Moved Cr Guise, Seconded Cr Roberts

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 ADOPTS Amendment No. 115 to District Planning Scheme No. 2 contained in Attachment 2 for the purpose of:-

   a) Introducing a new section titled "Introduction" (Attachment 1) to the start of District Planning Scheme No. 2 (DPS 2), comprising Clauses 1.1 (Citation) to 1.13 (Requirements for Rezoning to Smart Growth Community), inclusive;

   b) Deleting the Table of Contents and replacing it with the Division A – Table of Contents (Attachment 2);

   c) Deleting Part 1 - Preliminary of DPS 2 (comprising Clauses 1.1 (Citation) - 1.9 (Interpretation) inclusive) and replacing it with revised text comprising Clauses 1.1 (Division A Area) - 1.3 (Interpretation) inclusive (Attachment 3);

   d) Deleting Clauses 8.1 (Additional Powers of the Scheme); 8.5 (Compensation); 8.6 (Delegation of Development Control Powers, and Powers and Duties in Relation to Other Planning Functions); and 8.8 (General Obligations of DPS 2);

   e) Deleting Schedule 6 (Delegation of Development Control Powers) of DPS 2 and renumbering Schedules 7 (Structure Plans: Matters to be Included) - 15 (Rural Community Provisions) inclusive accordingly throughout DPS 2;

   f) Dividing DPS 2 into two divisions (A and B), with 'Division - A' comprising all of the existing DPS 2 text, including the revised Table of Contents and Part 1 referred to in 2. to 5. above, and 'Division - B' comprising the 'Division B Area' specific provisions (Attachment 4);

   g) Deleting 'Additional Use Zone 1.26', 'Restricted Use Zone 2.1' and 'Restricted Use Zone 2.2' from Schedule 2 of the DPS 2;

   h) Deleting `Jindalee Lot 10 on Plan 12465 (2469) Marmion Avenue 3000m2 NLA` from Schedule 3 of the DPS 2;

   i) Introducing a 'Division B Area' to the DPS 2 Map legend (Attachment 5);

   j) Including Lot 10, Lot 11593 and portion of Lot 3054, Jindalee, as 'Division B Area' (Attachment 5);

   k) Introducing a new zone titled `Smart Growth Community Zone' to the DPS 2 Map legend (Attachment 5);

   l) Rezoning the portions of Lot 10 Marmion Avenue, Jindalee, zoned `Urban Development`, `Commercial`, `Civic and Cultural`, `Business - Restricted Use 1.26`, `Additional Use 2.1` and `Additional Use 2.2` to `Smart Growth Community Zone` (Attachment 5); and
m) Zoning the unreserved portion of Lot 3054, Jindalee, ‘Smart Growth Community Zone’ (Attachment 5).

2. FORWARDS Amendment No. 115 to District Planning Scheme No. 2 to:
   a) The Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005; and
   b) The Western Australian Planning Commission for its consent to advertise under Regulation 25AA of the Town Planning Regulations 1967; and

3. Subject to no objections being received from the Environmental Protection Authority and consent to advertise from the Western Australian Planning Commission, ADVERTISES Amendment No. 115 for public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 for a period of 42 days.

CARRIED UNANIMOUSLY
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 115

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Introducing a new section titled "Introduction" (Attachment 1) to the start of District Planning Scheme No. 2 (DPS 2), comprising Clauses 1.1 (Citation) to 1.13 (Requirements for Rezoning to Smart Growth Community), inclusive;

2. Deleting the Table of Contents and replacing it with the Division A – Table of Contents (Attachment 2);

3. Deleting Part 1 - Preliminary of DPS 2 (comprising Clauses 1.1 (Citation) - 1.9 (Interpretation) inclusive) and replacing it with revised text comprising Clauses 1.1 (Division A Area) - 1.3 (Interpretation) inclusive (Attachment 3);

4. Deleting Clauses 8.1 (Additional Powers of the Scheme); 8.5 (Compensation); 8.6 (Delegation of Development Control Powers, and Powers and Duties in Relation to Other Planning Functions); and 8.8 (General Obligations of DPS 2);

5. Deleting Schedule 6 (Delegation of Development Control Powers) of DPS 2 and renumbering Schedules 7 (Structure Plans: Matters to be Included) – 15 (Rural Community Provisions) inclusive accordingly throughout DPS 2;

6. Dividing DPS 2 into two divisions (A and B), with 'Division - A' comprising all of the existing DPS 2 text, including the revised Table of Contents and Part 1 referred to in 2. to 5. above, and 'Division - B' comprising the 'Division B Area' specific provisions (Attachment 4);

7. Deleting ‘Additional Use Zone 1.26’, ‘Restricted Use Zone 2.1’ and ‘Restricted Use Zone 2.2’ from Schedule 2 of the DPS 2;

8. Deleting ‘Jindalee Lot 10 on Plan 12465 (2469) Marmion Avenue 3000m² NLA’ from Schedule 3 of the DPS 2;

9. Introducing a ‘Division B Area’ to the DPS 2 Map legend (Attachment 5);

10. Including Lot 10, Lot 11593 and portion of Lot 3054, Jindalee, as ‘Division B Area’ (Attachment 5);

11. Introducing a new zone titled ‘Smart Growth Community Zone’ to the DPS 2 Map legend (Attachment 5);

12. Rezoning the portions of Lot 10 Marmion Avenue, Jindalee, zoned ‘Urban Development’, ‘Commercial’, ‘Civic and Cultural’, ‘Business – Restricted Use 1.26’, ‘Additional Use 2.1’ and ‘Additional Use 2.2’ to ‘Smart Growth Community Zone’ (Attachment 5); and

13. Zoning the unreserved portion of Lot 3054, Jindalee, ‘Smart Growth Community Zone’ (Attachment 5).

Dated this day of 20

......................................................

CHIEF EXECUTIVE OFFICER
The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Introducing a new section titled “Introduction” (Attachment 1) to the start of District Planning Scheme No. 2 (DPS 2), comprising Clauses 1.1 (Citation) to 1.13 (Requirements for Rezoning to Smart Growth Community), inclusive;

2. Deleting the Table of Contents and replacing it with the Division A – Table of Contents (Attachment 2);

3. Deleting Part 1 - Preliminary of DPS 2 (comprising Clauses 1.1 (Citation) - 1.9 (Interpretation) inclusive) and replacing it with revised text comprising Clauses 1.1 (Division A Area) - 1.3 (Interpretation) inclusive (Attachment 3);

4. Deleting Clauses 8.1 (Additional Powers of the Scheme); 8.5 (Compensation); 8.6 (Delegation of Development Control Powers, and Powers and Duties in Relation to Other Planning Functions); and 8.8 (General Obligations of DPS 2);

5. Deleting 'Additional Use Zone 1.26', 'Restricted Use Zone 2.1' and 'Restricted Use Zone 2.2' from Schedule 2 of the DPS 2;

6. Deleting 'Jindalee Lot 10 on Plan 12465 (2469) Marmion Avenue 3000m² NLA’ from Schedule 3 of the DPS 2;

7. Introducing a ‘Division B Area’ to the DPS 2 Map legend (Attachment 5);

8. Including Lot 10, Lot 11593 and portion of Lot 3054, Jindalee, as ‘Division B Area’ (Attachment 5);

9. Introducing a new zone titled ‘Smart Growth Community Zone’ to the DPS 2 Map legend (Attachment 5);

10. Rezoning the portions of Lot 10 Marmion Avenue, Jindalee, zoned ‘Urban Development’, ‘Commercial’, ‘Civic and Cultural’, ‘Business – Restricted Use 1.26’, ‘Additional Use 2.1’ and ‘Additional Use 2.2’ to ‘Smart Growth Community Zone’ (Attachment 5); and

11. Zoning the unreserved portion of Lot 3054, Jindalee, ‘Smart Growth Community Zone’ (Attachment 5).
Attachment 1

Amendment No. 115
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INTRODUCTION

1.1 Citation

1.1.1 The City of Wanneroo District Planning Scheme No. 2 (“the Scheme”) comes into operation on its Gazetted date.

1.1.2 Shire of Wanneroo Town Planning Scheme No. 1 – (Gazetted date 13 September 1972) is hereby revoked.

1.1.3 The Scheme shall be cited as the City of Wanneroo District Planning Scheme No. 2.

1.2 Responsible Authority

The Authority responsible for implementing and enforcing of the Scheme is the Council of the City of Wanneroo hereinafter referred to as the “Council” except that where land is shown in the Scheme Map as “Regional Reserve” the responsible authority shall be deemed to be the Western Australian Planning Commission (“Commission”), and the provisions of the Metropolitan Region Scheme shall apply to such reservations.

1.3 The Scheme Area

The Scheme shall apply to the whole of the District as shown by the inner edge of the broken black line on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises:

(a) Introduction;

(b) Division A;

(c) Division B;

(d) The Scheme Map;

(e) Residential Density Code Maps.

1.5 Arrangement of the Scheme Text

INTRODUCTION

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Part 5  Special Controls
Part 6  Development and Use of Land
Part 7  Non-conforming Uses.
Part 8  Finance and Administration
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1.6 Relationship between Introduction, Division A and Division B

1.6.1 The provisions of this Introduction apply to the entire Scheme Area.

1.6.2 Unless otherwise stated, the provisions of Division A of the Scheme do not apply to the land delineated on the Scheme Map as the 'Division B Area'.

1.6.3 The provisions of Division B of the Scheme do not apply to land zoned and reserved under Division A of the Scheme.

1.7 Relationship with the Metropolitan Region Scheme

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect.

1.8 Relationship with Local Laws

Where a provision of the Scheme is inconsistent with any local law, the provisions of the Scheme shall prevail.

1.9 Additional Powers of the Scheme

Acquisition of Land

1.9.1 The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

(a) The Council may enter into an agreement with any Owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.

(b) The Council may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

1.9.2 The procedure for carrying out any compulsory acquisition under this Scheme shall be the procedure in the Land Administration Act 1997 subject to the modification referred to in Section 191 of the Planning and Development Act 2005 (as amended).

1.9.3 Without affecting the generality of the preceding subclause, the Council may, with the prior consent of the Minister, acquire premises by purchase or resumption for public works to facilitate the development of adjacent land in accordance with an Agreed Structure Plan or Community Design Code to assist a Landowner who is endeavoring to develop land to comply with an Agreed...
Structure Plan or Community Design Code provided that the Landowner:

(a) proves to the Council’s satisfaction that during a period of not less than six months, bone fide negotiations to acquire the premises have not been successful; and

(b) enters into an agreement with the Council to meet all the costs of purchase or resumption including the Council’s legal costs, and to develop the premises for the purposes specified within the specified time limit.

1.9.4 The Council may deal with or dispose of any land which it has acquired pursuant to the preceding subclauses, in accordance with the Act and in conformity with the provisions of the Scheme, upon such terms and conditions as it thinks fit, and for such purpose may make such agreements with other owners and parties as it thinks fit.

1.10 Compensation

1.10.1 A claim for compensation for injurious affection can be made pursuant to [Part 11 of the Act] when the Scheme:

(a) permits development on land for no purpose other than a public purpose;

(b) prohibits wholly or partially the continuance of any non-conforming use according to the terms of the Act.

1.10.2 The time limit for the making of claims for compensation for injurious affection pursuant to Section 178 of the Act resultant from the making of, or the making of an amendment to, the Scheme, is six (6) months from the date of publication of the Scheme or Scheme Amendment in the Government Gazette.

1.10.3 In addition to the compensation provisions of the Act and sub-clause 1.10.1 of this Scheme, where, in respect of any application for planning approval to commence or carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the Council for injurious affection.

1.10.4 The time limit for the making of claims for compensation pursuant to subclause 1.10.3 is not later than six (6) months after the date of the decision of the Council or appellate body.
1.11 Delegation of Development Control Powers, and Powers and Duties in Relation to Other Planning Functions

1.11.1 The Council may, either generally or in a particular case or particular class of case or cases, by resolution of an absolute majority of Council, delegate to all or any of the following persons or committees any power conferred or duly imposed by the Council under this Scheme:

(a) a committee of the Council;

(b) a member of the Council; and/or

(c) an officer of the Council.

1.11.2 All delegations made under the City's Town Planning Scheme No. 1 shall continue to have effect until the Council first passes a resolution after the gazettal date of the Scheme to delegate any power conferred or duly imposed on the Council under the Scheme.

1.11.3 Any delegation made under subclause 1.11.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

1.11.4 A delegation of authority pursuant to the provision of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

1.11.5 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority of Council.

1.11.6 A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.

1.11.7 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

1.12 General Obligations

1.12.1 Subject to the provisions of the Act and all regulations made thereunder and to Part 7 of Division A of the Scheme, no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person commence or carry out or permit the commencement or carrying out of any development which:
(a) does not conform with the Scheme; or

(b) being or involving a use or other development which requires the approval of the Council or the Commission or both, does not have such approval or approvals is not permitted; or

(c) does not comply with the terms of any approval or any condition attached thereto.

1.13 Requirements for Rezoning to Smart Growth Community

1.13.1 Council may consider a proposal to rezone Land within the District to Smart Growth Community Zone, where it is satisfied that:

(a) The Land is in Council’s opinion is of sufficient size to justify a Transect Based Code approach;

(b) The proposal has a proponent;

(c) The proponent has held a Charrette to develop a Visioning Master Plan that satisfies the requirements set out under Schedule 1B of Division B;

(d) The proponent has prepared a Visioning Master Plan that is subsequently endorsed by Council that contains the following:

   i. constraint mapping, regional mapping and integration with adjoining landholdings;

   ii. a Master Plan over the Land showing all Thoroughfare networks, Civic Spaces and Civic Buildings;

   iii. Visual representation of the project vision;

   iv. A Regulating Plan series based on the Master Plan that incorporates at least three Transect Zones and identifies the location of the Transect Zones, Special Districts and other special design requirements;

   v. Urban Standards, Thoroughfare Standards, Landscape Standards and Architectural Standards that are calibrated to respond to the specific circumstances and characteristics of the subject Land and the project vision;

   vi. Other such material as required by the Council.
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Amendment No. 115
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PART 1 – PRELIMINARY

1.1 Division A Area

1.1.1 Division A of the Scheme applies to the portion of the Scheme Area which is delineated as all land other than that area delineated as Division B Area.

1.1.2 The provisions of Division B of the Scheme do not apply to the portion of the Scheme Area the subject of Division A.

1.2 Aims and Objectives

The aims and objectives of Division A are:

Regional planning framework: (a) To facilitate a sustainable approach to development in accordance with the statutory provisions of the Metropolitan Region Scheme and the planning principles embodied in state and regional policies relevant to the City

Local planning framework: (b) To encourage and facilitate development of the City in accordance with the City of Wanneroo Strategic Plan 1999/2002 and subsequent updates.

(c) To provide an accountable planning framework appropriate to the needs of a rapidly developing City and its diverse lifestyle opportunities.

(d) To facilitate the co-ordination and early provision of social and community facilities and other physical infrastructure in line with the needs of new development.

(e) To promote the revitalisation of existing urban areas in order to meet the changing needs of the community.

Land Use & Development (f) To encourage development which will:

i. provide high standards of Amenity, safety and welfare,

ii. strive to ensure that new developments are energy-efficient,

iii. ensure permanent and easy access by the public to the ocean shore and recreation reserves,

iv. promote the development of business which increases employment opportunities
close to living places,

v. support a safe, efficient and effective transportation system.

(g) To encourage urban design which is compatible with and appropriate to the natural, built and social environment of the City.

Agriculture

(h) To protect and where appropriate, enhance the prospects of market gardening and other agricultural activity.

Heritage Conservation

(i) To encourage the conservation and continued use of identified places and objects of cultural heritage significance.

Environmental Protection

(j) To provide the Council and landowners with appropriate mechanisms to protect identified places of landscape or environmental value within the City.

(k) To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles.

Urban Development

(l) To enable the Council to formulate arrangements for the sharing of costs on an equitable basis amongst landowners for the provision of infrastructure for urban, industrial and other development carried out in accordance with the Scheme.

(m) To promote planning, management and strategic control of development in a rational and systematic manner, taking into account the aspirations of residents, environmental capacity, and the costs and benefits of development.

Development Assessment & Approval Process

(n) To provide guidance on the procedures to be followed in the lodgement, assessment and determination of applications for the development and use of land within the City.

(o) To ensure that proper regard is given to the needs of the community in the determination of land use and development proposals.
1.3 Interpretation

1.3.1 Words and expressions used in Division A shall have the respective meanings given to them in Schedule 1 or elsewhere in Division A and the Residential Design Codes.

1.3.2 Where a word or term is defined in the Residential Design Codes then notwithstanding anything else in Division A that word or term when used in respect of Residential development has the meaning given to it in the Residential Design Codes.

1.3.3 Words and expressions used in Division A but not defined in Schedule 1, elsewhere in Division A or in the Residential Design Codes shall have their normal and common meanings.
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Amendment No. 115
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PART 1 - Preliminary

1.1 Division B Area

1.1.1 This Division of the Scheme applies to the portion of the Scheme Area which is delineated as the Division B Area on the Scheme Map.

1.1.2 The provisions of Division A do not apply to Land delineated as Division B Area on the Scheme Map unless stated otherwise in Division B.

1.1.3 The Residential Design Codes do not apply to Land zoned Smart Growth Community on the Scheme Map.

1.1.4 City of Wanneroo Structure Plans adopted under the provisions of the Scheme do not apply to the Division B Area, other than the Agreed Butler-Jindalee District Structure Plan No. 39.

1.2 Purpose of Division B

1.2.1 The purpose of Division B of the Scheme is to:

(a) create a regulatory framework for the application of Transect Based Coding, using a Transect approach to facilitate the development of the Division B Area;

(b) facilitate the orderly planning and Development of the Division B Area in an integrated manner within the regional context using Transect Based Coding;

(c) establish standards to control Development in the Division B Area;

(d) establish an efficient and effective approvals process for Development based on the application of Transect Based Coding to the Division B Area; and

(e) address all other matters that are incidental to achieving these objectives.

1.3 Aims and Objectives of Division B

1.3.1 The aims and objectives of Division B are to facilitate the Development of a coastal village community that:

(a) demonstrates innovation and incorporates diverse and immersive human habitats across the Transect, enabling truly natural, sub-urban and urban environments to develop and evolve over time;

(b) is respectful and responsive to the Division B Area’s natural landscape, environment and contextual setting;
(c) enables ordinary activities of daily life to occur within walking distance of most Dwellings, allowing independence of access to those who do not drive;

(d) has interconnected networks of Thoroughfares, promoting the dispersal of traffic and reduced travel distances;

(e) adequately accommodates Vehicles without compromising pedestrian access and the spatial form and character of the public realm;

(f) features appropriate Buildings, densities and land uses within walking distance of transit stops;

(g) accommodates a range of housing types for diverse age groups, household compositions and incomes;

(h) supports mixed uses, including civic, institutional and commercial activities integrated into the urban fabric rather than in remote, single use complexes;

(i) features a range of Civic Space types;

(j) has Buildings and landscaping that give physical definition to the urban environment, including Thoroughfares and Civic Spaces;

(k) promotes architecture and landscaping design which grows from local climate, topography, history and building practice and provides residents and visitors with a clear sense of geography and climate;

(l) promotes Civic Spaces and Civic Buildings, including public gathering places, in locations that reinforce community identity;

(m) features Civic Buildings which are distinctive and appropriate to a role more important than other Buildings constituting the fabric of the Division B Area; and

(n) allows the harmonious and orderly evolution of the Division B Area through the application of Transect Based Coding.

1.4 Interpretation

1.4.1 Unless the context otherwise requires, words and expressions used in Division B have the same definition given to them in Schedule 2B.

1.4.2 Where a word or expression used in Division B is not defined in Schedule 2B, then that word is to be given the definition given to it in the Community Design Code or a relevant Transect Area Plan.
1.4.3 Where a word or expression used in Division B is not defined in Schedule 2B, or the Community Design Code or a relevant Transect Area Plan, then that word is to be given the definition given to it in *Planning and Development Act 2005*.

1.4.4 Where a word or expression used in Division B is not defined in either Schedule 2B, the Community Design Code, a relevant Transect Area Plan or the *Planning and Development Act 2005*, then the normal and common meaning shall apply.
2.1 Objectives

2.1.1 The objectives of the Division B Area Transect are to:

(a) create a framework for the design and Development of the Division B Area and for the preparation of a Transect Based Code;

(b) provides a standardised system of classification and means for ordering the environment in a continuum of human habitats ranging from the most natural to the most urban condition;

(c) ensure the regulation of all design elements are aligned within each Transect Zone and applied to provide for immersive and diverse urban environments by mandating specific design elements that reflect the desired character of each Transect Zone; and

(d) provide more certainty in the regulatory environment by adopting specific Urban, Thoroughfare, Landscape and Architectural Standards for each of the Transect Zones.

2.2 Transect Zones and Reserves

2.2.1 The Division B Area Transect may comprise any of the following Transect Zones, Special Districts and Civic Reserves:

- Transect Zone 1 – Natural Reserve (T1)
- Transect Zone 2 – Natural Living (T2)
- Transect Zone 3 – Sub-Urban (T3)
- Transect Zone 4 - General Urban (T4)
- Transect Zone 5– Urban Centre (T5)
- Transect Zone 6– Urban Core (T6)
- Special District (SD)
- Civic Reserve (CR)

2.2.2 The character of each Transect Zone shall be constant and consistent with the descriptions contained in Table 2B.
2.2.3 The Transect Zones shall adopt the urban design requirements described in Table 3B unless otherwise provided for in the Community Design Code.
PART 3 – Regulatory Framework

3.1 Approvals Framework

3.1.1 The planning framework for Development within the Division B Area requires the preparation and approval of the following documents:

(a) Community Design Code;
(b) Transect Area Plans;
(c) Subdivision Applications; and
(d) Development Applications.

3.1.2 The objectives of this framework are to:

(a) provide an efficient and effective approvals process enabling approvals to be given by the appropriate level of authority for the type of decision being made;
(b) ensure that each approval process builds on the level of detail approved in the previous process, allowing for certainty of outcome within the approvals given while still maintaining flexibility through the process to reflect a deepening understanding of the project as it matures; and
(c) ensure diversity in Development outcomes and facilitate “placemaking” while maintaining a sound regulatory framework.

3.2 Community Design Code

Requirement for a Community Design Code

3.2.1 The Community Design Code shall provide a regulatory framework for the Development of the Division B Area and be the basis for the preparation and assessment of Transect Area Plans, subdivision applications and Development Applications.

Matters to be included in the Community Design Code

3.2.2 The Community Design Code shall classify Land within the Division B Area in accordance with the Transect Zones, Special Districts (if applicable) and Civic Reserves listed in subsection 2.2.1 and shall contain detailed Transect based Development controls to regulate the design requirements of each Transect.

3.2.3 The Community Design Code shall apply Transect based development controls through the following incorporated documents:
(a) Regulating Plan Series;
(b) Urban Standards;
(c) Thoroughfare Standards;
(d) Landscape Standards;
(e) Architectural Standards;
(f) Pattern Book;
(g) Car Parking Strategies; and
(h) Strategy for Control of Advertisements.

3.2.4 The Community Design Code shall have regard to or include those matters listed in Table 1B and be prepared in accordance with the principles set out in Schedule 3B.

3.2.5 The standards and controls contained within the Urban Standards, Thoroughfare Standards, Landscape Standards and Architectural Standards of the Community Design Code shall be further refined in the Transect Area Plans.

3.3 Regulating Plan Series

3.3.1 The Regulating Plan Series shall include, although not be limited to, the following:

(a) Transect Plan;
(b) Control Plan;
(c) Building Typology Plan; and
d) Civic Space Plan.

3.3.2 Transect Zones, Special Districts (if applicable), Civic Reserves and the Thoroughfare network shall be assigned and mapped on the Transect Plan and refined by the Transect Area Plans.

3.2.3 Development shall accord with the Transect Zones, Special Districts and Civic Reserves of the Transect Plan and be in accordance with the associated standards and requirements specified in the Community Design Code and Transect Area Plans.

3.4 Architectural Standards

3.4.1 The Architectural Standards shall specify detailed design requirements for each building type and include, although not be limited to, design controls that address the materials and configurations for walls, attachments, roofs and openings.
3.4.2 The Architectural Standards shall be included in the Community Design Code for completeness of the project vision; however the Architectural Standards shall not require Council approval and compliance with these standards shall be regulated by the Proponent and not by the Council.

3.5 Pattern Book

3.5.1 The Pattern Book shall further expand upon the requirements of the Urban, Thoroughfare, Landscape and Architectural Standards.

3.5.2 The Pattern Book shall be included in the Community Design Code for completeness of the project vision; however the Pattern Book shall not require Council approval and compliance with this document shall be regulated by the Proponent and not by the Council.

3.6 Transect Area Plans

3.6.1 Transect Area Plans shall refine the Community Design Code to establish controls for detailed elements of design and Development.

3.6.2 The purpose of Transect Area Plans is to:

(a) establish detailed design and Development controls for the public and private realms of defined precincts within the Division B Area that facilitate Development and subdivision of the land in accordance with the relevant provisions of the adopted Community Design Code;

(b) promote and reinforce the diversity and distinctiveness of the various Transect Zone environments and certainty of development outcome through the application of detailed design controls; and

(c) provide a mechanism to refine and coordinate the application of the relevant Urban, Thoroughfare, Landscape and Architectural Standards of the Community Design Code as they relate to a Lot or number of Lots.

