

# CITY OF SUBIACO

## LOCAL PLANNING SCHEME NO. 5

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UPDATED TO INCLUDE - AMD 3 GG 18/06/2024

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Local Planning Scheme Gazettal  
21 February 2020

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

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

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

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## CITY OF SUBIACO LOCAL PLANNING SCHEME NO. 5 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS											
		WHEN	BY												
<b>New Scheme</b>	<b>21 February 2020</b>	<b>27/02/2020</b>	<b>MLD</b>	<b>New Scheme</b>											
MRA – notification amendment	16/10/2020	23/12/2020	MLD	Introduce additional provision clause 85C – under schedule 1 – Supplemental Provisions to the deemed provisions.											
1	05/02/2021	14/02/2021	MLD	Insert clause 85D into Schedule 1 – Supplemental Provisions to the deemed provisions											
3	18/06/2024	20/06/2024	HB/ZCJ	<p>Amend Table 3 of Clause 17 as follows:</p> <p>a) Replace the permissibility symbols in the Mixed Use and Local Centre Zones with the following:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th rowspan="2">Use and Development Class</th> <th colspan="2">Zones</th> </tr> <tr> <th>Mixed Use</th> <th>Local Centre</th> </tr> </thead> <tbody> <tr> <td>Consulting Rooms</td> <td>P</td> <td>P</td> </tr> <tr> <td>Medical Centre</td> <td>D</td> <td>D</td> </tr> </tbody> </table> <p>b) Amend the associated Notes as follows:  “Notes:  1. Refer to Schedule 1 - Supplemental Provisions to the Deemed Provisions clause 12(4).  2. The X designation relates to development in the Residential Zone with a density below R80, the A designation relates to development in Residential Zone with a density of R80 and above. Refer to local planning policy relating to restaurant/cafe land use in Residential Zones R80 and above.  3. Refer to clause 32 Table 5 No. 3(1) for additional requirements for non-residential development in the Residential Zone.”</p> <p>c) Replace the superscript notations within Table 3 of *, *<sup>1</sup> and *<sup>2</sup> with *<sup>1</sup>, *<sup>2</sup> and *<sup>3</sup> respectively.</p> <p>Delete sub-clause 26(1) and renumber subsequent sub-clauses.</p> <p>In renumbered sub-clause 26(1), amend the Location descriptions as follows:</p> <p>“Location A - Within an area identified as an Activity Centre as defined by the City of Subiaco Local Planning Strategy.  Location B - Within areas outside of Activity Centres, as defined by the City of Subiaco Local Planning Strategy, but within 800m of a train station on a high frequency rail route or within 250m of a high frequency bus route.</p>	Use and Development Class	Zones		Mixed Use	Local Centre	Consulting Rooms	P	P	Medical Centre	D	D
Use and Development Class	Zones														
	Mixed Use	Local Centre													
Consulting Rooms	P	P													
Medical Centre	D	D													

			<p>Location C - Not within areas outlined above"</p> <p>Amend renumbered sub-clause 26(2) to read:</p> <p>(a) "In relation to multiple dwellings within areas coded R40 or greater, within mixed use developments and/or within Activity Centres, as defined by the City of Subiaco Local Planning Strategy; acceptable outcome A3.9.2 in element 3.9 Car and bicycle parking in Part 3 Siting the development of the R-Codes is amended to read as follows:"</p> <p>(b) Amend the associated Definitions as follows:</p> <p>"Location A: within the defined boundaries of an Activity Centre as defined by the City of Subiaco Local Planning Strategy.  Location B: within areas outside the defined boundaries of an Activity Centre, as defined by the City of Subiaco Local Planning Strategy, but within an 800m walkable catchment of a train station and/or 250m of a stop (bus or light rail) of a high frequency route."</p> <p>Amend the Scheme as follows:</p> <p>Delete clauses 27 and 28</p> <p>Replace clauses 29 and 30 with:</p> <p>"29. Other planning codes to be read as part of Scheme  (1) The planning codes set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.</p> <p>Table 4 - State planning codes to be read as part of the Scheme</p> <table border="1" data-bbox="1082 1574 1375 1727"> <tr> <td>Other planning codes to be read as part of the Scheme</td> </tr> <tr> <td>There are no other planning codes that are to be read as part of the Scheme.</td> </tr> </table> <p>(2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.</p> <p>(3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.</p>	Other planning codes to be read as part of the Scheme	There are no other planning codes that are to be read as part of the Scheme.
Other planning codes to be read as part of the Scheme					
There are no other planning codes that are to be read as part of the Scheme.					

			<p>30. Modifications of planning codes There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme.”</p> <p>In sub-clause 32(1), amend Table 5 as follows:</p> <p>a) Amend No. 1(2) to read:</p> <p>(2) The local government will only grant development approval for the demolition of a building or a structure where it is satisfied that the building or structure:</p> <p>(a) Has limited or no cultural heritage significance; and</p> <p>(b) Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.</p> <p>Note: Clause 61 of Schedule 2 Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts requirement for development approval for the demolition of certain buildings and structures.”</p> <p>In Clause 33, amend Table 6 as follows:</p> <p>a) Amend No. 2 Description of Land to read: “Lot 900 (No. 10) on D/P: 416362 Rokeby Road, Subiaco”</p> <p>b) Amend No. 3 Description of Land to read: “Lot No. 601 (No. 55) on D/P: 406430 Salvado Road, Subiaco”</p>
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				<p>c) Amend No. 4 Description of Land to read: "Strata Lots 1-21 (No. 531) on Strata Plan: 17651 Hay Street, Subiaco"</p> <p>d) Amend No. 5 Description of Land to read: "Lot No. 101 (No. 388) on D/P: 83867 Hay Street, Subiaco"</p> <p>e) Amend No. 6 Description of Land to read: "Strata Lots 1-36 (No. 184) on Strata Plan 24889 Rokeby Road, Subiaco, Lot 50 (No. 277) on D/P: 45359 Barker Road, Subiaco and Lots 21-24 (No. 218) on D/P: 2240 Park Street, Subiaco"</p> <p>f) Amend No. 7 Description of Land to read: "Lot 229 (No. 121) on D/P: 89002 Railway Road, Subiaco and Lot 230 (No. 374) on D/P: 89002 Bagot Road, Subiaco"</p> <p>g) Amend No. 8 Description of Land to read: "Lot 503 (No. 500) on D/P: 413388 Hay Street, Subiaco"</p> <p>h) Amend No. 9 Description of Land to read: "Lot 600 (No. 588) on D/P: 406430 Hay Street, Subiaco and Lot 601 (No. 5) on D/P: 406430 Wembley Court, Subiaco"</p> <p>i) Amend No. 10 Description of Land to read: "Lot 601 (No. 1) on D/P: 406430 Harborne Street, Subiaco"</p> <p>j) Renumber No. 12 and No. 13 to '11' and '12' respectively.</p> <p>k) Amend renumbered No. 11 Description of Land to read: "Strata Lots 1-11 (No. 567) S/P: 12758 on Hay Street, Daglish"</p> <p>l) Amend renumbered No. 12 Description of Land to read: "Rokeby Road South Precinct as defined by the approved Local Development Plan for the Rokeby Road Precinct."</p> <p>m) Amend renumbered No. 12 Requirement to read: "To be guided by the approved Local Development Plan for the Rokeby Road South Precinct and Schedule 3 Table 9 Part 2.1 of this Scheme."</p> <p>In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 12(4) as follows: "Where a proposed 'consulting rooms' or 'office' use is located in a residential zone and is subject to subclause 12(1) of the Deemed Provisions, the</p>
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			<p>proposed use may be considered an 'A' (advertising) use under clauses 17 and 18 of this scheme."</p> <p>In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 61(1)(k) to read as follows:  “(1) Development approval is not required for works if-  (a) the works are of a class specified in Column 1 of an item in the below table; and  (b) if conditions are set out in Column 2 of the below table opposite that item - all of those conditions are satisfied in relation to the works.”</p> <table border="1" data-bbox="1002 779 1369 958"> <thead> <tr> <th></th> <th>Column 1 Works</th> <th>Column 2 Conditions</th> </tr> </thead> <tbody> <tr> <td>22.</td> <td>The removal of a tree.</td> <td>The tree is not identified on the significant tree register.</td> </tr> </tbody> </table> <p>In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 67 as follows:  “(2)(zc) Any advice of the Design Review Panel.”</p> <p>Under Schedule 3 - Additional Site and Development Requirements, Tables 8 and 10 amend the Building Setbacks - Rear Minimum Setback as follows:  “The first two (2) storeys have a Nil (0m) setback.  The third (3) storey and above shall be set back at least 6.0m.  If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.”</p> <p>Under Schedule 3 - Additional Site and Development Requirements, Table 9 amend the table as follows:</p> <p>a) Replace the text in Part 2.1 - Rokeby Road South as follows:</p> <table border="1" data-bbox="1002 1615 1369 2011"> <thead> <tr> <th colspan="2">2.1 Rokeby Road South</th> </tr> </thead> <tbody> <tr> <td>Building height</td> <td>Development shall not exceed the maximum building height prescribed by the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys.</td> </tr> <tr> <td>Building setbacks</td> <td>Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan.</td> </tr> </tbody> </table> <p>b) Replace the first row in the Building setback element column</p>		Column 1 Works	Column 2 Conditions	22.	The removal of a tree.	The tree is not identified on the significant tree register.	2.1 Rokeby Road South		Building height	Development shall not exceed the maximum building height prescribed by the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys.	Building setbacks	Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan.
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				<p>in the setbacks table for Part 2.3 as follows: "First two (2) storeys."</p> <p>Under Schedule 3 - Additional Site and Development Requirements, Table 9 Part 2.4 replace 'thought' with 'through'.</p> <p>Under Schedule 3 - Additional Site and Development Requirements, Table 10 amend the Building Setbacks - Street (primary or secondary) Minimum Setback as follows: "Nil for the first three (3) storeys, 2.0 m for the fourth (4) storey."</p> <p>Under Schedule 5 - Car Parking Standards amend Table 12 as follows:</p> <p>a) Amend the following Land Use Categories:</p> <ul style="list-style-type: none"> <li>• 'Office, Other commercial' to be replaced with 'Office and Other Commercial'; and</li> <li>• 'Fast Food, Lunch Bar' to be replaced with 'Fast Food/Lunch Bar'.</li> </ul> <p>b) In the Bicycle Parking columns replace all references to class 1, 2 and 3 with class 'A', 'B' and 'C' respectively.</p> <p>c) Amend the associated Notes as follows: "Notes:</p> <ol style="list-style-type: none"> <li>1. Reference to Activity Centres means within an area identified as an Activity Centre as defined within the City of Subiaco Local Planning Strategy.</li> <li>2. Class A, B and C bicycle parking facilities are defined under AS2890.</li> <li>3. Where a standard set out in Table 12 results in a parking requirement that is not a whole number, the requirement is to be rounded up to the next whole number." <p>In Schedule 5 - Car Parking Standards delete sub-clauses (1), (2) and (3).</p> <p>Amend the formatting as follows:</p> <p>a) Align the text indentation with the remainder of the Scheme text for:</p> <ul style="list-style-type: none"> <li>• Sub-clause 13(1)</li> <li>• Sub-clause 13(2)</li> <li>• Sub-clause 14(1)</li> </ul> <p>b) In Schedule 4 - Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, align the text indentation of Objective '(e)' with the remainder of the objectives.</p> <p>c) Amend text size of all Notes to 'size 10'.</p> </li></ol>
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				<p>d) In sub-clause 32(1) Table 5 No. 3(2) capitalise the letter 'S' in 'scheme map'.</p> <p>e) In Schedule 3 - Additional Site and Development Requirements replace all references of 'metres' with 'm'.</p> <p>f) In the tables throughout Schedule 3 - Additional Site and Development Requirements insert full stops '.' after all sentences.</p> <p>g) In Schedule 3 - Additional Site and Development Requirements, Table 10 capitalise 'S' in scheme map.</p>
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# SCHEME DETAILS

## **CITY OF SUBIACO**

### LOCAL PLANNING SCHEME NO. 5

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

## TABLE OF CONTENTS

- Part 1 Preliminary** — sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 Reserves** — sets out the reserves which apply in the Scheme area and related provisions.
- Part 3 Zones and the use of land** — sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 4 General development requirements** — sets out the general planning requirements which apply to land use and development within the Scheme area.
- Part 5 Special control areas** — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 6 Terms referred to in Scheme** — lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

## Schedules

- 1 Supplemental provisions to the deemed provisions
- 2 Additional Uses
- 3 Additional Site and Development Requirements
- 4 Additional Site and Development Requirements for areas covered by Structure Plan, Activity Centre Plan or Local Development Plan
- 5 Car Parking Standards

## Part 1 - Preliminary

### 1. Citation

This local planning scheme is the City of Subiaco Local Planning Scheme No. 5.

