

TOWN OF CAMBRIDGE

LOCAL PLANNING SCHEME NO. 2

TOWN OF CAMBRIDGE LOCAL PLANNING SCHEME NO. 2 – AMENDMENTS

AMD NO.	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	

SCHEME DETAILS

TOWN OF CAMBRIDGE

LOCAL PLANNING SCHEME NO. 2

The Town of Cambridge under the powers conferred by the Planning and Development Act 2005 makes the following Local Planning Scheme.

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PART 1 — PRELIMINARY

1. Citation

This local planning scheme is the Town of Cambridge Local Planning Scheme No 2.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked —

Town of Cambridge Local Planning Scheme No. 1 - gazetted 31 March 1998

4. Notes do not form part of Scheme

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

Note:

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

5. Responsibility for Scheme

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

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

Note:

The Scheme area (or part) is also subject to the Metropolitan Region planning scheme (see clause 12).

7. Contents of Scheme

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

8. Purposes of Scheme

The purposes of this Scheme are to —

- (a) set out the local government's planning aims and intentions for the Scheme area; and

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

9. Aims of Scheme

The aims of this Scheme are —

- (a) To provide capacity for enough housing to meet current and future needs of the community, with infill development concentrated into areas identified by the Local Planning Strategy, allowing density levels in surrounding areas to be maintained;
- (b) To provide capacity for land uses that provide employment growth and business diversity to serve the community;
- (c) Recognise and protect desired heritage and character of the area;
- (d) Providing land uses and densities that allows the community to reduce the dependency on private motor vehicles;
- (e) Providing enough open space and community infrastructure that the community can use and enjoy;
- (f) To result in environmentally sustainable development that reduces demand on infrastructure; and
- (g) To preserve the natural assets of the area.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other local planning schemes of the Town of Cambridge which apply to the Scheme area.

12. Relationship with region planning scheme

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

Note:

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

PART 2 — RESERVES**13. Regional Reserves**

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

Note:

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

14. Local reserves

- (1) In this clause —
Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;
Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.
- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows —

Table 1 — Reserve objectives

Reserve name	Objectives
Public Open Space	• To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Civic and Community	• To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities and other services by organisations involved in activities for community benefit.
Education	• Public Purposes which specifically provide for a range of essential education facilities.
Car Park	• To set aside land required for a car park.
Primary Distributor Road	• To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	• To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	• To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	• To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

- (1) Table 2 sets out —
- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - (b) the conditions that apply to that additional use.

Table 2 – Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
1.	Wembley Community Centre Lot 503 (Nos. 183-203) Jersey Street, Wembley	Commercial Kitchen	Nil.

- (2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

PART 3 — ZONES AND USE OF LAND**16. Zones**

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

Table 3 — Zone objectives

Zone name	Objectives
Residential	• To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Local Centre	• To provide a range of small-scale retail and service uses for the immediate neighbourhood, that are easily accessible but which do not adversely impact on the amenity of adjoining residential areas. • To focus on the main daily household shopping and community needs. • To encourage high quality, pedestrian friendly, street-orientated development. • To ensure non-residential uses are located at street level and are compatible with adjoining residential uses.
Neighbourhood Centre	• Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services. • Encourage high quality, pedestrian-friendly, street-orientated development. • To provide for a range of quality residential development opportunities, to meet the diverse needs of the community. • To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area.
Centre	• Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. • Provide for centres to focus on weekly needs and services for a wider district catchment. • Provide a broad range of employment opportunities to encourage diversity within the centre. • Ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision for public transport and pedestrian links. • Provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community.
Commercial	• To provide for a range of shops, offices, restaurants, and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Zone name	Objectives
Mixed Use	- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. - To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare, and safety of its residents.
Private Community Purposes	- To provide sites for privately owned and operated recreation, institutions, and places of worship. - To integrate private recreation areas with public recreation areas wherever possible. - To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. - To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	- To facilitate special categories of land uses which do not sit comfortably within any other zone. - To enable the local government to impose specific conditions associated with the special use.
Urban Development	- To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. - To provide for a range of residential densities to encourage a variety of residential accommodation.