3.6.3 Transect Area Plans shall have regard to or include those matters listed in Schedule 4B that are appropriate.

3.7 Subdivision Applications

3.7.1 An application for Subdivision Approval shall be generally in accordance with the Community Design Code and the relevant Transect Area Plan in relation to the subject land.
3.8 Development Applications

3.8.1 Development Applications for Land within the Division B Area shall:

(a) demonstrate compliance with the requirements of the Community Design Code and relevant Transect Area Plan;

(b) contain the fine grain of design detail necessary to enable assessment of a proposal against the relevant Transect Area Plan.
PART 4 – Development Controls and Standards

4.1 Summary of General Provisions

4.1.1 Subdivision and Development of Land within the Division B Area shall be in accordance with the standards and requirements of this Part.

4.1.2 The standards and requirements of this Part shall be implemented through the Community Design Code and Transect Area Plans prepared and approved in accordance with Part 5 of this Division.

4.2 Car Parking Calculations

Objectives

4.2.1 The objectives for Car Parking within the Division B Area are to:

(a) promote an efficient and flexible approach to the provision of Car Parking;

(b) ensure the provision and design of Car Parking complements the urban design objectives of each Transect Zone;

(c) ensure an adequate supply of Car Parking to support the Development and use of Land and Buildings in the Division B Area; and

(d) ensure provision of Car Parking reflects reciprocity of parking demand between uses, including where Regional Beach Parking applies, the shared use of Regional Beach Parking for beach retail and beach use.

Required Car Parking

4.2.2 The Required Parking for each use and/or Development on a Lot is to be provided in accordance with subclauses 4.2.3 to 4.2.7, unless the Lot is located within a designated Parking Precinct, in which case subclauses 4.2.8 to 4.2.20 shall apply.

Calculation of Required Car Parking

4.2.3 The Required Parking for a Lot with a single use shall be in accordance with the Base Parking Standards set out in Table 14B.

4.2.4 For a Lot with two uses, the Base Parking Standards may be adjusted by applying the reciprocal use percentages set out in Schedule 5B.
4.2.5 For a Lot with three or more uses, the reciprocal use percentages of Schedule 5B shall be applied to the two uses that would require the most Car Parking bays had the Base Parking Standards been applied. Car Parking for the third and any additional use shall be calculated in accordance with the Base Parking Standards set out in Table 14B and shall be in addition to the Required Parking identified in respect of the two reciprocal uses.

Variations to Base Car Parking Standards

4.2.6 The Base Parking Standards set out in Table 14B may be varied through the Community Design Code and/or Transect Area Plan subject to Council being satisfied that the variation will maintain an adequate supply of Car Parking to support the related use and/or Development.

4.2.7 Council may approve a reduction of Car Parking from the Base Parking Standards of Table 14B as part of an application for the use and/or Development of Land subject to:

(a) Council being satisfied that the reduction to the Base Parking Standards would not result in any adverse impact on amenity of Car Parking for the related Development and/or use; and

(b) the Applicant justifying, to the satisfaction of Council, a reduction in terms of:

i. availability of Car Parking in the locality;

ii. availability of public transport in the locality;

iii. availability of facilities for cyclists including bicycle parking, lockers and showers;

iv. any Car Parking surplus associated with existing use of the Lot;

v. local traffic management and local Amenity including pedestrian Amenity;

vi. any empirical assessment of Car Parking demand; and/or

vii. any other relevant consideration.

Car Parking Strategy for Parking Precincts

4.2.8 The Community Design Code shall define Parking Precincts for which the Proponent shall prepare separate Car Parking Strategies.

4.2.9 Each Car Parking Strategy shall promote a flexible approach to the provision of Car Parking by adopting a Shared Parking Ratio(s) for the related Parking Precinct.
4.2.10 The Shared Parking Ratio(s) shall be applied to calculate the Car Parking requirements for the Development and/or use of Land within the same precinct.

4.2.11 For a Parking Precinct where there is a Regional Beach Parking requirement, the parking requirements of that Parking Precinct shall factor in the shared use of Regional Beach Parking for beach retail and beach use.

4.2.12 Shared Parking Ratios shall:

(a) be derived from the Base Parking Standards of Table 14B;

(b) reflect reciprocity of Car Parking between land uses, recognising that different uses within the same Parking Precinct generate Peak Parking Demand at different times of the day; and

(c) reflect the availability of Off-site Parking.

4.2.13 Notwithstanding clause 4.2.12 above, in relation to Residential Development and/or Use under an approved Car Parking Strategy, a separate parking standard may be applied that is derived from the Base Parking Standards set out in Table 14B.

4.2.14 The application of the reciprocal use percentages in the calculation of the Shared Parking Ratio may result in the Base Parking Standards of Table 14B being reduced by not more than 35%.

4.2.15 The Car Parking Strategy may exempt retail tenancies that comprise a maximum floor area of 140m$^2$ within the T5 and T6 Zones from a Car Parking requirement.

4.2.16 Subject to adequate justification from the Proponent, the Council shall consider for inclusion in a Car Parking Strategy provisions for the Transfer of Car Parking between Lots within the same Parking Precinct.

4.2.17 Council shall require that a Car Parking Strategy be approved for a Parking Precinct before approving any Transect Area Plan for all or part of that Precinct.

4.2.18 The Car Parking Strategy shall form part of the Community Design Code either at the time the Community Design Code is first approved or added at a later time through a Minor Modification to the Community Design Code.

4.2.19 The Proponent shall review a Car Parking Strategy in accordance with the timeframe and method for review set out in the approved Car Parking Strategy.
4.2.20 Where a review of an approved Car Parking Strategy results in a change to that Strategy that has the potential to impact on a landholding(s) within a Parking Precinct, the Council may require Public Notice of the Car Parking Strategy review for a period of 14 days in accordance with the requirements of Schedule 7B.

**Cash-in-lieu of Car Parking**

4.2.21 In the event that the Required Parking for a particular use is greater than the number of Car Parking Bays that are proposed to be provided on-site for that use, then Council may accept cash-in-lieu of the provision of any Required Parking on a per car bay basis, provided Council is satisfied:

(a) there is adequate provision for Car Parking or a reasonable expectation that there will be adequate provision for Car Parking to service the related Development and/or use;

(b) the cash-in-lieu funds can reasonably be used to finance additional Off-site Parking Bays that the Council either has provided, or has a firm proposal to provide, in the vicinity of Development and/or use.

4.2.22 The cash payment for cash-in-lieu of Car Parking shall be calculated having regard to the estimated cost of construction of the Required Parking bays and the value of the land area required to accommodate the actual bay(s), manoeuvring area(s) and associated Car Parking design requirements. A Licensed Valuer appointed by Council and funded by the Applicant shall determine the valuation for the Land area.

4.2.23 Where in the opinion of an absolute majority of Council, there is sufficient Car Parking available to meet existing demand, then cash-in-lieu payments may be deferred for up to three (3) years subject to:

(a) a legal agreement that is arranged and funded by the Applicant being entered into between the Applicant and Council; and

(b) such agreement being recorded on the Certificate of Title(s) for the subject Lot(s).

4.2.24 Where Council has agreed to defer payment, the contribution shall be calculated at the Land values and construction costs at the time called upon for payment.

4.2.25 Any cash-in-lieu money received by Council pursuant to this clause shall be paid into appropriate funds to be used to provide public Car Parking in the locality or for reimbursing Council for any expenses incurred in providing public Car Parking facilities as deemed appropriate by Council.
Bicycle Parking and End of Trip Facilities

4.2.26 Council may require the provision of bicycle parking and end of trip facilities such as showers, change rooms and lockers in commercial developments and other employment centres.

4.3 Functional Intensity

4.3.1 The Community Design Code shall apply Table 4B - Functional Intensity Table for the purposes of:

(a) regulating the range and intensity of uses for which an approved Building Type may be dedicated; and

(b) prescribing Car Parking standards that support Building function.

4.3.2 For each Building Type regulated in the Urban Standards of the Community Design Code, the functional intensity classifications of Restricted, Limited and Open shall be applied to building function to regulate the intensity of use and associated car parking requirements.

4.4 Land Use

Dealing with 'P', 'D' and 'X' Uses

4.4.1 The Community Design Code shall include a Land Use Table that shall regulate the land uses and functions that may be approved within a Transect Zone or Civic Reserve.

4.4.2 The following symbols and associated meanings shall be used in the Land Use Table:

(a) "P" = If an application under the Scheme involves a "P" use, Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, Council may, in its discretion, impose conditions upon the Development Approval and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

(b) "D" = Council in exercising its discretion to the approval or refusal of an application for Development Approval, shall have due regard to the following:

i. the aims and objectives of Division B;

ii. the Community Design Code and relevant Transect Area Plan;
iii. any comments raised through the Public Notice period (if applicable);

iv. the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought; and

v. any other matter considered relevant to the Council in the interests of orderly and proper planning.

The Council, may where it considers it appropriate to do so, require Public Notice of the proposal for a period of not less than 14 days in accordance with the requirements set out in Schedule 7B.

(c) "X"= Council shall refuse to approve any application for Development Approval which involves an "X" use, except as otherwise specifically provided by the Scheme.

Uses Not Listed

4.4.3 Applications to carry out a use that is not listed in the Land Use Table shall require Development Approval, pursuant to Part 5, and shall be certified by the Town Architect, pursuant to subclause 5.24.2, by means of the Development Application Certification template in Schedule 11B prior to being lodged with and determined by the Council pursuant to Part 5 and subclause 4.4.4.

4.4.4 If an application is for the use of Land for a particular purpose that is not specifically listed in the Land Use Table, and cannot reasonably be determined as falling within the interpretation, type, class or genus of activity of any other use category, the Council may:

(a) determine that the proposed use is consistent with the objectives of the particular Transect Zone or Civic Reserve and is therefore permitted;

(b) determine that the proposed use may be consistent with the objectives of the particular Transect Zone or Civic Reserve and require that the Applicant arrange Public Notice of the proposal for period of not less than 14 days in accordance with Schedule 7B before considering the application for Development Approval; or
(c) determine that the proposed use is not consistent with the objectives of the particular Transect Zone or Civic Reserve and is therefore not permitted.

4.4.5 Should an Applicant or Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

4.5 **Allocation of Retail Floorspace**

4.5.1 The coastal node of the Division B Area shall function as a Neighbourhood Centre in the hierarchy of activity centres adopted pursuant to *State Planning Policy 4.2 – Activity Centres for Perth and Peel*, as amended from time to time.

4.5.2 Retail Development within the Division B Area shall be limited to a maximum Net Lettable Area of 3,000m², except where:

(a) Council considers that the retail activities constitute Tourist/Visitor Related Retailing; and/or

(b) A retail needs assessment study demonstrates to the satisfaction of Council sufficient demand for a larger retail floorspace allocation to the Division B Area.

4.6 **Strategy for the Control of Advertisements**

4.6.1 The Proponent shall prepare a Strategy for the Control of Advertisements that addresses the requirements set out under Schedule 6B.

4.6.2 The Strategy shall form part of the Community Design Code either at the time the Community Design Code is first approved or added at a latter time through a minor modification to the Community Design Code.

4.6.3 All Advertisements shall require approval in accordance with the Strategy for the Control of Advertisements, with the exception of Advertisements erected by the Proponent for the sale and marketing of the Division B Area, which shall require approval in accordance with Part 5, having due regard to any relevant Local Policy applicable under Clause 7.2.

4.6.4 The objectives of the Strategy shall include:

(a) to provide for the erection and display of Advertisements as an effective means of communication in appropriate forms and locations;

(b) to ensure all types of Advertisements erected and displayed promote the aesthetic and environmental values of the community;
(c) to ensure Advertisements are aesthetically proportioned and compatible with the local architecture, building function, and Thoroughfare and Transect Zone character; and

(d) to safeguard and protect public safety and general welfare, including avoidance of the potential for traffic hazards caused by visual distractions and obstructions.

4.7 Environmental Conditions

4.7.1 In accordance with Section 7A4 of the Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F Environmental Protection Act, shall be incorporated into the Scheme by provision made in Schedule 12B of Division B contemporaneously with the making of the Scheme or amendment.

4.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol “EC” to indicate that environmental conditions apply to the Land.

4.7.3 The Council shall maintain a register of all the Statements published under Section 48F referred to in subclause 4.7.1 which shall be made available for public inspection at the offices of the Council.

4.8 Environmental Requirements – Protected Natural Living Area

4.8.1 The Land identified as the southern T2 Zone, indicatively shown in Schedule 8B, shall occupy approximately 12.5 hectares and be located between the Metropolitan Region Scheme reserves. This area shall be referred to as the Protected Natural Living Area.

4.8.2 To protect landform and vegetation within the Protected Natural Living Area, the following environmental requirements shall apply:

(a) The two Metropolitan Region Scheme Parks and Recreation reservations will be linked with native vegetation retained on private Land.

(b) Building Envelopes and Building Zones for Residential Development will be established in the applicable Transect Area Plan.

(c) The total area occupied by all Building Envelopes shall not comprise more than 30% of the total Land Area of the Protected Natural Living Area. The Land Area shall be defined as the Protected Natural Living Area less Thoroughfare reserves and Civic Spaces.

(d) No Development shall occur in the Protected Natural Living Area unless there is an approved Transect Area...
Plan for the area being developed or a Development Approval.

(e) Development can only occur within the agreed Building Envelopes, Building Zones, Thoroughfares and Civic Spaces.

(f) For the avoidance of doubt, clearing or disturbance of native vegetation can only occur within the agreed Building Envelopes, Building Zones, Thoroughfares and Civic Spaces.

(g) All services and access to the Principal Building and/or Outbuilding will be undertaken within the nominated Building Zone only and involve minimum native vegetation clearing.

(h) Any areas of native vegetation outside the Building Zone and Building Envelope that are damaged during construction will be rehabilitated to the satisfaction of the Council after installation of services or construction as the case may be.

(i) Appropriate fencing will be detailed as part of the applicable Transect Area Plan and shall allow, as far as practical, a corridor to assist the free passage of reptiles between the two regional reserves.

4.9 Greenfields Development and Maturing of Community (Transitioning Provisions)

4.9.1 A Transect Area Plan may provide for Interim Development in Transect Zones T4, T5 and T6 subject to the following:

(a) any Interim Development on Lots complies with the Community Design Code standards and provisions applicable to the next lower level of Transect;

(b) the Proponent has demonstrated to the satisfaction of the Council that the Interim Development provisions of the Transect Area Plan will not prejudice future Development occurring that complies with the relevant requirements of the Transect Zone assigned to the Land in the Community Design Code; and

(c) any Land subdivision that may result under the Interim Development provisions of the Transect Area Plan will not prejudice future Development occurring that complies with the relevant requirements of the Transect Zone assigned to the Land in the Community Design Code.
Special Requirements of Community Design Code and Transect Area Plans

4.10.1 The Community Design Code and Transect Area Plans shall contain the information described in Schedules 3B and 4B respectively in addition to the specific matters listed under Column 1 of Table 1B – Special Requirements of Community Design Code and Transect Area Plans.

4.10.2 The Community Design Code and Transect Area Plans shall satisfy the Special Requirements listed under Column 2 of Table 1B.
PART 5 – Approval Processes

Community Design Code

5.1 Preparation and Submission of Community Design Code

5.1.1 The Community Design Code must have been subjected to the processes set out hereunder, prior to it becoming operational under Clause 5.12.

5.1.2 Prior to the gazettal of Scheme Amendment No. 115, the Community Design Code may be prepared and progressed in accordance with the processes set out hereunder and the Council and/or the Commission may resolve to approve the Community Design Code subject to gazettal of Scheme Amendment 115.

5.1.3 The Proponent shall lodge the Community Design Code concurrently to both the Council and the Commission for assessment and determination.

5.1.4 The Council shall consider the Community Design Code within 21 days of lodgement under subclause 5.1.3, and shall determine that the Community Design Code is one of the following:

(a) satisfactory for the purposes of Public Notice;

(b) satisfactory for the purposes of Public Notice, subject to specified modifications being made by the proponent prior to Public Notice;

(c) not satisfactory for stated reasons.

5.1.5 Prior to the commencement of Public Notice of the Community Design Code under Clause 5.2, the Proponent may seek a statement from the Design Panel (Community Design Code Statement) indicating the extent to which the Community Design Code:

(a) conforms with the spirit and intent of the Visioning Master Plan;

(b) is consistent with the Intent and Objectives of Division B (refer Clause 1.3);

(c) contains all matters referred to in Clause 3.2; and

(d) is in order for consideration by the Council and the Commission.

5.1.6 If a Community Design Code Statement is sought, the Design Panel shall provide this Statement to Council and the Proponent within 28 days of the Proponent’s request.
5.1.7 If a Community Design Code Statement is sought, and the Design Panel is unable to provide a unanimous statement with respect to any matters contained in subclause 5.1.5, then the diverging opinions and reasons shall be outlined in the Statement.

5.1.8 The Proponent may after obtaining a Community Design Code Statement, pursuant to subclause 5.1.5, withdraw the Community Design Code from assessment, and, re-lodge the modified Community Design Code, pursuant to subclause 5.1.3, and seek a further Community Design Code Statement from the Design Panel, pursuant to subclause 5.1.5.

5.2 Public Notice

5.2.1 Public Notice of the Community Design Code shall be in compliance with the Public Notice Requirements and in the form of the Standard Public Notice Template contained in Schedule 7B.

5.2.2 Notices must invite Submissions by a specified date, not less than 21 days from the date of the Public Notice.

5.2.3 Within 7 days of Public Notice, Council shall give written notice to the Proponent and the Commission of the Submission Closure Date.

5.3 Assessment of Community Design Code

5.3.1 The Council’s and Commission’s assessment of the Community Design Code shall commence immediately following lodgement and occur concurrently to enable determination of the proposal by the Council and Commission in close succession.

5.3.2 The Council shall review all Submissions received during the Public Notice period, assess the Community Design Code and prepare a Summary of Submissions and Issues.

5.3.3 The Council shall forward the Summary of Submissions and Issues to the Commission, Proponent and Design Panel within 14 days of the Submission Closure Date.

5.3.4 Within 14 days of receiving the Summary of Submissions and Issues from the Council, the Commission should prepare a response which shall include any additional issues arising from its assessment of the Community Design Code, and forward this response to the Council, Proponent and Design Panel.

5.3.5 Within 14 days of receiving the Commission’s response to the Summary of Submissions and Issues, the Proponent shall consider the issues raised by the Council and the Commission and forward its response to the Design Panel.
5.3.6 Within 14 days of receiving the Proponent’s response, the Design Panel shall form a position on the Summary of Submissions and Issues and forward a copy to the Council, Commission and Proponent.

5.3.7 If the Design Panel is unable to adopt a unanimous position in its response, then the diverging opinions and reasons shall be outlined in the Design Panel response.

5.4 **Council Determination of Community Design Code**

5.4.1 Council shall determine the Community Design Code within 42 days of receiving the Design Panel response to the Summary of Submissions and Issues.

5.4.2 The period specified in subclause 5.4.1 may be extended by mutual agreement in writing between the Council and the Proponent.

5.4.3 In making its determination, Council shall have due regard to the comments received from the Commission, Proponent and Design Panel under subclauses 5.3.4 to 5.3.6.

5.4.4 The Council, when determining the Community Design Code, shall do one of the following:

(a) resolve to approve the Community Design Code;

(b) resolve to approve the Community Design Code, subject to conditions; or

(c) refuse to approve the Community Design Code.

5.4.5 The Council shall provide written notice of and the reasons for Council’s decision under subclause 5.4.4 to the Commission and the Proponent within 7 days of Council making the decision, and provide the Commission and Proponent with the following:

(a) A schedule of submissions in respect of the Community Design Code and Council’s decisions or comments in relation to the submissions as appropriate;

(b) Council’s recommendation to the Commission to approve, impose conditions or refuse to adopt the Community Design Code; and

(c) Any other information the Council considers may be relevant to the Commission in consideration of the Community Design Code.

5.4.6 Should the Proponent be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Proponent may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.
5.4.7 If the Council fails to make a decision within the timeframe specified under subclause 5.4.1, or within the extended period referred to in subclause 5.4.2, then the Community Design Code is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.5 Commission determination of Community Design Code

5.5.1 The Commission should determine the Community Design Code within 42 days of the date on which it received written notice of the Council decision under subclause 5.4.5.

5.5.2 The period specified in subclause 5.5.1 may be extended by mutual agreement in writing between the Commission and the Proponent.

5.5.3 In making its determination, the Commission should have due regard to the comments received from the Proponent and Design Panel under subclauses 5.3.5 and 5.3.6 and the decision of the Council under subclause 5.4.4.

5.5.4 The Commission, when considering the Community Design Code, may do one of the following:

(a) resolve to approve the Community Design Code;
(b) resolve to approve the Community Design Code, subject to conditions; or
(c) refuse to approve the Community Design Code.

5.5.5 The Commission should provide written notice of and the reasons for its decision under subclause 5.5.4 to the Council and the Proponent within 7 days of making the decision.

5.5.6 Should the Proponent be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Proponent may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.5.7 If the Commission fails to make a decision within the timeframe specified under subclause 5.5.1, or within the extended period referred to in subclause 5.5.2, then the Community Design Code is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.6 Reconsideration of Approval/Refusal of Community Design Code

5.6.1 Within 28 days of receiving the Council's decision, the Proponent may request that a condition(s) imposed on the approval of the Community Design Code or a refusal or deemed refusal of the Community Design Code by Council be reconsidered by the Council.
5.6.2 Any request for reconsideration shall be in writing in the form of a Submission and stipulate:

(a) the decision to be reconsidered, including, if in relation to a condition, the condition to be reconsidered; and

(b) the grounds upon which the request for reconsideration is made.

5.6.3 Where a request for reconsideration is in relation to a Council condition of approval, the original determination of the Council shall continue to apply to the subject Land in so far it does not affect the condition(s) that is the subject of the reconsideration request.

5.6.4 The Council shall determine the request for reconsideration within 42 days of the request being made by the Proponent.

5.6.5 The Council, in reconsidering the relevant decision, shall consider the Submission received under subclause 5.6.2 and shall do one of the following:

(a) affirm the original decision; or

(b) vary the decision only in relation to the matter of reconsideration.

5.6.6 The Council shall provide written notice of, and the reasons for the decision(s) made pursuant to subclause 5.6.5, to the Proponent within 7 days of making the decision.

5.6.7 If the Council does not make a decision pursuant subclause 5.6.4 within the requisite period of time, then the original requirement, decision or determination shall be the operative one for all purposes.

5.6.8 If the Council fails to make a decision within the timeframe specified under subclause 5.6.4, then the request for reconsideration is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.6.9 Within 60 days of receiving the Commission’s decision, the Proponent and/or the Council may request that a condition(s) imposed on the approval of the Community Design Code or a refusal or deemed refusal of the Community Design Code by the Commission be reconsidered by the Commission.

5.6.10 Any request for reconsideration shall be in writing in the form of a Submission and stipulate:

(a) the decision to be reconsidered, including, if in relation to a condition, the condition to be reconsidered; and

(b) the grounds upon which the request for reconsideration is made.
5.6.11 Where a request for reconsideration is in relation to a Commission condition of approval, the original determination of the Commission shall continue to apply to the subject Land in so far as it does not affect the condition(s) that is the subject of the reconsideration request.

5.6.12 The Commission should determine the request for reconsideration within 42 days of the request being made by the Proponent and/or Council.

5.6.13 The Commission, in reconsidering the relevant decision, should consider the Submission received under subclause 5.6.10 and do one of the following:

(a) affirm the original decision; or

(b) vary the decision only in relation to the matter of reconsideration.

5.6.14 The Commission should provide written notice of, and the reasons for the decision(s) made pursuant to subclause 5.6.13, to the Proponent and Council within 7 days of making the decision.

5.6.15 If the Commission does not make a decision pursuant to subclause 5.6.13 within the specified period of time, then the original requirement, decision or determination shall be the operative one for all purposes.

5.6.16 If the Commission fails to make a decision within the timeframe specified under subclause 5.6.13, then the request for reconsideration is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.6.17 The right to have the Council and/or the Commission reconsider the conditions of approval or refusal of the Community Design Code does not affect the Proponent’s right to appeal to SAT in respect of the relevant decision.

5.6.18 Should the Proponent be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Proponent may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.7 Community Design Code Certification

5.7.1 Following approval of the Community Design Code by the Commission, the Proponent shall duly modify the Community Design Code to take account of any conditions required by the Council and/or Commission and three copies shall be provided to the Council within 28 days of receiving the Commission decision.
5.7.2 The Council shall certify three copies of the Community Design Code, once modified in accordance with any conditions, within 28 days of receiving the Community Design Code under subclause 5.7.1.

5.7.3 The Council shall forward three copies of the Community Design Code to the Commission within 7 days of its Certification under subclause 5.7.2.

5.7.4 The Commission should certify three copies of the Community Design Code once modified in accordance with any conditions within 28 days of receiving it under subclause 5.7.3.

