

**EAST PERTH REDEVELOPMENT AUTHORITY
EAST PERTH REDEVELOPMENT SCHEME TEXT AND PLANNING POLICIES**

This document is issued in October 1999. It is a working document based on the Scheme published in the Government Gazette on 18 December 1992 and incorporates subsequent amendments published in the Government Gazette on 19 March 1995 and 16 February 1996. 10 September 1996, 24 June 1997, 27 December 1998, 5 October 1999, 16 November 1999, 18 April 2000 and 24 November 2000. Amendments approved after this will be available from the Authority's offices and should be registered on the pages provided for this purpose.

This document is for reference/technical use and in cases of dispute or litigation it is recommended that the published Text and Amendments thereto be used.



CONTENTS		PAGE
Part 1	Preliminary	A1
1.1	East Perth Redevelopment Act 1991	A1
1.2	Citation of Scheme	A1
1.3	Responsible Authority	A1
1.4	Date of Operation	A1
1.5	Scheme Area	A1
1.6	Disapplication of Certain Planning Schemes	A1
1.7	Relationship of Scheme to By-laws	A1
1.8	Interpretation	A1
1.9	Contents of the Scheme	A1
1.10	Scheme Objectives	A2
Part 2	Policy and Development Control Provisions	B1
Division 1	Planning Policies	B1
2.1	Preparation of Planning Policies	B1
2.2	Coming into Operation of Policies and Amendments	B1
2.3	Rescission of Policies	B2
2.4	Application of Policies	B2
Division 2	Development Control	B3
2.5	Requirement for Approval	B3
2.6	Where Approval Not Required for Certain Developments	B3
2.7	Application for Approval to Undertake Development	B3
2.8	Informal Development Applications	B3
2.9	Referral of Particulars	B3
2.10	Determination of Development Applications	B4
2.11	Notification of the Authority's Decision	B4
2.12	Written Reasons	B4
2.13	Notification to Other Authorities	B4
2.14	Duration of Development Approval	B4
2.15	Informality in Determination Procedures	B4
2.16	Approval of Existing Developments	B5
2.17	Conditional Approvals	B5
2.17A	Revoking or Amending Development Approvals	B5
2.18	Deemed Refusal	B6
2.19	Approval Notwithstanding Non-compliance with Scheme Standard or Requirement	B6
2.20	Development Involving Demolition	B7
2.21	Heritage Preservation	B7
2.22	Limitation on Duration of Use or Development of Land	B8
2.23	Cessation of Unlawful Development	B8



CONTENTS		PAGE
2.24	Inappropriate Use	B8
2.25	Determination of Applications by Minister	B9
2.26	Minister's Decision on Applications for Subdivision or Amalgamation	B9
2.27	Enforcing Decisions by the Minister or Other Decisions on Appeal	B10
2.28	Inconsistent Development Approvals	B10
Part 3	Administrative Provisions	C1
3.1	General Obligations	C1
3.2	Special Fund	C1
3.3	Scheme Area Development	C1
3.4	General Costs	C1
3.5	Payment of Owner's General Costs Contribution	C3
3.6	Contribution Areas	C3
3.7	Waterway Development	C4
3.8	Waterway Development Costs	C4
3.9	Payment of Owner's Waterway Development Costs Contribution	C5
3.10	Recovery of Waterway Development Cost Contributions	C6
3.11	Exemption for Charities	C7
3.12	Acquisition and Disposal of Land	C7
3.13	Authorised Entry	C8
3.14	Legal Agreements	C8
3.15	Compensation	C8
3.16	Delegation	C9
3.17	Right of Appeal	C9
Part 4	Development Standards and Requirements	D1
4.1	Promotion of Mixed Use Development	D1
4.2	Agreement to Guarantee Residential Component	D1
4.3	Residential Development - Residential Planning Codes	D2
4.4	Special Application of Residential Planning Codes	D2
4.5	Research and Development	D3
4.6	Non Residential Development	D3
4.7	Urban Design	D7
4.8	Subdivision	D7
4.9	Development of Heritage Places	D7
4.10	Advertising	D8
4.11	Inappropriate Use	D8
4.12	Home Occupations	D9



CONTENTS		PAGE
4.13	Application of Clauses 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20	D9
4.14	Soil Contamination Management Plan(s)	D9
4.15	Soil Remediation Validation Reports	D10
4.16	Ground Water Contamination Investigations	D11
4.17	Contaminated Site Schedule	D11
4.18	Applications by the Authority	D12
4.19	Interpretation	D12
4.20	Resolution of Disputes	D12
Part 5	Provisions for Precincts	E1
5.1	Precincts on Scheme Map	E1
5.2	Development in Precincts	E1
5.3	Categories of Uses	E1
5.4	Precinct 1: Claisebrook Inlet	E2
5.5	Precinct 2: Constitution Street	E3
5.6	Precinct 3: Royal Street Central	E3
5.7	Precinct 4: Silver City	E4
5.8	Precinct 5: Royal Street West	E4
5.9	Precinct 6: Boans	E4
5.10	Precinct 7: East Parade	E5
5.11	Precinct 8: Bunbury Bridge	E5
5.12	Precinct 9: Brown Street	E5
5.13	Precinct 10: Riverbank	E6
5.14	Precinct 11: Cemeteries	E6
5.15	Precinct 12: Waterloo	E6
5.16	Precinct 13: Plain Street	E6
5.17	Precinct 14: Gloucester Park	E7
5.18	Precinct 15: Claisebrook Road North	E7
5.19	Precinct 16: Transport Corridor	E8
5.20	Precinct 17: Summers Street South	E8
5.21	Precinct 18: Power Station	E9
5.22		E9
5.23	Precinct 20: Russell Square Precinct	E9
5.24	Precinct 21: Lake Street Precinct	E9
5.25	Precinct 22: Museum Street Precinct	E10
5.26	Precinct 23: Lindsay Street Precinct	E10
5.27	Precinct 24: Parry Street Precinct	E11



CONTENTS

PAGE

Appendices

Appendix 1	Scheme Map	F1
Appendix 2	General Costs Contribution Map	F2
Appendix 3	Waterway Development Area Map	F3

Schedules

Schedule 1:	Interpretations	F6
Schedule 2:	Form 2, Notification of Decision on an Application for Approval to Undertake Development	F12
Schedule 3:	Form 3, Notification of a Heritage Place	F13
Schedule 4:	Form 4, Notification of an Inappropriate Use	F14
Schedule 5:	Infrastructure Costs	F15
Schedule 6:	Waterway Development Area Land which is exempt from paying Waterway Contributions for 5 years	F17
Schedule 7:	Form 5, Additional Information Sheet for Advertisement Approval	F18
Schedule 8:	Form 6, Amendment/Revocation of Approval to Undertake Development	F17

Note: Form 1 for the purpose of this Scheme is the form designated as Form 1 and contained in Schedule 1 of the Regulations. It is not published with this Scheme.



PART 1: PRELIMINARY

1.1 East Perth Redevelopment Act 1991

This Redevelopment Scheme is made pursuant to Part 4 of the East Perth Redevelopment Act 1991 (herein called the Act).

1.2 Citation of Scheme

This scheme may be cited as the East Perth Redevelopment Scheme (herein called the Scheme).

1.3 Responsible Authority

The responsible Authority for the preparation and implementation of the Scheme is the East Perth Redevelopment Authority (herein called the Authority).

1.4 Date of Operation

The Scheme shall come into operation on the day that a notice that the Scheme has been approved by the Minister is published in the Government Gazette.

1.5 Scheme Area

This Scheme shall apply to that part of the Redevelopment Area as defined in the Act which is enclosed by the dotted line on the Scheme Map (herein called the Scheme Area). For the purpose of subsection 29(2) of the Act that part of the Redevelopment Area shall be regarded as the stage to which the Scheme applies.

1.6 Disapplication of Certain Planning Schemes

In accordance with section 38 of the Act on the day which the Scheme comes into operation, the Metropolitan Region Scheme, the City Planning Scheme and any other Scheme made under the Town Planning and Development Act are revoked in relation to the Scheme Area.

1.7 Relationship of Scheme to By-laws

The provisions of the Scheme shall have effect notwithstanding any by-law or regulation other than any regulation or by-law made pursuant to the Act, and where the provisions of the Scheme are inconsistent with any by-law or regulation the provisions of the Scheme shall prevail.

1.8 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 Act, Schedule 1, the R Codes, and Appendix "D" of the Town Planning Regulations 1967 as they existed prior to the Town Planning Amendment Regulations 1986. 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.

1.9 Contents of the Scheme

The Scheme comprises this Scheme Text which incorporates the Scheme Map in Appendix 1, General Costs Contribution Map in Appendix 2, and the Waterway Development Area Map in Appendix 3, and includes any Schedule to the Scheme.



1.10 Scheme Objectives

1.10.1 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.

1.10.2 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 and redevelopment within the Scheme Area;
- c) to make provision for Infrastructure Works within the Scheme Area;
- d) to make provision for the recovery of Infrastructure Costs;
- e) to provide sufficient certainty to enable location and investment decisions to be made with reasonable confidence;
- f) to ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole.
- g) to provide sufficient flexibility and discretion to minimise the need for amendment to the Scheme;
- h) to establish rights of appeal where appropriate in respect of decisions of the Authority;
- i) to provide an effective means of determining the urban design and visual quality of the Scheme Area;
- j) to provide effective standing for planning policies; and
- k) to facilitate the implementation of the specific objectives of the Scheme.

1.10.3 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 enable the Authority to provide and encourage the provision of Infrastructure Works within the Scheme Area;
- d) to enable the Authority to recover Infrastructure Costs within the Scheme Area.
- e) to encourage the protection of any place or object of recognised cultural heritage significance within the Scheme Area;
- f) to encourage the replacement of inappropriate uses and development;
- g) to create diversity of landuse and development, to ensure a wide range of residential, working and leisure opportunities within the area as a whole;
- h) to create a mixture of mutually beneficial uses and developments within individual precincts and, where appropriate, on individual sites;
- i) to provide employment opportunities, particularly in research and development;
- j) to create a safe and comfortable environment for people and where appropriate to make special provision for access for the disabled;
- k) to create and facilitate development which minimises energy consumption, pollution and dependence on private motor vehicle usage;
- l) to increase public access to the Swan River foreshore;
- m) 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; and
- n) to arrange for the planning, design, construction of Scheme Works and the payment of Scheme Costs.



PART 2: POLICY AND DEVELOPMENT CONTROL PROVISIONS

DIVISION 1 : PLANNING POLICIES

2.1 Preparation of Planning Policies

- 2.1.1 The Authority may prepare a planning policy (in this scheme referred to as a 'Policy') which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply: , including, but without limiting the generality of this power, design guidelines.
- 2.1.2 A policy may be prepared so as to apply:
- a) generally or in a particular class of matter or in particular classes of matters; and
 - b) throughout the Scheme Area or in one or more Precincts or part of one or more Precincts.
- 2.1.3 The Authority may amend or rescind a Policy so prepared.

2.2 Coming into Operation of Policies and Amendments

- 2.2.1 A Policy shall become operative only after the following procedures have been completed:
- a) The Authority having prepared and adopted a draft Policy shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period submissions may be made.
 - b) The Authority shall review the draft Policy in the light of any submission made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
 - c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
- 2.2.2 The Authority shall make copies of any Policy available to the public at the offices of the Authority during normal office hours and may charge for copies an amount sufficient to recoup the cost of reproduction for public distribution.
- 2.2.3 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in subclause 2.2.1 and the provisions of that subclause shall apply mutatis mutandis to an amendment or addition.
- 2.2.4 A Policy prepared by the Authority before the coming into operation of this Scheme provided that it is otherwise dealt with in accordance with the procedures in subclause 2.2.1 shall upon the completion of those procedures be operative, and shall upon the coming into operation of the Scheme have the same force and effect as if prepared and dealt with under subclause 2.2.1 after the coming into operation of the Scheme.
- 2.2.5 a) In this subclause 'Design Guidelines' means each of the following design guidelines adopted by the Authority on the date indicated beside them and shall include any amendment made to those design guidelines prior to the date of operation of this subclause.
- Constitution Hill adopted 23 May 1994;
 - Lot 221 Royal Street (Regal Place) adopted on 22 July 1996;
 - Gasworks Subdivision Sector 10B (Belvidere) adopted on 23 September 1996;
 - Lots 209, 211 and 212 Eastbrook Subdivision adopted on 23 September 1996;
 - Sectors 1 and 2 - Haig Park and South Cove adopted on 24 February 1997;
 - Lots 161 and 162 Quayside, adopted on 26 February 1997;
 - The Quadrant Site, Sector 6, adopted on 26 February 1997;



- Sector 34 Perth Aboriginal Medical Service Site between Wittenoom and Royal Streets adopted on 28 April 1997;
 - Lot 201 Plain Street adopted on 26 May 1997;
 - Glyde Street Sub-station Design Guidelines adopted on 26 May 1997;
 - Lot 201 Plain Street adopted on 23 June 1997;
 - East Perth Primary School adopted on 25 August 1997;
 - Sector 25 - Claisebrook Road adopted on 25 August 1997;
 - Lots 73, 75 and 76 Royal Street adopted on 25 August 1997;
 - Lots 37 to 44 Belvidere (Sector 10) Design Guidelines for resubdivided land adopted on 24 November 1997.
- b) The Design Guidelines shall be a Policy operative on and from the date of adoption by the Authority notwithstanding that the procedure specified in clause 2.2 has not been completed or complied with in respect of that policy.

2.3 Rescission of Policies

A Policy may be rescinded by:

- a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- b) publication of a formal notice of rescission twice in a local newspaper circulating in the district.

