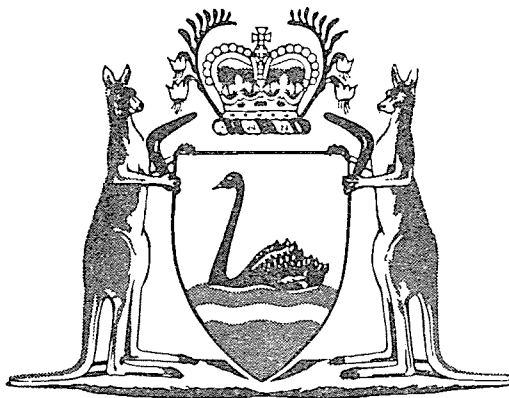


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TOWN PLANNING AND DEVELOPMENT ACT 1928
(AS AMENDED).

TOWN OF COCKBURN

TOWN PLANNING SCHEME—
DISTRICT ZONING SCHEME

No. 1.

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED).

Advertisement of Approved Town Planning Scheme.

TOWN OF COCKBURN TOWN PLANNING SCHEME—DISTRICT ZONING
SCHEME No. 1.

T.P.B. 853/2/23/5.

IT is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon. Minister for Town Planning approved the Town of Cockburn District Zoning Scheme, No. 1, on the 4th June, 1974, the Scheme Text of which is published as a Schedule annexed hereto.

A. M. THOMAS,
Mayor.
A. J. ARMAREGO,
Town Clerk.

Schedule.

TOWN OF COCKBURN
TOWN PLANNING SCHEME—DISTRICT ZONING SCHEME No. 1.

THE Cockburn Town Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) and all other powers enabling it hereby makes the following Town Planning Scheme.

PART I.—PRELIMINARY

Citation.

1. This Town Planning Scheme may be cited as Town of Cockburn District Zoning Scheme No. 1 (hereinafter called "the Scheme").

Arrangement of Scheme Text.

2. The Scheme Text is divided into parts and arranged as follows:—
- Part I.—Preliminary—Clauses 1-8.
 - Part II.—Reserves—Clause 9.
 - Part III.—Zones and Classifications—Clauses 10-40.
 - Part IV.—Requirements relative to Development and Use—Clauses 41-60.
 - Part V.—Non-Conforming Uses of Land—Clauses 61-66.
 - Part VI.—Preservation and Conservation of Objects of Natural Beauty and Historical Buildings and Objects of Historic or Scientific Interest—Clauses 67-79.
 - Part VII.—Administration—Clauses 80-86.
 - Appendix I.—Zoning Table.
 - Appendix II.—Additional Use Zones.
 - Appendix III.—Restricted Use Zones.
 - Appendix IV.—Classified Area Relating to Dogs.
 - Appendix V.—Form of Application for Planning Consent.
 - Appendix VI.—Building Table.
 - Appendix VII.—Residential Tables.

Responsible Authority.

3. The authority responsible for enforcing the observance of the Scheme is the Town of Cockburn (hereinafter called "the Council").

Maps.

4. The following Maps are attached to and form part of the Scheme:—
Land Use Map.
Scheme Map.

Scheme Area.

5. The Scheme shall apply to the whole of the land contained within the inner edge of a broken black line on the Land Use Map.

General Objects.

6. The general objects of the Scheme are:—
(a) to zone the Scheme Area for the purposes in the Scheme described;
(b) to secure the amenity health and convenience of the Scheme Area and the inhabitants thereof;
(c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
(d) The preservation of objects of natural beauty, of historical buildings and objects of historical or scientific interest; and
(e) To make provision for other matters necessary or incidental to town planning or housing.

INTERPRETATION.

7. In the Scheme unless the context otherwise requires the following terms shall have the meaning set out hereunder respectively:—

“Absolute Majority” means a majority of the total number of members for the time being of the Council whether present or not.

“Act” means the Town Planning and Development Act, 1928 as amended.

“Advertisement”. The term advertisement as used in the Zoning Table in Appendix I means the erection or display of advertising signs or hoardings.

“Business Associated with Industry” means a factory showroom shop or office upon the premises of or adjoining a factory and connected with the industrial use of the factory.

“Cabin or Chalet” means a cabin or chalet that is held out in the course of or for the purpose of a trade or business as being available for use for holiday purposes by the public at large or that is made available for use for holiday purposes by a part of the public defined by a common class, employment or association.

“Car Park” means a site or building used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road or any land or building on or in which vehicles are displayed for sale.

“Car Wash” means premises used for the washing or cleaning of motor vehicles by mechanical means.

“Car Wrecking” means the storing dismantling or breaking up of disused motor vehicles, old motor vehicles or any old machinery, and includes the sale of spare parts removed therefrom.

“Caravan Park” means an area set aside for the parking of caravans.

“Caretaker’s House” means a building used as a residence by the proprietor or manager of an industry, business office building or recreation area carried on or existing upon the same site or by a person having the care of the building plant equipment or grounds thereof.

“Child Minding Centre” means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968 published in the *Government Gazette* of 15th July, 1968.

“Civic Building” means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or councils as offices or for administrative or other like purposes.

- “Consulting Rooms” means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- “Convalescent Home” means land or buildings used for the temporary residence of persons recovering health and strength after sickness or debility.
- “Dental Clinic” means premises in which facilities are provided for more than one dental practitioner.
- “Development” has the meaning assigned to it by the Act.
- “District Shopping” means a parcel of land zoned for shopping development and use and having sufficient area to provide at least 6 000 square metres of gross shopping floor space together with car parking spaces at the ratio specified in Appendix VI.
- “Dry Cleaning” premises means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- “Duplex House” means a single storey building comprising two dwelling units, each being complete and self contained the building being so designed as to give the external appearance of a single dwelling.
- “Dwelling-House” means a building used primarily for living purposes as one separate family unit; the term also includes such out-buildings and recreational uses and gardens as are ordinarily used therewith, but does not include a “residential building” or part of such building.
- “Eating House” means any house building or structure or any part thereof in which meals are served to the public for gain or reward, but does not include—
- (a) any premises in respect of which an hotel licence, a tavern licence, a limited hotel licence, a restaurant licence or a wine house licence has been granted under the Liquor Act 1970;
 - (b) a lodging house; or
 - (c) any building or other structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other public sports games or amusements.
- “Education Establishment” means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformatory institution or institutional home.
- “Effective Frontage” means the length of the lot boundary which is on the street alignment or the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, whichever is the greater. If the lot has two or more boundaries on a street alignment then the least of the measurements shall be considered for ascertaining the effective frontage.
- “Engineering equipment” storage means premises for the temporary or permanent storage of engineering equipment or material or the parking of earth-moving equipment and machinery.
- “Exhibition rooms” means rooms for the exhibition of works of art or craft or photographs or for instruction.
- “Extractive Industry” includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substances from the land.
- “Factoryette” means a portion of a factory tenement building that is the subject of a separate occupancy.
- “Fast Food Outlet” means premises on which food in a form ready to be eaten without further preparation is served to customers the majority of whom arrive in motor vehicles.
- “Flats” means separate and self-contained dwellings within a building containing two or more dwellings.
- “Gazettal Date” means the date on which notice of the approval of the Minister to this Scheme is published in the *Government Gazette*.