### 2. Commencement

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

### 3. Scheme revoked

The following local planning scheme is revoked –

- The land area of the City of Subiaco *Town Planning Scheme No. 4 Map* gazetted 23 March 2001 north of Aberdare Road and its relevant Scheme Text.
- The land area of the City of Subiaco *Town Planning Scheme No. 4 Map* gazetted 23 March 2001 south of Aberdare Road and the relevant Scheme Text remains operative under the jurisdiction of the City of Perth.

### 4. Notes do not form part of Scheme

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

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

### 5. Responsibility for Scheme

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

### 6. Scheme area

This Scheme applies to the area shown on the Scheme Map, which covers all the municipal district of the City of Subiaco apart from the area, illustrated on the Scheme Map, comprising the land that is in the redevelopment area for the purposes of the *Metropolitan Redevelopment Authority Act 2011*.

Notes:

1. The Scheme area (or part) is also subject to the Metropolitan Region planning scheme (see clause 12) and other local planning schemes (see clause 11).
2. The development of any land within the redevelopment area requires approval under section 47 of the *Metropolitan Redevelopment Authority Act 2011*.

## **7. Contents of Scheme**

- (1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following —
  - (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) including any supplemental deemed provisions outlined in Schedule 1 of the scheme text;
  - (b) the Scheme Map;
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## **8. Purposes of Scheme**

The purposes of this Scheme are to —

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

## **9. Aims of Scheme**

The aims of this Scheme are to —

- (a) foster a sense of place that is unique to Subiaco and provide an attractive urban environment to ensure development promotes a sense of community and encourages participation in community life; and
- (b) maintain and improve the City's excellent provision of housing choice and variety in neighbourhoods with a community identity, high levels of amenity and services to meet community needs while accommodating a reasonable increase in population and housing stock in appropriate locations; and
- (c) foster and control the use and development of land in an effective, efficient and environmentally sustainable manner according to precinct planning principles, whilst striking the balance between accommodating increasing population and maintaining local character; and

- (d) ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider regional planning objectives; and
- (e) facilitate and encourage effective public involvement in planning issues of significance to the character, amenity, evolution, vibrancy, and environmental attributes of the City; and
- (f) coordinate and ensure that development is of a high quality and is completed in an efficient and environmentally responsible manner which:
  - (i) makes optimum use of the City's infrastructure and resources;
  - (ii) promotes an energy-efficient environment;
  - (iii) respects the natural environment;
  - (iv) contributes to the visual and social amenity of the city;
  - (v) provides excellence in design quality;
  - (vi) ensures high amenity for those living, visiting or working in a building, as well as those passing through and observing the building; and
  - (vii) enhances the public health of the community; and
- (g) promote and safeguard the special character and cultural heritage of the City by:
  - (i) identifying, conserving and enhancing those places which are of significance to the City's cultural heritage;
  - (ii) encouraging development that is in harmony with the cultural heritage value of an area;
  - (iii) protect and enhance local heritage and character recognising and preserving the traditional setting of existing dwellings including curtilage, garden areas and open space; and
  - (iv) promoting public awareness of cultural heritage generally; and
- (h) foster local economic development, business and employment generating activities in appropriate locations; and
- (i) develop a diverse and attractive hierarchy of activity centres providing a community focus for neighbourhoods and an active and vibrant town centre; and
- (j) plan for the appropriate redevelopment of major sites which will become available in the short, medium and long-term; and
- (k) integrate planning for land use and transport to achieve sustainable urban development encouraging the reduction in dependence on private motor vehicle use and promotion of alternative travel modes; and
- (l) make efficient use of existing infrastructure and resources such as public transport, land and financial resources; and

- (m) encourage the use of public transport and promote Subiaco as a major public transport node; and
- (n) reduce the demand for, and balance the provision of, parking to ensure convenient access while promoting economic, environmental and social sustainability; and
- (o) maintain and enhance social and recreational opportunities and develop meeting places for the community; and
- (p) provide a mechanism for the future and ongoing integration and normalisation of the Subiaco Redevelopment Area into the Scheme, and to provide for seamless transition over time.

**10. Relationship with local laws**

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

**11. Relationship with other local planning schemes**

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

**12. Relationship with region planning scheme**

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

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

## Part 2 – Reserves

### 13. Regional Reserves

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

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

### 14. Local reserves

- (1) In this clause —

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

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

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

**Table 1 – Reserve objectives**

Reserve name	Objectives
Civic and Community	<ol style="list-style-type: none"> <li>(a) To provide for a range of community facilities which are compatible with surrounding development; and</li> <li>(b) To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, or other services by organisation involved in activities for community benefit.</li> </ol>
District Distributor Road	(a) To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Education	(a) Public purposes which specifically provide for a range of essential education facilities.
Local Road	(a) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Medical Services	(a) Public purposes which specifically provide for a range of medical services.
Public Open Space	<ol style="list-style-type: none"> <li>(a) To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152; and</li> <li>(b) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ol>

Public Purposes	(a) To provide for a range of essential physical and community infrastructure
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**15. Additional uses for local reserves**

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



## Part 3 – Zones and use of land

### 16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows —

**Table 2 – Zone objectives**

Zone name	Objectives
Centre	<ul style="list-style-type: none"> <li>(a) To designate land for development as a town centre or activity centre.</li> <li>(b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>(c) To encourage buildings of high quality design that respond to and enhance the special character within their location of the Town Centre of Subiaco, contributing to a sense of place and a recognition of local history and built form.</li> <li>(d) To create a vibrant, sustainable town centre, with a broad range of activities, well serviced by public transport.</li> <li>(e) To develop and enhance the regional nature of the town centre's economy, encourage appropriate new development and provide certainty to developers and prospective businesses.</li> <li>(f) To encourage an increase in residential uses within mixed use developments to provide additional foot traffic at street level for added vibrancy in public realm and in support of the local economy.</li> <li>(g) Enable built form and urban design responses around each public space area that reinforces quality and functionality, based on nodes of activity, lanes that are activated and connected and establishing the town centre as urban village.</li> <li>(h) To maintain and improve the urban tree canopy across the City.</li> </ul>

Local Centre	<ul style="list-style-type: none"> <li>(a) To promote a local scale and convenient mix of local amenities to meet the daily needs of the local residential community.</li> <li>(b) To establish a sustainable community hub with an activated and vibrant public realm and a mix of land use functions that support and complement the surrounding residential areas.</li> <li>(c) To encourage high quality, pedestrian-friendly, street-orientated development that is compatible with surrounding uses.</li> <li>(d) To encourage buildings of high quality design that respond to their local context and are appropriately scaled within a local node serving.</li> <li>(e) To manage the impact of vehicle access, parking and movement on the public realm.</li> <li>(f) To encourage mixed use development of a scale appropriate to a local node.</li> <li>(g) To maintain and improve the urban tree canopy across the City.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>(a) To provide for a wide variety of active uses on the street level which are compatible with residential and other uses on upper levels.</li> <li>(b) To develop a lively, eclectic and diverse mixed use area providing for an extensive range of residential and commercial uses to be established either in association with each other or in a compatible manner.</li> <li>(c) To encourage buildings of high quality design that respond to and enhance the special character, contributing to a sense of place and a recognition of local history and built form.</li> <li>(d) To promote residential land uses as a vital and integral component of the mixed use zone, supporting the vibrancy and economic sustainability of the zone and the nearby Subiaco Town Centre.</li> <li>(e) The consolidation and development of appropriately located, sustainable, commercial land uses that can exist in harmony with residential uses.</li> <li>(f) To encourage active transport opportunities for residents, workers and visitors.</li> <li>(g) To promote interaction between mixed use development and surrounding facilities and amenities including entertainment, retail and cultural uses and avoiding buildings that discourage residents, workers and visitors from engaging with nearby amenities.</li> <li>(h) To maintain and improve the urban tree canopy across the City.</li> </ul>

Residential	<ul style="list-style-type: none"> <li>(a) To provide for a range of housing and a choice of residential densities housing types to meet the needs of the community.</li> <li>(b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>(c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> <li>(d) To maintain the compatibility with the general streetscape for all new buildings in terms of human scale, height, style, materials, street alignment and design of facades.</li> <li>(e) To ensure that the amenity of residential areas is protected from incompatible uses and disproportionate or excessive development.</li> <li>(f) To enhance established neighbourhood character by ensuring that new development is respectful of, and responds to, the key features of the surrounding area.</li> <li>(g) To recognise and enhance places of cultural heritage significance which are affected by development.</li> <li>(h) To enhance and promote walkability and cycle connectivity.</li> <li>(i) To improve the public realm and urban tree canopy through upgrading Rights-of-way, connecting small parks and maintaining street trees.</li> <li>(j) To ensure that the built form of new development is designed to provide an effective transition between higher and lower density land in a manner that considers and preserves amenity, and is at a similar scale to existing development in the surrounding area.</li> </ul>
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## 17. Zoning table

The zoning table for this Scheme is as follows —

**Table 3 - Zoning table**

USE AND DEVELOPMENT CLASS	ZONES			
	Residential	Mixed Use	Local Centre	Centre
<b>Residential</b>				
Aged or dependent persons dwelling	D	D	D	D
Ancillary Dwelling	P	D	D	D
Grouped Dwelling	P	D	D	D
Home Business	D	P	P	P
Home Occupation	P	P	P	P
Home Office	P	P	P	P
Multiple Dwelling	D	D	D	P
Single House	P	D	P	D
Residential Building	A	A	A	A
Short Stay Dwelling	P	P	P	P
<b>Entertainment</b>				
Amusement Parlour	X	A	A	A
Betting Agency	X	D	A	P
Brewery	X	A	A	A
Cinema/Theatre	X	D	X	P
Club Premises	X	A	X	A
Nightclub	X	X	X	A
Restaurant/café <i>AMD 3 GG 18/06/2024</i>	X/A <sup>1</sup>	D	D	P
Small Bar	X	A	A	P
Tavern	X	A	X	D
<b>Medical/Consulting</b>				
Animal Establishment	X	A	X	X
Consulting Rooms <i>AMD 3 GG 18/06/2024</i>	X <sup>1</sup>	P	P	D
Funeral Parlour	X	D	X	D
Hospital	X	A	X	X
Medical Centre <i>AMD 3 GG 18/06/2024</i>	X	D	D	D
Veterinary Centre	X	D	X	D
<b>Retail (and Recreation)</b>				
Convenience Store	X	D	A	D
Garden Centre	X	D	D	D
Home Store	A	D	D	D
Liquor Store – Large	X	A	X	A