17. Zoning table

The zoning table for this Scheme is as follows —

Table 4 – Zoning Table

USE AND DEVELOPMENT CLASS	ZONES							
	Residential	Local Centre	Neighbourhood Centre	Centre	Commercial	Mixed Use	Private Community Purposes	Special Use
Art Gallery	X	D	P	P	P	D	D	Refer to clause 21
Betting Agency	X	A	A	D	A	A	X	
Bulky Goods Showroom	X	D	P	P	D	D	X	
Car Park	X	A	D	D	D	D	D	
Child Care Premises	A	P	P	P	D	P	A	
Cinema/Theatre	X	X	P	P	D	A	X	
Civic Use	D	D	P	P	D	D	D	
Club Premises	X	X	D	D	D	D	P	
Commercial Kitchen	X	A	D	D	D	D	D	
Community Purpose	A	D	P	P	D	D	D	
Consulting Rooms	X	P	P	P	P	P	X	
Convenience Store	A	P	P	P	P	P	X	
Drive Through Food Outlet	X	A	A	P	D	X	X	
Educational Establishment	X	D	P	P	D	D	D	
Fast Food Outlet	X	P	P	P	P	P	X	
Funeral Parlour	X	X	D	D	D	A	X	
Grouped Dwelling	P	D(2)	D(2)	D(2)	D(2)	D(2)	X	
Home Business	A(1)	P(1)	P(1)	P(1)	P(1)	D(1)	X	
Home Occupation	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	X	
								Refer to sub-clause 18(6) and Clause 33

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Local Centre	Neighbourhood Centre	Centre	Commercial	Mixed Use	Private Community Purposes	Special Use	Urban Development
Home Office	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	X		
Home Store	A(1)	P(1)	P(1)	P(1)	P(1)	D(1)	X		
Hospital	X	X	X	D	D	X	X		
Hosted Short-Term Rental Accommodation	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	X		
Hotel	X	A(2)	P(2)	P(2)	D(2)	P(2)	X		
Independent Living Complex	P	D(2)	D(2)	D(2)	D(2)	D(2)	X		
Industry - Light	X	A	A	A	D	D	X		
Liquor Production Facility	X	X	A	D	D	A	X		
Liquor Store - Large	X	X	A	A	D	X	X		
Liquor Store - Small	X	P	P	P	P	P	X		
Market	X	P	P	P	D	D	A		
Medical Centre	X	D	D	P	D	D	X		
Motor Vehicle, Boat, or Caravan Sales	X	X	X	A	D	X	X		
Multiple Dwelling	P	P(2)	P(2)	P(2)	D(2)	P(2)	X		
Nightclub	X	X	X	A	X	X	X		
Office	X	P	P	P	P	P	D		
Place of Worship	A	A	D	P	D	D	D		
Reception Centre	X	X	D	P	D	D	A		
Recreation - Private	X	A	A	D	D	A	D		
Residential Care Facility	A	D(2)	P(2)	P(2)	D(2)	D(2)	X		
Restaurant/Cafe	X	P	P	P	P	P	X		
Restricted Premises	X	A	A	A	A	A	X		
Service Station	X	A	D	D	A	A	X		
Shop - Large	X	X	D	P	D	D	X		
Shop - Medium	X	D	P	P	D	D	X		
Shop - Small	X	P	P	P	P	P	X		
Single House	P	D(2)	D(2)	D(2)	D(2)	D(2)	X		
Small Bar	X	A	P	P	D	D	X		
Tavern	X	A	P	P	D	D	X		
Telecommunications Infrastructure	X	D	D	D	D	D	A		
Tourist and Visitor Accommodation	X	A(2)	A(2)	A(2)	A(2)	D(2)	X		
Unhosted Short-Term Rental Accommodation	A	D(2)	D(2)	D(2)	D(2)	D(2)	X		
Vehicle Repair/Wash	X	X	A	A	A	A	X		
Veterinary Centre	X	D	D	P	D	A	X		
Warehouse/Storage	X	D	D	P	D	D	X		

Notes –

1. The permissibility of this use is subject to the associated residential use first or simultaneously being approved unless the associated residential use is exempt from the requirement to obtain development approval in accordance with Clause 61 of the Deemed Provisions.
2. The permissibility of this use is subject to the Additional Site and Development Requirement provisions in Table 10 of Clause 32.

18. Interpreting zoning table

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

- P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land;
- I means that the use is permitted if it is incidental or ancillary, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
 4. If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the Scheme as they relate to the use of land, then it is to be treated as a 'D' use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
- (a) a structure plan; or
 - (b) a local development plan.

