

20 – 22 Kintail Road, Applecross

Original Lot size:	2021 m²
Area ceded:	150 m²
Development Lot size:	1871 m²

Minimum Lot size for Bonus Height allowances: 2000 m²

Element 22.1.10 Where the development is located adjacent to Canning Highway and where road widening is required; the applicant proposes to cede land free of charge to the State of Western Australia for the purposes of road widening. In such a case, the area ceded will be included in the total area calculations for the purpose of Clause 2.2 and 2.3 and/or Clause 21.2 and 21.3.

RAR states:

Element 22.1.10 of the CBACP implies that land required for road widening is not included when calculating site area under Elements 2.2, 2.3, 21.2 and 21.3 unless the applicant proposes to cede it free of cost. Pg 18

Schedule 2, Clause 43(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 states that: 'A decision-maker for an application for development approval or subdivision approval in an area that is covered by an activity centre plan that has been approved by the Commission is to have due regard to but is not bound by, the activity centre plan when deciding the application'. Pg 29

PLANNING AND DEVELOPMENT ACT 2005 - SECT 218

218 . Planning scheme or condition on development, contravening etc.

A person who —

- (a) contravenes the provisions of a planning scheme; or

commits an offence.

PLANNING AND DEVELOPMENT ACT 2005 - SECT 223

223 . General penalty

Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200 000 and, in the case of a continuing offence, a further fine of \$25 000 for each day during which the offence continues.

