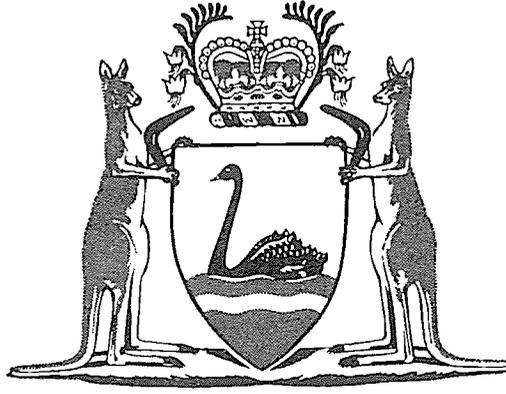


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TOWN PLANNING AND DEVELOPMENT ACT,
1928 (AS AMENDED)

CITY OF STIRLING DISTRICT
PLANNING SCHEME

SCHEME TEXT

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED).

Advertisement of Approved Town Planning Scheme.

City of Stirling District Planning Scheme.

T.P.B. 853/2/20, Vol. 2.

IT is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Urban Development and Town Planning approved the City of Stirling District Planning Scheme on the 4th September, 1974, the Scheme Text of which is published as an Appendix annexed hereto.

R. N. STONE,
Mayor.

L. A. EASTON,
Town Clerk.

APPENDIX.

CITY OF STIRLING DISTRICT PLANNING SCHEME.

SCHEME TEXT.

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

TABLE OF CONTENTS.

PART I.—PRELIMINARY :		Page
1.1	Citation	4
1.2	Responsible Authority	4
1.3	Scheme Area	4
1.4	Maps	4
1.5	Objects	4
1.6	Relationship of Scheme to By-laws	4
1.7	Uniform Building By-laws	4
1.8	Interpretation	4
PART II.—RESERVED LAND :		
2.1	Regional Reservations	10
2.2	Local Authority Reservations	10
2.3	Uses	10
2.4-2.7	Development	10
PART III.—ZONES		
3.1-3.2	Classification	11
3.3	Zoning Table	11
3.4	Symbols	11
3.5	General Terms and Particular Cases	11
3.6-3.7	Uses not listed	11
3.8-3.9	Application for Approval of Council	12
3.10-3.13	Procedure	12
3.14	Uses Marked "AA" in Zoning Table	12
3.15	Council's Approval	12
3.16-3.17	Conditions of Approval	12
3.18	Expenses	12
3.19	General Residential GR4A Zone	12
3.20	Special Residential Zone	12
3.21	Mirrabooka Regional Centre Zone	13
3.22	Industrial, Special (Garden) Industrial and Light Industrial Zones	13
3.23	Single, Special and General Residential Zones—Corner-type shops	13
3.24	Restricted Zones	13
3.25	Special Zones	13
3.26	Special Beach Development Zone	13
3.27	Home Occupations	13
	Table Number 1—Zoning	14-17

PART IV.—BUILDING STANDARDS AND PARTICULAR ZONING REQUIREMENTS :

	Page
4.1-4.7 Minimum Development Requirements	18
4.8-4.9 Size and Location of Car Spaces and Loading Facilities	19
4.10 Cash Payment in Lieu of Providing Parking Spaces	19
4.11 General Residential Zones	19
4.12 Special Residential Zones	22
4.13 Dispersed Buildings	22
4.14 Flats in Certain Zones	22
4.15 Parking of Commercial Vehicles in Residential Zones	22
4.16 Basements of Residential or Flat Buildings	22
4.17 Use of Setback Areas	22
4.18 Garden Areas in Industrial Zones	23
4.19 Service Areas	23
4.20 Factory Tenement Buildings and Factory Units	23
4.21 Facades	24
4.22 Stables	24
4.23 Dogs	24
4.24 Disposal of Wastes	24
4.25 Traffic Entrances	24
4.26 Building Lines and New Street Alignments	24
4.27 General Appearance of Buildings and Preservation of Amenities	24
4.28 Space Above Streets	25
4.29 Space Under Streets	25
4.30 Display Homes Centres	25

TABLES :

Table Number 2—Site and Car Parking Requirements (Uses generally of a Residential Nature)	26, 27
Table Number 3—Site and Car Parking Requirements General Residential GR4 and GR4A Zones	28
Table Number 4—Site and Car Parking Requirements General Residential GR5 Zone	29
Table Number 5—Site and Car Parking Requirements General Residential GR6 Zone	30
Table Number 6—Site and Car Parking Requirements (Uses generally of a Commercial Nature)	31, 32
Table Number 7—Site and Car Parking Requirements (Uses generally of an Industrial Nature)	33

PART V.—DEVELOPMENT :

5.1 Council's Approval Necessary	34
5.2 Applications for Approval	34
5.3-5.6 Council's Approval	34
5.7 Re-Development Schemes	34

PART VI.—NON-CONFORMING USES :

6.1 Non-Conforming Use Permitted	34
6.2 Discontinuance or Change of Non-Conforming Use	34
6.3 Destruction of Buildings	34
6.4 Council's Approval for Change of Non-Conforming Use	35
6.5 Conditions of Approval	35
6.6 Acquisition ; and agreements to Discontinue Use	35
6.7 Subdivision of Land	35
6.8 Register of Non-Conforming Uses	35

PART VII.—ADMINISTRATION :

7.1 Right of Appeal	35
7.2-7.3 Prohibition	35
7.4 Acquisition of Land	35
7.5 Disposal of Land	35
7.6 Entry to Premises	35
7.7 Buildings and Works	36
7.8 Agreements	36
7.9 Compensation	36

The First Schedule :

Part I—Restricted Zones.	36-38
Part II—Special Zones.	38, 39

The Second Schedule : Parking Modules.

40

The Third Schedule : Corner Truncations.

41

The Fourth Schedule : Form of Application for Approval to Commence Development.

42

PART I.—PRELIMINARY.

1.1 Citation: This Town Planning Scheme may be cited as the City of Stirling District Planning Scheme (hereinafter called "the Scheme").

1.2 Responsible Authority: The authority responsible for enforcing the observance of the Scheme is the City of Stirling (hereinafter called "the Council").

1.3 Scheme Area: The Scheme shall apply to the whole of the District of the City of Stirling as identified on the Area Map and the maps forming part of the Scheme, except for the Beaufort Street area as shown excluded on the Scheme Map which is to be the subject of a separate local Town Planning Scheme. The boundary of the Scheme is indicated where necessary by a broken black line. The said Area is hereinafter referred to as "the Scheme Area".

1.4 Maps: The following maps are attached to this text and form part of the Scheme:—

Area Map.
Land Use Map—Sheets 1 to 10.
Scheme Map—Sheets 1 to 10.

1.5 Objects: The general objects of the Scheme are to zone the Scheme Area for the purposes in this Scheme described, to set aside land for use for recreational, public, and local authority purposes, and to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes, and to make provisions for other matters necessary or incidental to town planning or housing. The Scheme is complementary to and not a substitute for the Metropolitan Region Scheme.

1.6 Relationship of Scheme to By-Laws: The provisions of this Scheme shall have effect, notwithstanding any by-law for the time being in force in the District; and where the provisions of the Scheme are inconsistent with the provisions of any By-law, the provisions of this Scheme shall prevail.

1.7 Uniform Building By-laws: In addition to the provisions of the Uniform Building By-laws, the conditions set down in Part IV of the Scheme shall apply to the erection of and alteration and additions to dwelling-houses, duplex, and flat accommodation units in the various zones. Where the provisions of the Scheme are inconsistent with the provisions of the Uniform By-laws, the provisions of the Scheme shall prevail.

1.8 Interpretation: In this Scheme, unless the context otherwise requires, the following terms shall have the meaning set out hereunder, respectively:—

"Act" means the Town Planning and Development Act, 1928 (as amended).

"Bachelor flat" means a single unit flat described in Uniform Building By-law 2808; and which is intended to be occupied by one person only.

"Building" means any structure or appurtenance thereto, whether fixed or movable, temporary or permanent, and includes stall, fence, wall, barrier, hoarding, out-building, parking area, garden landscaped area, and swimming pool.

"Bulk Store" means a building for the storage of goods of a bulky nature.

"Bus Transfer Station" means land or buildings designed so that passengers may transfer to buses or cars from other buses or cars.

"Caravan Park" means an area set aside for the parking of caravans under the By-laws of the City, or pursuant to the Caravan and Camp Regulations 1972, made pursuant to the provisions of the Health Act, 1911 (as amended).

"Car Park" means a site, part of a site, building, or part of a building, used primarily for parking private cars or taxis, whether as a public or private car park, but does not include any part of a public road used for parking, or for a taxi rank, or any land or buildings, on or in which cars are displayed for sale.

"Caretaker's House" means a building, or part of a building, used as a residence by the proprietor or manager of an industry carried on upon the same site, or by a person having the care of a building, or of the building and plant of an industry.

"Car Sales Premises" means land and buildings used for the display and sale of new and/or secondhand cars.

"Child Minding Centre" means a Day Care Centre, a Family Care Centre or an Occasional Care Centre as defined by the Child Welfare (Care Centres) Regulations 1968 published in the *Government Gazette* of 15th July, 1968.

"City" means the City of Stirling.

- “Civic Building” means a building designed, used, or intended to be used, by Government Departments, statutory bodies representing the Crown, or the Council, as offices or for administrative or other purposes.
- “Club—non Residential” means a building used by a legally constituted club or association or other body approved by Council as a meeting place for formal and informal activity, including entertainment within limitations approved by Council, and includes any land appurtenant thereto used for recreation, but does not include a building used for residential purposes.
- “Consulting Rooms” means a building or part of a building (other than a hospital) used in the practise of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner.
- “Development” means the use or development of any land, and includes the erection, construction, alteration, or carrying out, as the case may be, of any building, excavation or other works on any land.
- “Display Home Centre” means a group of two or more dwelling houses, but not exceeding six, which are intended to be open for public inspection.
- “District” means the district of the City of Stirling.
- “Drive-in Cinema” means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.
- “Dry Cleaning Premises” means land and building used for the cleaning of garments and other fabrics by chemical processes.
- “Duplex—General Residential (GR Duplex)” means a building containing two complete and self-contained dwellings, but does not include a building in which the separate dwelling units are wholly constructed one above the other.
- “Duplex—Single Residential (SR Duplex)” means a building comprising two dwellings, each being complete self-contained units, so designed as to give the external appearance of a single dwelling, but does not include a building in which the separate dwelling units are wholly constructed one above the other.
- “Dwelling House” means a building used primarily for living purposes as one family unit; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a “residential building” or part of such a building.
- “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” shall be calculated as—
- (1) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
 - (2) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at a point being one-third of the mean depth of the lot measured from the street frontage;
 - (3) where the lot is part of a special subdivisional layout (such as Radburn Concept designs) or is of such irregular proportion or on such a steep slope that neither of the foregoing methods can reasonably be applied, such length as the Council may determine.
- “Extractive Industry” includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land; and also the manufacture of such 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.
- “Factory Tenement Building” means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries not owned or managed by the same person.
- “Factory Unit” means a portion of a factory tenement building which is the subject of a separate occupancy.