5.7.5 The Commission should forward two copies of the certified Community Design Code to the Council within 7 days of Certification under subclause 5.7.4.

5.7.6 The Council shall provide one copy of the certified Community Design Code to the Proponent within 7 days of receiving it under subclause 5.7.5.

5.7.7 The Community Design Code is deemed certified where:

(a) it is approved by both the Council, pursuant to subclauses 5.4.4 (a) or 5.6.5, and the Commission, pursuant to subclauses 5.5.4 (a) or 5.6.13, with no conditions; and/or

(b) the Council, pursuant to subclause 5.7.2, and/or the Commission, pursuant to subclause 5.7.4, fails to make a decision to certify the Community Design Code, modified in accordance with any conditions, within the timeframe prescribed.

5.8 Modifications to Community Design Code

5.8.1 A Minor or Major Modification may modify the approved Community Design Code.

5.8.2 An application for a Minor or Major Modification to the Community Design Code may be lodged by the Proponent or initiated by the Council.

5.8.3 To be considered a Minor Modification, it shall be demonstrated to the satisfaction of the Council that the proposed modification to the Community Design Code:

(a) relates only to the built form outcome for development and will not prejudice the Commission’s decision-making on future subdivision or development; and

(b) is consistent with the aims and objectives of Division B (refer Clause 1.3); and

(c) does not have the potential to adversely impact on an adjoining landholding(s); and
(d) does not affect the interest of any authority or body providing or likely to provide services within the Division B Area.

5.8.4 A modification that does not satisfy the criteria of subclause 5.8.3 shall be regarded as a Major Modification.

5.8.5 Prior to submitting an application to modify the Community Design Code to the Council, the Design Panel shall consider the application and prepare a Statement advising whether the proposed variation constitutes a Minor or Major Modification.

5.8.6 The Design Panel shall provide this Statement to the Proponent within 14 days of receiving the proposed Minor or Major Modification.

5.8.7 If there is a dissenting view in relation to this statement, then this view and the reasons why should also accompany the Design Panel Statement.

5.9 Determination of Minor Modifications

5.9.1 A proposed Minor Modification shall be submitted to the Council and accompanied by the Design Panel Statement.

5.9.2 The Council shall determine the application for a Minor Modification within 28 days of lodgement under subclause 5.9.1.

5.9.3 In considering the Minor Modification, the Council shall have due regard to the Design Panel Statement and may:

(a) approve the Minor Modification as lodged; or

(b) approve the Minor Modification with conditions; or

(c) make a finding that it is not a Minor Modification, but a Major Modification and require that the Proponent seek a Major Modification to the Community Design Code; or

(d) refuse the Minor Modification.

5.9.4 The Council shall provide written notice of and the reasons for Council’s decision under subclause 5.9.3 to the Commission and the Proponent within 7 days of Council making the decision.

5.9.5 A decision in accordance with 5.9.3 is subject to the discretion of the Council and shall be a decision capable of review in accordance with Part 14 of the Act.

5.9.6 If the Council fails to make a decision within the timeframe specified in subclause 5.9.2, then the application for a Minor Modification is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.
5.9.7 The Proponent may request Council reconsider its decision with any request for reconsideration and determination of such request to be made in accordance with the provisions set out in Clause 5.6.

5.9.8 Following approval of a Minor Modification by the Council, the Proponent shall duly modify the certified Community Design Code to include the Minor Modification and take account of any conditions required by the Council and three copies shall be provided to the Council within 14 days of receiving the Council decision.

5.9.9 The Council shall certify three copies of the Community Design Code, once modified in accordance with the Minor Modification and any conditions within 28 days of receiving it under subclause 5.9.8

5.9.10 The Council shall forward a copy of the certified Community Design Code to the Commission and the Proponent within 7 days of its Certification under subclause 5.9.9.

5.10 Determination of Major Modifications

5.10.1 Major Modifications to the Community Design Code shall be assessed, determined and certified in the same manner that the Community Design Code is determined as described in Clauses 5.1 – 5.7, with the exception of the period for Submissions which shall be 14 days from the date of the Public Notice.

5.10.2 The Council’s and Commission’s assessment, determination and certification of a proposed Major Modification shall be confined to the Modification and not concern any other aspect of the Community Design Code.

5.10.3 An approved Major Modification shall have the same force and effect as the approved Community Design Code.

5.10.4 A decision in accordance with 5.10.2 is subject to the discretion of the Council and shall be a decision capable of review in accordance with Part 14 of the Act.

5.11 Variations that do not constitute Minor or Major Modifications

5.11.1 The following additions to the Community Design Code do not constitute a Minor or Major Modification and shall not require the approval of the Council:

(a) inclusion of the Architectural Standards and any subsequent modifications to this document; or

(b) inclusion of the Pattern Book and any subsequent modifications to this document; or

(c) inclusions to the Schedule of Approved Transect Area Plans; or
4. inclusions to the Schedule of Modifications to Community Design Code,

5.11.2 A review of a Car Parking Strategy pursuant to subclause 4.2.19 that necessitates a modification to that Strategy shall not constitute a Minor or Major Modification to the Community Design Code but shall be determined by the Council within 21 days of receiving the modified Strategy.

5.12 Operation of Community Design Code

5.12.1 The Community Design Code and any major modifications made to it from time to time shall come into operation on the later date when it is certified by both the Council and the Commission. A minor modification to the Community Design Code shall come into operation on the date it is certified by the Council.

5.12.2 When the Community Design Code or any modification comes into operation:

(a) the provisions of the Community Design Code shall apply to the Land within it as if they were incorporated in the Scheme and shall be binding and enforceable in the same way as corresponding provisions incorporated in Division B are; and

(b) the standards and requirements applicable to Transect Zones and reserves under Division B shall apply to the same extent to the areas having corresponding designations under the Community Design Code.

5.12.3 Notwithstanding subclause 5.12.2(b), the Community Design Code or any modifications thereto may, by a clear statement of intent to do so, make provision for any standard or requirement of Division B to be varied, and for the varied standard or requirement to apply to the Division B Area, or any stipulated part of that area, as if it was a variation incorporated in the Scheme.

5.12.4 Where there is any inconsistency between an approved Community Design Code and Division B, the approved Community Design Code shall prevail.

Transect Area Plans

5.13 Preparation and Submission of Transect Area Plan

5.13.1 A Transect Area Plan shall be prepared by the Proponent and must have been subjected to the processes set out hereunder, prior to it becoming operational under Clause 5.18.
Prior to the gazettal of Scheme Amendment No. 115, a Transect Area Plan(s) may be prepared and progressed in accordance with the processes set out hereunder and the Council and/or the Commission may resolve to approve the Transect Area Plan(s) subject to gazettal of Scheme Amendment 115.

Prior to lodgement of a proposed Transect Area Plan, the Proponent may seek a statement from the Design Panel (Transect Area Plan Statement) certifying that the Transect Area Plan is:

(a) compliant with the Community Design Code; or
(b) a Non-Compliant Transect Area Plan.

A Compliant Transect Area Plan is a Transect Area Plan that complies with the approved Community Design Code.

Notwithstanding subclause 5.13.4, a Compliant Transect Area Plan may incorporate a variation to the adopted Community Design Code that is within the range of permissible variations defined in Schedule 9B or allowed for in the Community Design Code.

A Non Compliant Transect Area Plan is a Transect Area Plan that does not comply with the approved Community Design Code and is not capable of being considered for approval by the Council.

A Non-Compliant Transect Area Plan shall not be approved by the Council or the Commission and will require a Minor or Major Modification to the Community Design Code to be progressed in accordance with Clauses 5.8 to 5.10 to achieve that result.

If a Transect Area Plan Statement is sought, the Design Panel shall provide it to the Council and the Proponent within 21 days of the Proponent’s request.

Should the Design Panel not be able to give a unanimous Statement, then the diverging opinions and reasons shall be included in the Design Panel Statement.

5.14 Council Approval of Transect Area Plan

The Proponent shall lodge Transect Area Plans to the Council for approval.

The Council shall consider the Transect Area Plan within 21 days of lodgement to Council having due regard to any relevant Transect Area Plan Statement and decide one of the following:

(a) approve the Transect Area Plan with or without modification(s); or
(b) refuse the Transect Area Plan for stated reasons; or

(c) refuse to accept the characterisation of the Transect Area Plan as a Compliant Transect Area Plan and to assign the submitted Transect Area Plan as a Non-Compliant Transect Area Plan requiring a Minor or Major Modification to the Community Design Code.

5.14.3 The Council shall notify the Proponent in writing within 7 days of its decision.

5.14.4 The period specified in subclause 5.14.2 may be extended by mutual agreement in writing between the Council and Proponent.

5.14.5 Should the Proponent be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Proponent may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.14.6 If the Council fails to make a decision within the timeframe specified under subclause 5.14.2 or the extended period referred to in subclause 5.14.4, then the Transect Area Plan is deemed to be refused and the Proponent will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.15 Reconsideration of the Decision of the Council on a Transect Area Plan

5.15.1 Within 28 days of receiving the Council’s decision, the Proponent may request that a modification(s) imposed on the approval of a Compliant Transect Area Plan or the refusal of a Compliant or Non-Compliant Transect Area Plan be reconsidered by the Council.

5.15.2 Any request for reconsideration shall be in writing and stipulate:

(c) the decision to be reconsidered, including, if in relation to a required modification, details of the proposed modification to be reconsidered; and

(d) the grounds upon which the request for reconsideration is made.

5.15.3 Where a request for reconsideration is in relation to a Council or Commission condition of approval, the original determination of the Council or Commission shall continue to apply to the subject Land in so far is it does not affect the condition(s) that is the subject of the reconsideration request.

5.15.4 The request for reconsideration shall be determined by the Council within 42 days from the date of lodgement of the request for reconsideration.

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5.15.5 The Council, in reconsidering the relevant decision, shall do one of the following:

(a) affirm the original decision; or

(b) vary the decision only in relation to the matter of reconsideration.

5.15.6 The Council shall notify the Proponent in writing within 7 days of its decision.

5.15.7 If the Council does not make a decision within the requisite period of time then the original requirement, decision or determination shall be the operative one for all purposes.

5.15.8 If the Council fails to make a decision within the timeframe specified under subclause 5.15.4, then the request for reconsideration is deemed to be refused.

5.15.9 Should the Proponent be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Proponent may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.16 Modification to Approved Transect Area Plan

5.16.1 A proposed modification to an approved Transect Area Plan shall be lodged and determined in the same manner that the Transect Area Plan is determined as described in Clauses 5.13 to 5.15.

5.16.2 Council’s assessment and determination of a proposed modification to an approved Transect Area Plan shall be confined to the modification and not concern any other aspect of the Transect Area Plan.

5.17 Commission Consideration of Transect Area Plan and Subdivision Applications

5.17.1 When considering an application for subdivision the Commission should require that the application be generally in accordance with the Community Design Code and Transect Area Plan(s) as they relate to the subject land.

5.17.2 The Council shall within 42 days of receiving a referred subdivision application from the Commission, provide the Commission with a recommendation on the subdivision and a copy of the Transect Area Plan relating to the subject land.

5.17.3 The Council shall not recommend approval of a subdivision application unless it has a Transect Area Plan(s) for that Land and the subdivision is generally consistent with that Transect Area Plan.
5.17.4 The Commission's approval of a subdivision application shall constitute endorsement of the relevant Transect Area Plan(s), with or without modification, as it relates to that subdivision.

5.17.5 The Commission's refusal of a subdivision application shall constitute refusal of the Transect Area Plan as it relates to that subdivision.

5.17.6 Notwithstanding Clause 5.16, any modification(s) to a Transect Area Plan(s) that is required as a result of the Commission's decision on a related subdivision application shall be undertaken by the Proponent within 14 days of receiving notification of the Commission's decision and lodged with the Council for its certification.

5.18 Certification and Recording of Approved Transect Area Plans

5.18.1 Following endorsement of a Transect Area Plan by the Commission, the Proponent shall duly modify the approved Transect Area Plan to take account of any conditions required by Council and/or the Commission and three copies shall be provided to the Council within 28 days of receiving the Commission decision.

5.18.2 The Council shall certify three copies of the Transect Area Plan, once modified in accordance with any conditions, within 28 days of receiving the Transect Area Plan under subclause 5.18.1.

5.18.3 The Council shall forward a copy of the Transect Area Plan to the Commission within 7 days of Certification.

5.18.4 The certified Transect Area Plan shall be included in a Schedule to the Council and Commission copy of the Community Design Code and be appropriately flagged, marked or annotated to draw attention to the existence of the Transect Area Plan.

5.19 Operation of Transect Area Plan

5.19.1 A Transect Area Plan shall come into operation on the date it is certified by the Council.

5.19.2 Where there is any inconsistency between an approved Transect Area Plan and Division B or the Community Design Code, the approved Transect Area Plan shall prevail.

Development Applications

5.20 Requirement for Development Approval

5.20.1 Development of Land within the Division B Area shall be in accordance with a Development Approval issued by the Council.

5.20.2 No person shall commence or carry out any Development unless a Development Approval has first been obtained.
5.21 Development Exempt from Council Approval

5.21.1 Notwithstanding subclause 5.20.1 Council may adopt a Local Policy that exempts certain Development types within the Division B Area from requiring Council Development Approval.

5.22 Application for Development

5.22.1 Applications for the Development of Land shall be processed and determined in accordance with the procedures set out under Clauses 5.23 to 5.28 unless:

(a) the application is for the Development of a Civic Reserve and/or a Civic Building, in which case the procedures set out under Clause 5.29 and 5.30 shall prevail; or

(b) the Application requires Commission determination under the Metropolitan Region Scheme, in which case the procedures set out under Clause 5.31 shall prevail;

(c) the Application is for an Advertisement, in which case the procedures set out under Clause 5.32 shall prevail.

5.23 Development Application Form

5.23.1 A Development Application shall be made by way of the form prescribed in Schedule 10B or any variation to this form deemed acceptable to the Council.

5.24 Town Architect Certification

5.24.1 Applications for Development of Land within the Division B Area shall be certified by the Town Architect by means of the Development Application Certification template in Schedule 11B prior to being lodged with and determined by the Council.

5.24.2 The Town Architect may certify a Development Application as either:

(a) a Compliant Development Application, meaning a proposed Development that is compliant, with or without modifications, with the Community Design Code and relevant Transect Area Plan; or

(b) a Variant Development Application, meaning a proposed Development that departs from, but is in keeping with the spirit and intent of the Community Design Code and relevant Transect Area Plan; or

(c) a Non-compliant Development Application, meaning a proposed Development that does not comply with the Community Design Code and relevant Transect Area Plan.
5.25 Referral to Council for Determination

5.25.1 All Development Applications certified by the Town Architect, together with a copy of the Development Application Certification, shall be referred to the Council for determination.

5.25.2 Development Applications shall be submitted to Council in triplicate, together with such plans and other information and details as Council reasonably requires.

5.25.3 If a Variant Development Application certificate is provided by the Town Architect, the Town Architect may include a statement of support for the application and/or the reasons why the application falls within the spirit and intent of the Community Design Code and the relevant Transect Area Plan.

5.25.4 In the case of a Development Application certified as either Compliant or Variant, the Town Architect may recommend modifications to Council.

5.25.5 In the case of a Development Application certified as Non-Compliant, the Town Architect shall notify Council of the reasons why the application fails to meet the requirements of a Compliant Development Application.

5.26 Determination of a Compliant Development Application

5.26.1 In considering a Compliant Development Application, the Council is to have due regard to:

   (a) the Town Architect Certification;

   (b) the relevant Community Design Code and Transect Area Plan; and

   (c) those matters of Policy that Council considers are relevant to the Development Application.

5.26.2 Within 28 days of lodgement of the Compliant Development Application, the Council shall make a decision whether to:

   (a) approve the Compliant Development Application, with or without conditions;

   (b) determine the Development Application as a Variant Development Application in which case the approval requirements of such applications are to apply;

   (c) determine the Development Application as a Non-compliant Application and refuse the application.
5.26.3 Should an Applicant or an Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.26.4 If the Council fails to make a decision within the timeframe referred to under subclause 5.26.2, then the Development Application is deemed to be refused and the Applicant will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.26.5 Where an Applicant appeals a decision brought in relation to the determination of a Compliant Development Application, the responsible authority shall notify the Proponent of any appeal proceeding within 7 days of being served with such an application to the State Administrative Tribunal.

5.27 Determination of a Variant Development Application

5.27.1 Upon receipt of a Variant Development Application the Council shall require, where the proposed variation from the relevant Transect Area Plan has the potential to impact on an adjoining landholding, for Public Notice of that Variant Development Application for a period of not less than 14 days in accordance with Schedule 7B.

5.27.2 In considering the Variant Development Application, the Council, is to have due regard to:

(a) the Town Architect Certification;

(b) the aims and objectives of Division B (refer Clause 1.3);

(c) the relevant Community Design Code and Transect Area Plan;

(d) the comments raised through submissions received during the Public Notice period, if applicable; and

(e) those matters of Policy that the Council considers are relevant to the Development Application.

5.27.3 The Council shall make a decision within 42 days of lodgement of the Variant Development Application, whether to:

(a) approve the Variant Development Application, with or without conditions;

(b) refuse to approve the Variant Development Application.
5.27.4 Should an Applicant or an Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.27.5 If Council fails to make a decision within the timeframe specified under subclause 5.27.3, then the Variant Development Application is deemed to be refused and the Applicant will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.27.6 Where an Applicant appeals a decision in relation to the determination of a Variant Development Application, the responsible authority shall notify the Proponent within 7 days of being served with such an application to the State Administrative Tribunal.

5.28 Determination of a Non-Compliant Development Application

5.28.1 A Non-Compliant Development Application is not capable of being considered for approval by Council.

5.28.2 The Council shall determine a Non-Compliant Development Application within 28 days of lodgement.

5.28.3 Should an Applicant or an Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.28.4 If Council fails to make a decision within the timeframe specified under subclause 5.28.2, then the Non-Compliant Development Application is deemed to be refused and the Applicant will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.28.5 Where an Applicant appeals a decision in relation to the determination of a Non-Compliant Development Application, the responsible authority shall notify the Proponent of any appeal proceeding within 7 days of being served with such an application to the State Administrative Tribunal.

5.29 Development of Civic Reserves

5.29.1 An application for the Development of a Civic Reserve shall be made by way of the form prescribed in Schedule 10B or any variation to this form deemed acceptable to Council.
5.29.2 Prior to being lodged with Council, the Development Application shall be considered by the Town Architect and the Town Architect shall prepare a statement on the application which may include supporting comments or express reasons why the application fails to conform to the spirit and intent of the Community Design Code and relevant Transect Area Plan. The statement may also recommend modifications to the plan.

5.29.3 The application for Development of a Civic Reserve, together with a copy of the Town Architect statement, shall be referred to the Council for determination.

5.29.4 In considering the application, the Council is to have due regard to:

(a) the ultimate purpose intended for the Civic Reserve;
(b) the Town Architect statement;
(c) the Community Design Code and Transect Area Plan; and
(d) those matters of Policy that the Council considers are relevant to the Development Application.

5.29.5 Within 28 days of lodgement, the Council shall make a decision whether to:

(a) approve the Development Application, with or without conditions; or
(b) refuse to approve the Development Application.

5.29.6 The Applicant shall, in the case of Land reserved for the purposes of a public authority, consult with that authority before lodging an application for the Development of a Civic Reserve.

5.29.7 Should an Applicant or an Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

5.29.8 If the Council fails to make a decision within the timeframe referred to under subclause 5.29.5, then the Development Application is deemed to be refused and the Applicant will have a right of review to the State Administrative Tribunal in accordance with Part 14 of the Act.

5.29.9 Where an Applicant appeals a decision in relation to the determination of a Compliant Development Application, the responsible authority shall notify the Proponent of any appeal proceeding brought within 7 days of being served with such an application to the State Administrative Tribunal.
5.30 Determination of an Application for a Civic Building

5.30.1 An Application for the Development of a Civic Building on Land that:

(a) is not included in a Civic Reserve; or

(b) is not subject to the approval requirements of Clause 5.31;

(c) shall be determined in the same manner as described in Clause 5.29.

5.31 Approval of a Development Application under the Metropolitan Region Scheme

5.31.1 Where a Development Application is required to be approved by the Commission under the provisions of the Metropolitan Region Scheme, the procedure for Council shall be as follows:

(a) within 7 days of receiving the application, the Council shall:

i. forward a copy of the application to the Commission for its determination;

ii. invite and provide the Town Architect with 14 days to comment on the application; and

(b) within 28 days of receiving the application, or such further period as the Commission may allow, the Council shall forward to the Commission the Town Architect’s and Council’s comments on the application, for the Commission to consider when determining the application.

5.32 Approval of Advertisements

5.32.1 An application for an Advertisement shall be submitted with and determined by Council in accordance with the procedures set out in the adopted Strategy for Control of Advertisements set out in Schedule 6B.

5.33 Change of Use

5.33.1 Change of a use on Land shall constitute Development for the purposes of the Act and the Scheme, notwithstanding that it does not involve the carrying out of any Building or other works, and will require Development Approval.

5.33.2 If an application for Development Approval involves the carrying out of Building or other work on Land, the approval by the Council of the application shall, unless the Council stipulates otherwise in its approval, be an approval also for the commencement, carrying out or change of any use of the Land which is:
(a) specifically proposed and referred to in the application; or

(b) normally associated with and follows as the usual consequence of the carrying out or completion of the Building or other work.

5.34 **Subdivision and Development Prior to Community Design Code and Transect Area Plan Approval**

5.34.1 The Council shall require that a Community Design Code be in operation, pursuant to subclause 5.12.1, as a prerequisite to:

(a) the Council’s approval of a Transect Area Plan;

(b) the Council’s support for an application to subdivide lots; or

(c) the Council’s approval of a Development Application

unless the Council, having regard to the matters listed under subclause 5.34.3, is satisfied that the proposal or application is for one or more of the following:

i. The amalgamation of lots or part lots;

ii. The consolidation of land for “superlot” purposes to facilitate land assembly for future development;

iii. The purpose of allowing access or the provision of services or infrastructure that would not prejudice future development outcomes;

iv. The excision of land for public purposes;

v. Development that is of a scale and permanence that would not prejudice the long term urbanisation of the area.

5.34.2 The Council shall require an approved Transect Area Plan, pursuant to subclause 5.14.2, as a prerequisite to:

(a) the Council’s support for an application to subdivide lots within that area; or

(b) the Council’s approval of a Development Application within that area

unless the Council, having regard to the matters listed under subclause 5.34.3, is satisfied that the proposal or application is for one or more of the following:

i. The amalgamation of lots or part lots;
ii. The consolidation of land for “superlot” purposes to facilitate land assembly for future development;

iii. The purpose of allowing access or the provision of services or infrastructure that would not prejudice future development outcomes;

v. The excision of land for public purposes;

vi. Development that is of a scale and permanence that would not prejudice the long term urbanisation of the area.

5.34.3 The Council may approve Development or recommend approval to the Commission for subdivision for Land within the Division B Area prior to approval of the Community Design Code and a corresponding Transect Area Plan, subject to Council being satisfied that:

(a) the application is generally in accordance with the aims and objectives of Division B (clause 1.3);

(b) the application is generally in accordance with the proposed Community Design Code and Transect Area Plan where one exists; and

(c) approval of the application would not prejudice the orderly and proper planning and Amenity of the locality in immediate and long term.
PART 6 – Reserves

6.1 Reserves

6.1.1 Certain lands within the Division B Area are classified into either:

(a) Metropolitan Region Scheme Reserves; or

(b) Local Reserves.

6.2 Metropolitan Region Scheme Reserves

6.2.1 The Land shown as Metropolitan Region Scheme Reserves within the Division B Area on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Planning and Development Act, 2005 (as amended). The provisions of the Metropolitan Region Scheme continue to apply to such reserves.

6.2.2 Where, after the gazettal date, the Metropolitan Region Scheme is amended to zone a Regional Reserve, the Council shall treat an application for Planning Approval on such land as though the development involves a “D” use, and such of the provisions of Division B as are relevant to “D” uses shall apply until the Scheme has been amended to include the land in a zone or Local Reserve.

6.2.3 A person shall not use, commence or carry out Development on a Metropolitan Region Scheme Reserve in the Division B Area without first obtaining Development Approval under Part 5 (Development Approval) of Division B.

6.3 Local Reserves

6.3.1 Local Reserves shall be delineated and depicted in the Community Design Code and on the Transect Area Plans according to the legend thereon.

6.4 Use and Development of Local Reserves

6.4.1 A person shall not use, commence or carry out Development on a Local Reserve unless in accordance with an approved Community Design Code and an approved Transect Area Plan and without first obtaining Development Approval in accordance with the procedure described in Clause 5.31.

6.4.2 Without affecting the generality of the preceding subclause and without limiting the meaning of the term, “Development”, for the purposes of Clause 6.4.1 above, shall include:

(a) the demolition of or damage to any Building or works;

(b) the removal of or damage to any tree;
(c) the excavation, spoil or waste of Land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved; and

(d) the construction, extension, or alteration of any Building or structure.

