dealing with a Development Application may require the inclusion of a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against any non-residential component.



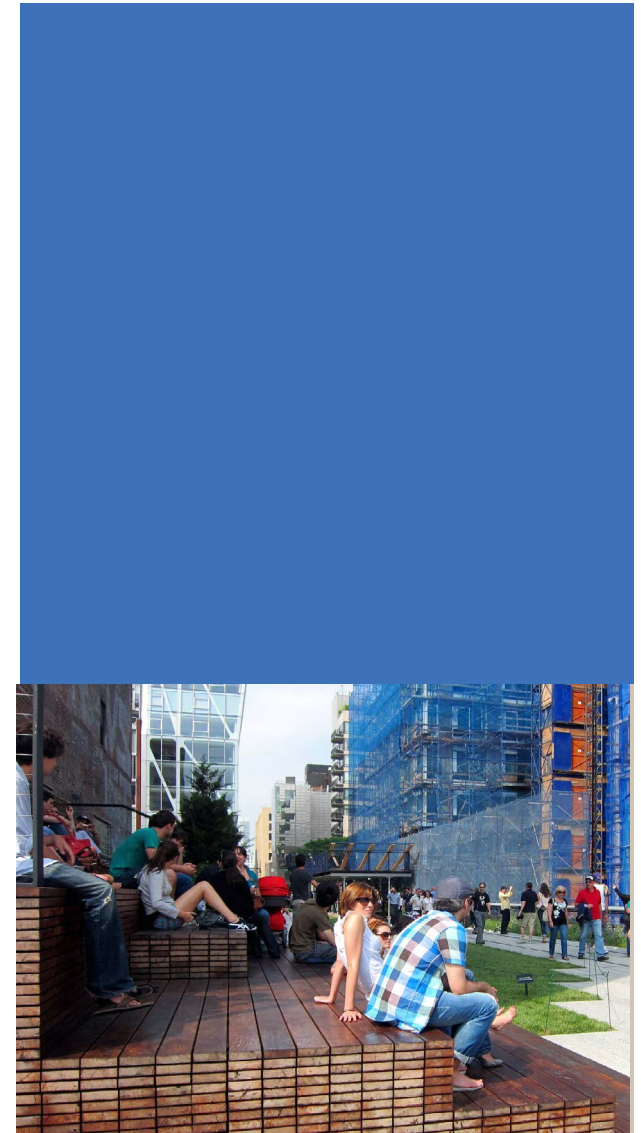


## 6.16 COMMUNITY LAND USES

- (1) The need for social interaction, physical activity, leisure, education, health services and social support are fundamental aspects of any successfully functioning community. The Authority seeks to promote social inclusion and a sense of place and will encourage and support community land uses that enhance the quality of life within the Scheme Area for residents, and support local workers and visitors.
- (2) In determining a Development Application for a land use within the Community land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
  - a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;
  - b) facilitating social interaction and community development;
  - c) supporting physical activity and healthy lifestyles; and
  - d) ensuring the appropriate interface of development with the surrounding environment, including patron and traffic management and a high quality public realm.

## 6.17 DINING AND ENTERTAINMENT LAND USES

- (1) Dining and Entertainment land uses in the Scheme Area are important in supporting the role of the key destinations in the redevelopment area, and in enhancing the lifestyle for residents. However, entertainment land uses generally need to be carefully planned and managed to ensure compatibility with residential or other sensitive land uses.
- (2) In determining a Development Application for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:
  - a) enhancing lifestyle, character and vibrancy in the Scheme Area;
  - b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and
  - c) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, are compatible with surrounding land uses.





## Table 6.1 Land Use Categories

Land Use Category	Land Use Type	
<b>CATEGORY 1 – CULTURE &amp; CREATIVE INDUSTRY</b> Category Description: Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area. Provides opportunities for business incubation and job creation through exploitation of intellectual property and/or unique skills.	Media Production Artist Studio Theatre/Performance Venue Exhibition Centre Event Space Creative Mixed Land Use	
<b>CATEGORY 2 – COMMERCIAL</b> Category Description: Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.	Office Business Services Medical Centre Consulting Rooms Commercial Car Park Research & Development	Veterinarian Centre Funeral Parlour Dry Cleaning Premises/Laundromat
<b>CATEGORY 3 – LIGHT INDUSTRY</b> Category Description: Low to Moderate impact businesses predominately based on skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature. The category also includes large format, bulky goods and showroom uses. The land uses require large purpose built premises and may not be appropriate for mixed-use buildings or residential areas.	Garden Centre Outdoor Display Centre Trade Display Lunch Bar Warehouse/Storage	Showroom Industry – Light Motor Vehicle Maintenance Service Station Self-Storage Unit



Land Use Category	Land Use Type	
<p><b>CATEGORY 4 – RETAIL</b></p> <p>Category Description:</p> <p>A place of business offering goods displayed on the premises for sales or hire to the public, and also includes premises for the provision of services of a personal nature. May include to preparation of goods for sale on site but not manufacturing..</p>	<p>Shop Shopping Complex Personal Services Market Liquor Store - Large Liquor Store - Small</p>	
<p><b>CATEGORY 5 – RESIDENTIAL</b></p> <p>Category Description:</p> <p>A building or portion of a building that is designed or adapted for habitation either as Permanent Residential – being private dwellings, or as Transient Residential – being accommodation provided for temporary periods, generally for commercial gain.</p>	<p><b>RESIDENTIAL 5A PERMANENT RESIDENTIAL:</b></p> <p>Grouped Dwelling Single House Multiple Dwelling Aged Persons Accommodation Home Business Specific Purpose Accommodation Display Home Village</p>	<p><b>RESIDENTIAL 5B TRANSIENT RESIDENTIAL</b></p> <p>Bed and Breakfast Hostel Hotel Motel Serviced Apartments Short Stay Accommodation</p>
<p><b>CATEGORY 6 – COMMUNITY</b></p> <p>Category Description:</p> <p>Premises or land uses which provide essential services or leisure facilities to local residential and workers or the wider community, also referred to as ‘social infrastructure’. May include activities for commercial gain which provide social benefit.</p>	<p>Education Establishment Child Care Premises Hospital Place of Worship Public Open Space Commercial Hall Recreation and Sporting Facilities Community Facility</p>	
<p><b>CATEGORY 7 – DINING &amp; ENTERTAINMENT</b></p> <p>Category Description:</p> <p>Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music. Includes land uses which may present moderate impacts on residential amenity, due to noise, patronage and hours of operation.</p>	<p>Entertainment Complex Restaurant/Café Cinema Night Club Tavern Club Premises Exhibition Centre Function Centre Small Bar Amusement and Gaming Centre Betting Agency Fast Food Outlet</p>	



**Table 6.2 Land Use Table**

Precinct	Category 1 Culture & Creative Industry	Category 2 Commercial	Category 3 Light Industry	Category 4 Retail	Category 5 Residential	Category 6 Community	Category 7 Dining & Entertainment
<b>METRONET EAST MIDLAND Project Area</b>							
<b>Victoria</b>	Preferred	Preferred	-	Preferred	Preferred	Preferred	Preferred
<b>Helena</b>	Preferred	Preferred	-	Contemplated	Preferred	Preferred	Preferred
<b>Clayton</b>	Contemplated	Preferred	Preferred	-	-	Preferred	Contemplated
<b>METRONET EAST BAYSWATER Project Area</b>							
<b>Core</b>	Preferred	Preferred	-	Preferred	Preferred	Contemplated	Preferred
<b>Frame</b>	Contemplated	Contemplated	-	Contemplated	Preferred	Preferred	Contemplated
<b>METRONET EAST High Wycombe Project Area</b>							
<b>High Wycombe Station</b>	Preferred	Preferred	Contemplated	Preferred	Contemplated	Preferred	Preferred
<b>Poison Gully Creek</b>	Contemplated	Contemplated	-	Contemplated	Preferred	Preferred	Contemplated





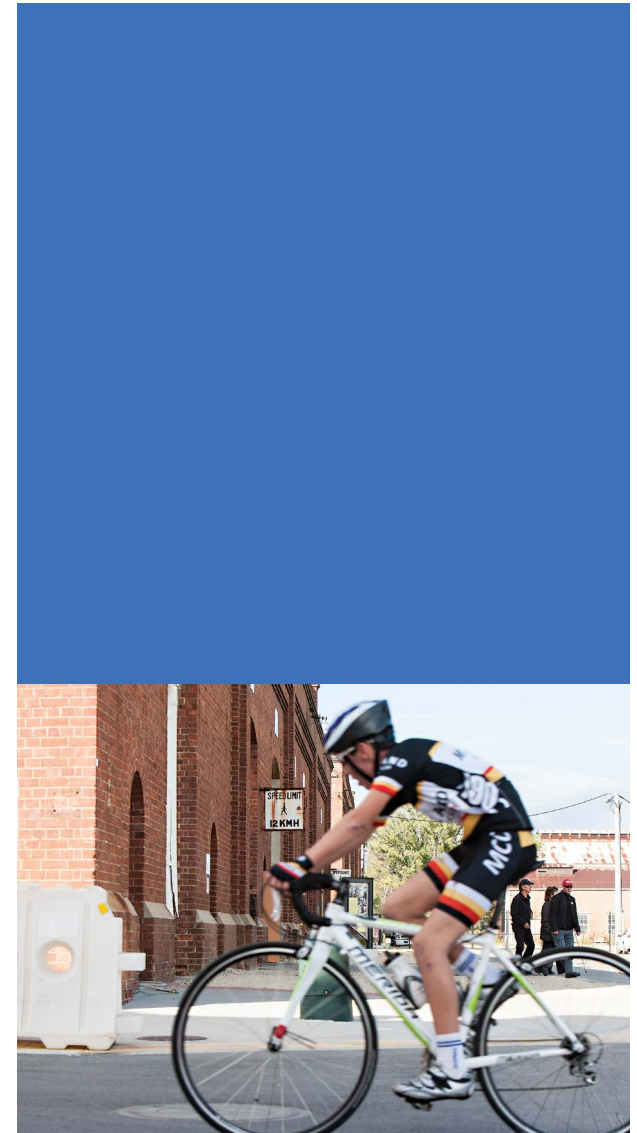
## 6.18 CAR PARKING

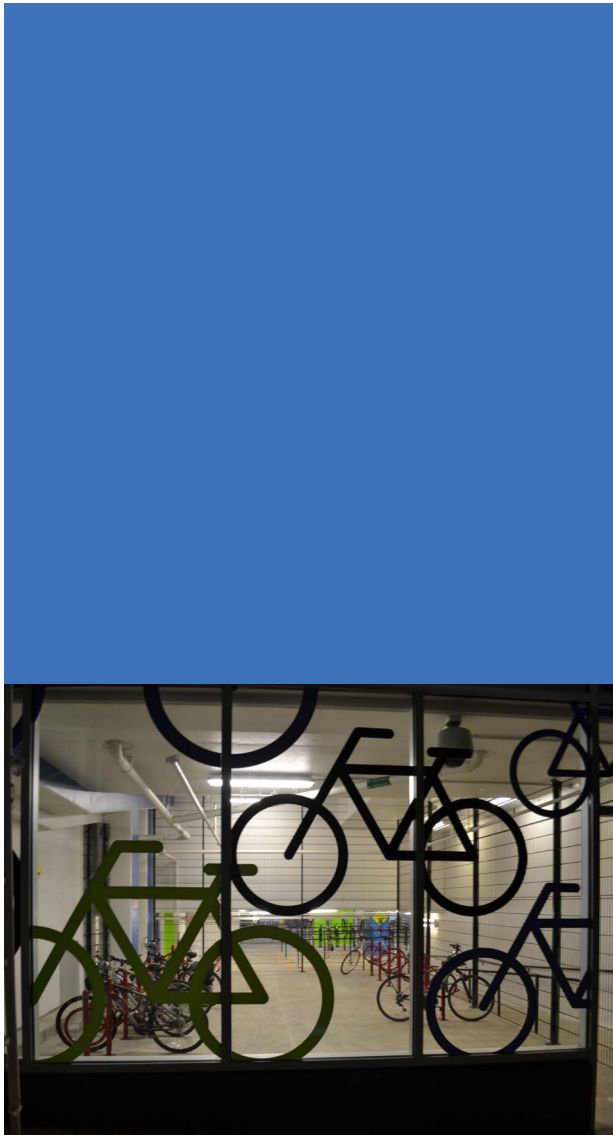
- (1) In accordance with the Scheme Objectives, particularly Connectivity and Environmental Integrity, the Authority takes a restrictive approach to car parking provision in order to reduce car dependency and promote innovative approaches to car parking on-site, where the provision of car parking bays is provided as a minimum rate based on Activity Centre needs and a maximum rate respectful of the urban location.
- (2) Car parking bay provision for all land uses and development within the Scheme Area shall be in accordance with the Design Guidelines applicable to that location. Where Design Guidelines do not provide parking rates for a project area or a precinct, the car parking requirements are set out below:

TABLE 6.3: Car Parking Requirements

LAND USE	MINIMUM CAR PARKING SPACES	MAXIMUM CAR PARKING SPACES
<b>Single and Grouped Dwellings</b>	N/A	2 bays per dwelling
<b>Multiple Dwelling</b>	Average of 0.75 bays per dwelling	An average of 1 bay per dwelling
<b>Residential Visitor</b>	0.1 bays per permanent residential (rounded down)	
<b>Transient Residential</b>	1 bay per 4 accommodation units	1 bay per 2 accommodation units
<b>Non-residential</b>	1 bay per 100sqm of NLA	1 bay per 50sqm of NLA

- (3) The design standards for the design and layout of parking, including Australian Standards and disability access, applied by the relevant local government shall apply within the Scheme Area unless the Authority adopts a Development Policy or Design Guidelines dealing with parking design standards.
- (4) Bicycle parking and end of trip facilities shall be provided in accordance with the Design Guidelines applicable to that area, or where no Design Guidelines apply, requirements for bicycle parking and end of trip facilities shall be determined by the Authority having regard to the nature of development and expected demand.