- "Fish Shop" means a shop where the goods kept, exposed, or offered for sale, include uncooked fish, or fish cooked on the premises for consumption off the premises.
- "Flats" shall have the same meaning as is given to it in, and for the purpose of, the Uniform Building By-laws and includes single unit flats as described in By-law 2808 of the Uniform Building By-laws.
- "Floor Area" shall have the same meaning as is given to it in, and for the purposes of, the Uniform Building By-laws.
- "Frontage" means the boundary line between a site and the street which that site abuts, and when the site abuts more than one street, then the boundary line between the site and the street to which the main building on the site fronts. If no building has been erected, or if the building appears to front on to more than one street, then the frontage shall be the boundary line between the site and the street nominated by the Council.
- "Fuel Depot" means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a service station.
- "Funeral Parlour" means land and buildings occupied by undertakers, where bodies are stored and prepared for burial or cremation.
- "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 any industry other than a hazardous, light, noxious, rural, extractive or service industry.
- "General Residential Zone" means a portion of the District of the City of Stirling which is defined as such a zone and classified as Class 4 (GR4), class 4A (GR4A), class 5 (GR5), or class 6 (GR6) zones respectively, in this Scheme.
- "Gross Floor Area" means, for office, business and commercial development, the total floor area within the building, exclusive of lift shafts, toilets, amenities, stair wells, bulk storage, external wall thicknesses, plant rooms and gross areas of parking facilities and access thereto which are sited within the building.
- "Hazardous Industry" means an industry which by reason of the processes involved, or the method of manufacture, or the nature of the materials used or produced, requires isolation from other buildings.
- "Health Studio" means a building designed and equipped for recreation and sporting activities and includes outdoor recreation if specially approved by the Council.
- "Height" has the meaning given to it in, and for the purposes of, the Uniform Building By-laws.
- "Home Occupation" means a business carried on with the approval of the Council within a house or the curtilage of a house, that—
- (a) 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 affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
 - (b) does not entail the employment of any person not a member of the occupier's family;
 - (c) does not occupy an area greater than 20 square metres.
 - (d) 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 or care.
- "Hotel" means land and buildings the subject of an Hotel Licence or a Limited Hotel Licence, granted under the provisions of the Liquor Act 1970 (as amended), but does not include a motel or a tavern.
- "Industry" means the carrying out of any process in the course of trade or business for gain, for and incidental to—
- (a) the winning, processing or treatment of minerals;

- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition, of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods for human or animal consumption; and
- (e) 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, or the sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process,

but does not include—

- (i) the carrying out of agriculture;
- (ii) site work on buildings, works or land;
- (iii) in the case of edible goods for human or animal consumption, the preparation on the premises of a shop, of food for sale.

“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, 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.

“Institutional Home” means a residential building or flats, for the residence of or for the care and maintenance of children, the aged, or the infirm, and includes a benevolent institution; but does not include a hospital or a mental institution or an institutional building.

“Land” includes strata titles, messuages, tenements and hereditaments, any estate in the land, and houses, building, works and structures, in or upon the land.

“Light Industry” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will 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, waste water, waste products, grit, oil, or otherwise;

and

- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service;

but does not include car-wrecking, panel beating or spray painting.

“Lot” has the meaning given to it in and for the purposes of the Act and “allotment” has the same meaning.

“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 Centre” means a maternal or X-ray centre, a district clinic, or a medical clinic.

“Milk Depot” means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

“Motel” means any premises that provide, or are held out as providing, accommodation for the motoring public at large for reward, and that are denominated by the owner or occupier by the word “motel”, or any combination of the word “motor”, “auto”, or “travel”, or any derivation or contraction of these words with a word or any derivation or contraction of a word denoting lodging or accommodation, whether alone or in conjunction with other words.

- "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.
- "New Street Alignment"—see "Street Alignment".
- "Noxious Industry" means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911, (as amended), but does not include fish shops or dry cleaning premises or laundrettes.
- "Offices" means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.
- "Owner" in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—
- (a) is entitled to the land for any estate in fee simple in possession; or
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
 - (c) is a lessee or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
- "Patio Housing" means a building of one storey comprising a group of four or more self-contained dwellings each on its own allotment of not less than 300 m², having a walled court front and rear, each attached to another by a party wall or walls constructed over the allotment boundaries.
- "Plot Ratio" has the same meaning as is given to it in and for the purpose of the Uniform Building By-laws.
- "Private Hotel" means land and buildings used for residential purposes in respect of which may be granted a Limited Hotel Licence under the provisions of the Liquor Act, 1970 (as amended).
- "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 building used for the purpose of his profession by an accountant, architect, artist, author, barrister, consular official, engineer, quantity surveyor, solicitor, surveyor, teacher, or town planner, or a person having, in the opinion of the Council, an occupation of a similar nature.
- "Public Amusement" means the use of land as a theatre, a cinema, a night club, a dance hall, a skating rink, swimming pool, or gymnasium, or for games; but does not include any of these activities carried on in the open unless specially approved by the Council.
- "Public Assembly-place of" means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadia or show grounds.
- "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, the Council 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.
- "Public Building" means a building that may suitably form part of a civic or neighbourhood centre.
- "Public Parking Station" means a parking area or "car park" provided by the Council for use by the public with or without charge.
- "Public Utility" means any works or undertaking constructed or maintained by a public authority or the Council, as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- "Public Worship—place of" includes buildings used primarily for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

- "Quadruplex" means a building comprising four complete and self-contained dwellings but does not include a building in which the separate dwelling units are wholly constructed one above another.
- "Reception Lodge" means a building, managed by a proprietor, and available for the use of parties on formal or ceremonious occasions, but not for unhosted use on general occasions for entertainment purposes.
- "Redevelopment" means revision or replacement of an existing land use according to a controlled plan.
- "Residential Building" means a building other than a dwelling or flats, designed for use for human habitation, together with such outbuildings as are ordinarily used therewith; and the expression includes a hostel, an hotel designed primarily for residential purposes, a residential club, a boarding house and a lodging house.
- "Restaurant" means premises for the preparation and sale of food for consumption, primarily on the premises and includes a licensed restaurant and a cafe.
- "Row Housing" means a building of one or two storeys comprising a group of four or more self contained dwellings, each on its own lot of not less than 220 m², having a walled court front and rear, each attached to another by a party wall or walls constructed over the allotment boundaries.
- "Rural Industry" means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
- "Sawmill" means a mill or premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.
- "Service Shop" means a shop forming part of a residential building or flats and designed principally to serve the residents of the building.
- "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, but does not include panel beating, spray painting or major repairs.
- "Shop" means any building wherein goods are kept, exposed or offered for sale by retail, and includes a receiving depot; but does not include a bank, fuel depot, a market, service 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.
- "Showroom/Warehouse" means a building for the storage and display of goods in which commercial transactions involving the sale of such goods by wholesale may take place.
- "Sports Ground" means any land used for any sport; but does not include land within the curtilage of a dwelling if not used commercially.
- "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 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 (as amended).
- "Terrace Housing" means a building of one or two storeys comprising a group of five or more self contained dwellings, each joined to another by a party wall or walls, the building being so designed that no dwelling is constructed above another.
- "Town Housing" means a building of not more than three storeys, comprising a row of four or more self contained houses, each on its own lot of not less than 150m², having a walled court front and rear, each attached to another by a party wall or walls constructed over the lot boundaries.
- "Trade Display" means the controlled and moderate display of goods for advertisement as approved by the Council.

"Transport Depot" means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes maintenance and repair of vehicles.

"Triplex" means a building comprising three complete and self contained dwellings but does not include a building in which the separate dwelling units are wholly constructed one above another.

"Uniform Building By-laws" means the Uniform Building By-laws 1965 published in the *Government Gazette* on 22nd October 1969 (as amended).

"Veterinary Consulting Rooms" means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients. No patient may remain on the premises over-night.

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

"Woodyard" means an area on which wood is stored, sawn, or cut for use as domestic firewood and on which no wood or timber is stored, sawn, or cut, for any other purpose.

PART II.—RESERVED LAND.

2.1 Regional Reservations: The land shown as "Metropolitan Region Scheme Reserves" 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 (as amended). The said lands are not reserved by this Scheme.

2.2 Local Authority Reservations: The lands shown as Local Authority Reservations on the Scheme Map (hereinafter referred to as "Local Authority Reservations") are lands reserved by this Scheme for Local Authority purposes or for the purposes shown on the said Map. These lands are vested in or shall be acquired by the Council.

2.3 Uses: Local Authority Reservations until vested in the Council may be used—

2.3.1 for the purpose for which the land is reserved under this Scheme;

2.3.2 where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority;

2.3.3 for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land shall have in the meantime become vested in a public authority, or unless such use shall have been changed with the approval of the Council;

2.3.4 for any purpose approved by the Council; but shall not be used for any other purpose.

2.4 Development: No person shall on a Local Authority Reservation, without the approval of the Council—

2.4.1 demolish or damage any building or works;

2.4.2 remove or damage any tree;

2.4.3 excavate, spoil, or waste the land so as to destroy, affect, or impair its usefulness for the purpose for which it is reserved;

2.4.4 construct, extend, or alter any building or structure, other than a boundary fence.

2.5 The Council may on written application of the owner of a Local Authority Reservation either grant its approval to the carrying out of any of the works mentioned in the clause immediately preceding or refuse its approval or grant its approval upon such conditions as it thinks fit.

2.6 If the Council shall—

2.6.1 refuse to grant its approval to the use of a Local Authority Reservation for any purpose permitted on land adjoining it; or

2.6.2 refuse to grant its approval to the carrying out of any of the works mentioned in Clause 2.4 hereof; or

2.6.3 when granting its approval to the carrying out of any of the said works, impose conditions which are unacceptable to the person applying for such approval.

and if—

- 2.6.4 the applicant does not agree to abandon the application for the Council's approval; or
- 2.6.5 in the meantime the Council does not resolve to exercise its power under Section 13 of the Act; or
- 2.6.6 no previous claim for compensation has been made for injurious affection by reason of the reservation of the land,

then claims for compensation for injurious affection by reason of the reservation of the land and the Council's decision may be made within six (6) months of the decision of the Council.

2.7 The council may deal with or dispose of a Local Authority Reservation upon such terms and conditions as it thinks fit provided that the land is used for, or preserved for, the use for which the land is reserved.

PART III.—ZONES.