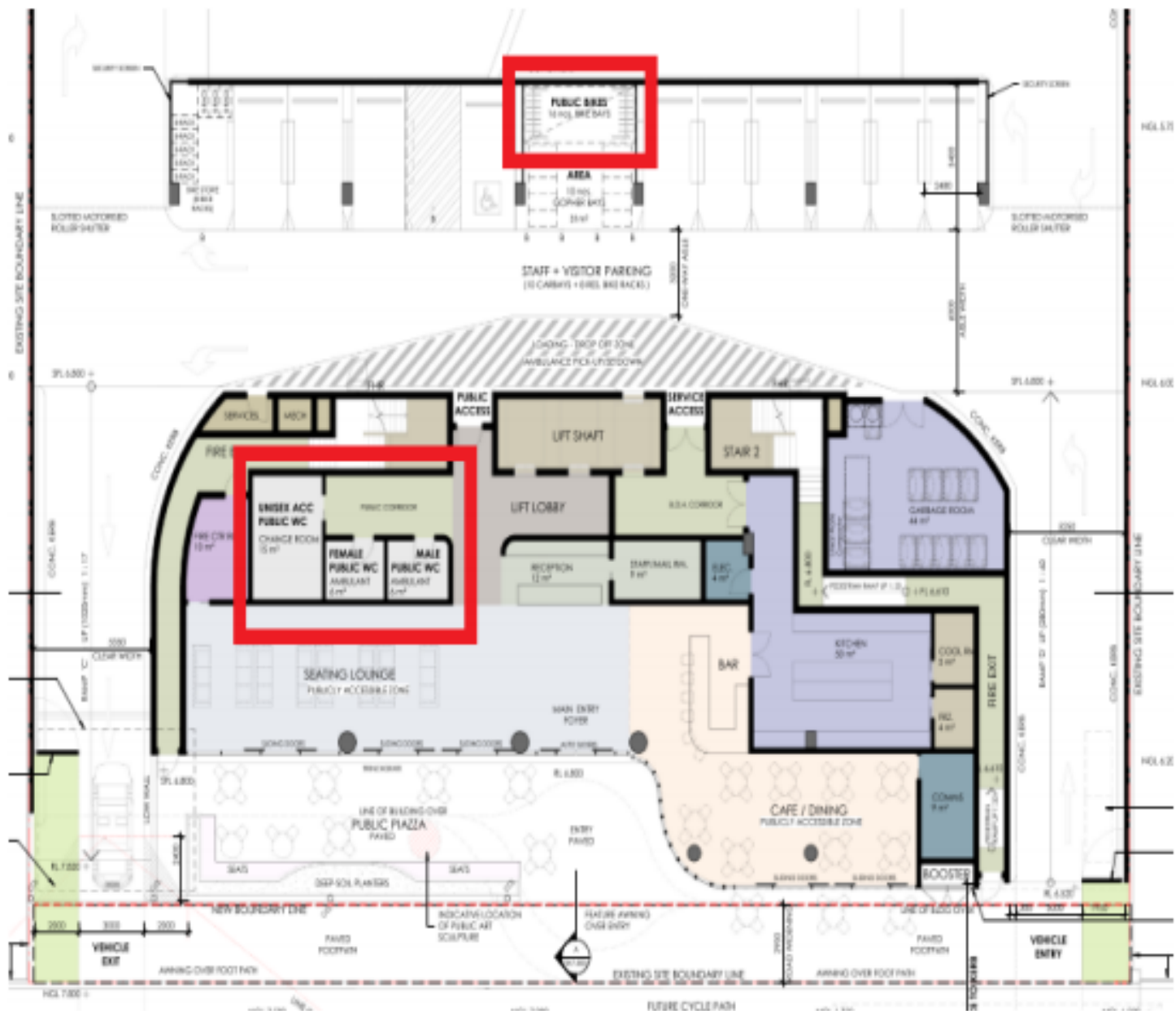
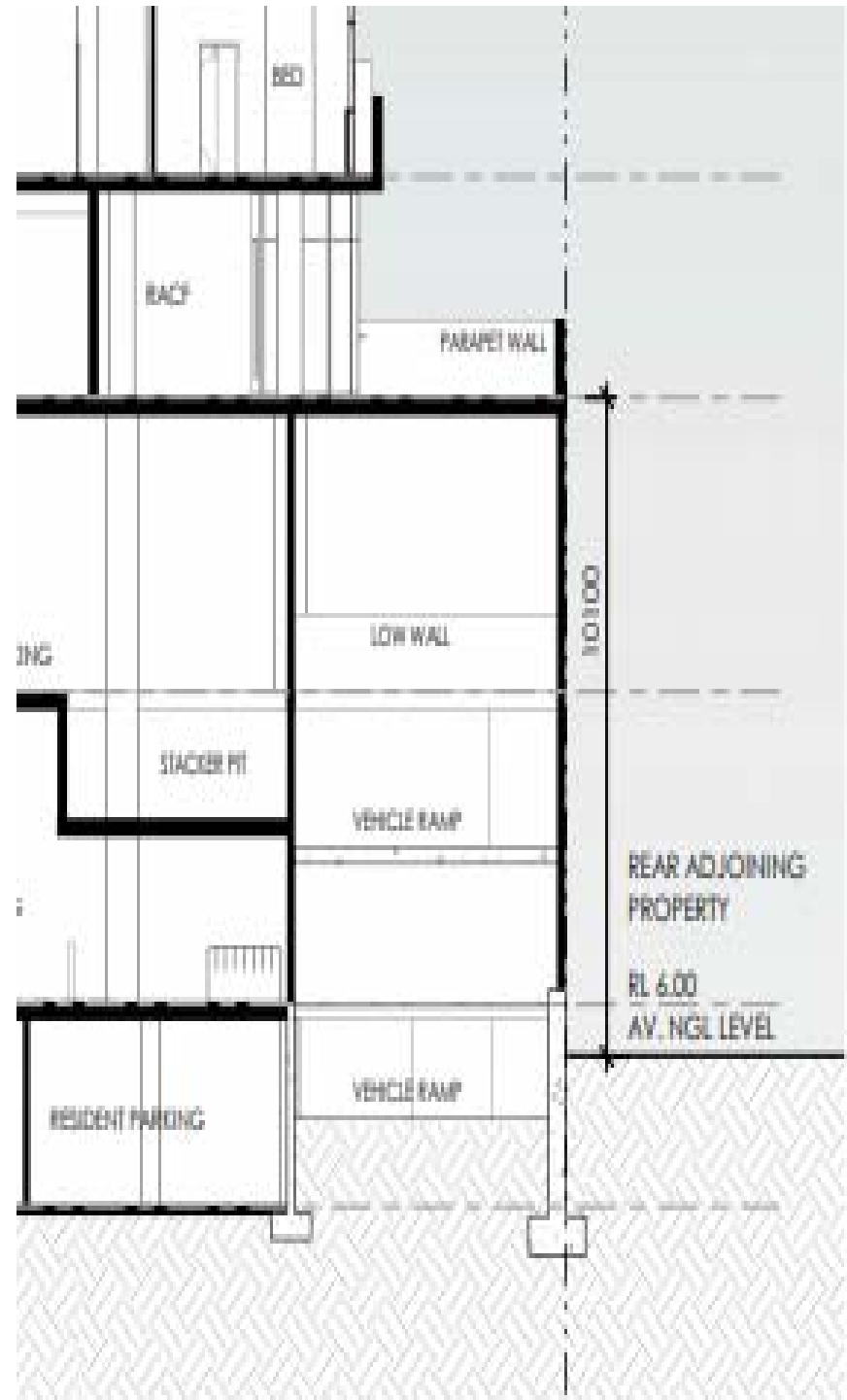
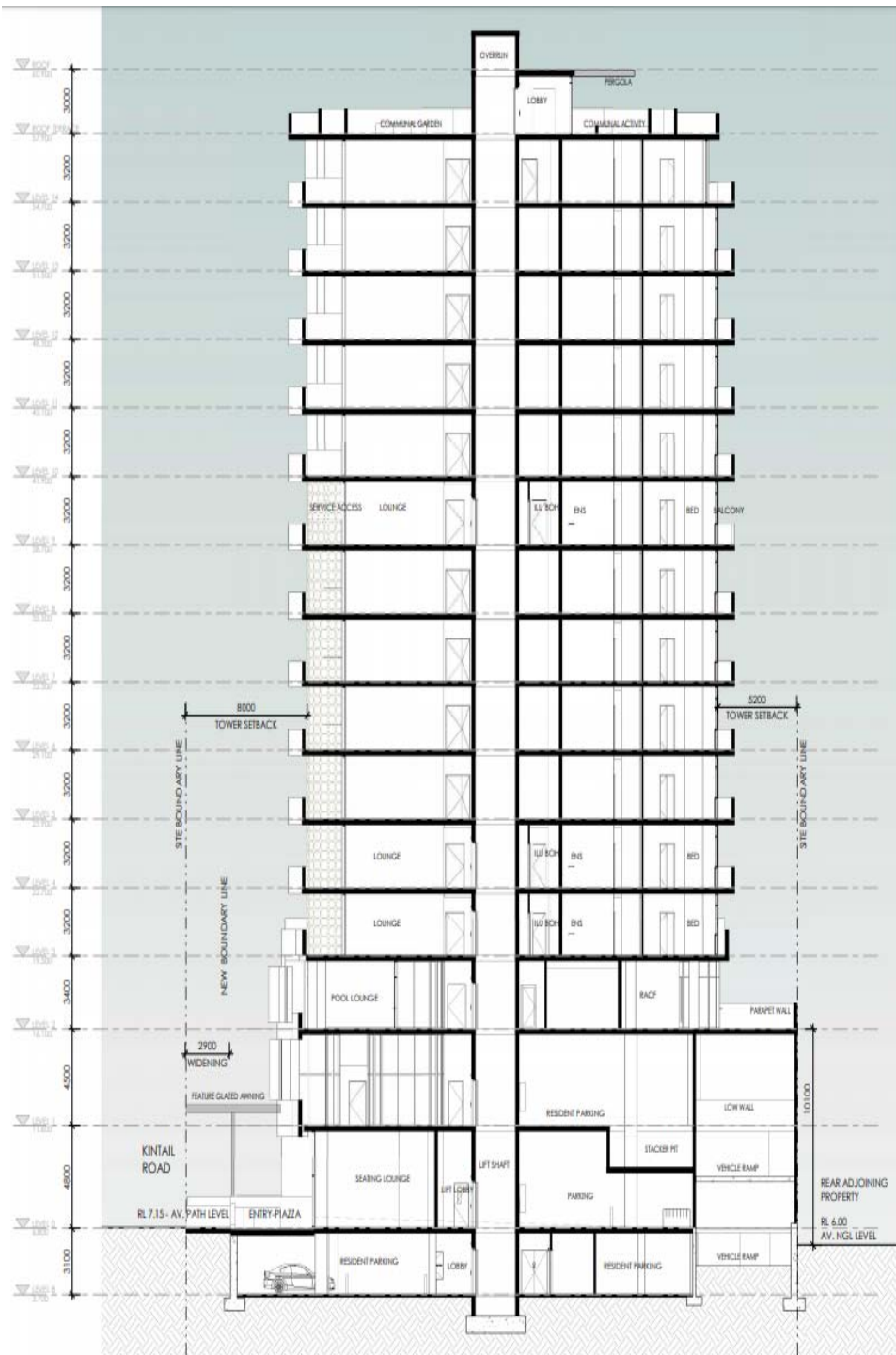
