

## SCHEDULE 1: Definitions

### 1. General Definitions

<b>Act</b>	means the Armadale Redevelopment Act 2001
<b>amenity</b>	means all those factors which combine to form the character of an area and include the present and likely future amenity
<b>applicant</b>	means a person or body authorised by the owner to make an application for development, subdivision or lease of land or to act on any other matter in relation to the land
<b>Authority</b>	means the Armadale Redevelopment Authority
<b>Commission</b>	means the Western Australian Planning Commission
<b>council</b>	has the meaning given to it in the Local Government Act 1995
<b>cultural heritage significance</b>	has the same meaning given to it in the Heritage of Western Australia Act 1990
<b>development</b>	has the same meaning given to it in the Act
<b>development approval</b>	means approval to undertake development granted by the Authority under section 45 of the Act
<b>Gazettal date</b>	has the same meaning as the “appointed day” under section 41 of the Act
<b>gross floor area or GFA</b>	means the total floor area within the building measured over the enclosing walls, including the portion of any common or party wall forming part of the building, exclusive of parking facilities sited within the building
<b>incidental use</b>	means a use of premises which is ancillary and subordinate to the predominant use
<b>land</b>	has the meaning given to it in the Act
<b>Metropolitan Region Scheme</b>	has the meaning given to it in the Metropolitan Region Town Planning Scheme Act 1959
<b>Minister</b>	means the Minister responsible for the Act
<b>net lettable area or NLA</b>	means the area of all floors within the internal finished surfaces of permanent walls, but excludes: <ol style="list-style-type: none"><li>(1) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms and other service areas;</li><li>(2) lobbies between lifts facing other lifts serving the same floor;</li><li>(3) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</li><li>(4) areas set aside for the provision of facilities and services to the floor or building where such services are not for the exclusive use of occupiers of the floor or building</li></ol>
<b>non-conforming use</b>	has the meaning given to it in section 12(2)(a) of the Act

<b>owner</b>	unless otherwise defined, in relation to any land, includes the Crown, the City of Armadale, a public authority and every person who jointly or severally, whether at law or in equity: <ol style="list-style-type: none"> <li>(1) is entitled to the land for an estate in fee simple in possession;</li> <li>(2) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;</li> <li>(3) is a lessor or licensee from the Crown; or</li> <li>(4) is entitled to receive or is in receipt of, or if the land were to be let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise</li> </ol>
<b>place</b>	in Part 9 has the meaning given to it in the Heritage of Western Australia Act 1990
<b>precinct</b>	means a definable area where particular planning provisions, policies, guidelines or standards apply
<b>premises</b>	means land or buildings
<b>public authority</b>	has the meaning given to it in the Act
<b>redevelopment area</b>	has the meaning given to it in the Act
<b>Regulations</b>	means the Armadale Redevelopment Regulations 2003
<b>Residential Design Codes</b>	means the Residential Design Codes set out in Appendix 1 to the Western Australian Planning Commission Statement of Planning Policy No. 1 as amended from time to time
<b>retail</b>	means the sale or hire of goods or services to the public
<b>substantially commenced</b>	means that work or development the subject of development approval has been begun by performance of some substantial part of that development
<b>Town Planning Act</b>	means the Town Planning and Development Act 1928 when the term is used in relation to development
<b>undertake</b>	means to commence, carry out or continue development

## 2. Land Use Definitions

<b>amusement parlour</b>	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 such machines operating within the premises
<b>betting agency</b>	means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960
<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant
<b>child care premises</b>	has the same meaning as in the Community Services (Child Care) Regulations 1988
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production

<b>civic use</b>	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes
<b>club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest
<b>commercial hall</b>	means premises used primarily for hiring the same for use by others, or in respect of which an admission charge is made
<b>community purpose</b>	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit
<b>consulting rooms</b>	means premises used by not more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care
<b>convenience store</b>	means premises: <ul style="list-style-type: none"> <li>(1) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;</li> <li>(2) operated during hours which include, but may extend beyond, normal trading hours;</li> <li>(3) which provide associated parking; and</li> <li>(4) the floor are of which does not exceed 300 square metres net lettable area</li> </ul>
<b>dwelling</b>	has the meaning given to it in the Residential Design Codes
<b>educational establishment</b>	Means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery
<b>family day care</b>	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i>
<b>fast food outlet</b>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises
<b>funeral parlour</b>	means premises used to prepare and store bodies for burial or cremation
<b>grouped dwelling</b>	has the meaning given to it in the Residential Design Codes