3.1 Classification: There are hereby created the several Zones set out hereunder:

- 1. Single Residential,
- 2. Special Residential,
- 3. General Residential GR4,
- 4. General Residential GR4A,
- 5. General Residential GR5,
- 6. General Residential GR6,
- 7. General Residential GR5 and Business,
- 8. Business,
- 9. Special Business,
- 10. Office,
- 11. Mirrabooka Regional Centre,
- 12. Special Beach Development,
- 13. Hotel,
- 14. Service Station,
- 15. Industrial,
- 16. Light Industrial,
- 17. Special (Garden) Industrial,
- 18. Rural,
- 19. Civic and Cultural,
- 20. Private Clubs and Institutions,
- 21. Restricted (as per 1st schedule),
- 22. Special (as per 1st schedule),

3.2 The zones are delineated and coloured on the Scheme Map according to the reference appended thereto.

3.3 Zoning Table: The Zoning Table (Table No. 1) following Clause 3.27 hereunder indicates, subject to the provisions of the Scheme, the uses permitted in the various zones. The uses are determined by cross reference between the list of "Use Classes" on the left-hand side of the Table and the list of "Zones" on the top of the Zoning Table.

3.4 Symbols: The symbols used in the cross reference in the Zoning Table appended to this clause have the following meanings:—

- "P" means that the use is permitted by the Scheme;
- "AA" means that the use is not permitted unless approval is granted by the Council;
- "IP" means that the use is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears it means that the use is not permitted.

3.5 General Terms and Particular Cases: 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.

3.6 Uses not Listed: 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, such use or purpose shall, unless it is permitted by the subsequent provisions of the Scheme, be deemed to be a use that is not permitted unless special approval is granted by the Council.

3.7 In respect of any use that is not expressly provided for in the Zoning Table, the Council shall, on application, determine in which zone or zones, if any, the use may be permitted with or without conditions, as the Council deems necessary.

3.8 Application for Approval of Council: A person who desires to use land for a purpose which, by the provisions of the Scheme is only permitted if approval is given by Council, shall make application for such approval to Council in writing. This application shall be in addition to an application for approval to commence development if such is required under Clause 5.1.

3.9 The application shall state the following particulars:—

- 3.9.1 The full name and address of the applicant;
- 3.9.2 A description of the land, including lot number and house number, sufficient to enable the land to be identified;
- 3.9.3 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;
- 3.9.4 The nature of the applicant's interest in the land;
- 3.9.5 The purpose for which the applicant desires to use the land;
- 3.9.6 The nature of the building and other improvements on the land and other improvements the applicant desires to construct on or make to the land.

3.10 Procedure: Before approving by virtue of Clause 3.6 a use not listed in the Zoning Table, the Council shall ensure that a notice of sufficient size to be visible and readable from the street, has been displayed in a prominent position on the land, explaining the proposed use. The notice shall be exhibited for a period of not less than three weeks and shall state that objections may be lodged with the Council before a specified date, being not less than three weeks after the first display of the notice.

3.11 The Council shall advertise or cause to be advertised in a newspaper circulating in the District, notice of its intention to consider the application for the proposed use; the advertisement shall state that objections may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice.

3.12 The Council may use any other methods or media to ensure widespread notice of the proposal.

3.13 After the date stated in the notices, the Council shall consider the application and any objections received and make its decision accordingly.

3.14 Uses Marked "AA" in Zoning Table: In the case of an application for the Council's approval to a use shown in the Zoning Table with the symbol "AA", indicating that the use is not permitted unless the approval of the Council is granted, the Council may, if it considers it desirable to do so, require that the procedure laid down in Clauses 3.10 to 3.13 be followed.

3.15 Council's Approval: In granting its approval to any use, the Council shall have regard to the appropriateness of the proposed use and its effect on the locality and in particular, traffic congestion and hazard, noise, amenity, view, nuisance and any factor inconsistent with the zoned use.

3.16 Conditions of Approval: In granting its approval to a use, the Council shall impose whatever conditions it considers necessary to avoid any adverse effect on the amenity of the neighbourhood, and in the case of an application under Clause 3.6, to ensure that the use is no more detrimental than a use that could be permitted by the provisions of the Zoning Table.

3.17 If the Council shall grant its approval to the use of any land or building for a particular purpose, subject to conditions, no person shall use the land or building for that purpose otherwise than in accordance with those conditions.

3.18 Expenses: All expenses incurred by the Council in carrying out the foregoing procedures shall be reimbursed by the applicant whether or not his application be approved.

3.19 General Residential GR4A Zone: All development in a GR4A Zone, which is more than one storey and comprises more than four dwelling units, requires the special approval of Council. Before the final determination of an application requiring the special approval of Council, the written comments of adjoining owners shall be sought and shall be taken into consideration by the Council.

3.20 Special Residential Zone: The intention of the Special Residential Zone is to permit the State Housing Commission to undertake a mixture of residential development, which, though predominantly single residential, would also include triplex, quadruplex, group housing and flats at low or medium densities. Before approval is

granted to any development in this special residential zone, other than single houses or duplex, a layout plan is to be submitted to the Council. Upon preliminary approval of the Council and the Town Planning Board of the layout plan, Council shall advertise that the plan is available for public inspection and the lodgement of any objection thereto within six (6) weeks. Additional public notices shall be displayed as required by Council or the Town Planning Board. Subject to any changes necessary as a result of objections or other considerations, the Council shall submit the plan together with the objections to the Town Planning Board. The layout plan finally adopted by the Town Planning Board, with Council's consent, shall be the basis for approval of subdivision and development applications within the area covered by the plan.

3.21 **Mirrabooka Regional Centre Zone:** The Mirrabooka Regional Centre, which will be developed by the State Housing Commission, will incorporate shopping, business, light industrial, community and recreational facilities. The total centre will be designed on a comprehensive basis and its development will be subject to the approval of the Council and the Metropolitan Region Planning Authority.

3.22 **Industrial, Special (Garden) Industrial and Light Industrial Zones:** In addition to the uses shown in the Zoning Table, a retail or wholesale business connected with the Industry may be permitted by the Council in an Industrial, Special (Garden) Industrial or Light Industrial Zone, provided that—

- 3.22.1 Not more than fifty per cent of the total area is used for the business use;
- 3.22.2 the part of a building used for business shall have a front elevation and facade to the street or streets on which the land abuts;
- 3.22.3 this front elevation or facade shall be of a design and constructed of material approved by the Council.

3.23 **Single, Special and General Residential Zones—Corner-type Shop:** Council may permit the construction of a corner-type shop not exceeding 65 square metres in area in the above zones provided that—

- 3.23.1 the shop is attached to a dwelling.
- 3.23.2 off-street parking is provided on the basis of one parking space per 9 square metres of gross floor area.
- 3.23.3 the shop is operated as a general grocery store catering for the day to day household needs of residents in the locality. Speciality shops will not be permitted.

3.24 **Restricted Zones:** No person shall use any land, or any building or structure thereon in a Restricted Zone, except for the purpose specified against such land in Part I of the First Schedule hereto.

3.25 **Special Zones:** Notwithstanding that the lands described in Part II of the First Schedule hereto are within other zones, any such land and buildings and structures thereon may be used for the purpose set against such land in Part II of the First Schedule, in addition to the uses permitted in the zone in which such land is situated.

3.26 **Special Beach Development Zone:** Notwithstanding any uses listed in the Zoning Table, all development in a Special Beach Development Zone requires special approval of the Council. The Council wishes to encourage in this Zone a high standard of development which will be complementary to Scarborough Beach. The Council will therefore discourage piece-meal developments on inadequate sites; or uses and buildings not in keeping with the standard desired. The Council is prepared to co-ordinate the development of land in various ownerships and will act wherever appropriate to facilitate the construction of buildings of a high standard of quality.

3.27 **Home Occupations:** If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land the subject of a resolution of rescission, carry on a home occupation unless approval to do so shall subsequently be granted by the Council.

**PART IV.—BUILDING STANDARDS AND PARTICULAR ZONING
REQUIREMENTS.**

4.1 Minimum Development Requirements: Subject to the provisions of this Scheme, no person shall develop any land or use any building for any of the purposes mentioned in Column No. 1 of Table No. 2, in Column No. 1 of Table No. 6, or in Column No. 1 of Table No. 7, unless such development or building is in accordance with the standards set against such purpose in the said Tables.

4.2 Subject to the provisions of this Scheme, no person shall construct a building for residential purposes in any of the following Zones unless in accordance with the Table set against such Zone hereunder:—

Zone.	Table Number.
General Residential GR4 and GR4A	3
General Residential GR5	4
General Residential GR6	5
Special Residential (See clause 3.20)	3 or 4

except than in the case of Bachelor flats and aged persons units, car parking spaces shall be provided as follows:—

Bachelor Flats.

5 dwelling units or less	5 spaces.
6-20 dwelling units	1 space per dwelling unit.
21-50 dwelling units	20 spaces plus 0.75 spaces per dwelling unit in excess of 20 units.
Over 50 dwelling units	43 spaces plus 0.66 spaces per dwelling unit in excess of 50 units.

Aged Persons Units.

1 space per three dwellings units.

4.3 If it is established to the satisfaction of the Council that a particular requirement or standard specified in Part IV of the Scheme is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion modify the requirement or standard subject to such conditions as it thinks fit. Before modifying any requirement or standard the Council may require that the owner or developer enter into an agreement to use or develop the building or land in a particular manner, and in case of a breach of the agreement or of any conditions imposed by the Council the Council shall enforce the requirements of the Scheme.

4.4 Where a particular requirement is not readily determined from a study of the Tables and this Text, such requirement shall be determined by the Council.

4.5 Where, in the opinion of the Council, a rigid adherence to the definitions of SR Duplex, GR Duplex, Triplex, Quadruplex, Patio, Row, Terrace or Town Housing would preclude the erection of housing reasonably in keeping with those definitions and of a high architectural and environmental standard, the Council may modify the definitions accordingly.

4.6 In Industrial and Light Industrial Zones where the area of the lot does not exceed 2 000 m², if, in the opinion of the Council, it is unreasonable to insist on the car parking requirements set down in Table No. 7, the Council may reduce those requirements.

4.7 In a Business Zone, Special Business Zone and Office Zone, the Council may permit a departure from the setback provisions of Part IV of the Scheme, under the following circumstances:—

- 4.7.1 Where in respect of any parcel of land, buildings have been erected on the lots adjoining on both sides and both of these buildings are in front of the setback line, the Council may reduce the setback to that of the rearmost of the two buildings.
- 4.7.2 Where it is considered that a variation would increase road safety, reduce traffic hazard, increase the number of parking spaces and would not reduce environmental and amenity standards, either for the new shops or for the adjoining properties.

4.8 Size and Location of Car Spaces and Loading Facilities: The minimum dimensions of a car parking space shall, unless the Council approves otherwise, be as shown in the Second Schedule for the type of parking layout adopted.

