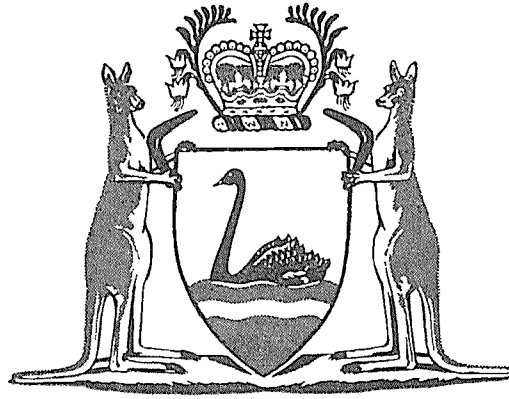


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[ 1976

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TOWN PLANNING AND DEVELOPMENT ACT, 1928  
(as Amended)

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CITY OF SUBIACO  
TOWN PLANNING SCHEME  
No. 1

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SCHEME TEXT

## 2

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (as Amended)  
Advertisement of Approved Town Planning Scheme.

## CITY OF SUBIACO TOWN PLANNING SCHEME No. 1.

T.P.B. 853/2/12/2, 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 Subiaco Town Planning Scheme on the 24th December, 1975, the Scheme Text of which is published as a Schedule annexed hereto.

E. H. PARKER,  
Mayor.

J. F. R. McGEOUGH,  
Town Clerk.

## SCHEDULE.

CITY OF SUBIACO TOWN PLANNING SCHEME No 1—  
DISTRICT ZONING SCHEME.

THE City of Subiaco 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.

## Citation.

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

## Arrangement of Scheme Text.

2. This Scheme Text is divided into parts as follows:—

PART I.—PRELIMINARY—Clauses 1-7.

PART II.—RESERVED LAND—Clauses 8-13.

PART III.—ZONES AND APPLICATION PROCEDURES—Clauses 14-35.

PART IV.—RESIDENTIAL ZONE REQUIREMENTS—Clauses 36-53.

PART V.—CAR PARKING—Clauses 54-62.

PART VI.—GENERAL PROVISIONS—Clauses 63-77.

PART VII.—PRESERVATION AND CONSERVATION OF OBJECTS OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OR SCIENTIFIC INTEREST—Clauses 78-89.

PART VIII.—NON-CONFORMING USES OF LAND—Clauses 90-92.

PART IX.—ADMINISTRATION—Clauses 93-99.

## Responsible Authority.

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

## Scheme Area.

4. The Scheme shall apply to the whole of the District of the City of Subiaco with the exception of the following areas:

- (a) Portions of Perth Suburban Lots 204 and 205 and being Lots 26 to 31 inclusive on Plan 1381 and portions of Perth Suburban Lots 205 and 206 and being Lots 54 to 66 inclusive on Plan 1088 situated on the south side of Churchill Avenue west from Axon Street.
- (b) Portions of Perth Suburban Lots 205 and 206 and being Lots 94 to 103 inclusive on Plan 1088 and Lot 4 on Diagram 13060 and Lot 3 on Diagram 13059 situated on the north side of Barker Road west from Axon Street.
- (c) Portions of Perth Suburban Lots 222 and 223 and being Lots 3 to 9 inclusive on Plan 1369 situated on the south side of Barker Road west from Axon Street.
- (d) Portions of Perth Suburban Lots 222 and 223 and being Lots 10 to 18 inclusive on Plan 1369 and Lots 13 to 17 inclusive on Plan 2240 situated on the north side of Park Street west from Axon Street.
- (e) Portions of Perth Suburban Lots 222 and 223 and being Lots 27 to 32 inclusive on Plan 1369 and Lots 21 to 28 inclusive on Plan 1277 situated on the south side of Park Street west from Axon Street.