19. Additional uses

(1) Table 5 sets out —

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

Table 5 – Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 4 (No. 17) Kerr Street, West Leederville	P- Office P- Warehouse/Storage	- The additional uses shall be carried out within and confined to the existing building and its curtilage; - The additional uses prescribed herein relate only to activities associated with the existing tavern on Lot 101 (No. 95-99) Cambridge Street, West Leederville, and no part of the land is to be used for any purposes which are independent of the tavern; - Storage must be confined to areas where stored material cannot be seen from Kerr Street and there is to be no storage in the setback area between the house and the neighbouring residential property to the south; - In the event that:- - the building is removed, destroyed or damaged to the extent that the replacement cost would on independent expert assessment be 75% or more of the value of the building immediately prior to removal destruction or damage; or - any of the buildings is not used for any lawful purpose including the additional uses for 6 consecutive months or more; or - any of the building ceases to be occupied by and in connection with the tavern referred to in the Additional Uses column; then the land is not thereafter to be used for any purpose other than a purpose approved by the local government and in accordance with Table 4 - Zoning Table.
A2	Lot 4 (No. 134) Salvado Road, Wembley	P- Carpark	- The additional uses shall be carried out within and confined to the subject site and its curtilage; - The use of Lot 4, Salvado Road, Wembley shall only be in association with and related to the uses on Lots 55, 56 and 57 Cambridge Street, Wembley.
A3	Lot 10 comprising Strata Lot 2 (No. 272) and Strata Lot 1 (No. 274) Cambridge Street, Wembley	P- Medical Centre P- Shop	A maximum of five practitioners at any one time will operate from the medical centre.
A4	Lot 353 (No. 24) Floreat Avenue, Floreat	P- Medical Centre – Dental Surgery	Nil.

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No.	Description of land	Additional use	Conditions
A5	Lot 336 (No. 58) St Leonards Avenue, West Leederville	A- Restaurant / Café	1. The additional use assigned to this property applies to the existing shop building attached to the rear dwelling and that part of the adjoining courtyard.
A6	Lots 15 (No. 210) Cambridge Street, Wembley	P- Medical Centre	1. A maximum of four (4) consulting rooms are to operate at any one time.
A7	Lot 181 (No. 61-69) Cambridge Street, West Leederville	P- Hospital	Nil.
A8	Lot 1 (No. 29) St Leonards Avenue, West Leederville	D- Restaurant / Café A- Small Bar	Nil.
A9	Lot 547 (No. 69) McCourt Street, West Leederville	A- Liquor Store A- Take Away Food Outlet	Nil.
A10	Lot 1 (No. 17/1) Finishline View, Floreat	D- Restaurant/Café	1. Maximum total plot ratio area of 200m ² .
A11	Lot 97 (No. 1) Oban Road, City Beach	D- Medical Centre	1. No more than 6 consulting rooms and 1 treatment room.
A12	• Lot 25 (No. 22) Pollen Grove; • Lot 28 (No. 18) Hortus Way; • Lot 29 (No. 7) Allison Drive; • Lot 30 (No. 187) Salvado Road; • Lot 31 (No. 185) Salvado Road; • Lot 260 (No. 2) Hortus Way; each of Jolimont	D- Restaurant/Café	Nil.
A13	Lot 1132 (No. 90) Harborne Street, Wembley	P- Medical Centre	Nil.
A14	Lot 1131 (No. 92) Harborne Street, Wembley	P- Medical Centre	Nil.
A15	Lot 243 (No. 446) Cambridge Street, Floreat	P- Consulting Rooms	Nil.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

- (1) Table 6 sets out —
- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that restricted use.

Table 6 – Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
There are no restricted uses which apply to this Scheme.			

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

- (1) Table 7 sets out —
- special use zones for specified land that are in addition to the zones in the zoning table; and
 - the classes of special use that are permissible in that zone; and
 - the conditions that apply in respect of the special uses.

Table 7 – Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	The St. John of God Hospital site and surrounding sites as defined on the Scheme Map.	P- Consulting Rooms P- Medical Centre D- Car Park D- Hospital D- Restaurant/Café D- Shop – Small All other land uses are a 'D' use, only if it is medically related or provides daily needs and services to the medical businesses within the Special Use zone.	Nil.

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

22. Non-conforming uses

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

- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if —
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

Notwithstanding the provisions of the R-Codes, the following special applications of the R-Codes apply –

- (a) in the suburbs of City Beach and Mount Claremont for properties zoned Residential R12.5 and R20, buildings are to be set back a minimum of 7.5 metres from the primary street (as defined by the local government) and 3.75 metres from the secondary street; and
- (b) in the suburb of Floreat for properties zoned Residential R12.5, buildings are to be set back a minimum of 9 metres from the primary street (as defined by the local government) and 4.5 metres from the secondary street.