<b>home business</b>	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:</p> <ol style="list-style-type: none"> <li>(1) does not employ more than 2 people not members of the occupants household;</li> <li>(2) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(3) does not occupy an area greater than 50m<sup>2</sup>;</li> <li>(4) does not involve the retail sale or display of goods of any nature;</li> <li>(5) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling to the dwelling of a vehicle more than 3.5 tonnes tare weight; and</li> <li>(6) does not involve the use of an essential service of greater capacity than normally required in the precinct</li> </ol>
<b>home occupation</b>	<p>means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:</p> <ol style="list-style-type: none"> <li>(1) does not employ any person not a member of the occupier's household;</li> <li>(2) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(3) does not occupy an area greater than 20m<sup>2</sup>;</li> <li>(4) does not display a sign exceeding 0.2m<sup>2</sup></li> <li>(5) does not involve the retail sale or display of goods of any nature;</li> <li>(6) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling to the dwelling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(7) does not involve the use of an essential service of greater capacity than normally required in the precinct</li> </ol>
<b>home office</b>	<p>means a home occupation limited to a business carried out solely within a dwelling by a resident of that dwelling but which does not:</p> <ol style="list-style-type: none"> <li>(1) entail clients or customers travelling to and from the dwelling;</li> <li>(2) involve any advertising signs on the premises; or</li> <li>(3) require any external change to the appearance of the dwelling</li> </ol>
<b>home store</b>	<p>means any shop with an NLA not exceeding 100m<sup>2</sup> attached to a dwelling and which is operated by a person resident in the dwelling</p>
<b>hospital</b>	<p>means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital</p>
<b>hotel</b>	<p>means premises providing accommodation the subject of a hotel licence under the <i>Liquor Licensing Act 1988</i>, and may include a betting agency on those premises, but does not include a tavern or motel</p>

<b>industry</b>	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for: <ol style="list-style-type: none"> <li>(1) the storage of goods;</li> <li>(2) the work of administration or accounting;</li> <li>(3) the selling of goods by wholesale or retail; or</li> <li>(4) the provision of amenities for employees, incidental to any of those industrial operations.</li> </ol>
<b>industry – light</b>	means an industry: <ol style="list-style-type: none"> <li>(1) in which the processes carried on, the machinery used and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;</li> <li>(2) the establishment or conduct of which does not, or will not, impose an undue load</li> <li>(3) on any existing or proposed service for the supply or provision of essential services</li> </ol>
<b>industry – service</b>	means: <ol style="list-style-type: none"> <li>(1) an industry –light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or</li> <li>(2) premises having a retail shop front and used as a depot for receiving goods to be serviced.</li> </ol>
<b>industry – general</b>	means an industry other than a light or service industry, and may include premises having a retail shopfront and from which goods manufactured on the premises may be sold.
<b>local shop</b>	means premises in which the only goods for sale are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day use or consumption by persons living or working in the locality
<b>lunch bar</b>	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors
<b>medical centre</b>	means premises, other than a hospital, used by one or more health consultant/s for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
<b>motel</b>	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Licensing Act 1988</i>
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans

<b>multiple dwelling</b>	has the meaning given to it in the Residential Design Codes
<b>office</b>	means premises used for administrative, clerical, technical, professional or other like business activities
<b>place of worship</b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple
<b>reception centre</b>	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes
<b>recreation - private</b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge
<b>residential building</b>	has the meaning given to it in the Residential Design Codes
<b>restaurant</b>	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i>
<b>shop</b>	means premises used to sell goods by retail, hire goods, or provide services of a personal nature but does not include a showroom or fast food outlet
<b>service station</b>	means premises used for the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles
<b>showroom</b>	means premises used to display, sell by retail or wholesale, or hire, electrical light fittings, floor coverings, furnishings, furniture, household appliances, or goods of a bulky nature
<b>storage</b>	means premises used for the storage of goods, equipment, plant or materials
<b>tavern</b>	means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purposes of advertisement
<b>veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders
<b>warehouse</b>	means premises used to store or display goods and may include sale by wholesale

**SCHEDULE 2:**

**Notice of the Authority’s Decision**

OFFICE USE ONLY

APPLICATION REF : .....