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- (f) Portions of Perth Suburban Lots 222 and 223 and being Lots 37 to 42 inclusive on Plan 1369 and Lots 1 to 7 inclusive on Plan 1277 situated on the north side of Bagot Road west from Axon Street.
- (g) The area bounded by Rowland Street, Bagot Road, Denis Street and Barker Road.
- (h) The area bounded by Axon Street, Roberts Road, Catherine Street and York Street.

The lands to which the Scheme applies are hereinafter referred to as the Scheme Area.

## Maps.

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

## Land Use Map—

- Sheet 1 of 4 Sheets.
- Sheet 2 of 4 Sheets.
- Sheet 3 of 4 Sheets.
- Sheet 4 of 4 Sheets.

## Scheme Map—

- Sheet 1 of 5 Sheets.
- Sheet 2 of 5 Sheets.
- Sheet 3 of 5 Sheets.
- Sheet 4 of 5 Sheets.
- Sheet 5 of 5 Sheets (Guide Plan for Town Centre Zone).

## General Objects.

6. The general objects of the Scheme are to zone the Scheme Area for the purposes in the Scheme described, to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof, and to make provision as to the nature and location of buildings and the size of lots when used for certain purposes, the preservation and conservation of objects of natural beauty and historic buildings and objects of historical or scientific interest and to make provision for other matters necessary or incidental to town planning or housing.

## Interpretation.

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

- “Absolute Majority” shall have the same meaning as is given to it as and for the purpose of the Local Government Act, 1960 (as amended).
- “Act” means the Town Planning and Development Act 1928 (as amended).
- “Aged Persons Home” means a residential building for the housing of the aged under the provisions of the Aged Persons Homes Act 1954 (as amended) of the Commonwealth.
- “Amenity Building” means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment of leisure as distinct from the work of the industry or business.
- “Attached House” means a dwelling constructed as one of a group of two or more dwellings having one or more common or party walls with another dwelling or other dwellings each of which is situated on a separate lot, and the term includes a building of the type known as a patio house, row house or town house.
- “Car Park” means a site or 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.
- “Car Sales Premises” means land and buildings used for the display and sale of cars, whether new or secondhand, but does not include a workshop.
- “Caretaker’s House/Flat” means a building or part thereof 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 the building or plant of the industry.
- “Civic Building” means a building designed, used or intended to be used by a Government Department, statutory body representing the Crown, or the Council as offices or for administrative or other like purposes.

- “Consulting Rooms” means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- “Coverage” has the same meaning as is given to it in and for the purpose of the Uniform Building By-laws.
- “Commercial Zone” means a zone defined by the Scheme other than a Residential Zone.
- “Drive-In Theatre” means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.
- “Dog Kennel” means land and building used for breeding, selling, buying of dogs, or the housing or caring for more than two dogs.
- “Dry Cleaning Premises” means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- “Duplex House” means a building comprising two dwellings each being complete and self-contained.
- “Dwelling House” means a building standing on its own separate lot used primarily for living purposes by one separate family; the term also includes such outbuildings and recreational areas and gardens as are ordinarily used therewith, but does not include a “residential building” or part of such a building.
- “Educational Establishment” means a school, college, university, technical institute, academy or other educational centre or a lecture hall, but does not include a reformatory institution or institutional home.
- “Effective Frontage” means the length of the lot boundary which is on the street alignment or the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, whichever is the greater. If the lot has two or more boundaries on a street alignment then the least of the measurements shall be considered for ascertaining the effective frontage.
- “Extractive Industry” includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substances from the land and also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.
- “Family Care Centre—Child Minding Premises” means land and buildings used for the purpose of a Family Care Centre as defined in the Child Welfare (Care Centres) Regulations 1968.
- “Fish Shop” means a shop where the goods kept exposed or offered for sale include wet fish or fish cooked on the premises for consumption off the premises.
- “Flat” means that portion of a building used or intended adapted or designed for use as a separate tenement in a building containing two or more such tenements and includes a single unit flat as described in By-law 53.6 (2) 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 means 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 onto more than one street, the frontage shall be the boundary line between the site and the street nominated by the Council.
- “Fuel Depot” means a depot for storage of or bulk sale of solid, liquid or 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 the Scheme is published in the *Government Gazette*.
- “General Industry” means an industry other than a hazardous, light, noxious, extractive or service industry.