27. Nil.

28. Nil.

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

- (1) The planning codes set out in Table 8, modified as set out in clause 30, are to be read as part of this Scheme.

Table 8 – State Planning Codes to be read as part of Scheme

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

- (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

30. Modifications of planning codes

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

31. Environmental conditions

- (1) The conditions set out in Table 9 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

Table 9 – Environmental conditions that apply to land in Scheme area

Scheme or amendment No.	Gazettal date	Environmental conditions
There are no environmental conditions imposed under the <i>Environmental Protection Act 1986</i> that apply to this Scheme.		

- (2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- (3) The local government must ensure that all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3 are published in accordance with clause 87 of the deemed provisions.
- (4) Subclause (3) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

32. Additional site and development requirements

- (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 10 – Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
ASR1	Lots 715, 716, 717, 718, 719, 720, 750, 751, 752, 753, 754 and 755 (No. 49) Peebles Road, Floreat (former Newman Junior College) as depicted on the Scheme Map.	1. To ensure a coordinated redevelopment of the site in the transition from a school to residential land uses, a single development approval is to encompass the entire redevelopment of the site, which is required to: a. ensure development is sited to allow the retention of existing trees. A tree management plan is to be approved by the decision maker as part of the application for development approval that details how the trees will be protected and maintained during construction in accordance with Australian Standard (AS4970); b. provide functional open space in suitable locations; and c. provide a diversity of dwelling types and sizes.

No.	Description of land	Requirement
ASR2	All land zoned: - Local Centre; - Neighbourhood Centre; - Centre; - Business; and - Mixed Use.	- The following land uses are not to have ground floor frontage to any street: - Grouped Dwelling; - Multiple Dwelling; and - Single House. - The following land uses are not to have accommodation on the ground floor fronting any street: - Hotel; - Independent Living Complex; - Motel; - Residential Care Facility; - Unhosted Short-Term Rental Accommodation; and - Tourist and Visitor Accommodation.
ASR3	All zoned land where a R-Code density code is assigned.	All new non-residential development shall comply with the provisions of the R-Codes with respect to plot ratio, setbacks, building height and open space unless otherwise specified in a structure plan, local development plan or local planning policy.
ASR4	- Lots 1-6 (Nos. 1-6/184); - Lot 1084 (No. 186); each of Harborne Street, Wembley as depicted on the Scheme Map.	Where development is proposed adjacent to McLeod Lane, the local government may require as a condition of development approval up to 2 metres of land to be ceded to the Crown free of cost for the purpose of widening the laneway to 6 metres.
ASR5	- Lot 538 (No. 284); - Lot 539 (No. 286); - Lot 540 (No. 288); - Lot 621 (No. 290); - Lot 622 (No. 292); - Lot 623 (No. 294); - Lot 624 (No. 296); - Lot 625 (No. 298); each of Cambridge Street, Wembley as depicted on the Scheme Map.	Where development is proposed adjacent to Adkins Lane or Dargin Lane, the local government may require as a condition of development approval up to 1 metre of land be ceded to the Crown free of cost for the purpose of widening the laneway to 6 metres.

33. Additional site and development requirements for areas covered by structure plan or local development plan

Table 11 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

Table 11 – Additional requirements that apply to land covered by structure plan or local development plan

No.	Description of land	Requirement
AR1	All land within the Wembley District Centre, as depicted on the Scheme Map.	Additional requirements are outlined in Schedule 4 Table 1 of this Scheme.
AR2	All land within the West Leederville District Centre, as depicted on the Scheme Map.	Additional requirements are outlined in Schedule 4 Table 2 of this Scheme.