6.5 Right of disposal

6.5.1 The Council may deal with or dispose of Land that it has acquired for a Local Reserve upon such terms and conditions as it thinks fit provided that the Land is used or preserved for the use for which the Land is reserved.
PART 7 – Administrative Framework

7.1 Design Panel

7.1.1 A Design Panel shall be established by the Council and the Proponent for the Division B Area to perform, although not be limited to, the functions set out under Part 5 of this Division and described below:

(a) represent the interests of the City of Wanneroo, the Commission and the Proponent in the consideration of the Community Design Code, Transect Area Plans and other significant proposals that relate to all or part of the Division B Area, unless otherwise required to be determined by the Development Assessment Panel established under the Act;

(b) ensure consistency between the Community Design Code, Transect Area Plans, Subdivision Applications and Development Applications;

(c) consider the respective positions of the Council, the Commission and the Proponent on the Submissions received during the Public Notice periods;

(d) reconcile, to the extent practicable, any incongruities between the respective positions of the Council, the Commission and the Proponent on planning proposals that affect the Division B Area; and

(e) any other function as otherwise set out in the Design Panel Terms of Reference.

7.1.2 The Design Panel shall be comprised of the following members:

(a) qualified and experienced senior representative of the Proponent;

(b) qualified and experienced senior representative of the City of Wanneroo appointed by the Chief Executive Officer;

(c) qualified and experienced senior representative of the Commission appointed by the Director General;

(d) Town Planner appointed by the Proponent; and

(e) Town Architect appointed by the Proponent.

7.1.3 The Terms of Reference for the Design Panel shall be prepared and endorsed jointly by the Council, the Commission and the Proponent.

7.1.4 The Terms of Reference shall cover, but not be limited to:

(e) administration of the Panel, including agendas and minute taking;
(f) meeting frequency, duration and venue(s);

(g) functions of the Panel and delegation of any responsibilities;

(h) decision making procedures and quorum criteria;

(i) reporting arrangements to the Council and the Commission; and

(j) a procedure for the disbandment of the Panel once its functions have been satisfied.

7.2 Local Policies

Relationship of Local Policies to the Division B Area

7.2.1 City of Wanneroo Local Policies adopted under the provisions of the Local Government Act, 1995 or Scheme do not apply to the Division B Area, unless otherwise stated in an adopted Local Policy or amended pursuant to clause 7.2.5-7.2.9 below.

7.2.2 Any Local Policy made or amended to apply to the Division B Area shall be prepared in accordance with clause 7.2.7 and be consistent with the Scheme. If any inconsistency arises between the Scheme and the Local Policy the Scheme shall prevail.

7.2.3 A Local Policy is not part of the Scheme and shall not bind the Council in respect of any application for a Community Design Code, Transect Area Plan, Subdivision Approval or Development Approval, but the Council shall have due regard to the provisions of any Local Policy and the objectives which the Local Policy is designed to achieve before making its decision.

Relationship of Local Policies to Community Design Code and Transect Area Plans

7.2.4 If a provision of a Local Policy is inconsistent with the approved Community Design Code and/or Transect Area Plan(s), the Community Design Code and/or Transect Area Plan(s) shall prevail.

Making and amending a Local Policy

7.2.5 The Council may prepare, amend, add to or rescind Local Policies in respect of any matter related to the development and management of the Division B Area, so as to apply:

(a) generally or for a particular class or classes of matters relevant to the Division B Area; and

(b) apply throughout the Division B Area or in one or more parts of the Division B area.
7.2.6 Any Local Policy that is prepared, amended or added to pursuant to subclause 7.2.5 above must take into account the Community Design Code and reflect the nature and character of the Transect Zones.

7.2.7 The procedure for making or amending a Local Policy, which applies to Division B, is as follows:

(a) the Council shall consult with the Proponent of its intent to prepare a Local Policy;

(b) the Council having prepared a draft Policy shall advertise the Policy for a minimum 21 days in accordance with the requirements set out in Schedule 7B;

(c) the Council shall carry out such other consultations as it thinks fit;

(d) the Council shall review the draft Policy in the light of any Submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy;

(e) following final adoption of the Policy, notification of the final adoption shall be published once in a newspaper circulating within the locality; and

(f) where, in the opinion of the Council, the provisions of any Policy affects the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.

7.2.8 Copies of any Policy shall be kept and made available for public inspection at the office of the Council.

7.2.9 Any Amendment or addition to a Policy shall follow the procedures set out in subclause 7.2.7 (a) – (f) above.

Rescission of a Local Policy

7.2.10 A Local Policy may be rescinded by:

(a) the final adoption of a new Policy pursuant to subclause 7.2.7 above, specifically worded to supersede an existing Policy; or

(b) publication of a formal notice of rescission by the Council once a week for two consecutive weeks in a local newspaper circulating within the Division B Area.

7.3 Role of Proponent

7.3.1 The Proponent of Land shall cease to be Proponent for the purposes of all obligations and rights under that role pursuant to the Scheme, upon any of the following events occurring:

(a) the preparation of the last Transect Area Plan;
(b) the approval of development of the last subdivisional lot within the Division B Area; or

c) at an earlier point in time, upon the Proponent notifying the Council in writing that its role as Proponent will cease from a specified date that is not less than 12 months from the date of notification;

whereby the role of the Proponent shall revert to the Council.
PART 8 - Enforcement and Appeals

8.1 Amenity

8.1.1 No Building or structure shall be constructed, finished or left unfinished that its external appearance would significantly detract from the Amenity of the locality. All Land and Buildings shall be so used and maintained so as to preserve the local Amenity.

8.1.2 No Land, Building or structure shall be used in such a manner as to permit the escape there from of smoke, dust, fumes, odour, noise, glare, vibration or waste products in such quantity or extent or in such a manner as will create or be a nuisance to any inhabitant persons using any Land in the vicinity.

8.1.3 If the Council forms the opinion that there has been a breach of the requirements of the preceding subclauses it may, by notice in writing, require the Owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known to the Council, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.

8.1.4 Any persons upon whom a notice is served pursuant to this clause may, within 28 days of the date of service of the notice on that person, appeal pursuant to Part 14 of the Act against the requirements of the notice and, where any such appeal is lodged the effect of the notice shall be suspended until a decision to uphold, quash or vary the notice has been made on the appeal or the appeal has been withdrawn, whereupon the time stated in the notice shall again begin to run.

8.1.5 Failure to comply with a notice under this clause shall be a breach of the provision of the Scheme.

8.2 Unkempt Land

8.2.1 On any land within the Division B Area any undergrowth, refuse, rubbish or disused material which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the Owner or occupier of such Land requiring that the Land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.

8.2.2 Every Owner or occupier of Land upon whom a notice is served shall comply with such notice within the time period therein specified.
8.2.3 Where the Owner or occupier does not clear the Land or remove the refuse, rubbish or disused material as required by the notice given by the Council, the Council may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of and recover in a court of competent jurisdiction the amount of the expense from the Owner or occupier to whom the notice is given.

8.2.4 Failure to comply with a notice under this Clause shall be a breach of the provisions of the Scheme.

8.3 Council's Power in Relation to Illegal Development

8.3.1 Sixty (60) days written notice is hereby prescribed as the notice to be given pursuant to Section 214 of the Act for the removal of certain buildings.

8.3.2 Council may recover expenses under Section 215(2) of the Act in a court of competent jurisdiction.

8.4 Entry to Premises

8.4.1 An officer or agent of the Council may enter at all reasonable times any premises within the Division B Area for the purposes of ascertaining whether the provisions of Division B are being complied with, and at the time of entry may do all things reasonably necessary to record evidence of any non-compliance.

8.5 Offences

8.5.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of Division B of the Scheme, nor shall any person use or suffer or permit the use of any Land or building or undertake or suffer or permit the undertaking of any Development within the Division B Area:

(a) otherwise than in accordance with the provisions of the Scheme;

(b) unless all approvals required by the Scheme have been granted and issued;

(c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with;

(d) unless all standards set down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

8.5.2 Any person who fails to comply with any of the provisions of Division B is guilty of an offence and without prejudice to any other remedy given herein is liable to prosecution/enforcement and such penalties as are prescribed by Part 13 of the Act.
8.6 Appeals

8.6.1 Should an Applicant, Proponent or an Owner of Land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council or the Commission under Division B, the Applicant, Proponent or Owner of Land may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

8.6.2 Where an Applicant appeals a decision pursuant to Clause 8.6.1, the responsible authority should notify the Proponent of their application to appeal within 7 days of being served with such an application to the State Administrative Tribunal.

8.6.3 Where a request for reconsideration is made in accordance with Clauses 5.6 and 5.15, the time for appealing shall commence from the date of the latter decision or determination if written confirmation is provided within the time period referred to in subclauses 5.6.3 and 5.16.3. If written confirmation of the decision or determination is not made or imposed within the time period referred to in subclauses 5.6.3 and 5.15.3, the time for appealing shall run from the expiration of the time period.

8.6.4 Notwithstanding subclauses 5.5.7, 5.6.8, 5.9.7, 5.14.6, 5.15.8, 5.27.5, 5.28.4 and 5.29.8, the Council retains discretion to determine an application after a deemed refusal has lapsed whether or not the Proponent or Applicant for approval has exercised their appeal rights in accordance Part 8 of Division B of this Scheme.

8.6.5 If the Proponent applies to the State Administrative Tribunal to be joined as a party to any appeal proceedings brought by the City or another party in relation to the Division B Area, the Council and/or the Commission, as the case may be, shall support that request to the State Administrative Tribunal, on the basis that the nature of the Transect Based Code:

(a) relies heavily for its success on the ongoing involvement of the Proponent to maintain the vision for the project; and

(b) requires significant input and the ongoing involvement of the Proponent to meet the requirements and achieve implementation of the Transect Based Code as regulated through the Community Design Code and Transect Area Plans.
PART 9 - District Distributor Road Infrastructure Contribution Arrangements

9.1 Application of District Road Infrastructure Contribution Arrangements to Division B Area

The Division B Area is located within the area delineated as Cell 1 on Map 1 in Schedule 10 of Division A. Accordingly, the provisions of Part 11 and Schedule 10 of Division A apply to that area of land.
# TABLE 1B. SPECIAL REQUIREMENTS OF COMMUNITY DESIGN CODE AND TRANSECT AREA PLANS

The Community Design Code and Transect Area Plans shall satisfy the Special Requirements set out under Column 2 of Table 1.

<table>
<thead>
<tr>
<th>1. Urban Standards</th>
<th>Special Requirements</th>
</tr>
</thead>
</table>
| Specific standards and controls to be included in Community Design Code and/or Transect Area Plans | a. Unless otherwise provided for in the Community Design Code or Transect Area Plans, Building Types within the T2-T6 Zones shall accord with the Transect in which they are located as specified in Table 3B.  
 b. The Community Design Code and Transect Area Plan shall nominate Lots within the T2 – T5 Zones where Outbuildings are required or may be approved. |
| 1.1 Permissible Building Types within the T2 – T6 Transect Zones *(Tables 3B, 13B)* | a. The Building Disposition for buildings developed within the Protected Natural Living Area of the T2 Zone shall conform to Building Envelopes defined in Transect Area Plans.  
 b. The Building Disposition for buildings developed within the T2 Zone (excluding the Protected Natural Living Area) and T3 – T6 Zones shall comply with Table 11B.  
 c. Building facades shall be built along a minimum percentage of the Frontage width at setback, generally in accordance with the Frontage Buildout illustrated in Tables 7B and 11B.  
 d. Building facades shall be built parallel to a rectangular principal Frontage Line or tangent to a curved Principal Frontage Line.  
 e. The Principal Entrance to Buildings located in the T5 and T6 Zones should be on the Frontage Line, unless otherwise provided for in the Community Design Code or Transect Area Plans. |
| 1.2 Permissible Building Dispositions, including boundary setbacks, for all Building Types *(Tables 7B, 11B, 13B)* | a. Building Heights, Stepbacks and Extension Lines shall conform to Tables 3B and 10B.  
 b. The maximum height of a ground floor Storey shall be not more than 8.0 metres and the maximum height for every Storey above ground floor shall be not more than 5.0 metres. These maximum heights shall be further refined for different Building Types in the Community Design Code and Transect Area Plans.  
 c. The Community Design Code and/or Transect Area Plans may |
regulate a minimum floor to ceiling height for the ground floor Storey of a building.

d. The Community Design Code and/or Transect Area Plan may nominate parts of a Building that shall not count as a Storey or that are not required to comply with the minimum and maximum height requirements of a Storey.

e. Basement Parking may protrude a maximum 1.2 metres above ground level measured at the Australian Height Datum (AHD) and shall not count as a Storey regardless of its relationship to habitable spaces.

f. Transect Area Plans may include provision for a maximum Building Height specified in the Community Design Code to be increased for specific design elements including, but not limited to, a raised plinth, raised basement, mast, chimney flue, water tank, elevator bulkhead, belfry or clock tower, subject to the encroachment being designed to a high architectural standard and being visually compatible with the parent building.

g. Building Types in T5 and T6 Zones that include a Residential function on the ground level and are not designated on the Control Plan for a Shopfront, Arcade or Gallery Private Frontage shall distinguish between the public and private realms by having a ground floor finished floor level higher than the level of the adjacent ground level of the footpath. The Community Design Code and/or Transect Area Plan shall prescribe the minimum level difference that is required between the ground floor and adjacent footpath.

<table>
<thead>
<tr>
<th>1.4 Permissible Private Frontages for all Building Types (Tables 3B, 9B, 13B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The Private Frontage of Buildings within the T2 - T6 Zones shall be generally in accordance with Table 3B and 9B.</td>
</tr>
<tr>
<td>b. Corner Lots that accommodate two Dwellings shall be deemed to have two Private Frontages, a Principal Frontage and a Secondary Frontage, as shown in Table 13B. Provisions within the Community Design Code and/or Transect Area Plans relating to the first Layer shall pertain to Dwellings facing both Frontages. Provisions relating to the second and third layers shall pertain only to the Building facing the Principal Frontage.</td>
</tr>
<tr>
<td>c. Encroachments including, but not limited to, open single and multiple Storey Verandas, balconies, bay windows, stoops, lightwells and decks, may be permitted into the first Layer of a Private Frontage area of a Building Type.</td>
</tr>
<tr>
<td>d. Encroachments of a Private Frontage, including, but not limited to, single and multiple Storey Verandas, Gallery Frontages, Arcade Frontages and Shopfront Frontages, into the public realm may be created by the provision of either air rights granted to the Building Owner or rights-of-way at ground level granted to the Council. These rights will be granted at no cost to either party, other than legal costs which shall be borne by the Building Owner, and the most appropriate method used, depending on...</td>
</tr>
</tbody>
</table>
the circumstances.

e. A Gallery Frontage or single/multiple Storey Veranda will generally require air rights to be granted to the adjacent Building Owner. An Arcade Frontage will generally require rights-of-way to be granted to the Council and general public.

f. Verandas, awnings, Arcade and Gallery Frontages must clear the footpath and may encroach to within 0.6 metres of the kerb.

| 1.5 Maximum Building Coverage of Lots within the T2 – T6 Zones (Table 3B) | a. The maximum Building coverage of Lots within each Transect Zone shall be in accordance with Table 3B.  

b. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding may not exceed the area provided for in the Community Design Code or the Transect Area Plans, excluding Car Parking. |
|---|---|
| 1.6 Screening requirements for Loading and Service Areas. | a. Transect Area Plans shall identify preferred locations for loading and service areas and may impose controls to address interface treatments to ensure adequate screening that is consistent with adjoining Building facades.  

b. Transect Area Plans may impose restrictions that require service areas and loading docks to be located to the rear of Buildings.  

c. Where it is not possible to screen a loading and/or service area behind a Building façade, a Streetscreen is required along a Frontage Line. The Streetscreen shall be between 1.0 metre and 2.5 metres in height and have openings no larger than necessary to allow Vehicle and pedestrian access. |
| 1.7 Car Parking locations (Table 13B) | a. The location of Car Parking within the T2 – T6 Zones shall be accessible from Alleys or Lanes where available unless otherwise provided for in an approved Transect Area Plan.  

b. Open Car Parking areas within the T2 to T6 Zones are to be masked from the Public Frontage by a Building or Streetscreen.  

c. The Urban Standards shall specify the Layers, as defined in Table 13B, where Car Parking and garages shall be located for each Building Type. The following specific locational requirements for car parking shall apply:  

i. Protected Natural Living Area On-site Car Parking and garages to be site specific and be contained with Building Envelopes delineated in the Transect Area Plans;  

ii. Northern T2 Zone On-site Car Parking and garages may be located on the First, Second and Third Layers;  

iii. T3 Zone On-site Car Parking and garages shall be located on the First, Second and Third Layers. Driveways at Principal Frontages shall be no wider than three (3) metres; |
iv. T4 Zone On-site Car Parking areas and garages shall be located on the second or third Layers. Driveways at the Principal Frontages shall be no wider than three (3) metres;

v. T5 and T6 Zone garages shall be located on the Second or Third Layers. Parking lots shall be masked from the Frontage Line by a Liner Building or Streetscreen.

| 1.8 Building Densities within the T2 – T6 Zones | a. Buildable densities on lots within the T2 – T6 Zones shall be controlled through a combination of Transect Zones, permissible Building Types, maximum site coverage, Car Parking requirements, Building Height limits and Building setbacks. |

### 2. Thoroughfare Standards

<table>
<thead>
<tr>
<th>Specific standards and controls to be included in Community Design Code and/or Transect Area Plans</th>
<th>Special Requirements</th>
</tr>
</thead>
</table>
| 2.1 Design of Thoroughfare Network | a. All Thoroughfares shall terminate at other Thoroughfares to form a network, except where culs-de-sac may be used to accommodate specific site conditions.  
b. Thoroughfares are to connect, where appropriate, to those Thoroughfares on adjacent sites. |
| 2.2 Design standards for each Thoroughfare Types | a. Thoroughfares are to be designed in the context of the urban form and the desired design speed of the Transect Zone through which they pass. Where a Thoroughfare passes from one Transect Zone to another, the Public Frontage component of the Thoroughfare may be adjusted to complement the adjacent Transect Zone. Alternatively, the Transect Zone may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage through its trajectory. |
| 2.3 Standards for Vehicle and parking lane widths appropriate to Thoroughfare Type and Transect | a. Thoroughfares may include vehicular lanes in a variety of widths for parked and moving Vehicles, including bicycles. The standards for vehicular lanes shall be in accordance with Tables 5B and 6B. |
| (Tables 5B, 6B) | |
| 2.4 Standards to promote pedestrian and cyclist access, safety and | a. The Thoroughfare network shall include a comprehensive network of pedestrian paths, promenades, Passages, bike routes (shared on-street travel) and shared paths that cater to the requirements of pedestrians and cyclists. |
b. Street trees and/or permanent shade structures, including but not limited to awnings, colonnades and Verandas, shall be incorporated into the design to provide shade to footpaths.

c. Design speeds of Thoroughfares shall be controlled to reflect the character of the Thoroughfare and its quality and safety for pedestrians and cyclists. Design speeds shall be controlled through a combination of elements, including Thoroughfare reserve widths, lane widths, Thoroughfare alignments, tree alignments and spacing, Building Heights, street parking and intersection frequency.

d. The Thoroughfare Standards may employ design techniques to incite slow Design Speeds and enable vehicles, cyclists and pedestrians to safely share access lanes. In locations where Thoroughfares are designed for higher Design Speeds, footpaths and Shared Paths shall be dedicated for pedestrian and cyclist access.

e. Bicycle racks shall be provided at designated areas in the public realm identified in the Community Design Code or Transect Area Plans.

<table>
<thead>
<tr>
<th>2.5 Standards to control the design of Public Frontages (Tables 7B, 8B)</th>
<th>a. The Public Frontage of Thoroughfare types shall be designed to generally conform to Tables 7B and 8B.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6 Standards to control Thoroughfare planting and lighting</td>
<td>a. Street trees and landscaping generally shall be regarded as significant elements in the design of all Thoroughfare reserves.</td>
</tr>
<tr>
<td></td>
<td>b. The types of Public Planting and Public Lighting prescribed for each Thoroughfare Type shall complement the character of the Thoroughfare type.</td>
</tr>
<tr>
<td></td>
<td>b. Within the T1 and T2 Zones Thoroughfare planting should include a variety of species, randomly clustered, as well as understorey.</td>
</tr>
<tr>
<td></td>
<td>c. Within the T3 and T4 Zones, Thoroughfare planting shall include trees planted in regularly spaced Allee pattern or single or alternate species with shade canopies of a height that at maturity clears at least one Storey.</td>
</tr>
<tr>
<td></td>
<td>d. Within the T5 and T6 Zones, Thoroughfare planting shall include trees planted in regularly spaced Allee pattern or single or alternate species with shade canopies of a height that at maturity clears at least one Storey. At Shopfront and other commercial Frontages, the spacing of trees may be irregular to maintain commercial exposure.</td>
</tr>
</tbody>
</table>
### 3. Landscape Standards

<table>
<thead>
<tr>
<th>Matters to be addressed in Community Design Code and refined in Transect Area Plans</th>
<th>Special Requirements</th>
</tr>
</thead>
</table>
| **3.1 Landscape Standards for diversity and placemaking (Tables 2B, 7B, 8B and 121B)** | a. The Landscape Standards shall complement the character of each Transect Zone and Thoroughfare Type and be generally in conformity with Tables 2B, 7B, 8B, and 12B.  

b. The Landscaping Standards shall contain a tree species list that consists of native and exotic durable species tolerant of soil compaction.  
c. The Landscape Standards may include requirements for the private realm including the Private Frontage.  
d. The provision of landscaping shall conform to the Landscape Standards contained in the Community Design Code and refined in the Transect Area Plans. |

### 4. Civic Spaces & Buildings

<table>
<thead>
<tr>
<th>Specific standards and controls to be included in Community Design Code and/or Transect Area Plans</th>
<th>Special Requirements</th>
</tr>
</thead>
</table>
| **4.1 Design and Location of Civic Spaces (Table 12B)** | a. With the exception of open space identified in the T1 Natural Reserve Zone, open space areas shall be assigned as Civic Reserves in the Community Design Code Regulating Plan Series.  
b. A diversity of Civic Space Types shall be provided within the Division B Area consistent with the typologies described in Table 12B.  
c. Civic Space Types shall be located to complement the character of adjacent Transect Zones consistent with Table 12B.  
d. Each Pedestrian Shed, as defined in the Community Design Code, shall contain at least one Main Civic Space. The Main Civic Space shall be within 250 metres of the geographical centre of each Pedestrian Shed, unless topographical conditions, Thoroughfare alignments or other circumstances prevent such location. A Main Civic Space shall conform to one of the types in part ‘b’, ‘c’ or ‘d’ of Table 12B.  
e. Each Civic Space shall have a minimum of 50% of its perimeter fronting a thoroughfare (including a pedestrian path). The Playground Civic Space typology may have a lesser |
thoroughfare frontage as illustrated in Table 12B. Transect Area Plans shall stipulate requirements for fencing, Frontage and other architectural design elements for oversight of these Civic Spaces.

| 4.2 Adequate provision of Civic Space | a. A minimum area of 10% of the total urbanised area (T3 – T6 Zones) of each pedestrian shed shall be allocated as Civic Space and be dedicated for that purpose.  
b. The Community Design Code may identify Thoroughfares that can constitute up to 25% of the total Civic Space requirement referred in 4.2(a) above.  
c. Civic Building sites may be considered as part of the total Civic Space contribution for the purpose of compliance with 4.2(a) above. |

| 4.3 Location of Civic Buildings | a. Civic Buildings are encouraged within all Transect Zones;  
b. Civic Buildings should be located at the axial termination of a significant Thoroughfare and are encouraged to be sited within or collocated with Civic Spaces to promote the public use and enjoyment of the Civic Spaces.  
c. The location of the primary school site shall be identified on the Community Design Code in the southeast corner of the Division B Area. |

| 4.4 Design of Civic Buildings | a. The design of Civic Buildings is to be appropriate to a role more important than other Building Types and be of the highest standard of architectural quality.  
b. The design of Civic Buildings is to be negotiated with the Town Architect and approved by the Council independently of the Urban Standards of the Community Design Code. |
### 5. Control Plan

<table>
<thead>
<tr>
<th>Specific standards and controls to be included in Community Design Code and/or Transect Area Plans</th>
<th>Special Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.1</strong> A Control Plan to regulate locations where specific design responses are required. <em>(Tables 7B, 9B)</em></td>
<td>a. The Control Plan may designate any of the following special requirements:</td>
</tr>
</tbody>
</table>

i. Designation for Mandatory and/or Recommended Shopfront Frontage requiring or advising that a Building provide a Shopfront at the Footpath level along the length of the designated Private Frontage.

ii. Designation for a Mandatory and/or Recommended permanent cover over all or part of a designated section of footpath and this can be either a single Storey, double or multiple Storey veranda, awning or Gallery as generally illustrated in Table 9B.

iii. A Mandatory or Recommended Arcade Frontage requiring or permitting the upper floors of a Building to overlap the footpath and for the ground floor façade to be a colonnade. The Arcade Frontage designation may be combined with a Shopfront Frontage as illustrated in Table 9B.

iv. Other permissible encroachments of a Private Frontage into the public realm (including stairs, lightwells, balconies and bay windows).

v. A Coordinated Frontage Designation requiring that the Public Frontage (Table 7B) and Private Frontage (Table 9B) are coordinated as a single coherent landscape and paving design.

vi. A Mandatory and/or Recommended Terminated Vista designation requiring or advising that the Building is to be provided with architectural articulation of type or character that responds visually to its axial location.

vii. A Cross-block Passage designation requiring reservation of pedestrian access between Buildings and/or Lots. The Transect Area Plans shall stipulate requirements for fencing, Frontage and other architectural design elements for oversight of these Passages.

viii. The percentage of clear glass, and proportions and locations of openings required on the façade of any Building.
# TABLE 2B. TRANSECT ZONE STANDARDS

This table describes the character of each Transect Zone.