2.4 Application of Policies

Subject to clause 5.17.4, a Policy shall not bind the Authority in respect of any Application for Approval to Undertake Development but the Authority shall have due regard to the provisions of the Policy and the objectives which the Policy was designed to achieve before making its decision.



DIVISION 2 : DEVELOPMENT CONTROL**2.5 Requirement for Approval**

The Authority's approval to undertake development (in this Scheme referred to as 'development approval') is required for any development on or partly on any land within the Scheme Area, and no person shall undertake any development unless the Authority's approval has first been obtained.

2.6 Where Approval Not Required for Certain Developments

Development approval shall not be required for the undertaking of any of the works, acts or activities referred to in regulation 3 of the Regulations.

2.7 Application for Approval To Undertake Development

2.7.1 An Application for Approval to Undertake Development under the Scheme (hereafter called 'development application') shall be made in the form prescribed in the Regulations. For the purpose of this Scheme that form shall be referred to as Form 1 notwithstanding that it is not published in this Scheme.

2.7.2 The Authority may require the provision of such further information, particulars or things as seem to the Authority necessary to enable it properly to consider and determine any development application, including in an appropriate case the production of a model of a proposed development.

2.7.3 The Authority may by a Policy make general provisions detailing the manner in which development applications should be made and the information, particulars or things which should accompany any development application or an application of any particular class.

2.8 Informal Development Applications

2.8.1 A development application shall, for the purpose of computing time limits, be deemed not to have been received by the Authority until such time as all requirements of the Authority as to formalities have been complied with or have been waived by the Authority.

2.8.2 a) If an applicant stipulates that its application for development approval is made 'in principle', or using other words indicates that intention and the Authority makes a determination thereon; or

b) if the Authority upon receiving an informal application for development approval makes a determination thereon, but issues its decision otherwise than by the form prescribed in Schedule 2 to the Scheme,

then in either case the determination of the Authority shall for all intents and purposes be an 'in principle' decision, and shall not in any way be taken as a development approval.

2.8.3 An 'in principle' decision by the Authority shall not in any way bind the Authority or fetter its discretion when dealing substantively with a development application concerning the same development proposal.

2.9 Referral of Particulars

In considering a development application the Authority shall refer particulars thereof by notice to the Council and to any relevant public authority in accordance with paragraph (a) of subsection 42(1) of the Act and to any other person who in the opinion of the Authority should be notified.



2.10 Determination of Development Applications

2.10.1 The Authority having regard to:

- a) any matter which it is required by the Scheme to consider;
- b) any submission received as a result of a referral of particulars pursuant to clause 2.9;
- c) any relevant Policy made pursuant to this Scheme;
- d) the requirements of orderly and proper planning; and
- e) the preservation of the amenity of the area, shall determine a development application after the receipt of final submissions or the expiration of 42 days after the last notice was given under clause 2.9, whichever is the sooner.

2.10.2 In determining a development application the Authority may:

- a) approve the application without conditions;
- b) approve the application subject to conditions; or
- c) refuse the application.

2.10.3 The Authority prior to determining a development application may resolve to defer its consideration or determination and from the date of that resolution time shall cease to run for the purpose of a deemed refusal. The Authority shall give notice of any deferral to the applicant within fourteen days of its resolution to defer and if the applicant thereafter requests the Authority in writing to proceed with its consideration or determination of the application, from the time the Authority receives that request the time for the Authority's determination shall continue to run for the purpose of calculating the time for a deemed refusal.

2.11 Notification of The Authority's Decision

2.11.1 The Authority shall notify the applicant of its decision in respect of a development application in the form prescribed in Schedule 2 to the Scheme.

2.11.2 A decision made by the Authority under subclause 2.11.1 is to take effect from the date on which notice of the decision is given to the applicant.

2.12 Written Reasons

Whenever the Authority refuses a development application the Authority shall give to the applicant written reasons for the refusal.

2.13 Notification to Other Authorities

The Authority shall cause notice in writing of its decision to be given to the Council and each public authority to which notice was given under clause 2.9.

2.14 Duration of Development Approval

If the Authority approves a development application, that approval shall lapse if the development has not been substantially commenced within two years of the date of the approval provided that the Authority in any case may stipulate a period of more or less than two years and in that event the period so stipulated shall apply in place of the two years hereinbefore referred to.

2.15 Informality in Determination Procedures

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 a development application 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.



2.16 Approval of Existing Developments

- 2.16.1 The Authority may give development approval of a development already undertaken regardless of when it was undertaken. Such development approval shall have the same effect for all purposes as if it had been given prior to the undertaking of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the Authority's approval prior to the undertaking of development.
- 2.16.2 The application to the Authority for approval under paragraph 2.16.1 shall be made on the form provided for a development application or on such other form as the Authority provides from time to time for that purpose.
- 2.16.3 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 Act in respect of the undertaking of the development without prior development approval.

2.17 Conditional Approvals

- 2.17.1 If the Authority approves a development application subject to conditions, no person shall undertake or suffer or permit the undertaking of the development otherwise than in accordance with the conditions.
- 2.17.2 If a development is undertaken pursuant to an approval granted by the Authority, no person shall use or suffer or permit the use of any part of the development otherwise than in accordance with all conditions to which the approval was subject.
- 2.17.3 If the Authority approves a development application subject to conditions, and any of the conditions is not fulfilled or complied with within the time (if any) stipulated by the Authority in its development approval, or stipulated subsequently on reasonable notice to the applicant or the owner, the Authority may in addition to any other remedies available to it, revoke its approval.
- 2.17.4 In any case where the Authority revokes its development approval, it shall not take any step by way of enforcement of its revocation, or commence any proceedings in court consequential to the revocation until after the expiration of 60 days from the date of the revocation, or until after the determination of any appeal against the revocation commenced within the 60 day period.

2.17A Revoking or Amending Development Approvals

- 2.17A.1 If the Authority approves a development application subject to conditions, an owner or occupier of the land which is the subject of the approval may apply in writing to the authority to revoke or amend:
- a) the approval; or
 - b) one or more conditions of the approval.
- 2.17A.2 An application under subclause 2.17A.1 shall be made in the form provided for a development application, or on such other form as the Authority provides for that purpose.
- 2.17A.3 The Authority may, in respect of an application under subclause 2.17A.1:
- a) refuse the application; or
 - b) approve the application subject to conditions.
- 2.17A.4 In determining an application under subclause 2.17A.1, the Authority:
- a) shall have regard to those matters set out in subclause 2.10.1;
 - b) may by notice in writing refer particulars of the application to the council of the City of Perth;
 - c) may exercise any of the powers set out in clause 2.10 as though the application were an application for development approval.



- 2.17A.5 Notice of a decision made by the Authority under subclause 2.17A.7 shall be in the form prescribed in Schedule 7 to the Scheme.
- 2.17A.6 A decision made by the Authority under subclause 2.17A.5 is to take effect from the date on which notice of the decision is given to the applicant (in accordance with subclause 2.17A.5).
- 2.17A.7 Subclauses 2.17A.1 to 2.17A.6 apply to any development approval given by the Authority whether before or after the commencement of these clauses.

2.18 Deemed Refusal

- 2.18.1 Subject to subclauses 2.10.3 and 2.18.2, a development application shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Authority within 60 days of the receipt of the application by the Authority, or within such further time as may be agreed in writing between the applicant and the Authority before or after the expiration of that period of 60 days.
- 2.18.2 Subject to subclause 2.10.3, a development application in respect of any place which is the subject of a resolution under the provisions of this Scheme relating to heritage places shall be deemed to have been refused if a decision is not conveyed to the applicant by the Authority within 120 days of receipt of the development application by the Authority or within such further time as may be agreed in writing between the applicant and the Authority before or after the expiration of that period of 120 days.

2.19 Approval Notwithstanding Non-compliance with Scheme Standard or Requirement

- 2.19.1 Subject to subclause 2.10.1, if a development proposal the subject of a development application does not comply with a standard or requirement prescribed by the Scheme which otherwise would be applicable, the Authority, if it is satisfied that:
- a) If approval were granted the development would be consistent with -
 - i) the orderly and proper planning of the relevant part of the Scheme Area; and
 - ii) the interests of the amenity of the relevant part of the Scheme Area, and
 - b) The non-compliance will not have any significant adverse effect upon -
 - i) the occupiers or users of the proposed development;
 - ii) the occupiers or users of property in the relevant part of the Scheme Area; or
 - iii) the desirable future development of the relevant part of the Scheme Area, may approve the application unconditionally or subject to such conditions as it deems fit.
- 2.19.2 Before exercising the power conferred by subclause 2.19.1, where it considers that the proposed development may have a significant effect on any land, the Authority may consult with any owner or occupier of that land prior to making any decision on the application.
- 2.19.3 Nothing in the Scheme which:
- a) requires or enables the Authority to consider or take into account any particular matter or thing in relation to any non-compliance with the standard or requirement prescribed by the Scheme; or
 - b) empowers the Authority to approve an application notwithstanding any such non-compliance, shall in any way affect, prejudice or restrict the generality of subclause 2.19.1 or relieve the Authority from compliance with that subclause.



2.20 Development Involving Demolition

When dealing with a development application involving demolition of any part of a building or structure the Authority may:

- a) defer consideration of the application until it has received a development application in respect of a proposal for subsequent development of the site, and has approved that application; or
- b) approve the application involving demolition, subject to conditions including conditions for the retention, maintenance, reinstatement, or repositioning of any part of a building on the subject land.

2.21 Heritage Preservation

- 2.21.1 The Authority may take such action as it deems appropriate for the preservation of places and objects of cultural heritage significance or other scientific interest within the Scheme Area.
- 2.21.2 If the Authority resolves that, in its opinion, a place or object within the Scheme Area has cultural heritage significance or other scientific interest, the Authority within fourteen days after the passing of that resolution shall -
- a) give written notice of the resolution in the form prescribed in Schedule 3 to the owner of the place or object; and
 - b) enter details of the place or object in a Heritage Inventory and the Heritage Inventory shall be made available to the public at the offices of the Authority during normal office hours.
- 2.21.3 Any person upon whom a notice is served pursuant to subclause 2.21.2 may, within a period of 60 days from the date of the notice, appeal in accordance with the provisions of Part V of the Town Planning Act, against the inclusion of such place or object in the Heritage Inventory. If an appeal against a resolution under subclause 2.21.2 in respect of any object or place is allowed, then the details of the object or place shall be removed from the Heritage Inventory.
- 2.21.4 Inclusion of a place in the Heritage Inventory shall have the effect referred to in this clause and in clause 4.9.
- 2.21.5 A person shall not, without first applying for and obtaining the Authority's development approval, commence, carry out or continue any modification to or work affecting any heritage object or place the details of which have been entered in the Heritage Inventory, and the provisions of this subclause shall apply to any work, act or activity which would otherwise be exempted from the obligation to obtain development approval by the provisions of clause 2.6.
- 2.21.6 The Authority in dealing with a development application pursuant to subclause 2.21.5 shall comply with the provisions of this Scheme relating to the consideration and determination of development applications but additionally shall have regard to the integrity of and the interest of preservation of the heritage object or place for heritage purposes.
- 2.21.7 As soon as possible after the entry of details of a heritage object or place in the Heritage Inventory the Authority shall give a notice containing details of the entry to the Council and to the Heritage Council of Western Australia. No such notification shall be given, until the time for appealing against the resolution has expired, or while an appeal is pending.
- 2.21.8 The Authority may by a Policy identify particular trees, trees of a particular species, trees of a particular height or girth or both, or trees belonging to a particular group of trees, and including shrubs or other perennial plants of a stipulated species, as being worthy of preservation by reason of cultural heritage significance, and any tree so identified may be dealt with as an object of cultural heritage significance pursuant to the provisions of this clause.



2.22 Limitation on Duration of Use or Development of Land

2.22.1 Where the Authority in dealing with a development application considers that the undertaking of the proposed development or the carrying out of a use in or connected with the proposed development for an extended period of time would be contrary to the orderly and proper planning of the relevant part of the Scheme Area or would be likely to detrimentally affect the amenity of the relevant part of the Scheme Area, the Authority may approve the development application but shall limit the period during which the development may be undertaken or during which the land or building may be used for the relevant purpose.

2.22.2 Where the Authority in accordance with the provisions of the preceding subclause limits the time during which a development may be undertaken or during which any land or building may be used for a specified purpose, no person shall undertake or suffer or permit the undertaking of that development or use or suffer or permit the carrying on of the use of that land or building for that purpose after the expiration of the time so limited.

2.23 Cessation of Unlawful Development

2.23.1 The Authority may by notice in writing:

- a) served on a person who is undertaking any development in or partly in the Scheme Area without the approval of the Authority or in contravention of a condition attached to the approval, direct the person to forthwith stop doing so; or
- b) served on a person who has undertaken any development in or partly in the Scheme Area without the approval of the Authority or in contravention of a condition attached to the approval, direct the person within such period, being not less than 21 days after the service of a notice, as is specified in the notice, to remove, pull down, take up, or alter any development undertaken without approval or in contravention of a condition,

or the Authority may by one notice give both of such directions to a person.

2.23.2 A person on whom a notice is served containing a direction referred to in paragraph (b) of the preceding subclause may, within the period specified in the notice, appeal to the Minister against the direction, and on such an appeal the Minister may confirm, vary or cancel the direction. A notice containing a direction by the Authority under paragraph (b) of the preceding subclause is suspended as to that direction pending the determination of the appeal.

2.23.3 The Minister in dealing with an appeal under this clause may, where he or she confirms or varies the direction of the Authority, by notice in writing served on the person, direct the person to comply with the direction as so confirmed or varied, within such period, being not less than 21 days after the service of the notice given by the Minister, as is specified in that notice.

2.23.4 A person failing to comply with a notice given pursuant to the provisions of this clause shall be in breach of the provisions of subsection 47(5) of the Act and shall be liable to the penalties prescribed therein.