“General Industry” means an industry other than a light, noxious, rural, extractive, service or mineral processing industry.

“Group Housing” means a building or a group of buildings comprising houses each on its own site and each having as part of its site a courtyard or screened area of not less than 50 square metres.

“Home Display Centre” means a parcel of land on which is erected one or more dwelling houses or dwelling units for temporary display to the public.

“Home Occupation” means a business carried on within a dwelling or the curtilage of a dwelling—

- (a) that does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial effect due to the emission of noise, vibration, electrical interference, light, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) that does not entail the employment on the premises of any person not a member of the occupier's family;
- (c) that does not occupy an area greater than 20 square metres;
- (d) that does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) for which there is not more than one advertisement sign and that not exceeding 0.2 square metres in area.

“Hospital” means any building or part of a building whether permanent or otherwise, in which persons are received and lodged for medical treatment and care.

“Hospital—Private” means any hospital registered under the Private Hospital Regulations under the Health Act 1911 other than a general private hospital.

“Hostel” means a lodging house which is not open to the public generally but is reserved for use by students and staff of educational establishments and members of societies, institutes or associations.

“Hotel” means land and buildings the subject of an hotel licence granted under the provisions of the Liquor Act 1970.

“Industry” means the carrying out of any process for and incidental to—

- (a) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or breaking up or demolition of any article or part of any article;
- (b) the generation of electricity or the production of gas; and
- (c) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with—
 - (i) the carrying out of agriculture;
 - (ii) site work on buildings, works or land; and
 - (iii) in the case of the manufacture of goods referred to above, the preparation on the premises of a shop of food for sale;and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

“Infant Health Clinic” means a building used for the medical benefit of children.

“Institutional Building” means a building used or designed for use wholly or principally for the purpose of—

- (a) a hospital or sanatorium for the treatment of infectious or contagious diseases;
- (b) a home or other institution for care of State wards or orphans, or persons who are physically or mentally handicapped;

- (c) a penal or reformatory institution;
 - (d) a hospital for treatment or care of the mentally sick; or
 - (e) any similar use.
- “Institutional Home” means a residential building for the care and maintenance of children, the aged or the infirm and includes a benevolent institution; but does not include a hospital or mental institution.
- “Kennel” means a kennel registered as such by the Council under its By-Laws relating to the control of dogs.
- “Lake Facilities” means any one or more of the following facilities for persons using the waters or foreshores of a lake:—
- (a) a boat launching ramp,
 - (b) a boat storage area,
 - (c) a boat mooring area,
 - (d) a jetty,
 - (e) a marine service station,
 - (f) a shop or tea rooms,
 - (g) Toilets.
- “Licensed Club” means a club which currently holds a club licence under the provisions of the Liquor Act, 1970.
- “Light Industry” means an industry 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 prejudicially affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, grit, oil, liquid wastes or waste products and in which the only power driven machinery used is driven by electricity.
- “Liquor Store” means a store in respect of which a store licence has been granted and is currently held under the provisions of the Liquor Act, 1970.
- “Local Shopping” means a parcel of land zoned for shopping development and use not having sufficient area to provide as much as 6 000 square metres of gross shopping floor space together with car parking spaces at the ratio specified in Appendix VI.
- “Lodging house” means any building or structure permanent or otherwise in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include—
- (a) premises licensed under the Liquor Act, 1970;
 - (b) a motel;
 - (c) premises used as a boarding school approved under the Education Act, 1928; or
 - (d) any building containing flats.
- “Lot” has the meaning given to it by the Act.
- “Marine Filling Station” means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.
- “Medical Clinic” means a premises in which facilities are provided for more than one medical practitioner, physiotherapist, chiropractor or masseur.
- “Mineral Processing” means the winning processing or treatment of minerals and also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.
- “Motel” means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or lodging house but in which special provision is made for the accommodation of patrons with motor vehicles.
- “Motor Repair Station” means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

- "Noxious Industry" means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 but does not include fish shops or dry cleaning premises.
- "Objects of Natural Beauty" means the natural beauties of the area including lakes and other inland waters, banks of rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.
- "Open Air Display" means the use of land as a site for the display and/or sale of goods and equipment.
- "Office" means a building or part of a building used in the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.
- "Office adjoining Factory" means a building or structure which is situated on the same parcel of land or site as a factory is situated and which is used as an office in conjunction with or for the purposes of the business industry or activities carried on in the factory.
- "Old Peoples Home" means a residential building provided by a religious or charitable organisation or institution or other body or institution approved by the Council for the accommodation of old people and used solely for that purpose.
- "Private Hotel" means land and buildings the subject of a limited hotel licence granted under the provisions of the Liquor Act, 1970.
- "Private Recreation" means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge.
- "Professional Offices" means any buildings used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, engineer, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher, or a music teacher) or town planner.
- "Public Authority" means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.
- "Quadruplex" means a single-storey building comprising four dwelling units each being complete and self-contained.
- "Residence forming part of Office Building" means a separate self-contained dwelling within an office building for occupation by the proprietor or manager of an office or by a person having the care of the building plant equipment or grounds thereof.
- "Residential Building" means a building other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel and a hotel designed primarily for residential purposes and a residential club.
- "Residential Club" means a club, society, institute, association or other body of persons, associated together for social, political, recreational, sporting, literary or other lawful purpose which provides residential accommodation exclusively for its members.
- "Restaurant (licensed)" means a restaurant in respect of which a restaurant licence has been granted and is currently held under the provisions of the Liquor Act, 1970.
- "Rural Industry" means and includes an industry handling, treating, processing, packing or carrying products grown reared or produced in the locality or a blacksmith's shop or a workshop servicing plant or equipment used in a rural pursuit in the locality.
- "Rural Pursuit" means and includes agriculture, horticulture viticulture forestry, pasture and poultry farming, horse training and riding schools but excludes piggeries, dog kennels and the breeding of dogs.

“Service Industry” means a light industry carried on on land and in buildings having a retail shop front and in which goods may be manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

“Service Station” means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs.

“Shipbuilding” means the business of constructing or repairing ships.

“Shop” means any building wherein goods are kept exposed or offered for sale by retail, and includes a bank and a receiving depot, but does not include a fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles or for any purpose falling within the definition of industry.

“Shop for Factory Refreshments” means a shop forming part of a factory building and used to provide meals and refreshments for the employees of the factory.

“Shop with Dwelling or Flat above” means a shop with a separate self-contained dwelling or flat above for occupation by the proprietor or manager of the shop.

“Special Industry A” means the use of land and buildings for the carrying out of any process for and incidental to the production of meat and allied products, in accordance with the provisions of the Health Act of 1911, as amended and any Regulations or By-Laws made under that Act. This shall include—

- (a) abattoirs for the slaughtering of livestock and the processing, packing, freezing and wholesaling of meat, and the carrying on of all processes related thereto, including freezer works and associated stock agistment yards;
- (b) the manufacture of by-products of livestock slaughtering, including—
 - (i) the production of edible offals from the entrails of livestock slaughtered;
 - (ii) the rendering of fat;
 - (iii) the preparation of skins and leather, including the drying, curing and pickling of animal skins and hides; tanning; fell-mongering and woolscouring;
- (c) the processing of rock lobster including the freezing and packing thereof for sale and the production and storage of bait for sale to rock lobster fishermen.
- (d) the production of any commodity deemed to be a direct use of substances resulting from the slaughter of livestock that from time to time may be made possible by technological advancement and/or increase in scale of production provided that the said production does not contravene any act or regulation governing the production of meat.