<table>
<thead>
<tr>
<th>Transect Zone</th>
<th>General Character</th>
<th>Building Placement</th>
<th>Frontage Types</th>
<th>Typical Building Height</th>
<th>Civic Space Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>T1</strong> T-1 Natural Reserve Zone <strong>Natural Reserve</strong></td>
<td>Natural landscape</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Natural Reserve</td>
<td></td>
</tr>
<tr>
<td><strong>T2</strong> T-2 Natural Living Zone <strong>Natural Living</strong></td>
<td>Larger lots retaining natural landscape features such as vegetation or topography</td>
<td>Predominantly detached single family dwellings, including villa house</td>
<td>Variable Setbacks</td>
<td>Common yard, verandah and fence</td>
<td></td>
</tr>
<tr>
<td><strong>T3</strong> T-3 Sub-Urban Zone <strong>Sub-Urban</strong></td>
<td>Lawns and landscaped yards surrounding detached single-family houses; pedestrians occasionally</td>
<td>Predominantly single family dwelling, including villa house &amp; sideyard house</td>
<td>Large and variable front and side yard setbacks</td>
<td>Common yard, verandah and fence</td>
<td></td>
</tr>
<tr>
<td><strong>T4</strong> T-4 General Urban Zone <strong>General Urban</strong></td>
<td>Mix of house types including detached dwellings; townhouses, small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians</td>
<td>Mixture of building types: house, sideyard house, courtyard house, cottage house, terrace house, apartment house, flex building &amp; loft building</td>
<td>Shallow to medium front and side yard setbacks</td>
<td>Verandah and terrace, forecourt, stoop / bay window, shopfront</td>
<td></td>
</tr>
<tr>
<td><strong>T5</strong> T-5 Urban Centre Zone <strong>Urban Centre</strong></td>
<td>Shops mixed with townhouses, larger apartment houses, offices, lodging, workplace, and civic buildings; predominantly attached buildings; trees within the thoroughfare reserve; substantial pedestrian activity</td>
<td>Apartment house, apartment building, loft house, loft building &amp; flex building</td>
<td>Shallow setbacks or none; buildings oriented to street defining a street wall</td>
<td>2 to 8 Storesys</td>
<td></td>
</tr>
<tr>
<td><strong>T6</strong> T-6 Urban Core Zone <strong>Urban Core</strong></td>
<td>Medium to high-density mixed use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous street wall; trees within the thoroughfare reserve; highest pedestrian and transit activity</td>
<td>Apartment building, loft house, loft building, flex building &amp; commercial building</td>
<td>Shallow setbacks or none; buildings oriented to street, defining a street wall</td>
<td>Plaza, square, playground, park, square, passage and path</td>
<td></td>
</tr>
<tr>
<td><strong>SD</strong> SD Special District <strong>SD District</strong></td>
<td>All standards and controls to regulate development within a Special District shall be established through the Community Design Code and refined in Transect Area Plans.</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Natural Reserve</td>
</tr>
</tbody>
</table>

---

(Calibrated from SmartCode v9.2)
### TABLE 3B. SUMMARY OF DEVELOPMENT PROVISIONS

This page contains a table summarizing development provisions for various zones and building types within the Urban Design Codes. The table outlines site area requirements, site coverage, minimum building heights, and building function details for different types of buildings and frontages. The information is organized to facilitate understanding of the regulations and standards applicable to each zone and building type. The table includes columns for T1, T2, T3, T4, T5, and T6 zones, with specifications for natural and urban conditions. Additionally, the table references other codes and documents for further information, such as Table 4B: Functional Intensity and Community Design Code. The content is designed to help planners and developers comply with the urban design standards in a transparent and organized manner.
TABLE 4B : FUNCTIONAL INTENSITY

The Functional Intensity Table categorises the range and intensity of uses to which a building may be dedicated. Parking requirements are correlated to the functional intensity which is classified as either ‘Restricted’, ‘Limited’ or ‘Open’. In this way, the parking required to support a function and the parking available to a site determine the intensity of use on a site. Buildings located in designated Parking Precincts are exempt from these requirements.

The Functional Groups are defined as follows:
- Residential: premises available for long-term occupancy by means of ownership and rent, but excluding short-term letting of less than a month’s duration.
- Lodging: premises available for short-term occupancy, including daily and weekly letting.
- Office: premises available for the transaction of general business, but excluding retail sales and manufacturing.
- Retail: premises available for the commercial sale of merchandise and prepared foods, but excluding manufacturing.
- Industry: premises available for the creation, assemblage, repair and storage of artefacts including their retail sale, except when such activity creates adverse impacts.
- Civic/Education: premises available for not-for-profit organisations, dedicated to worship, arts and culture, education, government, social services, transit and the like.

The Urban Standards shall assign to each Building Type a ‘Restricted’, ‘Limited’ or ‘Open’ intensity classification to the above described Functional Groups. For example, the Urban Standards could prescribe the following functional intensity classifications to the ‘Terrace House’ Building Type.

**TERRACE HOUSE BUILDING FUNCTION**

<table>
<thead>
<tr>
<th>Residential</th>
<th>Lodging</th>
<th>Office</th>
<th>Retail</th>
<th>Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited</td>
<td>Restricted</td>
<td>Restricted</td>
<td>Limited</td>
<td>Limited</td>
</tr>
</tbody>
</table>

All approved buildings at Jindalee other than Civic Buildings will be approved as one of the specific Building Types provided for in the Urban Standards. The classification of ‘Restricted’, ‘Limited’ or ‘Open’ that apply to the Functional Group Categories of each Building Type in the Urban Standards will determine which Car Parking standards are to be applied under Table 14B.

- **RESTRICTED**
  - Residential: the number of dwellings is restricted to one (1) within a Principal Building, one (1) within an Accessory Building and by the requirement of two (2) assigned parking bays for the Principal Building and one (1) for the Accessory Unit. Home Occupation / Home Office (as defined in DPS 2) are exempt from parking requirements.
  - Lodging: the number of bedrooms available for lodging is limited by the requirement of 0.5 assigned parking bays for each bedroom [max five (5) bedrooms] in addition to the parking requirement for each dwelling.
  - Office: the area available for Office use is restricted to the ground floor of a Principal Building or an Accessory Building, and by the requirement of one (1) assigned parking bay for each 90m² NLA in addition to the parking requirement for each dwelling.
  - Retail: Retail use is forbidden within Residential buildings, with the exception of Neighbourhood Retail or a Restaurant/Cafe located at the ground level of a corner location. Restricted Retail is exempt from on-site parking and is to have its parking requirements met on-street.
  - Industry: the area available for industry is limited to 50m² NLA for the use ‘Cottage Industry’ within the basement of the Principal Building or within on Accessory Building or Outbuilding. Artefacts should not be stored in the yard. There should be no parking requirements assigned to this use.
  - Civic & Education: Civic and Education uses are subject to the approval of the City of Wanneroo and/or WAPC. For Parking requirements shall be in accordance with Table 14B Base Parking Standards of DPS 2 (Division B).

- **LIMITED**
  - Residential: the number of dwellings is limited by the following car parking requirements:
    - Terrace House: 1.5 car bays / dwelling
    - Apartment House: 1 car bay / single bedroom unit, 1.5 car bays / 2 bedroom unit, 2 car bays / 3+ bedroom unit, plus visitor car parking requirements.
    - Home Occupation / Home Office (as defined in DPS 2) are exempt from parking requirements.
  - Lodging: the number of bedrooms available for Lodging is limited by the requirement of 0.5 assigned parking bay for each bedroom [max twelve (12) bedrooms] in addition to the parking requirement for each dwelling.
  - Office: the area available for Office use is limited to the ground level of the Principal Building and/or the Accessory Building and by the requirement of one (1) assigned parking bay for each 90m² NLA, in addition to the parking requirement for each dwelling.
  - Retail: Retail area use is limited to the ground level of buildings at corner locations, and the requirement of one (1) parking bay per 25m² NLA of retail space or one (1) bay for every four seats for restaurants/cafe. Retail tenancies of less than 140m² NLA within the T5 or T6 zone, are exempt from on-site parking requirements.
  - Industry: industrial uses are restricted to ‘Cottage Industry’. There are no parking requirements assigned to this use.
  - Civic & Education: Civic and Education uses are subject to the approval of the City of Wanneroo and/or WAPC. For Parking requirements shall be in accordance with Table 14B Base Parking Standards of DPS 2 (Division B).

- **OPEN**
  - Residential: the number of dwellings is governed by the following car parking requirements: 1 car bay / single bedroom unit, 1.5 car bays / 2 bedroom unit, 2 car bays / 3+ bedroom unit, plus visitor car parking requirements. Home Occupation / Home Office (as defined in DPS 2) are exempt from parking requirements.
  - Lodging: the number of bedrooms available for Lodging is governed by the requirement of 0.5 assigned parking bays for each bedroom.
  - Office: the area available for Office use is governed by the requirement of one (1) assigned parking bays for each 45m² NLA of Office space.
  - Retail: the area available for Retail use is open by the requirement of four (4) assigned parking spaces for each 90m² NLA if retail floor space. Retail tenancies of less than 140m² within the T5 and T6 zones are exempt from on-site car parking requirements.
  - Industry: the area available for industry is to be confined to the building and a contiguous yard to its rear circumscribed by a solid masonry wall no less than 2.5m in height. The area available for industrial use shall be open by the requirement of 1 assigned bay per 50m² NLA of manufacturing area and 1 assigned bay per 100m² NLA of warehouse area.

NB: All parking requirements to be rounded up to the nearest whole number.
### TABLE 5B. VEHICULAR LANE DIMENSIONS

Tables i and ii assigns parking and travel lane widths to Transect Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 6B. Specific requirements for truck and transit bus routes and truck loading shall be determined as required. Table iii establishes required turn radius and kerb return radius.

#### i. DESIGN SPEED  TRAVEL LANE WIDTH

<table>
<thead>
<tr>
<th>DESIGN SPEED</th>
<th>TRAVEL LANE WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very low (&lt; 30 km/hr)</td>
<td>5.5 m</td>
</tr>
<tr>
<td>Low (30-40 km/hr)</td>
<td>5.5 m</td>
</tr>
<tr>
<td>Moderate (40-50 km/hr)</td>
<td>6 m</td>
</tr>
<tr>
<td>Moderate (40-50 km/hr)</td>
<td>7 m</td>
</tr>
<tr>
<td>High (50-60 km/hr)</td>
<td>7.4 m</td>
</tr>
</tbody>
</table>

- PERMITTED
- DISCRETIONARY

#### ii. DESIGN SPEED  PARKING LANE WIDTH

<table>
<thead>
<tr>
<th>DESIGN SPEED</th>
<th>PARKING LANE WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low (30-40 km/hr)</td>
<td>5.5 m</td>
</tr>
<tr>
<td>Low-Moderate (30-50 km/hr)</td>
<td>2.3 m*1</td>
</tr>
<tr>
<td>Moderate (40-50 km/hr)</td>
<td>2.5 m</td>
</tr>
<tr>
<td>High (50-60 km/hr)</td>
<td>2.7 m</td>
</tr>
</tbody>
</table>

Note*: 2.3m wide parking lane width applies to Thoroughfares primarily enfronted by uses/development that attracts a low parking turnover.

#### iii. INTERSECTION KERB RADII SUMMARY

<table>
<thead>
<tr>
<th>TURNING FROM ROAD WITH</th>
<th>MIN LANE WIDTH</th>
<th>TURNING TO ROAD WITH</th>
<th>MIN LANE WIDTH</th>
<th>EFFECTIVE TURN RADIUS</th>
<th>KERB RETURN RADIUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking both sides</td>
<td>3.5m</td>
<td>Parking both sides</td>
<td>3.0m</td>
<td>9.0m</td>
<td>2.5m</td>
</tr>
<tr>
<td>Parking both sides</td>
<td>3.5m</td>
<td>Parking one side</td>
<td>3.0m</td>
<td>10.5m</td>
<td>2.5m</td>
</tr>
<tr>
<td>Parking one side</td>
<td>3.5m</td>
<td>Parking one side</td>
<td>3.0m</td>
<td>10.5m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Parking one side</td>
<td>3.5m</td>
<td>Parking neither side</td>
<td>3.0m</td>
<td>10.5m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Parking neither side</td>
<td>3.0m</td>
<td>Parking neither side</td>
<td>3.0m</td>
<td>11.5m</td>
<td>6.0m</td>
</tr>
</tbody>
</table>

Intersection Design, Design Vehicle, Effective Turn Radius & Kerb Return Radius.

The following provision sets out the parameters and methodology for intersection design based on a specified design vehicle and whether it crosses the road centreline when executing the turn manoeuvre.

1. For turns between arterial routes and neighbourhood connectors the design articulated vehicle (outside turning path radius of 12.5m), without crossing the centreline of the street being entered (figure 5.4 AS 2890.2, 2002);

2. For turns between arterial routes and access streets the design articulated vehicle (outside turning path radius of 12.5m) using any part of the access street pavement (figure 5.3 in AS 2890.2, 2002) and the design single unit truck using the correct side of the access street pavement;

3. For turns between neighbourhood connector or access street and an access street, the design heavy rigid vehicle (outside turning path radius 12.5m), using any part of the pavement (figure 5.3 in AS 2890.2, 2002); and

4. For turns between all streets except laneways, the B99 design car (outside turning path radius 8m), using the correct side of the pavement only (figure B4 in AS 2890.2, 2002).

For any of the above (where relevant), the design vehicle is not to cross the arterial road centreline when turning in or out of an access street.

The above table shows typical resulting effective turn radius and kerb return radius for a range of intersections (categorised by on-street parking arrangements and travel lane width). This data was compiled from vehicle swept path drawings for the design vehicle manoeuvres specified in paragraphs 1-4 above.

The results shown for kerb return radius are only applicable to situations where the Thoroughfare Codes specify on-street parking ‘without embayments’. In those circumstances where on-street parking is ‘embayed’, the kerb return radius is greater than shown (and usually just less than the effective turn radius).
TABLE 6B. VEHICULAR LANE & PARKING ASSEMBLIES

1. The projected design speeds determine the dimensions of the vehicular lanes and turning radii assembled for Thoroughfares.
2. Pedestrian crossing time calculations do not include additional distance created by kerb radii.
3. Design speed shall be as follows: 30km/hr or less (very low); 30-40km/hr (low); 40-50km/hr (moderate); 50km/hr and above (high)
4. The provision of cycle lanes shall be considered for operating speeds 50km/hr and above, and traffic greater than 3000 VPD.
5. Where parking is shown at 2.5m allowance is made for a 400mm door opening to edge of travel lane.

---

**a. NO PARKING**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30-40 km/hr</td>
</tr>
</tbody>
</table>

**b. YIELD STREET WITH PARKING**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30 km/hr</td>
</tr>
</tbody>
</table>

**c. PARKING ONE SIDE PARALLEL**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30-40 km/hr</td>
</tr>
</tbody>
</table>

**d. PARKING BOTH SIDES PARALLEL**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30 km/hr</td>
</tr>
</tbody>
</table>

**e. PARKING BOTH SIDES DIAGONAL**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30 km/hr</td>
</tr>
</tbody>
</table>

**f. PARKING ACCESS**

<table>
<thead>
<tr>
<th>Design ADT</th>
<th>Pedestrian Crossing</th>
<th>Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;30 km/hr</td>
</tr>
</tbody>
</table>

(Calibrated from SmartCode v9.2)
TABLE 7B. PUBLIC FRONTAGES - GENERAL

The Public Frontage is the area between the private Lot line and the edge of the vehicular lanes and are to be regulated in the Community Design Code for Jindee to ensure streetscapes are conceived integrally with private frontages.

<table>
<thead>
<tr>
<th>PLAN</th>
<th>LOT</th>
<th>PRIVATE FRONTAGE</th>
<th>ROAD RESERVE</th>
<th>PUBLIC FRONTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Diagram T1" /></td>
<td><img src="image2.png" alt="Diagram T2" /></td>
<td><img src="image3.png" alt="Diagram T3" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td><img src="image4.png" alt="Diagram T4" /></td>
<td><img src="image5.png" alt="Diagram T5" /></td>
<td><img src="image6.png" alt="Diagram T6" /></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(RD) Road: This Frontage has open swales drained by infiltration and a walking or bicycle Path along one or both sides as well as Yield parking. The landscaping consists of multiple species planted in naturalistic clusters.

(ST) Street: This Frontage has raised Kerbs, drained by inlets and footpaths separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee or staggered, with the exception that a street with a road reserve width of 12 metres or less may be exempt from tree requirements.

(DR) Drive: This Frontage may have raised Kerbs or swales, drained by inlets and a variety of footpath widths or a paved Path along one side, related to a greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single species aligned in a regularly spaced Allee or staggered when in T-4 and T-5, and landscaping of multiple species planted in naturalistic clusters when in T-2 and T-3.

(AV) Avenue: This Frontage has raised Kerbs drained by inlets and wide footpaths. It may be separated from the vehicular lanes by a narrow continuous Planter or tree wells with grates with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee along the verge and a central median if present.

(MS) Mixed-use Street: This Frontage has raised Kerbs drained by inlets and very wide footpaths along both sides separated from the vehicular lanes by tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible.

(BV) Boulevard: This Frontage has open swales drained by inlets and footpaths along both sides, separated from the vehicular lanes by continuous planters and medians. The landscaping consists of multiple species planted in naturalistic clusters.

(Calibrated from SmartCode v9.2)
TABLE 8B. PUBLIC FRONTAGES - SPECIFIC

1. This table assembles prescriptions and dimensions for the Public Frontage elements - kerbs, footpaths/shared use paths and planters – relative to specific thoroughfare types within the Transect Zones.
2. Appropriate planting species should be detailed in the Community Design Code or Transect Area Plan.
3. Appropriate lighting types should be detailed in the Community Design Code or Transect Area Plan.
4. The dimension of the kerb radius is important. In the more urban T-Zones, where there are more pedestrians, the effective turning radius should be smaller to slow the speed of vehicles and shorten pedestrian crossing distance.
5. This refers to the physical kerb radius only and takes into account the presence (or absence) of parked cars.
6. The width of the kerb will depend on the impact presence of service alignments and presence of footpaths.

<table>
<thead>
<tr>
<th>Public Frontage Type</th>
<th>HW &amp; RD</th>
<th>RD &amp; ST</th>
<th>ST-DR-AV</th>
<th>ST-DR-AV-BV</th>
<th>MU-DR-AV-BV</th>
<th>MU-DR-AV-BV</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Assembly: The principal variables are the type and dimension of kerbs, footpaths, planters and landscape.</td>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
<td><img src="image3.png" alt="Image" /></td>
<td><img src="image4.png" alt="Image" /></td>
<td><img src="image5.png" alt="Image" /></td>
<td><img src="image6.png" alt="Image" /></td>
</tr>
<tr>
<td>Total Width</td>
<td>4.8 - 7.5 metres</td>
<td>3.5 - 7.5 metres</td>
<td>3.5 - 5.5 metres</td>
<td>3.5 - 5.5 metres</td>
<td>4.0 - 7.3 metres</td>
<td>4.0 - 10.0 metres</td>
</tr>
<tr>
<td>b. Kerb: The detailing of the edge of the vehicular pavement, incorporating drainage.</td>
<td><img src="image7.png" alt="Image" /></td>
<td><img src="image8.png" alt="Image" /></td>
<td><img src="image9.png" alt="Image" /></td>
<td><img src="image10.png" alt="Image" /></td>
<td><img src="image11.png" alt="Image" /></td>
<td><img src="image12.png" alt="Image" /></td>
</tr>
<tr>
<td>Type</td>
<td>Open Swale</td>
<td>Open Swale</td>
<td>Raised Kerb</td>
<td>Raised Kerb</td>
<td>Raised Kerb</td>
<td>Raised Kerb</td>
</tr>
<tr>
<td>c. Footpath: The pavement dedicated exclusively to pedestrian activity.</td>
<td><img src="image13.png" alt="Image" /></td>
<td><img src="image14.png" alt="Image" /></td>
<td><img src="image15.png" alt="Image" /></td>
<td><img src="image16.png" alt="Image" /></td>
<td><img src="image17.png" alt="Image" /></td>
<td><img src="image18.png" alt="Image" /></td>
</tr>
<tr>
<td>Type</td>
<td>Path Optional</td>
<td>Path</td>
<td>Footpath</td>
<td>Footpath</td>
<td>Footpath</td>
<td>Footpath</td>
</tr>
<tr>
<td>Width</td>
<td>N/A</td>
<td>1.5 - 2.4 metres</td>
<td>1.2 - 5.0 metres</td>
<td>1.2 - 5.0 metres</td>
<td>1.5 - 6.0 metres</td>
<td>1.5 - 10.0 metres</td>
</tr>
<tr>
<td>d. Planter: The layer which accommodates street trees and other landscape.</td>
<td><img src="image19.png" alt="Image" /></td>
<td><img src="image20.png" alt="Image" /></td>
<td><img src="image21.png" alt="Image" /></td>
<td><img src="image22.png" alt="Image" /></td>
<td><img src="image23.png" alt="Image" /></td>
<td><img src="image24.png" alt="Image" /></td>
</tr>
<tr>
<td>Arrangement Species</td>
<td>Clustered</td>
<td>Clustered / Varied</td>
<td>Varied</td>
<td>Varied</td>
<td>Varied</td>
<td>Varied</td>
</tr>
<tr>
<td>Planter Type</td>
<td>Continuous Swale</td>
<td>Continuous Swale</td>
<td>Continuous Swale</td>
<td>Continuous Swale</td>
<td>Continuous Swale</td>
<td>Continuous Swale</td>
</tr>
<tr>
<td>Planter Width</td>
<td>2.0 - 5.0 metres</td>
<td>2.0 - 5.0 metres</td>
<td>1.5 - 7.4 metres</td>
<td>1.5 - 7.4 metres</td>
<td>1.2 - 7.4 metres</td>
<td>1.2 - 7.4 metres</td>
</tr>
<tr>
<td>e. Landscape: The recommended plant species.</td>
<td><img src="image25.png" alt="Image" /></td>
<td><img src="image26.png" alt="Image" /></td>
<td><img src="image27.png" alt="Image" /></td>
<td><img src="image28.png" alt="Image" /></td>
<td><img src="image29.png" alt="Image" /></td>
<td><img src="image30.png" alt="Image" /></td>
</tr>
<tr>
<td>Shall be calibrated for Jindee and detailed in the Community Design Code or Transect Area Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Lighting: The recommended Public Lighting.</td>
<td><img src="image31.png" alt="Image" /></td>
<td><img src="image32.png" alt="Image" /></td>
<td><img src="image33.png" alt="Image" /></td>
<td><img src="image34.png" alt="Image" /></td>
<td><img src="image35.png" alt="Image" /></td>
<td><img src="image36.png" alt="Image" /></td>
</tr>
<tr>
<td>Shall be calibrated for Jindee and detailed in the Community Design Code or Transect Area Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Calibrated from SmartCode v9.2)
TABLE 9B. PRIVATE FRONTAGES

The Private Frontage is the area between the building Facades and the Lot lines.

Common Yard: a frontage wherein the front elevation is set back substantially from the frontage line. The front yard created may remain unfenced and is visually continuous with adjacent yards, supporting a common landscape.

Verandah & Fence: a frontage wherein the front elevation is set back from the frontage line with an attached verandah permitted to encroach. A verandah may be one, two, or three storeys and only include open air space. A fence may occur at the frontage line to maintain the demarcation of the yard. The depth of the verandahs should be 2.5 metres min to 4 metres max.

Terrace: a frontage wherein the front elevation is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from urban footpaths and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.

Forecourt: a frontage wherein a portion of the front elevation is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourt may overhang the footpaths.

Stoop / Bay Window: a frontage wherein the front elevation is aligned close to the frontage line with the first storey elevated from the footpath sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. Bay windows may also encroach at ground and/or upper floor. This type is recommended for ground floor residential use.

Shopfront: a frontage wherein the front elevation is aligned close to the frontage line with the building entrance at footpath grade. This type is conventional for retail use. It has a substantial glazing on the footpath level and an awning that may overlap the footpath to the maximum extent possible.

Gallery: a frontage wherein the front elevation is aligned close to the frontage line with an attached cantilevered lightweight roof overlapping the footpath. This type is conventional for retail use. The gallery should be no less than 3 metres wide. It may overlap the whole width of the footpath.

Arcade: a frontage wherein the front elevation is a colonnade that overlaps the footpath with a habitable space above, while the front elevation at footpath level remains at the frontage line. This type is conventional for retail use. The arcade should be no less than 4 metres wide and may be one (1), two (2) or three (3) storeys in height.