2.23.5 If a person fails to comply with a notice given to the person under paragraph (b) of subclause 2.23.1 the Authority may exercise the powers conferred by subsection 47(6) of the Act.

2.24 Inappropriate Uses

2.24.1 If the Authority resolves that in its opinion, a use is being carried on or a development is being undertaken within the Scheme Area for a purpose or in a manner which is prejudicial to the objectives of the Scheme, the Authority within 14 days after the passing of that resolution shall:

- a) give notice of the resolution in the form prescribed in Schedule 4 to the owner of the land; and
- b) enter details of the land in a Register of Inappropriate Uses,

and the Register of Inappropriate Uses shall be made available to the public at the offices of the Authority during normal office hours.



- 2.24.2 Any person upon whom a notice is served pursuant to the preceding subclause may within a period of 60 days from the date of the notice lodge an appeal in accordance with the provisions of Part V of the Town Planning Act, and where any such appeal is lodged, the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known. The notice given by the Authority after the expiration of the 60 day period, or if an appeal is lodged the notice as upheld or varied on appeal shall have effect according to its tenor.
- 2.24.3 The inclusion of land in the Register of Inappropriate Uses shall have the effect referred to in this clause and in clause 4.11.
- 2.24.4 No person shall, without first applying for and obtaining development approval in accordance with the provisions of this Scheme, undertake any development of any building or land which is the subject of a resolution under subclause 2.24.1.
- 2.24.5 Where a development application is made pursuant to subclause 2.24.4 the Authority shall deal with the application in accordance with the provisions of this Scheme but in deciding whether to approve or refuse the application, or in imposing conditions shall have particular regard to the objectives of the Scheme.

2.25 Determination of Applications by Minister

- 2.25.1 Where the Authority is the applicant, or has a financial interest in the subject-matter of a development application by reason of the Authority's participation in a business arrangement, within the meaning of that term in subsection 19(10) of the Act, the Authority shall consider the application in accordance with the provisions of this Scheme but shall refer the application and all relevant documents and information to the Minister together with the Authority's recommendation as to the decision to be made.
- 2.25.2 Where an application is referred to the Minister in accordance with the preceding subclause, the Minister shall perform the functions which otherwise would be performed by the Authority under this Scheme in relation to the determination of the application, and in that connection references to the Authority in this Scheme are to be read as references to the Minister.

2.26 Minister's Decision on Applications for Subdivision or Amalgamation

- 2.26.1 If the Authority in exercising the powers conferred upon it seeks to do any of those things which under s.20 of the Town Planning Act can only be done with the approval of the Commission, the Authority instead of seeking the approval of the Commission may seek the approval of the Minister in accordance with subsection 19(8) of the Act.
- 2.26.2 The Minister in dealing with an application for amalgamation or subdivision of land in accordance with the preceding subclause may apply the provisions of s.24 of the Town Planning Act, and the provisions of the State Planning Commission Regulations 1962 to the extent that the Minister considers those provisions applicable, and where appropriate references to the Commission in those provisions shall be read as references to the Minister.
- 2.26.3 Nothing in this clause shall detract from the provisions of paragraphs (b) and (c) of subsection 19(8) of the Act.



2.27 Enforcing Decisions by the Minister or Other Decisions on Appeal

In any case where approval of a development application is given by the Town Planning Appeal Tribunal or by the Minister on appeal from the Authority, or otherwise by the Minister under this Scheme, or where a condition is imposed by the Tribunal or the Minister, then that approval and/or any and all such conditions shall be deemed for the purpose of enforcement to have been imposed by the Authority under this Scheme and may be enforced by the Authority as such to the extent that there is no inconsistency with the provisions of the Act or any other statute.

2.28 Inconsistent Development Approvals

Where, in relation to particular land, the Authority approves a development application and that approval is inconsistent with an earlier approval given by the Authority in respect of the same land, then, to the extent of the inconsistency:

- a) The later approval is to prevail; and
- b) The earlier approval is taken to have been revoked.



PART 3 : ADMINISTRATIVE PROVISIONS**3.1 General Obligations**

Subject to the provisions of the Act and the Regulations, no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area which -

- a) does not conform with the Scheme; or
- b) being a use or development which requires the approval of the Authority, does not have such approval; or
- c) does not comply with the terms of any approval or any condition attached thereto.

3.2 Special Fund

3.2.1 The Authority may, for the purpose of promoting the orderly and proper planning, development and management of the Scheme Area, establish in the Authority Account a Special Fund and require as a condition of approval of a development application that a stipulated payment or payments be made to the credit of the Special Fund in the Authority Account.

3.2.2 A Special Fund so established in the Authority Account may be maintained for the purpose of accumulating moneys to be used by the Authority for any one or more of the items of infrastructure costs referred to in Schedule 5.

3.2.3 Without limiting the generality of the preceding subclauses of this clause, a payment to the credit of the Special Fund in the Authority Account may be required to be made where the Authority in exercising its discretionary powers under the Scheme relaxes or varies a development standard.

3.3 Scheme Area Development

3.3.1 The Authority may in its discretion carry out or contract for the carrying out or otherwise undertake any or all of the works referred to specifically or generally in Schedule 5 (Infrastructure Costs).

3.3.2 Works carried out, contracted or undertaken by the Authority or proposed to be carried out, contracted or undertaken pursuant to the power in the preceding subclause shall be referred to as 'Scheme Works'.

3.4 General Costs

3.4.1 The following costs shall be referred to as 'General Costs':

- a) The administration costs of the Scheme including an amount to reimburse the Authority for such overhead supervision and management costs as may be incurred in the carrying out of the Scheme Works. The term 'administration costs' shall, in addition, in relation to the carrying out of the Scheme Works, include all legal costs, planning costs, payments to other professional consultants and advisers, survey and valuation costs, and in each case whether incurred before or after the coming into operation of the Scheme, and reimbursement to the Authority for the time spent by its officers or any employee or agent of the Authority in so far as that time was spent in connection with the carrying out of the Scheme Works, and including time spent prior to the coming into operation of the Scheme;
- b) The costs of and incidental to the carrying out of the Scheme Works and other costs or expenses referred to in Schedule 5 (Infrastructure Costs) with the exception of the works referred to in items (d) and (e) and the cost of acquisition of land and/or the payment of compensation in respect of or arising out of the works referred to in items (d) and (e);
- c) All compensation payable in respect of the provisions for Scheme Works and the carrying out of Scheme Works, and expenses of determining and settling such compensation;



- d) The cost of acquisition of any land within the Scheme Area for the purpose of carrying out Scheme Works whether the land is purchased or acquired by compulsory acquisition or otherwise, but excluding the costs of acquiring land for the Claisebrook Inlet. The cost of acquisition shall include the purchase price, or compensation, fees and any other expense or cost whatsoever incidental to acquisition;
- e) The costs of extension or relocation of any services within the Scheme Area and of providing exceptional services rendered necessary by the Scheme to the extent to which and in cases where the Authority considers the cost justified;
- f) All legal costs and fees whatsoever incurred by the Authority in or in contemplation of any arbitration arising out of or concerning the carrying out of the Scheme Works or any appeal against a decision or determination of the Authority exercising a power in relation to Scheme Works, or in relation to the assessment or recovery of contributions to Scheme Costs, and the fees and expenses of any witness expert or consultant for which the Authority becomes liable in connection with any proceedings referred to in this item and any costs ordered to be paid by the Authority or payable pursuant to any settlement negotiated by the Authority in such proceedings;
- g) All interest paid or payable on moneys advanced for carrying out the Scheme Works; and
- h) All other costs and expenses which the Authority is required to meet in order to carry out the Scheme Works.

3.4.2 All land which is not shaded on the General Costs Contribution Map (Appendix 2) shall hereinafter be referred to as 'Contributing Land'. All Contributing Land within the Scheme Area shall be debited with the proportionate share of the General Costs referred to in the next succeeding subclause.

3.4.3 The proportionate share of the General Costs payable in respect of any parcel of Contributing Land in the Scheme Area shall be referred to as the 'General Costs Contribution' for that land. The General Costs Contribution in respect of any parcel of Contributing Land shall be a sum of money which bears the same proportion to the Net General Costs of the Scheme that the Owner's Net Land Area bears to the Scheme Net Land Area. In the provisions relating to the calculation and recovery of the General Costs Contribution in respect of any Contributing Land, the following interpretations shall apply:

'Net General Costs' means the total of the General Costs after allowing credit for:

- a) Any Commonwealth Government grant as allocated by the Authority for the purposes of General Costs;
- b) Any grant or allocation of funds by the Western Australian State Government in respect of any one or more items of General Costs;
- c) Any grant or allocation of funds by the City of Perth in respect of any one or more item of General Costs; and
- d) Any contribution from any department, instrumentality or authority of the Government of Western Australia in respect of or in recognition of General Works carried out by the Authority to the particular benefit of that department, instrumentality or authority.

'Owner' means an owner of Contributing Land.

'Owner's Net Land Area' means the area of an Owner's land within the Scheme Area net of land which has been designated by the Authority for public open space, public roads, easements or other public uses and net of land required for any Scheme Work and which will not be available for return to the Owner for that Owner's use or benefit after the carrying out of the Scheme Works.

'Scheme Net Land Area' means the total of all of the Owners' Net Land Areas.

3.4.4 The Authority may, before any item of General Costs has been finally ascertained, from time to time make estimates of that cost on the best advice or information available to it, and in calculating or estimating an Owner's General Costs Contribution, may rely upon such estimates.



- 3.4.5 The Authority may from time to time revise any estimate made for the purpose of the preceding subclause.
- 3.4.6 The Authority may, in the calculation or estimation of Net General Costs take into consideration any promised or anticipated grant or allocation of funds.
- 3.4.7 The Authority may from time to time revise or amend the Net General Costs, any Owner's Net Land Area, the Scheme Net Land Area and any Owner's General Costs Contribution for the purpose of achieving greater accuracy, or greater equity between Owners.
- 3.4.8 After General Costs Contributions have been calculated or estimated, the Authority shall notify the same to all Owners, and shall notify all Owners of any change in the calculated or estimated Contributions affecting them.

3.5 Payment of Owner's General Costs Contribution

- 3.5.1 The Owner's General Costs Contribution in respect of any land outside the Waterway Development Area shall become due and payable upon the approval of any subdivision or other development of that land, not being a subdivision or development for the purpose of carrying out any Scheme Work.
- 3.5.2 No subdivision or development of any land in the Scheme Area shall be commenced or carried out until the Owner's General Costs Contribution in respect of that land has been paid in full.
- 3.5.3 Interest shall be payable on any overdue General Costs Contribution at the rate payable from time to time on judgment debts as determined pursuant to section 142 of the Supreme Court Act 1935. Interest shall become payable from the date the Contribution became due until the date of payment, unless the Authority for good reason shown by the Owner agrees to suspend or waive interest.
- 3.5.4 The liability in respect of any land in the Scheme Area to pay moneys in respect of the Owner's General Costs Contribution for that land shall be a charge on the land and the Authority may lodge a caveat against the title of the land at the Office of Titles in respect thereof. The Authority may from time to time lift a caveat to permit dealings and thereafter relodge the caveat at the expense of the person requesting that the caveat be lifted. Upon the payment of all Owner's General Costs Contributions in respect of any land the Authority shall withdraw any caveat which it has lodged on the title to that land.
- 3.5.5 The Authority may in its discretion agree to accept land within the Scheme Area to the value of any moneys due in respect of an Owner's General Costs Contribution.

3.6 Contribution Areas

- 3.6.1 There shall be six Contribution Areas as outlined by the continuous lines on the Waterway Development Area Map (Appendix 3), and those Contribution Areas shall be designated 'A' to 'F' as shown on the Waterway Development Area Map.
- 3.6.2 The Authority may determine that any one or more of the General Area Costs shall be allocated differentially between the six Contribution Areas. If pursuant to the provisions of this subclause the Authority considers that a disproportionate part of any General Area Cost should be allocated to one or more Contribution Areas then the Authority shall determine the level of contribution for each Contribution Area on the basis of the benefit that the land in each Contribution Area is likely to derive from the item of General Cost. In making that determination the Authority may obtain such expert or other advice as the Authority seems fit.



- 3.6.3 The Authority may make a determination referred to in the preceding subclause at any time before the Authority seeks to recover any General Area Costs Contribution from any owner but shall not reallocate any General Area Costs between Contribution Areas if the reallocation would affect the level of contribution in respect of any land where a General Area Costs Contribution has been paid or where the Authority has requested or required that a General Area Costs Contribution be paid.
- 3.6.4 If the Authority determines that any General Area Cost should be allocated differentially in accordance with the provisions of this clause then the Authority shall notify the same to all Owners of any change in the calculated or estimated Contributions affecting them.
- 3.6.5 To the extent that they are applicable, the preceding provisions of this part relating to the calculation or estimation, allocation and payment of General Area Costs Contributions shall apply mutatis mutandis to the calculation or estimation, allocation and payment of General Area Costs Contributions applied differentially between Contribution Areas, in accordance with the provisions of this clause.
- 3.6.6 Any Owner required to pay an increased General Area Costs Contribution as a result of a reallocation of any cost between Contribution Areas may, within 35 days of the date upon which notification is posted or otherwise delivered to the Owner (whichever is the earlier), object in writing to the Authority against the reallocation, stating the reasons for the objection.
- 3.6.7 The Authority shall consider all objections, and shall thereafter forward the objections together with the Authority's recommendations to the Minister who shall determine the objections. An objection shall only be considered to the extent that it deals with a reallocation of costs between Contribution Areas.
- 3.6.8 After the determination of all objections the Authority shall prepare a schedule of the proportions of the General Area Costs payable by all Owners, applying the Minister's determinations of objections where applicable, and those costs shall be the costs payable by Owners as their General Costs Contributions.
- 3.7 Waterway Development**
If the Authority undertakes the works referred to in items (d) and (e) of Schedule 5 or any of them, then those works and any other works necessary for or incidental to the provision of the Claisebrook Inlet shall be referred to as Waterway Development Works.
- 3.8 Waterway Development Costs**
- 3.8.1 That part of the Scheme Area which is shaded on the Waterway Development Area Map (Appendix 3) shall be referred to as the 'Waterway Development Area'.
- 3.8.2 The following costs shall be referred to as 'Waterway Development Costs':
- a) The costs of and incidental to the carrying out of the Waterway Development Works; and
 - b) The cost of acquisition of land or any estate interest or right in or over land for or incidental to the Claisebrook Inlet or the construction of the same, whether the land, estate, interest or right is purchased or acquired by compulsory acquisition or otherwise. The costs of acquisition shall include the purchase price, compensation, fees and any other expense or cost whatsoever incidental to acquisition.
- 3.8.3 All land within the Waterway Development Area shall be debited with the proportionate share of the Waterway Development Costs referred to in the next succeeding subclause.