USE AND DEVELOPMENT CLASS	ZONES			
	Residential	Mixed Use	Local Centre	Centre
Liquor Store – Small	X	D	A	D
Local Shop	X	P	P	P
Market	X	A	A	A
Recreation – Private	D	D	D	D
Restricted Premises	X	X	X	X
Shop	X	D	P	P
<b>Office and Other Commercial</b>				
Car Park	X	D	D	D
Commercial Vehicle Parking	X	A	A	D
Office <i>AMD 3 GG 18/06/2024</i>	X <sup>1</sup>	P	D	D
Service Station	X	A	X	A
Industry	X	A	A	A
Industry: Light	X	A	A	A
Industry: Extractive	X	X	X	X
Industry: Service	X	D	D	D
Telecommunications Infrastructure	D	D	D	D
Warehouse/storage	X	D	X	X
Bulky Goods Showroom	X	D	D	D
<b>Fast Food / Lunch Bar</b>				
Fast Food Outlet / Lunch Bar	X	D	A	D
<b>Accommodation</b>				
Aged Care Facility <i>AMD 3 GG 18/06/2024</i>	D <sup>2</sup>	D	D	X
Bed and Breakfast	P	P	P	P
Hotel	X	A	X	D
Motel	X	A	X	D
Serviced Apartments <i>AMD 3 GG 18/06/2024</i>	A <sup>2</sup>	A	A	D
<b>Motor Vehicles Sales, Wash, Service</b>				
Motor Vehicle, Boat or Caravan Sales	X	A	X	X
Motor Vehicle Repair	X	A	X	X
Motor Vehicle Wash	X	A	X	X
<b>Civic and Cultural</b>				
Art Gallery <i>AMD 3 GG 18/06/2024</i>	A <sup>2</sup>	D	A	P
Civic Use	X	D	D	P
Community Purpose	X	D	D	P
Educational Establishment	X	D	A	D
Exhibition Centre	X	P	P	P
Place of Worship <i>AMD 3 GG 18/06/2024</i>	A <sup>2</sup>	A	A	A
Reception Centre	X	A	X	D

USE AND DEVELOPMENT CLASS	ZONES			
	Residential	Mixed Use	Local Centre	Centre
Child/Day Care				
Child Care Premises	AMD 3 GG 18/06/2024 A <sup>2</sup>	A	A	D
Family Day Care	AMD 3 GG 18/06/2024 D <sup>2</sup>	D	D	D

Notes:

AMD 3 GG 18/06/2024

1. Refer to Schedule 1 – Supplemental Provisions to the Deemed Provisions clause 12(4).
2. The X designation relates to development in the Residential Zone with a density below R80, the A designation relates to development in Residential Zone with a density of R80 and above. Refer to local planning policy relating to restaurant/café land use in Residential Zones R80 and above.
3. Refer to clause 32 Table 5 No. 3(1) for additional requirements for non-residential development in the Residential Zone.

## 18. Interpreting zoning table

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

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

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

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

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

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

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

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

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —
  - (a) the development approval application relates to land that is being used for a non-conforming use; and
  - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
  - (a) a structure plan; or
  - (b) an activity centre plan; or
  - (c) a local development plan.

## **19. Additional uses**

- (1) Schedule 2 sets out —
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and

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

**20. Restricted uses**

- (1) There are no restricted uses which apply to this Scheme.

**21. Special use zones**

- (1) There are no special use zones which apply to this Scheme.

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

**22. Non-conforming uses**

- (1) Unless specifically provided, this Scheme does not prevent —
  - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if —
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if —
  - (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
  - (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.



### **23. Changes to non-conforming use**

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

### **24. Register of non-conforming uses**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
  - (a) a description of each area of land that is being used for a non-conforming use; and
  - (b) a description of any building on the land; and
  - (c) a description of the non-conforming use; and
  - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
  - (a) must ensure that the register is kept up-to-date; and
  - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
  - (c) may publish a copy of the register on the website of the local government.

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

## Part 4 - General development requirements

### 25. R-Codes

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

### 26. Modification of R-Codes

*AMD 3 GG 18/06/2024*

- (1) Residential Car Parking Requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40:
  - (a) The deemed-to-comply requirements for residential car parking at Part 5.3.3 of the R-Codes are modified as follows (numbers to be rounded up to the nearest whole number):

The following minimum and maximum number of on-site car parking spaces is to be provided for each single house, grouped dwelling and special purpose dwelling comprising the following number of bedrooms:

Type of Dwelling	Car Parking Spaces				
	Location A		Location B		Location C
	Min	Max	Min	Max	Min
1 bedroom dwelling	0.5	1.25	0.75	-	1
2+ bedroom dwelling	1	1.5	1	-	2
Aged Persons Dwelling	1	1.25	1	-	1
Ancillary Dwelling	Nil	1	Nil	-	1

Location A – Within the area identified as an Activity Centre as defined by the City of Subiaco Local Planning Strategy

Location B – Within areas outside of an Activity Centres, as defined by the City of Subiaco Local Planning Strategy, but within 800m of a train station on a high frequency rail route or within 250m of a high frequency bus route.

Location C – Not within areas outlined above

(2) In relation to multiple dwellings within areas coded R40 or greater, within mixed use developments and/or within Activity Centres, as defined by the City of Subiaco Local Planning Strategy; acceptable outcome A3.9.2 in element 3.9 Car and bicycle parking in Part 3 Siting the development of the R-Codes is amended to read as follows:

(a) Parking is provided for cars and motorcycles in accordance with the parking ratio table below:

Parking Types		Location A		Location B		Location C
		Min	Max	Min	Max	Min
Car parking <sup>1</sup>	1 bedroom dwelling	0.5 bay per dwelling	1.5 bays per dwelling	0.75 bay per dwelling	2 bays per dwelling	1 bay per dwelling
	2 bedroom dwelling	1 bay per dwelling		1 bay per dwelling		2.5 bays per dwelling
	3+bedroom dwelling		2 bays per dwelling		1 bay per 4 dwellings up to 12 dwellings	
	Visitor	No min	1 bay per 8 dwellings for the 13 <sup>th</sup> dwelling and above	1 bay per 8 dwellings for the 13 <sup>th</sup> dwelling and above		No max
Bicycle parking <sup>2</sup>	Resident	0.5 space per dwelling				
	Visitor	1 space per 10 dwellings				
Motorcycle or scooter parking <sup>2</sup>	Developments exceeding 20 dwellings provide 1 motorcycle or scooter space for every 10 car bays.					
<sup>1</sup> Calculations of parking ratios shall be rounded up to the next whole number. <sup>2</sup> For each 5 motorcycle or scooter parking bays provided in accordance with this table, car parking bays may be reduced by one bay. <b>Definitions</b> <b>Location A:</b> within the defined boundaries of an Activity Centre as defined by the City of Subiaco Local Planning Strategy. <b>Location B:</b> within areas outside the defined boundaries of an Activity Centre, as defined by the City of Subiaco Local Planning Strategy, but within an 800m walkable catchment of a train station and/or 250m of a stop (bus or light rail) of a high frequency route. <b>Location C:</b> not within Location A or Location B.						

27. **DELETED BY AMD 3 GG 18/06/2024**

28. **DELETED BY AMD 3 GG 18/06/2024**

There are no modifications to State Planning Policy 3.6.

29. **Other planning codes to be read as part of Scheme**

AMD 3 GG 18/06/2024

(1) The planning codes set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.

**Table 4 – State planning codes to be read as part of the scheme**

Other planning codes to be read as part of the Scheme
There are no other planning codes that are to be read as part of the Scheme.

(2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.

*AMD 3 GG 18/06/2024*

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

*AMD 3 GG 18/06/2024*

**30. Modification of planning codes**

*AMD 3 GG 18/06/2024*

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

**31. Environmental conditions**

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

**32. Additional site and development requirements**

(1) Table 5 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

**Table 5 – Additional requirements that apply to land in Scheme area**

No.	Description of Land	Requirement
1	<u>All zones</u>	<p>(1) Schedule 5 sets out the requirements for vehicle and bicycle parking for non-residential development, and the non-residential component of mixed-use developments for all zones.</p> <p>(2) The local government will only grant development approval for the demolition of a building or a structure where it is satisfied that the building or structure:</p> <p>(a) Has limited or no cultural heritage significance; and</p> <p>(b) Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.</p> <p>Note: Clause 61 of Schedule 2 Deemed Provisions for local planning schemes of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> exempts requirement for development approval for the demolition of certain buildings and structures. <i>AMD 3 GG 18/06/2024</i></p> <p>(3) Where a site adjoins a district distributor road reserve and comprehensive redevelopment is proposed:</p> <p>(a) Vehicle access shall be via a rear right of way if one is available; or</p>

		<p>(b) If a rear right of way is not available, vehicle access shall be from a side street; or</p> <p>(c) If a rear right of way is not available, and access from a side street is not available or impractical, then crossovers shall be minimised to not more than one to the district distributor road frontage for the development site.</p> <p>(4) Where development is proposed adjacent to a right of way that is less than 6m in width, the Local Government may require as a condition of development approval, up to 3m of land to be ceded to the crown free of cost for the purpose of widening the right-of-way to 6m.</p>
2	<p><u>Centre zone</u></p> <p><u>Mixed use zone</u></p> <p><u>Local centre zone</u></p>	Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
3	<u>Residential Zone</u>	<p>(1) Non-residential development in the residential zone shall be generally consistent with the built form standards set out by the applicable R-Code of the site.</p> <p>(2) Where, on gazettal date of this Scheme, land has been developed at a greater density than specified by the applicable R-Code on the Scheme map, the local government may support redevelopment up to the same dwelling density as the existing development.</p>
4	<p>Lots with frontage to Thomas Street between Bagot Road and Hamersley Road, Subiaco; and</p> <p>Lots with frontage to Thomas Street between Heytesbury Road and Finlayson Street, Subiaco.</p>	<p>Development of these lots to a greater extent than the existing single dwellings and associated structures, or comprehensive redevelopment of a single dwelling, shall:</p> <p>(a) Provide permanent vehicle access from a public road or right-of-way other than Thomas Street; and</p> <p>(b) Where (a) requires the use of a right of way, provide adequate vehicle manoeuvring space adjacent to the right of way to ensure an effective 6m width for vehicle movements; and</p> <p>(c) Where (b) applies and an application for subdivision, strata or amalgamation is considered, the land identified in (b) shall be ceded to the crown free of cost for the purpose of widening the right-of-way.</p>
5	Lots with frontage to Thomas Street between Keightley Road East and Austin Street, Subiaco.	Except where vehicle access is available to a street other than Thomas Street, development of the lots for grouped or multiple dwellings shall not be permitted except where the frontage of the development site is not less than 25m.
6	Lots zoned Residential R100 with frontage to Railway Road between Waylen Road and Onslow Road.	Except where vehicle access is available to a street other than Railway Road, comprehensive development shall not be permitted except where the frontage of the development site is not less than 25m.