## 6.19 CASH IN LIEU OF CAR PARKING

- (1) Where a development proposes a variation to the minimum required car parking bays in a Design Guideline or Table 6.3, in accordance with clause 6.18(2), the Authority may consider the acceptance of a payment of money in lieu of provision of the bays in accordance with sub-clause (2) (referred to as cash in lieu).
- (2) The Authority shall calculate the cost of providing a parking bay within the Scheme Area, including but not limited to:
  - a) the market value of the land required for a parking bay and the necessary access and manoeuvring space;
  - b) any structures required; and
  - c) other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.
- (3) The cost of providing a parking bay may be calculated in respect of the Scheme Area as a whole, or in respect of any project area or precinct, reflecting the differences in the market value of land in the different areas.
- (4) The Authority may from time to time vary or adjust the parking bay cost calculation under sub-clause (2) to reflect changes in land values and costs or works.
- (5) Any amount paid to the Authority in parking cash-in-lieu shall be held by the Authority in a separate bank account and shall be applied by the Authority either:
  - a) for the provision of public parking, cycling and pedestrian facilities within the Scheme Area; or
  - b) for the provision of public transport which, in the opinion of the Authority, services the Scheme Area and permits or encourages a reduction in the use of, or demand for, parking facilities within the Scheme Area.

## 6.20 RELAXATION OF CAR PARKING STANDARDS

- (1) Without affecting the generality of clause 5.19, the Authority may relax the parking requirements in clause 6.18(2) in determining any Development Application where reduction in car parking will promote the Scheme Objective of connectivity, in accordance with clause 2.3.4, without having an adverse effect on the amenity of the development or the locality. In doing so, the Authority may elect to waive the payment of cash-in-lieu required under clause 6.19.





# 7.0 Infrastructure Contributions



# Contents

<b>7.0</b>	<b>INFRASTRUCTURE CONTRIBUTIONS .....</b>	<b>75</b>
7.1	INTRODUCTION .....	75
7.2	ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION AREAS.....	75
7.3	DEVELOPMENT CONTRIBUTION PLANS .....	76
7.4	DEVELOPMENT INFRASTRUCTURE .....	77
7.5	ESTIMATED COSTS.....	78
7.6	CONSULTATION ON A DRAFT DEVELOPMENT CONTRIBUTION PLAN .....	78
7.7	FINAL ADOPTION OF A DEVELOPMENT CONTRIBUTION PLAN .....	79
7.8	AMENDMENT OF A DEVELOPMENT CONTRIBUTION PLAN.....	79
7.9	REVOKE A DEVELOPMENT CONTRIBUTION PLAN.....	80
7.10	LIABILITY FOR INFRASTRUCTURE CONTRIBUTION.....	80
7.11	REVIEW OF INFRASTRUCTURE CONTRIBUTION .....	81
7.12	METHOD OF PAYMENT.....	81
7.13	INTEREST IS PAYABLE .....	82
7.14	CAVEAT MAY BE LODGED AGAINST THE LAND TITLE .....	82
7.15	EXEMPTIONS FOR MINOR DEVELOPMENT .....	83
7.16	EXEMPTION FOR CHARITABLE INSTITUTIONS.....	83
7.17	BANK ACCOUNT FOR ACCUMULATING CONTRIBUTIONS .....	84





# 7.0 Infrastructure Contributions

## 7.1 INTRODUCTION

Effective redevelopment of the Authority’s project areas requires the cost efficient provision of infrastructure and facilities, such as utilities, roads, public transport, open space and community facilities. This physical and social infrastructure greatly influences the standard of living, mobility, and lifestyle choices of a community.

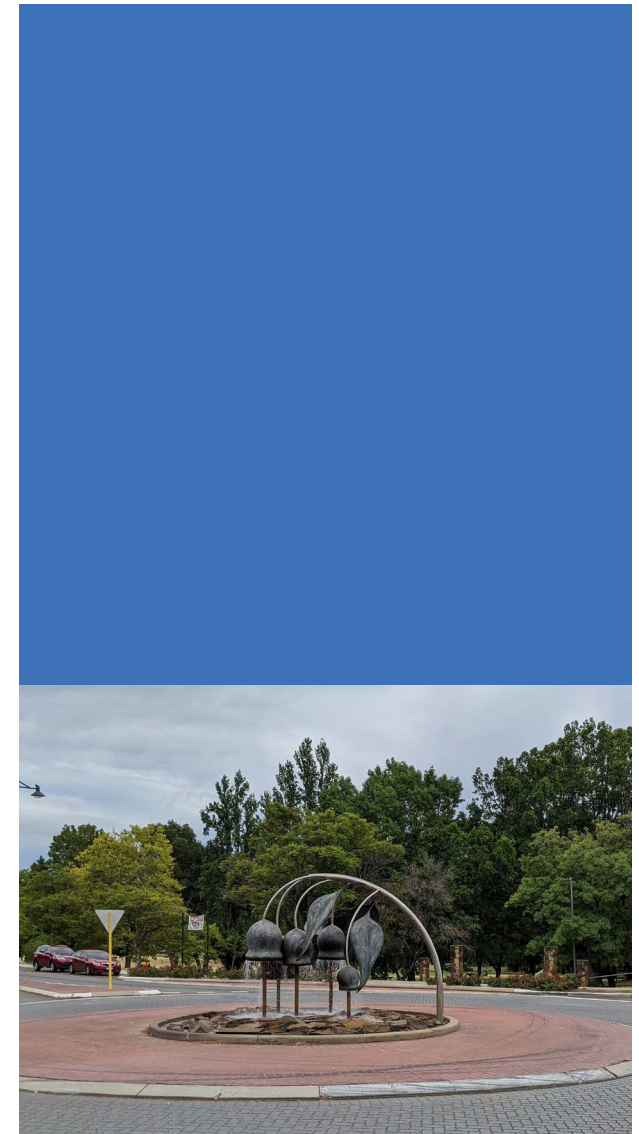
In most instances the Authority will provide, or make plans to provide, the majority of new infrastructure within each project area prior to private land owners undertaking redevelopment of their land. Accordingly the Authority will seek to recoup costs associated with infrastructure provision from land owners who benefit from this work, by requiring Infrastructure Contributions.

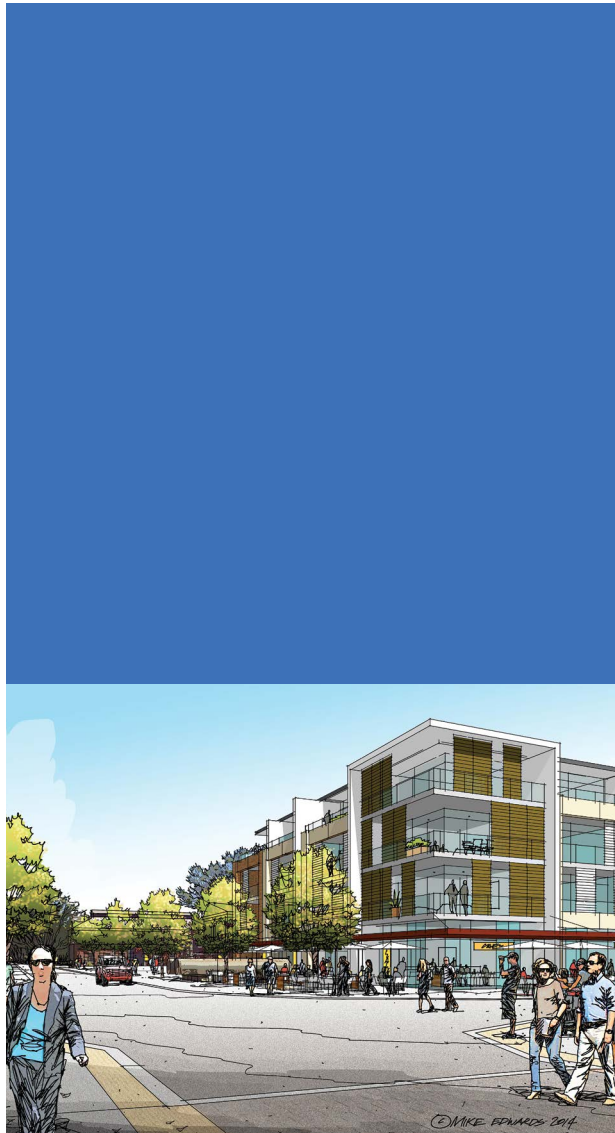
Chapter 7 sets out the provisions for the preparation and application of Development Contribution Plans, which set out the works and contribution system for an area. These plans are prepared to assist in the timely, equitable funding and provision of physical and social infrastructure in the Scheme Area and outside of the Scheme Area where shared infrastructure is fundamental to successful redevelopment of the Scheme Area on the basis of the need and nexus.

Land owner Infrastructure Contributions are usually made by way of making payments, or, where appropriately guided by the applicable development contribution plan, offset by undertaking works on behalf of the Authority or ceding land to the value of the contribution. The requirement to provide a contribution is usually triggered by developing or subdividing land.

## 7.2 ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION AREAS

- (1) For the purpose of this chapter, each Project Area as shown on the Scheme Map in Appendix 1 may be considered as a specific Development Contribution Area.
- (2) The purpose of establishing Development Contribution Areas is to enable the preparation and adoption of a Development Contribution Plan to provide for the infrastructure needs of the area in a holistic and timely manner and to obtain equitable contributions from land owners who benefit from government investment in infrastructure and services.
- (3) A Development Contribution Plan may identify different Development Infrastructure and different Infrastructure Contributions for specific precincts and/or lots within the Development Contribution Area.
- (4) The provisions of a Development Contribution Plan apply to the Development Contribution Area in addition to any other applicable provisions of the Scheme.





### 7.3 DEVELOPMENT CONTRIBUTION PLANS

- (1) The Authority may prepare a Development Contribution Plan to plan for the provision and funding of Development Infrastructure for any Development Contribution Area (referred to in this chapter as 'the Contribution Area').
- (2) The Authority may seek expert advice and/or stakeholder input in identifying appropriate Development Infrastructure for the Area as considered appropriate by the Authority.
- (3) The Development Contribution Plans are to be prepared and reviewed generally in accordance with State Planning Policy 3.6 Infrastructure Contributions and contain detailed information as required but not limited to the following:
  - a) Need and nexus;
  - b) Efficiency and certainty;
  - c) Equity and consistency;
  - d) Transparency and accountability; and
  - e) Right of consultation and comment.
- (4) The Development Contribution Plan shall specify:
  - a) the Development Contribution Area to which the plan applies;
  - b) the expiry date of the Development Contribution Plan, if applicable;
  - c) the Development Infrastructure from the list in clause 7.4 (the works and dollar value) that are required in the Contribution Area and that will be partly or fully funded by the Contribution Plan;
  - d) the priority and approximate timing for the provision of infrastructure;
  - e) any land within the Contribution Area to which Infrastructure Contributions will be excluded;
  - f) any exemptions from paying the calculated Development Contribution;
  - g) any Development Infrastructure or other associated costs and expenses that will not be charged to owners, including any costs that have received Federal Government funding;



- h) the method of allocating and calculating the Development Contribution applicable to each land holding and land owner in the Contribution Area, including whether any one of the Development Infrastructure are to be apportioned between precincts or land holdings within the Contribution Area or if Development Infrastructure is shared within and outside of the Contribution Area/Scheme Area on the basis of the need and nexus of a Development Infrastructure; and
  - i) any other information the Authority considers necessary to assist in the understanding or implementation of the plan.
- (5) A Development Contribution Plan is to be prepared and adopted in accordance with the public consultation procedure of clause 7.6 and final adoption procedure of clause 7.7.

#### **7.4 DEVELOPMENT INFRASTRUCTURE**

- (1) Development Infrastructure that may be included in a Development Contribution Plan may include all costs associated with providing or improving any one or more of the following for the relevant Contribution Area:
- a) any preparation or review of any strategic or statutory planning document for the Contribution Area undertaken by the Authority;
  - b) essential services, including water, sewerage, drainage, telecommunications, gas, electricity and other power supplies, that are not supplied and charged for by other service providers;
  - c) any road, cycle way, footpath or other carriageway;
  - d) infrastructure or facilities relating to public transport;
  - e) areas or facilities for public car parking;
  - f) public open space, recreation reserves or waterway inlets, including the provision of land and physical improvements to enable public enjoyment of that land;
  - g) landscaping and enhancement of public areas, including (but not limited to) lighting, paving, street and park furniture, planting and reticulation;
  - h) the provision of any public community or recreation facility including (but not limited to) community centres, child care facilities, libraries, public toilets or playgrounds;
  - i) environmental remediation or enhancement of natural environments, including (but not limited to) works to contaminated sites, waterways or vegetation areas;





- j) acquisition of any land for the provision of infrastructure works;
- k) administration and/or legal costs incurred in the preparation, review and implementation of Development Contribution Plans;
- l) interest accumulated on any loan taken out by the Authority to provide infrastructure in the Development Contribution Area; and/or
- m) any other infrastructure or works the Authority considers necessary or appropriate for the amenity and sustainable development of the Contribution Area.

## **7.5 ESTIMATED COSTS**

- (1) The value of Development Infrastructure shown in a Development Contribution Plan are to be based on amounts expended, but when expenditure has not yet occurred, they are to be based on the best and latest estimated costs available to the Authority.
- (2) The Authority is to have such estimated costs independently verified by an appropriately qualified person and must include this verification in the Development Contribution Plan.
- (3) Any revision of estimated costs and the cost contribution is to be carried out in accordance with clause 7.8

## **7.6 CONSULTATION ON A DRAFT DEVELOPMENT CONTRIBUTION PLAN**

- (1) After preparation of a draft Development Contribution Plan in accordance with clauses 7.3, 7.4 and 7.5, and prior to final adoption, the document/s must be endorsed by the Authority for the purpose of public consultation.
- (2) The Authority is to then undertake a minimum 42 day consultation period during which the draft Development Contribution Plan is made available to relevant stakeholders and written comment is invited.
- (3) The consultation period is to commence with the following actions:
  - a) referral of the draft document to all affected land owners;
  - b) referral of the draft document to the relevant local government, Public Authorities and service providers;
  - c) publication of a notice in a newspaper circulating within the Contribution Area; and
  - d) publication of the draft document on the Authority's website.