No.	Description of land	Requirement								
AR3	All land within the Perry Lakes Redevelopment Area, bound by Alderbury Street, Brookdale Street, Underwood Avenue and Meagher Drive, Floreat as depicted on the Scheme Map.	1. For the purposes of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, a planning instrument referred to in column 1 of the following table is to be taken as a planning instrument of the type referred to in column 2 of the table. <table><tr><th>Planning Instrument</th><th>Type of Planning Instrument</th></tr><tr><td>Redevelopment Plan</td><td>Structure Plan</td></tr><tr><td>Detailed Area Plan</td><td>Local Development Plan</td></tr><tr><td>Design Guidelines</td><td>Local Development Plan</td></tr></table>	Planning Instrument	Type of Planning Instrument	Redevelopment Plan	Structure Plan	Detailed Area Plan	Local Development Plan	Design Guidelines	Local Development Plan
Planning Instrument	Type of Planning Instrument									
Redevelopment Plan	Structure Plan									
Detailed Area Plan	Local Development Plan									
Design Guidelines	Local Development Plan									
AR4	Lot 9001 on Deposited Plan 58139, The Boulevard, City Beach (former quarry site adjacent Alkoomie Terrace) as depicted on the Scheme Map.	1. Prior to development, detailed environmental and geotechnical investigations are to be undertaken to determine appropriate future uses and built-form.								

34. Variations to site and development requirements

- (1) In this clause –

additional site and development requirements means requirements set out in clauses 32 and 33.

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

35. Restrictive covenants

- (1) A restrictive covenant affecting the land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5 — SPECIAL CONTROL AREAS**36. Special control areas**

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 12.

Table 12 – Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Coastal hazard risk area	To provide guidance as to the appropriate scope of land use and development to be permitted within a coastal erosion and inundation hazard risk area.	1. To ensure land in the coastal zone is continuously available for coastal foreshore management, public access, recreation and conservation. 2. To ensure public safety and reduce risk associated with coastal erosion and inundation. 3. To avoid inappropriate land use and development of land at risk from coastal erosion and inundation. 4. To ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves. 5. To ensure that development addresses the Town of Cambridge Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with State Planning Policy 2.6 - State Coastal Planning Policy and the relevant local planning policy. 6. To indicate to current and future landowners that properties are located within a coastal hazard area and likely to be affected by coastal erosion and/or inundation over the 100-year planning timeframe identified in State Planning Policy 2.6 - State Coastal Planning Policy.	1. All proposed development within the Special Control Area requires development approval. 2. Development approval is to be issued on a temporary or time limited basis. 3. Notification on Certificate of Title that the land is located within a coastal hazard area and likely to be affected by coastal erosion and/or inundation over the planning timeframe. 4. All development proposals are to be in accordance with the Town of Cambridge's coastal Local Planning Policy which guides future development in the coastal zone.

PART 6 — TERMS REFERRED TO IN SCHEME

Division 1 — General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

<i>curtilage</i>	in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.
<i>floor area</i>	has meaning given in the Building Code.
<i>plot ratio</i>	(a) if the building or part of the building is used for residential purposes, plot ratio for the residential portion of the building has the meaning given in the R-Codes; or (b) if the building or part of the building is used for purposes other than residential purposes, plot ratio for the non-residential portion of the building means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
<i>predominant use</i>	means the primary use of premises to which all other uses carried out on the premises are incidental.
<i>retail</i>	means the sale or hire of goods or services to the public.
<i>streetscape</i>	means — (a) the total visual impression gained from any one location within a street including the natural and man-made elements; and (b) is made up of the appearance of and the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths, and landscaping.
<i>wholesale</i>	means the sale of goods or materials to be sold by others.

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

Division 2 — Land use terms used in Scheme

38. Land use terms used

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

<i>art gallery</i>	means premises — (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
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<i>betting agency</i>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
<i>bulky goods showroom</i>	means premises – (a) used to sell goods and services that are of a bulky nature; and (b) excludes the sale of foodstuffs, alcohol, medicines, footwear, or clothing unless their sale is ancillary to the sale of bulky goods.
<i>car park</i>	means premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
<i>child care premises</i>	means premises where – (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
<i>cinema/theatre</i>	means premises where the public may view a motion picture or theatrical production.
<i>civic use</i>	means premises used by a government department, an instrumentality of the State or the local government, for administrative, recreational, or other purposes.
<i>club premises</i>	means premises used by a legally constituted club or association or other body of persons united by a common interest.
<i>commercial kitchen</i>	means premises used for the preparation of food, but does not involve the retail sale and serving of food on-site, and does not include a food outlet or restaurant/café.
<i>community purpose</i>	means premises designed or adapted primarily for the provision of educational, social, and recreational facilities and services by organisations involved in activities for community benefit but excludes uses associated with alcohol or other drug rehabilitation services.
<i>consulting rooms</i>	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
<i>convenience store</i>	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens, or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² net lettable area.
<i>drive through food outlet</i>	means a fast food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles.
<i>educational establishment</i>	means a premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy, or other educational institution.
<i>fast food outlet</i>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises; but does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles.