7	<p>Lots zoned Local Centre R100 with frontage to Railway Road between Lawler Street and Redfern Street;</p> <p>Lots zoned Residential R80 with frontage to Railway Road between Redfern Street and Heytesbury Road; and</p> <p>Lots zoned Residential R100 with frontage to Railway Road between Bagot Road and Hamersley Road.</p>	<p>1. In the case of a rear/side right of way being available or the site is a corner lot:</p> <p>(a) Permanent vehicle access shall be provided from a public road or right-of-way other than Railway Road;</p> <p>(b) Where subclause (a) requires the use of a right of way, adequate vehicle manoeuvring space shall be provided adjacent to the right of way to ensure an effective 6m width for vehicle movements; and</p> <p>(c) Where subclause (b) applies and an application for subdivision, strata or amalgamation is considered, the land identified in subclause (b) shall be ceded to the crown free of cost for the purpose of widening the right-of-way.</p> <p>2. Except where vehicle access is available to a street other than Railway Road, comprehensive development shall not be permitted except where the frontage of the development site is not less than 20m.</p> <p>3.</p>
8	<p>Lots zoned Residential R100 bound by Bagot Road, Douglas Avenue, Lawler Street and Federal Street.</p>	<p>Development above two (2) storeys in height shall be set back not less than 6.0m from the southern lot boundary.</p>

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

- (1) Table 6 sets out requirements relating to development that are included in structure plans, activity centre plans, and local development plans that apply in the scheme area.
- (2) The specific development standards set out under this Clause and the associated Schedule 4 prevail to the extent of any inconsistencies with any other standard or provision of the Scheme.

**Table 6 – Additional requirements that apply to land in Scheme area**

No.	Description of Land	Requirement
1	<p>Subiaco Secondary Activity Centre, as defined in the Subiaco Activity Centre Plan and the Draft North Subiaco Structure Plan</p>	<p>(a) Development shall not exceed the maximum plot ratio and building height prescribed in a WAPC approved activity centre plan or local structure plan.</p> <p>(b) Notwithstanding subclause (a) above, development shall not exceed a maximum plot ratio of 3.0 or a maximum building height of eight (8) storeys, except where:</p>

		<p>i. The development is consistent with the built form design provisions in an approved Local Development Plan; and</p> <p>ii. The development is a high quality design as determined by the City of Subiaco Design Review Panel; and</p> <p>iii. A new road or pedestrian access way is provided through the site where it has been identified as desirable by the Activity Centre Plan or as outlined in an applicable Local Development Plan.</p>
2	<p>Lot 900 (No. 10) on D/P: 416362, Rokeby Road, Subiaco AMD 3 GG 18/06/2024</p>	<p>Development shall be generally consistent with the applicable Local Development Plan, as set out in Schedule 4.</p>
3	<p>Lot No. 601 (No. 55) on D/P: 406430 Salvado Road, Subiaco AMD 3 GG 18/06/2024</p>	<p>To be guided by a Local Development Plan to be prepared and approved prior to the approval of a development application, considering:</p> <ul style="list-style-type: none"> <li>• Matters that are covered by the clause in the Subiaco Activity Centre Plan relating to Local Development Plans and Land Mark Sites; and</li> <li>• Where applicable, matters identified in the North Subiaco Structure Plan.</li> </ul> <p>The local government may recommend subdivision, amalgamation or approve the development of identified landmark sites in the Centre zone if the local government is satisfied that this will not prejudice the future development of the land in accordance with the objectives of the Subiaco Activity Centre Plan.</p>
4	<p>Strata Lots 1-21 (No. 531) on Strata Plan: 17651 Hay Street, Subiaco AMD 3 GG 18/06/2024</p>	
5	<p>Lot No. 101 (No. 388) on D/P: 83867 Hay Street, Subiaco AMD 3 GG 18/06/2024</p>	
6	<p>Strata Lots 1-36 (No. 184) on Strata Plan 24889 Rokeby Road, Subiaco Lot 50 (No. 277) on D/P: 45359 Barker Road, Subiaco and Lots 21-24 (No 218) on D/P: 2240 Park Street, Subiaco AMD 3 GG 18/06/2024</p>	
7	<p>Lot 229 (No. 121) on D/P: 89002 Railway Road, Subiaco and Lot 230 (No. 374) on D/P: 89002 Bagot Road, Subiaco AMD 3 GG 18/06/2024</p>	
8	<p>Lot 503 (No. 500) on D/P: 413388 Hay Street, Subiaco) AMD 3 GG 18/06/2024</p>	
9	<p>Lots 600 (No. 588) on D/P: 406430 Hay Street, Subiaco and Lot 601 (No. 5) on D/P: 406430 Wembley Court, Subiaco AMD 3 GG 18/06/2024</p>	<p>To be guided by a Local Development Plan to be prepared and approved prior to the approval of a development application.</p>
10	<p>Lot 601 (No. 1) on D/P: 406430 Harborne Street, Subiaco AMD 3 GG 18/06/2024</p>	<p>To be guided by a Local Development Plan to be prepared and approved prior to the approval of a development application.</p>



11	<p>Strata Lots 1-11 (No. 567) S/P: 12758 on Hay Street, Daglish <i>AMD 3 GG 18/06/2024</i></p>	<p>To be guided by a Local Development Plan to be prepared and approved prior to the approval of a development application to address the need to vary the building height to manage the impact of new development on adjoining residences.</p>
12	<p>Rokeby Road South Precinct as defined by the approved Local Development Plan for the Rokeby Road Precinct. <i>AMD 3 GG 18/06/2024</i></p>	<p>To be guided by the approved Local Development Plan for the Rokeby Road South Precinct and Schedule 3 Table 9 Part 2.1 of this scheme.</p>

### 34. Variations to site and development requirements

- (1) In this clause —  
  
***additional site and development requirements*** means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

### 35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
  - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

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

## **Part 5 - Special control areas**

### **36. Special Control Areas**

There are no special control areas that apply to this Scheme.

## Part 6 - Terms referred to in Scheme

### Division 1 - General definitions used in Scheme

#### 37. Terms used

- (1) A word or expression that is not defined in this Scheme —
- (a) has the meaning it has in the Planning and Development Act 2005; or
  - (b) if it is not defined in that Act – has the same meaning as it has in the R-Codes.

**amenity** - The 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours;

**building height**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

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

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

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

**facade** means the external face of a building, generally the principal face, facing a public street or space;

**floor area** has meaning given in the Building Code of Australia;

**frontage**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

**incidental use** means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

**net lettable area or nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas —

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

**non-conforming use** has the meaning given in the *Planning and Development Act 2005* section 172;

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

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

**scheme map** means the map or set of maps referred to in regulation 9(1) that are designated as the scheme map for a local planning scheme;

**special control area** means an area identified under this Scheme as an area subject to special controls set out in this Scheme;

**street alignment** means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment;

**streetscape** means the visible components in a street between the facing buildings, including the form of the buildings, garages, setbacks, fencing, driveways, utility services, street surfaces, street trees and street furniture such as lighting, signs, barriers and bus shelters;

**tree canopy** means the proportion or area of land area occupied by a tree's, or a number of trees', crown or canopy when visualised from directly above. It is the two dimensional horizontal extent of the combined canopies on a given land area, often expressed as a percentage or the total area covered;

**vehicle** has the same meaning as in the *Road Traffic Act 1974*;

**wall height**, in relation to a wall of a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

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

## Division 2 - Land use terms used in Scheme

### 38. Land use terms used

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

**Aged care facility** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility;

**amusement parlour** means premises —

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

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

**art gallery** means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

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

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

**bulky goods showroom** means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iii) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;

- (vii) household appliances, electrical goods and home entertainment goods;
- (viii) party supplies;
- (ix) office equipment and supplies;
- (x) babies' and childrens' goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;

or

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

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

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

**child care premises** means premises where —

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

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

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

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

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

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

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



**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area;

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

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

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

**fast food outlet/lunch bar** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten

—

- (a) without further preparation; and
- (b) primarily off the premises;

**funeral parlour** means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

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

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

—

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup> ; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup> ; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not:
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;

and

- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

**home store** means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

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

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

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

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;

- (d) the provision of amenities for employees;
- (e) incidental purposes;

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

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

**industry — light** 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 will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services;

**industry — service** means —

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

**liquor store — large** means premises:

- the subject of a liquor licence granted under the *Liquor Control Act 1988*; and
- in which the whole of, or a portion of, the premises with a net lettable area of more than 300 square metres is used to display and sell packaged liquor for consumption off the premises;

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

**local shop** means a shop in which the only goods offered for sale are a combination of foodstuffs, toiletries, stationery, or goods of a similar domestic nature intended for the day-to-day consumption or use by persons living or working in the locality of the shop, and may include the preparation and sale of food for consumption on the premises where this is incidental to the predominant use of the land;

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

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

**motel** means premises, which may be licensed under the *Liquor Control Act 1988* —

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

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

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

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

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

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

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

**open-air cinema** means premises where the public may view a motion picture within in an unenclosed structure;

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

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

**recreation — private** means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

**residential building** *has the meaning given in the R-Codes*;

**restaurant/cafe** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988* but does not include Hotel, Tavern, Small Bar, Licensed Premises or Night Club;

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

**serviced apartments** means a building or buildings, which include self-contained units, for temporary accommodation of less than 3 months;

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

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

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

**short stay dwelling** means an approved dwelling that provides accommodation for a maximum of six occupants for no more than three consecutive months;

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

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

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

**veterinary centre** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto;

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

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

## Schedule 1 – Supplemental Provisions to the Deemed Provisions

### 3A. Design Review Panel

- (1) The Local Government may appoint a Design Review Panel for the purpose of considering, and advising the Local Government with respect to applications and/or planning documents.
- (2) The Local Government shall prepare and adopt a Local Planning Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted.
- (3) When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the decision-maker shall have due regard for that recommendation.

### 12. Variations to Local Planning Scheme Provisions for Heritage Purposes

- (4) Where a proposed ‘consulting rooms’ or ‘office’ use is located in a residential zone and is subject to subclause 12(1) of the Deemed Provisions, the proposed use may be considered an ‘A’ (advertising) use under clauses 17 and 18 of this scheme.  
*AMD 3 GG 18/06/2024*

### 13A. Significant Tree Register

- (1) The local government must establish and maintain a significant tree register to identify trees within the Scheme area that are of worthy of preservation.
- (2) The significant tree register —
  - (a) must set out a description of each tree, its location and the reason for its entry in the significant tree register; and
  - (b) must be available, with the scheme documents, for public inspection during business hours at the offices of the local government; and
  - (c) may be published on the website of the local government.
- (3) The local government must not enter a tree in, or remove a tree from, the significant tree register or modify the entry of a tree in the significant tree register unless the local government —
  - (a) notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reason for its proposed entry; and
  - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
  - (c) carries out any other consultation the local government considers appropriate; and
  - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.

- (4) If the local government enters a place in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.
- (5) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.

**61(1)(k). Development for which development approval is not required**

*AMD 3 GG 18/06/2024*

- (1) Development approval is not required for works if-
  - (a) the works are of a class specified in Column 1 of an item in the below table ; and
  - (b) if conditions are set out in Column 2 of the below table opposite that item - all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
22.	The removal of a tree	The tree is not identified on the significant tree register

**67. Matters to be considered by local government**

(2)(zc) Any advice of the Design Review Panel

*AMD 3 GG 18/06/2024*

**85A. Transitional arrangements for local planning policies**

Where a local planning policy has been prepared in accordance with the requirements of Town Planning Scheme No. 4, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 5.

