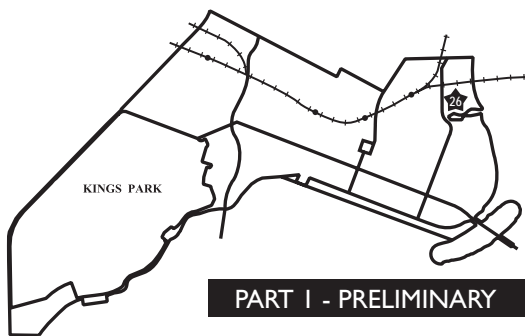


**CITY OF PERTH LOCAL PLANNING SCHEME No. 26**

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



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**SCHEDULE**

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## PART 1: PRELIMINARY

### 1.1 Citation of Scheme

This scheme may be cited as the East Perth Local Planning Scheme No 26 (East Perth redevelopment (Normalised) Area) (Herein called the scheme).

### 1.2 Responsible Authority

The responsible authority for the preparation and implementation of the Scheme is the City

### 1.3 Date of Operation

The Scheme shall come into operation on publication of notice of the Minister's final approval thereof in the *Government Gazette*.

### 1.4 Scheme Area

This Scheme shall apply to the area defined as the Scheme Area in the Scheme Map in Figure 1.

### 1.5 Relationship of Scheme to Local-laws

The provisions of the Scheme shall have effect notwithstanding any local-law and where the provisions of the Scheme are inconsistent with any local-law the provisions of the Scheme shall prevail.

### 1.6 Relationship to the City of Perth City Planning Scheme

1.6.1 This Scheme is complementary to and is not a substitute for the City Planning Scheme.

1.6.2 Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.

1.6.3 The reference in clause 47(1) of the City Planning Scheme to "a standard or requirement of this Scheme" shall be taken to include a standard or requirement of this Scheme.

1.6.4 In any provision which:

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and
- (b) empowers Council to approve a development which does not comply with the standard or requirement of that local planning scheme;

any reference to a standard or requirement of that local planning scheme shall be taken to include a standard or requirement of this Scheme.

1.6.5 The reference in clause 64(1)(d) of the City Planning Scheme to "all standards laid down and all requirements prescribed by this Scheme" shall be taken to include any standards laid down and all requirements prescribed by this Scheme.

1.6.6 In any provision which:

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and
- (b) prohibits a person from erecting, altering or adding to a building or using or changing the use of any land or building or permitting or suffering any land or building to be used or the use of any land or building to be changed for any purpose unless all the standards laid down and all the requirements prescribed by that local planning scheme or determined by the Council under that local planning scheme have been and continue to be complied with;

any reference to the standards laid down or standards prescribed by that local planning scheme shall be taken to include all standards laid down and all requirements prescribed by this Scheme.

### **1.7 Interpretation**

In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in the Planning and Development Act 2005, Schedule 1, the City Planning Scheme and R Codes. In the case of conflict between the meanings of words and expressions in those instruments:

- (a) in the case of residential development the definition in the R Codes shall prevail; and
- (b) otherwise priority shall be given according to the order in which the instruments are referred to in this clause.

### **1.8 Contents of the Scheme**

The Scheme comprises this Scheme Text which incorporates the Scheme Map and includes any Schedule to the Scheme.

### **1.9 Scheme Objectives**

1.9.1 For the purpose of promoting the orderly and proper planning, development and management of the Scheme Area the objectives of the Scheme shall be as set out in this clause.

1.9.2 The general objectives of the Scheme are:

- a) to provide a system for the orderly control of development within the Scheme Area;
- b) to facilitate the process of development within the Scheme Area;
- (c) to provide sufficient certainty to enable location and investment decisions to be made with reasonable confidence;
- (d) to ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole;
- (e) to provide sufficient flexibility and discretion to minimise the need for amendment to the Scheme;
- (f) to provide an effective means of determining the urban design and visual quality of the Scheme Area;
- (g) to provide effective standing for planning policies; and
- (h) to facilitate the implementation of the specific objectives of the Scheme.