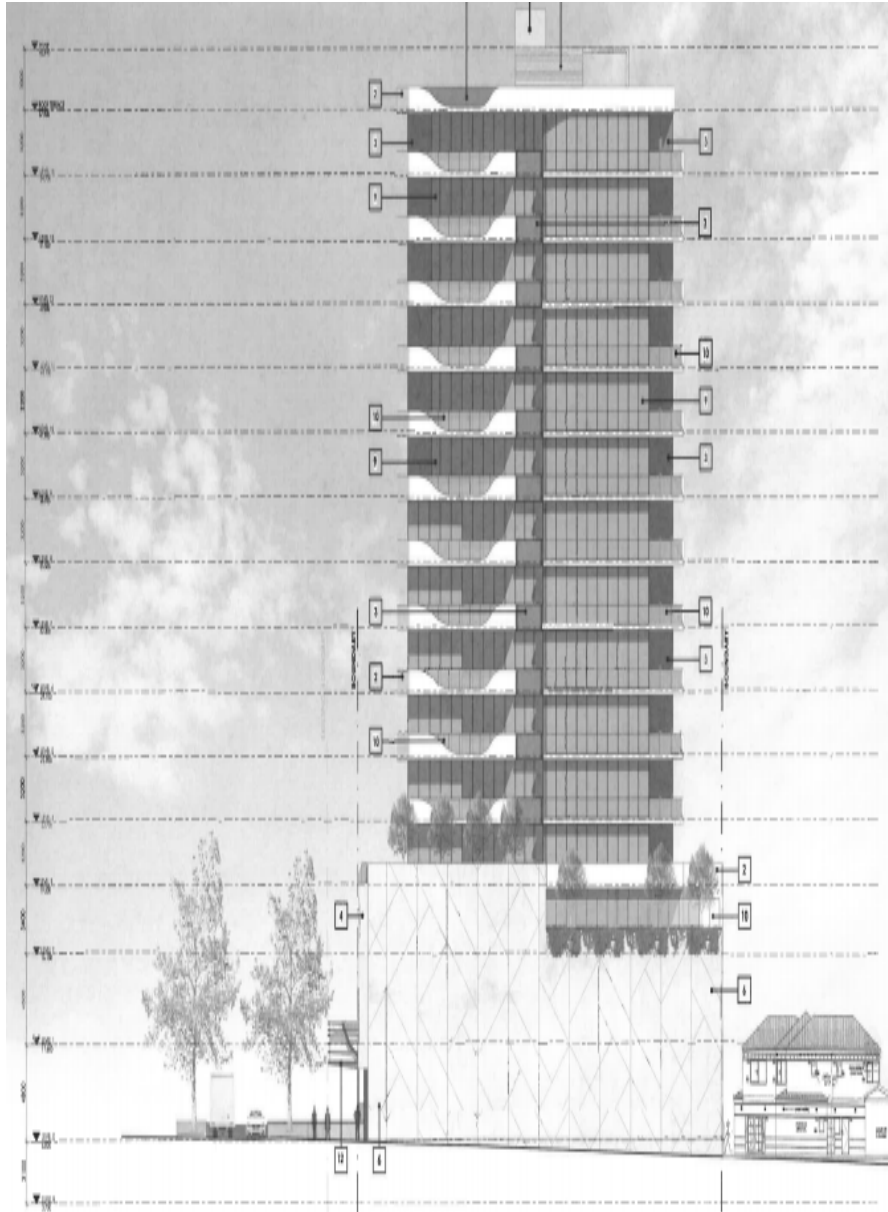


Figure 7: Current ground floor plan with public facilities comprising 1 male toilet, 1 female toilet, 1 universal toilet with shower and adult changing place and bike bays as marked in red







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