**85B. Planning instruments in the course of preparation**

Any step taken under Town Planning Scheme No. 4 before commencement day in the preparation of a planning instrument is to be taken to be a step taken in the preparation of a planning instrument of that type under Local Planning Scheme No. 5.

**85C. Planning Instruments Adopted Under the Subiaco Redevelopment Scheme 2**

- i. Any Design Guidelines and Development Policies adopted by the Metropolitan Redevelopment Authority for the Subiaco Redevelopment Area apply as if adopted under the provisions of Local Planning Scheme No. 5 as Local Planning Policies, and may be amended and revoked as needed under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- ii. The Metropolitan Redevelopment Authority Subiaco Redevelopment Area Heritage Inventory applies as if included as a Heritage List under Local Planning Scheme No. 5 until such time as the City of Subiaco Heritage List is reviewed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

iii Local Development Plans previously approved by the Metropolitan Redevelopment Authority apply as if approved under the provisions of Local Planning Scheme No. 5 and may be amended and revoked as needed under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**85D. Transitional arrangements for Heritage-Listed properties and Heritage Areas**

Where a property has been included on the Heritage List or where an area has been designated as a Heritage Area under Town Planning Scheme No. 4 and/or in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, they shall continue to have effect, and may be amended or revoked as if they were included on the Heritage List, or designated as a Heritage Area under Local Planning Scheme No. 5.

The Register of Places of Cultural Heritage Significance established under clause 58 and Conservation Areas declared under clause 59 of Town Planning Scheme No. 4, in existence as at 18 October 2015, continues respectively as the Heritage List and Heritage Areas.

*AMD 1 GG 05/02/2021*

The amendment will not come into effect until the day as normalisation of the Subi Centro Project Area, specifically the land is subtracted from the *Metropolitan Redevelopment Authority Regulations 2011*.



## Schedule 2 – Additional Uses

**Table 7 – Additional use table**

No	Description of land	Additional Use	Conditions
1.	Lot 100 (2) Bagot Road, Subiaco	Permitted – Office, Medical Centre  Discretionary – Restaurant, Shop	Maximum plot ratio: 1.5
2.	Lot 2 (187) & Lot 3 (193) Roberts Road, Subiaco	Permitted – Office and Consulting Rooms	Maximum plot ratio: 0.65 The office being contained within the existing building
3.	Lot 69 (22) Townshend Road, Subiaco	Permitted – Office and Consulting Rooms	Maximum plot ratio: 0.55
4.	Lot 141 (97) Thomas Street, Subiaco	Permitted – Office and Consulting Rooms  Discretionary – Medical Centre	Maximum plot ratio: 0.7
5.	Lot 11 (567) Hay Street, Daglish	Permitted - Office	Maximum plot ratio: 0.5
6.	Lot 53 (589) Hay Street, Daglish/Strata Lots 1 – 8 on SP 37260 (71) Troy Terrace	Permitted - Office	Maximum plot ratio: 0.5
7.	Lot 51 (611) Hay Street, Daglish	Permitted – Showroom, warehouse	Maximum plot ratio: 0.5
8.	Lot 52 (21) Churchill Avenue, Subiaco	Permitted – Office	Maximum of 90m <sup>2</sup> GLA office space permitted. Maximum plot ratio: 0.5
9.	Lot 53 (69) Thomas Street, Subiaco	Permitted – Consulting Rooms	Maximum plot ratio: 0.5
10.	Lot 90 (75) Thomas Street, Subiaco	Permitted – Office	
11.	Lot 92 (77) Thomas Street, Subiaco	Permitted - Office	
12.	Lot P537 (315) Railway Road, Shenton Park	Permitted - Office	

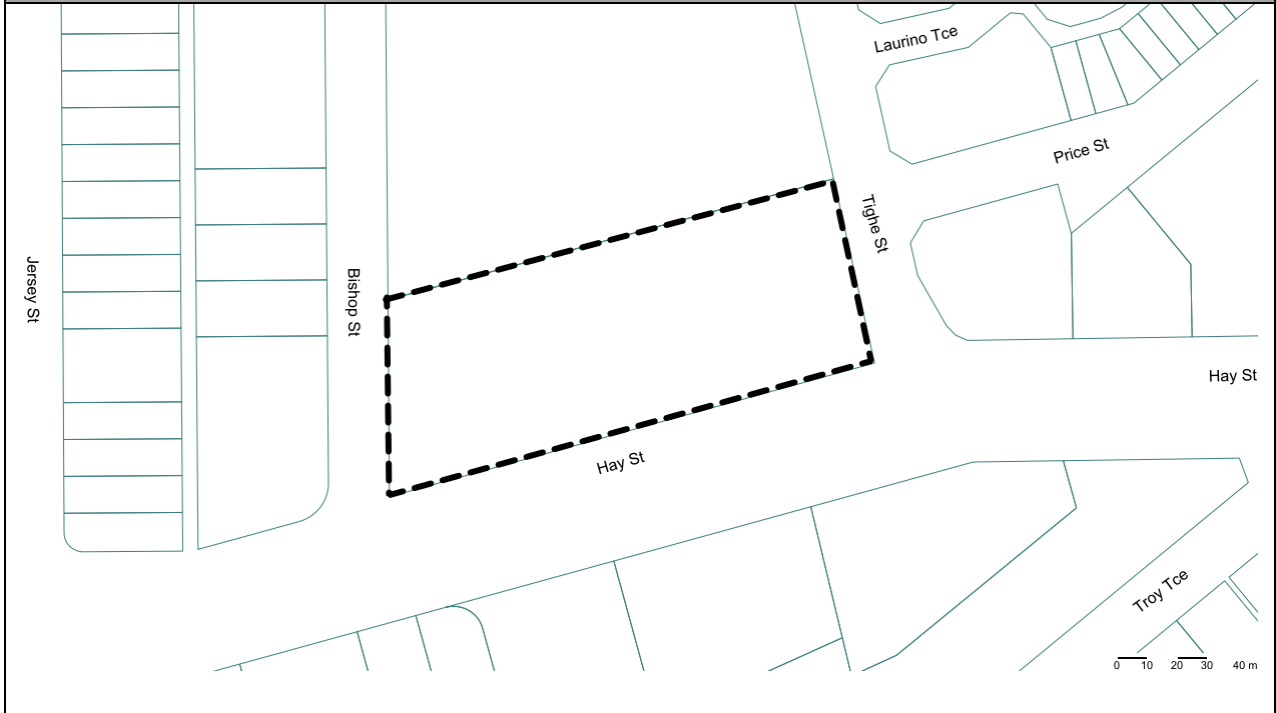
## Schedule 3 – Additional Site and Development Requirements

Table 8: General site and development requirements for the Mixed Use and Centre Zone outside of activity centre plans							
Residential Density	The residential density shall be as per the R-code shown on the Scheme map.						
Plot ratio	The maximum plot ratio shall be 2.0.						
Building height	Development shall not exceed a maximum building height of four (4) storeys.						
Building setbacks	The minimum setback of buildings to boundaries shall be as per the below table:						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Building setback element</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>Street (primary or secondary)</td> <td>Nil for the first three (3) storeys and 2.0m above three (3) storeys.</td> </tr> <tr> <td>Rear <i>AMD 3 GG 18/06/2024</i></td> <td>The first two (2) storeys have a Nil (0m) setback.  The third (3) storey and above shall be set back at least 6.0m.  If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.</td> </tr> </tbody> </table>	Building setback element	Minimum setback	Street (primary or secondary)	Nil for the first three (3) storeys and 2.0m above three (3) storeys.	Rear <i>AMD 3 GG 18/06/2024</i>	The first two (2) storeys have a Nil (0m) setback.  The third (3) storey and above shall be set back at least 6.0m.  If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.
	Building setback element	Minimum setback					
Street (primary or secondary)	Nil for the first three (3) storeys and 2.0m above three (3) storeys.						
Rear <i>AMD 3 GG 18/06/2024</i>	The first two (2) storeys have a Nil (0m) setback.  The third (3) storey and above shall be set back at least 6.0m.  If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.						

Table 9 : Specific site and development requirements for the Mixed Use and Centre Zone	
2.1 Rokeby Road South	

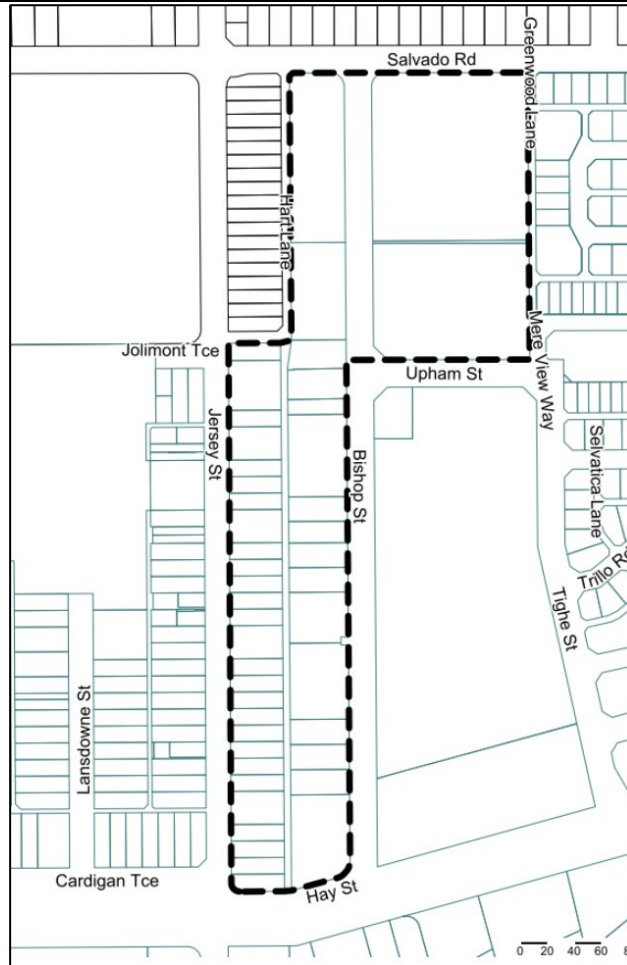
<p>Building height</p> <p>AMD 3 GG 18/06/2024</p>	<p>Development shall not exceed a maximum building height prescribed by the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys.</p>
<p>Building setbacks</p> <p>AMD 3 GG 18/06/2024</p>	<p>Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan.</p>

**2.2 Hay Street (West)**



<p>Plot ratio</p>	<p>Buildings shall have a maximum plot ratio of 1.0 except where a mixed use development comprising residential uses together with non-residential uses is proposed. In this instance, the maximum plot ratio may be increased to 2.0 provided that all additional floor space is residential.</p>
<p>Building height</p>	<p>Development shall not exceed a maximum building height of four (4) storeys.</p>