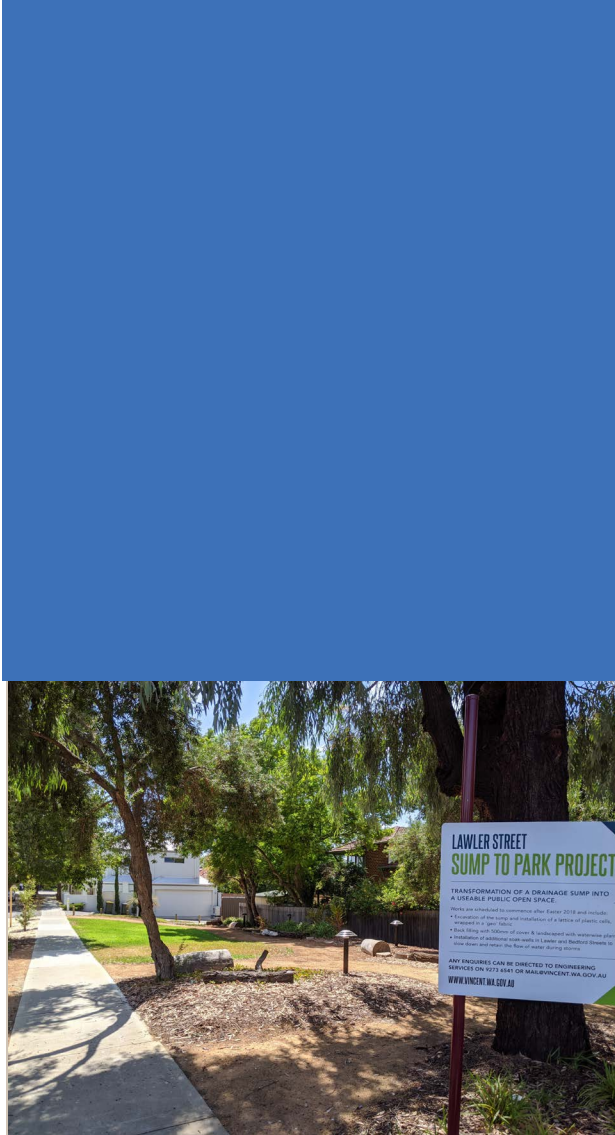


### 7.7 FINAL ADOPTION OF A DEVELOPMENT CONTRIBUTION PLAN

- (1) Following the undertaking of consultation of a draft Development Contribution Plan in accordance with clause 7.6, the Authority will undertake the following actions:
  - a) review all written submissions made during the consultation period and consider whether modification to the document is necessary;
  - b) resolve either to finally adopt the Plan with or without modification, to undertake further review of the document, or to not proceed with the Plan;
  - c) provide written notification of the Authority’s resolution to all land owners affected by the document;
  - d) advise the relevant local government of the Authority’s resolution;
  - e) advise all those that made a submission during the advertising period, of the Authority’s resolution;
  - f) publish a notification of the Authority’s resolution in a newspaper circulating within the Contribution Area and on the Authority’s website; and
  - g) make the Development Contribution Plan available to landowners.

### 7.8 AMENDING A DEVELOPMENT CONTRIBUTION PLAN

- (1) The Authority may resolve at any time to amend a Development Contribution Plan adopted under the Scheme, for the following reasons:
  - a) adjustment of estimated costs in line with revised and current estimates or actual amounts spent;
  - b) adjustment of costs for present value calculations or for indexing in line with the Consumer Market Price Index;
  - c) addition of one or more Development Infrastructure items that are needed or have been provided for the Contribution Area;
  - d) removal of one or more Development Infrastructure items that are no longer planned for the Contribution Area;
  - e) to generally review and update text or other details of the Plan, as considered necessary by the Authority; or





- f) in the case of costs which have been entirely recovered or transferred to the Local Authority, rescind a Development Contribution Plan.
- (2) Amending a Development Contribution Plan is to be undertaken in accordance with the procedures set out in clauses 7.6 and 7.7, except that the minimum consultation period shall be 28 days.
- (3) Any revised costs or other amendments to a Development Contribution Plan will only apply to those owners yet to make full payment of their Infrastructure Contribution, and may not be applied retrospectively to an owner or land area where full payment under clauses 7.10, 7.11 and 7.12 has been received.
- (4) Where the Development Contribution Plan has been amended to reduce or remove estimated costs or planned works, an owner that has made payment towards these costs may be refunded the excess amount in accordance with the difference between the adopted plan and the amended plan.

### **7.9 RESCINDING A DEVELOPMENT CONTRIBUTION PLAN**

- (1) The Authority may resolve to rescind a Development Contribution Plan adopted under the Scheme when costs have been entirely recovered, or recovered to the Authority's satisfaction.
- (2) Rescinding a Development Contribution Plan is to be undertaken in accordance with the procedures set out in clauses 7.6 and 7.7, except that the minimum consultation period shall be 28 days.

### **7.10 LIABILITY FOR INFRASTRUCTURE CONTRIBUTION**

- (1) An owner of land in a Development Contribution Area is required to make a Infrastructure Contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the owner's Infrastructure Contribution to the Authority arises on the earlier of:
  - a) the approval of any development on the owner's land within the Development Contribution Area, unless the development constitutes 'minor' development under clause 7.15;
  - b) the approval of any subdivision of the owner's land within the Development Contribution Area;
  - c) the last day before the expiry (if stipulated) of the Development Contribution Plan; or
  - d) the last day before the time the land is subtracted from the Redevelopment Area under section 31(1)(b) of the Act, unless the plan is transferred to the local government planning authority, or as otherwise agreed by the Authority.



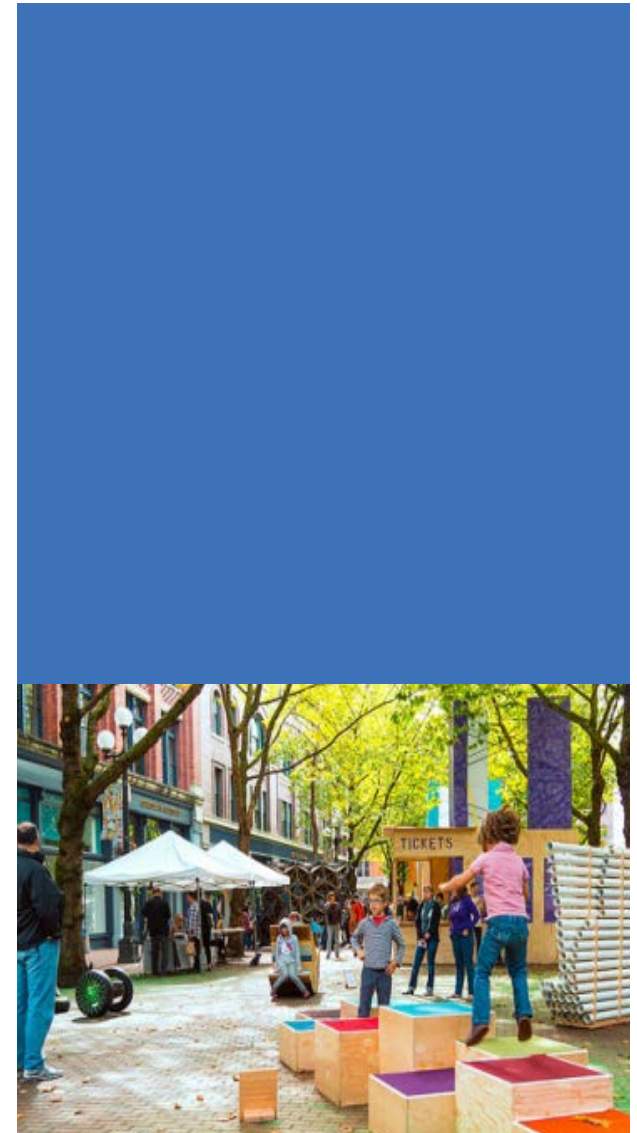
- (2) No person shall commence or carry out any subdivision or development the subject of a subdivision approval or a development approval until the owner's cost contribution in respect of the land has been paid in full, or other arrangements for payment have been made to the satisfaction of the Authority.
- (3) Where, prior to the operative date, the Authority has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction under this chapter in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under subclause (1).

### 7.11 REVIEW OF INFRASTRUCTURE CONTRIBUTION

- (1) If an owner objects to the amount of a Infrastructure Contribution, the owner may give notice to the Authority requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the Authority and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- (2) If, following a review, the independent expert determination of the value of the Infrastructure Contribution is still not a figure acceptable to the owner, the value is to be determined –
  - a) by any method agreed between the Authority and the owner; or
  - b) if the Authority 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 PD Act.
- (3) In accordance with clause 7.10(2), no development or subdivision is to occur until the value is reviewed, determined and paid.

### 7.12 METHOD OF PAYMENT

- (1) The owner, subject to the agreement of the Authority, is to pay the owner's Infrastructure Contribution by:
  - a) cheque, cash or electronic transfer of funds;
  - b) providing infrastructure to the value of the Infrastructure Contribution;
  - c) providing land to the value of the Infrastructure Contribution;
  - d) providing a community facility or other community benefit, which is preferable to the Authority than other means of payment, and which is of equal or greater value to the Infrastructure Contribution;
  - e) any combination of these methods, where acceptable to the Authority; or





- f) some other method acceptable to the Authority.
- (2) The owner, subject to the agreement of the Authority, may pay the owner's Infrastructure Contribution in a lump sum, by instalments, or in such other manner acceptable to the Authority.
- (3) Payment by an owner of the full Infrastructure Contribution consistent with the Development Contribution Plan at the time of payment, including a contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the Development Contribution Plan and the Authority shall provide certification in writing to the owner of such discharge.

### **7.13 INTEREST IS PAYABLE**

- (1) Interest shall be payable on any owner's Infrastructure Contribution, which is due at the rate payable from time to time on judgement debts as determined pursuant to Order 61 Rule 23(2) of the *Supreme Court Rules 1971 (WA)*, as amended.
- (2) Interest payable pursuant to this clause shall accrue from the date the owner's Infrastructure Contribution became due in accordance with clause 7.10 to the date of receipt of payment, unless the Authority for good reason shown by the owner agrees to suspend or waive interest.

### **7.14 CAVEAT MAY BE LODGED AGAINST THE LAND TITLE**

- (1) The amount of any Infrastructure Contribution for which an owner is liable under clause 7.10, but has not paid, is a charge on the owner's land to which the Infrastructure Contribution relates, and the Authority may lodge a caveat, at the owner's expense against the owner's title to that land.
- (2) The Authority, at the owner's expense and subject to such other conditions as the Authority thinks fit, can withdraw a caveat lodged under this section to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- (3) If the Infrastructure Contribution is paid in full, and if requested to do so by the owner, the Authority, at the expense of the owner, is to withdraw any caveat lodged under this section.

### **7.15 EXEMPTIONS FOR MINOR DEVELOPMENT**

- (1) The Authority may, on request by the landowner, elect to exempt certain minor development proposals from being liable under clause 7.10 to pay the Infrastructure Contribution. In this instance minor development





may include a single house, an outbuilding or ancillary structure or small scale alterations and additions to properties. The Authority will consider the exemption provided it is minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the Development Contribution Plan.

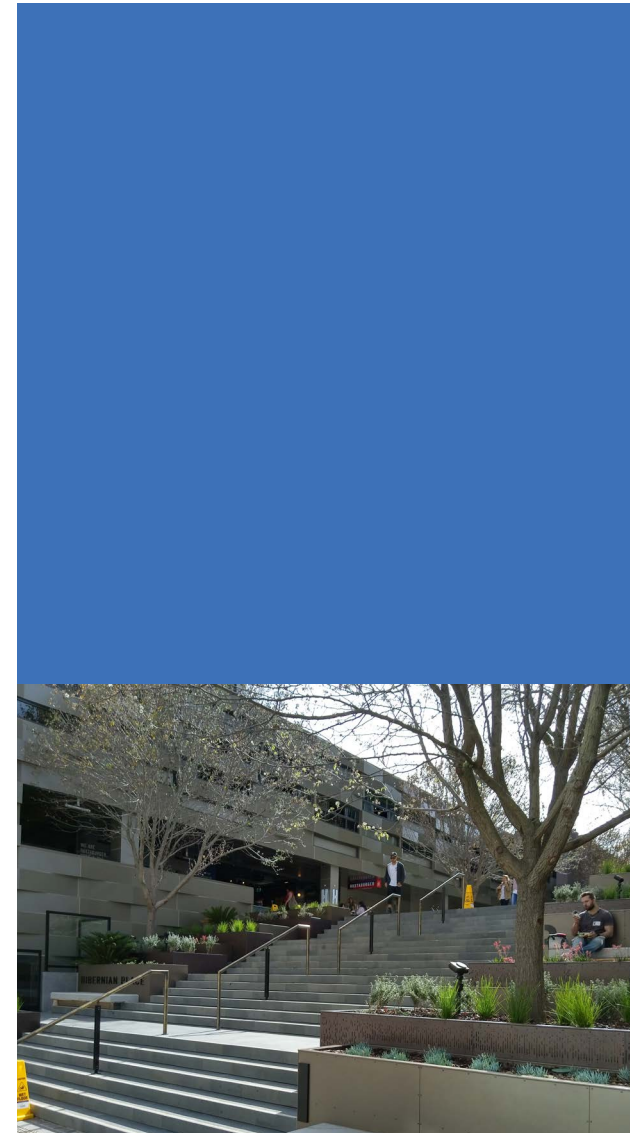
- (2) Should such an exemption be granted, this does not preclude the ability of the Authority to require a Infrastructure Contribution as a result of any subsequent development or subdivision.