4.9 When considering any development application, the Council shall have regard to and may impose conditions on the details of locating and designing the required car parking spaces, natural planting and pedestrian spaces on the lot. In particular the Council shall take into account and may impose conditions concerning—

- 4.9.1 The proportion of car spaces to be roofed or covered;
- 4.9.2 the proportion of car spaces to be below natural ground level;
- 4.9.3 the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- 4.9.4 the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- 4.9.5 the extent to which car spaces are located within required building set-back areas;
- 4.9.6 the location of proposed public footpaths, vehicular crossings, of private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- 4.9.7 the suitability and adequacy of proposed screening or natural planting; and
- 4.9.8 the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space;
- 4.9.9 the location of refuse bin areas.

4.10 Cash Payment in Lieu of Providing Parking Spaces: The Council may accept a cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this Clause.

- 4.10.1 A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by this Scheme, plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking spaces.
- 4.10.2 Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public parking station nearby, or must have firm proposals for providing a public station nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.
- 4.10.3 Payments made under this clause shall be paid into a special fund to be used to provide public parking stations and the Council may use this fund to provide public parking stations anywhere in its District.

4.11 General Residential Zones: The following additional provisions shall apply to multi-unit residential buildings within General Residential Zones. Nothing in this clause is intended to restrict the powers reserved to the Minister by By-law 214 of the Uniform Building By-laws.

- 4.11.1 Garages or covered carports shall be provided on the following scale:—

General Residential GR4 and GR4A Zones	....	one for each dwelling unit.
General Residential GR5 and GR6	....	one for each two units except in case of bachelor flats when the following shall apply.
Bachelor Flats	....	one for each three dwelling units.
- 4.11.2 Enclosed or partly enclosed garages and carports, unless constructed in brick or masonry with a parapet wall on the boundary, shall be located not less than 2 metres from any side or rear boundary, and the space so provided shall be planted with suitable trees and shrubs and developed and maintained as a garden area.

- 4.11.3 Carports and garages shall be designed to harmonise with and be complementary to the flat building, and, as far as is practicable, walls and roofs of carports and garages shall be constructed of the same materials as the flat building. Council may permit the use of other materials of construction, but only if these are in keeping with the intention of this subclause.
- 4.11.4 Not less than 50 per cent of the site shall be landscaped and planted with trees, shrubs, lawns, or flowers, and developed and maintained as garden areas. The fifty per cent referred to in this subclause shall be additional to any area set aside for the drying of laundry. A planting and landscape plan, showing in reasonable detail trees and shrubs to be planted or retained, and the garden treatment generally, shall be submitted with the application for a Building Licence and shall form part of that Building Licence.
- 4.11.5 Parking spaces, covered or otherwise, shall be located behind the building setback line and shall be screened to the satisfaction of the Council. The Council may relax this requirement where contour, surrounding development, environmental needs, and other appropriate considerations are such, that a departure from the requirement would not be detrimental to the surrounding locality, but car parking spaces, whether covered or not, in the case of Patio, Row or Town Houses, shall NOT be acceptable within the setback area.
- 4.11.6 All uncovered paved parking areas shall be situated not less than 1 metre from the main building.
- 4.11.7 Unless the decking is contained within the main building, deck parking shall not exceed two levels, one of which shall be below "normal ground level" as determined by Council.
- 4.11.8 Boundary fences shall be replaced or renewed where considered necessary by the Council.
- 4.11.9 Internal access roads shall not exceed the following grades: For the first 3.6 metres one in twelve; after the first 3.6 metres, change of grade shall not exceed one per cent in each increment of 0.76 metres; provided that the grade shall nowhere exceed one in six.
- 4.11.10 Access for vehicles shall not be permitted directly to or from Important Regional Roads where access is available from side or rear streets or from rear rights-of-way. An unpaved right-of-way shall be paved at the cost of the developer to the extent considered necessary by the Council.
- 4.11.11 All piping and ducting shall be completely concealed.
- 4.11.12 No GR5 or GR6 multiple flat development shall be permitted in unsewered areas.
- 4.11.13 The gross floor area, including walls, of a dwelling unit shall not be less than the following:—
- | | | | | | | | | | | |
|---------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------------------|
| Bachelor Flat | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 40m ² |
| Single Bedroom Flat | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 50m ² |
| Multi Bedroom Flat | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 60m ² |
- 4.11.14 In a General Residential GR4 or GR4A zone each flat building shall contain not less than twenty-five per cent of multi-bedroom flats.
- 4.11.15 Kitchen, bathroom and living areas in one flat unit shall not adjoin bedrooms in any other unit.
- 4.11.16 Subject to the particular provisions of Tables 3, 4 and 5 and subject to Clause 4.13, the following provisions shall apply to all residential buildings and flat buildings in general residential zones, and, unless

the Council resolves otherwise in any particular case, to residential buildings and flat buildings in "General Residential GR5 and Business" and "Special Business" Zones.

(A) Lot coverage by buildings: A residential building or flat building shall not occupy a greater percentage of a lot than is shown in the following table:

On lots subject to a maximum plot ratio of—	Maximum percentage of lot which may be covered by buildings—
Up to and including 0.7	35%
from 0.7 up to and including 0.9	20%
from 0.9 up to and including 1.1	16 $\frac{2}{3}$ %
over 1.1	15%

(B) Distances between buildings on the same lot: Where more than one building is erected on a lot, all standards shall be observed as though the development were a single structure. In addition, the minimum distance between any two buildings shall be 9 metres, or the minimum distance required under the formula set out below, whichever is the greater. The formula regulating the minimum distance between any two buildings (referred to as "Building a" and "Building b") is as follows:—

$$D = \frac{La + Lb + 2(Ha + Hb)}{6}$$

where:

D is the required minimum horizontal distance between any wall of Building a and any wall of Building b, or the vertical prolongation of either.

La is the total length of Building a. The total length of Building a is the length of that portion or portions of a wall or walls of Building a, from which, when viewed from directly above, lines drawn perpendicular to Building a will intersect any wall of Building b.

Lb is the total length of Building b. The total length of Building b is the length of that portion or portions of a wall or walls of Building b, from which, when viewed from directly above, lines drawn perpendicular to Building b will intersect any wall of Building a.

Ha is the height of the building a. The height of Building a is the height above natural ground level of any portion or portions of a wall or walls along the length of Building a. Natural ground level is the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Hb is the height of Building b. The height of Building b is the height above natural ground level of any portion or portions of a wall or walls along the length of building b. Natural ground level is the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

The minimum required distance between two buildings as derived from the formula set out above may be reduced by 15% if—

- (i) any one of the two buildings has a height of two storeys or less and the other has a height of six storeys or more; and
- (ii) the difference in the height of the two buildings is 18 metres or more.

(C) Setbacks for lots with multiple street frontages: Setbacks from all effective street frontages shall conform to the standards for front boundaries, except in the case of a lot at a corner of intersecting streets, where the minimum setback from not more than one secondary street is

reduced to one-half the minimum setback from the effective frontage to the primary street or streets, except that no portion of a building shall project into a "15 metre truncation" of the corner as illustrated in the Third Schedule.

4.12 Special Residential Zones: The provisions of Clause 4.11 shall apply to all multi-unit residential buildings within Special Residential Zones except where a particular provision is considered inappropriate by Council.

4.13 Dispersed Buildings: GR Duplex, Triplex, Quadruplex Houses and Flats may be constructed as dispersed units separated by a lesser distance than that laid down in subclause 4.11.16 (B), where Council is of the opinion that the quality of the proposed development and the environmental standards resulting therefrom are of a sufficiently high standard to warrant a departure from the requirements of subclause 4.11.16 (B).

4.14 Flats in Certain Zones: Where flats are permitted, either as of right, or by special approval of Council, in General Residential GR5 and Business and Special Business and Office Zones the Council may permit garden areas to be located above ground level, either on the roof of the building or over decked car-parking areas, if such garden areas are conveniently accessible to all occupants of the building. A swimming pool and its surrounds, if available at all reasonable times without charge to the occupants of the building, may, if the Council approves, be considered as providing part of the garden area. Nothing in this clause is intended to prevent the location of the garden area at ground level or partly at ground level and partly above ground level. The Council may in the case of lots not on level ground specify the "ground level" for the purpose of this clause.

4.15 Parking of Commercial Vehicles in Residential Zones: No person shall on privately owned land within a Single Residential, a General Residential or a Special Residential Zone—

4.15.1 park or allow to remain stationary for more than four hours consecutively—

- (a) 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;
- (b) 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 50 m², and in which no horizontal dimension is more than 8 metres;
- (c) a vehicle which, together with the load thereon, exceeds 2.7 metres in height;

4.15.2 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

4.16 Basements of Residential or Flat Buildings: Where a residential building or a flat building contains a basement, the basement shall not, without the approval of the Council, be used for any purpose other than one or more of the following:—

- 4.16.1 Laundries, including automatic laundrettes;
- 4.16.2 Garages for use by the occupants of the building;
- 4.16.3 Sanitary conveniences, including toilets, showers, and washrooms;
- 4.16.4 The storage of equipment used for the lawns and gardens of the allotment, or for the cleaning of the building.

4.17 Use of Setback Areas: No person shall in a Business Zone, Special Business Zone, Office Zone, General Residential GR5 and Business Zone, Industrial Zone, Special (Garden) Industrial Zone, or Light Industrial Zone, use the land between the building setback line and the street alignment for any purpose other than one or more of the following:—

- 4.17.1 A means of access;
- 4.17.2 The daily parking of vehicles used by employees and customers but subject to Clause 4.18, 4.18.1 and 4.18.2;
- 4.17.3 The loading and unloading of vehicles;

- 4.17.4 Trade display, but not more than one-fifth of the area and not within 3 metres of the street;
- 4.17.5 Lawns and gardens;
- 4.17.6 The said area shall not be used for the parking of vehicles displayed for sale or which are being wrecked or repaired; nor for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture.
- 4.18 Garden Areas in Industrial Zones: Garden areas shall be provided by the owner and maintained by the occupier according to the following provisions:—
- 4.18.1 In Industrial and Light Industrial Zones: An area of not less than 3 metres wide adjoining the street boundary; in the case of corner lots this requirement shall apply to the more important street plus the first 9 metres adjoining the less important street;
- 4.18.2 In the Special (Garden) Industrial Zone: According to the requirements of the City of Stirling Town Planning Scheme No. 25, Northern Special Industrial Scheme;
- 4.18.3 The garden areas shall be planted within eighteen months from the issue of a Building Licence to construct a building and shall be maintained thereafter;
- 4.18.4 Garden areas shall incorporate not less than one tree or shrub for each 50 square metres of the planting and garden area.
- 4.19 Service Areas: No person shall use a building for business purposes in a Business, Special Business, Office or General Residential GR5 and Business Zone, 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.
- 4.19.1 The access way shall be so constructed that vehicles using it may return to a street in forward gear.
- 4.19.2 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; the area shall be of such size that if no alternative route exists, vehicles may turn so as to return to a street in forward gear.
- 4.19.3 Except as hereinafter mentioned the access way shall be not less than 6 metres in width; if the size of the lot makes the provision of a 6 metre wide access way impracticable or unreasonable, the Council may permit an access way of a lesser width, but in no case less than 3 metres in width.
- 4.19.4 The access way as required above shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking.
- 4.20 Factory Tenement Buildings and Factory Units: Land in Industrial, Light Industrial and Special (Garden) Industrial Zones and the Mirrabooka Regional Centre Zone may be used for factory tenement buildings and factory units except for panel beating, spray painting, car wrecking and other automotive repair industries, provided that the number of units on any particular lot shall not be more than the equivalent of ten per hectare.
- The construction, occupation and use of a Factory Tenement Building or Factory Unit shall comply with the following requirements:—
- 4.20.1 The floor area shall not be less than 90 square metres.
- 4.20.2 Neither its width nor its length shall be less than 6 metres.
- 4.20.3 There shall be appurtenant to each factory unit an area not smaller than half the floor area of the factory unit for storage and service purposes. Storm water and effluent drainage facilities are to be contained within this area. The storage area shall be in addition to the area set aside for parking.