- 3.8.4 The proportionate share of the Waterway Development Costs payable in respect of any parcel of land in the Scheme Area shall be referred to as the 'Waterway Development Costs Contribution' for that land. The Waterway Development Costs Contribution in respect of any parcel of land shall be a sum of money which bears the same proportion to the Net Waterway Development Costs of the Scheme that the Owner's Waterway Land Area bears to the Net Waterway Land Area. In the provisions relating to the calculation and recovery of the Waterway Development Cost Contribution in respect of any land, the following interpretations shall apply:

'Net Waterway Development Costs' means the total of the Waterway Development Costs after allowing credit for:

- a) Any Commonwealth Government grant as allocated by the Authority for the purposes of Waterway Development Costs;
- b) Any grant or allocation of funds by the Western Australian State Government in respect of any one or more item of Waterway Development Costs;
- c) Any grant or allocation of funds by the City of Perth in respect of any one or more items of Waterway Development Costs; and
- d) Any contribution from any department, instrumentality or authority of the Government of Western Australia in respect of or in recognition of Waterway Development Works carried out by the Authority to the particular benefit of that department, instrumentality or authority.

'Net Waterway Land Area' means the total of all of the Owners' Waterway Land Areas.

'Owner' means an owner of land within the Waterway Development Area.

'Owner's Waterway Land Area' means the area of an Owner's land within the Waterway Development Area net of land which has been designated by the Authority for public open space, public roads, easements or other public uses and net of land required for any Waterway Development Works and which will not be available for return to the Owner for that Owner's use or benefit after the carrying out of the Waterway Development Works.

'Waterway Development Cost Contribution' means in respect of any parcel of land in the Waterway Development Area the proportion of the Waterway Development Costs payable in respect of that land.

- 3.8.5 The Authority may, before any item of Net Waterway Development Costs has been finally ascertained, from time to time make estimates of that cost on the best advice or information available to it, and in calculating or estimating a Waterway Development Costs Contribution, may rely upon such estimates.
- 3.8.6 The Authority may from time to time revise any estimate made for the purpose of the preceding subclause.
- 3.8.7 The Authority may, in the calculation or estimation of Net Waterway Development Costs take into consideration any promised or anticipated grant or allocation of funds.
- 3.8.8 The Authority may from time to time revise or amend the Net Waterway Development Costs, any Owner's Net Waterway Land Area, the Scheme Net Waterway Land Area and any Net Waterway Development Cost Contribution.

3.9 Payment of Owner's Waterway Development Costs Contribution

- 3.9.1 The Authority shall calculate or estimate the Waterway Development Costs Contribution in respect of each Owner within the Waterway Development Area in accordance with the preceding provisions as soon as possible after the Scheme comes into operation. The Contributions so calculated or estimated shall be incorporated in a schedule which may be amended from time to time in accordance with the preceding provisions.



- 3.9.2 The Authority shall make available details of an Owner's Waterway Development Costs Contribution or a copy of the Schedule of Owner's Contributions to an Owner requesting the same in writing, or to a person authorised by the Owner in writing.
- 3.9.3 After the preparation of the Schedule of Owners' Waterway Development Costs Contributions the Authority shall give notice in writing to each Owner requiring payment of the Owners' Waterway Development Costs Contributions and at the same time providing a copy of the Schedule of Owners' Waterway Development Costs Contributions and the most recently calculated or estimated Owners' General Costs Contribution in respect of that Owner's land within the Waterway Development Area.
- 3.9.4 In respect of land within the Waterway Development Area but not referred to in Schedule 6, each Waterway Development Costs Contribution shall be due and payable ninety (90) days after the date of posting to the Owner of the notice referred to in the preceding subclause.
- 3.9.5 In respect of land within the Waterway Development Area and referred to in Schedule 6, the Waterway Development Costs Contribution applicable to that land shall be due and payable upon the happening of the following two events namely:
- a) the expiration of 5 years from the date on which the Scheme comes into operation; and thereafter
 - b) the approval of any subdivision or other development of that land, not being a subdivision or development for the purpose of carrying out any Scheme Work.
- 3.9.6 No subdivision or development of any land referred to in Schedule 6 shall be commenced or carried out until the Owner's Waterway Development Costs Contribution in respect of that land has been paid in full. In any event the liability to pay the Waterway Development Costs Contribution arises at the date of the approval referred to in paragraph (b) of the preceding subclause and as from that time the charge referred to in subclause 3.10.1 shall apply to the subject land.
- 3.9.7 Interest shall be payable on any overdue Waterway Development Costs Contribution at the rate payable from time to time on judgment debts as determined pursuant to section 142 of the Supreme Court Act 1935. Interest shall become payable from the date the Contribution became due until the date of payment, unless the Authority for good reason shown by the Owner agrees to suspend or waive interest.
- 3.9.8 The Authority may agree to purchase the land or any part of any land referred to in Schedule 6 at any time if the Owner and the Authority can agree upon a price.
- 3.9.9 The Authority may agree to defer the payment of the whole or any part of a Waterway Development Costs Contribution for such period as the Authority thinks fit for reasonable cause shown by the Owner, and may do so subject to payment of interest during the period of deferral if it is appropriate to do so.

3.10 Recovery of Waterway Development Costs Contributions

- 3.10.1 The liability in respect of any land in the Scheme Area to pay moneys in respect of the Waterway Development Costs Contribution for that land shall be a charge on the land and the Authority may lodge a caveat against the title of the land at the Office of Titles in respect thereof. Any charge in respect of a Waterway Development Costs Contribution may be merged or combined with the charge in respect of an outstanding Owner's General Costs Contribution in respect of the same land and a single caveat may be lodged in respect of both.



- 3.10.2 The Authority may from time to time lift a caveat referred to in this clause to permit dealings and thereafter relodge the caveat at the expense of the person requiring that the caveat be lifted. Upon the payment of all moneys in respect of which the caveat was lodged the Authority shall withdraw any caveat it has lodged on the title.
- 3.10.3 If all moneys payable in respect of any Waterway Development Costs Contribution have not been paid within 90 days of the Contribution becoming due, the Authority may take action to recover the same in a court of competent jurisdiction as a debt due.
- 3.10.4 The Authority may agree in writing to postpone the payment of any moneys payable in respect of any Waterway Development Costs Contribution on terms as to payment of interest or otherwise, or may accept land in lieu of payment, or may offset moneys in respect of such contribution against a liability of the Authority present or future to pay for any services or other thing provided or to be provided by the Owner.

3.11 Exemption for Charities

- 3.11.1 Any non-profit corporation, organisation or body accepted by the Commonwealth Commissioner of Taxation as having charitable status may within 35 days of the date upon which the Scheme comes into operation apply to the Authority for an exemption from the payment of General Area Costs or Waterway Development Costs or both. Any such application shall be in writing and shall be accompanied by sufficient details to satisfy the Authority as to the charitable status of the corporation, organisation or body and as to any further reasons for an exemption being allowed.
- 3.11.2 The Authority shall consider each request for exemption and thereafter shall submit each request together with the Authority's recommendations thereon to the Minister for determination. The Minister shall determine whether or not an exemption should be allowed as to either or both General Area Costs and Waterway Development Costs, and may determine that a partial exemption be allowed in either case, and may grant a full or partial exemption subject to conditions.
- 3.11.3 In considering whether any exemption should be allowed under this clause, regard shall be had as to whether the subject land is presently being used for, and is proposed in the future to be used for a charitable purpose.

3.12 Acquisition and Disposal of Land

- 3.12.1 In accordance with Part III of the Act the Authority may acquire any land within the Scheme Area for the purpose of securing any objective of the Scheme.
- 3.12.2 The Authority may deal with or dispose of any land that it owns or which it acquires pursuant to this Scheme or under the Act in accordance with the powers conferred upon it by the 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 Act.
- 3.12.3 Without limiting the generality of the foregoing:
- a) the Authority may compulsorily acquire land in accordance with section 21 of the Act, pursuant to the provisions of the Public Works Act, 1902; and
 - b) the Authority may enter into any lease or licence or agreement for use of any land it acquires under this 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 General Works or Waterway Development Works.



3.13 Authorised Entry

- 3.13.1 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 are being observed.
- 3.13.2 Any person who obstructs, hinders, resists, or in any way opposes the exercise of the power of entry conferred on an authorised officer under this clause commits an offence.
- 3.13.3 a) An authorised officer exercising the power of entry under this clause or other persons accompanying an authorised officer, or a member of the Police Force of the State, who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this Scheme, may demand the name and place of abode of that person.
 b) A person who refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made commits an offence.
 c) A person who gives or is suspected of giving a false name or place of abode to the person making the demand may without other warrant than this Scheme be apprehended by the person making the demand and be taken before a Justice to be dealt with according to law.

3.14 Legal Agreements

- 3.14.1 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 securing any of the objectives of the Scheme.
- 3.14.2 The Authority may enter into an agreement with any applicant for development approval, or if it is more appropriate, with the owner and/or occupier of any land or building involved in the development application, or with all or any combination of those persons. In any such agreement the applicant or otherwise the owner or occupier may covenant for themselves, their transferees, assigns and successors, to carry out and observe all or any of the conditions (if any) imposed by the Authority, and any land may be charged with the obligation to observe such covenants, and the agreement may deal with any other matter relevant to the orderly and proper planning of the Scheme Area or the achievement of the objectives of the Scheme.
- 3.14.3 The Authority may enter into any other agreement which the Authority is authorised or empowered to enter into under the provisions of the Act.

3.15 Compensation

- 3.15.1 The time limit for making claims for compensation pursuant to section 11(1) of the Town Planning Act is six months from the date of gazettal of the Scheme.
- 3.15.2 Where under this Scheme any land is reserved, zoned or classified for a public purpose, Part V (other than sections 36A, 37 and 37A) of the Metropolitan Scheme Act applies with all necessary changes as if:
 a) the land were reserved for a public purpose under the Metropolitan Region Scheme;
 b) references in that Part of the Metropolitan Scheme Act to the Commission and the Scheme were references to the Authority and to this scheme respectively; and
 c) in section 36(1)(b) of that Act, 'amended' were substituted for 'varied, amplified or revoked by the Commission'.



3.16 Delegation

- 3.16.1 The Authority may either generally, or in a particular case, by resolution, delegate to an eligible person, as prescribed in section 24 of the Act, the power to deal with development applications or any class of development applications, or development applications in any specified part of the Scheme Area, or any specified development application made under the Scheme.
- 3.16.2 Any delegation made under the provisions of the preceding subclause shall have effect for such period as the Authority in its resolution stipulates and in the absence of any stipulation shall have effect for the period of 12 months following the resolution.
- 3.16.3 A delegation of power conferred by this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Authority and does not preclude the Authority from exercising the power.
- 3.16.4 The performance of a function by a delegate under the provisions of this clause shall be deemed to be the performance of the function by the Authority in all circumstances where the Authority is able to delegate its powers.

3.17 Right of Appeal

An applicant for development approval or the owner of the subject land aggrieved by a decision of the Authority or a decision of the Minister (where the Authority is the applicant or has a financial interest in the subject matter of a development application) to refuse an application or approve an application with conditions that are unacceptable to the applicant, where the decision is made in the exercise of a discretionary power shall have a right of appeal pursuant to Part V of the Town Planning Act.



PART 4 : DEVELOPMENT STANDARDS AND REQUIREMENTS**4.1 Promotion of Mixed Use Development**

- 4.1.1 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 Authority shall take all reasonable steps to encourage the incorporation of a residential component in those Precincts where the provisions of Part 5 or a Policy indicate that a residential development is a preferred development within the Precinct.
- 4.1.2 In determining a development application involving exclusively or predominantly non-residential development, the Authority shall have regard to the requirements of Part 5 and any relevant Policy which encourages the inclusion of residential development in the relevant Precinct.
- 4.1.3 Where the provisions of Part 5 or a Policy indicate that residential development is a preferred development within the relevant Precinct, the Authority 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.

4.2 Agreement to Guarantee Residential Component

- 4.2.1 If the Authority 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 Authority 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.
- 4.2.2 If the Authority 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 Authority, 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 Authority 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.
- 4.2.3 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.



4.3 Residential Development - Residential Planning Codes

4.3.1 For the purpose of the Scheme the term 'Residential Planning Codes' or 'R Codes' means the Residential Planning Codes set out in Appendix 2 to the Commission's Statement of Planning Policy No. 1, as amended from time to time.

4.3.2 A copy of the R Codes, as amended, shall be kept and made available for public inspection at the offices of the Authority during normal office hours.

4.3.3 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of the R Codes subject to clause 4.4.

4.3.4 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.