- “Grouped Dwelling” means a dwelling forming part of grouped housing.
- “Grouped Housing” means one or more buildings (whether attached or detached) comprising a group of three or more self-contained dwellings situated within the boundaries of one lot but the term does not include a building in which separate dwellings are wholly or partly situated one above another.
- “Habitable Room” shall have the same meaning as is given to it in and for the purpose of the Uniform Building By-laws.
- “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 Centre” means a maternal or x-ray centre, a district clinic, a masseur’s establishment conducted by a suitably qualified masseur or a medical clinic.
- “Height” when the term is used in relation to buildings, in relation to a storey, and in relation to a room has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws.
- “Home Occupation” means a business carried on with the permission 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, liquid wastes or waste products;
  - (b) does not entail the employment of any person not a member of the occupier’s family, except in the case of a professional person;
  - (c) does not occupy an area greater than 20 m<sup>2</sup>.
  - (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 m<sup>2</sup> in area.
- “Hospital Type 1” means a building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care, other than mental treatment.
- “Hospital Type 2” has a similar meaning to Hospital Type 1, but also includes a building in which persons receive mental treatment.
- “Hotel” means land and buildings the subject of a Hotel Licence granted under the provisions of the Liquor Act, 1970, (as amended) but does not include a motel.
- “Industry” means the carrying out of any process for and incidental to—
- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or breaking up or demolition of any article or part of any article;
  - (b) the winning, processing or treatment of minerals;
  - (c) the generation of electricity or the production of gas; and
  - (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with—
    - (i) the carrying out of agriculture;
    - (ii) site work on buildings, works or land; and
    - (iii) in the case of the manufacture of goods referred to in subparagraph (d) above, the preparation on the premises of a shop of food for sale;and includes, when carried out on land upon which a process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.
- “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;

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- (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) any other similar use.
- “Institutional Home” means a residential building for the care and maintenance of children, the aged, or the infirm, and includes a benevolent institution but does not include a hospital or a mental institution.
- “Land” includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures in or upon the land.
- “Light Industry” means an industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises 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, grit, liquid wastes, waste products or otherwise.
- “Lot” has the meaning given to it in and for the purposes of the Act, and “allotment” has the same meaning.
- “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 a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.
- “Motor Repair Station” means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping, and motor trimming.
- “Motor Vehicle Assembly” means land and buildings used for the assembly of motor vehicles portions and parts into one unit.
- “Motor Vehicle Wrecking and Storage Yard” means a place for the storing, dismantling, breaking up and/or reassembling of old disused motor vehicles or old motor vehicle bodies or old machinery.
- “Multiple Dwelling” means a dwelling forming part of a building containing another or other dwellings and includes a flat but does not include a grouped dwelling or an attached house.
- “Night Club” means a building or land used for entertaining with eating and/or drinking facilities.
- “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 establishments.
- “Office” means the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.
- “Open Air Display” means the use of land as a site for the display and/or sale of goods and equipment.
- “Owner” in relation to any land includes the Crown and every person who, jointly and severally, whether at law or in equity—
- (a) is entitled to the land for an 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 from the Commissioner of Railways or the Council; 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.
- “Petrol Filling Station” means land and buildings used for the supply of petroleum products and automotive accessories.
- “Plot Ratio” has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws.