1.9.3 The specific objectives of the Scheme are:

- (a) to create an “urban village” with readily identifiable character within the Scheme Area;
- (b) to ensure the proper integration of the urban village within the central area and with other adjoining areas;
- (c) to create diversity of land use and development, to ensure a wide range of residential, working and leisure opportunities within the area as a whole;
- (d) to create a mixture of mutually beneficial uses and developments within individual precincts and, where appropriate, on individual sites;
- (e) to provide employment opportunities, particularly in research and development;
- (f) to create a safe and comfortable environment for people and where appropriate to make special provision for access for the disabled;
- (g) to create and facilitate development which minimises energy consumption, pollution and dependence on private motor vehicle usage;
- (h) to increase public access to the Swan River foreshore; and
- (i) to create a visually attractive locality in the Scheme Area with appropriately scaled streetscapes and other elements, providing a diverse but unified urban townscape and landscape characterised by high quality urban design.

## **PART 2: PLANNING POLICIES**

### **2.1 Adoption of Planning Policies**

The General Planning Policies, Precinct Planning Policies and Design Guidelines provided in the Planning Policies document at Attachment 1, shall be deemed to be policies adopted by the City in accordance with the requirements of Clause 56 of the City Planning Scheme.

### **2.2 Amendments to Planning Policies**

Amendments to the General Planning Policies, Precinct Planning Policies and Design Guidelines referred to in Clause 2.1, shall follow the procedure established in Clause 56 of the City Planning Scheme.

## PART 3 : DEVELOPMENT STANDARDS AND REQUIREMENTS

### 3.1 Promotion of Mixed Use Development

- 3.1.1 In order to promote the specific objectives of the Scheme and more particularly the creation of a diversity of land uses and developments in the Scheme Area and to create a mixture of mutually beneficial uses and developments within the Precincts of the Scheme, the City shall take all reasonable steps to encourage the incorporation of a residential component in those Precincts where the provisions of Part 4 or a Policy indicate that a residential development is a preferred development within the Precinct.
- 3.1.2 In determining a development application involving exclusively or predominantly non-residential development, the City shall have regard to the requirements of Part 4 and any relevant Policy which encourages the inclusion of residential development in the relevant Precinct.
- 3.1.3 Where the provisions of Part 4 or a Policy indicate that residential development is a preferred development within the relevant Precinct, the City when dealing with a development application within that Precinct may resolve to require the applicant to include a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against the non-residential component.

### 3.2 Agreement to Guarantee Residential Component

- 3.2.1 If the City in determining a development application resolves in accordance with the provisions of the preceding clause that the development application will be approved subject to the provision of a stipulated residential component within the development, the City may enter into an agreement with the applicant and/or the owner or owners of any affected land and any other relevant person to guarantee the provision of the required residential component either on the subject land or on other land in the locality.
- 3.2.2 If the City and any other person enter into an agreement pursuant to the provisions of the preceding subclause, in addition to any other provisions reasonably required by the City, the agreement shall include:
- (a) the details of the site upon which the residential component will be constructed;
  - (b) the terms and conditions under which the applicant will be required to construct the residential component;
  - (c) the details of a bond, guarantee or letter of credit to be given by the applicant or other party acceptable to the City to ensure compliance with the provisions of the agreement and more particularly the provisions requiring the construction of the residential component;
  - (d) any other provision considered appropriate to secure the highest possible quality of residential design and development.
- 3.2.3 Any agreement prepared pursuant to the provisions of this clause shall be prepared in terms which permit the relevant covenants to be entered as an encumbrance upon the title of the land upon which the residential component will be constructed, or alternatively in terms which charge the land on which the residential component is to be constructed with the performance of the obligations in the agreement and permit a caveat to be registered against the Certificate of Title for that land.

### **3.3 Residential Development - Residential Design Codes**

- 3.3.1 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of the R Codes subject to clause 3.2.
- 3.3.2 The density of residential development in various parts of the Scheme Area shall be in accordance with the R Coding indicated on the Scheme Map and shall be determined by reference to the table of density codes in the R Codes.

### **3.4 Special Application of Residential Design Codes**

#### **3.4.1 Minimum Distance Between Buildings on the Same Lot**

The City may vary the required minimum distance between buildings in different occupancies on the same lot, where in the interests of maintaining amenity, traditional built forms, or streetscapes, the City is satisfied that such a variation is desirable.