“Special Industry B” means the use of land and buildings for the carrying out of any process for and incidental to the slaughtering of pigs and the manufacture of meat products and the treatment of offal therefrom, together with the manufacture of dairy products in accordance with the provisions of the Health Act, 1911 as amended and any Regulations or By-Laws made under that Act. This shall include—

- (a) abattoirs for the slaughtering of pigs and the carrying on of all processes related thereto including pig agistment yards.
- (b) the processing and canning of meat products and the manufacture of smallgoods.
- (c) the curing of bacon and ham.
- (d) the manufacture of meat meal.
- (e) the rendering of fat.
- (f) the manufacture of butter.
- (g) the packaging of cheese.

(h) the production of any commodity deemed to be a direct use of substances resulting from the slaughter of pigs that from time to time may be made possible by technological advancement and/or increase in scale of production provided that the said production does not contravene any act or regulation governing the production of meat and meat products.

"Showrooms" means rooms in connection with warehousing or offices and intended for display of goods of a bulky character.

"Showroom adjoining Factory" means a room or rooms adjoining a factory used for the display of goods manufactured at the factory.

"Street Alignment" means the boundary between the land comprising a street and the land that abuts thereon but where a new street alignment is prescribed under section 364 of the Local Government Act, 1960, it means the new street alignment so prescribed.

"Tavern" means land and buildings the subject of a tavern licence granted under the provisions of the Liquor Act, 1970.

"Transport Depot" means land used for the parking or garaging of road motor vehicles which are used or intended to be used for the carriage of goods or land used for the transfer of goods from one such motor vehicle to another of such motor vehicle and includes the maintenance and repair of such vehicles.

"Triplex" means a single storey building comprising three dwelling units each being complete and self contained.

"Uniform Building By-Laws" means the Uniform Building By-laws 1965 published in the *Government Gazette* of the 22nd October, 1969, as amended.

"Vehicle" includes tractor.

"Veterinary Clinic" means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals but in which animals do not usually remain overnight.

"Veterinary Hospital" means land and buildings used for or in connection with the treatment of sick animals and includes the accommodation of such animals.

"Warehouse" means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

"Winehouse" means a winehouse in respect of which a winehouse license has been granted and is currently held under the provisions of the Liquor Act, 1970.

8. The words and expressions used in the Scheme but not defined in the preceding clause shall unless the context otherwise requires or unless otherwise provided herein have the meanings assigned to them in Appendix D to the Town Planning Regulations 1967.

PART II.—RESERVES.

Regional Reservations.

9. The lands shown as Regional Reservations on the Scheme Map are lands reserved by the Metropolitan Region Planning Authority pursuant to the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. The said lands are not reserved by this Scheme.

PART III.—ZONES AND CLASSIFICATIONS.

Zones.

10. There are hereby created within the Scheme Area the several Zones set out hereunder:—

- (1) Residential.
- (2) Multi Residential.
- (3) Special Residential.

- (4) Hotel.
- (5) Motel.
- (6) Service Station.
- (7) District Shopping.
- (8) Local Shopping.
- (9) Special Business.
- (10) Office.
- (11) Other Commercial.
- (12) Showroom-Warehouse.
- (13) Light Industry.
- (14) General Industry.
- (15) Noxious Industry.
- (16) Mineral Processing.
- (17) Railway.
- (18) Places of Public Assembly.
- (19) Private Clubs and Institutions.
- (20) Rural.

11. The said zones are delineated and coloured or indicated on the Scheme Map according to the legend thereon.

Uses.

12. The Zoning Table contained in Appendix I indicates, subject to the provisions of the Scheme, the uses permitted in the various zones shown in the Zoning Table. The uses are determined by cross reference between the list of Use Classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table. The symbols used in the cross reference in the Zoning Table have the following meanings:—

“P” = A use that subject to Clause 19 is permitted by the Scheme.

“AA” = A use that is permitted only if special consent is given by the Council.

“X” = A use that is not permitted.

13. Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any use class which by its more general terms would otherwise include such particular use.

14. If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes the Council shall on application determine the zone if any in which the use may be permitted and may impose such conditions on the use as it considers appropriate.

Additional Zones and Restricted Use Zones.

15. In addition to the Zones mentioned in Clause 9 there are hereby created Additional Use Zones and Restricted Use Zones.

16. Those portions of the Scheme Area which are specified in the Appendix II are classified as Additional Use Zones.

17. Notwithstanding a parcel of land described in Appendix II is within another Zone the land or any building or structure thereon may be used for the purpose set against that parcel of land in Appendix II in addition to the other uses permitted in the Zone in which the land is situated.

18. Those portions of the Scheme Area which are specified in Appendix III are hereby classified as Restricted Use Zones for the uses or purposes set against such lands respectively in Appendix III.

19. No person shall use any land any building or any structure thereon in a Restricted Use Zone except for the use or purpose set against such land in Appendix III.

20. No land will be included in either Appendix II or Appendix III and no alteration will be made to those Appendices unless the appropriate procedure for an amendment to the Scheme has been followed.

Classification of Area Relating to Dogs.

21. The area described in Appendix IV is hereby classified as an area in which more than two dogs per lot may be kept and in which dogs may be kept for breeding purposes. No person shall on any lot except within the area specified in Appendix IV carry on any of the following activities:—

- (a) The keeping of more than two dogs,
- (b) The keeping of a dog or dogs for breeding purposes,
- (c) The buying or selling of dogs unless within a pet shop in a business zone,
- (d) The caring for dogs unless by a qualified veterinary surgeon or unless where otherwise permitted by the Scheme.

Application for Planning Consent to Commence Development .

22. Any person who desires to commence development of land for any purpose other than the construction or alteration of a private dwelling in a Residential Zone shall make application to the Council for Planning Consent before applying for a Building Licence. The application shall be in the form and contain the particulars referred to in the form in Appendix V.

23. The Council may grant its consent with or without conditions or may refuse to grant its consent to the application for planning consent to commence development.

24. If the Council shall have granted its consent to commence development subject to conditions and any of the conditions shall not be fulfilled or complied with the Council may revoke its consent.

25. The Council may limit the time for which its consent to commence development remains valid.

26. If the Council shall not within sixty days of the receipt by it of an application for planning consent to commence development have conveyed its decision to the applicant the application shall be deemed to have been refused.

27. Any person aggrieved by a discretionary decision of the Council on an application to commence development may within twenty-one days of the Council's decision being made appeal to the Minister for Town Planning seeking a variation of the Council's decision in accordance with Part V of the Act and the Regulations made thereunder.

28. In cases where the Council's planning consent is required to commence development no person shall commence carry out or continue any development without the consent of the Council or otherwise than in accordance with the conditions of the Council's consent.