- 4.20.4 Each storage area shall be screened from public roads and adjoining factory units by a closed fence or wall not less than 1.8 metres high.
- 4.20.5 Paved parking spaces shall be provided on the scale laid down for Industrial and Light Industrial use, but in any case not less than six spaces per factory unit.
- 4.20.6 Vehicle and service paved access roads shall be maintained clean and in good condition.
- 4.20.7 Factory units shall be separated from each other by an internal wall or walls constructed of brick, stone or concrete in accordance with the Uniform Building By-laws. Where Strata Titles are involved these walls shall form a parapet through the roof.
- 4.20.8 Internal partitions within a factory tenement building shall not be altered or removed without the consent of the Council.
- 4.20.9 Fire escapes and services shall be provided as required by the Uniform Building By-laws.
- 4.20.10 Each unit the subject of a Strata Title shall contain its own toilets, lunch room and other amenities within the "lot" and not in the "common property" ("lot" defined as per Strata Titles Act). It is possible that communal facilities such as a canteen could be provided as part of the "common property" but this would be at the discretion of Council.
- 4.20.11 Offices associated with a factory tenement building shall not be more than one storey and shall be designed as an integral part of each factory unit.
- 4.21 Facades: The facades of buildings erected in a Light Industrial Zone, an Industrial Zone, a Special (Garden) Industrial Zone or the Mirrabooka Regional Centre Zone shall be constructed of brick, stone or concrete, or in respect of the portion above the height of 3.6 metres of such other material as may be approved by the Council.
- 4.22 Stables: No person shall erect or use a stable or keep a horse except within a Light Industrial, Industrial, Rural or Private Clubs and Institutions Zone.
- 4.23 Dogs: No person shall in any part of the District other than a Rural Zone keep, or allow to be kept on any land or premises owned or occupied by him more than two dogs or a dog or dogs bred or trained for racing purposes.
- 4.24 Disposal of Wastes: No person shall without the approval of the Council use any privately owned land for any of the following purposes:—
- (a) the disposal of factory wastes;
 - (b) the disposal or dumping of rubbish;
 - (c) the disposal or dumping of building materials or materials from demolished or partly demolished buildings;
 - (d) the disposal or dumping of organic waste matter.
- 4.25 Traffic Entrances: The Council may refuse to permit more than one vehicular entrance or exit to or from any lot. The Council may require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 4.26 Building Lines and New Street Alignments: This clause is inserted to draw attention to the fact that pursuant to Section 364 (1) of the Local Government Act 1960, the Council has by by-law prescribed certain new streets alignments for the purpose of widening certain streets. These details are not contained in this Text.
- 4.27 General Appearance of Buildings and Preservation of Amenities: The Council may refuse to approve the construction of any building or appurtenances thereto if, in its opinion, the proposed building would have an adverse effect on the amenity of existing or future buildings in the locality.
- It is not the intention of this Clause to preclude the adoption of a particular design, nor to prevent the use of particular materials of construction, nor to enforce uniformity of appearance; but rather to ensure that design and construction will result in a building in keeping and in harmony with its surroundings.

To this effect, in exercising its discretion under this Clause, the Council shall have regard to—

- 4.27.1 The external appearance of the building;
- 4.27.2 The dimensions and proportions of the building;
- 4.27.3 The effect on existing or future buildings, on nearby properties, and on the occupants of those buildings;
- 4.27.4 The environment resulting from the building itself and the effect of this environment on the occupants of the building;
- 4.27.5 The effect on the landscape and environment generally.

4.28 Space Above Streets: Subject to and without prejudice to the provisions of the Land Act and Local Government Act the Council may permit the construction of buildings in the air space above streets, rights of way, pedestrian access ways and footpaths vested in it, or under its control, subject to the following provisions:—

- 4.28.1 There shall be not less than 5.5 metres of open air space between every part of the building and the existing or proposed road pavement.
- 4.28.2 There shall be not less than 3 metres of open air space between every part of the building and the existing or proposed pavement of the pedestrian access way or a footpath.
- 4.28.3 Where the road is divided into two or more carriageways separated by raised medians, the building may be supported on columns or similar structures in those medians, provided that the proposal is consistent with structural and traffic safety requirements.
- 4.28.4 Car parking, plot ratio and allied requirements shall be assessed as far as is deemed practicable, by the Council, as if the structure were erected at ground level.
- 4.28.5 In considering an application under this Clause the Council shall take into account and impose conditions in respect of light, ventilation, the effect of the proposed buildings on vehicle and pedestrian traffic, and the appearance and quality of the building and the environment resulting therefrom.
- 4.28.6 Any particular matter referred to in Clause 4.28.5 shall not be taken to restrict in any way the Council's absolute discretion to impose conditions in respect of Town Planning matters generally.

4.29 Space Under Streets: Subject to and without prejudice to the provisions of the Land Act and Local Government Act the Council may permit the use of space beneath streets, rights of way, pedestrian access ways and footpaths vested in or under its control, subject to the following conditions:—

- 4.29.1 Provision shall be made for the protection of services normally placed underground.
- 4.29.2 Car parking, plot ratio and allied requirements shall be assessed by the Council, as far as is deemed practicable, as if the land so used were at ground level.

4.30 Display Home Centres: The following conditions shall apply to display home centres:—

- 4.30.1 All applications for display home centres shall be subject to the Council's approval to commence development.
- 4.30.2 A display home centre is not acceptable on a major road within 400 metres of a major intersection.
- 4.30.3 An off-street parking area shall be provided on the basis of at least five spaces for each display house.
- 4.30.4 Floodlights shall not be illuminated after 9.00 p.m.
- 4.30.5 Each application approved shall be reviewed after the expiry of twelve months from the date of Council's approval in principle.

TABLE NO. 2 - SITE AND CARPARKING REQUIREMENTS
(Uses Generally of a Residential Nature)

1 USE	2 MINIMUM LOT AREA (square metres)	3 MINIMUM FRONTAGE (metres)	4 MINIMUM SETBACKS FROM BOUNDARIES (metres)			5 NUMBER OF PARKING SPACES OR GARAGES TO BE PROVIDED	6 MAX. PLOT RATIO	7 MAX. SITE COVERAGE	8 OTHER REQUIREMENTS AND VARIATIONS
			FRONT	SIDE	REAR				
Dwelling House	No Minimum	No Minimum	As set down in the U.B.B.L.'s. Front setback for corner lots: 7.5 to one street and 3 to the other.		2	As set down in U.B.B.L.'s		No portion of a building shall project into a "15m truncation" of the corner, as illustrated in the Third Schedule.	
Single residential Duplex (SR Duplex)	910	20 to all streets	As set down in U.B.B.L.'s. Front setback for corner lots: 7.5 to one street and 3 to the other.		4, of which 2 are to be carports or garages.	0.33 Single storey; 0.40 two storey	0.40		
Consulting Rooms (inc. medical and dental Clinics)	No Minimum	No Minimum	7.5 if 3 per storey, if in Res. Zone but subject to, in addition, consideration by Council where an existing residence is involved.	7.5	(a) Doctor: 6 for one professional, 10 for two professional; (b) each additional professional: 10; (c) Dental: 4 for one professional, plus 2 bays for each professional thereafter.	0.30 if in Residential Zone.	0.30	Parking area to be effectively screened by natural planting, shrubs and trees. Main building to harmonise with the main building, not less than 50% of the actual front setback, with a minimum of 75m ² to be developed and maintained as garden treatment with lawns, shrubs, trees etc.	
Club, Non-residential	1000	30	9	3	1 per 9m ² of gross floor area.	0.50	0.30		
Residential Building (incl. Boarding House, Lodging House, Hostel and Residential Club)	1000	30	9	3	1 per two persons incl. staff.	0.50	0.30		
Hospital	2000	30	9	4.5	7.5	0.50	0.40	Subject to Health Act.	