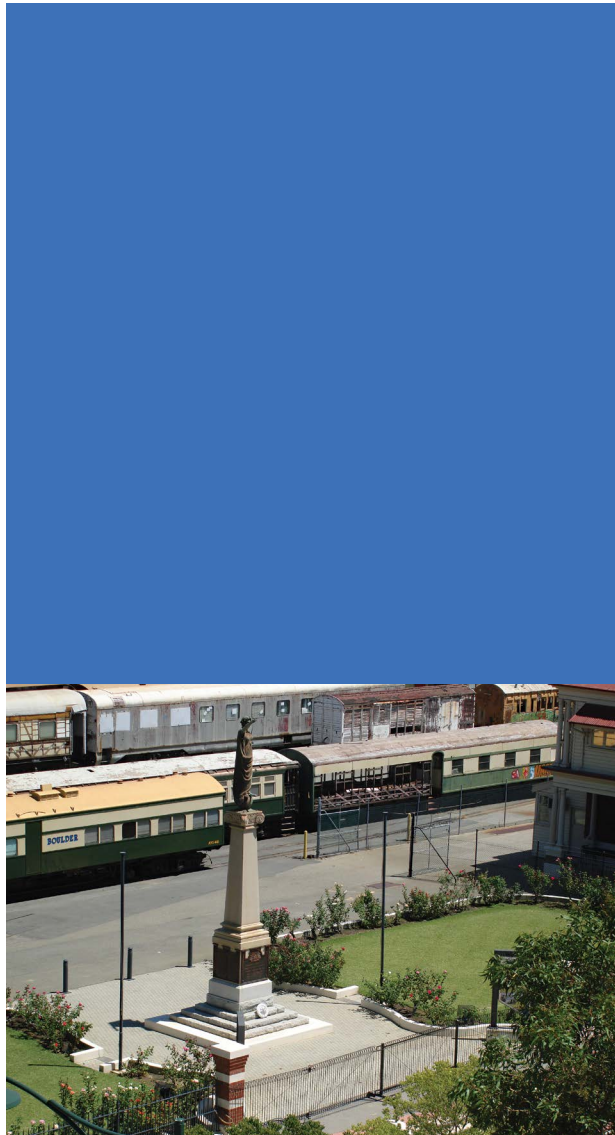
### **7.16 EXEMPTION FOR CHARITABLE INSTITUTIONS**

- (1) The Authority may recognise the social contribution and limited financial capacity of Charitable Institutions within the Scheme Area and exclude certain charitable land holdings from being liable for Infrastructure Contributions.
- (2) In preparation of a Development Contribution Plan the Authority may recognise any Charitable Institution which owns land within a Contribution Area and uses the land exclusively for charitable purposes, and exempt it from liability to pay the Infrastructure Contribution that is applicable to that land.
- (3) During the consultation period of a draft Development Contribution Plan and prior to its final adoption, any Charitable Institution which has not been exempted under the draft Plan may apply to the Authority for an exemption. Any application must demonstrate to the Authority's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the Authority's discretion, for part of a land holding if only part of the land is used for charitable purposes.
- (4) An exemption granted by the Authority ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.

### **7.17 BANK ACCOUNT FOR ACCUMULATING CONTRIBUTIONS**

- (1) The Authority shall establish an interest bearing bank account for each Contribution Area that is subject to a Development Contribution Plan, for the purpose of accumulating moneys raised under this chapter. Money accumulated in each Contribution Area bank account, including any interest raised, is to be used only for:
  - a) funding the Authority or those nominated by the Authority for the undertaking of any Development Infrastructure in accordance with the Development Contribution Plan for that Contribution Area;





- b) the reimbursement of the Authority of moneys spent on any Infrastructure Costs in accordance with the Development Contribution Plan for that Contribution Area;
- c) repayment of loans taken out by the Authority for the purposes of funding Development Infrastructure in accordance with the Development Contribution Plan for that Contribution Area; or
- d) where surplus funds have been collected from landowners into the bank account over and above the amount that is required to fund Development Infrastructure in accordance with the Development Contribution Plan, then those surplus funds may, at the Authority's discretion, be reimbursed equitably to owners who have made a contribution.
- e) 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 Contribution Area.



## 8.0 Heritage Protection



# Contents

<b>8.0</b>	<b>HERITAGE PROTECTION.....</b>	<b>87</b>
8.1	INTRODUCTION .....	87
8.2	HERITAGE PRECINCTS AND HERITAGE PLACES .....	87
8.3	PREPARATION OF HERITAGE INVENTORY .....	87
8.4	CONSULTATION ON DRAFT HERITAGE INVENTORY .....	88
8.5	FINAL ADOPTION OF A HERITAGE INVENTORY .....	88
8.6	AMENDMENT OF A HERITAGE INVENTORY .....	89
8.7	HERITAGE INVENTORY PREPARED PRIOR TO SCHEME COMMENCEMENT .	89
8.8	LOCAL GOVERNMENT HERITAGE LIST .....	89
8.9	INCLUSION OF STATE HERITAGE PLACES .....	89
8.10	EFFECT OF INCLUSION IN THE HERITAGE INVENTORY .....	90
8.11	DEVELOPMENT INVOLVING A HERITAGE PLACE OR PRECINCT.....	90
8.12	EXPERT ADVICE ON DEVELOPMENT APPLICATIONS .....	90
8.13	DETERMINATION OF HERITAGE DEVELOPMENT APLICATIONS .....	90





# 8.0 Heritage Protection

## 8.1 INTRODUCTION

Chapter 8 makes provisions for the identification of Heritage Places and Heritage Precincts within the Scheme Area. The Heritage Inventory recognises and records sites, buildings, objects and other assets that are of importance to past, present or future communities, and therefore may require conservation and/or continued public enjoyment.

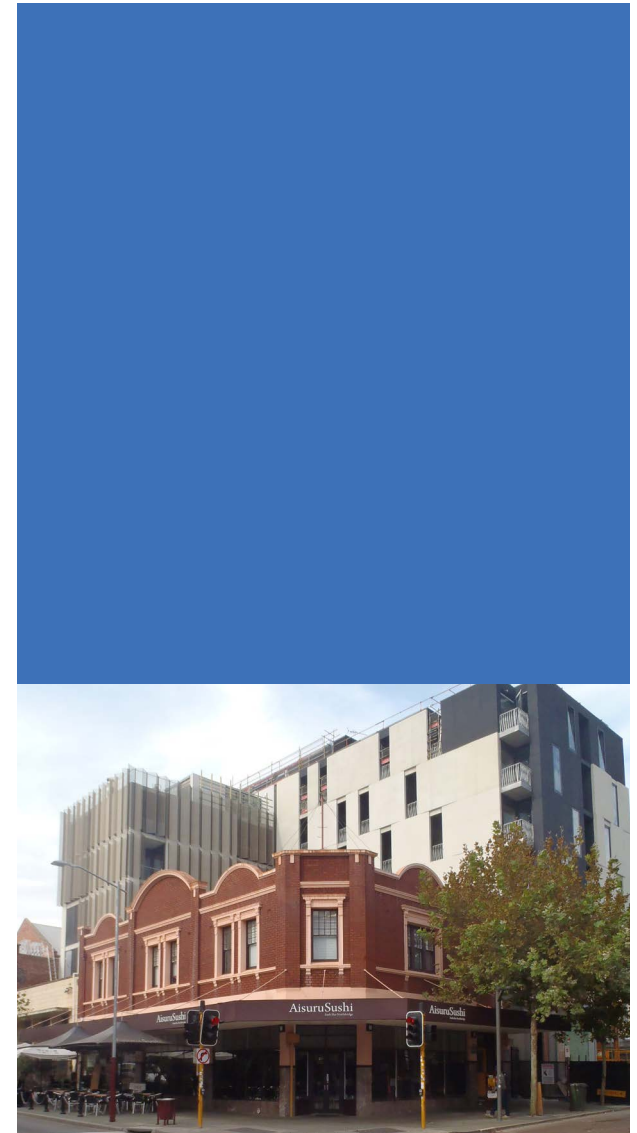
The chapter also sets out special provisions regarding development of Heritage Places and Heritage Precincts. These special provisions apply in addition to the provisions relating to development in Chapter 5 – Development Management and Chapter 6 – Land Use and elsewhere in the Scheme.

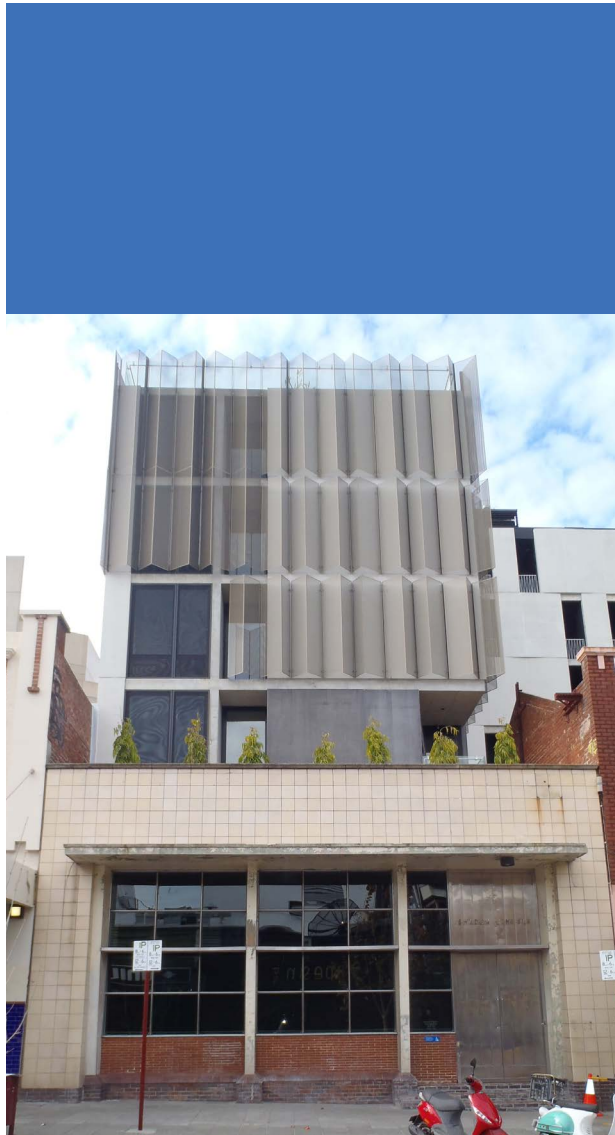
## 8.2 HERITAGE PRECINCTS AND HERITAGE PLACES

- (1) The Authority recognises that there are buildings, sites, objects and areas within the Scheme Area that are of cultural heritage significance. The Authority defines these as either Heritage Places or Heritage Precincts.
- (2) The Authority considers it necessary to protect, conserve, restore and re-use, as appropriate to the site, Heritage Places and Heritage Precincts for the benefit and enjoyment of present and future generations.
- (3) The Authority may take such action as it deems appropriate for the conservation of Heritage Places and Heritage Precincts within the Scheme Area.

## 8.3 PREPARATION OF A HERITAGE INVENTORY

- (1) The Authority shall prepare and maintain a Heritage Inventory or Inventories, which makes provision for the recognition and recording of places and precincts within the Scheme Area which, in the opinion of the Authority, are of cultural heritage significance and are therefore considered to be a Heritage Place and/or a Heritage Precinct.
- (2) The Authority may seek specialist advice and/or community input in identifying sites of cultural heritage significance and in preparing a Heritage Inventory, as considered appropriate by the Authority.
- (3) The Heritage Inventory is to be adopted in accordance with the public consultation procedure of clause 8.4 and final adoption procedure of clause 8.5.





#### **8.4 CONSULTATION ON DRAFT HERITAGE INVENTORY**

- (1) After preparation of a Heritage Inventory in accordance with clause 8.3, and prior to final adoption of the Inventory, the Authority may resolve to approve the Inventory as a draft Heritage Inventory for the purpose of public consultation. The Authority will then undertake a minimum 42 day consultation period, during which the draft Heritage Inventory is made available to relevant stakeholders and the general public and written comment is invited.
- (2) The consultation period is to commence with the following actions:
  - a) notification of all land owners of any place or precinct that is to be added to or removed from the inventory;
  - b) referral of the draft Heritage Inventory to the relevant local government/s;
  - c) referral of the draft Heritage Inventory to the Heritage Council of Western Australia;
  - d) referral of the draft Heritage Inventory to any other stakeholders, as identified by the Authority;
  - e) publication of a notification in a newspaper circulating within the locality of the proposed Heritage Inventory;
  - f) publication of a notification on the Authority's website; and
  - g) a sign on subject sites if considered necessary by the Authority.

#### **8.5 FINAL ADOPTION OF A HERITAGE INVENTORY**

- (1) Following the undertaking of consultation of a draft Heritage Inventory in accordance with clause 8.4, the Authority will undertake the following actions:
  - a) review all written submissions made during the consultation period and consider whether modification to the Heritage Inventory is necessary;
  - b) resolve either to adopt the Heritage Inventory with or without modification, or to undertake further review and consultation on the draft document;
  - c) provide written notification of the Authority's resolution to land owners of any place or precinct entered into the Heritage Inventory;



- d) advise the relevant local government and the Heritage Council of Western Australia of the Authority's resolution;
- e) advise all those that made a submission during the consultation period, of the Authority's resolution;
- f) publish a notification of the Authority's resolution in a newspaper circulating within the locality of the Heritage Inventory and on the Authority's website; and
- g) make copies of any adopted Heritage Inventory available to view at the Authority's offices, and make electronic or printed copies available subject to payment of any necessary fee.

### **8.6 AMENDING OR RESCINDING A HERITAGE INVENTORY**

- (1) The Authority may resolve at any time to make amendment to, or to rescind, a Heritage Inventory adopted under the Scheme, including the addition or removal of a Heritage Place or Heritage Precinct or any other change considered necessary by the Authority.
- (2) Amending or rescinding of a Heritage Inventory is to be undertaken in accordance with the procedures set out in clauses 8.4 and 8.5.

### **8.7 HERITAGE INVENTORY PREPARED PRIOR TO SCHEME COMMENCEMENT**

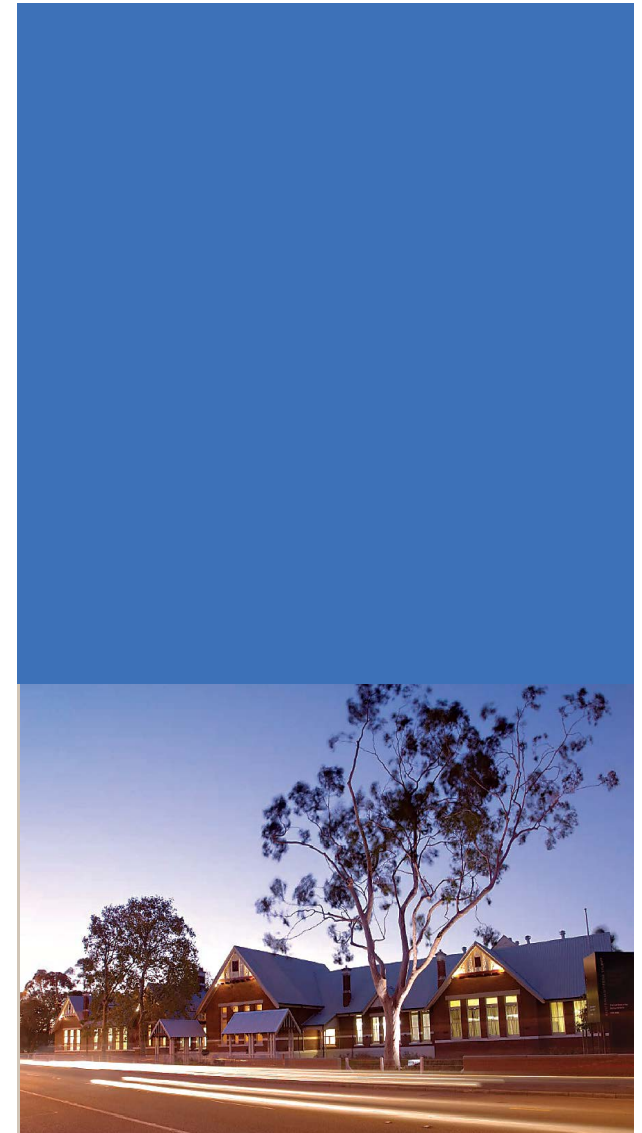
- (1) A Heritage Inventory may be adopted under clause 8.5 even if the Heritage Inventory was prepared prior to the commencement of the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of Chapter 8.