Application for Special Consent of Council to Use of Land.

29. Any person who desires to use land for a purpose which by the provisions of this Scheme is only permitted if special consent is given by the Council under Clause 12 ("AA" in Zoning Table) shall make application in writing to the Council for special consent.

30. The application shall state the following particulars:—

- (a) The full name and address of the applicant.
- (b) A description of the land and the particulars of the Certificate of Title.
- (c) The names and addresses of the registered proprietors and of all other persons having an interest in the land and the nature of their interest.
- (d) The nature of the applicant's interest in the land.
- (e) The purpose for which the applicant desires to use the land.
- (f) The nature of the building and other improvements now on the land.
- (g) The nature of the buildings and other improvements the applicant desires to construct on or make to the land.

31. The Council shall consider the application and may refuse its special consent or may resolve to recommend to a subsequent meeting of the Council that special consent be granted. If the Council resolves to recommend that special consent be granted it shall refer the matter to a subsequent meeting of the Council to be held not less than three weeks nor more than three months after the passing of the resolution recommending approval.

32. The Council may resolve that notice be given to ratepayers likely to be affected by the granting of the special consent and in that case it shall notify the applicant of the names and addresses of all persons who according to the Rate Book are the rateable owners of land within an area to be specified by the Council likely to be affected by the granting of the application.

33. The Council shall require notice to be given to ratepayers likely to be affected if the proposed use is likely to be carried on at night or is likely to cause noise or to cause an assembly of persons or vehicles.

34. If so directed by the Council the applicant shall—

- (a) cause to be sent by certified post to the owners whose names and addresses have been given to him by the Council and to all persons having an interest in the land the subject of the application a copy of the application to the Council; and
- (b) Cause to be published in a newspaper circulating in the Scheme Area notice of the application setting out in an abbreviated form the information contained in the application and stating that objections may be made to the Council within twenty-eight days from the publication of the said notice; and
- (c) cause a copy of the notice referred to in clause (b) hereof to be displayed in a conspicuous place on the land for such period as the Council shall nominate.

35. At a subsequent meeting of the Council held, if notices have been given after the expiration of twenty-eight days from the publication of the said notice and after the expiration of twenty-eight days from the posting of the said notices to the owners whichever is the later, the Council shall again consider the application and decide whether to grant or refuse its special consent or to grant such consent upon conditions.

36. In making its decision on applications for its special consent the Council shall take into consideration the following matters:—

- (a) The provisions of this Scheme and of any other Town Planning Scheme affecting the land the subject of the application or affecting land in the vicinity.
- (b) The nature of the proposed development in relation to the development of any land within the vicinity of the said land.
- (c) The size, shape and character of the parcel of land to which the application relates and the nature and siting of the proposed building, the view from the building and the interruption of view likely to be caused by the proposed building.
- (d) Any representations which may be made by any statutory authority.
- (e) The existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury to such amenity including injury due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam soot, ash dust, grit, oil, liquid wastes or waste products.
- (f) The nature of the roads giving access to the said land.
- (g) What parking facilities are available or proposed and the likely requirements for parking.
- (h) Such other matters as the Council considers relevant.

37. The Council may enter into an agreement with the applicant whereby the applicant covenants for himself and his transferees to carry out and observe the conditions (if any) imposed by the Council in granting its special consent as aforesaid.

38. Any person aggrieved by a discretionary decision of the Council on an application for the Council's special consent for the use of land may within twenty-one days of the Council's decision being made appeal to the Minister for Town Planning seeking a variation of the Council's decision in accordance with Part V of the Act and the Regulations made thereunder.

Urban Development Areas.

39. On the Scheme Map lands are designated urban Development Areas (Residential) and urban Development Areas (Industrial). It is intended that the urban Development Areas (Residential) be progressively developed for residential purposes and for business and other uses normally associated with residential development. It is intended that the urban Development Areas (Industrial) be progressively developed for industrial purposes and business and other uses normally associated with industrial development.

40. Before the development of land within an urban Development Area is permitted a guided development town planning Scheme for the whole of the development area shall be prepared either by the owners involved or some or any of them or by the Council. The guided development town planning Scheme shall consist of—

- (a) a Land Use Map,
- (b) a Scheme Map,
- (c) a Scheme Text,

and shall show the proposed uses for the land in the area. The Scheme may also be accompanied by a Report and Subdivisional Guide Map. Following the submission of the guided development town planning Scheme to the Town Planning Board and its subsequent approval by the Hon. Minister for Town Planning amendments to this Scheme must be submitted to the Town Planning Board as required by the Town Planning Regulations (1967) before the proposed uses will be permitted.

PART IV.—REQUIREMENTS RELATING TO DEVELOPMENT AND USE.

41. Subject to the provisions of the Scheme no person shall erect or use a building for a use or purpose specified in the Building Table contained in Appendix VI otherwise than in accordance with the relevant provisions of that Table and unless such building complies with the requirements of the Building Table.

42. Subject to the provisions of the Scheme, buildings used for single residences, group housing or multi-residential development shall comply with the requirements of the Residential Tables contained in Appendix VII. No person shall erect or use a building for any of the said purposes unless such building complies with the requirements of the Residential Table or unless the requirements of that Table are relaxed on the recommendation of a resolution of the Council and agreed to by the Town Planning Board on the basis that the variation would not be contrary to the public interest. In cases of difference between the Building Table and the Tables in Appendix VII the latter shall apply.

Battle Axe Lots.

43. In the application of the Tables contained in Appendices VI and VII to battle axe lots and in the development of battle axe lots the following conditions shall apply:—

- (a) The access strip shall be excluded in calculating the area of the lot.
- (b) The requirements of plot ratio and site coverage and other site requirements shall be applied to the area as calculated in paragraph (a).
- (c) The set-back requirements of the Uniform Building By-Laws shall be applied according to the direction in which the dwelling-house faces or in such other direction as shall be agreed upon by the Council and the owner.
- (d) The width of the access strip whether serving one or more battle axe lots shall not be less than four metres.
- (e) All storm water from the access strip shall be disposed of within the limits of the lot.

Buildings Set Back from Street Alignment.

44. Subject to the provisions of the Scheme no person shall erect or cause or permit to be erected any building or any portion of a building nearer to a street alignment than the distance mentioned hereunder (hereinafter called "the set back distances") for the particular zone or area in which the building is situated—

- Hotel—20 metres.
- Motel—20 metres.
- Service Station—12 metres.
- Local Shopping—10 metres.
- District Shopping—10 metres.
- Special Business—10 metres.
- Office—10 metres.
- Other Commercial—10 metres.
- Showroom Warehouse—20 metres.
- Light Industry—10 metres.
- General Industry—15 metres.
- Noxious Industry—15 metres.
- Mineral Processing Industry—15 metres.
- Places of Public Assembly—10 metres.
- Private Clubs and Institutions—10 metres.
- Rural—10 metres.
- Railway—10 metres.

Provided that—

- (a) In the case of Industrial Lots having a depth of 46 metres or less the set back distance shall for lots fronting a major road be 9 metres and for lots fronting a minor road be 4.5 metres. The decision whether a road is a major or minor one shall be made by the Council. If the set back distance be reduced to 4.5 metres the set back area shall not be used for parking.
- (b) Nothing in clause 41 or in the Building Table (Appendix VI) shall be construed to permit the construction and use of a building nearer to the street alignment than the relevant set back distance.