TABLE NO. 2 - SITE AND CARPARKING REQUIREMENTS (Cont.)
(Uses generally of a Residential Nature)

1 USE	2 MINIMUM LOT AREA (square metres)	3 MINIMUM FRONTAGE (metres)	4 MINIMUM SETBACKS FROM BOUNDARIES			5 NUMBER OF PARKING SPACES OR GARAGES TO BE PROVIDED	6 MAX. PLOT RATIO	7 MAX. SITE COVERAGE	8 OTHER REQUIREMENTS AND VARIATIONS.
			FRONT (metres)	SIDE (metres)	REAR (metres)				
C-Class Hospital; Convalescent Home	2000	30	9	4.5	7.5	1 per four beds plus staff parking.	0.50	0.40	Subject to Health Act.
School	8000	30	9	9	9	1.25 per classroom			
Kindergarten	2000	30	7.5	3	7.5				All requirements may be reduced by Council in special circumstances.
Public Worship (incl. Church Hall)	2000	30	9	3	3	1 per four seats, on the basis of one seat being provided for each person attending.	0.30	0.30	

TABLE NO. 3 - SITE AND CAR PARKING REQUIREMENTS
(Low-Density Flats)
GENERAL RESIDENTIAL ZONE - CLASS 4 (GR 4 and GR4A)

MINIMUM LOT AREA (square metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAXIMUM NO. OF DWELLING UNITS (D.U.)	MAXIMUM PLOT RATIO (PR)	MINIMUM NO. OF CAR SPACES	MINIMUM SETBACKS FROM BOUNDARIES		
					FRONT (metres)	SIDE(S) (metres)	REAR (metres)
As per table no. 2		1 (Single family detached unit)	0.30	2 per D.U.	7.5	Minimum 2.4 on one side and 1.5 on the other or, where a garage is incorporated in the side of the structure, 1.5 on each side.	7.5
1000	20	2 (GR Duplex)	0.30	2 per D.U.	7.5	3 per storey each side.	7.5
1250	23	3 (GR Triplex)	0.30	2 per D.U.	9	3 per storey each side.	7.5
1510	25	4 (GR Quadruplex)	0.30	2 per D.U.	9	3 per storey each side.	7.5
2000	30	Multiple	0.30	5 D.U. or less - 8 spaces.	9 up to three storeys	3 per storey each side.	9
2520	35	Multiple	P.R. increases 0.000625 for each 25m ² increase in Lot Area between 2000m ² & 4ha	6 - 20 D.U. - 1.5 spaces for each D.U.	plus 1.5 for each storey in excess of three storeys.	3 per storey each side.	9
3000	40	Multiple		Over 20 D.U. - 30 spaces plus 1.25 spaces for each D.U. in excess of 20.		3 per storey each side.	9
4000	50	Multiple				3 per storey each side.	9
1 ha	60	Multiple	0.50			3 per storey each side.	9
300	12	1 (single-family patio house)	0.35	1 per D.U.	6	Nil between patio houses, 3 at ends of each row.	6

WHERE COMPREHENSIVE ARCHITECTURAL PLANS AND DESIGNS OF HOUSES, SUCH AS ARE COMMONLY KNOWN AS "PATIO HOUSES", ARE SUBMITTED FOR A MINIMUM GROUP OF 4 DWELLING UNITS, THE COUNCIL HAS, WITH THE CONSENT OF THE TOWN PLANNING BOARD, A DISCRETION TO MODIFY STANDARDS AS FOLLOWS: -

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 1 hectare, the Council may with the consent of the Minister, modify any standard, other than the plot ratio, if it is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 8 hectares, the Council may, with the consent of the Minister, modify any standard, if it is satisfied that the modifications are both socially and aesthetically desirable.

TABLE NO. 4 - SITE AND CAR PARKING REQUIREMENTS
(Medium-density Flats)
GENERAL RESIDENTIAL ZONE - CLASS 5 (GR-5)

MINIMUM LOT AREA (square metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAXIMUM NO. OF DWELLING UNITS (D.U.)	MAXIMUM PLOT RATIO (PR)	MINIMUM NO. OF CAR SPACES	MINIMUM SETBACKS FROM BOUNDARIES		
					FRONT (metres)	SIDE(S) (metres)	REAR (metres)
450	16	1 (single family detached unit.)	0.35	2 per D.U.	7.5	1.5 per storey each side	7.5
910	20	2 (GR Duplex)	0.35	2 per D.U.	7.5	1.5 per storey each side	7.5
1200	23	3 (GR Triplex)	0.35	2 per D.U.	9	1.5 per storey each side	7.5
1510	25	4 (GR Quadruplex)	0.35	2 per D.U.	9	1.5 per storey each side	7.5
2000	30	Multiple	0.35	5 D. U. or less - 8 spaces.		1.5 per storey each side	9
2520	35	Multiple	P. R. increases		9 up to	1.5 per storey each side	9
3000	40	Multiple	0.00375 for each 25m ² increase in Lot	6 - 20 D.U. - 1.5 spaces for each D.U.	three storeys plus 1.5 for each storey	1.5 per storey each side	9
4000	40	Multiple	Area between 2000m ² and 9000m ²	Over 20 D.U. - 30 spaces plus 1.25 spaces for each D.U. in excess of 20.	in excess of three storeys.	1.5 per storey each side	9
6000	40	Multiple	1.4			1.5 per storey each side	9
8000	40	Multiple				1.5 per storey each side	9
9000	40	Multiple				1.5 per storey each side	9
<p>WHERE COMPREHENSIVE ARCHITECTURAL PLANS AND DESIGNS OF HOUSES, SUCH AS ARE COMMONLY KNOWN AS "ROW HOUSES", ARE SUBMITTED FOR A MINIMUM GROUP OF 4 DWELLING UNITS, THE COUNCIL HAS, WITH THE CONSENT OF THE TOWN PLANNING BOARD, A DISCRETION TO MODIFY STANDARDS AS FOLLOWS:-</p>							
220	10	1 (single family row house)	0.50	1 per D.U.	6	Nil between row houses; 1.5 at ends of each row.	6

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 9000 square metres, the Council may with the consent of the Minister, modify any standard, other than plot ratio, if it is satisfied that the modifications are both socially and aesthetically desirable.
Where comprehensive subdivision plans and development designs for precincts or neighbourhoods are submitted for a minimum area of 4 hectares, the Council may, with the consent of the Minister, modify any standard, if it is satisfied that the modifications are both socially and aesthetically desirable.

* See clause 4.2 for spaces required for Bachelor Flats.

TABLE NO. 5 SITE AND CAR PARKING REQUIREMENTS
(High-density Flats)
GENERAL RESIDENTIAL ZONE - CLASS 6 (GR6)

MINIMUM LOT AREA (square metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAXIMUM NO. OF DWELLING UNITS (D.U.)	MAXIMUM PLOT RATIO (P.R.)	MINIMUM NO. OF CAR SPACES	MINIMUM SETBACKS FROM BOUNDARIES		
					FRONT (metres)	SIDE (metres)	REAR (metres)
450	16	1 (single family detached unit)	0.35	2 per D.U.	6	1.5 per storey each side	6
700	18	2 (G.R. Duplex)	0.35	2 per D.U.	6	1.5 per storey each side	6
800	18.5	3 (G.R. Triplex)	0.35	2 per D.U.	7.5	1.5 per storey each side	6
910	19	4 (Quadruplex)	0.35	2 per D.U.	7.5	1.5 per storey each side	6
1000	20	Multiple	0.35	5 D.U. or less - 8 spaces	9 up to three storeys plus	1.5 per storey each side	7.5
1510	25	Multiple	P.R. increases 0.0625 for each 25m ² increase in Lot area between 1000m ² and 8000m ²	6 - 20 D.U. - 1.5 spaces for each D.U.	1.5 per storey each side	1.5 per storey each side	7.5
2000	30	Multiple			1.5 per storey each side	1.5 per storey each side	7.5
2520	35	Multiple		21 - 50 D.U. - 30 spaces plus 1.25 spaces for each D.U. in excess of 20.	1.5 per storey each side	1.5 per storey each side	7.5
3000	40	Multiple		Over 50 D.U. - 68 spaces plus one space for each D.U. in excess of 50.	1.5 per storey each side	1.5 per storey each side	7.5
7000	40	Multiple			1.5 per storey each side	1.5 per storey each side	7.5
8000	40	Multiple	2.1		three storeys	1.5 per storey each side	7.5
WHERE COMPREHENSIVE ARCHITECTURAL PLANS AND DESIGNS OF HOUSES, SUCH AS ARE COMMONLY KNOWN AS "TOWN HOUSES", ARE SUBMITTED FOR A MINIMUM GROUP OF 4 DWELLING UNITS, THE COUNCIL HAS, WITH THE CONSENT OF THE TOWN PLANNING BOARD, A DISCRETION TO MODIFY STANDARDS AS FOLLOWS:							
150	6	1 (single family town house)	0.70	1 per D.U.	6	nil	6

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 8000 square metres, the Council may, with the consent of the Minister, modify any standard, other than plot ratio, if it is satisfied that the modifications are both socially and aesthetically desirable.

* See Clause 4.2 for spaces required in Bachelor Flats.

TABLE NO. 6 - SITE AND CARPARKING REQUIREMENTS
(Uses generally of a Commercial Nature)

USE	MINIMUM LOT AREA (square metres)	MINIMUM FRONTAGE (metres)	MINIMUM SETBACKS FROM BOUNDARIES			NUMBER OF PARKING SPACES OR GARAGES TO BE PROVIDED	MAX. PLOT RATIO	MAX. SITE COVERAGE	OTHER REQUIREMENTS AND VARIATIONS
			FRONT (metres)	SIDE (metres)	REAR (metres)				
Public Amusement (includes theatre and cinema)	550	15	9	3 from side street (cnr. lots only)	6*	1 for every 4 persons that the building is designed to accommodate		See note for shop. Requirements may be varied by Council designed for multiple uses.	
Hotel, with accommodation, (does not include separately licensed bars or taverns)	1.2 Ha	90				1 per bedroom plus 1 for each 1.8 square metres of floor space available to the public			
Tavern						1 for each 1.8 square metres of floor space available to the public, unless Council determines otherwise		May form part of a building designed for multiple uses	
Motel, Private Hotel	4000	60	9	6	3	1 per unit; plus 1 per three patrons where there is a restaurant open to the public; plus 1 per 2 square metres of licenced floor space exclusive of storage, service and refrigeration areas		Not to exceed two storeys, unless Council approves otherwise with appropriate conditions designed to protect the environment and amenity of the surrounding locality	
Shop	190	6	9	3 from side street (cnr. lots only)	6*	Up to 5000 square metres, 1 per 9 square metres of gross floor area. 5000 to 10,000 square metres - 555 spaces plus 1 per 11.5 square metres in excess of 5000 square metres. Above 10,000 square metres - 990 spaces, plus as many additional spaces as determined by Council		To provide for rear service access (see clause 4.19.1); may be varied in special circumstances with Council approval where alternative acceptable service access is provided. This requirement may be reduced by Council for a service shop in a block of flats or in an institutional building	

TABLE NO. 6 - SITE AND CARPARKING REQUIREMENTS (CONT.)
(Uses generally of a Commercial Nature)

USE	MINIMUM LOT AREA (square metres)	MINIMUM FRONTAGE (metres)	MINIMUM SETBACKS FROM BOUNDARIES			NUMBER OF PARKING SPACES OR GARAGES TO BE PROVIDED	MAX. PLOT RATIO	MAX. SITE COVERAGE	OTHER REQUIREMENTS AND VARIATIONS
			FRONT (metres)	SIDE (metres)	REAR (metres)				
Offices		6	9	3 from side street (cnr. lots only)	6*	1 per 27 square metres of gross floor area	1.0	0.6	* See note for shop
Showroom/warehouse	190	6	9	3 from side street (cnr. lots only)	6*	1 to each 90 square metres of gross floor area (including open areas); or 1 to every two employees, whichever is the greater; plus customer parking as determined by Council			* See note for shop
Restaurant	190	6	9	3 from side street (cnr. lots only)	6*	1 for every 3 persons that the restaurant is designed to accommodate			* See note for shop
Squash Courts	2000	30	9	3	6	3 per court			

TABLE NO. 7 - SITE AND CAR PARKING REQUIREMENTS
(Uses generally of an Industrial Nature)

USE	MINIMUM LOT AREA (square metres)	MINIMUM FRONTAGE (metres)	MINIMUM SETBACKS FROM BOUNDARIES			NUMBER OF PARKING SPACES OR GARAGES TO BE PROVIDED	MAX. PLOT RATIO	MAX. SITE COVERAGE	OTHER REQUIREMENTS AND VARIATIONS
			FRONT (metres)	SIDE (metres)	REAR (metres)				
Industry	2000*	30*	9 (to both streets for cnr lot). 6 to secondary street if lot is less than half an acre.	As per U.B.B.L.'s		One third of the site area.		*Not applicable to plans or diagrams of survey created prior to the Gazettal of the Scheme. Parking requirements may be reduced for lots less than 2000 square metres in area. See clause 4.6	
Light Industry.	1000*	20*	9	As per U.B.B.L.'s		One third of the site area		*See note for industry. Parking requirements may be reduced for lots less than 2000 square metres in area.	
Special Garden Industry As Set Down In Town Planning Scheme Number 25.									
Warehouse	2000	30	9	As per U.B.B.L.'s		One third of the site area			
Service Station	1250	36 (both streets for cnr lot)	** 9 (to both streets for cnr lot)	3	6	1 to each working bay, plus one for each person employed on the site.		** Steel supports for service station canopies may be erected nearer than 9 metres, but not nearer than 3.5 metres from the street alignment.	