4.4 Special Application of Residential Planning Codes**4.4.1 Minimum Distance Between Buildings on the Same Lot**

The Authority 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 Authority is satisfied that such a variation is desirable.

4.4.2 Car Parking

- 1) Subject to the provisions of paragraph (3) the Authority may vary the car parking requirements in respect of any proposed development provided the Authority 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 Authority 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 4.6.3 and 4.6.5 shall apply to the determination of the parking requirements for residential development.

4.4.3 Open Space

In a particular case the Authority 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 made pursuant to this Scheme.



4.4.4 Densities

- 1) Subject to the procedures for the notification of affected owners and occupiers contained in parts (a), (b), and (c) of Clause 1. 5. 10 of the Residential Planning Codes the Authority may increase the permitted dwelling density if one or more of the following circumstances apply:
 - a) the proposed development would effect the discontinuance of an inappropriate use;
 - b) the proposed development incorporates and conserves any existing dwellings;
 - c) a significant proportion of lots in the immediate vicinity are developed to densities higher than the applicable code.
- 2) The Authority may increase the permitted dwelling density where the proposed development is part of a comprehensive proposal and complies with an existing Planning Policy adopted by the Authority in accordance with the procedures set out in Clause 2.2, and with design guidelines prepared by the Authority pursuant to that Policy.

4.5 Research and Development

4.5.1 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.

4.5.2 In considering a development application, the Authority 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.

4.6 Non Residential Development

4.6.1 In determining a development application involving non residential development the Authority shall have regard to the requirements of Part 5 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 5;
- 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 Authority 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.

4.6.2 Relaxation of Plot Ratio Requirements

Without affecting the generality of clause 2.19, the Authority may relax the plot ratio requirements under Part 5 in regard to any development application dealt with pursuant to subclause 4.6.1 where the Authority is of the opinion that:

- a) such a relaxation will not prejudice the achievement of the objectives of the Scheme; and
- b) such a relaxation will not detract from the amenity of the locality of the proposed development or the streetscape.

4.6.3 Car Parking Standards

- 1) Unless otherwise stated in this Scheme Text car parking spaces shall be provided as follows:
 - a) by provision of parking to the minimum requirement stipulated in Table 1; or
 - b) by providing car parking to a level agreed by the Authority, but where the Authority agrees to allow less than the minimum level stipulated in Table 1, any shortfall shall be made up by way of contribution of money to the Authority's Special Fund at a rate per bay equal to the Parking Contribution.
- 2) An applicant for development approval may apply to the Authority for approval of additional on-site parking above the minimum requirement stipulated in Table 1.
- 3) Notwithstanding the provisions of clause 2.19 and subclause 4.6.4, in no circumstances shall the on-site parking for any development exceed:
 - (a) the car parking requirements provided in the column headed 'Maximum Exclusive Use On-Site Parking' in Table 1; or
 - (b) where this Scheme Text declares the car parking requirements provided in the column headed 'Maximum Exclusive use On-Site Parking' in Table 1 to be inapplicable to any precinct, the maximum parking otherwise specified for that precinct. (*see Note 1*)
- 4) The Authority shall apply the moneys accumulated in the Special Fund by way of payments for parking either:
 - a) for the provision of parking in joint-use facilities; or
 - b) for the provision of or for public transport within the Scheme Area to the extent that it permits or encourages a reduction in the use of or demand for parking facilities within the Scheme Area.
- 5) a) The Authority may from time to time calculate or estimate the cost of providing a parking bay within the Scheme Area including but not limited to:
 - i) the market value of the land required for the parking bay and the necessary access and manoeuvring space;
 - ii) any structures required; and
 - iii) other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.
- b) The cost of providing a parking bay calculated in accordance with the preceding subparagraph shall be the Parking Contribution for the purpose of this subclause, and may be calculated in respect of the Scheme Area as a whole, or in respect of any Precinct, reflecting the differences in the market value of land in the different Precincts.
- c) The Authority may from time to time vary or adjust the Parking Contribution to reflect changes in values and costs.
- 6) The design standards applied from time to time by the City of Perth for the provision of parking shall apply within the Scheme Area unless the Authority adopts a Policy dealing with parking design standards.



4.6.4 Relaxation of Car Parking Standards

Without affecting the generality of clause 2.19, the Authority may relax the parking requirements in Table 1 in regard to any development application dealt with pursuant to subclause 4.6.1 where the Authority 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 1 can only be provided in a manner which results in a built form in conflict with the existing development in the locality;
- f) contractual arrangements have been made for the parking or shared use of parking areas which are in the opinion of the Authority satisfactory; or
- g) a contribution has been made to be credited to a Special Fund in the East Perth Redevelopment Authority Account for the provision of public parking space in a locality where the development will generate the need for such parking space.

4.6.5 Reciprocal Parking

The Authority may consider and approve reciprocal arrangements for parking in the circumstances contemplated in subclause 4.6.4(d), or in other circumstances and may require the parties to the reciprocal arrangement to enter into an appropriate agreement to which the Authority is the controlling party.

4.6.6 Parking Standards not shown in Table

Where no parking standard is stated in Table 1 in regard to a proposed development falling within the provisions of the subclause 4.6.1, the Authority shall determine the parking requirement for the particular case.



**TABLE 1
CAR PARKING REQUIREMENTS**

DEVELOPMENT	MINIMUM CAR PARKING SPACES REQUIRED	MAXIMUM EXCLUSIVE USE ON-SITE PARKING
Residential	At the discretion of the Authority	See R Codes
Office, consulting rooms, veterinary clinic, service industry	1 per 70 sq.m gross floor area	1 per 50 sq.m gross floor area
Medical Centre	2 per practitioner	4 per practitioner
Research and Development, warehouse, showroom, light industry	1 per 100 sq.m gross floor area	1 per 70 sq.m gross floor area
Shop, convenience store, betting agency, liquor store, garden centre, dry cleaning premises, laundromat	1 per 30 sq.m gross floor area	1 per 20 sq.m gross floor area
Hotel, motel, tavern, restaurant, theatre, cinema, hall, club premises, lodging house, serviced apartments	1 per 6.5 sq.m 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 Centres	1 per 8 children plus 1 per 4 staff	1 per 4 children plus 1 per 2 staff
Fast Food Outlet	1 per 20 sq.m gross floor area plus 1 per 6 seats provided or which an eating area is designed to provide	1 per 10 sq.m gross floor area plus 1 per 6 seats provided



4.7 Urban Design

4.7.1 Where in the opinion of the Authority the amenity of a place, street or locality relates significantly to the architectural or physical character of existing buildings and/or the landscape, the Authority shall require that the appearance of any proposed development:

- a) will enhance the amenity of the place, street or locality in question; and
- b) will maintain appropriateness in the exterior designs of buildings.

4.7.2 The Authority may from time to time appoint a person or a panel of persons with appropriate expertise to advise and assist it in the exercise of the powers under this clause and may terminate the appointment of any such person(s).

4.8 Subdivision

In exercising its functions in respect of subdivision, amalgamation, improvement, development and alteration, under Section 19 of the Act, the Authority shall have regard to:

- a) the capabilities of the proposed lots to be developed, having regard to the plot ratio requirements of the Scheme; and
- b) the residential densities for the area as shown on the Scheme Map.

4.9 Development of Heritage Places

4.9.1 The Authority may relax any standard or requirement of the Scheme which would preclude, in relation to a heritage place listed in the Heritage Inventory:

- a) its repair, renovation or reinstatement; or
- b) its replacement if accidentally destroyed.

4.9.2 Where any development is proposed which would preserve by reason of incorporation in the development or otherwise the whole or part of an existing heritage place which the Authority considers worthy of preservation, the Authority may do any one or more of the following:

- a) permit an increase in the floor area of the total development by an amount equal to the existing floor area of a heritage place, up to a maximum increase of 20% above the standard;
- b) permit setbacks consistent with those of the existing building;
- c) relax the requirements of the Scheme or the R Codes where in the opinion of the Authority satisfactory access and parking arrangements are made;
- d) grant approval subject to conditions relating to the preservation of places of heritage significance;
- f) in considering the development application, have regard to any Policy and to the published policies and the views of the Heritage Council of Western Australia, the Australian Heritage Commission and the National Trust of Western Australia (Inc.), which views the Authority may solicit.

4.9.3 In this clause the term 'development' shall have the additional meaning of changing the colour of the exterior of a building.



4.10 Advertising

- 4.10.1 For the purpose of the Scheme, the erection, placement and display of any advertising device and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Authority. Such an approval to commence development is required in addition to any licence which may be required by the Council pursuant to any by-law.
- 4.10.2 Applications for the Authority's approval pursuant to Clause 4.10.1 shall be submitted in accordance with the provisions of Clause 2.7 of the Scheme and shall be accompanied by an additional information sheet in the form set out at Schedule 7 giving details of the any advertising device to be erected, placed or displayed on the land.
- 4.10.3 Subject to this clause and to any adopted Policy of the Authority, the Authority shall not consent to the erection of advertising structures or the display of advertisements (whether on an advertising structure or otherwise) on land within the Scheme Area unless the advertisement to be displayed:
- describes the business or activity carried out on the same land;
 - is related to products produced, stored or sold on the same land;
 - is for the purpose of a temporary sign; or
 - is required, by or under any Act of State or Federal parliament to be displayed.
- 4.10.4 Advertisements which:
- were lawfully erected, place or displayed prior to the approval of the Scheme; or
 - may be erected, placed or displayed pursuant to a licence or other approval granted by a relevant authority prior to the approval of the Scheme,
- may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

4.11 Inappropriate Use

- 4.11.1 Where the Authority passes a resolution in accordance with clause 2.24 in relation to the carrying on of any use or the undertaking of any development on land or within a building in the Scheme Area, subject to the provisions of this clause the use involved may continue to be carried on or the development may continue to be undertaken without hindrance but the use involved is herein called an 'inappropriate use'.
- 4.11.2 An inappropriate use shall not be extended unless the provisions of the Scheme are complied with.
- 4.11.3 When dealing with a development application involving an inappropriate use the Authority shall have due regard to the uses which under the provisions of Part 5 are stipulated as preferred uses for the land and shall favour the establishment of uses on the land which would be:
- less detrimental to the amenity of the neighbourhood than the existing inappropriate use; or
 - more closely related to the types of use which are preferred uses or contemplated uses in the Precinct in which the land is situated.
- 4.11.4 Notwithstanding the foregoing provisions of this clause, if an inappropriate use of any land or building has ceased to be carried on for a period of six (6) consecutive months, the inappropriate use shall not thereafter be re-established on the land or in the building unless a development application has been made and approved by the Authority in accordance with the provisions of the Scheme.



- 4.11.5 The Authority may give notice to the owner of any land on which an inappropriate use is being carried on and at the same time shall give notice to any occupier of the land or building involved in the carrying on of the inappropriate use:
- that the use is an inappropriate use of the land;
 - that the use shall not be continued after a date stipulated in the notice without the approval of the Authority;
 - indicating the uses which are preferred uses and contemplated uses for the land under the provisions of Part 5;
 - that unless a development application has been made to the Authority in accordance with the provisions of this Scheme and approved by the Authority, no use can be carried on or continued on the relevant part of the land or in the relevant part of the building affected by the notice; and
 - that in the event that the Authority refuses an application for development approval or imposes unacceptable conditions, there is a right of appeal against that decision.

- 4.11.6 No person shall carry on or continue an inappropriate use contrary to the requirements of the Authority in a notice issued pursuant to the provisions of the preceding subclause unless with the specific approval of the Authority to do so.

4.12 Home Occupations

No planning approval shall be required for the commencement or carrying on of a home occupation as defined in this Scheme if it is being carried out in accordance with the Planning Policy on Home Occupations.

4.13 Application of Clauses 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20

- 4.13.1 Clauses 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20 shall only apply to land located within precincts 20, 21, 22, 23 and 24.
- 4.13.2 (a) Clause 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20 shall only apply where the development for which approval is sought is, in the opinion of the Authority, substantial.
 (b) Without limiting clause 4.13.2(a) a development shall be regarded as substantial where there is to be a change in land use or disturbance of a volume of soil greater than or equal to 25 cubic metres.

- 4.13.3 Clauses 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20 shall not apply where a development application is submitted for approval to demolish a building so as to enable works relating to the subdivision of the land on which the building is located to proceed.

4.14 Soil Contamination Management Plan(s)

- 4.14.1 If a development application is made with respect to any land within precincts 20, 21, 22, 23 or 24 the applicant shall at the same time as submitting the development application submit a Soil Contamination Management Plan, in accordance with clause 4.14.2, where the land the subject of the application:
- has residual soil contamination above the ANZECC B Levels; and
 - has not previously been assessed to the satisfaction of the Department of Environmental Protection.



- 4.14.2 A Soil Contamination Management Plan shall:
- (a) identify the nature and extent of the soil contamination on the land and, in particular, indicate where levels exceed ANZECC B Levels; and
 - (b) specify the remediation measures to be used to reduce the residual soil contamination to:
 - (i) the ANZECC B Levels; or
 - (ii) the levels determined by a Health Based Risk Assessment; and/or
 - (iii) the levels determined by an Ecological Risk Assessment; and
 - (c) specify the actions to be taken to ensure that remediation of the contaminated soil:
 - (i) occurs prior to any works associated with the development of the land; and
 - (ii) is undertaken so as to ensure the land is suitable for the intended land uses; and
 - (iii) is undertaken in accordance with remediation guidelines recognised by the Department of Environmental Protection; and
 - (d) where an assessment undertaken pursuant to clause 4.16.1 indicates that the future ground water Beneficial Use Criteria will be compromised, include a groundwater fate and transport modelling and monitoring programme which must be undertaken in accordance with the requirements of the Authority which are to be satisfactory to the Department of Environmental Protection.