### 2.3 Jolimont District Centre



Plot ratio	Development shall not exceed a maximum plot ratio of 2.0 except where the development is generally consistent with the built form provisions of an applicable Local Development Plan. In this instance, the maximum plot ratio shall not exceed 3.0.								
Building height	Buildings shall not exceed a maximum building height of four (4) storeys, except where the development is generally consistent with the built form provisions of an applicable Local Development Plan, in which case buildings shall not exceed a maximum building height of six (6) storeys.								
Setbacks	<p>Development of lots with frontage to Greenwood Lane and Mere View Lane between Salvado Road and Upham Street shall be set back from their eastern lot boundary as per the table below:</p> <table border="1" data-bbox="427 1756 1283 2029"> <thead> <tr> <th data-bbox="427 1756 730 1834">Building setback element</th> <th data-bbox="730 1756 1283 1834">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="427 1834 730 1877">First two (2) storeys</td> <td data-bbox="730 1834 1283 1877">6m</td> </tr> <tr> <td data-bbox="427 1877 730 1955">Development above two (2) storeys</td> <td data-bbox="730 1877 1283 1955">16m</td> </tr> <tr> <td data-bbox="427 1955 730 2029">Development above four (4) storeys</td> <td data-bbox="730 1955 1283 2029">20m</td> </tr> </tbody> </table>	Building setback element	Minimum setback	First two (2) storeys	6m	Development above two (2) storeys	16m	Development above four (4) storeys	20m
Building setback element	Minimum setback								
First two (2) storeys	6m								
Development above two (2) storeys	16m								
Development above four (4) storeys	20m								

## 2.4 North Subiaco



Plot Ratio	<ol style="list-style-type: none"> <li>1. Development with frontage to Hay Street shall not exceed a maximum plot ratio of 3.0.</li> <li>2. Development with frontage to any other street shall not exceed a maximum plot ratio of 1.5.</li> </ol>
Building Height	<ol style="list-style-type: none"> <li>1. Development with shall not exceed a maximum building height of 4 storeys.</li> <li>2. Development with frontage to Hay Street may be permitted above 4 storeys up to a maximum of 6 storeys where the development achieves design excellence as determined by the Design Review Panel and considering the following additional criteria:             <ol style="list-style-type: none"> <li>a. Pedestrian access is provided through the site on a permanent basis; <i>AMD 3 GG 18/06/2024</i></li> <li>b. A public place or open space is provided on the site;</li> <li>c. The building is designed and constructed to a 5 star green star rating as accredited by the Australian Green Building Council or an equivalent rating system as agreed by the local government.</li> </ol> </li> </ol>
Setbacks	<ol style="list-style-type: none"> <li>1. Development above 4 storeys with frontage to Hay Street shall be set back not less than 6m from any street boundary.</li> <li>2. Development above 3 storeys with frontage to York Street shall be setback not less than 3m from the primary street boundary.</li> <li>3. Development above 3 storeys with frontage to Churchill Avenue shall be setback not less than 5m from the primary street boundary.</li> </ol>

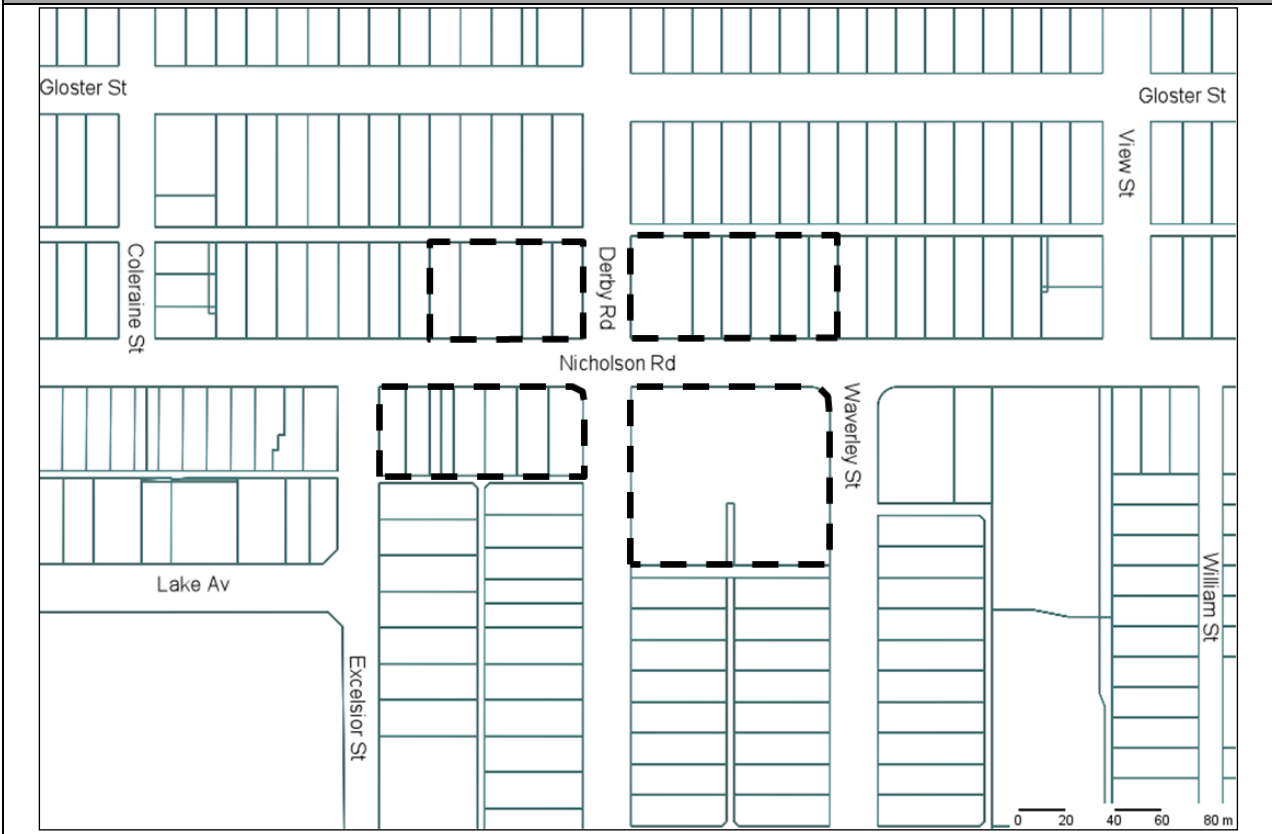
Note: Development standards in Table 8 are to be read in conjunction with general development standards in Table 9. Table 9 prevails to the extent of any inconsistency.

**Table 10: General site and development requirements in the Local Centre Zone**

Residential Density	The residential density shall be as per the R-code shown on the Scheme map.	
Plot ratio	The maximum plot ratio of buildings shall be 2.0.	
Building height	The maximum height of buildings shall not exceed four (4) storeys.	
Building setbacks	The minimum setback of buildings to boundaries shall be as per the below table:	
	<b>Building setback element</b>	<b>Minimum setback</b>
	Street (primary or secondary) <i>AMD 3 GG 18/06/2024</i>	Nil for the first three (3) storeys, 2.0 m for the fourth (4) storey.
Rear <i>AMD 3 GG 18/06/2024</i>	The first two (2) storeys have a Nil (0m) setback.  The third (3) storey and above shall be set back at least 6.0m.  If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.	

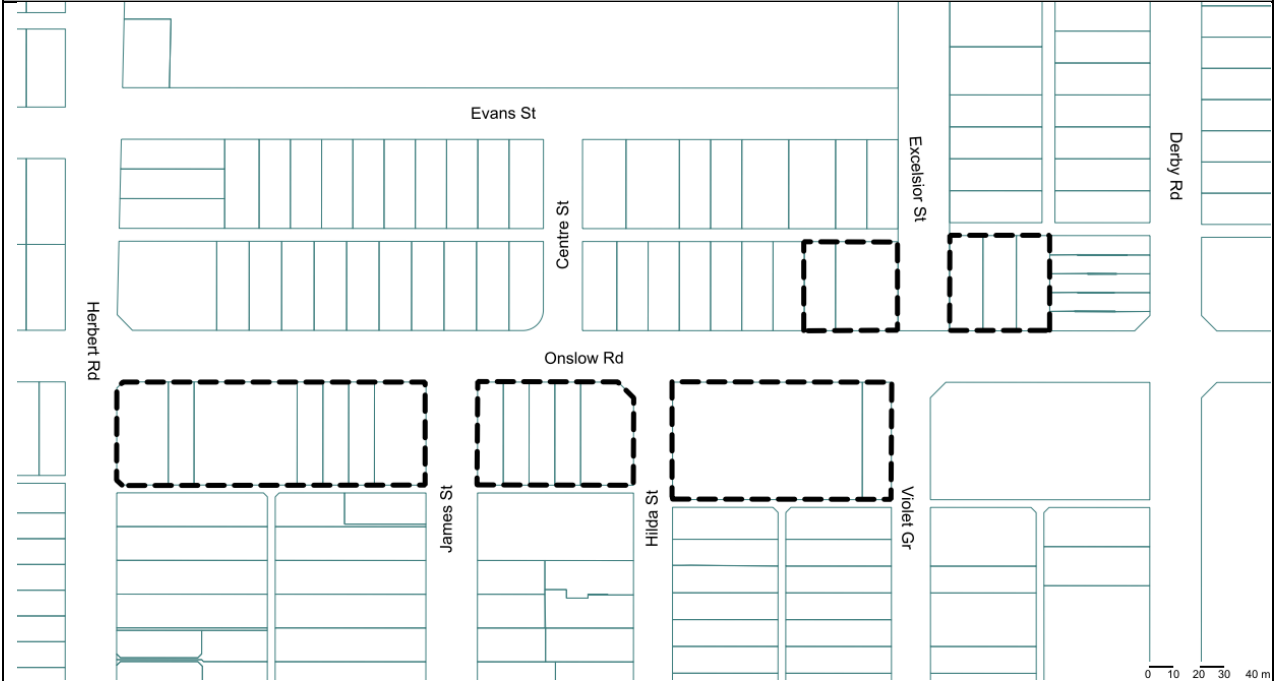
**Table 11: Specific site and development requirements in the Local Centre Zone**

**4.1 Nicholson Road Local Centre**



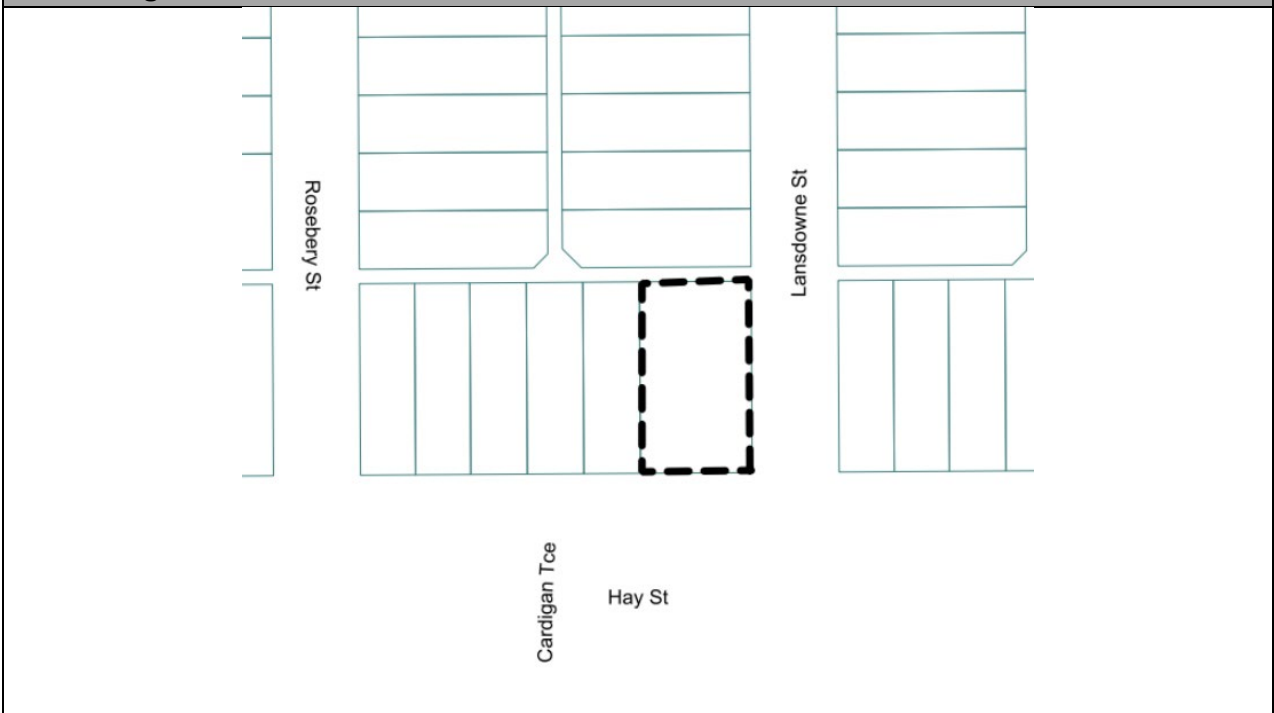
Right of way widening	Where development is proposed adjacent to a right of way that is less than 6m in width, the Local Government may require as a condition of development approval, up to 3m of land to be ceded to the crown free of cost for the purpose of widening the right-of-way to 6m.
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**4.3 Onslow Road Local Centre**