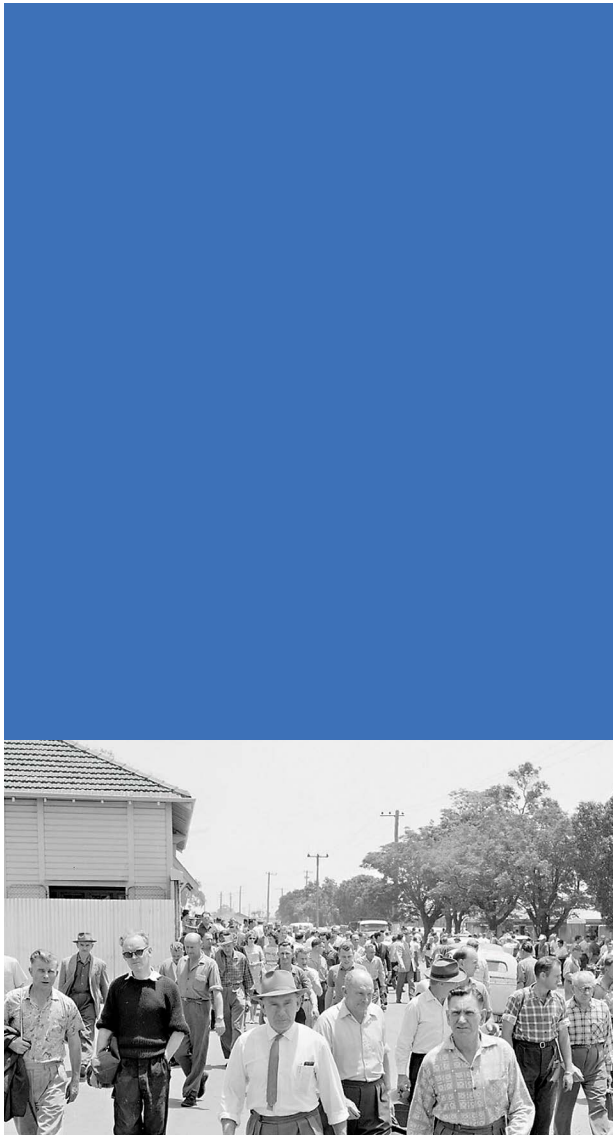
### **8.8 LOCAL GOVERNMENT HERITAGE LIST**

- (1) When a new Scheme Area is gazetted or is extended as part of an amendment to the Scheme, the Heritage List for that area of the relevant local government shall apply to that area as if adopted under the Scheme as a Heritage Inventory, until such time as the Authority adopts or amends its own Heritage Inventory for that area, in accordance with clauses 8.3 - 8.6.

### **8.9 INCLUSION OF STATE HERITAGE PLACES**

- (1) Any place or precinct within the Scheme Area that is entered on the current State Register of Heritage Places shall be deemed to be automatically entered into the Authority's Heritage Inventory for the relevant locality, regardless of whether or not the site is physically recorded in the Authority's Heritage Inventory. The site





will be categorised as having the highest level of significance and conservation afforded by the relevant Inventory.

- (2) The procedures set out in clauses 8.4 – 8.6 are not necessary to achieve automatic inclusion into the Authority’s Heritage Inventory. The Authority is to give written notice to affected land owners and physically modify its Heritage Inventory as soon as practical after a site becomes automatically included.

### **8.10 EFFECT OF INCLUSION IN THE HERITAGE INVENTORY**

- (1) Inclusion of a place or precinct in the Heritage Inventory shall have the effect of recognising its cultural heritage significance. The Authority is to have regard to the recognised cultural heritage significance and any statements regarding its significance and any level of management as recorded in the Heritage Inventory when determining applications made under the Scheme.
- (2) Inclusion of a place in the Heritage Inventory shall also enable the Authority to consider and approve, where appropriate, variations to Scheme, Development Policy or Design Guideline requirements to enable or encourage conservation of the place.

### **8.11 DEVELOPMENT INVOLVING A HERITAGE PLACE OR PRECINCT**

- (1) In accordance with the provisions of Part 6 of the MRA Act and Chapter 5 of the Scheme, development approval is required prior to undertaking any development of any Heritage Place or Heritage Precinct in the Scheme Area, unless otherwise stated in the MRA Regulations or relevant Development Policy.

### **8.12 EXPERT ADVICE ON DEVELOPMENT APPLICATIONS**

- (1) Prior to making any decision on a Development Application relating to a Heritage Place or Heritage Precinct, the Authority may consult with the Heritage Council of Western Australia, an independent heritage architect or other such bodies or persons as the Authority considers appropriate to assist in the determination of the application or the improvement of the heritage conservation and interpretation outcomes.

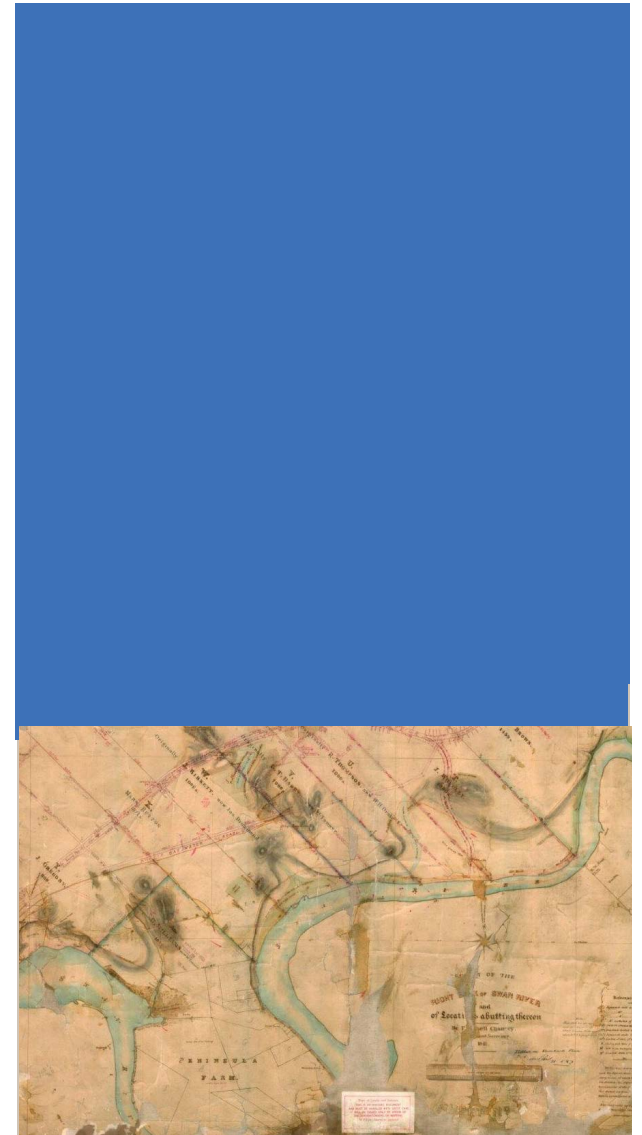
### **8.13 DETERMINATION OF HERITAGE DEVELOPMENT APPLICATIONS**

- (1) In determining a Development Application relating to a Heritage Place or Heritage Precinct, in addition to the matters for consideration set out in Chapter 5 and Chapter 6 and elsewhere in the Scheme, the Authority will have particular regard for the following matters:





- a) the recognised cultural heritage significance of the place or precinct and any statements regarding its significance and any level of management, as recorded in the Heritage Inventory;
- b) any Development Policy adopted under the Scheme relating to heritage conservation or heritage places;
- c) any conservation plan or heritage impact assessment prepared for that site by a recognised heritage professional;
- d) the policies, plans, agreements or views of the Heritage Council of Western Australia in relation to any site on the State Heritage Register; and
- e) any views or comments the Authority may have solicited from any expert person or body, or other stakeholder in relation to the application.





## 9.0 Structure Plans, Activity Centre Plans and Local Development Plans



# Contents

<b>9.0</b>	<b>REQUIREMENTS FOR STRUCTURE PLAN, ACTIVITY CENTRE PLANS AND LOCAL DEVELOPMENT PLANS .....</b>	<b>94</b>
9.1	PURPOSE OF STRUCTURE PLAN AREAS.....	94
9.2	PURPOSE OF ACTIVITY CENTRE PLANS PLAN AREAS .....	94
9.3	SUBDIVISION AND DEVELOPMENT .....	94
9.4	PREPARATION OF A STRUCTURE PLAN OR ACTIVITY CENTRE PLAN .....	94
9.5	CONTENTS OF A STRUCTURE PLAN.....	94
9.6	CONTENTS OF AN ACTIVITY CENTRE PLAN.....	95
9.7	RECEIPT AND ADVERTISING OF A STRUCTURE PLAN OR ACTIVITY CENTRE PLAN .....	96
9.8	DETERMINATION OF AN APPLICATION FOR STRUCTURE PLAN OR ACTIVITY CENTRE PLAN .....	96
9.9	AMENDMENT OF AN APPROVED STRUCTURE PLAN OR ACTIVITY CENTRE PLANS .....	97
9.10	STRUCTURE PLANS OR ACTIVITY CENTRE PLANS PREVIOUSLY PREPARED.....	98
9.11	LOCAL DEVELOPMENT PLANS.....	98



# 9.0 Requirements for Structure Plans, Activity Centre Plans and Local Development Plans

## 9.1 PURPOSE OF STRUCTURE PLAN AREAS

- (1) To ensure the orderly and proper planning of the Scheme Area, the Authority may require the preparation of a Structure Plan for large, significant, or fragmented land holdings in, or partly within, the Scheme Area. This may be required where the Authority has yet to adopt a strategic master plan or adopt Design Guidelines for the subject land.

## 9.2 PURPOSE OF ACTIVITY CENTRE PLAN AREAS

- (1) The Authority may require the preparation of an Activity Centre Plan to support the delivery of high quality built environment outcomes that provide social, economic and environmental benefits to those who use them. Activity Centre Plans may be required for significant and/or strategic land holdings which include a mixture of land uses and activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education and medical services, for land within, or partly within, the Scheme Area.

## 9.3 SUBDIVISION AND DEVELOPMENT

- (1) Where preparation of a Structure Plan or a Activity Centre Plan is required, the Authority's determination of the Structure Plan or Activity Centre Plan is required prior to the Authority determining a Development Application or recommending approval of a subdivision application to the Western Australian Planning Commission or the Minister for Planning for land within the Structure Plan or Activity Centre Plan Area.

## 9.4 PREPARATION OF A STRUCTURE PLAN OR ACTIVITY CENTRE PLAN

- (1) Structure Plans or Activity Centre Plans may be prepared by the Authority or by a land owner(s).
- (2) When so requested by the Authority, a land owner(s) will prepare and submit an application for Structure Plan or Activity Centre Plan to the Authority for determination. Alternatively a land owner(s) may submit an application for the Authority's determination without being requested to do so by the Authority.

## 9.5 CONTENTS OF A STRUCTURE PLAN

- (1) Unless otherwise set out in a Development Policy or Design Guideline adopted in accordance with Chapter 4, a Structure Plan is to be prepared generally in accordance with the Western Australian Planning



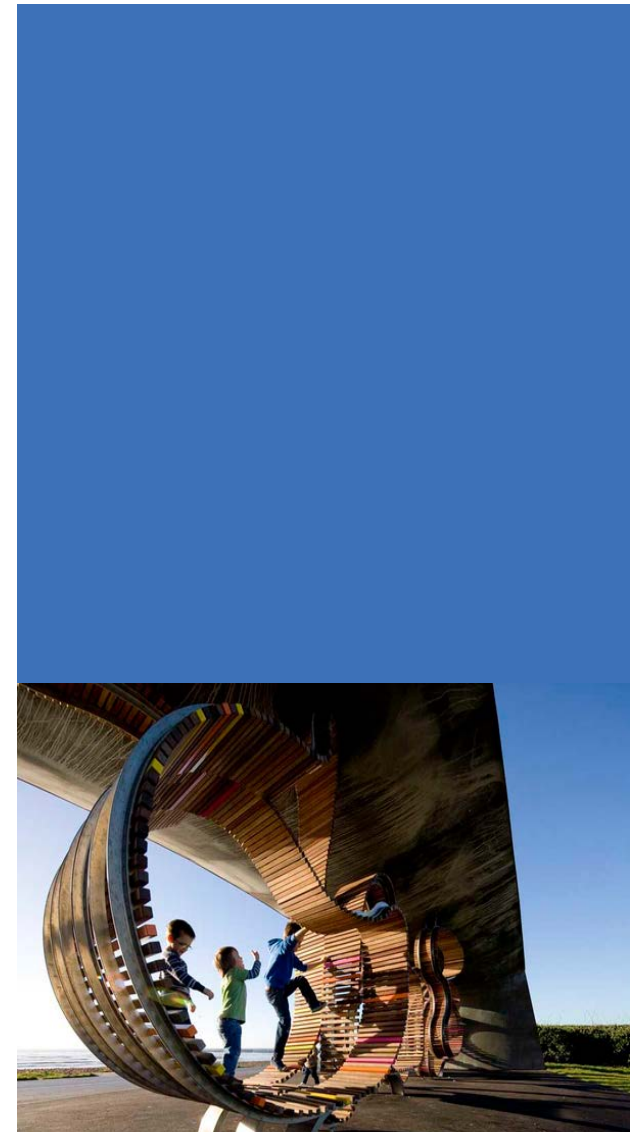


Commission's Structure Plan Framework 2015 (as amended) and contain detailed information as required, but not limited to, the following:

- a) site layout, land use and movement network;
- b) consideration for and connection to the surrounding context;
- c) public places, public open space and/or other public realm considerations;
- d) any bushland, wetland, waterways and/or other environmental features;
- e) water management in accordance with water sensitive urban design principles or any district water management strategy;
- f) the response to relevant environmental, heritage or transport considerations;
- g) relevant plans, supporting information and technical reports to justify the proposal;
- h) additional information to be provided for the High Wycombe Project Area, prepared in accordance with Appendix 2 of the Scheme; and
- i) any other considerations or aspects, as required by the Authority.