4.14.3 A development application shall not be approved unless the Soil Contamination Management Plan is satisfactory to the Authority and the Department of Environmental Protection.

4.14.4 If a development application receives approval each remediation measure identified in the Soil Contamination Management Plan as being necessary to remediate the residual soil contamination on the land shall be implemented.

4.15 Soil Remediation Validation Reports

- 4.15.1 Following implementation of the remediation measures referred to in clause 4.14.4 and prior to:
- (a) any placement of clean soil fill (if any) on the land; and
 - (b) the commencement of any works associated with the development of the land;
- the applicant or owner of the land shall:
- (c) take soil samples from the land; and
 - (d) have those soil samples scientifically analysed to determine the levels of residual soil contaminants present in the samples; and
 - (e) prepare and submit to the Authority a Soil Remediation Validation Report which complies with clause 4.15.3.
- 4.15.2 The objective of Soil Remediation Validation Report is to verify that remediation of the land has been undertaken to an acceptable standard that is compatible with the intended land use and is consistent with appropriate criteria.
- 4.15.3 The Soil Remediation Validation Report shall:
- (a) include a diagram identifying the location where the soil samples were taken on the land; and
 - (b) provide a justification for selection of the locations on the land from which soil samples were taken; and
 - (c) include the analytical results of the soil samples; and
 - (d) specify any additional works, monitoring or management to be undertaken.
- 4.15.4 If the Soil Remediation Validation Report specifies any additional works, monitoring or management to be undertaken the owner of the land to which the Soil Remediation Validation Report relates shall undertake such of the specified additional works, monitoring and management as are required by the Authority and which are satisfactory to the Department of Environmental Protection.



- 4.15.5 The applicant or owner of land the subject of a Soil Contamination Management Plan and Soil Remediation Validation Report shall not proceed with development of the land until:
- (a) the Soil Remediation Validation Report is satisfactory to the Authority and the Department of Environmental Protection; and
 - (b) the Authority has by written notice advised the applicant that development may proceed.

4.16 Ground Water Contamination Investigations

- 4.16.1 For the purpose of obtaining a regional overview of ground water quality, the Authority shall:
- (a) collect and submit for scientific analysis ground water samples taken from land within precincts 20, 21, 22, 23 and 24;
 - (b) assess the ground water samples against Beneficial Use Criteria; and
 - (c) review any existing ground water contamination data from within and adjacent to precincts 20, 21, 22, 23 and 24.
- 4.16.2 The Authority may require the owner of any land within precincts 20, 21, 22, 23 or 24 to collect and submit for scientific analysis underground water samples from the owner's land. Any water contamination reported by the scientific analysis shall be assessed against the Beneficial Use Criteria for the area to the satisfaction of the Authority and the Department of Environmental Protection. If an assessment is found not to be satisfactory the Authority and the Department of Environmental Protection may provide measures required to produce a satisfactory assessment and the owner shall implement those measures.
- 4.16.3 The Authority shall provide a copy of any scientific analysis undertaken pursuant to clause 4.16.1 or 4.16.2 to the Department of Environmental Protection, Water and Rivers Commission, Town of Vincent and the City of Perth.
- 4.16.4 Where any dewatering is proposed in relation to any development:
- (a) the Authority shall refer the development to the Department of Environmental Protection and the Water and Rivers Commission; and
 - (b) the dewatering shall be undertaken in accordance with the requirements of the Department of Environmental Protection and the Water and Rivers Commission.

4.17 Contaminated Site Schedule

- 4.17.1 The Authority shall within a reasonable time prepare and maintain a schedule of contaminated sites which shall:
- (a) contain a record of all lots:
 - (i) which to the Authority's knowledge contain contaminated soils exceeding the ANZECC B Levels following implementation of the remediation measures referred to in clause 4.14.4;
 - (ii) in relation to which the Authority has no knowledge regarding the presence of residual soil contamination; and
 - (iii) where to the Authority's knowledge ground water contamination exceeds the Beneficial Use Criteria.
 - (b) identify:
 - (i) the location and description of the land;
 - (ii) the level of investigation undertaken with respect to residual soil contamination of the land; and
 - (iii) the type and level of any known contaminants.
- 4.17.2 Unless otherwise agreed by the Department of Environmental Protection the Authority shall place a memorial on the title of any land which it owns where:
- (a) soil contamination in excess of the ANZECC B Levels is to be retained; or
 - (b) ground water contamination exceeds the Beneficial Use Criteria.



- 4.17.3 If land is not owned by the Authority and:
- (a) soil contamination in excess of the ANZECC B Levels is to be retained on the land; or
 - (b) ground water contamination on the land exceeds the Beneficial Use Criteria,
- the Authority shall seek the owner's written consent for registration of a notification of that factor on the certificate of title for the land under section 70A of the Transfer of Land Act.

4.18 Applications by the Authority

Where the Authority is the applicant references to the Authority in clauses 4.13.2(a), 4.14.2(d), 4.14.3, 4.15.1(e), 4.15.4 and 4.15.5 (a) and (b) are to be read as references to the Minister.

4.19 Interpretation

In clauses 4.14, 4.15, 4.16, 4.17 4.18, 4.19 and 4.20:

'ANZECC B Levels' means:

- (a) the levels contained in Column B of Table 2 (titled Environmental Soil Quality Guidelines) in the document titled Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992) produced jointly by the Australian New Zealand Environment and Conservation Council and the National Health and Medical Research Council; or
- (b) if Column B of Table 2 does not contain a relevant level, such other level as are required the Authority and which are to the satisfaction of the Department of Environmental Protection.

'Beneficial Use Criteria' means the most sensitive human use or environmental receptor which, in the opinion of the Authority, would be affected by ground water pollution.

'Determination' means a decision made by the Department of Environmental Protection as to whether or not it is satisfied in relation to any matter identified in clauses 4.14, 4.15, 4.16, 4.17 or 4.19 as being subject to the satisfaction of the Department of Environmental Protection.

'Ecological Risk Assessment' has the same meaning as given to that term in the Guideline on Ecological Risk Assessment contained in the National Environment Protection (Assessment of Site Contamination) Measure released by the National Environmental Protection Council on 10 December 1999 as amended or replaced from time to time.

'Health Based Risk Assessment' has the same meaning as given to that term in the Guideline on Health Risk Assessment Methodology contained in the National Environment Protection (Assessment of Site Contamination) Measure released by the National Environmental Protection Council on 10 December 1999 as amended or replaced from time to time.

'Soil Contamination Management Plan' means the soil contamination management plan referred to in clause 4.14.

'Soil Remediation Validation Report' means the soil remediation validation report referred to in clause 4.15.

4.20 Resolution of Disputes

- 4.20.1 If the Department of Environmental Protection is required to make a Determination for the purposes of clause 4.14, 4.15, 4.16, 4.17 or 4.19 the Department of Environmental Protection shall:
- (a) make and advise the Authority of that Determination within a reasonable time following the matter in respect of which the Determination is required being referred to it by the Authority; and
 - (b) not unreasonably withhold its Determination.



4.20.2 If the Department of Environmental Protection does not advise the Authority of its Determination within a time which is reasonable in the opinion of the Authority, the Authority may serve written notice on the Department of Environmental Protection requiring it to make and advise the Authority of its Determination within 14 days of the date of the written notice.

4.20.3 If :

- (a) the Department of Environmental Protection makes a Determination that it is not satisfied in relation to a matter, the Authority and the Department of Environmental Protection shall consult and, if possible, reach agreement about that matter;
- (b) the Authority and the Department of Environmental Protection reach agreement about the matter, the Department of Environmental Protection shall within 7 days of the date on which that agreement is made, make and issue to the Authority a further Determination which reflects the terms of the agreement.

4.20.4 If :

- (a) the Department of Environmental Protection fails to make and advise the Authority of its Determination within the 14 day period referred to in clause 4.20.2;
- (b) the Department of Environmental Protection and the Authority cannot reach agreement for the purposes of clause 4.20.3 (a) within 14 days of the Determination; or
- (c) the Department of Environmental Protection fails to issue a further Determination within the 7 day period referred to in clause 4.20.3 (b)

the Authority may request the Minister to consult the Minister for the Environment and, if possible, reach agreement about the matter.

4.20.5 If the Minister, having complied with a request under subclause 4.20.4, and the Minister for the Environment:

- (d) reach agreement about the matter that agreement shall be final and constitute a Determination in relation to that matter; or
- (e) cannot so agree the Minister and the Minister for the Environment shall refer the matter to the Governor and the decision of the Governor on that matter shall be final and constitute a Determination in relation to that matter.



PART 5: PROVISIONS FOR PRECINCTS

5.1 Precincts on Scheme Map

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

5.2 Development in Precincts

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

5.2.2 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 Authority:

- a) shall not refuse the application by reason of the incorporation of that use in the proposed development; and
- b) may relax or vary any development standard or requirement and otherwise impose such conditions on its approval as seem fit to encourage the incorporation of that use in the development.

5.2.3 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 Authority may approve the development incorporating that use subject to any conditions it considers appropriate.

5.2.4 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 Authority:

- a) may only consider the application after appropriate advertising for public submissions and consultation in accordance with clause 2.9; and
- b) may approve the application after due consideration of the matters referred to in clause 2.10 and any relevant submission, subject to any conditions it considers appropriate.

5.2.5 The maximum plot ratio stipulated for each Precinct shall, subject to subclause 4.6.2 and any discretion applicable under the R Codes, be the maximum plot ratio permitted for the total development of any particular area of land within that Precinct, provided that if a formula is stipulated for the increase of the maximum plot ratio in any case, then the plot ratio may be increased in accordance with that formula.

5.3 Categories of Uses

5.3.1 There are 7 categories of uses created by the Scheme. These 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.

5.3.2 Category 1: Research & Development
Research and Development

5.3.3 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



- 5.3.4 Category 3: Service & Light Industry
 Dry Cleaning Premises Service Station
 Showroom/Warehouse Veterinary Clinic
 Service Industry Light Industry
- 5.3.5 Category 4: Retail
 Convenience Store Garden Centre
 Shop
- 5.3.6 Category 5: Residential
 Single House Serviced Apartments
 Multiple Dwellings Lodging House
 Group Dwellings Aged Persons Accommodation
 Single Bedroom Dwellings
- 5.3.7 Category 6: Community Uses
 Educational Establishment Civic Building
 Hall Public Worship - Place of
 Day Care Centre
- 5.3.8 Category 7: Recreation Uses
 Public Open Space Recreation Facilities

5.4 Precinct 1: Claisebrook Inlet

5.4.1 Statement of Intent

The Authority intends that the inlet should become the principal visual and public recreation focus of the East Perth Redevelopment Area.

5.4.2 Preferred Uses - Subject to subclause 5.4.4, Categories 2, 4, 5, 6 and 7

5.4.3 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.

5.4.4 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 an 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.

5.5 Precinct 2: Constitution Street

5.5.1 Statement of Intent

The Authority intends that Precinct 2 will be substantially redeveloped for housing varying in type and form, together with supporting facilities such as local shops, services and open space.

5.5.2 Preferred Uses - Category 5

Contemplated Uses - Categories 4, 6 and 7

5.5.3 Maximum Plot Ratio - 1.5

5.6 Precinct 3: Royal Street Central

5.6.1 Statement of Intent

The Authority intends that this precinct should provide the main focus of shopping and associated activity for the urban village. It should include a significant component of housing both in separate developments and as part of mixed use buildings.

5.6.2 Preferred Uses - Subject to subclause 5.6.4, Categories 2, 4 and 5

Contemplated Uses - Categories 3, 6 and 7

Lot 203 - Category 2

5.6.3 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.

5.6.4 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 an 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,

5.7 Precinct 4: Silver City

5.7.1 Statement of Intent

The Authority intends that the predominant use of undeveloped sites should be for research and development, residential and community uses. The old East Perth School building is a place of cultural heritage significance that should be preserved. The western end of the precinct may be affected by proposals to re-align Lord Street and construction of a bridge over the railway line.

**5.7.2 Preferred Uses - Categories 1, 5 and 6
Contemplated Uses - Categories 2, 3 and 4**

5.7.3 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.

5.8 Precinct 5: Royal Street West

5.8.1 Statement of Intent

The intended development of this precinct falls into two distinct categories:

- a) the eastern part of the precinct should be developed for educational purposes; and
- b) the western part is intended to provide a mix of commercial and residential development and car parking.

The western end of the precinct may be affected by proposals to realign Lord Street and construction of a bridge over the railway line.

**5.8.2 Preferred Uses - Categories 1, 2, 5 and 6
Contemplated Uses - Category 3 and 7**

5.8.3 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.

5.9 Precinct 6: Boans

5.9.1 Statement of Intent

This precinct is intended to house a mix of moderately scaled enterprises and residential development, with a marginal balance towards research and development, and comprising a number of support services and facilities.

**5.9.2 Preferred Uses - Categories 1 and 5
Contemplated Uses - Categories 2, 3, 4, 6 and 7**



5.9.3 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.

5.10 Precinct 7: East Parade

5.10.1 Statement of Intent

The development of land within this precinct is intended to frame the entry to the urban village from the north.

5.10.2 Preferred Uses - Category 2

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

5.10.3 Maximum Plot Ratio - 2.0

5.11 Precinct 8: Belvidere

5.11.1 Statement of Intent

The Authority intends that this precinct should provide a mixture of residential and service and commercial uses. Development would be supported by the proposed construction of a new railway station providing access to the Perth-Armadale line.

Development south of Kensington Street may include compatibly scaled warehouse and showroom uses, as well as light and service industry uses. The Authority intends that the area east of Trafalgar Road be redeveloped for residential uses taking advantage of the aspect and the available views of the Swan River.