(Calibrated from SmartCode v9.2)
TABLE 10B. BUILDING CONFIGURATION

This table shows the building configuration options that may be applied for different building heights for each Transect Zone. The Configurations will be calibrated for the Jindee Community Design Code and/or Transect Area Plans, using the below as a guide for configurations appropriate within each Transect. Recess Lines, Expression Lines and Stepbacks may occur on higher buildings as shown.

N = maximum height as specified in Table 3B for each transect. The first storey (‘1’) may also be referred as ‘Ground Floor’.

<table>
<thead>
<tr>
<th>T2</th>
<th>T3</th>
<th>T4</th>
<th>T5</th>
<th>T6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Lot</td>
<td>Road Reserve</td>
<td>Lot</td>
</tr>
<tr>
<td>Max. height</td>
<td>Max. height</td>
<td>Lot</td>
<td>Road Reserve</td>
<td>Lot</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
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<td>5</td>
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<tr>
<td>5</td>
<td>5</td>
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</tr>
<tr>
<td>6</td>
<td>6</td>
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<td>7</td>
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<tr>
<td>7</td>
<td>7</td>
<td>8</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td>9</td>
<td>9</td>
<td>8</td>
</tr>
</tbody>
</table>

Stepbacks/Arcade Heights. The diagrams below show Arcade Frontages. Diagrams above apply to all other Frontages.

NB: The location of the Datum from which height shall be measured will be determined in the Transect Area Plan and may occur anywhere within a Lot.
TABLE 11B. BUILDING DISPOSITION

This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone. Specific building types shall be provided in the Community Design Code and/or Transect Area Plans for Jindee, using the building disposition shown as a guide for types appropriate within each Transect.

a. Edgeyard: A building that occupies the centre of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences, courtyard walls or garden walls, and a well-placed backbuilding and/or outbuilding. (Specific Types: House, Cottage, Villa House)

b. Sideyard: A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighbouring Sideyard House, the type is known as a twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition. (Specific Types: Sideyard House).

c. Rearyard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous front elevation steadily defines the public thoroughfare. The rear elevation may be articulated for functional purposes. In its residential form, this type is the Terrace House. Its commercial form with residential above allows the rear yard can accommodate substantial parking. (Specific Types: Terrace House, Loft House, Apartment House, Apartment Building, Commercial Building).

d. Courtyard: A building that may occupy the boundaries of its lot or the building envelope while internally defining one or more private patios. This type permits systematic climatic orientation in response to the sun or the breeze. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition. (Specific Types: Courtyard House).

e. No-Yard: A building that occupies the boundary of its lot usually bounded by a public thoroughfare or adjoining lot. This is the most urban of types, as it is able to shield the private realm from all sides. This building disposition is typically used in narrow lots to mask surfaces and/or deck carparks on irregular blocks. (Specific Types: Loft Building, Liner Buildings, Apartment Buildings, Flex Buildings, Commercial Buildings).

(Calibrated from SmartCode v9.2)
### TABLE 12B. CIVIC SPACE STANDARDS

The following civic space types may be permitted adjacent to any of the assigned Transect Zones in the below table. Diagrams are for illustrative purposes only. The Jindee Community Design Code may define other types of Civic Space.

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Park</td>
<td>A natural reserve available for general recreation. Its landscape shall consist of both naturalistic areas and areas for passive recreation. There may also be scope for structured recreation. Landscape treatments shall include paths/trails, woodland planting, shade structures, seating etc.</td>
</tr>
<tr>
<td>b. Green</td>
<td>An open space, available for unstructured recreation. A green may be spatially defined by landscaping. Its landscape shall consist of lawn, groundcovers and trees, naturalistically disposed with overlaid structures such as path networks, planting bed layouts and the like.</td>
</tr>
<tr>
<td>c. Square</td>
<td>An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, groundcovers and trees, formally disposed. Squares shall be located at the intersection of important streets.</td>
</tr>
<tr>
<td>d. Plaza</td>
<td>An open space available for civic purposes and commercial activities. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement with trees or shade structures. Plazas should be located at the intersection of important streets.a</td>
</tr>
<tr>
<td>e. Playground</td>
<td>An open space designed and equipped for the recreation of children. A playground should be fenced and include adequate shade. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks, squares, greens and closes.</td>
</tr>
<tr>
<td>f. Close</td>
<td>An intimate open space bounded by well defined frontages that facilitate lots into irregular configurations for desired design outcomes. The space may be used as a garden, and may limit through-traffic whilst connecting Pedestrian Paths.</td>
</tr>
<tr>
<td>g. Common</td>
<td>An intimate open space bounded by well defined frontages. They may be oddly shaped tracts of land usually located at the intersection of roads within the road reserve.</td>
</tr>
</tbody>
</table>

(Calibrated from SmartCode v9.2)
### TABLE 13B. DEFINITIONS ILLUSTRATED

#### a. THOROUGHFARE & FRONTAGES

<table>
<thead>
<tr>
<th>Building</th>
<th>Private Frontage</th>
<th>Public Frontage</th>
<th>Vehicular Lanes and Graphics</th>
<th>Public Frontage</th>
<th>Private Frontage</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Private Lot

Thoroughfare

Road Reserve Width

Private Lot

#### b. TURNING RADIUS

1. Radius at the kerb
2. Effective Turning Radius (± 2.5 m)

#### c. LOT AND BUILDING DESCRIPTIONS

1. Principal Building
2. Backbuilding
3. Ancillary/Outbuilding
4. Interior Lot
5. Corner Lot
6. Edge lot
7. Road Reserve Width (RRW)

#### d. LOT LAYERS

- **1st layer**
  - Principal Frontage
- **2nd layer**
  - Moving Lane
- **3rd layer**
  - Parking Lane

2 to 7 m

#### e. FRONTAGE & LOT LINES

- **1st layer**
  - Principal Frontage Line
- **2nd layer**
  - Lot Line
- **3rd layer**
  - Front Elevation
- **4th layer**
  - Elevations

#### f. SETBACK DESIGNATIONS

1. Principal Frontage Setback
2. Side Setback
3. Rear Setback
4. Secondary Frontage Setback

#### g. NETWORK-BASED PEDESTRIAN SHED

(Calibrated from SmartCode v9.2)
# TABLE 14B : BASE PARKING STANDARDS

The Base Car Parking Standards in Table 14Bi are derived from the Functional Intensity Table standards (refer Table 4B). Application of the 'Restricted', 'Limited' and 'Open' classifications is explained under Table 4B.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Restricted</th>
<th>Limited</th>
<th>Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Residential dwelling     | 2 bays/ dwelling |         | Terrace House: 1.5 bays / dwelling Visitor parking: 1 bay per 2 dwellings \1  
                         |             |         | Apartment House 1: 1 bay per 1 bedroom dwelling 1.5 bays per 2 bedroom dwelling 2 bays per 3+ bedroom dwelling Visitor parking: 10% of required spaces  
                         |             |         | 1 bay per 1 bedroom dwelling 1.5 bays per 2 bedroom dwelling 2 bays per 3+ bedroom dwelling Visitor parking: 10% of required spaces \1  
                         |             |         | (Single bedroom Loft Building may provide parking off site)          |
| Live/Work, Home Business, Home Office | None other than that required for residential component | None other than that required for residential component | None other than that required for residential component |
| All lodging              | 0.5 bay per bedroom | 0.5 bay per bedroom | 0.5 bay per bedroom |
| OFFICE                   | 1 bay/ 90 m² NLA | 1 bay/ 45 m² NLA | 1 bay/ 45m² NLA |
| RETAIL/COMMERCIAL        |            |         |                                                                      |
| Shop / Retail / Commercial | none other than required for residential component or provided on-street | 1 bay/ 25m² NLA | 1 bay/ 25m² NLA  
                         |                                   |         | Retail spaces under 140m² NLA are exempt from on site parking require-ments |
| Restaurant / Café        | n/a        |         | 1 bay/ 4 seats (excluding outdoor dining) 1 bay/ 4 seats (excluding outdoor dining) |
| CIVIC / EDUCATION        |            |         |                                                                      |
| Civic Uses including cinema; community hall; place of worship; reception centre; conference facility | No parking required for civic facility licensed for up to 150 people Above 150 people: 1 bay per 4 seats | No parking required for civic facility licensed for up to 150 people Above 150 people: 1 bay per 4 seats | No parking required for civic facility licensed for up to 150 people Above 150 people: 1 bay per 4 seats |
| Education                | As determined by education service provider | As determined by education service provider | As determined by education service provider |
| INDUSTRIAL               |            |         |                                                                      |
| All                      | n/a        | n/a     | manufacturing: 1 bay/ 50m² NLA warehousing: 1 bay/100m² NLA |

Notes:  
1.) Visitor Car Parking may be provided on-site or off-site.  
2.) Excludes beach related retail.  
   Car Parking calculations that result in a fraction shall be rounded up to the nearest integer.
### TABLE 14Bii: BASE PARKING STANDARDS

Table 14bii identifies the car parking requirement for land uses/building functions that are not included in the Functional Intensity Table (Table 4b). These car parking standards are the same irrespective of whether the building is classified as “Limited”, “Restricted” or “Open”.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>CAR PARKING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Village</td>
<td>0.5 bay per unit</td>
</tr>
<tr>
<td>Hospital/ Nursing Home</td>
<td>1 bay per 5 beds plus 1 bay per employee</td>
</tr>
<tr>
<td>Service Station</td>
<td>1 bay/ 20m² NLA of area occupied by retail use</td>
</tr>
<tr>
<td>Take-away Food Outlet / Drive Through Food Outlet</td>
<td>1 bay/ 4 seats</td>
</tr>
<tr>
<td>Showroom / Bulk Retail / General Commercial</td>
<td>1 bay/ 30m² NLA</td>
</tr>
</tbody>
</table>

**Notes:**
1. Includes consulting rooms, display gallery and mixed business.
2. Car Parking calculations that result in a fraction shall be rounded up to the nearest integer.

Table 14Biii identifies the car parking standards for Local and Regional Beach Parking.

<table>
<thead>
<tr>
<th>BEACH PARKING</th>
<th>0.6 bays per linear metre of usable bathing beach</th>
<th>1.2 bays per linear metre of usable bathing beach</th>
<th>1.2 bays per linear metre of usable bathing beach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Beach Parking (low intensity)</td>
<td>0.6 bays per linear metre of usable bathing beach</td>
<td>1.2 bays per linear metre of usable bathing beach</td>
<td>1.2 bays per linear metre of usable bathing beach</td>
</tr>
<tr>
<td>Regional Beach Parking (high intensity)</td>
<td>1.2 bays per linear metre of usable bathing beach</td>
<td>1.2 bays per linear metre of usable bathing beach</td>
<td>1.2 bays per linear metre of usable bathing beach</td>
</tr>
</tbody>
</table>

**Notes:**
1. Subject to an approved Car Parking Strategy, a minimum of 2m² NLA retail per linear metre of Regional Beach may be provided without additional car parking in recognition of reciprocal use between beach retail and beach use.
2. Car Parking calculations that result in a fraction shall be rounded up to the nearest integer.
1. Introduction

1.1 As a prerequisite to the consideration of any proposal to rezone Land to ‘Smart Growth Community Zone’, the Council should require that a Proponent has held a Charrette for the subject Land. The Charrette should satisfy the requirements set out hereunder in this Schedule.

2. Charrette Principles

2.1 The Charrette is to be a collaborative event to develop an agreed vision for the subject Land which should be presented in the form of a Visioning Master Plan.

2.2 Facilitation of the Charrette should aim to harness the talents and energies of all participants, which should include, although not be limited to representation of the following:

(a) City of Wanneroo;

(b) Department of Planning, Department of Environment and Conservation and any other government agency as considered necessary;

(c) the community;

(d) the Proponent, including their appointed project team; and

(e) other identified stakeholders.

2.3 The Charrette should be facilitated by a leader who is highly skilled and knowledgeable in group dynamics, facilitation techniques and the substantive issues relating to the project site.

2.4 The Charrette should occur in a studio or similar venue located on or near the project site.

3. Charrette Process

3.1 The Charrette process should occur over a succession of days (usually between 7 and 10 days, however the exact number shall depend on the complexity and scale of the site).

3.2 The Charrette process should entail the following elements:

(a) A synoptic survey to establish metrics, building types and desirable design elements of good places that can then be extracted and applied to develop codes that are specific to the subject site.
(b) Site and context tour involving a thorough examination of existing site and contextual conditions including topography, vegetation, geology, view corridors, wetlands and existing development.

(c) Technical sessions to explore issues relevant to the site, which may include, although not be limited to sessions that address environmental, engineering, transport, landscape, housing, community needs and heritage issues.

(d) Design feedback loops, where Charrette participants are presented with design concepts and provide feedback to inform the next design iteration.

3.3 Graphics should be used throughout the Charrette process to effectively illustrate project issues and design solutions.

3.4 At the conclusion of the Charrette, the process undertaken, agreed outcomes and the final vision should be documented to provide a clear record of the desired intentions for the built environment and the development of the community. Deliverables should include a Visioning Master Plan that includes the content requirements listed under subclause 1.10.1 (d) of Section A.
SCHEDULE 2B – DEFINITIONS (CLAUSE 1.4)

Accessory Building: means an Outbuilding with an Accessory Unit.

Accessory Unit: means an apartment sharing ownership and utility connections with a Principal Building; it may or may not be within a Principal Building.

Act: means the Planning and Development Act (2005) WA (as amended).

Adult Entertainment: means premises that are considered Restricted Premises and which:

(a) provide entertainment (such as strip Club Premises); or
(b) sell or show restricted material (such as adult bookshops and novelty stores); or
(c) is used as a Brothel.

Adverse Impact in General: means uses with negative consequences on adjacent Lots, usually as a result of noise, vibration, odour or pollution. This may include but is not limited to a commercial laundry; cremation facility, kennels, abattoir etc. Consequences confined to the Lot boundary are not considered to create adverse impacts.

Advertisement: means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any Land or Building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of Advertising.

Advertising: means the publication, display or presentation of any Advertisement.

Affected Landowner: means the Owner of Land that is located adjacent to or within an area affected by a planning application or proposal.

Allee: means a regularly spaced and aligned row of trees usually planted along a Thoroughfare or path.

Amendment: means an alteration to an approved or adopted policy, strategy, Community Design Code, Transect Area Plan, approved Development which may be minor or major in nature.

Amenity: means all those factors that contribute to the character and appearance of an area for residents and visitors and shall include the present and likely future Amenity.

Amusement Facility: means any Land or Buildings open to the public, where the predominant use is amusement by means of Amusement Machines and where there are more than two Amusement Machines operating within the Premises.

Amusement Machine: means any machine, game, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation.

Ancillary Building: any Building that is used for storage or machinery near a main structure.
Applicant: means a person who is or has applied to the Council for Planning Approval.

Arcade Frontage: means a Private Frontage conventional for commercial use wherein the front elevation is a colonnade supporting habitable space that overlaps the footpath, while the faced at footpath level remains at the Frontage Line.

Architectural Standards: means a matrix of text and diagrams contained within the Community Design Code that specifies the materials and configurations permitted for walls, roofs, openings and facades and relate to the vernacular building traditions of the Perth metropolitan region, thus inheriting a suitable response to climate.

Art Gallery: means any Land or Buildings used to display artworks which may be offered for sale.

Artisan Studio: means a premises occupied by an artisan(s) for the crafting and sale of items that may be functional or decorative including clothing, jewellery, pottery, textiles, food products and household items and which does not affect the Amenity of adjacent lots or Buildings (refer Adverse Impact in General).

Auction Room: means a room or rooms within a Building in which goods are exposed or offered for sale by auction.

Australian Height Datum adopted by the National Mapping Council as the datum surface to which all vertical control mapping is to be referred. Elevations quoted using the datum are followed with the acronym AHD.

Backbuilding: a structure connecting a Principal Building to an Outbuilding.

Bakery: means any Land or Buildings used to make and/or display and sell bread and pastry products and includes “hot bread” shops.

Bank: means any Land or Building used for banking purposes.

Basement Parking: means a garage and/or parking station that is located below the ground level of a building.

Base Parking Standards: means the Car Parking standards contained in Table 14B or varied through an approved Community Design Code or Transect Area Plan.

Beauty Parlour: means any Land or Buildings used for beauty therapy purposes.

Bed and Breakfast: means an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Betting Agency: means an Office or totaliser agency established under the Totaliser Agency Board Betting Act 1960 as amended.

“Big-Box” Retail: means a physically large, free-standing retail establishment that is typically several times the size of a traditional outlet in its category; is attached to a large parking area; incorporates standardised facades; and relies primarily on vehicle based customers.

Boat Launching Facility: means any Land or Building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.
**Building**: means any structure or appurtenance thereto whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing includes a shed, stall, fence, wall, barrier, hoarding, Outbuilding, tent, caravan or swimming pool.

**Building Disposition**: means the location of the Building structure relative to the boundaries of a lot.

**Building Envelope**: the area identified on a plan and is the only portion of the site to contain a Dwelling, sheds, gardens, internal fences and other items ancillary to and normally associated with a Dwelling.

**Building Height**: refers to the minimum and maximum permissible height of a building and shall be measured in the number of Storeys. The height of buildings generally increases as the Transect Zone becomes more urban.

**Building Type**: means the type of Building(s) that may be built within each Transect Zone of the Division B Area Transect and which is to be coded in the Urban Standards of the Community Design Code.

**Building Zone**: the area identified on a plan accommodating driveways, boundary fencing, urban firebreaks and services to the dwelling such as water/sewer and power and other items ancillary to and normally associated with a dwelling.

**Calibrate**: means the adaptation and revision of the model SmartCode® standards to serve the local needs of the Division B Area community.

**Car Park**: means an at grade or multistorey Premises used primarily for the parking of private Vehicles or taxis, whether open to the public or not, but does not include any part of a public road which is used for the through movement of traffic, or Premises on or in which Vehicles are displayed for sale, or Premises set aside to meet a specific parking requirement under the Scheme. The term includes the Land required on site for access and manoeuvring to enable Vehicles to gain access to Car Parking Bays.

**Car Parking Bay**: means that area of a Lot which is required for the parking of a stationary motor vehicle to the minimum dimensions specified by the Community Design Code and/or Transect Area Plan constructed and paved to the specifications set down by the Council and includes, where the context permits, an area considered appropriate by the Council for access and manoeuvring on the site to allow a Vehicle to gain access to a Parking Bay but does not include crossovers, service areas and landscaping. The terms bay, Parking Bay and Car Parking Bay have the same meaning.

**Car Parking Strategy**: means a Strategy prepared for each of the Car Parking Precincts identified in the Community Design Code.

**Car Wash**: means any Land or Building used for mechanical Vehicle washing. Such uses may or may not be associated with a Service Station and may include such other uses considered by Council to be ancillary to the predominant use of the land.

**Caravan Park**: means the use of Land for parking caravans and/or the erection, placement and the use of cabins, holiday cottages, tents and other temporary shelters, together with ancillary facilities, for the purpose of providing accommodation for holiday purposes to members of the public and may include permanent accommodation.

**Caretaker’s Dwelling Include Flat/Dwelling**: means a Building used as a Dwelling by a person having the care of the Building plant, equipment or grounds associated with an industry, business, community facility, Office or recreation area carried on or existing on the same site.

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Certification: means written advice from a suitably qualified person(s) confirming that a planning proposal and/or built form has been prepared, designed and/or constructed in accordance with the Community Design Code and/or Transect Area Plan.

Charrette: means a collaborative process occurring over a succession of days used to develop the Visioning Master Plan and the framework and vision for the subsequent planning processes of land within the ‘Smart Growth Community Zone’.

Child Care Centre: means Premises used for the daily or occasional care of children in accordance with the Child Care Services (Child Care) Regulations 2006 (as amended) and may include a kindergarten or pre-primary.

Cinema/ Live Theatre: means any Land or Building where the public may view a motion picture or theatrical production, and may include more than one Cinema screen, and may include other minor and subsidiary amusements and sale of foodstuffs and drinks.

City: means the City of Wanneroo.

Civic Building: means premises designed used or intended to be used by any commonwealth, state or local government department, authority or not-for-profit organisations for the purpose of an office, hall or library, or a centre for cultural, recreational or social purposes, or for any other community service dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic Car Park: means land reserved for Car Parking. Car Parking within a Civic Car Park may consist of Regional Beach Parking, Allocated Off-site Parking and/or Unallocated Off-site Parking.

Civic Reserve: means land designated for a Civic Space or Civic Car Park. Civic Reserves are to be identified on the Transect Plan of the Community Design Code Regulating Plan Series.

Civic Space: means an outdoor area dedicated for public use. A Civic Space may be a Local Reserve and a Local Reserve may be a Civic Space. Civic Spaces are organised into Civic Space Types that are defined by the combination of certain physical constants including the relationships between their intended use, their size, their landscaping and their fronting Buildings.

Civic Space Type: means a classification of open space adopted in the Landscape Standards of the Community Design Code to determine the character, design and function of a Civic Space area. Civic Space Types may include, although not be limited to, parks, greens, squares, plazas, playgrounds, natural reserves, closes, promenades and commons.

Civic Structure: means any structure used within Civic Reserve or a Regional Reserve for shade, community gatherings, or as part of a landscaping design feature and may include public art and fountains or bus shelters.

Civic Use: means those uses which are predominantly provided for the use by the public.

Club Premises: means Premises used by a legally constituted club or association or other body of persons united by a common interest.

Commercial Greenhouse: means any Land or Buildings used for trade or commercial purposes for the following:

(a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts (including market gardens); or
the establishment and operation of plant and fruit nurseries; or  

(c) the Development of Land for irrigated fodder product and irrigated pasture (including turf farms).

Commercial Vehicle: means a Vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of them or any wheeled article designed to be an attachment to any of them, and any bus or omnibus or any earthmoving machine whether self-propelled or not. If a truck, prime mover or other Vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer or other attachment is to be regarded as a separate Commercial Vehicle. A loaded combination, such as a bobcat, forklift or other Vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one Commercial Vehicle. The terms shall not include a Vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended)

Communications: means Land used to accommodate infrastructure associated with a telecommunications network and includes any line, equipment, apparatus, tunnel, duct, hole and pit, but does not include antennas, towers or satellite dishes.

Community Design Code: means a Community Design Code prepared for the Division B Area in accordance with Part 3 of Division B and may be an approved or proposed (unless otherwise specified) Community Design Code.

Conference Centre: see Reception Centre

Consulting Rooms: means Premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient case.

Convenience Store: means any Land and/or Building used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and petroleum products and motor vehicle accessories and operated during hours which include but which may extend beyond normal trading hours and providing associated parking.

Coordinated Frontage Designation: means a designation applied to require that the Public Frontage and Private Frontage be coordinated as a single coherent design unit whereby landscaping, paving treatments and building setbacks are complementary to achieve the desired design outcome.

Corner Store: means any Land and/or Building comprising a Dwelling attached to which is a Shop not exceeding 100m² gross leasable area offering only convenience goods for sale, operated as an additional use by a permanent resident of the Dwelling. A Corner Store includes a Shop offering convenience goods for sale, which may include the selling of plants and flowers.

Corner Lot: means a Lot with a front, rear and partial side Frontage Line (refer Table 13B).
Cottage Industry: means a trade or industry producing arts and crafts goods which does not fall into the definition of a Home Occupation or Home Business and which does not affect the Amenity of the Residential neighbourhood (refer Adverse Impact in General).

Council: means the Council of the City of Wanneroo or the officers or agents employed by the City of Wanneroo (pursuant to a scheme of delegation).

Department Store: means a Shop which consists of a substantial number of different departments carrying a significant range of goods in each department.

Dependent Persons’ Dwelling: means a Dwelling designed and used solely for the accommodation of dependent persons which require full or part time Residential care.

Depots: means large scale storage or distribution of goods including but not limited to produce/grain storage and mini storage facility; Transport Depot; Fuel Depot; Milk Depot.

Design Panel: means a Panel convened in accordance with Part 7 of Division B to consider prescribed planning proposals for the Division B Area.

Design Panel Statement: means a written Statement prepared by the Design Panel in relation to a Community Design Code, Transect Area Plan or other planning proposal concerning the Division B Area that sets out the position of the Panel in relation to that proposal.

Design Speed: means the speed used by street designers to determine appropriate vertical and horizontal alignment characteristics, street length, access sight distance requirements, intersection spacing, travel lane width and traffic calming requirements. Four speed categories shall be used in the Thoroughfare Standards of the Community Design Code: ‘Very Low’, ‘Low’, ‘Moderate’, and ‘High’.

Development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any Building, object, structure or any act or thing that:

(a) is likely to change the character of the Place or the external appearance of any Building; or

(b) would constitute an irreversible alteration to the fabric of any Building.

Development Application: means an application for Development Approval, in accordance with Part 5 of Division B.

Development Approval: means an approval, with or without conditions, provided by the Council.

Development Site: means Land the subject of an application for a Planning Approval.

Display Gallery: means any Land or Buildings used for the public display of materials, of an artistic, cultural or historical nature or for educational purposes and may include a Museum or Art Gallery including sales of such materials.