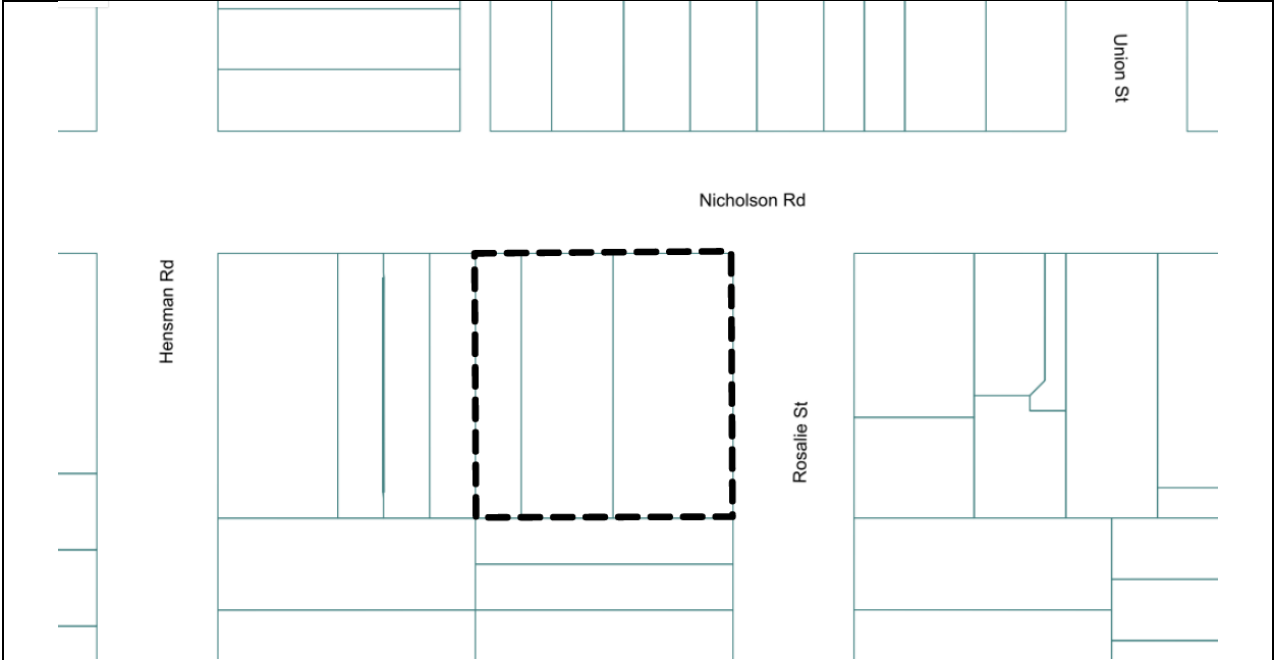
Right of way widening	Where development is proposed adjacent to a right of way that is less than 6m in width, the Local Government may require as a condition of development approval, up to 3m of land to be ceded to the crown free of cost for the purpose of widening the right-of-way to 6m.
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**4.3 Cardigan Terrace Local Centre**



Building Height	Development shall not exceed a maximum building height of three (3) storeys.
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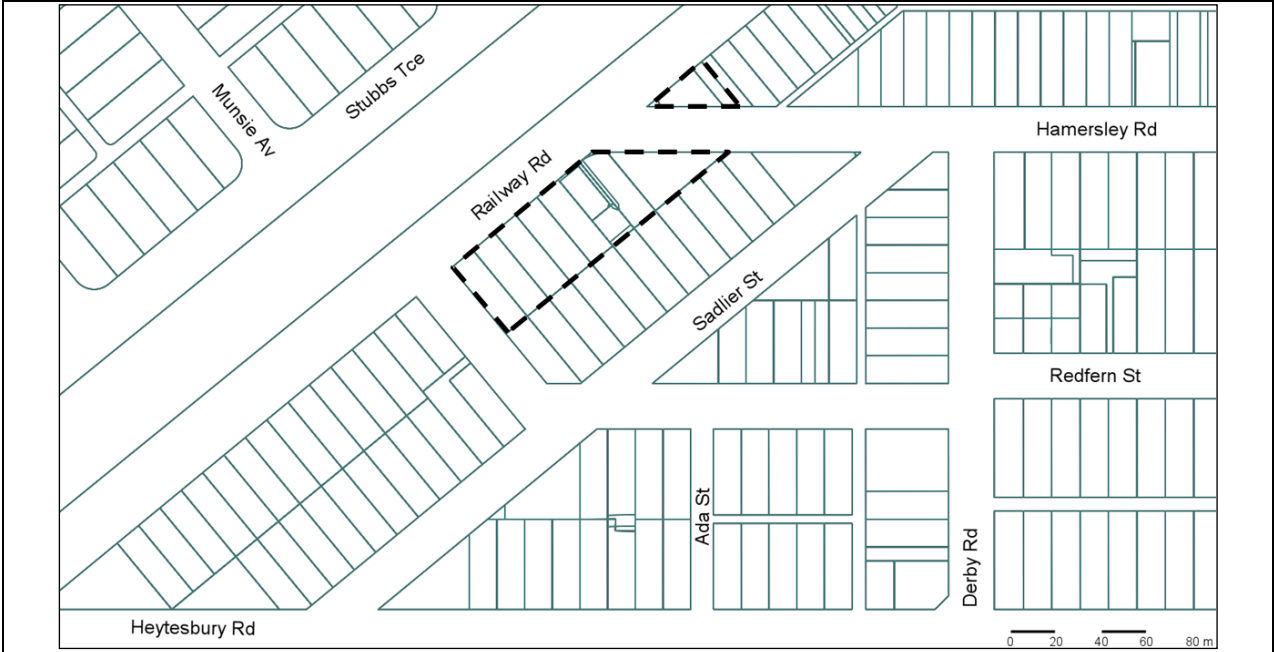
**4.4 Nicholson Road Local Centre**



Building Height	Development shall not exceed a maximum building height of three (3) storeys.
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Setbacks	Development shall be set back not less than 6m from the southern lot boundary.
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**4.5 Railway Road Local Centre**



Site access	Except where vehicle access is available to a road other than Railway Road, comprehensive redevelopment shall not be permitted except where the frontage of the development site is not less than 20m.
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Note: Development standards in Table 10 are to be read in conjunction with general development standards in Table 11. Table 11 prevails to the extent of any inconsistency.

## Schedule 4 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

The specific development standards set out under this Schedule 4 prevail to the extent of any inconsistencies with any other standard or provision of the Scheme.

### Local Development Plan Requirements for the Pavilion Market site

#### Use Class Table

BASEMENT USES	
Permitted	Parking Station
Discretionary	All other P, AA and SA uses listed in the Town Centre Zone
Prohibited	Industry, Industry: Light and all other X uses listed in the Town Centre Zone
GROUND FLOOR USES	
Permitted	Local Shop Shop Convenience Store Cinema/Theatre Consulting Rooms Office Restaurant Amusement Centre Amusement Facility
Discretionary	All other P, AA and SA uses listed in the Town Centre Zone Small Bar
Prohibited	Industry: Light and all other X uses listed in the Town Centre Zone
UPPER FLOOR USES	
Permitted	Dwelling (all categories) Home Office Office Cinema/Theatre Motel Serviced Apartments Amusement Centre Amusement Facility
Discretionary	All other P, AA and SA uses listed in the Town Centre Zone Small Bar Roof Top Bar Open Air Cinema
Prohibited	Industry: Light and all other X uses listed in the Town Centre Zone

## **LOT 19 ROBERTS ROAD AND LOT 22 ROKEBY ROAD, SUBIACO**

### **Status**

The local development plan should be used as a basis to determine future development applications over the site however, variations to the local development plan may be supported by Council, where it can be demonstrated that the vision and objectives for the site can still be achieved.

### **Vision**

To transform the current Pavilion market site into an outstanding mixed use development that contributes to the vitality and appeal of the Subiaco Town Centre.

### **Objectives**

The objectives for the development of Lot 19 Rokeby Road and Lot 22 Roberts Road are to:

- (a) Enhance the resident, workforce and visitor population for Subiaco and leverage the advantages of the site's train station proximity;
- (b) Result in mixed use development that maintains the retail streetscape and experience;
- (c) Provide a range of high street retail and supporting commercial opportunities that strengthen the diversity and appeal of the Subiaco retail offer;
- (d) Ensure building height where included does not detract from the streetscape and retail shopping experience;
- (e) Result in a high quality public domain with seating and pedestrian spaces that activate the site and increase the general level of activity along Rokeby Road and the neighbouring environs;
- (f) Result in building form and aesthetic that respects existing heritage and more contemporary redevelopment of adjoining sites;
- (g) Provide a diversity of residential housing that contributes to living options in the Town Centre and Subiaco more broadly;
- (h) Encourage a collaborative "win-win" process between the landowners, the City of Subiaco and immediate stakeholders that can accelerate the redevelopment of the site by involving the broad community in the process;
- (i) Provide a form based development control for the site to create something original and iconic for the site;
- (j) Provide vibrancy and activity as a place where people want to go as a regional destination offering a diverse range of experiences;
- (k) Promote sense of community and celebrate and maintain the character of Subiaco;
- (l) Activate local nodes and strengthen the main street appeal; and
- (m) Provide parking accessibility for a range of people and city visitors;

### **Specific Building Requirements**

The following standards and requirements apply and shall be read in conjunction with the following Figures:

#### **(a) Public Domain**

In order to promote permeability and pedestrian amenity, the following additional connections shall be provided as part of the development of the site in accordance with Figure 1 of the local development plan and as follows:

- (i) A new covered arcade linking from the corner of Rokeby and Roberts through to the lane behind the Rokeby frontage connection right through to Seddon Street;
- (ii) A widened and extended laneway behind the Rokeby Road frontage completing the connection from Seddon Street through to Roberts Road ; and