PART V.—DEVELOPMENT.

5.1 Council's Approval Necessary: In addition to a Building Licence, Council's prior approval to commence development is required for all development except for the following:—

- 5.1.1 A dwelling house;
- 5.1.2 A S.R. Duplex;
- 5.1.3 A G.R. Duplex.

5.2 Applications for Approval: Application to the Council for its approval to commence development shall be made on Form No. 1 in the Fourth Schedule hereto and in accordance with the directions thereon.

5.3 Council's Approval: The Council may grant its approval with or without conditions or may refuse to grant its approval to the application to commence development.

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

5.5 The Council may limit the time for which its approval to commence development remains valid.

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

5.7 Re-development Schemes: If the Council shall have resolved to prepare a Town Planning Scheme which is to contain provisions for re-development, Clauses 10, 24, and 30 of the Metropolitan Region Scheme shall apply to applications for approval to commence development on any land in the Area of the proposed Town Planning Scheme, until such time as the said Scheme shall have come into operation or shall have been abandoned.

PART VI.—NON-CONFORMING USES.

6.1 Non-conforming Use Permitted:

6.1.1 If at the gazettal date, any land, building, or structure is being lawfully used for a purpose not permitted by the foregoing provisions of the Scheme (hereinafter called a "non-conforming use"), or if any land is built on or any building or structure is built in a manner not permitted by the Scheme, such land, building, or structure may continue to be used for that purpose or in that manner, but no such land use shall be altered except to conform with the Scheme and no such building or structure shall be added to or altered or any additional building erected, unless approval to do so is granted by the Council.

6.1.2 No provision of this Scheme shall prevent the carrying out of any development on land for which, immediately prior to the gazettal date, a permit or permits required under the Act, and any other law authorising the development to be carried out, have been duly obtained and are current.

6.2 Discontinuance or Change of Non-conforming Use: If at the gazettal date any land, building or structure is being used for a non-conforming use, or any land is built on in a manner not permitted by this Scheme, and such non-conforming use shall after such date be discontinued or changed or the buildings removed, no person shall thereafter use the land or any building or structure thereon, for any purpose or in a manner not permitted by this Scheme, unless approval to do so is granted by the Council.

6.3 Destruction of Buildings: If any building or structure is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of more than seventy-five per cent of its value, no such land use shall be altered except to conform with the Scheme, and the buildings shall not be repaired or re-built, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme, unless approval to do so is granted by the Council.

6.4 Council's Approval for Change of Non-conforming Use: The Council may grant its approval to the change of the use of any land from one non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone, but subject to the following sub-clauses:—

- 6.4.1 Before granting its approval to a change of non-conforming use, the Council shall ensure that a notice of sufficient size to be visible and readable from the street, has been displayed in a prominent position on the land explaining the proposed change of use. The notice shall be exhibited for a period of not less than three weeks, and shall state that objections may be lodged with the Council before a specified date, being not less than three weeks after the first display of the notice.
- 6.4.2 The Council may require the applicant for a change of non-conforming use to advertise notice of the application in a newspaper circulating in the District as often or in such manner as it deems fit.
- 6.4.3 After the date specified in the notice, the Council shall consider any objections received and make its decision.
- 6.4.4 All expenses incurred by the Council in carrying out the foregoing procedures shall be reimbursed by the applicant whether or not his application be approved.

6.5 Conditions of Approval: When the Council grants its approval under any of the foregoing sub-clauses of this clause, it may grant such approval upon such terms and conditions as it thinks fit.

6.6 Acquisition; and Agreements to Discontinue Use: The Council may, for the purpose of discontinuing any particular non-conforming use, acquire the lot 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.

6.7 Subdivision of Land: If a non-conforming use exists on any land or in any building thereon, no person shall, without the consent of the Council, carry on such non-conforming use after the subdivision of such land. Nothing herein shall be construed to limit the powers of the Town Planning Board under the Act.

6.8 Register of Non-Conforming Uses: Any person carrying on a non-conforming use who wishes to establish his non-conforming use right shall within six calendar months of the gazettal date, or within such extended time as the Council may allow, give to the Council in writing full information of the nature and extent of the non-conforming use.

PART VII.—ADMINISTRATION:

7.1 Right of Appeal: Should an owner be aggrieved by the decision of the Council exercising a discretionary power in this Scheme, he may appeal in accordance with Part V of the Act.

7.2 Prohibition: No person shall use any land or any building or structure otherwise than in accordance with the provisions of this scheme. No person shall use any land, building, or structure contrary to the provisions of the Scheme.

7.3 If, pursuant to the provisions of this Scheme, approval has been granted by the Council upon conditions, no person shall fail to comply with or shall commit a breach of any such conditions.

7.4 Acquisition of Land: The Council may at any time exercise the powers conferred by Section 13 of the Act.

7.5 Disposal of Land: The Council may deal with or dispose of any land which it owns or which it has acquired pursuant to the provisions of the Scheme, in accordance with the Act and in conformity with the provisions of the Scheme, upon such terms and conditions as it shall think fit, and for such purpose may make such agreements with other owners and parties as it deems fit.

7.6 Entry to Premises: The Council, by an authorised officer, may enter at all reasonable times any building or land within the Scheme Area.

7.7 Buildings and Works: 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.

7.8 Agreements: The Council may enter into agreements with the owners of land within the Scheme Area or with any other person in respect of any matters pertaining to this Scheme.

7.9 Compensation: Unless otherwise provided in the Scheme, claims for compensation by reason of the scheme shall be made not later than six months after the gazettal date.

Approved by resolution of the Council of the City of Stirling at the ordinary meeting of the Council held on the 16th day of July, 1974.

The Common Seal of the City of Stirling was hereunto affixed by authority of a resolution of Council in the presence of—

[L.S.]

R. STONE,
Mayor.

L. A. EASTON,
Town Clerk.

This Scheme Text is to be read in conjunction with the Land Use Map and the Scheme Map appended hereto and to which formal approval was given by the Hon. Minister for Town Planning on the 4th day of September, 1974.

Recommended—

DAVID CARR,
Chairman of the Town Planning Board.

Date: 30th August, 1974.

Approved—

E. C. RUSHTON,
Minister for Town Planning.

Date: 4th September, 1974.

THE FIRST SCHEDULE

PART I — RESTRICTED ZONES

Ward	Particulars of Land	Restricted Use
BALGA	OSBORNE ROAD : Portions of Swan Locs 1115, V. and 4834 and being Lot 3 on Plan 7363 and being the whole of the land comprising Certificate of Title Vol. 1230, Folio 932.	T.V. Studios and ancillary establishments for a commercial T.V. station.
BALGA	HAYES AVENUE : Portions of Swan Loc. V. Loc 1115, 4834 and 4835 and being Lot 4 on Diagram 30940.	T.V. Studios and ancillary establishments for a commercial T.V. station.
BALGA	THE STRAND : Portions of Swan Locs. 1115, and Swan V. and being the land shown blue and annotated Television and Film Studio on District Scheme Plan Sheet 5.	Television and Film Studio.
BALGA	SYLVIA STREET : Portion of Perthshire Loc. Au., being Lot 1 on Diagram 28394 and being portion of the land in Certificate of Title Vol. 1284, Folio 213.	Betting shop.

Schedule—continued.

Ward.	Particulars of Land	Special Use
BALGA	CHIPALA ROAD : Portion of Perthshire Loc. Au. and being Lot 1614 on Plan 7124	Parking.
HAMERSLEY	ODIN ROAD : Portion of Perthshire Loc. Au., and being Lots 10 and 11 of Section K on Plan 925 and being the whole of the land comprising Certificate of Title Vol. 866, Folio 183.	Drive-in Cinema and the usual appurtenances thereto.
HAMERSLEY	WANNEROO ROAD : Portion of Swan Loc K1 and being Lots 132 and 133 on Plan 2895.	Drive-in Cinema and the usual appurtenances thereto.
HAMERSLEY	CASTLE STREET : Portion of Swan Loc. 1152 and being Lot 8 on plan 2680.	Parking.
HAMERSLEY	WANNEROO ROAD : Corner Halley Road Portion of Swan Loc. K and being Lot 3 on Diagram 42009.	Parking.
HAMERSLEY	HALLEY ROAD : Portion of Swan Loc. K and being Lot 4 on Diagram 42009	Betting Shop.
HAMERSLEY	NORTH BEACH ROAD : Near Wishart Street. Portion of Perthshire Loc. At and being Lot 6 on diagram 46196.	Shops and vehicle workshop.
INGLEWOOD	GRAND PROMENADE : Portion of Swan Loc. W. and being Lot 37 on Diagram 34341.	Parking.
INGLEWOOD	LOWICK ROAD : Portion of Swan Loc. W and being Lot 72 on Diagram 41987.	Parking
LAWLEY	HECTOR STREET : Portion of Perthshire Loc. Au. and being Lot 8 on Diagram 18630.	Parking
LAWLEY	LAWLEY STREET : Portion of Perthshire Loc. Au and being Lot 23 on Diagram 17432 and being the whole of the land comprised in Certificate of Title Vol. 1154, Folio 834.	Parking
LAWLEY	LAWLEY STREET : Portion of Perthshire Loc. Au. and being Lot 2 on Diagram 32829.	Parking
LAWLEY	WILUNA STREET : Portion of Perthshire Loc. Au and being Lot 14 on Diagram 34401	Parking
LAWLEY	WANNEROO ROAD : Corner Wiluna Street Portion of Perthshire Loc. Au and being Lot 15 on Diagram 41169.	Drive-in restaurant
MAYLANDS	GUILDFORD ROAD : corner Ninth Avenue Portion of Swan Loc. Y and being Lot 6 on Diagram 45126	Betting Shop
MAYLANDS	GUILDFORD ROAD : corner Caledonian Avenue. Portion Swan Loc. X and being Lots 4, 5 and 6 on Plan 2540.	Drive-in restaurant.
OSBORNE	SCARBOROUGH BEACH ROAD : Portion of Perthshire Loc. Au and being Lot 6 on Diagram 16862.	Service Station
OSBORNE	LIEGE STREET : Portions of Perthshire Locs. Au and At and being Lot 22 on Diagram 20160 and being the land comprised in Certificate of Title Vol. 10, Folio 212A.	Betting Shop.