- "Private Hotel" means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act, 1970, (as amended).
- "Professional Offices" means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiropractist, consular official, engineer, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or town planner, and "professional person" has a corresponding interpretation.
- "Public Amusement" means the use of land as a theatre, a cinema, a dance hall, a night club, an entertainment centre, a skating rink, swimming pool or gymnasium or for games and includes use by societies, organisations and meeting places of members thereof.
- "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 showground.
- "Public Authority" means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.
- "Public Utility" means any works or undertaking constructed or maintained by the Council or a public authority 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 institute for primary, secondary or higher education or a residential training institution.
- "Redevelopment" means revision or replacement of an existing land use according to a controlled plan.
- "Reformatory Institution" includes a penal institute.
- "Residential Building" means a building, other than a dwelling house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a lodging house as defined by the Health Act, 1911 (as amended), a hostel, a hotel designed primarily for residential purposes and a residential club.
- "Residential Zone" means a zone being a Residential R25 Zone, an Intermediate Residential Zone, a Residential R80 Zone or a Residential R100 Zone.
- "Service Industry" means a light industry carried on land and in buildings having a retail shop front and in which goods may be manufactured or serviced, 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.
- "Single Unit Flat" means a flat comprising—
- (a) a bed-sitting room with an area of not less than 17m<sup>2</sup>.
  - (b) a kitchen with an area of not less than 4.6m<sup>2</sup> and a minimum width of not less than—
    - (i) 1800mm, if all fittings can be arranged along one wall; or
    - (ii) 2100mm, if it is not possible to arrange all fittings along one wall; and
  - (c) any water closet and ablution, laundry and cooking facilities required by or under the Health Act, 1911 (as amended).
- "Shop" means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot; but does not include a bank, fuel depot, a market, service station, milk depot, petrol filling station, 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" means a room connected to a warehouse or office, and which is intended for display of goods of a bulky character.
- "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 under Section 364 of the Local Government Act, 1960 (as amended) means the new street alignment so prescribed.

"Tavern" means premises in respect of which a Tavern Licence has been granted under the provisions of the Liquor Act, 1970 (as amended).

"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.

"Uniform Building By-laws" means the Uniform Building By-laws, 1974, published in the *Government Gazette* on the 19th December, 1974 (as amended).

"Vehicle" includes tractor.

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

"Winehouse" means premises in respect of which a Winehouse Licence has been granted under the provisions of the Liquor Act, 1970 (as amended).

"Zone" means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, hatching, or edging or described in this Text for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land.

#### PART II.—RESERVED LAND.

8. Land set aside under the Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map, and the reservations of the Metropolitan Region Scheme are shown on the Scheme Map in order to comply with the provisions of the Metropolitan Region Town Planning Scheme Act, 1959 (as amended).

9. Except as otherwise provided in this Part a person shall not carry out any development on land reserved under the Scheme, other than the erection of a side or rear boundary fence, without first applying for and obtaining the written approval of the Council.

10. In giving its approval the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval.

11. No provision of this Part shall prevent the continued use of land for the purpose for which it was being lawfully used immediately prior to the gazettal date, or the repair and maintenance, for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.

12. If the Council shall refuse approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection. Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.

13. In lieu of paying compensation the Council may if the owner is willing to sell purchase the land affected by a decision of the Council to refuse approval or to grant approval subject to conditions that are unacceptable to the applicant.

#### PART III.—ZONES AND APPLICATION PROCEDURES. CLASSIFICATION.

14. There are hereby created the several Zones set out hereunder:—  
Zones—

1. Residential R25.
2. Intermediate Residential.
3. Residential R80.
4. Residential R100.
5. Shops and Offices.
6. Special Business.
7. Offices.



8. Special Zone—Restricted Use.
9. Light Industry.
10. General Industry.
11. Hazardous Industry.
12. Service Station.
13. Funeral Parlour.
14. Hotel.
15. Hospital.
16. Public Amusement.
17. Public Worship.
18. Town Centre.

15. The said Zones are delineated and coloured on the Scheme Maps according to the legend thereon, or are described in this Text.

#### Uses.

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

- “P” A use that is permitted under this Scheme.
- “AA” A use that is not permitted unless special consent is granted by the Council.
- “IP” A use that is not permitted unless such use is incidental to the predominant use as decided and consented to by the Council.
- “X” A use that is not permitted.