## 9.6 CONTENTS OF AN ACTIVITY CENTRE PLAN

- (1) Unless otherwise set out in a Policy or Design Guideline, an Activity Centre Plan is to be prepared generally in accordance with *State Planning Policy 4.2 Activity Centres* (as amended) and contain detailed information as required but not limited to the following:
  - a) site layout and land use;
  - b) the arrangement to be made for vehicles to access and alternative transport to the area covered by the plan;
  - c) consideration for and connection to the surrounding context;
  - d) public places, public open space and/or other public realm considerations;
  - e) any foreshores, waterways and/or other environmental features;
  - f) water management in accordance with water sensitive urban design principles or any district water management strategy;





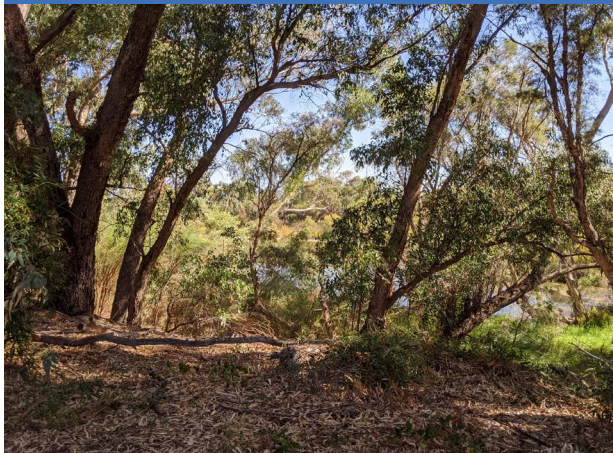
- g) the response to relevant environmental, heritage or transport considerations;
- h) the standards to be applied for the buildings, other structures and works that form part of the development or subdivision to which it applies;
- i) arrangements for the management of services for the development or subdivision;
- j) relevant plans, supporting information and technical reports to justify the proposal; and
- k) any other considerations or aspects, as required by the Authority.

### **9.7 RECEIPT AND ADVERTISING OF A STRUCTURE PLAN OR ACTIVITY CENTRE PLAN**

- (1) On receipt of an application for a structure plan or activity centre plan, the Authority must determine whether the information submitted:
  - a) meets the submission requirements detailed under clause 9.5 and 9.6;
  - b) is sufficient for an assessment of the application to be made; and
  - c) is in a suitable form to be advertised.
- (2) The receipt and advertising of a Structure Plan or Activity Centre Plan does not in any way infer that the application has been or will be supported by the Authority.

### **9.8 DETERMINATION OF A STRUCTURE PLAN OR ACTIVITY CENTRE PLAN**

- (1) An application for approval of a Structure Plan or an Activity Centre Plan is to be processed and determined by the Authority generally in accordance with the provisions of Chapter 5 for a Major Application, including but not limited to the clauses addressing:
  - a) Referral to local government and public authorities;
  - b) Public consultation on certain applications;
  - c) Specialist advice; and
  - d) The decision of the Authority to approve, approve subject to condition/s or refuse the application.
- (2) In addition to the above subclause, the Authority may have regard to (but not limited to) the following:

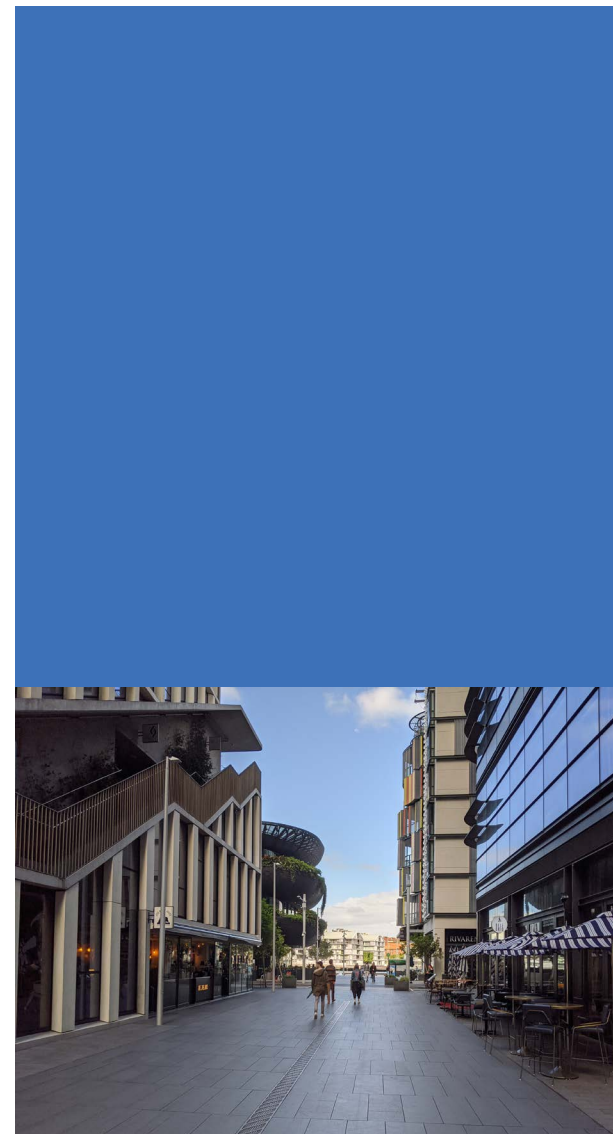


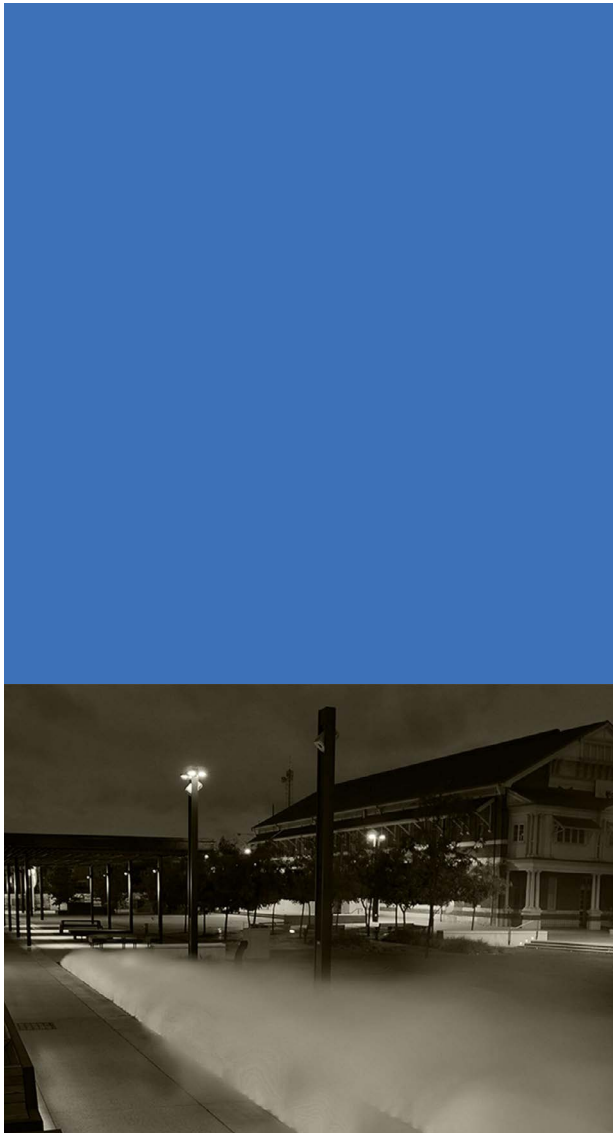


- a) the planning framework for the applicable Structure Plan or Activity Centre Plan area, and any Development Policies and Design Guidelines, strategic master plan, strategies, and Scheme provisions which apply to the land;
  - b) the Scheme Vision, Objectives, Project Area Vision and Precinct intent;
  - c) how planning for the subject area is to be integrated with the surrounding land;
  - d) the design rationale for the proposed pattern of subdivision, land use and development;
  - e) traffic management and safety in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines;
  - f) open space provision and management;
  - g) water management, how the proposal incorporates the principles of water sensitive design, and how it addresses the objectives of total water cycle management;
  - h) the provision of utility services; and
  - i) the proposed method of implementation, including any cost sharing arrangements; and details of any staging of subdivision and development.
- (3) A decision on an application for approval of a Structure Plan or Activity Centre Plan conveys the Authority's position on the proposed general layout and built form of the land holdings only and does not in any way constitute an approval or refusal to undertake development or subdivision.
- (4) A Structure Plan or Activity Centre Plan approval is current for ten years from the date of the approval form being signed, or until such time as may be stipulated on the form.
- (5) The Authority is to have due regard for any valid decision to approve a Structure Plan or a Activity Centre Plan when determining a subsequent Development Application or providing comment to the Western Australian Planning Commission or Minister for Planning on a proposed subdivision for land within the area of the Plan.

## 9.9 AMENDMENT OF AN APPROVED STRUCTURE PLAN OR ACTIVITY CENTRE PLAN

- (1) An application to amend an approved Structure Plan or Activity Centre Plan should contain all details outlined in 9.5 and 9.6 which are subject to the proposed amendment.
- (2) The Authority may amend a Structure Plan or Activity Centre Plan;





- a) if in the opinion of the Authority, the amendment does not materially alter the intent of the Plan; or
  - b) otherwise, amend the approved Plan, in accordance with the procedures set out in clause 9.6.
- (3) The Authority may determine not to advertise an amendment to a Structure Plan or Activity Centre Plan, if, in the opinion of the Authority, the amendment is of a minor nature.
- (4) An amendment to a Structure Plan or Activity Centre Plan comes into effect on the day on which the Authority provides written notification of its decision.
- (5) An amendment to a Structure Plan or Activity Centre Plan does not automatically extend the period of approval unless, at the time the amendment is approved, the Authority agrees to extend the validity of the Structure Plan or Activity Centre Plan.

### **9.10 STRUCTURE PLANS OR ACTIVITY CENTRE PLANS PREVIOUSLY PREPARED**

- (1) A Structure Plan or Activity Centre Plan may be approved under Chapter 5 even if the Structure Plan or Activity Centre Plan was prepared prior to the commencement of the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of Chapter 5 and Chapter 9.

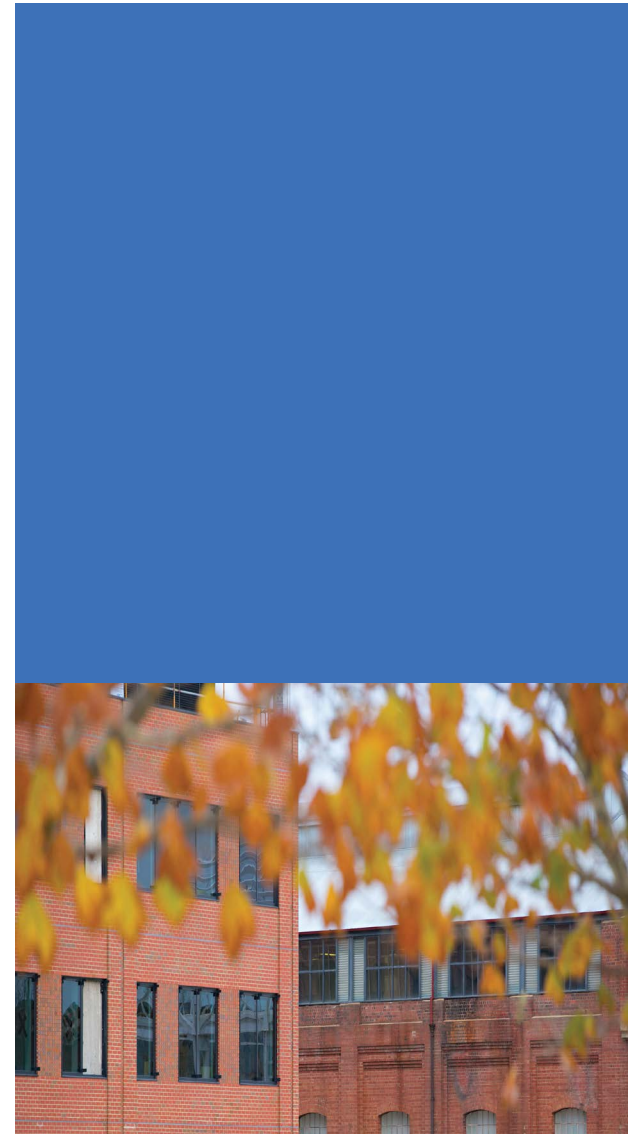
### **9.11 LOCAL DEVELOPMENT PLANS**

- (1) Local Development Plans may be prepared by the Authority or by an owner at the request or consent of the Authority, for any land in, or partly within, the Scheme Area, for the purpose of enhancing, expanding and/or clarifying the details or provisions contained within the applicable planning framework. This may be required where the Authority has yet to adopt Design Guidelines or other statutory tool(s) for the subject land.
- (2) An Application for Approval of a Local Development Plan prepared is to be processed and determined generally in accordance with the procedure set out in Chapter 5 for a Standard Application, including but not limited to the clauses addressing:
- a) Referral to local government and public authorities;
  - b) Public consultation on certain applications;
  - c) Specialist advice; and
  - d) The decision of the Authority to approve, approve subject to condition/s or refuse the application.