#### **3.4.2 Car Parking**

1. Subject to the provisions of paragraph (3) the City may vary the car parking requirements in respect of any proposed development provided the City is satisfied that such a variation is in the interest of orderly and proper planning and will not detract from the amenity of the locality.
2. Before deciding to vary the car parking requirements pursuant to the preceding paragraph of this subclause, the City shall take into consideration:
  - (a) the effect of the proposed development on parking demand in the locality, having regard to the availability of alternative parking space and possible future developments including public transport systems;
  - (b) any irregularity in the shape, topography or size of the subject lot or any adjoining lots;
  - (c) the effect on the amenity of the locality; and
  - (d) any relevant Policy.
3. To the extent that they are applicable the provisions of subclauses 3.6.2 and 3.6.4 shall apply to the determination of the parking requirements for residential development.

#### **3.4.3 Open Space**

In a particular case the City may vary the open space requirements of the R Codes if one or more of the following circumstances apply:

- (a) the open space requirements would prevent a reasonable extension of an existing building;
- (b) the proposed development has been designed to reflect and reinforce the building traditions of the immediate vicinity;
- (c) where, in a particular case, the interests of visual amenity would be better served by permitting a variation; or
- (d) the modification is in accordance with a Policy.

### 3.5 Research and Development

- 3.5.1 Certain Precincts within the Scheme Area have been established with the aims of encouraging the accommodation of research and development facilities and incidental uses including the production, manufacture and assembly of products developed in the Precinct.
- 3.5.2 In considering a development application, the City shall have regard to the following objectives:
- (a) the encouragement of research and development;
  - (b) the fostering of awareness of research and development and of technological advancement;
  - (c) the encouragement of pleasant and efficient facilities;
  - (d) the consolidation, improvement and appropriate location of development;
  - (e) the safe movement of vehicular and pedestrian traffic; and
  - (f) the protection of the integrity of the environment and the amenities of the Precinct and the areas adjacent to it.

### 3.6 Non Residential Development

- 3.6.1 In determining a development application involving non residential development the City shall have regard to the requirements of Part 4 for the relevant Precinct and any relevant Policy and may attach conditions relating to the following matters:
- (a) the intensity and nature of the proposed use, including its environmental impact by way of emissions, illumination and hours of operation;
  - (b) whether excessive loads would be placed on any existing or projected servicing infrastructure, community infrastructure or similar services;
  - (c) the number of employees likely to be accommodated;
  - (d) the location and extent of outdoor manufacturing and storage;
  - (e) the parking accommodation as provided for in Table 1 - Parking Requirements and the plot ratio under Part 4;
  - (f) the form, layout, appearance and materials of buildings;
  - (g) the height, position, form and materials of fences and walls;
  - (h) the way in which buildings relate to the street and adjoining lots, including their effects on landmarks, vistas, the landscape or the streetscape, and on the privacy, daylight and sunlight available to private open space and buildings;
  - (i) the design of landscaping and open space generally, including the effects of the development on existing trees;
  - (j) the extent to which the natural contours of the land area may be altered by filling and excavation;
  - (k) vehicular and pedestrian access and circulation, and the provision for service vehicles;
  - (l) whether parking for vehicles is adequate, convenient, safe, unobtrusive, landscaped and adequately surfaced and marked, and in any particular case whether parking should be provided elsewhere;
  - (m) whether adequate provision has been made for cyclists and disabled persons, including access, storage, toilets and showers;
  - (n) in the case of commercial buildings, whether advertising signs are likely to be required, in which case the City may require that the application be amended to incorporate or make provision for such signs;

- (o) the position of signs;
- (p) the compliance with a performance standard for the use and the requirement that an owner or occupier submit an annual return to ensure compliance; and
- (q) any other matters.

### 3.6.2 Car Parking Standards

1. Car parking spaces shall be provided in accordance with Table I;
2. Notwithstanding subclause 3.6.3, in no circumstances shall the on-site parking for any development exceed the parking provided for in the column headed 'Maximum Exclusive Use On-site Parking' in Table I.