- (iii) A new laneway on the eastern boundary connecting Roberts Road to Seddon Street;
- (b) Land use permissibility shall be in accordance with the zoning table and the approved local development plan that forms part of this Schedule.
- (c) Plot Ratio for development on the site shall be measured over the entire site and is permitted to a ratio of 5:1. Floor space below ground level does not contribute to plot ratio. Car parking or parking station facilities, above or below ground, does not contribute to plot ratio.
- (d) Building Heights shall be measured in storeys as specified in the local development plan that forms part of this Schedule.
- (e) Setback requirements to individual streets are as specified in the local development plan that forms part of this Schedule.
- (f) Landscaping is to be provided in accordance with clause 6.3.2 of the Residential Design Codes.
- (g) Access to parking shall be from Roberts Road. Sight lines at vehicle access points are to be in accordance with clause 6.3.5 of the Residential Design Codes.
- (h) Minimum Car Parking Requirements for Dwellings are specified below:
- minimum of 0.33 bays and a maximum of 0.5 bays per studio dwelling;
  - minimum of 0.5 bays and a maximum of 0.75 bays per 1 bed dwelling;
  - minimum of 1.0 bays and a maximum of 1.5 bays per 2 bed dwelling; and
  - minimum of 1.25 bays and a maximum of 1.5 bays per 3 bed dwelling.
- (i) Minimum Car Parking Requirements for Serviced Apartments and Motel are specified:
- minimum of 0.5 bays per apartment.
- (j) Car Parking Requirements for Retail, Small Bar, Restaurant, Amusement Centre, Amusement Facility, Consulting Room, Fast Food Outlet, Health Studio and Theatre are specified below:
- a fixed rate of 1 bay per 20m<sup>2</sup> of eating, drinking or lounge area (excluding uncovered or outdoor areas, which are exempt from providing parking)
- (k) Car Parking Requirements for Offices are specified below:
- A fixed rate of 1 bay per 70m<sup>2</sup> net lettable area.
- (l) Visitor parking is not required.
- m) Street Facades along Rokeby Road shall be designed to reflect the rhythm of the street including the provision of:
- (i) 4-7m wide continuous shop front detailing including;
  - (ii) 400-500mm dado or decorative treatment;
  - (iii) 3.0 – 3.5m high awnings;
  - (iv) low key street furniture;
  - (v) under awning panel signage;
  - (vi) Rokeby Road – the facade design on levels 1 and 2 shall include a vertical element that reinforces the 4-7m wide shop front rhythm at ground level.
  - (vii) Rokeby Road – elements of the building above level 2 are to be in accordance

- with clause 6.2.1 of the Residential Design Codes; and
- (viii) All other street and public space frontages are to be in accordance with clause 6.2.1 of the Residential Design Codes.

### **Provision of Specific Public Benefits**

The local development plan includes the following public benefits which shall be provided when the site is developed:

- (a) Public Realm
  - (i) Full hard and soft landscaping of public realm connections/laneways;
  - (ii) 50% contribution to full hard and soft landscaping of Seddon Place as it adjoins the Pavilion site;
  
- (b) Transport Infrastructure
  - (i) Public use of all basements parking (excluding resident, serviced apartments and office components);
  - (ii) Dedicating 2 bays on Roberts Road for a car share operator;
  - (iii) Bicycle parking at a rate of 0.2 bicycle bays per residential unit plus 5% of the total number of non-residential parking spaces provided.
  - (iii) Shower and end of trip facilities to be provided for cyclists and building occupants as per City of Subiaco Local Planning Policy End of Trip Facilities (Originally adopted 23 June 2009).
  - (iv) For all non-residential uses, up to 25% of the required parking spaces provided may be designated and labelled for small cars in accordance with AS 2890.1; and
  - (v) In addition to the car parking requirements for all other uses, a minimum of 10% or ten parking spaces (whichever is greater) are designed and labelled for mopeds and/or motorbikes, in accordance with AS 2890.1
  
- (c) Housing Diversity and the provisions of a mix of housing types comprising:
  - (i) Minimum 10 % studio dwellings;
  - (ii) Minimum 25 % one bedroom dwellings;
  - (iii) Minimum 20 % two bedroom dwellings; and
  - (iv) Minimum 2 % three bedroom dwellings.



FIGURE 1 - MASTERPLAN

- 1. Pavilion Arcade
  - 2. Market Lane
  - 3. Merchant Lane
  - 4. Seddon Place
  - 5. 5 Storey Rokeby Corner:
  - 6. 7 Storey Roberts Road:
  - 7. 6 Storey Podium:
  - 8. 16 Storey Building
- Boundary
  - ↔ Primary Vehicle Access (Shared Movement)
  - ↔ Pedestrian Movement
  - ↔ Servicing



FIGURE 2 - LANDUSE

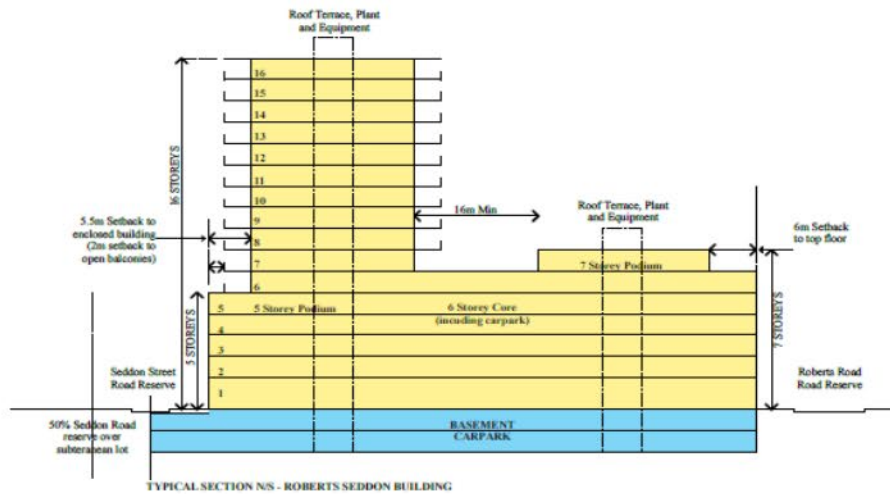
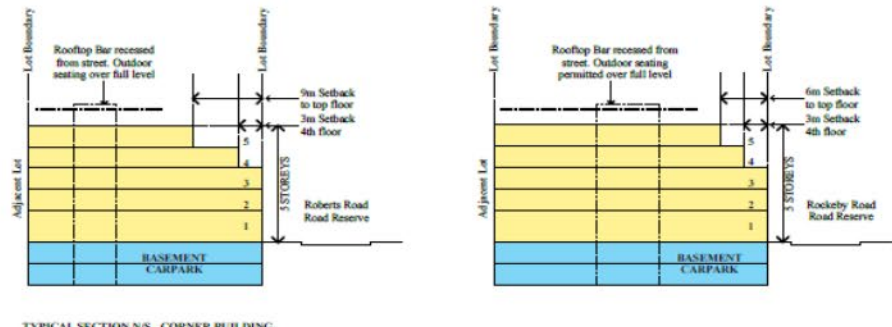


FIGURE 3 - BUILDING FORM



LOCAL DEVELOPMENT PLAN - LOT 19 ROBERTS ROAD & 22 ROKEBY ROAD, SUBIACO

## Schedule 5 – Car Parking Standards

**Table 12 – Car and bicycle parking requirements**

Land Use Categories	Car Parking				Bicycle Parking	
	Within areas identified as Activity Centres			All other areas –	Minimum Bicycle Parking Rate	
	Minimum Rate - Centre Zone	Minimum Rate - All other areas within Activity Centres	Maximum Rate	Minimum Rate (no maximum)	Employee	Visitors
Residential	As per R-codes or as modified by clause 26				As per R-codes or as modified by clause 26	
Entertainment	1 bay per 100m <sup>2</sup> NLA	1.5 bays per 100m <sup>2</sup> NLA	3.0 bays per 100m <sup>2</sup> NLA	2 bays per 100m <sup>2</sup> NLA	1 “Class B” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>
Medical / Consulting	1.5 bays per consulting room	2 bays per consulting room	2.5 bays per consulting room	2 bays per consulting room	1 “Class A” per 4 consulting rooms <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 4 consulting rooms
Retail (and Recreation)	2 bays per 100m <sup>2</sup> NLA	3 bays per 100m <sup>2</sup> NLA	4 bays per 100m <sup>2</sup> NLA	3 bays per 100m <sup>2</sup> NLA	1 “Class A” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>
Office and Other Commercial <i>AMD 3 GG 18/06/2024</i>	1 bay per 100m <sup>2</sup> NLA	1.5 bays per 100m <sup>2</sup> NLA	2 bays per 100m <sup>2</sup> NLA	1.5 bay per 100m <sup>2</sup> NLA	1 “Class A” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 250m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>
Fast Food/Lunch Bar <i>AMD 3 GG 18/06/2024</i>	1 per 20m <sup>2</sup> NLA	1 per 20m <sup>2</sup> NLA	1 per 15m <sup>2</sup> NLA	1 per 20m <sup>2</sup> NLA	1 “Class A” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 50m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>
Accommodation	0.25 bays per room	0.5 bays per room	0.5 bays per room	0.5 bays per room	1 “Class A” per 15 rooms (for residents/employees) <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 10 rooms (for visitors) <i>AMD 3 GG 18/06/2024</i>
Aged Care Facility	1 bay per 8 patient beds	1 bay per 8 patient beds	No maximum	1 bay per 8 patient beds	1 “Class A” per 15 rooms (for employees) <i>AMD 3 GG 18/06/2024</i>	1 “Class C” per 10 rooms (for visitors) <i>AMD 3 GG 18/06/2024</i>
Motor Vehicle Sales, Wash, Service	Not permitted	1 per 100m <sup>2</sup> of NLA or display areas	No maximum	1 per 100m <sup>2</sup> of NLA or display areas	Not permitted	1 “Class C” per 100m <sup>2</sup> NLA <i>AMD 3 GG 18/06/2024</i>
Service Station	To be determined by City on a site specific basis, bays for associated shop use to be calculated based on Retail (and Recreation) category				As Per Retail, for the retail/office part of the use	

Child/Day Care	1 per 3 staff members, and 1 per 15 children	1 per 2 staff members, and 1 per 10 children	No maximum	1 per 2 staff members, and 1 per 10 children	1 "Class A" per 4 staff	1 "Class C" per 4 staff
Other uses not listed and uses not in Scheme	To be determined by City on a site specific basis. All uses must include End of Trip facilities and secure bicycle parking.					

Notes:

AMD 3 GG 18/06/2024

1. Reference to Activity Centres means within an area identified as an Activity Centre as defined within the City of Subiaco Local Planning Strategy.
2. Class A, B and C bicycle parking facilities are defined under AS2890.
3. Where a standard set out in Table 12 results in a parking requirement that is not a whole number, the requirements is to be rounded up to the next whole number.



# COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the **CITY OF SUBIACO** at the Special Meeting of Council held on the 8<sup>th</sup> August 2017

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**MAYOR**

## COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT\* SCHEME FOR APPROVAL

Council resolved to **support / not support\*** approval of the draft Scheme of the **CITY OF SUBIACO** at the \_\_\_\_\_ Meeting of Council held on the \_\_\_\_\_.

The Common Seal of the **CITY OF SUBIACO** was hereunto affixed by authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**MAYOR**

*\*delete whichever is not applicable*  
WAPC Recommended for Approval

\_\_\_\_\_  
**Delegated under S.16 of the *Planning and Development Act, 2005***

**Date:** \_\_\_\_\_

Approval Granted

\_\_\_\_\_  
**MINISTER FOR PLANNING**

**Date:** \_\_\_\_\_