- (3) Local Development Plans may include (but not limited to) details regarding:
- a) building envelopes;
  - b) distribution of land uses within a lot/s;
  - c) private or public open space;
  - d) utility services;
  - e) vehicular access, parking, loading, storage and waste collection areas;
  - f) the location, orientation and design of buildings and the spaces between buildings;
  - g) advertising signs, lighting and fencing;
  - h) landscaping, finished site levels and drainage;
  - i) water management in accordance with water sensitive urban design principles;
  - j) the protection of places of heritage or environmental significance;
  - k) special development controls and guidelines; and
  - l) such other information, guidance or controls considered relevant by the Authority.
- (4) Once approved by the Authority, a Local Development Plan prepared under this clause constitutes an amendment to any applicable approved Structure Plan, Activity Centre Plan or adopted Design Guidelines.
- (5) A Local Development Plan approval is current for ten years from the date of the approval form being signed, or until such time as may be stipulated on the form.
- (6) An amendment to a Local Development Plan does not automatically extend the period of approval unless, at the time the amendment is approved, the Authority agrees to extend the validity of the Local Development Plan.





# 10.0 Appendices



# Contents

- 10.0 APPENDICES ..... 102**
- APPENDIX 1: SCHEME MAP..... 102
- APPENDIX 2: ENVIRONMENTAL PROVISIONS APPLICABLE TO THE METRONET  
EAST HIGH WYCOMBE PROJECT AREA ..... 103
- APPENDIX 3: GLOSSARY OF TERMS ..... 104
- APPENDIX 4: LAND USE DEFINITIONS ..... 108
- APPENDIX 5: IMAGE CREDITS..... 113
- APPENDIX 6: TABLE OF SCHEME AMENDMENTS..... 115

# 10.0 Appendices

## APPENDIX 1: SCHEME MAP







## APPENDIX 2 – ENVIRONMENTAL PROVISIONS APPLICABLE TO THE METRONET EAST HIGH WYCOMBE PROJECT AREA

1. Prior to approval of a structure plan, the applicant is to undertake the following environmental requirements as it relates to the identified threatened ecological community (TEC) occurrence and other environmental values on site. All required environmental reports are to be advertised for public comment and finalised to the satisfaction of the Authority in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Water and Environmental Regulation (DWER). Specifically:
  - I. A vegetation management plan shall be prepared by the applicant to the satisfaction of the Authority in consultation with the DBCA and DWER and shall be implemented during subdivision and development. The vegetation management plan shall be prepared in accordance with Chapter B2-4 of the Environmental Protection Authority's Guidance Statement No. 33 (2008) with the objective to protect the retained environmental values through identifying threats, mitigation and management actions, ongoing monitoring and associated contingency measures; and
  - II. A detailed flora and vegetation and fauna survey shall be undertaken by the applicant in accordance with relevant EPA Technical Guidance. The purpose of the detailed flora and vegetation and fauna survey is the identification and protection of threatened flora and ecological communities, threatened fauna habitat and poorly represented vegetation complexes in appropriately sized retention areas for conservation purposes. A plan showing the proposed retention area(s) and outlining management mechanisms shall be prepared by the applicant to the satisfaction of the Authority in consultation with DBCA and DWER – Office of Environmental Protection Authority.
2. All future subdivision and development approvals shall ensure the requirements of the approved environmental management plans are implemented to the satisfaction of the Authority, in consultation with DBCA and DWER.



## APPENDIX 3 – DEFINED TERMS

<b>Act</b>	means the <i>Metropolitan Redevelopment Authority Act 2011</i> .
<b>Activity Centre</b>	means a community focal point, which include activities such as commercial, retail, high density housing, entertainment, tourism, civic/ community, higher education, and medical services, that vary in size and diversity and are designed to be well-serviced by public transport.
<b>Activity Centre Plan</b>	means a plan to guide future subdivision and development of an Activity Centre, prepared and adopted in accordance with clause 9.1 to 9.7.
<b>Applicant</b>	means a person, company or body authorised by the owner to make an application for development, subdivision or other application under the Scheme, or to act on any other matter in relation to the land.
<b>Authority</b>	means the Metropolitan Redevelopment Authority.
<b>Bank Account</b>	means an account maintained by the Authority for the purpose of accumulating moneys collected for a specified purpose.
<b>Building</b>	means any structure whether fixed or moveable, temporary or permanent, placed or erected on land.
<b>Building Height</b>	means the vertical height of a building, as measured at any point from natural ground level at the lot boundary to the highest point of any roof or parapet.
<b>Charitable Institution</b>	means an establishment, organisation or association that is instituted and operated to advance or promote a charitable purpose, and does not engage in activities that do not further, or are not in aid of, its charitable purpose; such as institutions providing not for profit services to the homeless, sick, disabled, aged, or under privileged persons, and is not an individual, a partnership, a political party, a superannuation fund or a government body.
<b>Complete Application</b>	means a Development Application that is submitted to the Authority's satisfaction, including a completed application form, payment of application, complete sets of development plans, and all required supporting information, as required by the MRA Regulations and clauses 5.8 and 5.9 of the Scheme.
<b>Consumer Price Index</b>	means the measure of quarterly or yearly change in the price of typical household consumers goods and services, as set by the Australian Bureau of Statistics.
<b>Contemplated Use</b>	means land uses falling within a Land Use Category that is listed in table 6.2 as 'Contemplated' for a specified Precinct, or a land use/s specified in a Design Guideline as Contemplated for a Precinct, site or part of a building.
<b>Cultural Heritage Significance</b>	means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations.
<b>Design Guidelines</b>	means specific development requirements for project or site specific areas to ensure quality development outcomes adopted under clause 4.4 of the Scheme.
<b>Design Review Panel</b>	means the Authority's (or the State's) panel of planning, design and other related professionals who provide design advice on development proposals, that is considered by the Authority in its assessment and determination of development applications.



<b>Development</b>	has the same meaning as is given to that term in section 3 of the MRA Act.
<b>Development Application</b>	means an Application for Approval to Undertake Development made in accordance with clause 5.8 and 5.9 of the Scheme.
<b>Development Approval</b>	means an Approval to Undertake Development issued by the Authority in accordance with clause 5.18 of the Scheme, including the approval form and any conditions of approval and all plans and documents of that approval.
<b>Infrastructure Contribution</b>	means a financial contribution required from an owner towards the Development Costs in a Development Contribution Area, in accordance with a Development Contribution Plan. Liability for a Infrastructure Contribution is set out in clause 7.11.
<b>Development Contribution Area</b>	means an area as defined in clause 7.2 and shown on the Scheme Map at Appendix 1.
<b>Development Contribution Plan</b>	means a plan which sets out the Development Costs required for a Development Contribution Area and the calculation system for Development Contributions, prepared in accordance with clause 7.3 to 7.7.
<b>Infrastructure Costs</b>	means the infrastructure and administrative costs as identified in clause 7.4.
<b>Development Policy</b>	means statutory requirements to achieve specific outcomes at the redevelopment area level adopted under clause 4.4 of the Scheme.
<b>Gross Floor Area</b>	means the gross total of the area of all floors within a building including the thickness of all walls but excluding non-habitable floor space in basements; areas used exclusively for the parking of wheeled vehicles at or below ground level; lift shafts, stairs, and stair landings, open balconies, verandas, courtyards and roof terraces; lobbies or amenities common to more than one dwelling or occupancy; machinery/air conditioning/plant rooms.
<b>Heritage Conservation</b>	means, in relation to any place, the management of that place in a manner that will enable the cultural heritage significance of that place to be retained and yield the greatest sustainable benefit to the present community without diminishing the cultural heritage significance of that place, and may include preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards and as appropriate to the place.
<b>Heritage Inventory</b>	means the inventory of heritage places and precincts that are of recognised cultural heritage significance, adopted under the Scheme.
<b>Heritage Place</b>	means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.
<b>Heritage Precinct</b>	means a group of sites that together form a precinct which is of cultural heritage significance, notwithstanding that each site within the Precinct may not itself be a Heritage Place, and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.
<b>Land Use</b>	means the development or use of land for a specified purpose, including but not limited to the Land Uses listed within each Land Use Category in Table 6.1.
<b>Land Use Category</b>	means a Land Use Category listed as one of the seven categories of Table 6.1 and includes all Land Uses listed in Table 6.1 as being within that category.



<b>Land Use Table</b>	means Table 6.2 that indicates the Preferred and Contemplated Land Use Categories for each Precinct within the Scheme Area.
<b>Local Development Plan</b>	also referred to as detailed area plans approved by the Authority under the scheme to provide specific and detailed planning to guide and coordinate development, which may include variation(s) to an approved structure plan.
<b>Master Plan</b>	means a strategy prepared by the Authority for achieving the project vision, objectives and targets, including a map of proposed land uses and destinations. The master plan is not adopted as a statutory document under this Scheme.
<b>Mixed Land Use</b>	means the existence of a variety of different land uses with a project area, precinct, site or locality.
<b>Mixed-Use</b>	means buildings that contain non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.
<b>Net Floor Area</b>	also Net Leasable Area (NLA), means the gross floor area of a building minus the area of the thickness of external walls.
<b>Noise-Sensitive Premises</b>	has the same meaning as in the <i>Environmental Protection (Noise) Regulations 1997</i> , and includes premises occupied solely or mainly for residential or accommodation purposes; and premises used for the purpose of a hospital, sanatorium, education establishment, public worship, aged care or child care.
<b>Non-Conforming Use</b>	means a use: <ul style="list-style-type: none"><li>(a) being lawfully carried out; or</li><li>(b) for which an approval or approvals lawfully required to authorise development for that purposes were duly obtained and are current; immediately before the Gazettal date or date of Gazettal of an amendment to the Scheme, whichever is relevant, and that is not stipulated in regard to the relevant precinct as either a 'preferred use' or 'contemplated use'</li></ul>
<b>Normalisation</b>	means the processes required to return planning functions, powers and responsibilities to Local Government and other government bodies.
<b>Owner</b>	means: <ul style="list-style-type: none"><li>(a) 'Owner' in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as:<ul style="list-style-type: none"><li>(i) the holder of a legal or equitable estate of freehold in possession in the land;</li><li>(ii) a Crown lessee with a right to purchase or acquire the freehold;</li><li>(iii) a mortgagee of the land; or</li><li>(iv) a trustee, executor, administrator, attorney or agent of any of the foregoing;</li></ul></li><li>(b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee;</li><li>(c) in with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia; regard to State Crown land not vested in any department, authority, instrumentality, Council, body or person and not the subject of a lease;</li><li>(d) in regard to State Crown land vested in any department, authority, instrumentality, Council, body or person for any purpose, means that department, authority, instrumentality, Council, body or person; and</li><li>(e) an owner of land that is located within a Development Contribution Area.</li></ul>





<b>Planning and Development Act</b>	means the <i>Planning and Development Act 2005</i> (as amended).
<b>Plot Ratio</b>	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
<b>Precinct</b>	means a definable area within the Authority's project area.
<b>Preferred Use</b>	means land uses falling within a Land Use Category that is listed in table 6.2 as "Preferred" for a specified Precinct, or a land use/s listed in a Design Guideline as a Preferred Use for a Precinct, site or part of a building
<b>Project Area</b>	means a definable area within the Authority's Redevelopment Area designated on the Scheme Map in Appendix 1.
<b>Public Authority</b>	has the same meaning as is given to that term in section 3 of the MRA Act.
<b>Public Realm</b>	also means public domain, means the public setting of place that people can see and access, and interact with each other and their surroundings, including public land, public places, public gardens, streets, laneways, footpaths and the associated environmental setting and building frontages.
<b>Redevelopment Area</b>	has the same meaning as is given to that term in section 3 of the MRA Act.
<b>Scheme</b>	means the current gazetted redevelopment scheme, adopted pursuant to provisions in the MRA Act. The scheme sets out provisions for development and use of land within the Scheme Area; enables adoption of subsidiary statutory documents; establishes project and precinct boundaries; establishes land use definitions.
<b>Scheme Area</b>	means the geographical area covered by the provisions of the Scheme, as shown on the Scheme Map in Appendix 1.
<b>Storey</b>	means the portion of a building which is situated between the top of any floor and the top of the floor next above it and, if there is no floor above it then that portion between the top of the floor and the ceiling above it, but does not include any level that is at least 50% below natural ground level by volume. Double height floors greater than 5 metres floor to ceiling are counted as two storeys.
<b>Structure Plan</b>	means a framework to coordinate future land use, subdivision and development, including the provision of transport networks, public open space, utility and service networks (approved under clause 9.6 of this Scheme).
<b>Undertake</b>	when the term is used in relation to development it means to commence, carry out or continue development.
<b>Universal Access</b>	means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.
<b>Valuer</b>	means a licensed valuer agreed by the Authority and the owner, or where the Authority and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.
<b>Working Drawings</b>	means plans and supporting details, reports and documentation that form part of a building permit application to a Local Government, copies of which are provided to the Authority under clause 5.31 of the Scheme prior to submitting a building permit application.



## APPENDIX 4 – DEFINED LAND USES

LAND USE	
<b>Aged Persons Accommodation</b>	means a dwelling or group of dwellings designed and used for the accommodation of aged persons or for a person living with a disability but does not include a hostel or a nursing home.
<b>Amusement and Gaming Centre</b>	means premises providing public amusement facilities such as amusement machines, computer gaming, karaoke, pool tables or bowling alleys. The premises may be open evenings or late night and may be subject to a liquor licence.
<b>Animal Establishment</b>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include veterinary centre.
<b>Artist Studio</b>	means a premises from which an artist or artists work to produce items of an artistic nature including paintings, ceramics, sculptures, craft, photography, jewellery, fashion and mixed-media art. It may also include the ancillary display and sale of artistic goods produced on site. An artist studio does not allow for accommodation on the premises.
<b>Bed and Breakfast</b>	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and usually includes the provision of breakfast.
<b>Betting Agency</b>	means premises used for betting and operated in accordance with the <i>Racing and Wagering Western Australia Act 2003</i> (as amended).
<b>Business Services</b>	means premises used for the provision of commercial services which are predominantly administrative in nature but which are dependent on direct access to the public and generally have a retail shop front, includes a bank or similar financial services, real estate agency or similar property services, post office, travel agency, and other similar such businesses.
<b>Child Care Premises</b>	means land and buildings used for the daily or occasional care of children in accordance with the <i>Children and Community Services (Child Care) Regulations 2006</i> (as amended).
<b>Cinema</b>	means land and buildings designed and used for the public viewing of motion pictures which include the provision of single or multiple cinemas or screens, and may also include large scale parking areas and facilities for patron dining or drinking and other ancillary public amusements.
<b>Club Premises</b>	means land or buildings used solely by a legally constituted club or association, or other membership-based group to pursue an identified common interest.
<b>Commercial Car Park</b>	means land and buildings used primarily for parking cars, taxis or wheeled 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 land or buildings in which cars are displayed for sale or hire.
<b>Commercial Hall</b>	means a structure designed and used for commercial gatherings and public meetings.
<b>Community Facility</b>	means a premises used for the purposes of public meetings, social interaction and other non-commercially based social activities.
<b>Consulting Rooms</b>	means premises used by not more than two legally qualified health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.