### 3.6.3 Relaxation of Car Parking Standards

The City may relax the parking requirements in Table I in regard to any development application dealt with pursuant to subclause 3.6.1 where the City is of the opinion that:

- (a) such a relaxation will not prejudice the achievement of the objectives of the Scheme;
- (b) such a relaxation will not detract from the amenity of the locality of the proposed development or the streetscape;
- (c) sufficient area is set aside in the form of additional landscaping to permit the subsequent construction of parking areas;
- (d) different uses on the land will generate parking demand at different times, allowing parking spaces to be shared;
- (e) the number of parking spaces required under Table I can only be provided in a manner which results in a built form in conflict with the existing development in the locality; or
- (f) contractual arrangements have been made for the parking or shared use of parking areas which are in the opinion of the City satisfactory.

### 3.6.4 Reciprocal Parking

The City may consider and approve reciprocal arrangements for parking in the circumstances contemplated in subclauses 3.6.3(d), or in other circumstances and may require the parties to the reciprocal arrangement to enter into an appropriate agreement to which the City is the controlling party.

### 3.6.5 Parking Standards not shown in Table

Where no parking standard is stated in Table I in regard to a proposed development falling within the provisions of the subclause 3.6.1, the City shall determine the parking requirement for the particular case.



**TABLE I**  
**CAR PARKING REQUIREMENTS**

<b>DEVELOPMENT</b>	<b>MINIMUM CAR PARKING SPACES REQUIRED</b>	<b>MAXIMUM EXCLUSIVE USE ON-SITE PARKING</b>
Residential	At the discretion of the City	See R Codes
Office, consulting rooms, veterinary clinic, service industry	1 per 70 sqm gross floor area	1 per 50 sqm gross floor area
Medical Centre	2 per practitioner	4 per practitioner
Research and Development, warehouse, showroom, light industry	1 per 100 sqm gross floor area	1 per 70 sqm gross floor area
Shop, convenience store, betting agency, liquor store, garden centre, dry cleaning premises, laundromat	1 per 30 sqm gross floor area	1 per 20 sqm gross floor area
Hotel, motel, tavern, restaurant, theatre, cinema, hall, club premises, lodging house, serviced apartments	1 per 6.5 sqm of public drinking area, 1 per 6 seats provided or which an eating area is designed to provide, 1 per 2 bedrooms, 1 per 10 seats of hall, theatre, cinema (as applicable)	200% of minimum requirement
Day Care Centre	1 per 8 children plus 1 per 4 staff	1 per 4 children plus 1 per 2 staff
Fast Food Outlet	1 per 20 sqm gross floor area plus 1 per 6 seats provided or which an eating area is designed to provide	1 per 10 sqm gross floor area plus 1 per 6 seats provided

For non-residential uses, the Perth Parking Policy applies and will limit the maximum number of parking bays to be provided.

### 3.7 Home Occupations

No planning approval shall be required for the commencement or carrying on of a home occupation if it is being carried out in accordance with Planning Policy 3.4 on Home Occupation within the City Planning Scheme.

## PART 4 : PROVISIONS FOR PRECINCTS

### 4.1 Precincts on Scheme Map

4.1.1 The Scheme Area is divided into Precincts and the location and boundaries of the Precincts are shown on the Scheme Map.

### 4.2 Development in Precincts

4.2.1 For the purpose of promoting the objectives of the Scheme, and subject to any provisions of this Part to the contrary, the City in dealing with any development application shall encourage a mixture of land uses throughout the Scheme Area.

4.2.2 Where in this Part a category of use is stipulated as 'Preferred Uses' in any Precinct then in dealing with a development application involving any use from that category in that Precinct the City shall deal with the application in accordance with Clause 44 of the City Planning Scheme.

4.2.3 Where in this Part a category of use is stipulated as 'Contemplated Uses' in any Precinct, in dealing with a development application involving a use from that category in that Precinct the City shall deal with the application in accordance with Clause 45 of the City Planning Scheme.

4.2.4 Where in this Part a category of use is not stipulated in regard to a particular Precinct as either 'Preferred Uses' or 'Contemplated Uses', then in dealing with a development application in that Precinct involving that use the City shall deal with the application in accordance with Clause 46 of the City Planning Scheme.