Display Home: one or more Dwellings which are intended to be open for public inspection.

Division A: means Division A of the City of Wanneroo District Planning Scheme No 2.

Division B: means Division B of the City of Wanneroo District Planning Scheme No 2.

Division B Area: means all land delineated as ‘Division B Area’ on the Scheme Map.
Drive Through Facility: where patrons remain in automobiles including fast food and Car Washes (Car Washes may also be considered for approval if attached to a Service Station), but does not include book and video drops, drive through bottleshops attached to a Hotel where it is concealed from the street.

Drive Through Food Outlet: means a take-away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may include Drive Through Facility and may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

Dry Cleaning Premises: means any Land or Buildings used for the cleaning of garments and other fabrics by chemical processes.

Dwelling: means a Building or portion or a Building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis.

Edge Lot: means a Lot with a front, rear and side Frontage Line (refer Table 13B).

Educational Establishment: means a school, college, University, technical institute, academy or other educational centre, training centre or a lecture hall, but does not include Premises used to accommodate or deal with offenders or persons undergoing treatment.

Effective Turning Radius: means the measurement of the inside wheel track turning radius at street corners, that allows for the effect of parked cars on the swept path of the vehicle when turning the corner.

Electrical Substation: means Land used for the assembly of equipment in an electric power system through which electrical energy is passed for transmission, distribution, interconnection, transformation, conversion or switching.

Encroachment: means any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Expression Line: means a line prescribed at a certain level of a Building for the major part of the width of a front elevation, expressed by a variation in material or by a limited projection such as a moulding or balcony.

Extension Line: means a line prescribed at a certain level of a Building for the major part of the width of a front elevation regulating the maximum height for an Encroachment by an Arcade, Gallery Frontage.

Factory Unit: means a Building or structure, or a group of Buildings or structures on one Lot, for which provision is made for the carrying out of two or more separate industries or storage areas not owned or managed by the same person.

Fire Station: see Civic Building

Frontage: means the area between a front Building elevation and vehicular lanes, inclusive of its Building and planted components. Frontage is divided into Private and Public Frontages.

Frontage Buildout: the proportion of a building façade built along the Frontage width at setback.

Frontage Line: a Lot line bordering a Public Frontage.
**Fuel Depot:** means any Land or Building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a Service Station and specifically excludes the sale by retail of such fuel from the Premises into a final user’s vehicle.

**Funeral Parlour:** means Premises used to prepare and store bodies for burial or cremations.

**Gallery Frontage:** means a Private Frontage conventional for commercial use wherein the front elevation is aligned close to the Frontage Line with an attached cantilevered shed or cantilevered colonnade overlapping the footpath.

**Gazettal Date:** means the date on which the Scheme came into force; being the date on which notice of the Minister’s approval of the Scheme is published in the Government Gazette.

**General Commercial and Mixed Business:** means Premises used for commercial or business purposes and includes, but not limited to an Auction Room; Bank; Dry Cleaning Premises; Laundromat, Consulting Rooms, Hairdressers, Beauty Salon, Medical Centre, Veterinary Consulting Rooms, Veterinary Hospital (if use does not cause adverse impact beyond lot boundary), Take Away Food Outlet (not including Drive Through Facilities).

**General Entertainment:** means land or buildings open to the public and used for recreation and entertainment activities, including indoor playground facilities and amusement machines, but does not include adult entertainment and night clubs.

**Hairdresser:** means Premises used for the cutting, styling and tending to customers’ hair and may include the sale of hair care products.

**High School:** see Educational Establishment.

**Hire Service:** means Land and Buildings used for the hire of goods and equipment and may include the display of some items of goods and equipment.

**Holiday Village/Resort:** means composite holiday recreation Development, incorporating a variety of holiday accommodation types, including Caravan Park, holiday cottages and Motel units with directly associated facilities and services, and may include licensed Premises under the Liquor Act 1970-1976 as amended.

**Home Business:** means a business, service or profession carried out in a Dwelling or on Land around a Dwelling by an occupier of the Dwelling which —

(a) does not employ more than 2 people not members of the occupier’s household;
(b) will not cause injury to or adversely affect the Amenity of the neighbourhood;
(c) does not occupy an area greater than 90 square metres;
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to Vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
(f) does not involve the presence, use or calling of a Vehicle more than 2.0 tonnes tare weight; and
(g) does not involve the use of an essential service of greater capacity than normally required in the Transect Zone.

**Home Occupation:** means an occupation carried out in a Dwelling or on Land around a Dwelling by an occupier of the Dwelling which —

(a) does not employ any person not a member of the occupier’s household;

(b) will not cause injury to or adversely affect the Amenity of the neighbourhood;

(c) does not occupy an area greater than 20 square metres;

(d) does not display a sign exceeding 0.2 square metres;

(e) does not involve the retail sale, display or hire of goods of any nature;

(f) in relation to Vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single Dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a Vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(g) does not involve the use of an essential service of greater capacity than normally required in the Transect Zone.

**Home Office:** a use permitted in all Residential Dwellings as of right and means a Home Occupation limited to a business carried out solely within a Dwelling by a resident of the Dwelling but which does not:

(a) entail clients or customers travelling to or from the Dwelling;

(b) involve any Advertising signs on the property;

(c) require any external change to the appearance of the Dwelling.

**Hospital:** means Premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.

**Hotel:** means any Land or Buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a Restaurant, or a Betting Agency operated on the Premises established under the *Totaliser Agency Board Betting Act 1960 as amended*, or facilities for entertainment, but does not include a Bed and Breakfast facility, and which may be the subject of a Hotel Licence granted under the provisions of the *Liquor Licensing Act 1988 as amended*.

**Incidental Use:** means a use of Premises which is ancillary and subordinate to the predominant use.

**Industry – Artisan:** means the crafting of items that may be functional or strictly decorative. Usually manufactured by hand and with hand tools to impart unique and individual qualities to the products.

**Industry – General:** means an industry other than an Extractive, rural, Light, Hazardous or service industry and which by virtue of its scale, intensity or nature, is regarded by Council as
Development which would be too obtrusive or detrimental to Amenity and therefore inappropriate in zones other than the General Industrial Zone.

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.

Inn: means premises used for purpose of short-term Lodging and comprising up to 12 accommodation rooms.

Interim Development: means Development that occurs on a Lot and/or Lots within a Transect Zone that complies with the standards and requirements of the next lower level of the Transect. It recognises that Development of a nascent community to its full potential occurs over a number of years.

Interior Lot: means a Lot with a front and rear Frontage Line.

Kerb Return Radius: means the measurement of the sharpness of a corner kerb line at a Thoroughfare intersection. Where parked cars do not determine the vehicle turning path, a large kerb radius enables vehicles to go around corners faster, whereas a tighter kerb radius helps reduce turning vehicle speed. A large kerb radius also increases the distance a pedestrian must walk to cross the street.

Kiosk: means a small enclosed structure, often freestanding and open on one side or with a window, used as a booth to retail a product (i.e. newspaper, food items) or offer a service (i.e. tourist information)

Laboratory Facility: a room or Building equipped for scientific experimentation or research.

Land: shall have the same meaning given to the term in and for the purposes of the Act.

Land Use Table: means a table contained within the Community Design Code to regulate land uses that are permitted, discretionary and not permitted within the Division B Area Transect Zones and Civic Reserves.

Landowner: see ‘Owner’.

Landscape Standards: means guidelines or minimum standards prepared as part of the Community Design Code related to the form of any private and/or public area that is capable of landscaping (refer Schedule 3B).

Landscape Supplies: means any Land or Buildings used for the storage and sale of items such as woodchips, logs, rocks, sand, stone, paving slabs and other such materials intended for landscaping purposes.

Laundromat: means Premises open to the public in which washing machines and clothes dryers are available for use and may include dry cleaning services.

Layer: means a range of depth of a Lot within which certain elements are permitted.

Limited: means one of three classifications applied to regulate the range and intensity of functions that a building can be dedicated to within each Transect Zone. The other classifications are ‘Restricted’ and ‘Open’. Car Parking requirements are correlated with building use and the assigned functional intensity classification. The application of the ‘Restricted’, ‘Limited’ and ‘Open’ classifications appear in the Functional Intensity Table (Table 4B) the Base Parking Standards (Table 14B) and in the Urban Standards of the Community Design Code.

Liner Building: means a Building specifically designed to mask a surface Car Park or a car park garage from a Frontage.

Liquor Selling Establishment: means any Land or Buildings the subject of a Liquor Store licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

Live-Work: a Dwelling that contains, to a limited extent, a commercial component. A Live-Work unit may be on its own Lot with the commercial component permitted anywhere in the Building.

Local Reserve: means land other than a regional reserve, which is to be created as a reserve for a specific purpose. A Local Reserve is identified on the Transect Plan as a Civic Reserve, however not all Civic Reserves are Local Reserves.

Lodging: means Premises available for daily and weekly renting of bedrooms.

Lot: shall have the same meaning as is given to it in and for the purposes of the Act.

Lunch Bar: means Premises used as a Take-Away Food Outlet but within the hours of 6.00 am to 4.00 pm only.

Main Civic Space: the primary outdoor gathering place for a community. The Main Civic Space is often, but not always, associated with an important Civic Building.

Mandatory: means a requirement or specification where there is no opportunity for discretion.

Market: means premises used for the display and sale of goods from stalls by independent vendors and being distinguished from a Shop in that it is not permanently housed in a Place that is structurally part of a Building and of which a stallholder has exclusive possession.

Mast or Antenna: means any mast, aerial, satellite dish and other associated equipment used for the transmissions or reception of radio or television signals or for other electronic Communications.

Medical Centre: means Premises other than a Hospital, used by more than two health consultants (including preventative care, diagnosis, medical and surgical treatment and counselling).

Metropolitan Region Scheme: means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the Government Gazette of 9 August 1963, as amended from time to time.

Metropolitan Region Scheme Reserve: means Land reserved under the Metropolitan Region Scheme and includes the T1 Zone of the Division B Area.

Milk Depot: means a Depot to which milk is delivered for distribution to consumers, but in which milk is not processed or pasteurised.
Minister: means the Minister for Planning or the Minister in the Western Australian Government responsible for town planning.

Motel: means Premises used to accommodate patrons in a manner similar to a Hotel but at which special provision is made for the accommodation of patrons with motor vehicles and which does not operate with a Hotel or limited Hotel Licence, or a Cabaret Licence or a Tavern Licence or a Special Facility Licence.

Motor Vehicle Repairs: means any Land or Building used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray-painting, or chassis reshaping.

Movement Category: means the extent to which a motorist’s travel speed along a thoroughfare is impeded by a range of factors including travel lane width, on-street Car Parking, intersection frequency, pedestrian activity and traffic calming treatments. Three categories shall be used in the Thoroughfare Standards of the Community Design Code: ‘Free’, ‘Restricted’ and ‘Slow’.

Museum: means a Building, Place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects.

Neighbourhood Centre: shall have the same meaning ascribed to a Neighbourhood Centre in State Planning Policy 4.2 – Activity Centres for Perth and Peel, as amended.

Neighbourhood Retail: means a retail use in a predominantly Residential area located on a corner ground floor shopfront location (which may or may not be attached to a Dwelling) and may include a Corner Store, newsagency, art store, bookstore, Display Gallery or any other uses that service the needs of the local neighbourhood, with an area not exceeding 100m² gross floor area.

Night Club: means premises –

(a) used for entertainment with or without eating facilities;

(b) licensed under the Liquor Licensing Act 1988.

Nursing Home: means Premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care.

Office: means any Premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on a site, and does not include Consulting Rooms or Medical Centres.

Off-site Parking: means Car Parking provided outside a Lot and includes, although is not limited to, on-street parking and Civic Car Parks.

On-site Parking: means Car Parking provided within a Lot.

Open: means one of three classifications applied to regulate the range and intensity of functions a building can be dedicated to within each Transect Zone. The other classifications are ‘Restricted’ and ‘Limited’. Car Parking requirements are correlated with building use and the assigned functional intensity classification. The application of the ‘Restricted’, ‘Limited’ and ‘Open’ classifications appear in the Functional Intensity Table (Table 4B), the Base Parking Standards (Table 14B) and in the Urban Standards of the Community Design Code.
**Open Air Display:** means the use of a site external to a Building for the display and / or sale of goods or equipment.

**Open Market Building:** Building where Markets are held at which goods are sold from stalls in individual bays leased or otherwise occupied by independent stallholders.

**Ordinary Council Meeting:** means a properly constituted meeting of elected members that is not extraordinary.

**Outbuilding:** means an Accessory or Ancillary Building, usually located towards the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding.

**Outdoor Auditorium/Amphitheatre:** An oval or round open structure having tiers of seats rising gradually outward from a central open space or arena.

**Owner:** in relation to any Land, includes the Crown and every person who jointly or severally whether at law or in equality:

(a) is entitled to the Land for any estate in fee simple in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or

(c) is a lessee or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof whether as a beneficial Owners, trustee mortgagee in possession, or otherwise.

**Park Home:** means a moveable Dwelling, not being a Vehicle as defined under the Road Traffic Act 1974, but constructed and maintained on its own chassis and wheels and capable of mobility at all times, although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for Dwelling purposes.

**Parking Bay:** see Car Parking Bay.

**Parking Precinct:** means a defined area of the Division B Area identified in the Community Design Code where reciprocal Car Parking rights may apply across multiple development sites and a single Shared Parking Ratio may be applied to calculate Required Parking.

**Parking Structure:** a Building comprising one or more Storeys to accommodate above grade Car Parking.

**Passage:** a pedestrian connector, open or roofed, that passes between Buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

**Pattern Book:** means detailed standards and controls that are designed to achieve the physical environmental characteristics intended for the Division B Area. The Pattern Book includes standards that address the design of the architecture, Civic Spaces, Thoroughfares, landscaping, lighting, and signage. It combines illustrative diagrams and prescriptive dimensional requirements for a variety of elements, adding significant detail to complement the Urban, Architectural, Thoroughfare and Landscape Standards of the Community Design Code.
Peak Parking Demand: means the total projected number of occupied Car Parking Bays within a Parking Precinct at peak use during the week.

Pedestrian Shed: means an area centred on a common destination that is sized to relate to the average walking distance applicable to the community.

Pharmacy: means Premises used for the preparation and dispensing of drugs and other medicinal products and where this occurs other predominantly toiletry products may be displayed and offered for sale by retail.

Place: means an area of Land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

(a) an area of Land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;

(b) any works or Buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or Buildings; and

(c) as much of the Land beneath the Place as is required for the purposes of the conservation.

Place of Assembly / Worship: means Premises where the public assemble or go to for any cultural, religious, recreational, sporting or other activity but does not include uses of the scale of Development as defined under a ‘Special Place of Assembly’ or Specialised Civic Use’.

Plant Nursery: means Land and/or Buildings used for the propagation, nurturing and growing of plants, and where that is the predominant use may include as an Incidental Use the retail sale of seeds, bulbs, seedlings, shrubs, trees and other nursery stock and additionally plant containers, fertilisers, soil conditioners, weedicide, pesticide sold in bags or other containers, garden implements sprinklers and home reticulation equipment.

Police Station: see Civic Building

Premises: means any land, Building or part thereof.

Primary School: see ‘Educational Establishment’.

Principal Building: the main Building on a Lot, usually located toward the Frontage.

Principal Entrance: the main point of access for pedestrians into a Building.

Principal Frontage: means on Edge lots, the Private Frontage that is designated to comprise the address and Principal Entrance to the Building and the measure of minimum Lot width.

Private Frontage: means the privately held Layer between the Frontage Line and the front elevation of the Principal Building.

Proponent: means Westminster Estates Pty Ltd, or an alternative person or party who has been nominated or assigned the role of Proponent by Westminster Estates Pty Ltd.

Public Authority: shall have the same meaning given to it in and for the purposes of the Act.

Public Frontage: means the area between the kerb of the vehicular lanes and the Frontage Line.
**Public Notice:** means Advertising of a planning proposal, including but not limited to the Community Design Code, Transect Area Plans or Local Policy, pursuant to the requirements and the form set out in Schedule 7B of the Scheme.

**Public Purposes:** includes State and Local Government Purposes.

**Public Utility:** means any work or undertaking constructed or maintained by a Public Authority or municipality as may be required to provide water sewerage, electricity, gas, drainage, Communications, passenger transport or other similar services.

**Reception Centre:** means premises used for functions on formal or ceremonial occasions, or for conference or business purposes, but not for unhosted use for general entertainment purposes. May include smaller meeting facilities attached to Hotels.

**Recess Line:** means a line prescribed for the full width of a Frontage elevation, above which there is a Stepback of a minimum distance, such that the height to this line (not the overall Building Height) effectively defines the enclosure of the enfronting space.

**Recommended:** means a requirement of the Community Design Code where discretion may be exercised.

**Regional Beach Parking:** means the number of Car Parking Bays that are required by Table 14B or through an approved Car Parking Strategy to be provided within the Division B Area for Regional Beach Car Parking.

**Regulating Plans:** means a series of plans within the Community Design Code consisting of the following components:

(a) **Transect Plan:** allocates Transect Zones and Reserves to the Division B Area;

(b) **Control Plan:** Identifies locations where specific design responses are Recommended or Mandatory;

(c) **Building Typology Plan:** identifies Building Types that may be permitted on each Lot;

(d) **Civic Space Plan:** identifies land to be calculated as part of the total open space provision.

**Representative of the City of Wanneroo:** means a suitably qualified person who is an employee and/or agent of the City of Wanneroo.

**Representative of the Commission:** means a suitably qualified person who is an employee and/or agent of the Commission.

**Representative of the Proponent:** means a suitably qualified person who is an employee and/or agent of the Proponent.

**Required Parking:** means the Car Parking that the Scheme, Community Design Code, Transect Area Plan or Car Parking Strategy requires be provided for a Development or Use.

**Reserve:** means any Land reserved for a public purpose.

**Residential:** means use of a building or portion of a building for the purpose of human habitation on a permanent basis.
Resort: means any Land or Buildings used for the overnight or holiday accommodation of patrons in self-contained units or apartments and may include Incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing and may also include Restaurants, Shops and entertainment facilities, with all or most facilities usually being limited for the convenience of accommodation patrons.

Rest Stop: means a designated area beside a road where cars can stop temporarily.

Restaurant/Cafe: means any 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 Licensing Act 1988 as amended. The expression may include the sale of food for consumption off the Premises, where it is Incidental to the business, but does not include Drive Through Facility. The term may include an outdoor eating area.

Restricted: means one of three classifications applied to regulate the range and intensity of functions that a building can be dedicated to within each Transect Zone. The other classifications are ‘Limited’ and ‘Open’. Car Parking requirements are to be correlated with building use and the functional intensity classification. The application of the ‘Restricted’, ‘Limited’ and ‘Open’ classifications appear in the Functional Intensity Table (Table 4B), the Base Parking Standards (Table 14B) and in the Urban Standards of the Community Design Code.

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 Censorship Act 1996;
(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form or sexual behaviour or activity.

Retirement Housing: means any Land or Buildings used to accommodate aged persons and retirees together with ancillary facilities.

Salvage Yard/Storage Yard: means any Land or Buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) Buildings, machinery, Vehicles and boats or the processing, storage and disposal of waste materials including vehicle wrecking, except recycling collection centres.

Schedule: means a Schedule to the Scheme.

Scheme: means the City of Wanneroo District Planning Scheme No 2.

Scheme Area: means the whole of the District of the City of Wanneroo as shown by the inner edge of the broken black line on the Scheme Map.

Scheme Map: means the Map which forms part of the Scheme and delineates the District of the City of Wanneroo.

Secondary Frontage: means the Private Frontage of Edge Lots that is not the Principal Frontage. As this area affects the public realm, its First Layer is to be regulated in the Community Design Code and/or Transect Area Plans.

Service Station: means Premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an Incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles but does not include a...
Transport Depot, panel beating, spray painting, major repairs or wrecking.

**Serviced Accommodation:** means one or more self contained Dwellings which are used exclusively to provide Short Term Accommodation and may be serviced or cleaned by the Owner or manager of the apartment, or agents.

**Sewer/Waste Facility:** means infrastructure for the collection, storage, processing and/or disposal of sewer and other waste matter.

**Shared Parking Ratio:** means a single Car Parking standard established through a Car Parking Strategy and applied to calculate the Required Parking of land uses and Development within a defined Parking Precinct of the Division B Area. The Shared Parking Ratio recognises reciprocity of Car Parking demand between land uses and the availability of Off-Site Car Parking.

**Shared Path:** means a pathway that is constructed and detailed in such a way as to allow for its shared use by pedestrians and cyclists.

**Shared Travel Lanes:** a Thoroughfare suitable for the shared use of bicycles and automobiles moving at slow speeds.

**Shop/Retail:** means Premises where goods are kept exposed or offered for sale by retail, hire goods or to provide services, and includes, but not limited to, a Bakery, Convenience Store, Dry Cleaning Premises, costume hire; Department Store; hardware store; Beauty Parlour; Hairdresser, Liquor Store; Neighbourhood Retail; Lunch Bar; Pharmacy; Shop; supermarket; Take-away Food Outlet (not including Drive Through Fast Food); video hire; but does not include a Showroom/Bulk Retail outlet.

**Shopfront Frontage:** means a Private Frontage conventional for retail use with substantial glazing and an awning, wherein the façade is aligned close to the Frontage Line with the building entrance at footpath grade.

**Shopping Centre:** means a group of stores and often restaurants and other businesses facing a system of enclosed walkways for pedestrians that are located under the one structure and have common parking.

**Showroom/Bulk Retail:** means Premises used to display, sell by Wholesale or retail, or hire automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.

**SmartCode®:** means an unified development ordinance developed by Duany Pater-Zyberk that incorporates Smart Growth and New Urbanism principles.

**Smash Repair Station:** means Land and Buildings used for, or in connection with, smash repairs including panel beating, spray painting, chassis reshaping, application and sanding down of motor vehicle body filler.

**Special District:** means an area that, by its intrinsic function, disposition and/or configuration, does not conform to one or more of the normative Transect Zones identified in the Community Design Code for the Division B Area. Special Districts are to be identified in the Regulating Plan Series of the Community Design Code.

**Special Place of Assembly:** means premises used for a sports stadium, racecourse, showground, fun fair, multi-purpose sporting recreational complex, or other amusements. These
uses require special siting to provide for large numbers of spectators, Car Parking, landscaping and protection of amenity.

**Specialised Civic Use:** includes uses that are only permitted through the creation of Special District and includes a:

(a) Convention/ Exhibition Centre: A large stand-alone municipal facility designed to accommodate trade shows and conventions.

(b) Special Place of Assembly:

(c) Cemetery; or

(d) Prisons, except associated with a police station.

**Specialised Lodging:** includes those Lodging uses that are only permitted through the creation of a Special District including Holiday Village/Resort including Caravan Parks and Camping Grounds and Park Homes

**Specialised Retail:** includes “Big-Box” retail and Shopping Centres/shopping malls with parking lots on the street Frontage or a common parking area that surrounds the development.

**Stables:** means any Land, Building or structure used for the housing, keeping and feeding of horses, asses and mules and associated Incidental activities.

**Stall – General:** means a Place, stand, Vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a Shop in that it is not permanently housed in a Place that is structurally part of a Building and of which the stallholder has exclusive possession.

**Standard Public Notice Template:** means the template contained in Schedule 7B.

**Stepback:** means a Building Setback of a specified distance that occurs at a prescribed number of Storeys above the ground.

**Storey:** is the measure used to regulate the minimum and maximum permissible height of a building. The permissible height prescribed for a Storey and number of Storeys allowed for each building, regulates minimum and maximum Building Height. The measure of a Storey shall be the floor to floor height, with the exception of single Storey buildings and uppermost level of a multi-storey building, where the measure of a Storey shall be from floor to plate height.

**Streetscreen:** means a freestanding screen built along the Frontage Line. It may mask a parking lot from the Thoroughfare, provide privacy to a sideyard and/or strengthen the spatial definition of the public realm.

**Subdivision Approval:** means approval provided by the Commission to subdivide Land in accordance with the Act.

**Submission:** means a written or oral Submission made to the City of Wanneroo accordance with Division B.

**Submission Closure Date:** means the last date upon which a Submission may be received by the City of Wanneroo to potentially be considered by the Council.

**Summary of Submissions and Issues:** means a paper prepared by the City of Wanneroo following the Public Notice period for the Community Design Code that summarises the
Submissions received during the Public Notice period and the issues identified by the Council in its assessment of the Community Design Code proposal.

**Surface Parking Lot:** means Premises used primarily for the parking of private Vehicles or taxis whether open to the public or not but does not include any part of a public road which is used for the through movement of traffic or Premises on or in which Vehicles are displayed for sale or Premises set aside to meet a specific parking requirement under the Scheme. The term includes the Land required on site for access and manoeuvring to enable Vehicles to gain access to Car Parking Bays.

**TAFE:** see ‘Educational Establishment’.

**Take-Away Food Outlet:** means Premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the Premises but may include limited sit down facilities, and excludes a Drive Through Food Outlet. The term shall not include a Drive Through Facility.