<i>funeral parlour</i>	means premises used – (a) to prepare and store bodies for burial or cremation; and/or (b) to conduct funeral services.
<i>grouped dwelling</i>	means a dwelling that has the meaning in the R-Codes.
<i>home business</i>	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service, or profession if the carrying out of the business, service, or profession – (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
<i>home occupation</i>	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation – (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m ² ; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m ² ; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not – (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair, or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
<i>home office</i>	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation – (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.

home store	means a shop attached to a dwelling that — (a) has a net lettable area not exceeding 100 m ² ; and (b) is operated by a person residing in the dwelling.
hospital	means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8 (4).
hosted short-term rental accommodation	means as defined in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2.
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
independent living complex	means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation but does not include a development which includes these features as a component of a residential care facility.
industry — light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided, or managed.
liquor production facility	means premises capable of being granted a licence authorising the production of beer, cider, or spirits under the <i>Liquor Control Act 1988</i> .
liquor store — large	means premises other than a bulky goods showroom, a liquor store — small, a shop — large, a shop — medium, or a shop - small capable of being granted a licence under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² .
liquor store — small	means premises other than a bulky goods showroom, a liquor store — large, a shop — large, a shop — medium, or a shop - small capable of being granted a licence under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² .
market	means premises used for the display and sale of goods from temporary stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
motor vehicle, boat, or caravan sales	means premises used to sell or hire motor vehicles, boats, or caravans.
multiple dwelling	means a dwelling that has the meaning in the R-Codes.
nightclub	means premises capable of being granted a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional, or similar business activities.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue, or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation — private	means premises that are — (a) used for indoor or outdoor leisure, recreation, sport, or amusement; and (b) not usually open to the public without charge.

<i>residential care facility</i>	means a residential facility providing personal and / or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes – (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; and (c) furnishings, furniture, and equipment. This may consist of components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation, or psychiatric facility.
<i>restaurant/cafe</i>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises capable of being granted a licence under the <i>Liquor Control Act 1988</i>.
<i>restricted premises</i>	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 <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and (b) materials, compounds, preparations, or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
<i>service station</i>	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs, or wrecking, that are used for – (a) the retail sale of fuel products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the charging of electric vehicles; and/or (c) the carrying out of greasing tyre repairs and minor mechanical repairs to motor vehicles.
<i>shop - large</i>	means premises other than a bulky goods showroom, a liquor store – large, a liquor store – small, a shop – medium, or a shop - small, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services with a net lettable area of more than 1,500m².
<i>shop – medium</i>	means premises other than a bulky goods showroom, a liquor store – large, a liquor store – small, a shop – large, or a shop - small, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services with a net lettable area of more than 750m² and no more than 1,500m².
<i>shop – small</i>	means premises other than a bulky goods showroom, a liquor store – large, a liquor store – small, a shop – large, or a shop - medium, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services with a net lettable area of no more than 750m².
<i>single house</i>	means a dwelling that has the meaning in the R-Codes.
<i>small bar</i>	means premises capable of being granted a small bar licence under the <i>Liquor Control Act 1988</i>.

tavern	means premises capable of being granted a tavern licence under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure related to the network.
tourist and visitor accommodation	(a) means a building, or a group of buildings forming a complex, that – (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but (c) does not include any of the following – (i) an aged care facility as defined in the <i>Land Tax Assessment Act 2002</i> section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the <i>Health (Miscellaneous Provisions) Act 1911</i> section 3(1); (v) a park home park; (vi) a retirement village as defined in the <i>Retirement Villages Act 1992</i> section 3(1); (vii) a road house; (viii) workforce accommodation.
unhosted short-term rental accommodation	means as defined in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2.
vehicle repair/wash	means premises used for or in connection with electrical, mechanical, or tyre repairs, or washing of vehicles, but excludes panel beating, spray painting or chassis reshaping of vehicles, or recapping or re-treading of tyres.
veterinary centre	means premises used to diagnose animal diseases or disorders, to treat animals surgically or medically, or for the prevention of animal diseases or disorders.
warehouse/storage	means premises, including indoor or outdoor facilities used for – (a) the storage of goods, equipment, plant, or materials; or (b) the display or sale by wholesale of goods.