45. Where a lot in a Residential Zone or a Special Residential Zone has a frontage to more than one street a building may be erected nearer to the street alignment of the less important of the streets than provided in the Table in Appendix VII but not nearer than 7.5 metres to such street alignment and the Council shall in each case determine which is or are the less important street or streets.

Area Adjacent to Street.

46. Unless otherwise approved by the Council pursuant to clause 47 no person shall in any of the Zones following that is to say—

- Showroom/Warehouse Zone.
- Light Industry Zone.
- General Industry Zone.
- Mineral Processing Industry Zone.
- Noxious Industry Zone.
- Railway Zone.

- (a) Use the land within 7.5 metres of the street alignment except for one or more of the following purposes:—
 - (i) A means of access,
 - (ii) Lawns, gardens or the planting of trees and shrubs.
- (b) Use the land situated between 7.5 metres and 15 metres from the street alignment except for one or more of the following purposes:—
 - (i) A means of access,
 - (ii) The parking of vehicles used by employees or customers,
 - (iii) The loading and unloading of vehicles,
 - (iv) Lawns, gardens or the planting of trees or shrubs,

- (v) If special permission of the Council shall be given thereto—trade display,
and in the case of a lot having a frontage to more than one street—
- (c) Use the land within 3 metres of the street alignment of the less important of the streets except for one or more of the following purposes:—
- (i) A means of access,
 - (ii) Lawns, gardens or the planting of trees or shrubs,
 - (iii) The parking of vehicles used by employees or customers.
- (d) Use the land situated between 3 metres and 9 metres from the street alignment of the less important of the streets except for one or more of the following purposes:—
- (i) A means of access,
 - (ii) The parking of vehicles used by employees and customers,
 - (iii) The loading and unloading of vehicles,
 - (iv) Lawns, gardens or the planting of trees or shrubs,
 - (v) If special permission of the Council shall be given thereto—trade display,
- and the Council shall in each case determine which is or are the less important street or streets.

47. (1) If an owner of land shall submit to the Council a plan of development which does not comply with clauses 44 and 46 the Council may in its discretion approve such plan and permit the uses proposed thereon and the provisions of clauses 44 and 46 shall be deemed to have been modified according to the detail shown on the plan.

(2) The Council shall not approve a plan pursuant to this clause unless the following conditions apply:—

- (a) The setback distance shall not be less than 7.5 metres unless the provisions of proviso (a) of clause 44 apply.
- (b) Land shall be made available for the purposes mentioned in clause 46 of an area not less than the area that would have been made available for those purposes if clause 46 had been strictly complied with PROVIDED THAT in the case of a corner lot of less than 5 345 square metres the owner shall not be obliged to provide land for the purposes mentioned in clause 46 exceeding that which is required for a lot with a frontage to one street only.

48. No person shall between the street alignment and the set back distance—

- (a) place or display a vehicle or vehicles for sale;
- (b) place or permit to remain any vehicle which is being wrecked or repaired;
- (c) place or permit to remain any fuel or raw material or wastes of manufacture or except as hereinafter permitted any products or by-products of manufacture.

Access for Loading and Unloading of Vehicles.

49. (1) No person shall use a building for business or industry unless there is provided a paved access-way for vehicles from a street to the rear of the building for the purpose of loading and unloading and of a nature mentioned in this Clause.

(2) The access-way shall be so constructed that vehicles using it may return to a street in forward gear.

(3) If there exists a right-of-way to the rear or side of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may turn so as to return to a street in forward gear.

(4) Except as hereinafter mentioned the access-way shall be not less than 4.5 metres in width, if the size of the lot makes the provision of a 4.5 metres wide access-way impracticable or unreasonable the Council may permit an access-way of a narrower width but in no case less than 3 metres in width.

Parking and Repair of Commercial Vehicles.

50. No person shall on privately owned land within a Residential Zone, a Multi-Residential Zone or a Special Residential Zone—

- (a) park or allow to remain stationary for more than four hours consecutively—
 - (i) more than two commercial vehicles and if there are two such vehicles one at least must be housed in a domestic garage or domestic outbuilding,
 - (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of 45 square metres and in which no horizontal dimension is more than 15 metres.
 - (iii) a vehicle which together with the load thereon exceeds 3 metres in height.
- (b) Repair service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding.
- (c) Keep or allow to remain or repair, paint, service, clean or renovate any boat, ship, launch, yacht, dinghy or other vessel in front of the building line or on the road reserve adjacent to such land for more than four hours consecutively.

Factory Tenement Buildings and Factoryettes.

51. No person shall occupy or use or permit to be occupied or used a factory tenement building or any part thereof unless it is situated on a parcel of land of at least 2000 m² in area and has a frontage to a road of not less than 40 metres and unless the following requirements are complied with:—

- (a) No factoryette shall have a floor area of less than ninety square metres nor shall it be so constructed that either its width or its length is less than six metres.
- (b) There shall be an open yard appurtenant to each factoryette. The open yard shall not be smaller than one half of the floor area of the factory. The open yard shall be used for storage and service purposes and shall contain facilities for stormwater and effluent drainage.
- (c) There shall be situated in the open yard of each factoryette a bin area for rubbish. The bin area shall be of not less than nine square metres and shall be in such a position that vehicles have direct access to it by a paved internal service road.
- (d) Each open yard shall be screened from public roads and adjoining factoryettes by a close fence or wall of not less than two metres in height; provided that the Council may relax this requirement in cases where it considers the requirement unnecessary.
- (e) Factoryettes shall be separated from each other by an internal wall or walls constructed of brick stone or concrete.
- (f) There shall be front or side access and rear access to each factoryette. The access shall be to a street or paved service road. If the service road is situated between buildings or between a building and a side boundary of the lot it shall not be less than five and a half metres in width; if the service road is situated between open yards or an open yard and a building it shall not be less than four and a half metres in width; if the service road is situated adjacent to the rear boundary of the lot it shall not be less than three metres in width.
- (g) There shall not be any advertising signs or sign boards unless erected and maintained in accordance with the Scheme or with the By-Laws of the Council relating to signs.
- (h) Adequate provision shall be made for the disposal of all trade waste.
- (i) Each factoryette shall have incorporated in its structure one privy and one washbasin. It shall also be provided with one additional privy and one additional washbasin for every forty-five square metres of floor area by which the total floor area exceeds ninety square metres. If both males and females are employed in the factoryette there shall be provided separate

privies and washbasins for the separate use of males and females in accordance with the requirements of this sub-clause. Provided that depending on the numbers of persons employed in the factoryette the Council may relax the requirements of this sub-clause.

- (j) There is provided on the land on which the factory tenement building is erected or on land adjacent thereto parking spaces for the use of the occupants of the building and their tenants in the ratio of not less than one car parking space for every 45 square metres of factory floor space.