5.11.2 Preferred Uses - Categories 2 and 5

Contemplated Uses - Categories 3, 4, 6 and 7

5.11.3 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.

5.12 Precinct 9: Brown Street

5.12.1 Statement of Intent

The Authority intends that this Precinct should be predominantly residential, with a component of compatibly-scaled warehouse, showroom, light industry and service industry uses north of Brown Street.

The Authority intends that the area south of Brown Street and east of Trafalgar Road will be substantially redeveloped for residential uses.

5.12.2 Preferred Uses - Category 5

Contemplated Uses - Categories 2, 3 and 4

5.12.3 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.



5.13 Precinct 10: Riverbank

5.13.1 Statement of Intent

The Authority intends that the river foreshore area be remediated, developed and maintained in a manner which allows for a range of recreation uses and protection of the conservation values of the Swan River.

5.13.2 Preferred Uses - Category 7

5.13.3 Maximum Plot Ratio - 0.5

5.14 Precinct 11: Cemeteries

5.14.1 Statement of Intent

The Authority intends to promote the Cemeteries as an important heritage place and community resource and to integrate it within the village open space system.

5.14.2 Preferred Uses - Categories 6 & 7

5.14.3 Maximum Plot Ratio - 0.5.

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

5.15 Precinct 12: Waterloo

5.15.1 Statement of Intent

The Authority intends that this precinct be predominantly residential in nature. Future use of the MRWA site for residential would also be considered.

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

5.15.3 Maximum Plot Ratio - 1.0

5.15.4 With the exception of the MRWA site (Lot 773, R21045 – Main Roads Western Australia) 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.

5.16 Precinct 13: Plain Street

5.16.1 Statement of Intent

The intended redevelopment of this precinct should provide a mixture of commercial and residential development. Development fronting Plain Street is to be compatibly scaled with the Old Perth Girls School Building. Development fronting other streets in the precinct is to be of a more modest scale appropriate to the predominant lot size in each street, and enhancement of streetscape amenity.

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

5.16.3 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.



5.17 Precinct 14: Gloucester Park

5.17.1 Statement of Intent

The Authority accepts that the current sporting, recreation and leisure activities within this precinct can remain, however, the Authority would encourage the redevelopment of the site predominantly for residential uses, incorporating the conservation of any significant heritage structures and vegetation, in the context of an agreed Outline Development Plan.

5.17.2 Preferred Uses - Categories 5 and 7
Contemplated Uses - Categories 2, 5 & 6

5.17.3 Maximum Plot Ratio - 1.5. Proposed developments will be assessed on their appropriateness to the setting. The plot ratio may be increased to a maximum of 2.5 for the sites specifically identified in a Policy as amended from time to time, and 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.

5.17.4 Subdivision - In its advice to the Western Australian Planning Commission on any application made for approval to the subdivision of land in the Precinct, the Authority will seek to ensure that any such subdivision complies with the Authority's Policy for the land.

5.18 Precinct 15: Claisebrook Road North.

5.18.1 Statement of Intent.

Within this Precinct, commercial, retail, service and light industrial uses compatible with residential use will be supported, including uses providing services to the businesses and residents of the central and inner city.

The Authority intends that there should be an improvement in the general level of amenity in the Precinct, with the improved presentation and maintenance of private properties and the public domain, and a progressive reduction in the incidence of those industrial activities incompatible with other uses, including residential development.

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

5.18.3 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.



5.19 Precinct 16: Transport Corridor

5.19.1 Statement of Intent.

The primary use of land within this Precinct will continue to be for transport related activities, including regional roads, the passenger rail system and associated uses.

While acknowledging the need for passenger railcar storage and servicing activities to be located to maximise operational efficiency, the Authority would support a progressive reduction of the area occupied by the Claisebrook Electric Railcar Depot, and the development in this valuable inner city location of uses more in keeping with and supportive of the Redevelopment Project and its objectives

Similar considerations would also apply to any other land currently used for transport related activities that may become available for development in future - for example, land within the Redevelopment Area associated with the existing Westrail terminal at West Parade. The Authority expects that where necessary, any new development in the transport corridor will incorporate appropriate noise attenuation measures in accordance with the relevant standards.

The Authority supports the introduction of landscaping and other measures to reduce the visual and noise impact of transportation and associated activities on the amenity of surrounding land uses.

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

5.19.3 Maximum Plot Ratio 1:1.

5.20 Precinct 17: Summers Street South

5.20.1 Statement of Intent

The Authority intends that this precinct will be predominantly for commercial, service and light industrial uses, including uses providing services to the businesses of the inner and central city and to the growing resident population of those areas, and uses requiring good access to the major road network. Service and light industrial uses will be required to be of a nature that does not prejudice commercial or other development in this or adjoining precincts. A high standard of presentation is expected of all new development.

The Authority does not consider that this area is suitable for residential development as a primary use, however mixed use developments incorporating residential use could be considered provided that an appropriate standard of amenity for the residential component of developments can be achieved and maintained.

5.20.2 Preferred Uses - 1, 2 and 3.
Contemplated Uses - 4, 5, 6 and 7.

5.20.3 Maximum Plot Ratio 1:1.



5.21 Precinct 18: Power Station

5.21.1 Statement of Intent

The Authority acknowledges that various elements of the former East Perth Power Station have cultural heritage significance and supports its adaptive re-use for activities which would assist in ensuring their long term future, in accordance with an adopted Conservation Plan.

Development may involve a combination of new development within the Precinct together with the re-use in whole or in part of the existing buildings.

Uses which permit public access to the Power Station buildings, and which take advantage of the riverside location for associated recreational opportunities, would be supported.

If for some reason adaptive re-use of existing buildings is not possible and full redevelopment of the site takes place, the Authority would still wish to see uses which maximise the area's locational advantages and potential.

- 5.21.2 Preferred Uses - 2, 5, 6 and 7.
Contemplated Uses - 1, 3 and 4.**

Maximum Plot Ratio 1:1.

The plot ratio may be increased to a maximum of 1.5:1, provided that in any development having a plot ratio in excess of 1:1, not less than 50% of the excess floor area shall be dedicated to residential use.

5.22

5.23 Precinct 20: Russell Square Precinct

5.23.1 Statement of Intent

The precinct is to continue to encourage a rich social and cultural diversity with an emphasis on residential development in single lot, multiple dwelling and mixed use buildings.

- 5.23.2 Preferred Uses – Categories 2, 4 and 5
Contemplated Uses – Categories 1, 3, 6 and 7**

5.23.3 Maximum Plot Ratio – 2.0

- 5.23.4 The car parking requirements provided for in the column headed 'Minimum Car Parking Spaces Required' in Table 1 shall not apply to developments within this precinct.**

- 5.23.5 The car parking requirements provided for in the column headed:**
(a) 'Maximum Exclusive Use On-Site Parking' in Table 1 shall not apply to developments in the precinct;
(b) 'Minimum Car Parking Spaces required' in Table 1 shall apply to developments in this precinct as though they were located in the column referred to in clause 5.23.5(a).

5.24 Precinct 21: Lake Street Precinct

5.24.1 Statement of Intent

The precinct is to become a natural extension of Northbridge – Perth's primary entertainment and nightlife area, attracting local, interstate and overseas visitors and providing significant commercial and employment opportunities supported by adequate parking.

- 5.24.2 Preferred Uses – Categories 2, 4 and 5
Contemplated Uses – Categories 1, 3, 6 and 7**



5.24.3 Maximum Plot Ratio – 2.0

5.24.4 The car parking requirements provided for in the column headed 'Minimum Car Parking Spaces Required' in Table 1 shall not apply to developments within this precinct.

5.24.5 The car parking requirements provided for in the column headed:
(a) 'Maximum Exclusive Use On-Site Parking' in Table 1 shall not apply to developments in the precinct;
(b) 'Minimum Car Parking Spaces required' in Table 1 shall apply to developments in this precinct as though they were located in the column referred to in clause 5.24.5(a).

5.25 Precinct 22: Museum Street Precinct

5.25.1 Statement of Intent

Development of the precinct will include the strengthening of William Street, a focus for mixed use buildings incorporating civic and cultural activities, residential, commercial and entertainment uses. The proposed Aberdeen Street Park and the proposed wide north-south pedestrian linkages will contribute to the feeling of spaciousness in the precinct.

5.25.2 Preferred Uses – Categories 2, 4 and 5
Contemplated Uses – Categories 1 and 3

5.25.3 Maximum Plot Ratio – 3.0

5.25.4 The car parking requirements provided for in the column headed 'Minimum Car Parking Spaces Required' in Table 1 shall not apply to developments within this precinct.

5.25.5 The car parking requirements provided for in the column headed:
(a) 'Maximum Exclusive Use On-Site Parking' in Table 1 shall not apply to developments in the precinct;
(b) 'Minimum Car Parking Spaces required' in Table 1 shall apply to developments in this precinct as though they were located in the column referred to in clause 5.25.5(a).

5.26 Precinct 23: Lindsay Street Precinct

5.26.1 Statement of Intent

The precinct should accommodate a range of commercial and residential forms through redevelopment and the possible adaptive re-use of existing buildings and development of vacant lots.

5.26.2 Preferred Uses – Categories 2, 4, 5, 6 and 7
Contemplated Uses – Categories 1 and 3

5.26.3 Maximum Plot Ratio – 2.0

5.26.4 The car parking requirements provided for in the column headed 'Minimum Car Parking Spaces Required' in Table 1 shall not apply to developments within this precinct.

5.26.5 The car parking requirements provided for in the column headed:
(a) 'Maximum Exclusive Use On-Site Parking' in Table 1 shall not apply to developments in the precinct;
(b) 'Minimum Car Parking Spaces required' in Table 1 shall apply to developments in this precinct as though they were located in the column referred to in clause 5.26.5(a).



5.27 Precinct 24: Parry Street Precinct

5.27.1 Statement of Intent

The redevelopment of this precinct presents the opportunity to act as the catalyst for the redevelopment of large areas of under-utilised land to the south by being developed as a mixed use office, showroom and residential area.

**5.27.2 Preferred Uses – Categories 2 and 5
Contemplated Uses – Categories 1, 3, 4, 6 and 7**

5.27.3 Maximum Plot Ratio – 2.0



SCHEDULE 1**Interpretations**

In this Scheme unless the context otherwise requires:

Act

means the East Perth Redevelopment Act 1991;

Advertising Device

means any word, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of an advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and includes flags or bunting and any other thing displayed in such a way as to draw attention of the public in any public place to any person, product, business, undertaking or thing whatsoever. The term also includes any temporary device and any electoral sign;

Applicant

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

Authority

means the East Perth Redevelopment Authority;

Betting Agency

means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended);

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;

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 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme;

Commission

means the State Planning Commission of Western Australia;

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;



Contemplated Use

has the meaning assigned to that term in clause 5.2;

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 200m² gross leasable area;

Council

means the council of the City of Perth;

Cultural Heritage Significance

has the same meaning as is given to that term in section 3 of the Heritage of Western Australia Act 1990;

Day Care Centre

means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended);

Development

has the same meaning as is given to that term in section 3 of the Act;

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;

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;

Heritage Inventory

means the record kept pursuant to clause 2.21 of the Scheme which has regard to heritage places and heritage objects;

Heritage Place

means a place (within the meaning of that term in section 3 of the Heritage of Western Australia Act 1990) which is the subject of a notice under subclause 2.21.2 of the Scheme, and in respect of which the time for appealing against a notice has expired or an appeal has been made and refused;



Heritage Object

means an object which is the subject of a notice under subclause 2.21.2 of the Scheme and in respect of which the time for appealing has expired or an appeal has been made and refused;

Home Occupation

means any commercial business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed by a resident or residents of that dwelling and which complies with and is carried on in accordance with any Policy of the Authority relating to home occupation;

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;

Inappropriate Uses

means a use carried out or a development being undertaken on land details of which are entered in the Register of Inappropriate Uses pursuant to clause 2.24 and entry in the Register has the further effect referred to in clause 4.11;

Inlet

means that area of water which is an extension of the Swan River;

Land

has the same meaning as is given to that term in section 3 of the Act;

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;

Local Shop

means a shop in which the only goods offered for sale are foodstuffs, toiletries, stationery or goods of similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop;

Lodging House

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



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;

Metropolitan Region Scheme

has the meaning assigned to it by the Metropolitan Region Town Planning Scheme Act 1959;

Metropolitan Scheme Act

means the Metropolitan Region Town Planning Scheme Act 1959;

Minister

means the Hon Minister for Planning;

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;

Owner

- 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:
 - i) the holder of a legal or equitable estate of freehold in possession in the land;
 - ii) a Crown lessee with a right to purchase or acquire the freehold;
 - iii) a mortgagee of the land; or
 - iv) a trustee, executor, administrator, attorney or agent of any of the foregoing;
- 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;
- c) in regard to State Crown land not vested in any department, authority, instrumentality, Council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia; and
- 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.

Place

when the term is used in relation to matters of heritage preservation has the meaning given to that term in section 3 of the Heritage of Western Australia Act 1990;

Plot Ratio

means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning rooms, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or occupancy or private open balconies;



Preferred Uses

has the meaning assigned to that term in clause 5.2;

Preservation

includes conservation as that term is defined in section 3 of the Heritage of Western Australia Act 1990;

Public Authority

has the same meaning as is given to that term in section 3 of the Act;

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 Planning Codes set out in Appendix 2 to the State Planning Commission Approved Statement of Planning Policy No.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;

Regulations

means the East Perth Redevelopment Regulations 1992;

Relevant Floor Area

for the purpose of Part 5 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 Authority 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 Costs

means any General Area Costs, Waterway Development Costs or other costs whatsoever incurred or to be incurred by the Authority in preparation and implementation of the Scheme.