SCHEDULES**SCHEDULE 1 – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS**

Relevant Deemed Provisions	Supplemental Provisions
Clause 9A – Transitional arrangements for heritage areas and heritage list	(1) Where a property has been included on the Heritage List or where an area has been designated as a Heritage/Conservation Area under Local Planning Scheme No. 1 and/or in accordance with the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, they shall continue to have effect, and may be amended or revoked as if they were included on the Heritage List, or designated as a Heritage Area under Local Planning Scheme No. 2. (2) The Heritage List and Conservation Areas established under Local Planning Scheme No. 1, in existence as at 18 October 2015, continues respectively as the Heritage List and Heritage Areas.
Clause 13B – Significant Tree Register	(1) The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation. (2) The significant tree register – (a) must set out a description of each tree, its location and the reason for its entry in the significant tree register; and (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and (c) may be published on the website of the local government. (3) The local government must not enter a tree, or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. A written nomination can only be made by the owner of the land which contains the tree. (4) Upon receiving a written nomination in accordance with subclause (3), the local government may: (a) carry out any other consultation the local government considers appropriate; and (b) following any consultation and consideration of the submissions made on the proposal, resolve that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register. (5) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree. (6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.
Clause 60 – Development for which development approval is required	Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree included on the local governments significant tree register.

Relevant Deemed Provisions	Supplemental Provisions
Clause 66A – Design Review Panel	(1) The local government may appoint a design review panel for the purpose of considering and advising the local government with respect to applications and/or planning documents. The design review panel may be consulted on design matters relating to development. (2) The local government shall prepare and adopt a Local Planning Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted. (3) When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the decision-maker shall have due regard for that recommendation.

SCHEDULE 2 – SPECIAL USE ZONES

Schedule 2 sets out requirements relating to development in Special Use Zones in the Scheme area which are additional to the requirements set out in Clause 21 of this Scheme.

There are no Special Use zone requirements in Schedule 3 at this time.

SCHEDULE 3 – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans, or State or local planning policies, and which are additional to the requirements set out in Clause 32 of this Scheme.

There are no additional site and development requirements in Schedule 3 at this time.

SCHEDULE 4 – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS THAT APPLY TO LAND COVERED BY STRUCTURE PLAN OR LOCAL DEVELOPMENT PLAN

Schedule 4 sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015, and local development plans that apply in the Scheme area, and which are additional to the requirements set out in Clause 33 of this Scheme.

Table 1. Wembley District Centre	
Location	All land within the Wembley District Centre, as defined in the Wembley Activity Centre Plan.
	
Ceding of Land for the Widening of Existing Laneways and/or the Creation of New Laneways	Existing laneways requiring widening and new laneways in accordance with the below Wembley District Centre Laneway Widening Map are subject to the following provisions: 1. Land to be ceded: a. A condition may be imposed on any development approval granted for the development of the site containing that land requiring it to be ceded for: i. A laneway widening to 6 metres; and/or ii. For a new 6 metre laneway if in the opinion of the local government the development to which the development approval relates is substantial. Where such a condition is imposed, it shall be in accordance with subclause 1b. b. Where a condition is imposed by the Local Government on a development approval requiring land to be ceded for the purposes of widening an existing laneway or a new laneway, the condition shall state that the land is to be ceded: i. To the Crown prior to commencement of development; ii. At the cost of the landowner without any reimbursement of that cost by the Local Government; and iii. Without the payment of any compensation to the landowner. c. Where part of a lot has been ceded in accordance with subclauses 1a and 1b, once ceded, the area shall be added to the area of the lot for the purpose of calculating the minimum and average site area in determining development potential for the remaining part of the lot.

2. Upgrading and Construction of Laneways:
 - a. The Local Government may, if it grants development approval, and if in the opinion of the local government the development to which the development approval relates is substantial, impose a condition on the development approval which requires an existing laneway abutting the site or a new laneway to be upgraded to the satisfaction of the Local Government at the applicants cost in accordance with the specifications outlined in any approved structure plan or local development plan.
 - b. Upgrades may include if required, but are not limited to on-street trees, street lighting and landscaping.



Wembley District Centre
Laneway Widening Map

— New 6m Laneway
 Widening to 6m

Table 2. West Leederville District Centre

Location	All land within the West Leederville District Centre, as defined in the West Leederville Precinct Structure Plan.
	