52. The owner of the land on which a factory tenement building is situated shall—

- (a) ensure that the rubbish from the bin area provided for each factoryette is cleared away not less frequently than once a week;
- (b) keep all parts of the premises not the subject of separate occupancies in a clean and tidy condition, and
- (c) prohibit and prevent the erection or display of advertising signs or a sign-board unless in accordance with the By-laws of the Council relating to signs.

53. On the parcel of land on which a factory tenement building is situated there may be displayed, either on the portion planted with lawns and gardens or on the portion behind the set back distance a signboard not exceeding three square metres in area on which is marked the names and occupations of the occupiers of the factoryettes.

54. (1) In cases where a factory is established on a lot and the owner proposes to convert the factory into factoryettes or extend the building for use as factoryettes, this will be permitted provided that the changes to be made to the premises comply in all respects with the requirements of the Scheme for factory tenement buildings and factoryettes, and the plans are approved by the Council.

(2) Notwithstanding the requirements of this clause where a factory owned and occupied by one person or company is established on a lot exceeding 8 000 square metres in area and an area of not less than 4 000 square metres is vacant and is not being used or is not required for the provision of parking areas to the Scheme requirements in connection with the established factory, the Council may, if due to the position of the factory subdivision of the lot is not feasible, permit the owner to use the vacant land for the development of factoryettes without complying with the requirements of the Scheme for factoryettes in respect to the established factory provided that—

- (a) an unrestricted access way of not less than ten metres in width or two unrestricted access ways totalling ten metres in width with one not less than 4.5 metres in width can be set aside leading from a public street to the area to be developed with factoryettes;
- (b) the access way or ways and the area to be used for factoryette development is clearly marked on a site plan as such;
- (c) the factoryette development meets the requirements of the Scheme in all other respects, as if the land used as such were in fact a separate lot.

55. No person shall without the consent of the Council's Building Surveyor remove or alter any internal partition within a factoryette.

Motor Vehicle Wrecking.

56. A person shall not store, or permit to be stored or to remain on any land owned or occupied by him any disused motor vehicles, old motor vehicles, or old machinery or any parts thereof—

- (a) over an area of land exceeding one hectare;
- (b) in any number exceeding 1 500 per hectare where the vehicles have been reduced by pressure or other process to a mass of 2 cubic metres or less, or exceeding 200 per hectare where they have not been so reduced; or
- (c) unless they are placed in neat rows not exceeding two metres in height.

Drainage of Land.

57. No land shall be built on until it is drained and provision made for the disposal of roof water, water from paved areas or household or trade wastes as the case may be to the satisfaction of the Council.

Control of Design and Amenity.

58. No person shall construct—

- (a) a building which has an exterior design that is out of harmony with existing buildings;
- (b) an ugly building that may destroy local amenities.

Relaxation of Restrictions.

59. Notwithstanding anything herein contained but subject to the provisions of the Uniform Building By-Laws the Council may either generally or in any particular case, and on such conditions as it thinks fit, relax the provisions of this Part, if the resolution so to do is passed by an absolute majority of the Council and confirmed within three months by an absolute majority of the Council at a subsequent meeting.

Residential Development—Requirements for Open Space Recreation and Amenity.

60. An Open Space standard of 4 hectares per 1,000 people is equivalent to 40 square metres per person. The average-sized family in the District of the Council is 3.8 people. This means that the average dwelling unit requires 152 square metres of Public Open Space. Over and above the normal 10 per cent of public open space provided on subdivision or development the following formula shall apply where development or redevelopment proposals provide for higher than single residential density:—

- (a) For each additional dwelling unit over single residential density based on a minimum lot size of 700 square metres each developer shall provide 152 square metres in area of land for recreation or amenity or in lieu thereof a payment in cash if approved by the Council. All such land to be provided as aforesaid shall be transferred free from encumbrances at no cost to the Council before commencement of the development.
- (b) Where land is to be provided it shall be:—
 - (i) Freely accessible to the general public by means of a constructed road or street unless otherwise determined by Council.
 - (ii) Located within a radius of 0.5 Kilometres of the development.
 - (iii) Of sufficient size to permit economical development for the purpose of recreation or amenity.
- (c) Where the Council approves a payment in cash in lieu the payment shall be of an amount equal to the value of the portion of the land that would otherwise be provided under the above formula.
- (d) In default of agreement between the Council and the developer the value of the aforesaid portion shall be such proportion of the unimproved value of the whole of the land of which the portion forms part as valued at the cost of the developer by the Commissioner of State Taxation as at the date of approval of the development by the Council as the area of the portion bears to the total area of the whole of the land.
- (e) Any cash payment to be made to the Council shall be made before the commencement of the development and all moneys received by the Council shall be used or expended by the Council for the purchase acquisition improvement or development of land for recreation or amenity or other public or cultural purposes.

PART V.—NON-CONFORMING USES OF LAND.

61. If at the gazettal date any land building or structure is being lawfully used for a purpose or in a manner not permitted by the Scheme (hereinafter called "a non-conforming use") the non-conforming use may continue subject to the following restrictions:—

- (a) The non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which it was carried on at the gazettal date.
- (b) If the buildings in which the non-conforming use is carried on are wholly within one lot only then such buildings shall not be extended beyond the limits of that lot.
- (c) If the building or buildings in which the non-conforming use is carried on are constructed on more than one lot such non-conforming use shall be restricted to the land on which the building stands or the buildings stand and such land which is adjacent to the building or buildings and not being used for any other purpose authorised by the Scheme as is reasonably required for the purpose for which the building or buildings is or are being used.
- (d) No building which is subject to any of the provisions in Part IV shall be altered or extended unless it conforms to the relevant provisions of Part IV or unless with the approval of the Council.

62. If a non-conforming use shall after the gazettal date be discontinued or changed, no person shall subject to the following clause thereafter use the land or any building or structure thereon on which the non-conforming use was carried on for any purpose not permitted by the Scheme.

63. The Council may upon such conditions as it thinks fit permit the change of a non-conforming use to another non-conforming use if in the opinion of the Council the latter use is less prejudicial to the amenity of the area.

64. The Council may for the purpose of discontinuing any particular non-conforming use acquire the land and buildings (if any) on or in which the use is or is permitted to be carried on or make agreements relating to the payment of compensation or moneys to persons willing to discontinue a non-conforming use.

65. If a non-conforming use shall be changed to another use all the requirements of the Scheme relating to the new use and to the buildings used in respect thereof shall be complied with by the owner of the land on which the use is carried on.

66. Any person carrying on a non-conforming use shall when required by the Council give to the Council in writing full information of the nature and extent of the non-conforming use.

PART VI.—PRESERVATION AND CONSERVATION OF OBJECTS OF NATURAL BEAUTY AND HISTORICAL BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST.

67. (1) The Council may resolve that it will consider whether an object of natural beauty specified in the resolution should be conserved.

(2) The Council may resolve that it will consider whether an historical building or an object of historical or scientific interest should be preserved.

68. If the Council shall pass one of the resolutions mentioned in the clause immediately preceding (hereinafter called "the preliminary resolution") it shall forthwith give written notice of the resolution to—

- (a) the owner of the land on which the object of natural beauty or the historical building or the object of historical or scientific interest is situated;
- (b) the occupier of such land if he is not the owner;
- (c) all other persons whose names appear on the Certificate of Title to the said land as having an interest therein.