17. 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.

18. (1) 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 prohibited.

(2) The provisions of sub-clause (1) of this clause do not prohibit the Council consenting to a use not mentioned in the list of use classes and in accordance with Clause 19 determining the zone in which such a use may be carried on.

(3) Where Council decides to consent to a use not mentioned in the list of use classes the provisions of Clause 32 shall apply.

19. 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.

20. In addition to the Zones mentioned in Clause 14 are hereby created Additional Use Zones and Restricted Use Zones.

#### Additional Use Zones.

21. Those portions of the Scheme Area which are specified in Section 1 of the Schedule hereto are classified as Additional Use Zones. Notwithstanding that a parcel of land described in Section 1 of the Schedule is within another zone the land or any building or structure thereon may be used for the purpose set against that parcel of land in the said Section in addition to the other uses permitted in the zone in which the land is situated.

#### Restricted Use Zones.

22. Those portions of the Scheme Area which are specified in Section 2 of the Schedule hereto are classified as Restricted Use Zones and may only be used for the purpose set against such lands respectively in the said Section. No person shall use any land or any building or structure thereon within a Restricted Use Zone except for the use or purpose set against such land in Section 2 of the Schedule.

## Town Centre Zone.

23. The Guide Plan for the Town Centre Zone indicates the general intentions of the Council as to the future uses of lands within the Town Centre Zone. It is intended that lands within the Town Centre Zone be progressively developed for the purposes shown on the Guide Plan.

24. A person who wishes to develop land within the Town Centre Zone shall make application to the Council for consent in accordance with Clause 30 and with the application shall submit an Outline Development Plan of the land proposed to be developed.

25. The Outline Development shall show—

- (a) the topography of the area;
- (b) how the proposed development will integrate with adjoining developments, existing or proposed, and the provisions being made for vehicular circulation and rear access to premises for service vehicles;
- (c) the population and residential densities anticipated;
- (d) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development; and
- (e) such other information as shall be required by the Council.

26. If the proposed development is in accordance with the Guide Plan for the Town Centre Zone the Council may consent to the proposed development and may impose such conditions as it thinks fit.

27. If the proposed development is not in accordance with the Guide Plan for the Town Centre Zone the Council may if it wishes to consent to the proposed development submit the application and the Outline Development Plan to the Town Planning Board with its recommendations. If the Town Planning Board so approves the Council may consent to development not in accordance with the Guide Plan and may impose such conditions as may be approved by the Town Planning Board.

28. No person shall commence the development of any land within the Town Centre Zone including a dwelling house without the consent of the Council.

29. No person shall use any land or any building or structure thereon without the consent of the Council for any purpose not shown on the Guide Plan for the Town Centre Zone.

## Application for Planning Consent.

30. Any person who desires to commence development on land for any purposes other than a dwelling house in a Residential Zone shall make application for planning consent from the Council before applying for a building licence. The application shall be in the form of and state the particulars set out in Appendix 2.

31. The Council may grant its consent with or without conditions or may refuse to grant its consent to the application to commence development. If the Council shall have granted its consent to commence development subject to conditions and any of the conditions shall not be fulfilled or complied with the Council may revoke its consent.

32. Any person who intends to use land for a purpose which is permitted only if special consent is granted by the Council or which is not mentioned in the Zoning Table in Appendix 1 shall make application in writing to the Council for such consent and in the application shall state the following particulars:—

- (a) the full name and address of the applicant and the nature of his interest in the land;
- (b) the Titles Office description of the land and particulars of the Certificate of Title;
- (c) the names and addresses of the registered proprietors and of all other persons having an interest in the land and the nature of their respective interests;
- (d) the purpose for which the applicant desires to use the land which shall be set forth with sufficient particularity to enable the precise use intended to be ascertained and if necessary the application shall be accompanied by plans illustrating and explaining the nature and details of the proposed use;
- (e) the nature of all buildings and other improvements then on the land;
- (f) the nature of the buildings and other improvements the applicant desires to construct on or make to the land;
- (g) the reasons that the applicant considers that the Council should consent to the proposed use.