### 4.3 Categories of Uses

4.3.1 There are 7 categories of uses created by the Scheme. Those categories are described in the ensuing subclauses of this clause and where appropriate are stipulated as 'Preferred Uses' categories and 'Contemplated Uses' categories in the Precincts.

4.3.2 Category 1: Research & Development  
Research and Development

4.3.3 Category 2: Commercial

Office	Hotel
Motel	Tavern
Car Park	Laundromat
Medical Centre	Club Premises
Betting Agency	Theatre/Cinema
Consulting Rooms	Restaurant
Fast Food Outlet	Hall

4.3.4 Category 3: Service & Light Industry

Dry Cleaning Premises	Service Station
Showroom/Warehouse	Veterinary Clinic
Service Industry	Light Industry

4.3.5 Category 4: Retail

Convenience Store	Garden Centre
Shop	

4.3.6 Category 5: Residential

Single House	Serviced Apartments
Multiple Dwellings	Lodging House
Group Dwellings	Aged Persons Accommodation
Single Bedroom Dwellings	

4.3.7 Category 6: Community Uses

Educational Establishment	Civic Building
Hall	Public Worship - Place of
Day Care Centre	

4.3.8 Category 7: Recreation Uses

Public Open Space	Recreation Facilities
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**4.4 Precinct EP I: Claisebrook Inlet**

4.4.1 Preferred Uses - Subject to subclause 4.4.3, Categories 2, 4, 5, 6 and 7

4.4.2 Maximum Plot Ratio - 1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.4.3 Development of Lots 73, 75 and 76

- (a) This subclause applies only to Lots 73, 75 and 76 Royal Street, and for the purpose of this subclause, they shall be treated as a single lot and referred to as 'the Lot'.
- (b) The Lot is to be developed and used for either Serviced Apartments or a Hotel or both with at least one or a combination of any of the following developments and uses:
  - (i) Serviced Apartments;
  - (ii) Hotel;
  - (iii) Tavern;
  - (iv) Office;

- (v) Restaurant;
  - (vi) Theatre/Cinema;
  - (vii) Recreation facilities;
  - (viii) Retail; and
  - (ix) a use or development ancillary to those referred to in items (i) - (viii) above.
- (c) At least 2/3 of the total number of apartments and rooms are to be developed and used for short stay accommodation.
- (d) The plans submitted for development approval in respect of the Lot are to identify the apartments and rooms which are to be developed and used for short stay accommodation.
- (e) In this subclause:
- Hotel means premises, one of the predominant uses of which is the provision of accommodation, and in respect of which there is granted a hotel license under the Liquor Licensing Act 1988;
- Serviced Apartments has the meaning given to it in Schedule 1 except that the reference to 'transient accommodation' is to be construed as a reference to 'short-stay accommodation'; and
- Short stay Accommodation means continuous accommodation of the same person for a period up to 12 months.

#### **4.5 Precinct EP 2: Constitution Street**

- 4.5.1 Preferred Uses - Category 5  
 Contemplated Uses - Categories 4, 6 and 7

4.5.2 Maximum Plot Ratio - 1.5

#### **4.6 Precinct EP 3: Royal Street Central**

- 4.6.1 Preferred Uses - Subject to subclause 4.6.3, Categories 2, 4 and 5  
 Contemplated Uses - Categories 3, 6 and 7  
 Lot 203 - Category 2

4.6.2 Maximum Plot Ratio - 1.5

For Lot 203, the plot ratio may be increased to a maximum of 3.0.

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

For Lots 206, 207, 211 and 212, the plot ratio may be increased to a maximum of 3.0, provided that the minimum Plot Ratio of 2.0 is attributable in any development to Category 2.

4.6.3 Development of Lot PTE 86

- (a) this subclause applies only to Lot PTE 86 Regal Place.

(b) the Lot is to be developed and used for either Serviced Apartments or a Hotel or both with at least one or a combination of any of the following developments and uses:

- (i) Serviced Apartments;
- (ii) Hotel;
- (iii) Office;
- (iv) Restaurant; and
- (v) a use or development ancillary to those referred to in items (i) - (iv) above.