- (d) The National Trust of Australia (W.A.);
- (e) The Royal Western Australian Historical Society (Inc.);
- (f) The Western Australia Tourist Development Authority;

(g) such other persons who in the opinion of the Council could give to it information which would assist the Council in arriving at a decision on the proposal.

69. The said notice shall inform the person to whom it is directed that the matter will be reconsidered by the Council after the expiration of two calendar months from the date of the passing of the said resolution and that any recommendations or objection made in writing to the Council by such person before the time will be considered. The Notice shall also contain a copy of this Part of the Scheme.

70. The Council shall cause a copy of the preliminary resolution to be published in a newspaper circulating throughout the State of Western Australia and in a newspaper published in the Scheme Area if such exists.

71. After the expiration of two calendar months but not later than four calendar months from the passing of the preliminary resolution the matter shall be reconsidered by the Council.

72. The Council shall consider all written recommendations and objections submitted to it and may resolve that the object of natural beauty or the historical building or object of historical or scientific interest should be conserved or preserved as the case may be. If the Council shall pass the said resolution (hereinafter called "the preservation resolution") it shall give written notice thereof to all persons mentioned in Clause 68 hereof.

73. If the Council shall not within a period of six months from the passing of the preliminary resolution pass the preservation resolution the Council shall be deemed to have abandoned the proposal contained in the preliminary resolution and shall not pass a preservation resolution unless and until the procedure mentioned in this Part of the Scheme shall have again been followed.

74. The Council may purchase or subject to the Act resume the parcel of land on which the object of natural beauty or the historical building or object of historical or scientific interest mentioned in the preservation resolution passed by the Council is situated or so much thereof as is in the opinion of the Council necessary for the preservation of the said object or building.

75. The Council may—

- (a) enter into agreements with the owners or occupiers of land on which an object of natural beauty or historic building or object of historical or scientific interest is situated, for the preservation or conservation of such building or object whether a preservation resolution has been passed or not;
- (b) enter into agreements with any of the organisations named in paragraphs (d), (a) or (f) of Clause 68 hereof or with any other person for the preservation or conservation of any building or object mentioned in a preservation resolution passed by the Council; or if the owner thereof so agrees, notwithstanding that no preservation resolution has been passed;
- (c) enter into agreements relating to the determination and settling of compensation.

77. Any person who is injuriously affected by the passing of a preservation resolution may within six months from the passing of the said resolution claim compensation from the Council.

78. If the parties cannot agree upon the amount of compensation payable it shall be determined by arbitration in accordance with the Arbitration Act 1895.

79. No person shall without the written consent of the Council—

- (a) within six months from the passing of a preliminary resolution; or
- (b) after the passing of a preservation resolution, make any alteration or addition to, damage, deface, demolish or remove any object of natural beauty, historic building or object of historical or scientific interest referred to in any such resolution.

PART VII.—ADMINISTRATION.

Prohibition.

80. (1) No person shall use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.

(2) If pursuant to the provisions of the Scheme approval has been granted upon conditions no person shall commit a breach of any of those conditions.

Powers of Council.

81. The Council in the conduct and management of this Scheme shall in addition to all other powers vested in it have the following powers:—

- (a) To enter and inspect any land or buildings within the Scheme Area;
- (b) to enter into agreements and arrangements with any of the owners of land within the Scheme Area; and
- (c) to acquire land or buildings within the Scheme Area.

82. Twenty-eight (28) days' written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act. Any expenses incurred by the Council under the said Section may be recovered from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim.

83. The Council may at any time exercise the powers conferred by Section 13 of the Act.

Advisory Panel.

84. (1) The Council may from time to time appoint an Advisory Panel to advise the Council on matters relating to buildings to the general appearance of buildings and to the design and appearance of buildings in relation to the amenity of the area.

(2) The panel shall consist of the Mayor or his nominee and three persons being ratepayers who in the opinion of the Council have the knowledge and experience to give proper decision on matters referred to the panel.

(3) The Council may from time to time revoke the appointment of any member of the panel other than the Mayor or his nominee and may appoint persons in the place of the members of the panel whose appointment has been revoked or who resign or are unable to act. No person should be permitted to act as a member of the panel if he has any pecuniary interest in the matter before it.

(4) The Council is not bound by a recommendation of the panel but if it does not accept the recommendation it should give reasons for its action.

Appeal.

85. Appeals in respect of the exercise of a discretionary power by the Council may be made in accordance with Part V of the Act.

Compensation.

86. Claims for compensation by reason of the Scheme shall be made not later than six (6) months from the date on which notice of approval of this Scheme is published in the *Government Gazette*.

Appendix I
ZONING TABLE

	Residential	Multi-Residential	Special Residential	Hotel	Motel	Service Station	District Shopping	Local Shopping	Special Business	Office	Other Commercial	Showroom-Warehouse	Light Industry	General Industry	Noxious Industry	Mineral Processing Industry	Places of Public Assembly	Private Clubs and Institutions	Rural	Railway
1. Advertisements	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
2. Builder's Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3. Business Associated with Industry	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4. Cabins and Chalets	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5. Camping Area	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
6. Camping	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
7. Caravan Park Adm. Building and/or Caravan Park	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
8. Caravan Sales and Service	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
9. Car Park	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10. Car Sales Premises	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11. Car Wash	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
12. Car Wrecking	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13. Caretakers House	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
14. Child Minding Centre Day Nursery	AA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
15. Civic and Public Authority Buildings	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
16. Clinic-Infant Health and Medical Club, Licensed Club	AA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
17. Club, Licensed Club	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
18. Consulting Rooms	AA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
19. Convalescent Home	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
20. Convalescent Home	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
21. Dental Clinic	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
22. Depot-Cargoes in Transit	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
22. Dog-Kennelling, Breeding or Keeping of more than two	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
23. Drive-in Hardware Store	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
24. Drive-in or Open Air Theatre	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
25. Dry Cleaning Agency	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
26. Dry Cleaning Premises	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
27. Eating House	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
28. Educational Establishment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
29. Engineering Equipment Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
30. Exhibition Room	X	X	AA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
31. Factoryette	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

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Appendix II

ADDITIONAL USE ZONES

Street	Particulars of land	Additional Use Permitted

Appendix III

RESTRICTED USE ZONES

Street	Particulars of land	Only Use Permitted
1. Cockburn Road	Lots 1 to 12 inclusive on Lands and Surveys Diagram No. 74214, portion of Cockburn Sound Location 704 and Clarence Lot 103	Shipbuilding

Appendix IV

(Clause 20)

CLASSIFIED AREA RELATING TO DOGS

The portion of the Municipality enclosed within a line beginning at the north-east corner of Jandakot Agricultural Area Lot 165 at the junction of Acourt and Leeming Roads ; then along Leeming Road to the railway reserve ; then south-westerly along the reserve to Marriott Road ; then south along Marriott Road to Hope Road ; then westerly along Hope Road to Prinsep Road ; then southerly along Prinsep Road to Mason Road ; then south-easterly along Mason Road to Fraser Road ; then south-easterly along Forrest Road to Warton Road ; then along Warton Road to Acourt Road ; then along Acourt to Johnson Road ; then northwards along Johnson Road to the beginning.

