

Schedule 3 — Restricted uses

[cl. 4.6]

No.	Description of land	Restricted use	Conditions
1.	Lot 51 on D72876 (No.174 - 176) Great Eastern Highway, Midvale	<ul style="list-style-type: none"> - Post Office - Lunch Bar 	No other uses permitted except those uses considered to be incidental to the Post Office use.
2.	Land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews, in the locality of Baskerville, as delineated on the Scheme maps.		<i>Deleted by Amend. 35 – Gov. Gaz. 05.02.2013</i>
3.	Lot 42 on P934 (No.86) Great Northern Highway (cnr John Street), Midland	<p>“P”</p> <ul style="list-style-type: none"> - Local Shop; - Car Sales Lot 	
4.	Lot 303 & 304 on P31770 (No.65 & No.63) Great Northern Highway, Midland		<i>Deleted by Amend. 73 – Gov. Gaz. 07.12.2012</i>
5.	Lot 8 on P2112 (No.107) Great Northern Highway, Midland	<p>“P”</p> <ul style="list-style-type: none"> - Local Shop 	
6.	Lot 38 on P1236 (No.52) Great Northern Highway (cnr Charles Street), Midland	<p>“P”</p> <ul style="list-style-type: none"> - Local Shop; - Dry Cleaning Premises 	
7.	Lot 22 on P2112 (No.75-77) & Lot 23 on S26729 (No.66-73) Great Northern Highway (cnr Charles Street), Midland	<p>“P”</p> <ul style="list-style-type: none"> - Local Shop 	
8.	Lot 107 & 108 on D84494 (No.155) Viveash Road, Jane Brook	<p>“P”</p> <ul style="list-style-type: none"> - Dwelling (Single House); - Home Occupation; - Rural Home Occupation; <p>“D”</p> <ul style="list-style-type: none"> - Home Business; - Public Utility; <p>“A”</p> <ul style="list-style-type: none"> - Radio & TV Installation Private 	<ol style="list-style-type: none"> 1. The minimum lot area shall be 1 ha. 2. All buildings shall be located within the Building Envelope depicted on the approved Outline Development Plan for the site. 3. The removal of vegetation shall be limited to the building envelope and those areas necessary for access, fencing and firebreaks.
9.	Portion of Lot 107 & 108 on D84494 (No.155) Viveash Road, Jane Brook	The uses on the sites shall be restricted as follows with respect to a 13m wide buffer along Viveash Road and subject to the following.	<ol style="list-style-type: none"> 1. The subject area shall not be used for any buildings, vehicle parking or storage. 2. The subject area shall be landscaped in accordance with a landscaping plan approved in writing by the Council and maintained by the owner.

No.	Description of land	Restricted use	Conditions
9. Cont.			<p>3. Prior to the subdivision of the land, uniform fencing approved by the Council shall be constructed along Viveash Road. Such fencing shall be maintained by the owners.</p> <p>4. Setback requirements under the Residential Design Codes shall be measured from the western edge of the buffer strip.</p>
10.	<p>Lot 1 on D87544 (No.20) Bonner Drive</p> <p>Lot 2 on S34061 (No.28) Bonner Drive</p> <p>Lot 3 on S31562 (No.2) Enterprise Crescent</p> <p>Lot 4 on S32680 (No.8) Enterprise Crescent</p> <p>Lot 5 on P20832 (No.12) Enterprise Crescent</p> <p>Lot 6 on S31720 (No.16) Enterprise Crescent</p> <p>Lot 7 on P20832 (No.22) Enterprise Crescent, Malaga</p>	<p>Uses which could adversely be affected by dust or grit emanating from the adjacent brickworks are not permitted except with the special approval of Council. The Council may seek advice from the Environmental Protection Authority in respect of any use proposed to ascertain whether that use will be so affected.</p>	
11.	<p>Lot 852 on D75520 (No.1892) Beach Road (cnr Crocker Drive), Malaga</p>	<p>"P"</p> <ul style="list-style-type: none"> - Industry – Cottage; - Industry - Service; - Recreation – Public; - Motor Vehicle Wash; - Warehouse <p>"D"</p> <ul style="list-style-type: none"> - Car Park; - Caretaker's Dwelling; - Community Purpose; - Consulting Rooms (except for accountants); - Industry – Light; - Industry – Service; - Medical Centre; - Recreation – Private; - Storage: - Telecommunications Infrastructure; - Veterinary Centre; - Sporting Goods Retailer; - Chemist; - Stationer; - Newsagents; 	<p>The restricted uses which are permitted shall occupy a gross leasable floor area (GLA) of no greater than 1400m².</p>