(c) In this subclause:

Hotel means premises, one of the predominant uses of which is the provision of accommodation, and in respect of which there is granted a hotel licence under the Liquor Licensing Act 1988;

Serviced Apartments has the meaning given to it in Schedule 1 except that the reference to 'transient accommodation' is to be construed as a reference to 'short-stay accommodation'; and

Short-Stay Accommodation means continuous accommodation of the same person for a period of up to 12 months.

#### **4.7 Precinct EP 4: Silver City**

4.7.1 Preferred Uses - Categories 1, 5 and 6

Contemplated Uses - Categories 2, 3 and 4

4.7.2 Maximum Plot Ratio - 1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

#### **4.8 Precinct EP 6: Boans**

4.8.1 Preferred Uses - Categories 1 and 5

Contemplated Uses - Categories 2, 3, 4, 6 and 7

4.8.2 Maximum Plot Ratio - 1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

#### **4.9 Precinct EP 7: East Parade**

4.9.1 Preferred Uses - Category 2

Contemplated Uses - Categories 1, 3, 4, 5 and 6

4.9.2 Maximum Plot Ratio - 2.0

#### **4.10 Precinct EP 8: Belvidere**

- 4.10.1 Preferred Uses - Categories 2 and 5  
Contemplated Uses - Categories 3, 4, 6 and 7

##### 4.10.2 Maximum Plot Ratio - 1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

#### **4.11 Precinct EP 9: Brown Street**

- 4.11.1 Preferred Uses - Category 5  
Contemplated Uses - Categories 2, 3 and 4

##### 4.11.2 Maximum Plot Ratio - 1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

#### **4.12 Precinct EP 10: Riverbank**

- 4.12.1 Preferred Uses - Category 7

##### 4.12.2 Maximum Plot Ratio - 0.5

#### **4.13 Precinct EP 11: Cemeteries**

- 4.13.1 Preferred Uses - Categories 6 & 7

##### 4.13.2 Maximum Plot Ratio - 0.5.

Proposed developments will be assessed on their appropriateness to their setting.

#### **4.14 Precinct EP 12: Waterloo**

- 4.14.1 Preferred Uses - Categories 5  
Contemplated Uses - Categories 2 & 6

##### 4.14.2 Maximum Plot Ratio - 1.0

- 4.14.3 Development on each lot shall be contained within a height plane connecting points 12m above the natural ground level on the front property boundary and 12m above natural ground level on the rear property boundary.

#### **4.15 Precinct EP 13: Plain Street**

- 4.15.1 Preferred Uses - Categories 5  
Contemplated Uses - Categories 2, 4, 6 & 7

##### 4.15.2 Maximum Plot Ratio 1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5 not less than 50% of the excess floor area shall be dedicated to residential use.

#### **4.16 Precinct EP 15: Claisebrook Road North**

- 4.16.1 Preferred Uses - Categories 2, 3, 4 and 5.  
Contemplated Uses - Categories 6 and 7.

##### 4.16.2 Maximum Plot Ratio - 1.0

The plot ratio may be increased to a maximum of 1.5, provided that in any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

#### **4.17 Precinct EP 16: Transport Corridor**

- 4.17.1 Preferred Uses - Categories 2, 3 and 7.  
Contemplated Uses - Category 6.

##### 4.17.2 Maximum Plot Ratio 1:1.

## SCHEDULE 1: INTERPRETATIONS

In this Scheme unless the context otherwise requires:

### **Applicant**

means a person or body authorised by the owner to make an application for development, of land or to act on any other matter in relation to the land;

### **Betting Agency**

means a building operated in accordance with the Racing and Wagering Western Australia Act 2003;

### **Car Park**

means land and buildings used primarily for parking private cars or taxis 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;

### **City**

means the City of Perth;

### **City Planning Scheme**

means the City of Perth City Planning Scheme No. 2 or any amendment thereof;

### **Civic Building**

means a building used by any:

- a) Government department;
- b) Statutory body representing the Crown; or
- c) the Council;

for office or for administrative or other like purposes;

### **Club Premises**

means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act, 1988 or not and which building or premises are not otherwise classified under the provisions of the Scheme;

### **Commission**

means the Western Australian Planning Commission;

### **Consulting Rooms**

means any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital;

### **Convenience Store**

means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m<sup>2</sup> gross leasable area;