**Tavern:** means Premises licensed as a Tavern under the *Liquor Licensing Act 1988* as amended and used to sell liquor for consumption on the Premises and may include the preparation and consumption of food on the premises or facilities for entertainment as granted on the liquor licence.

**Terminated Vista:** a location at the axial conclusion of a Thoroughfare that is defined by a physical design element.

**Thoroughfare:** means a corridor for use by vehicular and pedestrian traffic and to provide access to Lots and open space, consisting of vehicular lanes and the Public Frontage.

**Thoroughfare Assignment:** means the assignment of Thoroughfare Types to the Thoroughfare network.

**Thoroughfare Standards:** means the minimum requirements applicable to each of the regulated Thoroughfare Types for the Division B Area (refer Schedule 3B).

**Thoroughfare Types:** means customised assemblages of the design elements that define the different types of Thoroughfares in the Community Design Code, including, but not limited to, reserve widths, pavement widths, footpaths and landscaping/street lighting.

**Tourist/Visitor Related Retailing:** means retail activities that customarily rely wholly or partly on the trade of visitors originating from outside the Division B Area and includes: confectioners; tobacconists; Take-away Food Outlets; ice creameries; cake stores; restaurants/cafés; function centres; clothing, footwear and fashion accessory Shops; music Shops; liquor retailers; bookstores; gift, novelty and souvenir Shops; toy Shops; art retail; and beauty salons.

**Town Architect:** means the Town Architect engaged in that role by the Proponent who will have knowledge and experience in Transect Based Codes.

**Town Planner:** means the Town Planner engaged in that role by the Proponent who will have knowledge and experience in Transect Based Codes.

**Trade Display:** means the use of any Land or Building for the moderate and controlled display of trade goods and equipment for Advertisement as approved by the Council.

**Transect:** means a cross-section of the Division B Area environment that identifies a range of habitats from the most natural to the most urban. These environments are organised into Transect Zones which are used to define the physical form and character of the Place.
**Transect Area Plan:** means a plan prepared in accordance with Part 5 of Division B to refine the provisions and design controls of the Community Design Code as they relate to a Lot or a number of Lots within Division B Area and may be an approved, modified or proposed Transect Area Plan (unless otherwise specified).

**Transect Based Code:** means a method for regulating and organising Development to achieve a specific urban form. The Code uses the Transect to understand and organise the human habitat in a continuum of intensity ranging from the most natural to the most urban condition. The Transect Zones that make up the Transect are differentiated primarily by physical intensity of the built form, the relationship between the natural and the built environment and the complexity of uses within each Zone.

**Transect Zones:** means the six Zones that are allocated on the Regulating Plan Series to achieve the desired Development and design outcomes of the Transect. They include the Natural Reserve (T1 Zone), Natural Living (T2 Zone), Sub-Urban (T3 Zone), General Urban (T4 Zone), Urban Centre (T5 Zone) and Urban Core (T6 Zone).

**Transfer of Car Parking:** means the transfer of Car Parking from one Lot with a Car Parking surplus in a Parking Precinct to another Lot with a Car Parking shortfall in the same Precinct.

**Transport Depot:** means any Land or Building designed and used, or which is adapted for use for one or more of the following purposes:

(a) for the parking or garaging of more than one Commercial Vehicle;

(b) for the transfer of goods or passengers from one Vehicle to another Vehicle;

and may include the maintenance, mechanical repair or refuelling of the Vehicles referred to in (a) or (b) above but does not include any of the functions defined under Smash Repair Station.

**University:** see ‘Educational Establishment’.

**Urban Standards:** means controls to regulate those aspects of private Buildings that affect the public realm and which vary according to the Transect Zone of the Regulating Plan Series to which they apply (refer Schedule 3B).

**Variant Development Application:** means a Development Application which is determined and/or certified as departing from but within the spirit of the Community Design Code and the Transect Area Plan, with or without conditions.

**Variation:** means an alteration to an approved or adopted document and/or application for Planning Approval which may be minor or major in nature.

**Vehicle:** includes automobiles, trucks, motorcycles, boats, caravans, trailers.

**Vehicle Sales/Hire Premises:** means any Land or Buildings used for the display, sale or hire of new or second-hand Vehicles, motorcycles, boats or caravans, or any one of more of them, together with ancillary uses such as the servicing of such goods or the sale of spare parts.

**Vending Machines:** means a machine that provides snacks, beverages and other products to consumers without a cashier.

**Veranda:** means a roofed opened gallery or porch that may extend across the front and sides of a Building.
Veterinary Consulting Rooms: means a Building in which one or more veterinary surgeons or veterinarians that treat the minor ailments of animals as patients, but animals do not remain on the Premises overnight.

Veterinary Hospital: means the use of any Land or Buildings for the treatment of minor or major ailments of animals, and includes the accommodation of animals for periods longer than overnight.

Visioning Master Plan: means a plan developed through the Charrette process that reflects the objectives and aspirations of Charrette participants and establishes the project vision.

Warehouse: means Premises used to store or display goods any may include sale by Wholesale.

Water Supply Facility: means a facility for the supply of water.

Wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods.
1. **Preparation of Community Design Code**

1.1 The Community Design Code is to be prepared as a Transect Based Code and include comprehensive design standards and controls to promote Development that is consistent with the project vision and objectives. The design requirements contained within the Community Design Code are not required to be to survey standard.

2. **Principles for the Preparation of the Community Design Code**

2.1 The following key principles shall guide the preparation of the Community Design Code:

- **Vision-Centred:** The Community Design Code shall bind private and public interests into a common vision that is consistent with the Visioning Master Plan.

- **Place Based:** The Community Design Code shall be specific to the Division B Area and its context and facilitate the Development of a coastal community that captures the essence of place and the elements that make it unique and desirable.

- **Diverse:** The Community Design Code shall promote environmental and cultural diversity by using the Transect as the organising principle for the creation of a range of habitats of varying complexity, scale and intensity; ranging from the most natural to the most urban.

- **Precise:** The Community Design Code shall include comprehensive and precise standards that coordinate the community making elements of Buildings, landscaping, Civic Spaces and Thoroughfares to achieve predictable built form outcomes that are consistent with Transect.

- **Viable:** The Community Design Code shall promote economic opportunity for the local community by creating diverse opportunity for investment and business development.

- **Integrated:** The Community Design Code shall integrate the design process across disciplines including landscape, engineering, planning and architecture, to achieve a coordinated design response to the site.
Binding: The Community Design Code shall be cast in controls that are obligatory, rather than guidelines that are optional. In this regard the standards are to proactively give direction and certainty in the approval processes and Development outcomes.

Adjustable: The Community Design Code is to be continuously monitored for its efficacy and effectiveness in achieving the Division B Area vision. Adjustments to Community Design Code standards may be made to accommodate the evolving nature of the Division B Area with known and understood impacts on the community.

Comprehensible: The Community Design Code shall simply communicate design requirements using a balance of words, diagrams and tables that are clear to Landowners, developers and professionals without the need for legal interpretation and intervention.

3.0 Contents of the Community Design Code

3.1 In accordance with subclause 3.2.4 of this Division, the Community Design Code shall be in a form and contain content similar to that described below:

| a. Project Vision & Overview | i. Project vision and objectives |
|                             | ii. Background to Division B Area design and plan evolution |
|                             | iii. Principles of the Transect |
| b. Planning Context         | i. Statutory and strategic planning framework |
|                             | ii. Regional planning context |
| c. Existing Conditions      | i. Existing site conditions, including topography, geology, vegetation and fauna |
| d. Design Outcomes          | i. Design objectives |
|                             | ii. Design response to site considerations |
|                             | iii. Main design elements including pedestrian sheds, public domain, movement network, open space, coastal village, housing, servicing and indigenous sites |
| e. Code Calibration | i. Code calibration process  
| | ii. Overarching standards and controls contained in calibrated Community Design Code tables |
| f. Regulating Plans | i. Transect Plan – allocation of Transect Zones and Reserves  
| | ii. Control Plan – locations where specific design responses are Recommended or Mandatory including Terminated Vistas, Private Frontages, Paths, Passages and build-to-lines  
| | iii. Building Typology Plan – building types that may be permitted on each lot through the Transect Area Plans  
| | iv. Civic Space Plan – allocation of Civic Space Types, compliance with open space standards, and identification of Civic Spaces to be created as Local Reserves |
| g. Urban Standards | i. Standards for building types (other than Civic Buildings) that may be permitted within each Transect Zone  
| | ii. Standards to address:  
| | a) Lot area ranges and site coverage  
| | b) Building density  
| | c) Building Disposition and setbacks  
| | d) Car Parking placement  
| | e) Building function and use  
| | f) Building Height  
| | g) Private Frontage types  
| | iii. Urban Standards to have regard to relevant provisions of Part 4 of this Division  
| | iv. Final Urban Standards to be resolved in Transect Area Plans |
| h. Thoroughfare Standards | i. Assembles Thoroughfare Types for vehicular and pedestrian ways that respond to the character of the Transect Zones (including urban form, architecture, Civic Spaces) and functional capacity requirements (design speed, intensity of vehicular and non-vehicular users)  
| | ii. Assigns Thoroughfare Types to all vehicular and pedestrian ways of the movement network  
<p>| | iii. Includes specifications for Thoroughfare design |</p>
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<th>Elements, including:</th>
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<td>a) Reserve and pavement width</td>
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<td>b) Design speed</td>
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<td>c) Traffic flow (one or two-way)</td>
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<td>d) On-street parking</td>
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<td>e) Path type and width</td>
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<td>g) Turning and kerb radii</td>
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<td>h) Street light type and spacing</td>
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<tr>
<td>i) Planter widths and types</td>
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<td>j) Planting pattern and tree species</td>
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<tr>
<td>iv. Includes a plan designating the preferred route for the movement of trucks, buses and other large vehicles</td>
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<td>v. Thoroughfare Standards to have regard to relevant provisions of Part 4 of this Division</td>
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<th>i. Landscape Standards</th>
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<td>iv. Selection and disposition of planting to support natural to urban Transect</td>
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<th>j. Architectural Standards</th>
<th>i. Materials and configurations for walls, attachments, roofs, doors and windows</th>
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<td>i. Materials and configurations for walls, attachments, roofs, doors and windows</td>
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<td>ii. Minimum floor to ceiling heights</td>
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<td>iii. Standards for visual compatibility between buildings and that contribute to the desired character of the Transect Zones</td>
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<td>iv. Responsive to climate and vernacular and contemporary building traditions of the Perth metropolitan region</td>
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<th>k. Pattern Book</th>
<th>i. Detailed design standards and controls that address the design of architecture, Civic Spaces, Thoroughfares, landscaping, lighting and Advertisements</th>
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CITY OF WANNEROO AMENDMENT NO. 115 – ATTACHMENT 4.
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<th>I. Car Parking Strategies</th>
<th>i. Adopts Shared Parking Ratios for the related Parking Precincts that:</th>
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<tr>
<td></td>
<td>a) are derived from the Base Parking Standards of Table 14B;</td>
</tr>
<tr>
<td></td>
<td>b) reflect reciprocity of Car Parking between uses;</td>
</tr>
<tr>
<td></td>
<td>c) recognise the availability of Off-site Parking</td>
</tr>
</tbody>
</table>

| m. Strategy for Control of Advertisements | i. Addresses the requirements set out under Schedule 6B |

| n. Appendices and technical studies | i. Technical reports as required to support the proposal, unless otherwise addressed in the body of the Community Design Code, including: local environmental impact assessment and management strategy; local water management strategy; community development strategy; local heritage strategy; local economic development strategy; local transport strategy and local engineering infrastructure report |
SCHEDULE 4B – FORM AND CONTENT OF TRANSECT AREA PLANS (SUBCLAUSE 3.6.3)

1. Form of Transect Area Plan

1.1 The Transect Area Plans shall be diagrammatic and be accompanied by text and tables detailing the relevant design controls and standards as they relate to the affected Land.

2. Contents of Transect Area Plans

2.1 Transect Area Plans may provide controls or detail the following matters/elements where required:

   (a) Location and number of on-site and off-site Car Parking Bays and assignment of on-street bays to Lots;

   (b) Vehicular access, loading and unloading areas, Storage Yards and rubbish collection enclosures;

   (c) Thoroughfare design;

   (d) Tree species for each Thoroughfare and a recommended alternative species should the preferred species require replacement;

   (e) Commercial/retail floor spaces;

   (f) Civic Space provision;

   (g) Private open space;

   (h) Acoustic attenuation;

   (i) Building types, Frontage types, Building Height and setbacks;

   (j) Building design including edge conditions, surveillance and climate response;

   (k) Architectural Standards for built form including materials and articulation;

   (l) Building encroachments;

   (m) Building envelopes;

   (n) Permissible land uses and building functions;

   (o) Pedestrian shelter;

   (p) Services;

   (q) Placement and design of signs, lighting and fencing;

   (r) Privacy between landholdings;
(s) Australian Height Datum Levels and Australian Height Datum locations for the measure of the minimum and maximum Building Height for each Lot;

(t) Landscaping, finished site levels, levels, retaining walls and drainage;

(u) Protection of areas of conservation or environmental significance, including retention of significant vegetation and preservation of significant views;

(v) Assign a Building Envelope to every Lot within the Protected Natural Living Area that is positioned to enhance vegetation retention and to allow the creation of a vegetated corridor between the Regional Reservations;

(w) Landscape including ground cover, species selection and hardscape elements;

(x) Provision of community facilities (if any proposed); and

(y) Special Development controls and guidelines.
SCHEDULE 5B– RECIPROCAL SHARED CAR PARKING (SUBCLAUSE 4.2.4, 4.2.5)

1. For Land outside the defined Parking Precinct, the following reciprocal Car Parking percentages shall be applied to the Base Parking Standards (Table 14B) to calculate the Required Parking for the following combination of land uses.

   **Car Parking Occupancy Percentage**

   (a) Retail – 85%
       Residential - 97%

   (b) Retail – 86%
       Office – 100%

   (c) Retail – 100%
       Lodging – 70%

   (d) Office – 92%
       Residential – 80%

   (e) Office – 72%
       Lodging – 92%

   (f) Residential – 100%
       Lodging - 100%

2. The Required Parking shall be arrived at by applying the following formula.

   **Base Parking Standard x Car Parking Occupancy % = Required Parking for Use**
1. **Guiding Principles**

1.1 The following principles shall guide the Strategy for the Control of Advertisements

a. Advertisements shall be restricted to a minimum and be based on the need to provide concise information and be placed in the best location;

b. The design of signs erected or displayed in the Division B Area shall be appropriate to their location and function and be aesthetically compatible with local architecture, building function and Thoroughfare and Transect Zone character;

c. Advertisements for wayfinding shall consist of a unified system of signs that enhance the legibility of the Division B Area for pedestrians, cyclists and motorists;

d. Advertisements shall be erected and displayed in a way that protects public safety and general welfare.

2. **Strategy Elements**

2.1 The Strategy shall address, although not be limited to, the following:

a. Approval The requirements an Applicant needs to satisfy to obtain approval for an Advertisement and the matters the Council must consider when making a decision on an application for approval to erect, place or display a sign

b. Placement Criteria to identify acceptable locations for the different types of Advertisements, having regard to the desire to protect important views and vistas and public safety.

c. Wayfinding Guidance for the placement and design of directional signs to link people to key destinations within and beyond the Division B Area.

d. Design Design controls that address Advertisement dimensions and the preferred style, graphics, colour and illumination for the various forms of Advertisements, including pylon signs, panel signs/signs on buildings and banners and flags.

e. Maintenance Requirement for all types of Advertisements to be maintained to a high standard.

f. Enforcement Provisions that deal with any contravention to the Strategy or any associated policy or Local Law.
1. Public Notice shall entail the following minimum measures as applicable to each application type:

<table>
<thead>
<tr>
<th>PUBLIC NOTICE REQUIREMENTS</th>
<th>Community Design Code <em>(including Major Modifications to Community Design Code)</em></th>
<th>Development Application</th>
<th>Local Policy</th>
<th>Discretional Use <em>(‘D’ Use) and Use Not Listed</em></th>
<th>Review of Car Parking Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Be in the form of the Standard Public Notice Template set out in this Schedule</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>(b) Be in such terms as to explain the scope and the purpose of the application and where and when the application may be inspected</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>(c) Be placed one or more times in a newspaper circulating in the locality</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>(d) Give notice to Affected Landowners / Occupiers</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>(e) Give notice to relevant government agencies and other stakeholders <em>(may include utility and community service providers)</em></td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) Sign or signs displaying notice of the proposal in a conspicuous position for the specified period from the date of publication of the notice referred to in 3. above</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) Notify Proponent / Town Architect of advertising period</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See following page for Standard Public Notice Template
STANDARD PUBLIC NOTICE TEMPLATE
Division B of the City of Wanneroo District Planning Scheme No 2

Proposal ...........................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................

(Describe the proposal in a way that advises the public of the existence and nature of the
application to enable a person, where appropriate, to make a properly informed submission.)

Applicant ........................................................................................................................................

On land at ......................................................................................................................................
...........................................................................................................................................
...........................................................................................................................................

The application can be viewed at .................................................................................................
.............................................................................................................................................. (insert address)

All affected landowners, relevant government agencies and the community may, on
or before .................................................. (insert last date for receipt of submissions) make a
signed written submission to: …The Chief Executive Officer, City of Wanneroo, Locked
Bag 1, Wanneroo WA 6946
1. The figure below shows the approximate extent of the southern T2 Zone. This area occupies approximately 12.5 hectares and is located between the Metropolitan Region Scheme reservations.

2. The southern T2 Zone is referred to as the Protected Natural Living Area and is subject to the controls and requirements set out under Clause 4.8.
SCHEDULE 9B - COMPLIANT TRANSECT AREA PLAN: SCHEDULE OF PERMISSIBLE VARIATIONS TO COMMUNITY DESIGN CODE (SUBCLAUSE 5.13.5)

Provisions of the Community Design Code may be varied by Compliant Transect Area Plans to the extent specified below.

<table>
<thead>
<tr>
<th>Element of Community Design Code</th>
<th>Variation to Community Design Code that may be approved through a Compliant Transect Area Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Land Use Table</td>
<td>(a) Further limiting the range of permitted (&quot;P&quot;) and discretionary (&quot;D&quot;) uses that may occur on a Lot(s) under the corresponding Transect Zone of that Lot(s)</td>
</tr>
<tr>
<td></td>
<td>(b) Changing a “P” use to a “D” use and changing a “D” Use to a “P” use</td>
</tr>
<tr>
<td></td>
<td>(c) Adding a land use that is not listed in the Land Use table and assigning to that use a Permitted (‘P’), Discretionary (‘D’) or Not Permitted (‘X’) classification</td>
</tr>
<tr>
<td>2. Regulating Plan Series</td>
<td>(a) Changes to Lot boundaries and Lot sizes provided the modified Lots conform to the permissible Lot size ranges of the relevant Transect Zone</td>
</tr>
<tr>
<td>2.1 Transect Plan</td>
<td>(b) Adjustments to the location and boundaries of Civic Reserves</td>
</tr>
<tr>
<td></td>
<td>(c) Changes to the location and alignment of Thoroughfares</td>
</tr>
<tr>
<td>2.2 Control Plan</td>
<td>(a) Modifications to the design elements regulated through the Control Plan.</td>
</tr>
<tr>
<td>2.3 Typology Plan</td>
<td>(a) Allocation of a Building Type(s) to Lot(s) that is permitted under the Urban Standards for the applicable Transect Zone of that Lot(s)</td>
</tr>
<tr>
<td>2.4 Civic Space Plan</td>
<td>(a) Adjustments to the boundaries and/or locations of Civic Spaces and Local Reserves provided the total open space contribution satisfies the requirements of this Division and the Community Design Code</td>
</tr>
<tr>
<td>3. Urban Standards</td>
<td>(a) Changes to Building setback, minimum and maximum building height and number of storeys, and site coverage standards</td>
</tr>
<tr>
<td></td>
<td>(b) Allocation of a new Building Type to a Lot(s) that is in addition to the Building Types regulated in the Urban Standards</td>
</tr>
<tr>
<td>4. Thoroughfare Standards</td>
<td>(a) Changes to the location and alignment of Thoroughfares</td>
</tr>
<tr>
<td></td>
<td>(b) Introduction of a new Thoroughfare Type</td>
</tr>
<tr>
<td>5. Landscape Standards</td>
<td>(a) Change to a Civic Space Type assigned to a Civic Space, provided the revised Civic Space Type complements the character of the adjacent Transect Zone(s)</td>
</tr>
<tr>
<td></td>
<td>(b) Changes to the locations/number of Playgrounds</td>
</tr>
<tr>
<td></td>
<td>(c) An addition(s) to the tree species list</td>
</tr>
</tbody>
</table>
SCHEDULE 10B – DIVISION B AREA DEVELOPMENT APPLICATION FORM
(SUBCLAUSE 5.23.1, 5.29.1)

This form shall be completed by the applicant of the proposed development and be signed by the owner of the land on which development is proposed. If there is multiple landowners a separate schedule shall accompany this form that includes the name(s), address(es) and signature(s) of the additional landowner(s). Council requires that this form be accompanied by the Town Architect’s Certification.

Landowner
Surname………………………………………… Other Names……………………………………
Address in full……………………………………………………………………………………………………
………………………………………………………………………………………………………………………… Postcode……………………………………

Submitted by………………………………………… Date……………………………………

Applicant
Address for correspondence…………………………………………………………………………………………
………………………………………………………………………………………………………………………………… Postcode……………………………………
Phone………………………………………… Mobile…………………………………………
Fax………………………………………… E-mail ………………………………………

Locality of Development (street, suburb, etc) ………………………………………………………………………
………………………………………………………………………………………………………………………………

Titles Office description of land: Lot No…………………… Location No……………………………………

Plan or Diagram…………………… Certificate of Title Vol…………………… Folio……………………

Nearest road junction or intersection………………………………………………………………………………

Description of proposed Development………………………………………………………………………………
………………………………………………………………………………………………………………………………

Description of proposed Land Use………………………………………………………………………………
………………………………………………………………………………………………………………………………
Proposed Building Type

Variations sought to applicable design standards

State nature of any existing buildings and/or land use

Car Parking: No of on-site car bays............No of car bays provided as cash-in-lieu............

Approximate cost of proposed Development (excluding GST)$ ................................................

Estimated time of completion or commencement of use..........................................................

“I support the lodgement of this application and, by signing this form, I consent to the City of Wanneroo / Western Australian Planning Commission copying the plans for any purposes reasonably necessary to assess and determine the application."

Signed by the owner(s) of the land...........................................Date...........................................

All details must be completed.

The Council may require further information to support the application. The Applicant will be advised as soon as possible should this be the case.

All applications are to be accompanied by:
☐ Three (3) copies of:
   ● Signed Application for Approval to Commence Development/MRS Form
   1
   ● A signed Certification from the Town Architect
   ● Original copy of feature Survey Plan
   ● Site Plan
   ● Floor Plan(s)
   ● Elevation Drawings
   ● Fees (Refer Fee Schedule)

As well as the hard copies plans should be submitted in digital format.
SITE PLAN
- Drawn to Scale at not less than 1:200
- Street name(s)
- North point
- Existing and proposed buildings
- Existing and proposed uses
- Existing and proposed ground and finished levels (relative to a nominated datum point or AHD)
- Driveways/access points
- Lot dimensions
- Setbacks
  1. Boundary
  2. Internal (Stratas)
- Details and location of any fencing
- Location & layout of any car parking areas
- Proposed landscaping areas

FLOOR PLANS
- Drawn to Scale of 1:100 or 1:200
- A Plan of every Storey with floor levels (RL or AHD)
- Room layout including walls, doors window & proposed use of each room
- Dimensions of buildings

ELEVATION DRAWINGS
- Drawn to Scale of 1:100 or 1:200
- View of every face of proposed buildings(s)/Structure(s) detailing all openings (doors and windows)
- Building materials & colours
- Relationship with adjoining land use(s), building(s) or structure(s)
- Signage
- Show floor levels (RL or AHD)

Applicant's full name: ____________________
Applicant's signature: ____________________
Contact number: ________________________
Date submitted: ________________________

Accepting officer’s signature: ____________________
Date: ____________________________
DEVELOPMENT APPLICATION CERTIFICATION

Division B of the City of Wanneroo District Planning Scheme No 2

Proposal .........................................................................................................................................................
..................................................................................................................................................................
...

Applicant ......................................................................................................................................................

On land at ......................................................................................................................................................
..................................................................................................................................................................
......

The Development Application is certified as a *(please tick box)*:

1. Compliant Development Application .........................................................................................................
   Recommended modification(s)
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   .......

2. Variant Development Application ...............................................................................................................
   Specify variation(s)
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   .......
   Statement of support *(explain reasons application falls within spirit of Community Design Code and relevant Transect Area Plan)*
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   .......
   Recommended modification(s)
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   ..................................................................................................................................................................
   .......


3. Non-Compliant Development Application

Specify non-compliance

...........................................................................................................................................................................................
...........................................................................................................................................................................................
...........................................................................................................................................................................................
...........

Dated the day of 20##

__________________________
TOWN ARCHITECT
Attachment 5

Scheme Amendment Map
Proposed Scheme Amendment Plan No. 115
City of Wanneroo
District Planning Scheme No.2
Scheme Report