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11. Cont.		<ul style="list-style-type: none"> - Photographic Studio and Supplies; - Florist; - Dry Cleaning Agencies; - Hairdressers and Barbers; - Café; - Liquor Store. <p>"A"</p> <p>Service Station.</p>	
12.	Lot 338 on S24014 (No.181) Morrison Road, Midvale		Deleted and Modified by Amend. 15 – Gov. Gaz. 12.03.2010 (RU.12 Midvale)
13.	<p>Lot 1001 on DP66027, Lot 404 on DP76880 and Lot 405 on DP76880 Bushmead Road; portion of Lot 25 on P4556 Stirling Crescent; Lot 80 on P4539 and Lot 810 on DP76251 Bushmead Road; Lot 812 on DP400749 and Lot 813 on DP400749 Tipper Court; Lot 76 on P4539 and Lot 202 on DP39720 Bushmead Road; Lot 4 on D55932 Stirling Crescent; Lot 800 on DP408214, Lot 301 on DP405273 and Lot 100 on P4553 Lakes Road; portion of Lot 117 on P4553 Lakes Road; Lot 116 on P4553 Lakes Road; portion of Lot 50 on P7475 Lakes Road; Lot 800 on DP404599 Lloyd Street; Lot 20 on DP73040 and Lot 801 on DP410111 Lakes Road; Lot 802 on DP62935 Stirling Crescent; Lot 15 on DP409937, Lot 13 on DP75343 and Lot 14 on DP75343 Lakes Road; Lot 803 on DP413194 Stirling Crescent; Lot 5 on D55931 and Lot 6 on D55931 Bushmead Road; and Lot 101 on D66237 Bushmead Road, Hazelmere.</p> <p>Lot 403 on DP55161 Bushmead Road; and Lot 405 on DP400754 Bushmead Road, Hazelmere</p> <p>Lot 81 on P4539 Bushmead Road, Hazelmere; portion of Lot 99 on P4553 Lakes Road Hazelmere; and portion of Lot 818 on DP410439 Lloyd Street, Hazelmere.</p>	The Use Classes listed in the Zoning Table against the 'General Industrial' Zone and cross referenced with the symbols of 'P', 'D', and 'A'.	<ol style="list-style-type: none"> 1. Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer. 2. A Wastewater Management Plan shall be submitted to the City of Swan with each development application. The management plan shall be prepared to the satisfaction of the Local Government and the agencies which has responsibility for policy relating to Health and other agencies as required and shall demonstrate that the proposed development and land use will comply with the waste water disposal limits as identified within the definition of 'Dry Industry'. 3. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the agency which has responsibility for policy relating to Health. 4. Land use and development shall connect to reticulated sewer where available. 5. Subdivision of existing lots into smaller lot sizes, shall not be supported unless the subdivision represents a minor lot boundary realignment, or the land is connected to reticulated sewer, and/or a Detailed Area Plan is prepared in accordance with the Scheme.

