



# **Development Requirements**

## Development Requirements

### 22 Source of Development Requirements

Unless otherwise consistent with a development approval, development is to comply with the standards and requirements contained in this Scheme.

**NOTE:** 1. *This Scheme comprises the Scheme text, the Scheme Map, the Building Heights Plan and the Plot Ratio Plan, as well as other documents listed in clause 3(1).*  
2. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

### 23 R-Codes

- (1) The R-Codes apply only -
  - (a) to a residential development on land to which this Scheme or a precinct plan designates a density code; and
  - (b) to the extent expressly specified in this Scheme, or in the relevant precinct plan, as applying to a residential development, or to the relevant land.
- (2) The plot ratio and building height provisions of R-Codes do not apply to a residential development.
- (3) A residential development is to comply with the relevant plot ratio and building height requirements (if any) of this Scheme.

**NOTE:** 1. *This Scheme comprises the Scheme text, the Scheme Map, the Building Heights Plan and the Plot Ratio Plan as well as other documents listed in clause 3(1).*  
2. *A copy of the R-Codes, as amended, is to be available for public inspection at the offices of the local government.*  
3. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

### 24 Variations to the R-Codes

- (1) The specific provisions of this Scheme which constitute variations from the provisions of the R-Codes are listed in Schedule 6.
- (2) If a provision of the R-Codes is inconsistent with a provision listed in Schedule 6, the latter is to prevail to the extent of that inconsistency.

**NOTE:** 1. *Subject to Amendment No.35 gazetted on 24 February 2017.*

### 25 Densities

- (1) Subject to compliance with the procedures set out in clause 64 of the Deemed Provisions, the local government may grant an increase in the permitted dwelling density by up to 50% if -
  - (a) the proposed development effects the discontinuance of non-conforming use; or
  - (b) the proposed development conserves or enhances an existing building which in the local government's opinion is worthy of retention due to its heritage or aesthetic value.



- (2) Where the local government allows an increase in the permitted dwelling density, any applicable standards and provisions of the R-Codes are to be determined by reference to that higher density.

**NOTE:** 1. Subject to Amendment No. 35 gazetted on 24 February 2017.

## 26 Building Heights and Setbacks

- (1) The height of a building on the frontage of a lot (where permitted) and within the street building height area should not exceed the maximum street building height specified by the Street Building Height and Setback Plan.
- (2) Subject to subclause (1), the height of a building should not exceed the maximum height specified by the Maximum Building Height Plan.
- (3) The setback of a building from the frontage of the lot(s) on which it is located should comply with any applicable setback specified by the Street Building Height and Setback Plan, the Maximum Building Height Plan or required by a precinct plan or planning policy referred to in either Plan.
- (4) The setback of a building from the side and rear boundaries of the lot(s) on which it is located should comply with any side and rear setbacks required by a precinct plan or planning policy.

**NOTE:** 1. Refer also to the Building Heights and Setbacks Policy which is contained in the Policy Manual.  
2. Refer to the precinct plans which specify the particular character appropriate for each precinct.  
3. Subject to Amendment No. 26 gazetted on 18 July 2014.

## 27 Plot Ratio

- (1) Unless otherwise provided in this Scheme, the plot ratio of development shall not exceed the maximum plot ratios specified in the Plot Ratio Plan.
- (2) Notwithstanding subclause (1), the achievement of the maximum plot ratios specified on the Plot Ratio Plan shall be dependent upon the built form objectives of the Scheme also being achieved.

**NOTE:** 1. Subject to Amendment No. 25 gazetted on 26 February 2013.  
2. Clause 12 of the Deemed Provisions provides for variations to local planning scheme for heritage purposes.