**FORM 2 : ARMADALE REDEVELOPMENT SCHEME A  
NOTICE OF THE AUTHORITY’S DECISION**

- APPROVAL
- REFUSAL TO UNDERTAKE DEVELOPMENT

Name and Address of Owner of land on which development is proposed:

NAME	ADDRESS
LOCATION	
LOT NO.	PLAN/DIAGRAM
VOL. NO.	FOLIO NO.
Application Date	Received on

Description of proposed development:

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The application for approval to undertake development in accordance with the plans attached thereto is:

- approved subject to the following conditions:
- refused for the following reason/s:

CONDITIONS/REASONS FOR REFUSAL:

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If the development the subject of this approval is not substantially commenced within a period of two (2) years from the date of this notice, the approval shall lapse and be of no further effect.

Where an approval has so lapsed, no development shall be carried out without the further approval of the Authority having first been sought and obtained.

Signed \_\_\_\_\_ Date \_\_\_\_\_

for and on behalf of the Armadale Redevelopment Authority.

## SCHEDULE 3:

# Contribution Area Redevelopment Works

In this Schedule, the contribution area redevelopment works for a contribution area are those set opposite the particular contribution area in the table set out in this Schedule.

Contribution Area	Description of Contribution Area Redevelopment Works
Forrestdale Business Park Precinct Contribution Area	<p>All owners within the Forrestdale Business Park Precinct Contribution Area as defined in Appendix 3 shall make a proportional contribution to the cost of infrastructure as described below.</p> <p>Pursuant to Part 8 of the Scheme the distribution of the Scheme the distribution of Cost Contributions shall be levied on a proportional basis based on an "owner's net land area" (ONLA) relative to the "contribution area net land area" (CANLA), as calculated in accordance with Clause 8.9. Owner's contributions shall be made towards the cost of the following listed works:</p> <ol style="list-style-type: none"><li>(1) Defined Roadworks</li><li>(2) Defined Stormwater Drainage Infrastructure</li><li>(3) Defined Mains Sewer Infrastructure</li><li>(4) Defined Mains Water Supply Infrastructure</li><li>(5) Defined Telecommunications</li><li>(6) Defined Land Acquisition Relating To The Above Works</li><li>(7) Other Defined Scheme Administration and Implementation Costs</li></ol> <p>A detailed explanation of these works is described in the adopted Structure Plan – Forrestdale Business Park and further described within the Scheme Amendment No.2 Report for the Forrestdale Business Park Precinct Contribution Area.</p> <p><b>(Amendment No 2, gazetted 24/02/2006)</b></p>
South Armadale Precinct Contribution Area	
Champion Drive Precinct Contribution Area	<ol style="list-style-type: none"><li>(1) Defined Roadworks</li><li>(2) Defined Stormwater Drainage Infrastructure</li><li>(3) Defined Mains Sewer Infrastructure</li><li>(4) Defined Mains Water Supply Infrastructure</li><li>(5) Defined Open Space</li><li>(6) Define Land Acquisition relating to the above works</li><li>(7) Other Defined Scheme Administration and Implementation Costs</li></ol>

Contribution Area	Description of Contribution Area Redevelopment Works
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A detailed explanation of these works is contained in the adopted Champion Drive Precinct - Local Structure Plan and further described in the Scheme Amendment No.7 Report for the Champion Drive Precinct Contribution Area.  
**(Amendment No 7, gazetted 24/02/2006)**

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City Centre Retail Precinct

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City Centre Civic/Cultural Precinct

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City Centre Station Precinct

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City Centre South West Highway Precinct

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City Centre West of Railway Precinct

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**Kelmscott Town Centre Precinct**  
**(Amendment No 6, 26/05/2006)**

**FOOTNOTE:** Clause 8.3 of the Scheme provides:

*“The provisions of this Part 8 only take effect with respect to a contribution area upon the inclusion in Schedule 3 of this Scheme of the contribution area redevelopment works with respect to that contribution area.”*

**SCHEDULE 4:**

**Additional Uses**

No	Description of Land	Additional Use	Conditions and Requirements
1	Lot 8, Diagram 43164, southwestern corner of Albany Highway and Denny Avenue, Kelmscott.	Additional use permissible only with the Authority's discretion ("D" use): (1) Service Station	

(Amendment No 6, gazetted 26/05/2006)