No.	Description of land	Restricted use	Conditions
13. Cont.	<p>Portion of Lot 3001 on DP66027 Central Avenue; Lot 1003 on DP404286 Stirling Crescent; Lot 1004 on DP404286 Bushmead Road; and Lot 29 on P4539 Bushmead Road, Hazelmere.</p>		<p>6. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation.</p> <p>7. Any onsite stormwater compensation basin and drainage swale shall be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines and to enhance the visual and landscape amenity of the site. A Landscape Plan shall be submitted to the satisfaction of the Local Government with each development application.</p> <p>8. A site investigation and management plan/remediation and validation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site, with any subdivision proposal or development application, whichever occurs first. The investigation and management plan be prepared to the satisfaction of the Local Government and where necessary approval of the agency which has responsibility for policy relating to Environment.</p> <p>9. The investigation of ground water levels on a site shall also include consideration for any requirements for future fill and/or subsoil drainage for the proposed development application or subdivision proposal, to the satisfaction of the Local Government and the agency which has responsibility for policy relating to Water and Water Licensing.</p> <p>10. A Geotechnical Report may be required to be submitted with any subdivision proposal or development application, which is likely to impact upon acid sulfate soils identified as high to moderate by the agency which has responsibility for policy relating to Water, Water Licensing and Acid Sulfate Soils. Where necessary, the report shall also detail a management plan in accordance with the WA Planning Commission Acid Sulfate Soils Planning Guidelines, for approval by the agency which has responsibility for policy relating to Water, Water Licensing, Acid Sulfate Soils and other agencies as required.</p>

No.	Description of land	Restricted use	Conditions
14.	<p>Lot 155 on P4553 and Lot 5 on Diagram 27196 Stirling Crescent, Hazelmere</p> <p>Lot 4 on Diagram 27196, Lot 153 on Plan 4553, Lot 152 on Plan 4553 and Lot 11 on Diagram 52977 Talbot Road, Hazelmere.</p> <p>Portion of Lot 801 on Dep Plan 404599 Lloyd Street;</p> <p>Portion of Lot 21 on Dep Plan 73040 Talbot Road;</p> <p>Lot 22 on Dep Plan 73040 Talbot Road;</p> <p>Lot 141 on Plan 4553 Talbot Road;</p> <p>Portion of Lot 5001 on Dep Plan 67434 Talbot Road;</p> <p>Portion of Lot 20 on Diagram 79083 Stirling Crescent;</p> <p>Lot 1 on Diagram 44255 Stirling Crescent;</p> <p>Portion of Lot 2 on Diagram 44255 Stirling Crescent;</p> <p>Lot 144 on Plan 4553 Talbot Road;</p> <p>Portion of Lot 145 on Plan 4553 Talbot Road;</p> <p>Portion of Lot 7 on Dep Plan 40987 Talbot Road; and</p> <p>Lot 147 on Plan 4553 Talbot Road, Hazelmere</p> <p><i>Inserted by Amend. 125 – Gov. Gaz. 10.11.2015 ((HEASP Precinct 7 "HEA South"))</i></p> <p><i>Replaced by Amend. 198 – Gov.Gaz. 07.10.22</i></p>	<p>The Use Classes listed in the Zoning Table against the 'General Industrial' Zone and cross referenced with the symbols of 'P', 'D', and 'A'.</p>	<ol style="list-style-type: none"> Unless development on the site is connected to reticulated sewer— <ol style="list-style-type: none"> development is restricted to 'dry industry' whereby any development application must demonstrate that the quality and volume of effluent to be disposed on onsite can be successfully disposed of, without adverse environmental or health effects, using effluent disposal systems; and development shall be restricted to the type which is predicted to generate, and/or generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m² of site area. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition No.1 can be achieved to the satisfaction of the Local Government. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and Health Department of Western Australia. Land use and development should connect to reticulated sewer where available. Subdivision of existing lots into smaller lot sizes shall only be supported if the land is connected to reticulated sewer, or where the subdivision represents a minor lot boundary realignment. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation.