## 28 Bonus Plot Ratio

- (1) Subject to this clause, the local government may permit, by way of the grant of development approval, an increase in the maximum plot ratio for development (in this clause referred to as 'bonus plot ratio') up to the maximum specified by the Maximum Bonus Plot Ratio Plan. Bonus Plot ratio may be comprised of one or more of the individual bonus plot ratio categories listed in subclause (2).
- (2) The local government may permit a bonus plot ratio of –
  - (a) up to a maximum of 20% per lot where in the opinion of the local government the development would –



- (i) result in the conservation of a place on the lot which is included in the local government's Heritage List and the development is located within the area shown on the Heritage Bonus Plot Ratio Plan as being eligible for heritage bonus plot ratio; and/or
  - (ii) include a public facility that would make a significant contribution to the amenities of the locality and the development is located within the area shown on the Public Facilities Bonus Plot Ratio Plan as being eligible for public facilities bonus plot ratio;
- (b) up to a maximum of 20% per lot where the development incorporates new residential use and the development is located within the area shown on the Residential Bonus Plot Ratio Plan as being eligible for residential bonus plot ratio; and
- (c)
  - (i) up to a maximum of 20% per lot where the development incorporates a new special residential use and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 20% or 40% special residential bonus plot ratio; or
  - (ii) up to a maximum of 40% per lot where the development incorporates a new hotel use and in the opinion of the local government the new hotel will provide high quality accommodation in accordance with the Bonus Plot Ratio Planning Policy and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 40% special residential (hotel) bonus plot ratio.
- (3) The local government may permit a combination of bonus plot ratio under clause 28 and transfer of transferrable plot ratio under clause 30 provided that the resulting increase in plot ratio does not exceed:
  - (a) 20% above the maximum plot ratio specified for the lot or part of the lot due to a combination of bonus plot ratio under clause 28(2)(a) and transfer of transferrable plot ratio; and
  - (b) the maximum plot ratio specified for the lot or part of the lot by more than the maximum bonus plot ratio for the lot or part of the lot, in all other cases.
- (4) Where bonus plot ratio is permitted for development which incorporates:
  - (a) a residential use under subclause (2)(b) the floor area of the building derived from the bonus plot ratio shall be used solely for the residential use;
  - (b) a special residential use under subclause (2)(c)(i) or 2(c)(ii) the floor area of the building derived from the bonus plot ratio shall be used solely for the special residential use.
- (5) The local government may only permit a bonus plot ratio where in addition to the requirements of this clause, the local government is satisfied that the development would not-
  - (a) adversely affect the cultural heritage significance of any place included in the local government's Heritage List or any Heritage Area designated by the local government; and



- (b) adversely affect the amenity, streetscape or desired character of the precinct in which the development is to be located; and
  - (c) have a significant adverse effect on an adjoining property or a property in the general locality.
- (6) Notwithstanding subclause (1) and subject to subclause (5), where an existing building has been developed pursuant to a development approval granted prior to the gazettal date-
- (a) with a floor area which exceeds the current maximum plot ratio specified for the lot on which the building(s) is located by at least 20%; and
  - (b) which is unable to receive a transfer of unused plot ratio under clause 30 because of the operation of subclause (3);

the local government may permit by the grant of development approval a minor bonus plot ratio-

- (i) for development above street level where such a bonus is sought as part of the refurbishment and/or upgrading of the existing building and the bonus does not result in an increase to the bulk, height or scale of the building; or
  - (ii) for development at street level where such a bonus is sought for a public facility or use that promotes pedestrian interest and activity at this level and the additional floor area derived from the bonus plot ratio is not used for office purposes.
- (7) The local government may not permit bonus plot ratio under this clause unless-
- (a) the relevant application is advertised in accordance with clause 64 of the Deemed Provisions; and
  - (b) any submissions duly received in response to that advertising are considered by the local government.

- NOTE:**
1. Subject to Amendment No. 6 gazetted on 19 December 2006, No. 25 gazetted on 26 February 2013, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.
  2. The expressions 'maximum plot ratio' and 'maximum bonus plot ratio' are defined in Schedule 4.
  3. Refer to City Planning Scheme No. 2: Bonus Plot Ratio Policy for information on public facilities and minor bonus plot ratio.
  4. Clause 8 of the Deemed Provisions provides for Heritage Lists.
  5. Clause 9 of the Deemed Provisions provides for Heritage Areas.