<b>Creative Mixed Land Use</b>	means premises used for a mix of creative activities including design, production, display or performance and ancillary sales and may include accommodation of artists or creative professionals on site.
<b>Display Home Village</b>	means an area designated within a land estate for the display of building designs in a built form on land which may or may not have received subdivision clearance.
<b>Dry Cleaning Premises / Laundromat</b>	means premises used for the cleaning of garments and other fabrics by chemical processes and/or open to the public in which washing machines, with or without provision for drying clothes, are available for use.
<b>Education Establishment</b>	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.
<b>Entertainment Complex</b>	means a large scale multi-purpose sports, concert and entertainment venue, which may include associated dining and drinking facilities and may be subject to a Special Facility or other such licence under the <i>Liquor Control Act 1988</i> .
<b>Event Space</b>	means land and/or premises regularly or occasionally used for temporary events such as festivals, fairs, expos, concerts, artist performances and art exhibitions or art installations.
<b>Exhibition Centre</b>	means premises used for the display and ancillary sale of materials of an artistic, cultural, historical or scientific nature, such as an art gallery or museum, with or without facilities for the ancillary sale of refreshments and/or souvenirs.
<b>Fast Food Outlet</b>	means premises where food is prepared and sold for consumption on the premises and/or to be taken away and the operation of which is likely to attract a high level of pedestrian and/or vehicular traffic, including a drive through facility.
<b>Function Centre</b>	means premises used, by arrangement, to accommodate for private functions, which would usually include the provision of meals and/or alcohol and may include amplified music or live entertainment. May be subject to a Special Facilities licence under the <i>Liquor Control Act 1988</i> .
<b>Funeral Parlour</b>	means premises used to prepare and store human bodies for burial or cremation.
<b>Garden Centre</b>	means premises used for the display and sale of garden products, including ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
<b>Grouped Dwelling</b>	a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
<b>Home Business</b>	means any business, commercial or occupational activity operated from a private residential dwelling or within a residential lot. A private residential dwelling is one used for permanent residence and not used for temporary or commercial accommodation.
<b>Hospital</b>	means a premises used to provide health care services and treatment to the public or to private patients including medical, surgical, psychiatric, diagnostic and other such services, and includes provisions for the temporary accommodation of patients and may include provisions for visitors, ambulances, and service vehicles.



<b>Hotel</b>	means premises providing accommodation the subject of a hotel licence under the <i>Liquor Control Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel.
<b>Industry – Light</b>	means premises used for industrial activity of a low impact nature in which the associated processes, machinery, goods or transportation do not present a significant adverse affect on the amenity of the locality from the emissions of by-products, particles, odours or noise, or other disturbances; and which will not impose an undue load on service infrastructure.
<b>Lunch Bar</b>	means premises or part premises used for the sale of take-away food in a form ready to be consumed without further preparation.
<b>Liquor Store – Large</b>	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m <sup>2</sup>
<b>Liquor Store – Small</b>	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m <sup>2</sup>
<b>Market</b>	means land or premises used for the temporary or permanent establishment of stalls for the display and retail sale of goods or to provide services of a personal nature, by independent vendors or stall holders.
<b>Media Production</b>	means premises designed and used for production, post production, or broadcasting of media.
<b>Medical Centre</b>	means premises, other than a hospital, used by three or more legally qualified health consultant/s for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment)
<b>Motel</b>	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Control Act 1988</i> .
<b>Motor Vehicle Maintenance</b>	means premises used for or in connection with: (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
<b>Multiple Dwelling</b>	means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but (1) does not include a grouped dwelling; and (2) includes any dwellings above the ground floor in a mixed use development.
<b>Night Club</b>	means premises used for late night live entertainment and/or amplified music, with or without eating facilities; and that may be subject of a Nightclub, Cabaret or other licence under the <i>Liquor Control Act 1988</i> , but does not include takeaway (packaged) liquor sales.
<b>Office</b>	means premises used for administrative, clerical, technical, professional or other like business activities.
<b>Outdoor Display Centre</b>	means premises which include an open air land area used for the display, hire or sale of goods by wholesale or retail, usually of a bulky nature or in large quantities, such as garden and landscaping products, outdoor leisure goods, hardware goods, and usually also includes large parking and delivery areas and buildings for office or shop purposes.
<b>Personal Services</b>	means an establishment providing services of a personal beauty or wellbeing nature such as hairdressers, massage, manicure, solariums and beautician services.





<b>Place of Worship</b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.
<b>Public Open Space</b>	means land used for a public park, public gardens, urban square or plaza, sports or playground, foreshore reserve, vegetation or habitat reserve or other grounds for outdoor recreation or nature conservation which are normally open to the public without charge. May include some ancillary structures on the land.
<b>Recreation and Sporting Facilities</b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public, and to which a charge may or may not be made for use.
<b>Research and Development</b>	means premises used for scientific and industrial research and the development, production and small scale assembly of products associated with that research.
<b>Restaurant/Cafe</b>	means premises including a building and any outdoor area used for the primary purpose of providing meals or snacks and/or coffee and other non-alcoholic beverages for consumption on the premises. The sale of alcohol for consumption on the premises or the sale of food for consumption off the premises may be ancillary to this. May or may not be subject to a Restaurant licence under the Liquor Control Act 1988.
<b>Self-Storage Unit</b>	means building/s used for the storage of goods, equipment or material.
<b>Serviced Apartments</b>	means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel, short stay accommodation, student housing or a residential building.
<b>Service Station</b>	means any land or building used for the supply of vehicle fuels and/or which may include the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs and sale of convenience goods.
<b>Shop</b>	means a small scale building or premises used for the display and sale of goods by retail sale, which does not require a large car parking requirement. Includes premises selling items such as clothing, footwear, jewellery, books, music, homewares, plants, flowers, sporting goods and small scale electrical goods, as well as bakeries, butchers, chemists, newsagents and like stores. May include some preparation but not manufacturing of goods for sale on site.
<b>Shopping Complex</b>	means a large scale premises, building, or group of buildings and associated land and car parking, used for large retail outlets displaying and selling bulky goods or a large variety of goods, such as a supermarket, variety store, department store, retail showroom, or a shopping centre containing several shops.
<b>Short Stay Accommodation</b>	means premises used for accommodation that may be occupied by the same person/s for a maximum period of three months within any twelve month period, and are not subject to residential tenancy agreements (residential leases).
<b>Showroom</b>	means a premises used to display, sell by wholesale or retail, or hire goods of a bulky nature that require a large area for handling, display or storage; or direct access to the site of the premises by the public for the purpose of loading goods into a vehicle after purchase or hire.
<b>Single Dwelling</b>	means a dwelling standing wholly on its green title own lot or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.



<b>Small Bar</b>	means premises licensed as a Small Bar under the <i>Liquor Control Act 1988</i> to sell liquor for consumption on the premises with a maximum of 120 patrons. May or may not provide live entertainment and the supply of food for consumption on the premises.
<b>Specific Purpose Accommodation</b>	means a dwelling or collection of dwellings designed and/or set aside for a specific or special accommodation need, such as aged care, nursing home, retirement living, or student housing.
<b>Tavern</b>	means premises licensed as a Tavern under the <i>Liquor Control Act 1988</i> to supply liquor for consumption on the premises. May or may not provide live entertainment and the supply of food for consumption on the premises.
<b>Theatre/ Performance Venue</b>	means a premises designed and used for the regular performance and public viewing of a theatrical, dance, music, or comedy performance or other such live artistic performance. The premises usually includes a stage, public seating and the ancillary service of beverages or light food, but does not include a Tavern or Nightclub or other such venue operated predominately for the sale and consumption of liquor.
<b>Trade Display</b>	means premises used for the display of trade goods and equipment for the purposes of advertisement.
<b>Veterinary Centre</b>	means any premises used in practice by a registered veterinary surgeon for the medical or surgical treatment of animals other than for the purpose of the hospitalisation or boarding of animals.
<b>Warehouse/Storage</b>	means premises used to store or display goods usually of a large scale or for a commercial purpose and may include ancillary sale of goods by wholesale.

## APPENDIX 5 – IMAGE CREDITS

<b>Station, METRONET</b>	<b>Scheme Cover Page</b>				
Railway Square, Russell Barton	i	Bayswater Train Station, METRONET	30	Subiaco Terraces, DevelopmentWA	57
<b>Native Wetland PCC, DevelopmentWA</b>	<b>Chapter 1</b>	White Gum Valley, DevelopmentWA	32	Artwork, DevelopmentWA	58
Water Fountain Kids Playing, Robert Frith	5	High Wycombe Station, METRONET	33	Landscaping, DevelopmentWA	59
Centro North, DevelopmentWA	6	<b>Kalamunda Park, DevelopmentWA</b>	<b>Chapter 4</b>	Tree Uplight, DevelopmentWA	60
Woodbridge Lakes, DevelopmentWA	7	Curtin University, DevelopmentWA	37	<b>King Somm, Dion Robeson</b>	<b>Chapter 6</b>
White Gum Valley, DevelopmentWA	8	Redfern Brick Building, DevelopmentWA	38	The Crescent, DevelopmentWA	63
Tower of Memory, Warren Langley	9	Street Furniture Bayswater, DevelopmentWA	39	Centro North Building, DevelopmentWA	64
<b>Alkimos, METRONET</b>	<b>Chapter 2</b>	<b>State Theatre Centre, Adrian Lambert</b>	<b>Chapter 5</b>	Midland Public Hospital, DevelopmentWA	65
Centro North Street, DevelopmentWA	13	King William Street, DevelopmentWA	43	Mueller Park, MRA	66
Midland Railway Walk, DevelopmentWA	14	Alfresco Dining, La Chitta Vita, DevelopmentWA	44	Clear Glazing, Angelo Angelo, DevelopmentWA	67
Midland Artwork, DevelopmentWA	15	Perth Culture Centre, DevelopmentWA	45	Terrace seating, DevelopmentWA	69
Westin Place, DevelopmentWA	16	Alfresco Dining, DevelopmentWA	46	Alfresco and Footpath, DevelopmentWA	70
Alfresco Midland Gate, DevelopmentWA	17	Perth Train Station, DevelopmentWA	47	Alfresco Dining, Sydney, DevelopmentWA	71
Redfern, Sydney, DevelopmentWA	18	Green Wall Building, Rob Deutscher	48	Bike Storage, DevelopmentWA	75
Outdoor Ice Skating, DevelopmentWA	20	Busselton Foreshore, DevelopmentWA	49	Midland Workshops Cycling, DevelopmentWA	76
Riverside Gardens, DevelopmentWA	21	Barangaroo, Sydney, DevelopmentWA	50	<b>Subiaco Common, DevelopmentWA</b>	<b>Chapter 7</b>
<b>Midland Juniper Gardens</b>	<b>Chapter 3</b>	Midland Metro, DevelopmentWA	51	Coogee Bar, DevelopmentWA	79
Midland Development, DevelopmentWA	25	Raised Seating, DevelopmentWA	52	Kalamunda Roundabout, DevelopmentWA	80
Midland Railyards, DevelopmentWA	26	Barangaroo Building, DevelopmentWA	53	Sump to Park Project, DevelopmentWA	81
King Somm, Dion Robeson	28	Barangaroo Street, DevelopmentWA	54	Maingate, Mike Edwards	82
Aria, Blackburn	29	Building Articulation, DevelopmentWA	55	Juniper Gardens, MRA	81
		Midland Workshops, DevelopmentWA	56	Street Play Space, DevelopmentWA	83

WGV, DevelopmentWA	84
WESTIN Landscaping, DevelopmentWA	85
Pedestrian Crossing, DevelopmentWA	86
Railway Square, DevelopmentWA	87
<b>Cale Street, DevelopmentWA</b>	<b>Chapter 8</b>
AOS, DevelopmentWA	91
Alex Hotel, DevelopmentWA	92
Bayswater Historical Map, DevelopmentWA	93
Alex Hotel, DevelopmentWA	94
Railway Workers, DevelopmentWA	95
<b>Hospital and Workshop, DevelopmentWA</b>	<b>Chapter 9</b>
Bayswater Riverside Gardens, DevelopmentWA	99
Railway Square, DevelopmentWA	101
Imaginative Exclusive, DevelopmentWA	102
Midland Railyards, DevelopmentWA	103
Barangaroo Place, DevelopmentWA	104
<b>Railway Workshops, DevelopmentWA</b>	<b>Chapter 10</b>





## APPENDIX 6: TABLE OF SCHEME AMENDMENTS

DOCUMENT CONTROL		
<b>Gazette Date:</b>	5 April 2016	Midland Redevelopment Scheme 2
<b>Amendment No.</b>	<b>Gazettal Date:</b>	<b>Nature of Amendment:</b>
	25 May 2021	METRONET East Redevelopment Scheme
	{Date}	{Description}
	{Date}	{Description}
	{Date}	{Description}
	{Date}	{Description}
	{Date}	{Description}

## MORE INFORMATION

If you require any further information or explanation about the Authority's planning framework, Development Applications or the Scheme, the following options are available:

**Website:**

visit the Authority's website at:  
[www.developmentwa.com.au](http://www.developmentwa.com.au)

**Email:**

email your query to the Authority at:  
[contact@developmentwa.com.au](mailto:contact@developmentwa.com.au)

**Phone:**

phone the Authority to speak with a planner on (08) 9482 7499

**Meeting:**

book a meeting to discuss your proposal with a planner by phoning (08) 9482 7499

Disclaimer: The information contained in this document is in good faith; however, neither DevelopmentWA nor any of its directors, agents or employees give any warranty of accuracy nor accepts any liability as result of a reliance upon the information, advice, statement or opinion contained in this document. This disclaimer is subject to any contrary legislative provisions.

© DevelopmentWA 2021. DEVWA 05/21