No.	Description of land	Restricted use	Conditions
14. Cont.			<p>7. A Landscape plan shall be submitted with each development application to demonstrate that any onsite stormwater compensation basin and drainage swale will be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines to enhance the visual and landscape amenity of the site to the satisfaction of the Local Government.</p> <p>8. Prior to any subdivision or development proposal, whichever occurs first, a site investigation and remediation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site to the satisfaction of the relevant approval agency on advice from the Department of Environmental Regulation.</p> <p>9. The investigation of ground water levels on a site shall also include consideration for any requirement for future fill and/or subsoil drainage for the proposed development application or subdivision proposal, to the satisfaction of the Local Government.</p> <p>10. An acid sulphate soils self-assessment form and, if required, an acid sulphate soils report and management plan may be required to be submitted to and approved by the Department of Environmental Regulation with any subdivision or development application that is likely to impact on moderate or high risk acid sulphate soils.</p> <p>11. An Environmental Management Plan shall be submitted with each development application on any land that shares a common boundary with, or partially includes a Bush Forever site. The Environmental Management Plan is to demonstrate that impacts to Bush Forever are avoided to the satisfaction of the Local Government on advice from the Department of Biodiversity, Conservation and Attractions.</p>

No.	Description of land	Restricted use	Conditions
15.	<p>Portion of Lot 117 on Plan 4553 Lakes Road;</p> <p>Portion of Lot 118 on Plan 4553 Lakes Road;</p> <p>Lot 119 on Plan 4553 Lakes Road</p> <p>Portion of Lot 50 on Plan 7475 Lakes Road Hazelmere</p> <p><i>Inserted by Amend. 86 – Gov. Gaz. 28.07.2017 ((HEASP Precinct 3A and Precinct 3B 'HEA Buffer Area'))</i></p> <p>Portion of Lot 1 on Diagram 98336 Vale Road, Hazelmere</p> <p><i>Inserted by Amend. 181 - Gov. Gaz. 20.11.20</i></p>	<p>The Use Classes listed in the Zoning Table against the 'Light Industrial' Zone and cross referenced with symbols of 'P' 'D' and 'A'</p>	<ol style="list-style-type: none"> 1. Unless development on the site is connected to a reticulated sewer - <ol style="list-style-type: none"> a. Development is restricted to 'dry industry' whereby any development application must demonstrate that the quality and volume of effluent to be disposed of onsite can be successfully disposed of, without adverse environmental or health effects, using effluent disposal systems; and b. Development shall be restricted to the type which is predicted to generate, and/or generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m² of site area. 2. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 1 can be achieved to the satisfaction of local government.
16.	<p>Portion of Lot 15 Victoria Road, Malaga within 150m of its boundary within Beringarra Avenue.</p>	<p>"P"</p> <ul style="list-style-type: none"> - Industry-Cottage - Industry-Service - Motor Vehicle Wash - Motor Vehicle, Boat or Caravan Sales - Radio and TV Installation - Recreation Public - Showroom - Trade Display - Warehouse <p>D"</p> <ul style="list-style-type: none"> - Car Park - Caretakers Dwelling - Community Purpose - Consulting Rooms - Educational Establishment - Fast Food Outlet - Funeral Parlour 	

No.	Description of land	Restricted use	Conditions
16.		"Garden Centre" <ul style="list-style-type: none"> - Industry-Light - Medical Centre - Recreation Private - Storage - Telecommunications Infrastructure - Transport Depot - Veterinary Centre "A" <ul style="list-style-type: none"> - Tavern 	
17.	Lot 189 on Plan 4553 Adelaide Street; Portion of Lot 190 on Plan 4553 Adelaide Street, Hazelmere <i>Inserted by Amend. 192 - Gov. Gaz. 26/04/2022</i>	The Use Classes listed in the Zoning Table against the "Light Industrial" zone and cross referenced with the symbols of "P", "D" and "A".	<ol style="list-style-type: none"> 1. Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer. 2. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 1 can be achieved to the satisfaction of the Local Government. 3. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the relevant Government agency which has responsibility for policy relating to Health. 4. Land use and development shall connect to reticulated sewer where available. 5. A Landscape Plan shall be submitted with each development application to demonstrate the following to the satisfaction of the Local Government: <ol style="list-style-type: none"> a. Onsite stormwater compensation basin and drainage swale will be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines to enhance the visual and landscape amenity of the site.