## 29 Sewerage Connection

Despite any provision of this Scheme to the contrary, all developments are to be connected to a comprehensive sewerage system.

### 30 Transfer of Plot Ratio

- (1) The local government may, on request, approve a place as a donor site for the transfer of transferable plot ratio, if the place:
  - (a) is recorded in the Heritage List or located within a Heritage Area;
  - (b) cannot be developed to the maximum plot ratio specified in the plot ratio plan without adversely affecting the cultural heritage significance of:
    - (i) the place or its locality; or
    - (ii) any Heritage Area within which the place is located;
  - (c) is not a reserve or located in a reserve shown on the Scheme map and referred to in clause 12(1)(a) or (b); and
  - (d) is subject to a conservation plan if the place is of cultural heritage significance.
- (2) The local government may approve or refuse a request made under clause 30(1). Where it grants approval, the local government:
  - (a) shall determine the amount of transferable plot ratio on a donor site taking into account the need to retain an amount of unused plot ratio for future development or adaptation of the place; and
  - (b) shall impose conditions which must be satisfied prior to a place being recorded as a donor site in the register of transfer of plot ratio. These conditions shall include:
    - (i) the preparation of a heritage agreement, at the landowner's cost, to be signed by the landowner and the local government and, where the place is listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, the Heritage Council of Western Australia; and
    - (ii) if considered necessary by the local government for the conservation of the place, the completion of any urgent works specified in the conservation plan for the place.
- (3) Approval of a place as a donor site shall lapse if all conditions of the local government's approval are not fulfilled before the expiration of 12 months, or such further period as the local government may determine, from the date on which the local government resolved to grant the approval.
- (4) On fulfilment of all conditions of the local government's approval, the place shall be recorded as a donor site in the register of transfer of plot ratio in accordance with clause 31.
- (5) The local government may approve, by grant of development approval, the transfer of all or part of transferable plot ratio from a donor site on the register of transfer of plot ratio to a recipient site.
- (6) The local government may only approve the transfer of transferable plot ratio if:
  - (a) at the same time, it grants development approval for development of the recipient site that utilises all or part of a donor site's transferable plot ratio;



- (b) the development will have no significant adverse impact on the cultural heritage significance (if any) of the recipient site or its locality;
- (c) the development of the recipient site otherwise warrants approval under the Scheme; and
- (d) the resulting increase in plot ratio of the recipient site due to:
  - (i) the transfer of transferable plot ratio under clause 30 does not exceed the maximum plot ratio specified for the recipient site by more than 20%; and
  - (ii) the combination of the transfer of transferable plot ratio under clause 30 and any bonus plot ratio under clause 28; does not exceed the limits referred to in clause 28(3).
- (7) The transfer of transferable plot ratio from a donor site to a recipient site shall be effective on receipt of evidence of proof of purchase of the transferable plot ratio by the recipient site.
- (8) Transferable plot ratio once recorded to a recipient site on the register of transfer of plot ratio shall not be on sold from the recipient site to another site.

**NOTE:** 1. Subject to Amendment No. 23 gazetted on 31 July 2012, No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

### 31 Register of Transfer of Plot Ratio

- (1) The local government is to record, in a register of transfer of plot ratio:
  - (a) places that have been approved as donor sites and for which all conditions imposed under clause 30(2)(b) have been satisfied;
  - (b) the transferable plot ratio that is available from a donor site;
  - (c) details of recipient sites that receive transferable plot ratio and the amount transferred; and
  - (d) any remaining transferable plot ratio on a donor site.
- (2) A copy of the register is to be:
  - (a) kept at the offices of the local government; and
  - (b) made available for public inspection during office hours.
- (3) An amendment to the register of transfer of plot ratio may be made by resolution of the local government.

**NOTE:** 1. Subject to Amendment No. 23 gazetted on 31 July 2012 and No. 35 gazetted on 24 February 2017.