

Part 1 — Preliminary

1.1 Citation and Revocation of Town Planning Scheme No 9

1.1.1 The City of Swan Local Planning Scheme No. 17 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked —

Name: Town Planning Scheme No. 9 (District Zoning Scheme)

Gazettal date: 9 December 1985

1.2 Responsible Authority

The City of Swan is the responsible authority for implementing the Scheme.

1.3 Scheme Area

(a) The Scheme applies to the Scheme area, which covers all of the local government district of the City as shown on the Scheme Map.

(b) To the extent that any part of the Scheme area is included in the Redevelopment Area of any Redevelopment Act at the gazettal date of this Scheme, the Scheme shall apply to that part at the time and to the extent provided in the Redevelopment Act or otherwise on repeal of the Redevelopment Act or the revocation or cessation of the Redevelopment Scheme.

Note: The Scheme area (or part) is also subject to the Metropolitan Region Scheme (see clause 1.10) and other town planning schemes (see clause 1.9).

1.4 Contents of Scheme

The Scheme comprises —

(a) the Scheme Text;

(b) the Scheme Map (Sheets 1-37); and

(c) supplementary maps illustrating Special Control Areas.

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 Purposes of the Scheme

The purposes of the Scheme are to —

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

(b) set aside land as reserves for public purposes;

(c) zone land within the Scheme area for the purposes defined in the Scheme;

(d) control and guide land use and development;

(e) set out procedures for the assessment and determination of planning applications;

(f) make provision for the administration and enforcement of the Scheme; and

(g) address other matters set out in Schedule 7 to the Planning Act.

1.6 Aims of the Scheme

The aims of the Scheme are to —

- (a) Provide for a range of compatible housing and associated development, in neighbourhoods with a community identity and high levels of safety and amenity.
- (b) Provide for safe, convenient, attractive and viable commercial centres, which serve the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists.
- (c) Encourage development that will strengthen the economic base of the District and provide convenient and efficiently located employment for the community.
- (d) Ensure coordinated and efficient use and development of land within the District, and to avoid ad hoc development that would result in land use conflicts, excessive travel and/or transport demand or adverse impacts on the environment.
- (e) Protect and enhance the quality of the urban and rural living environments of the District, and to provide for such development as is consistent with the maintenance of efficient services and amenities within the District.
- (f) Promote the health, safety, convenience and the economic and general welfare of the community, and to ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.
- (g) Promote the judicious management of natural resources of particular regional and local significance including bushland, water catchments, waterways, agricultural land and basic raw materials, and to promote the protection of air quality.
- (h) Protect objects and places of particular natural, historic, architectural, scientific and cultural significance.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

- (a) in the Planning Act; or
- (b) if they are not defined in that Act —
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the *Residential Design Codes*.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the *Residential Design Codes* —

- (a) in the case of a residential development, the definition in the *Residential Design Codes* prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics are not part of the Scheme, and may be added to, altered or removed at the discretion of the local government.

1.8 Relationship with Local Laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 Relationship with Other Schemes

By way of information, the following other Schemes of the City of Swan are, at the Gazettal date of the Scheme, complementary to the Scheme —

No:	Name	Gazettal date:
2A	Beechboro Development	12 July 1974
6	Swan View	25 March 1977
7	Widgee Road, Malaga	10 March 1978
8	Malaga Industrial Area	22 January 1982
12	Midland Town Centre	10 January 1986
14	East Malaga Industrial Development	7 September 1990

1.10 Relationship with the Metropolitan Region Scheme

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect in the Scheme area.

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