No.	Description of land	Restricted use	Conditions
17. Cont.			<p>b. Interface treatment to enhance the visual and landscape amenity of the site from dwellings abutting and in the vicinity of the Adelaide Street and Stirling Crescent Intersection.</p>
18.	<p>Lot 811 on DP 400749 Tipper Court, Hazelmere</p> <p><i>Inserted by Amend.178 – Gov. Gaz. 26/07/22</i></p>	<p>P”</p> <ul style="list-style-type: none"> – Fuel Depot – Motor Vehicle Repair – Motor Vehicle Wash <p>“D”</p> <ul style="list-style-type: none"> – Service Station – Car Park – Convenience Store – Industry – Service – Lunch Bar – Recreation – Private – Telecommunication Infrastructure <p>“A”</p> <ul style="list-style-type: none"> – Fast Food Outlet – Restaurant <p>In addition to the above, any other Use Classes listed in the Zoning Table against the ‘General Industrial’ Zone and cross referenced with the symbols “P” “D” and “A”</p>	<ol style="list-style-type: none"> 1. Discretion to approve a Development Application for ‘Convenience Store’ shall only arise when it is part of an integrated development with a ‘Service Station’. 2. The total floor space of ‘Shop-retail’ (Convenience Store’, ‘Fast Food Outlet’ and ‘Restaurant’ combined) shall not exceed a Net Lettable Area (NLA) of 1,500sqm. 3. Land use and development is restricted to ‘Dry Activities’ unless the site and development is connected to reticulated sewer. ‘Dry Activities’ means any use permitted by the Local Planning Scheme and where: <ol style="list-style-type: none"> a. it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the relevant Government agency; and b. the development is of a type which is predicted to generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m² of site area. 4. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 3 can be achieved to the satisfaction of the Local Government.

No.	Description of land	Restricted use	Conditions
18. Cont.			<p>5. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the relevant Government agency which has responsibility for policy relating to Health.</p> <p>6. Land use and development shall connect to reticulated sewer where available.</p> <p>7. Subdivision of existing lots into smaller lot sizes, shall not be supported unless the subdivision represents a minor lot boundary realignment, or the land is connected to reticulated sewer.</p> <p>8. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation.</p> <p>9. Any onsite stormwater compensation basin and drainage swale shall be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines and to enhance the visual and landscape amenity of the site. A Landscape Plan shall be submitted to the satisfaction of the Local Government with each development application.</p> <p>10. A site investigation and management plan/remediation and validation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site, with any subdivision proposal or development application, whichever occurs first. The investigation and management plan be prepared to the satisfaction of the Local Government and where necessary approval of the agency which has responsibility for policy relating to Environment.</p>

No.	Description of land	Restricted use	Conditions
18. Cont.			11. A Geotechnical Report may be required to be submitted with any subdivision proposal or development application, which is likely to impact upon acid sulfate soils identified as high to moderate by the agency which has responsibility for policy relating to Water, Water Licensing and Acid Sulfate Soils, Where necessary, the report shall also detail a management plan in accordance with the WA Planning Commission Acid Sulfate Soils Guidelines, for approval by the agency which has responsibility for policy relating to Water, Water Licensing and Acid Sulfate Soils and other agencies as required.
19.	Portion of Lot 9009 on DP 400991 Cranwood Crescent, Viveash, as depicted on the Scheme Map <i>Inserted by Amend. 209 - Gov. Gaz. 21/05/24</i>	Conditions 1 and 2 of this clause shall be satisfied in order for residential development to be capable of approval on this lot.	<p>1. Prior to subdivision it can be demonstrated that the applicant has scoped, designed and validated noise mitigation measures from the brickworks (masonry and clay) activities located on Lot 72 Eveline Road, Middle Swan and demonstrated that noise emissions comply with the <i>Environmental Protection (Noise) Regulations 1997</i> to the satisfaction of the Western Australian Planning Commission in consultation with the Department of Water and Environmental Regulation.</p> <p>2. Residential development shall not exceed a maximum overall average density of R20 for the total site area, which is to be demonstrated at each stage of subdivision.</p>