### **Council**

means the council of the City;

### **Day Care Centre**

means land and buildings used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988;



**Dry Cleaning Premises**

means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

**Educational Establishment**

means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;

**Fast Food Outlet**

means premises where food is prepared and sold for consumption on the premises and to be taken away and the operation of which is likely to attract considerable vehicular traffic to those premises for short periods;

**Floor Area of a Building**

means the gross total area of all floors of the building –

- (i) including the area of car parking spaces and circulation aisles in public fee-paying car parks,
- (ii) excluding -
  - toilets and bathrooms;
  - lift shafts;
  - stairs and stair landings;
  - plant rooms;
  - lobbies;
  - communal facilities for the exclusive use of the on-site residents (reading rooms, meeting rooms, gyms, change rooms or other areas as approved by Council, but not including common storage areas);
  - residential storerooms, accessible only from outside the dwelling with a minimum dimension of 1.5m;
  - staff tea preparation and lunch areas;
  - staff change room/locker facilities;
  - car parks and circulation areas for on-site tenants and residents and bicycle parking areas;
  - open balconies, verandahs, terraces and courtyards; and
  - the thickness of any external walls;

**Garden Centre**

means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;

**Hall**

means a structure designed and used for commercial gatherings and public meetings;

**Hostel**

means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;

**Hotel**

means premises in respect of which there is granted a hotel licence under the Liquor Licensing Act, 1988;

**Laundromat**

means a building open to the public in which coin-operated or other washing machines, with or without provision for drying clothes are available for use;

**Light Industry**

means an industry:

- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; and
- b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service;

**Lodging House**

has the same meaning as is given to it in and for the purposes of the Health Act 1911;

**Medical Centre**

means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of 'consulting rooms' but also for ancillary services such as chemists, pathologists and radiologists;

**Motel**

means a building, group of buildings or place used to accommodate patrons in a manner similar to a hotel or lodging house but in which special provision is made for the accommodation of patrons with motor vehicles;

**Office**

means premises used for:

- a) the conduct of the administration requirements or the secretarial or accounting services of a business or industry;
- b) the practice of a profession; or
- c) the provision of business services;

**Plot Ratio**

means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located;

**Policy**

means a policy adopted, or deemed to be adopted, pursuant to the requirements of clause 56 of the City Planning Scheme;

**Precinct**

means an area designated as such on the Scheme Map pursuant to clause 4.1.1;

**Public Worship - Place of**

means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution;

**Public Open Space**

means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge;

**R Codes**

means the Residential Design Codes referred to in the Commission's Statement of Planning Policy No. 3.1 as amended;

**Recreation Facilities**

means any land or building or part of a building used for a public tennis court, public or private swimming pool, squash court or squash centre, basketball centre, gymnasium, ice or roller skating rink, physical health studio, or other similar facility, in respect of which a charge may be made for the use thereof;

**Relevant Floor Area**

for the purpose of Part 4 of this Text means the floor area taken into consideration in the calculation of total plot ratio;

**Research and Development**

means scientific and industrial research and the development, production and assembly of products associated with such research;

**Restaurant**

means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant, or cafe. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the City is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;

**Scheme Area**

means the area shown and described in the Scheme Map;

**Scheme Map**

means the map in Figure 1 showing and describing the Scheme Area;

**Scheme Text**

means the document to which this schedule is attached and includes this schedule and all other schedules and the Scheme Map, but excludes the Planning Policies document at Attachment 1;

**Serviced Apartments**

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 or a lodging house;

**Service Industry**

means an activity carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;

**Service Station**

means any land or building used for:

- a) the supply of petroleum products and automotive accessories, or
- b) those purposes and the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs;

**Shop**

means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:  
premises used for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys, second-hand goods, and jewellers, chemists, stationers, newsagents, variety stores, premises for the sale of photographic studies and supplies, florists, dry-cleaning agencies, barbers and hairdressers, and further includes a liquor store, but shall not include an office or a market;

**Showroom**

means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of:  
foodstuffs, liquor or beverages, items of clothing or apparel, magazines, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment;

**Tavern**

means premises in respect of which there is granted a tavern licence under the Liquor Licensing Act 1988;