Provisions applicable to Precinct 1 (Cambridge High Street), as defined in the West Leederville Precinct Structure Plan	<u>Additional Building Height and Plot Ratio</u> 1. Additional building height of 2 storeys and additional plot ratio of 25% is available at the discretion of the Town of Cambridge for a development site that cedes a new laneway identified in West Leederville Precinct Structure Plan Figure 12 Existing and new laneways and plaza locations. 2. Additional building height of 6 storeys and additional plot ratio of 50% is available at the discretion of the Town of Cambridge for a development site that cedes both a new laneway and a new plaza identified in West Leederville Precinct Structure Plan Figure 12 Existing and new laneways and plaza locations.
Provisions applicable to Precinct 3 (Southport Street), as defined in the West Leederville Precinct Structure Plan	<u>Additional Building Height and Plot Ratio</u> 1. Additional building height of 2 storeys and additional plot ratio of 25% is available at the discretion of the Town of Cambridge for a development site that cedes a new laneway identified in West Leederville Precinct Structure Plan Figure 12 Existing and new laneways and plaza locations. 2. Additional building height of 6 storeys and additional plot ratio of 50% is available at the discretion of the Town of Cambridge for a development site that cedes both a new laneway and a new plaza identified in West Leederville Precinct Structure Plan Figure 12 Existing and new laneways and plaza locations.
Laneway Provision and Widening Requirements	<u>Existing Laneways Requiring Widening</u> 1. Land to be ceded: a. Where a provision of an approved structure plan or local development plan which relates to land within the West Leederville District Centre refers to the ceding of any land identified as land required to be ceded for the purposes of widening an existing laneway, then a condition may be imposed on any development approval granted for the development of the site containing that land requiring it to be ceded if in the opinion of the local government the development to which the development approval relates is substantial. Where such a condition is imposed, it shall be in accordance with subclause 1b. b. Where a condition is imposed by the Local Government on a development approval requiring land to be ceded for the purposes of widening an existing laneway, the condition shall state that the land is to be ceded: i. to the Crown prior to commencement of development; ii. at the cost of the landowner without any reimbursement of that cost by the Local Government; and iii. without the payment of any compensation to the landowner. c. Where part of a lot has been ceded in accordance with subclauses 1a and 1b, once ceded, the area shall be added to the area of the lot for the purpose of calculating the minimum and average site area in determining development potential for the remaining part of the lot.

	2. Upgrading Existing Laneways a. Where a provision of an approved structure plan or local development plan refers to the upgrade of existing laneways, then the Local Government may, if it grants development approval, and if in the opinion of the local government the development to which the development approval relates is substantial, impose a condition on the development approval which requires the existing laneways abutting the site subject of the approval to be upgraded to the satisfaction of the Local Government at the applicants cost in accordance with the specifications outlined in any approved structure plan or local development plan. b. Upgrades may include if required, but are not limited to on-street trees, street lighting and landscaping. <u>New Laneways:</u> 1. An approved structure plan or local development plan which relates to land within the West Leederville District Centre may identify new laneways for which land is required to be ceded for the purposes of these new laneways. 2. Where development is proposed on a site where a laneway has been identified in accordance with the above clause as required, the Local Government may if it grants development approval, and if in the opinion of the local government the development to which the development approval relates is substantial, impose conditions on that development approval which require: a. the land so affected to be ceded in accordance. Where such a condition is imposed, it shall be in accordance with subclause 3 and; b. the laneway to be constructed at the applicants cost in accordance with the specifications outlined in any approved structure plan or local development plan, including if required, but not limited to, road pavement, street lighting, on-street trees, and landscaping. 3. Where a condition is imposed by the Local Government on a development approval requiring land to be ceded for the purposes of the provision of a new laneway, the condition shall state that the land is to be ceded: a. to the Crown prior to commencement of development; b. at the cost of the landowner without any reimbursement of that cost by the Local Government; and c. without the payment of any compensation to the landowner.
Plaza Provision Requirements	1. An approved structure plan or local development plan which relates to land within the West Leederville District Centre may identify plaza locations for which land is required to be ceded for the purposes of these plazas. 2. Where development is proposed on a site where a plaza has been identified in accordance with the above clause as required, the Local Government may, if it grants development approval, and if in the opinion of the local government the development to which the development approval relates is substantial, impose conditions on that development approval which require the land so affected to be ceded. Where such a condition is imposed, it shall be in accordance with subclause 3. 3. Where a condition is imposed by the Local Government on a development approval requiring land to be ceded for the purposes of the provision of a plaza, the condition shall state that the land is to be ceded: a. to the Crown prior to commencement of development; b. at the cost of the landowner without any reimbursement of that cost by the Local Government; and c. without the payment of any compensation to the landowner.