Schedule—*continued*.

Ward	Particulars of Land	Restricted Use
OSBORNE	WATERLOO STREET : Portion of Perthshire Loc. Au, being Lot 275 on Plan 2452.	Parking.
OSBORNE	SELBY STREET : Portion of Herdsmans Lake Lot 148 and being Lot 26 on Diagram 44665.	Health Studio.
OSBORNE	OSWALD STREET : Portion of Perthshire Loc. At and being Lots 264, 265, 266, 267, 268, 269, 270 and 284 on Plan 7435.	Parking.
OSBORNE	SCARBOROUGH BEACH ROAD : Portion of Perthshire Loc. At and being part of Lot 2 on Plan 925.	Drive-in restaurant.
OSBORNE	SCARBOROUGH BEACH ROAD : Corner Oswald Street. Portion of Perthshire Loc. Au and being Lot 87 on Diagram 40904.	Putting Golf-course.
SCARBOROUGH	LIEGE STREET : Part Lot 21 of Section J, being part of Perthshire Loc. At. Plan 925 ; Lots 30, 31, 32 and 33 of Perthshire Loc. At, on Diagram 14217.	Drive-in Cinema and the usual appurtenances thereto.
SCARBOROUGH	WEST COAST HIGHWAY : Portion of Swan Loc. 1187 and being Lot 87 on Plan 3827.	Private Hotel.
SCARBOROUGH	WESTVIEW STREET : Portion of Swan Loc. 959 and being Lot 2 on Diagram 31479.	Parking.
SCARBOROUGH	WESTVIEW STREET : Portion of Swan Loc. 959 and being lots 437 and 438 on Plan 3168.	Parking.
SCARBOROUGH	GILDERCLIFFE STREET : Portion of Swan Loc. 959 and being lot 445 on Plan 3168.	Parking.
SCARBOROUGH	SCARBOROUGH BEACH ROAD : Portions of Swan Locs. 533 and 1419 and being Lot 5 on Plan 5941.	Parking.
SCARBOROUGH	HERBERT STREET : Portion of Swan Loc. 1296 and being Lot 757 on Plan 3697 (Sheet 2).	Parking.

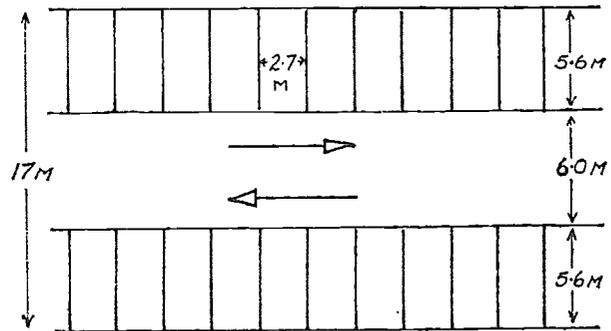
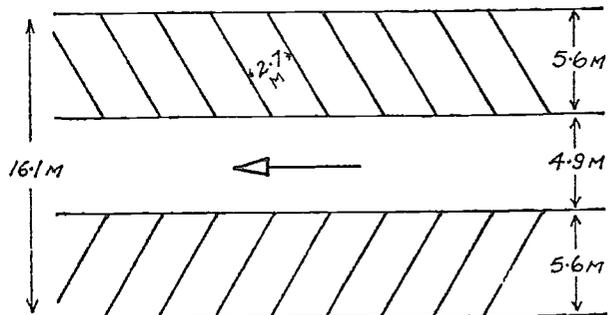
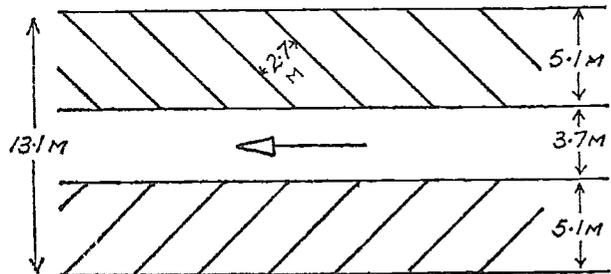
PART II.—SPECIAL ZONES.

Ward	Particulars of Land	Special Use
BALGA	CHIPALA ROAD : Cnr, Marloo Road, Portion of Perthshire Loc. Au and being lots 1608 and 1609 on Plan 7125.	Squash Centre.
HAMERSLEY	FLORA TERRACE : Portion of Swan Loc. 1152 and being Lot 15 on Diagram No. 45957.	Medical centre.
HAMERSLEY	NORTH BEACH ROAD : Portion of Perthshire Loc. At and being Lot 51 on Diagram 39118.	Motor Repair Workshop.
INGLEWOOD	WALTER ROAD : Cnr. Cleveland Street Portion of Swan Loc. W and being Lot 33 on Diagram 12847.	Car Sales Premises.

Schedule—*continued.*

Ward.	Particulars of Land.	Special Use.
INGLEWOOD	WAVERLEY STREET : Cnr. Surrey Street. Portion of Swan Loc. W and being Lot 143, 144 and 145 on Plan 9050.	Squash Centre
LAWLEY	ROYAL STREET : Portion of Perthshire Loc. Au and being those portions of Lots 18 and 19 on Plan 5134 as lie within a distance of 225.8 links from the street alignment. (45.4 metres)	Parking and display for sale and selling new motor vehicles.
MAYLANDS :	GUILDFORD ROAD : Portion of Swan Loc. Z and being part of Lot 1205 on Diagram 4452 and being the whole of the land comprised in Certificate of Title Vol. 1196, Folio 876.	Warehouse for the purpose of storing sporting goods, firearms and fishing tackle.
OSBORNE	MAIN STREET : (The Plaza) Portion of Perthshire Loc. Au and being Lot 495 and Lots 501 to 504 inclusive on Plan 2452 (2)	Offices
OSBORNE	HUTTON STREET : Cnr. Howe Street, Portion of Perthshire Loc. Au and being Lot 152 on Plan 2809.	Offices, shops and service station.
OSBORNE	KING EDWARD ROAD : Portion of Perthshire Loc. Au and being Lot 118 on Plan 2089 and being portion of the land comprised in Certificate of Title Vol. 1203, Folio 480.	Service station.
OSBORNE	FROBISHER STREET : Portion of Perthshire Loc. Au and being Lot 36 on Diagram 35513, and being the land comprised in Certificate of Title Vol. 1276, Folio 512.	Service Station.
OSBORNE	SCARBOROUGH BEACH ROAD : opposite Drake Street. Portion of Perthshire Loc. Au and being Lot 1 on Diagram 16218.	Service station.
OSBORNE	SCARBOROUGH BEACH ROAD : Portion of Perthshire Loc. Au and being Lot 43 on Diagram 45270.	Service station.
OSBORNE	BRADY STREET : Portion of Perthshire Loc. Aq and being Lot 26 on Plan 5993 and Lot 79 on Diagram 34526 and being the land comprised in Certificate of Title Vol. 1077, Folio 19 and Vol. 1077, Folio 737.	Controlled Special Purpose Light Industrial.
OSBORNE	WANNEROO ROAD : Corner Harrison Street. Portion of Perthshire Loc. Au and being Lot 177 on Diagram 44037.	Squash Centre.
OSBORNE	WANNEROO ROAD : N.W. Corner Milner Street, Portion Perthshire Loc. Au. and being Lot 177 on Diagram 44075.	Medical centre.
OSBORNE	WANNEROO ROAD : Portion of Perthshire Loc. Au and being Lot 169 on Plan 9039.	Health Studio.
SCARBOROUGH	PEARL PARADE : Corner Ozone Parade, Portion of Swan Loc. 1187 and being Lots 6 and 7 on Diagram 9458 and Lots 8 and 9 on Diagram 12985.	Caravan Park.
SCARBOROUGH	SCARBOROUGH BEACH ROAD : South side between Grace and Hinderwell Streets, Portion Swan Locs. 1257 and 1419 and being Lots 107 and 108 on Plan 3697.	Caravan Hire Business.

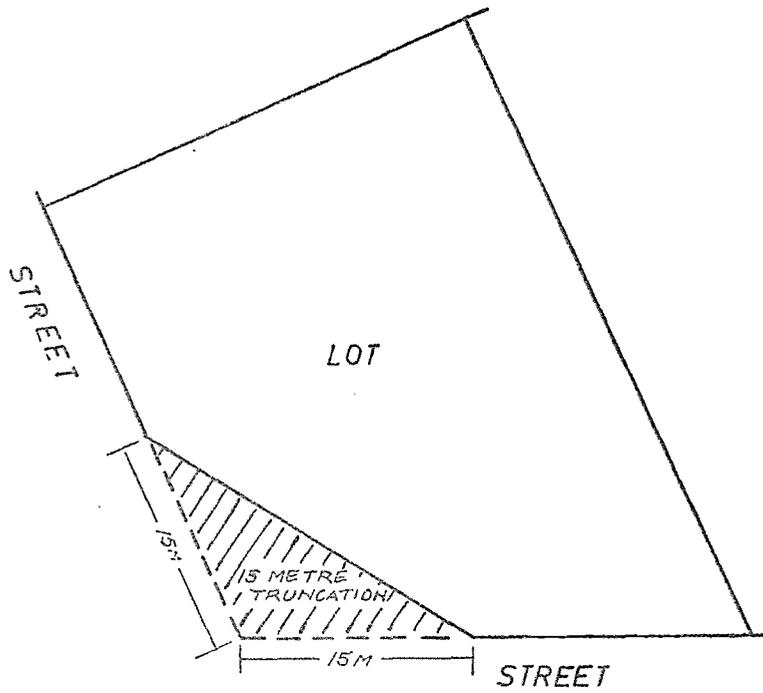
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THE SECOND SCHEDULEPARKING MODULES1. 90° PARKING2. 60° PARKING3. 45° PARKINGNOTE :

Where car bays are to be covered, the width of the car bay is to be increased to 3m.

41

THE THIRD SCHEDULE



15 METRE VISUAL TRUNCATION: To ensure adequate sight distance.