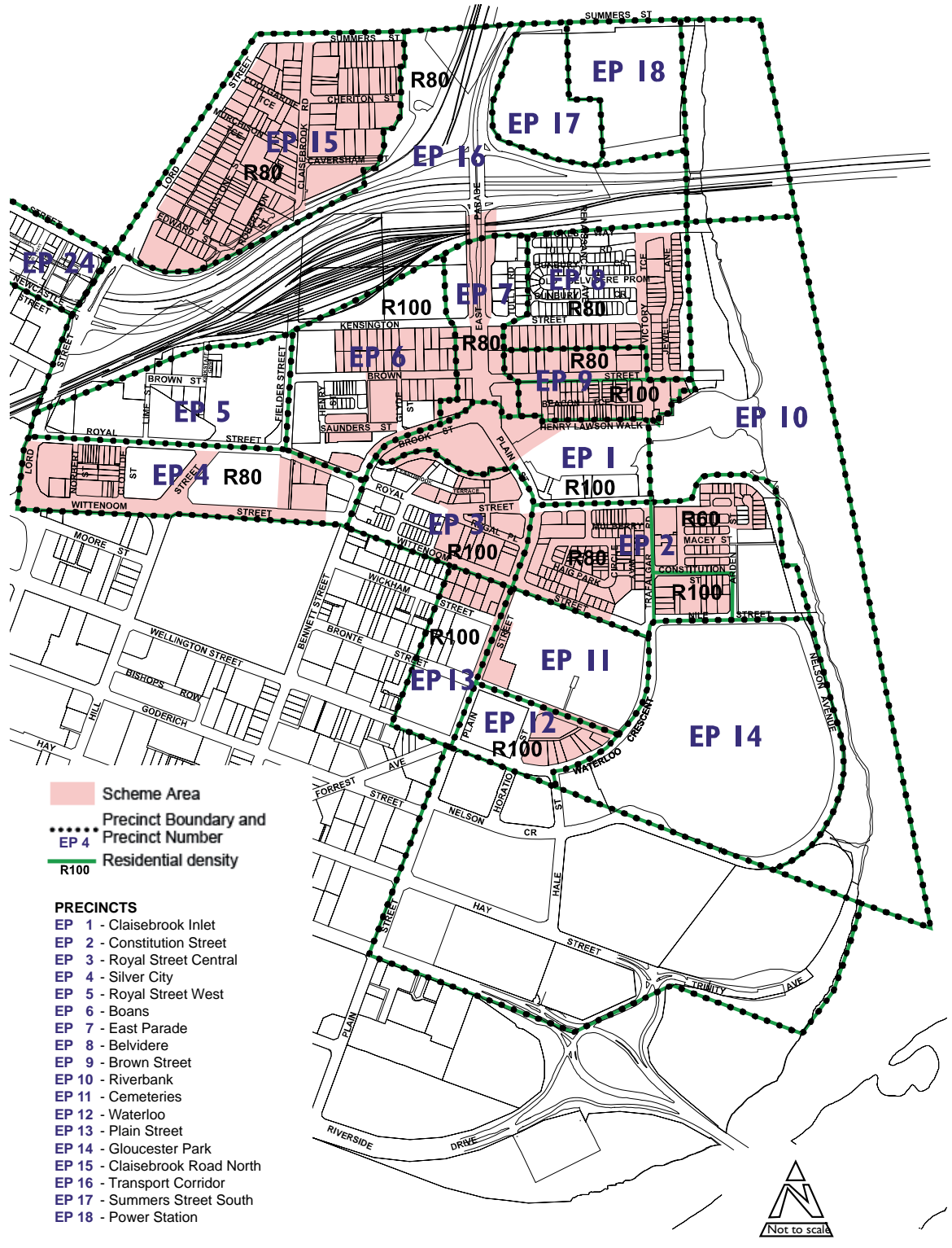
**Veterinary Clinic**

means any premises used in practice by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals;

**Warehouse**

means any building or enclosed land, or part of a building or enclosed land, used for the storage of goods whether or not commercial transactions involving the sale of such goods by wholesale are carried out in or on that building or land.

**FIGURE 1: SCHEME MAP**



**East Perth Redevelopment Area Scheme Map**