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, an 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 studios 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;

Town Planning Act

means the Town Planning and Development Act 1928;

Undertake'

when the term is used in relation to development means to commence, carry out or continue development, and inflexions of the term have a corresponding meaning;

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;

Waterway

means that area of water which is circulated by artificial means and is not part of the Swan River.



SCHEDULE 2

APPLICATION REF

Form 2

East Perth Redevelopment Act 1991

Part V Section 43

Approval

To Undertake Development

Refusal

Name and Address of Owner and land on which development is proposed:

Name: _____ Address: _____

Location: _____

Lot: _____ Plan/Diagram: _____

Vol No: _____ Folio No: _____

Application Date: _____ Received on: _____

Description of proposed development: _____

The application for approval to undertake development in accordance with the plans attached thereto is granted subject to the following conditions:-
refused for the following reason(s):

Conditions/Reasons For Refusal:

If the development the subject of this approval is not substantially commenced within a period of two (2) years from the date of this letter, the approval shall lapse and be of no further effect.

Where an approval has so lapsed, no development shall be carried out without the further approval of the Authority having first been sought and obtained.

Signed _____ Date: _____

Chairman/Chief Executive, East Perth Redevelopment Authority



SCHEDULE 3

Form 3

East Perth Redevelopment Authority

Notification Of A Heritage Place

Notice is hereby given that, pursuant to the provisions of the East Perth Redevelopment Scheme, the East Perth Redevelopment Authority has resolved to list the following Place in its Register of Heritage Places.

Place

Situated at

Name and Address of Owner to Whom this Notice Applies

Statement of Significance

Formal listing of the above Place will render it subject to the special provisions of the East Perth Redevelopment Scheme relating to heritage preservation.

Should you be aggrieved by this resolution an appeal may be lodged within 60 days of the date of this notice in accordance with the provisions of Part V of the Town Planning and Development Act 1928 (as amended).

Chairman

Date

East Perth Redevelopment Authority



SCHEDULE 4

Form 4

East Perth Redevelopment Authority

Notification Of An Inappropriate Use

Notice is hereby given that, pursuant to the provisions of the East Perth Redevelopment Scheme, the East Perth Redevelopment Authority has resolved to list the following use in its Register of Inappropriate uses.

Use _____

Situated at _____

Name and Address of Owner to Whom this Notice Applies _____

Formal listing of the above use will render it subject to the special provisions of the East Perth Redevelopment Scheme relating to inappropriate uses.

Should you be aggrieved by this resolution an appeal may be lodged within 60 days of the date of this notice in accordance with the provisions of Part V of the Town Planning and Development Act 1928 (as amended).

Chairman _____ Date _____

East Perth Redevelopment Authority



SCHEDULE 5

East Perth Redevelopment Authority

Infrastructure Costs

For the purpose of the Scheme, and subject to any express provision in the Scheme, the following shall be Infrastructure Costs.

- a) The carrying out of any cadastral survey or resurvey or any river-bed survey within the Scheme Area;
- b) The acquisition of land for any public facility or service, including but without limiting the generality of the foregoing, any of the works or facilities referred to in this Schedule.
- c) Any compensation paid or payable for or in respect of the provision of any of the works or facilities referred to in this Schedule.
- d) The creation of any water-way and the landscaping or management of any water-way or foreshore land and in connection with the creation and subsequent operation of the water-way, any dredging in the Swan River and disposal of surplus spoil or fill.
- e) The provision of any bridge, underpass, jetty, mooring or boat launching facility.
- f) The provision of any road within the Scheme Area including the formation, preparation, priming and sealing of the road and the provision of kerbing, drainage and service ducts in connection with the road or in the road reserve.
- g) The provision of or contribution to the cost of providing any road within the Scheme Area reserved or classified as a regional reservation under the Metropolitan Region Scheme, and including any of the works referred to in the preceding item.
- h) The widening or improvement of any road including any regional road within the Scheme Area.
- i) The provision of or facilities for public transport within the Scheme Area and the connection by public transport of the Scheme Area to any other part of the Perth Metropolitan Region.
- j) The provision of areas or facilities for public car parking throughout the Scheme Area.
- k) The provision of any easement or way, including but without limiting the generality of the foregoing any carriageway, cycle way or walk way within the Scheme Area.
- l) The provision of any sewerage works within the Scheme Area including both headworks and reticulation and in the case of headworks including any contribution necessarily and unavoidably payable to the Water Authority of Western Australia for the provision of headworks by that body benefiting the Scheme Area.
- m) The provision or upgrading of a reticulated water supply to and within the Scheme Area including any contribution necessarily and unavoidably payable to the Water Authority for the provision of water supply headworks by that body benefiting the Scheme Area.
- n) The provision or upgrading of drainage works within the Scheme Area including any contribution necessarily and unavoidably payable to the Water Authority for the provision of drainage headworks by that body benefiting the Scheme Area.
- o) Any contribution necessarily and unavoidably required to be made to the State Energy Commission of Western Australia for the provision of gas and electric power to, and the reticulation of such service within the Scheme Area.
- p) Any contribution necessarily and unavoidably payable to Telecom or any other instrumentality for the provision of telecommunications to and within the Scheme Area.
- q) The provision of land for and the improvement of public open space including land intended for both passive and active recreation.
- r) Landscaping of public areas including, but without limiting the generality of the foregoing, any planting and reticulation, lighting and fencing of public areas and the provision of street and park furniture, and the provision of public art works.
- s) The provision of any community or civic facility and without limiting the generality of the foregoing any public child care facility; any library; public toilets; playgrounds; or other recreation or sporting facilities.



- t) Lighting of any street or other public area.
- u) Any environmental remediation or improvement including the removal of any contaminant otherwise than work associated with the former East Perth Gas Works.
- v) The provision of any work or facility referred to in this subclause, including the cost of land, outside the Scheme Area where the Authority considers that such work or facility is necessary to advance or promote the interest of the Scheme Area.
- w) Such other work or expenditure not referred to above as the Authority from time to time considers would contribute to the amenity or orderly and proper planning and development of the Scheme Area.



SCHEDULE 6**Waterway Development Area Land which is exempt from paying Waterway Contributions for 5 years**

REF NO	CERT OF TITLE	LOT NO	ADDRESS
1	1799\245	8	18 Constitution St
2	1077\98	14	8 Constitution St
3	1034\656	Ptn A1	79 Trafalgar St
4	1837\432	450	16 Glyde St
5	386\37	120	87 Brown St
6	1595\942	50	85 Brown St
7	1670\979	152	77 Brown St
8	1015\941	123	73 Brown St
9	1015\941	145	73 Brown St
10	1194\644	146	65 Brown St
11	638\123	147	61-63 Brown St
12	880\61	148	61-63 Brown St
13	55\68a	13	19 Saunders St
14	55\68a	12	19 Saunders St
15	1565\82	Strata Plan 8098 Lt 1	59 Jewell Pde
16	1565\83	Strata Plan 8098 Lt 2	59 Jewell Pde
17	1565\84	Strata Plan 8098 Lt 3	59 Jewell Pde
	1746\34	Strata Plan 8098 Lt 3	59 Jewell Pde
18	1565\85	Strata Plan 8098 Lt 4	59 Jewell Pde
19	1565\86	Strata Plan 8098 Lt 5	59 Jewell Pde
20	1565\87	Strata Plan 8098 Lt 6	59 Jewell Pde
21	1565\88	Strata Plan 8098 Lt 7	59 Jewell Pde



SCHEDULE 7

Form 5

East Perth Redevelopment Authority

Additional Information Sheet For Advertisement Approval

(To be completed in addition to Application to Undertake Development - Form 1)

1. Name of Landowner(s) _____

2. Name of Advertiser/Applicant _____

3. Address for correspondence _____

Telephone Number _____

4. Description of Property upon which advertisement is to be displayed. _____

5. Details of Proposed Advertisement/Sign. _____

a) Width _____ Depth _____

b) Colours to be used _____

c) Height above ground level (to top of advertisement) _____

(to underside) _____

d) State type of structure upon which the advertisement is to be erected (ie. free standing, wall mounted, other) _____

e) Illuminated YES/NO _____

If yes, state whether steady, moving, flashing, alternating, digital, animated, scintillating, etc. _____

6. Period of time for which advertisement is required _____

7. Details of signs (if any) to be removed if this application is approved _____

* Application is to be supported by a photograph or impression of the premises/property showing superimposed thereon the position of the proposed advertisement.

Signature of Advertiser/Applicant _____

Date _____



SCHEDULE 8

Form 6
East Perth Redevelopment Act 1991
Part V Section 43

Approval

Amendment/Revocation of Approval to Undertake Development

Refusal

Name and Address of Owner and land on which development is proposed:

Name: _____ Address: _____

Location: _____

Lot: _____ Plan/Diagram: _____

Vol No: _____ Folio No: _____

Application Date: _____ Received on: _____

Date of development approval: _____

Description of proposed amendment or revocation of: _____

- a) *development approval; or
- b) *condition/s of approval

The application to amend or revoke the *approval to undertake development/ *conditions of approval to undertake development *is granted subject to the following conditions/*refused for the following reason(s):

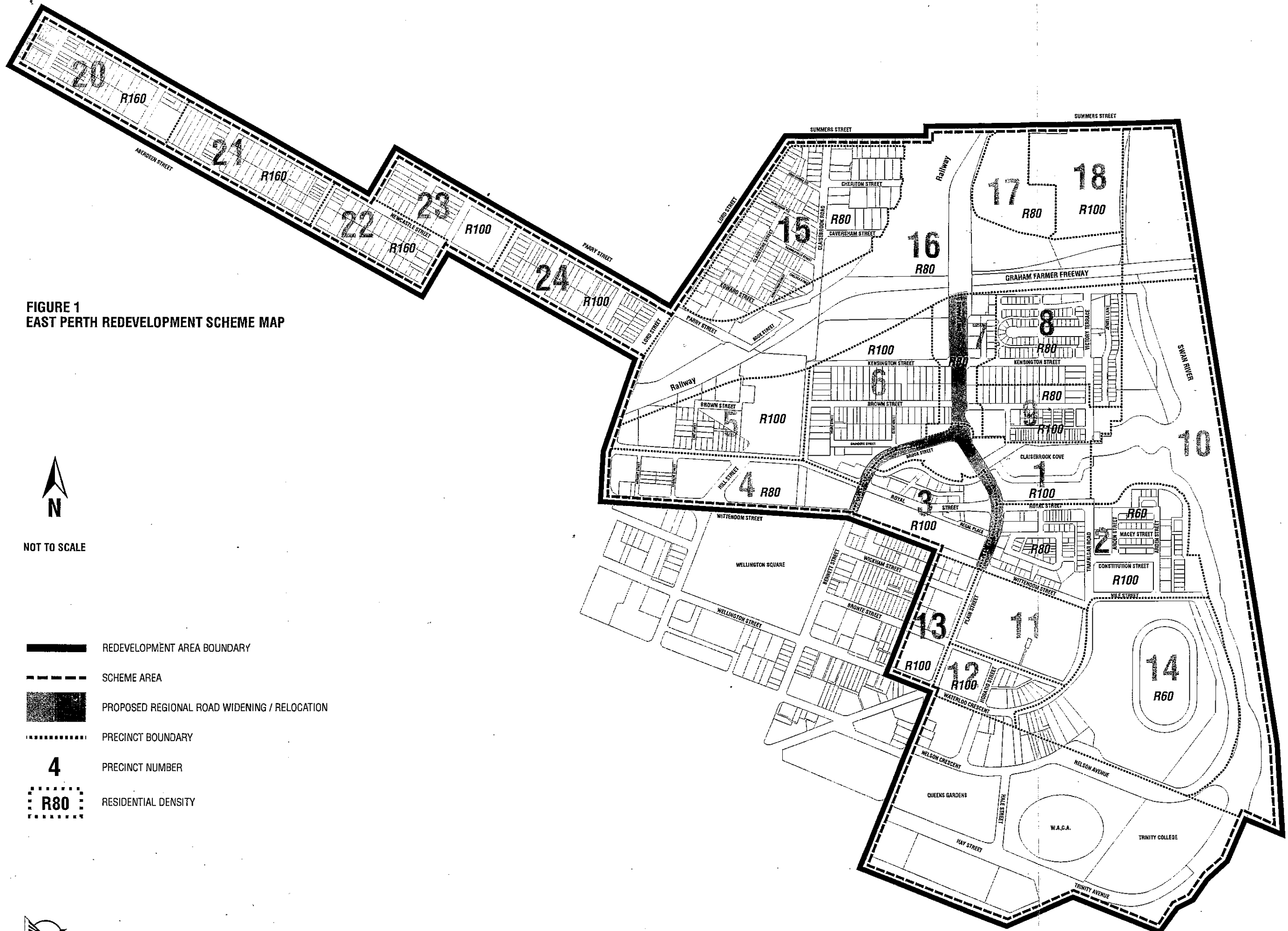
Conditions/Reasons For Refusal:

* delete where applicable

Signed _____ Date: _____

Chief Executive acting under delegated authority





**FIGURE 1
EAST PERTH REDEVELOPMENT SCHEME MAP**



NOT TO SCALE





- REDEVELOPMENT AREA BOUNDARY
- SCHEME AREA
- PROPOSED REGIONAL ROAD WIDENING / RELOCATION
- PRECINCT BOUNDARY
- 4** PRECINCT NUMBER
- RESIDENTIAL DENSITY



**APPENDIX 3
WATERWAY DEVELOPMENT AREA MAP**



NOT TO SCALE

-  REDEVELOPMENT AREA BOUNDARY
-  SCHEME AREA
-  WATERWAY DEVELOPMENT AREA
-  CONTRIBUTION AREA BOUNDARIES
- A** CONTRIBUTION AREA REFERENCE