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Appendix V

Office use only

Serial No.

Town of Cockburn

District Zoning Scheme

APPLICATION FOR COUNCIL PLANNING CONSENT TO COMMENCE DEVELOPMENT

Name of Owner of Land on which development proposed }	Surname.....
	Christian Names
	Address in Full.....

Submitted by.....

Address for Correspondence.....

Locality of Development.....

Titles Office Description of Land :

Lot No.....Street.....Loc. No.....

Plan or Diagram.....Certificate of Title Vol.....Fol.....

The type of development proposed and the nature of the proposed buildings are as follows :

.....

.....

.....

.....

.....

.....

.....

The approximate cost of proposed development is.....

The estimated time of completion is.....

The approximate number of persons to be employed when the development is completed is.....

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land
.....

NOTE : This is not an application for a building licence. Separate application forms are to be submitted for the building licence. This form is to be submitted in duplicate, together with copies of the plans requested to the Council office.

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Appendix VI.
BUILDING TABLE.

	Column 1 Nature of Use	Column 2 Minimum Area of Lot	Column 3 Minimum Effective Frontage and Width	Column 4 Maximum Site Coverage	Column 5 Maximum Plot Ratio	Column 6 Minimum No. of Car Parking Spaces (paved)
1 a	Dwelling house Duplex house Triplex house Quadruplex house Group housing	See Residential and Multi Residential Tables— Appendix 7, and Uniform Building By-Laws				
1 b	Flats	See Multi Residential Table—Appendix 7, and Uniform Building By-Laws				
2 a	Lodging house hostel	2 000 m ²	30 m	0.35	1	1 space per each lodger or boarder for which the lodging or boarding house is registered
2 b	Motel or private hotel	4 000 m ² See Council's Motel-By-Laws		0.5	1	1 per bedroom plus visitors' car parking as may be required
3 a	(Licensed) hotel	1.4 ha	....	....	....	1 per bedroom 1 space for every 2.5 m ² of all public areas
3 b	Tavern	4 000 m ²	....	....	....	1 for every 2.5 m ² of all public areas
3 c	Licensed restaurant	2 000 m ²	....	....	....	1 for every 3 seats allowing 1.25 m ² per person of nett area used by tables excluding dance floor
4 a	Eating house restaurant	As per Uniform Building By-Laws	....	....	....	1 for every 5 seats
4 b	Fast food outlet	....	6 m	0.25	0.25	1 for every 10 m ² of nett floor area excluding special conditions on existing approvals
5 a	Offices	....	....	0.5	1	1 per 25 m ² gross floor area
5 b	Medical clinics	2 000 m ²	30 m	0.3	....	Minimum 10 for patients' use
5 c	Doctor, Dental or similar surgery	1 000 m ²	20 m	0.3	....	Minimum 5 for patients' use
6 a	Houses of worship	2 000 m ²	30 m	0.3	0.5	1 for every 4 seats
6 b	Church Hall, public hall, theatres, museums	2 000 m ²	30 m	0.35	....	1 for every 3 seats

Appendix VI—continued.

	Column 1 Nature of Use	Column 2 Minimum Area of Lot	Column 3 Minimum Effective Frontage and Width	Column 4 Maximum Site Coverage	Column 5 Maximum Plot Ratio	Column 6 Minimum No. of Car Parking Spaces (paved)
6c	Pre-school centre— kindergarten (60 children) child care centres— day nursery	2 200 m ²	....	....	....	Minimum of 10 spaces
6d	Hospitals	4 000 m ²	....	0·35	0·5	1 for every bed
6e	Convalescent homes and nursing homes	2 000 m ²	....	....	....	1 for every 2 beds
6f	Primary school	1 ha	....	0·25	0·3	1·25 per classroom
6g	Secondary school	6 ha	....	0·25	0·3	1·25 per classroom
6h	Club public amusement	4 000 m ²	40 m	0·3	1	1 per 10 m ² of floor space
6i	Squash courts	....	....	....	1	Two for every court plus one additional space for every 4 m ² of spectator area
7a	Home display centres	....	....	....	....	1 for every 20 m ² of floor area of every building on the site, and an additional space for every 2 persons employed
7b	Car sales premises	....	....	....	....	1 for every 200 m ² of open space, an ad- ditional space for every 100 m ² of the floor area of every building on the site, and an additional space for every 2 persons employed
7c	Car wash	....	....	....	....	10 parking or queuing spaces for every washing bay plus 2 parking spaces per washing bay for drying area
8a	Local shopping	....	....	....	....	1 for every 12 m ² of gross building area
8b	District shopping	As above plus 1 for every 2 persons employed
9a	Factoryettes	2 000 m ²	40 m	1 for every 45 m ² of factory floor space

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Appendix VII
RESIDENTIAL TABLE

Use	Single Residence	Duplex House
Minimum Lot Area	700 m ²	1 000 m ² in areas of new subdivision
Minimum Effective Frontage	18 m	25 m in areas of new subdivision
Maximum Plot Ratio	0.30	0.30
Maximum Site Coverage	30%	30%
Minimum number of car Parking Spaces	2	2 per dwelling unit
Minimum Natural Planting and Pedestrian space	50%	50%
Minimum Set back from Boundaries— Front, Sides and Rear	As for Uniform Building By-Laws	

MULTI RESIDENTIAL TABLE

Use	Triplex House	Quadruplex House	Group Housing	
			Category A	Category B
Minimum Lot Area	1 250 m ²	1 500 m ²	400 m ²	300 m ²
Minimum Effective Frontage	25 m	25 m	10 m	6 m
Maximum Plot Ratio	0.35	0.35	0.35	0.5
Maximum Site Coverage	35%	35%	35%	35%
Minimum number of car parking spaces	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit
Minimum natural planting and pedestrian space	50%	50%	50%	50%
Minimum setback from boundaries— —front, sides and rear	As for Uniform Building By-Laws			

Open Space Recreation and Amenity

Clause 60 applies to all multi residential developments.

Multiple Dwelling Units

Minimum Lot Area = 2 000 m²

Minimum Effective Frontage = 30 m

Area	Frontage	Maximum Plot Ratio
2 000 m ²	30 m	0.35
2 500 m ²	35 m	0.4
3 000 m ²	40 m	0.45
3 500 m ²	45 m	0.5

Maximum Plot Ratio to be 0.5 unless a special agreement is made with the Council.

All multi-residential developments must be connected to mains sewer, except triplex and quadruplex.

All other conditions to be as for Uniform Building By-Laws.

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Adopted by resolution of the Council of the Town of Cockburn at the General meeting of the Council held on the 14th day of May, 1974 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:—

[L.S.]

A. M. THOMAS,
Mayor.

A. J. ARMAREGO,
Town Clerk.

This Scheme is to be read in conjunction with the approved maps of the Scheme described in Clause 4 of this Scheme and to which formal approval was given by the Hon. Minister for Town Planning on the 4th day of June, 1974.

Recommended—

DAVID CARR,
Chairman of the Town Planning Board.

Date: 4th June, 1974.

Approved—

E. C. RUSHTON,
Minister for Town Planning.

Date: 4th June, 1974.