33. The Council shall consider an application for planning consent or for the Council's special consent to the use of the land and may refuse its consent or may resolve to grant its consent with or without conditions or may resolve that before making a decision notice of the proposed development and use shall be given to those ratepayers and residents likely to be affected by the granting of consent in order that they may make representations or objections to the Council.

34. If the Council resolves that notice of a proposed development or use be given as mentioned in Clause 33 the applicant shall give notice of the proposals to those owners and occupiers of land specified by the Council and shall cause to be published in a newspaper circulating in the District of the Council notice of the application setting out in abbreviated form the information contained in the application and stating that objections or representations may be made to the Council within a period of twenty-eight days from the publication of the notice. The applicant shall also cause a sign of sufficient size to be visible and readable from the street explaining the proposed use to be displayed in a prominent position on the land during the said period of twenty-eight days. As soon as practicable thereafter but not later than three months after the date of publication of the said notice the Council shall again consider the application and any objections or representations made concerning the proposed use and shall make its decision thereon.

35. The Council may enter into an agreement with the applicant whereby the applicant covenants for himself and has transferees to carry out and observe the conditions imposed by the Council in granting its approval.

#### PART IV.—RESIDENTIAL ZONE REQUIREMENTS.

36. Subject to the provisions of the Scheme a person shall not construct or erect a building for residential purposes in:—

- (a) A Residential R25 Zone except in accordance with Table R25 contained in Appendix 3.
- (b) An Intermediate Residential Zone except in accordance with Table R80 contained in Appendix 3 PROVIDED THAT multiple dwellings shall not be permitted in this zone.
- (c) A Residential R80 Zone except in accordance with Table R80 contained in Appendix 3.
- (d) A Residential R100 Zone except in accordance with Table R100 in Appendix 3.

37. In interpreting the Tables in Appendix 3 the following shall apply:—

- (a) In the cases of lots having more than one street frontage, setbacks from boundaries with street frontages shall conform to the standards for front boundaries, with the following exceptions in the case of a lot at the corner of intersecting streets:
  - (i) the minimum setback from one of the streets to be nominated by the Council, is reduced to one half the minimum setback from the front boundary, and
  - (ii) for dwelling houses the setback from one of the streets may be 1 metre from the boundary walls and 0.75 metres from the boundary to the outer edge of gutters.
- (b) The Council may permit a dwelling house to be erected in a Residential Zone on a lot smaller in area and frontage than the Scheme prescribes, if the site comprises the whole of a lot as defined by the Act.
- (c) In cases where the minimum effective frontage has not been prescribed in Table R80 or in Table R100 it shall for each case be determined by the Council.

#### Single Unit Flats.

38. Single Unit Flats shall not be erected without the consent of the Council.

#### Open Space.

39. The proportion of open space stated in the Tables in Appendix 3 of the area of lots developed for multi-residential purposes shall be designed, developed and maintained for lawns, gardens and the planting and growing of trees and shrubs, and for access driveways (excluding driveways behind the building line) and pedestrian areas. The Council may make it a condition of its consent to the commencement of development that this Clause be complied with.

## Measurement of Wall Height and Length.

40. The following provisions shall apply in ascertaining the height and the length of a wall:—

- (a) Wall Height (refer to Appendix 4 Figure 1): The height of a wall at any point in its length shall be ascertained in accordance with Figure 1 of Appendix 4 and shall be measured as the vertical distance between the natural or existing level of the lot taken at the boundary (or assumed boundary between buildings) and the point at which a line drawn horizontal to the top of the wall at the given point and at right angles to the boundary would intersect at a line drawn perpendicular to the boundary.

Where a retaining wall exists on the boundary then the natural or existing level shall be taken as the mid point in the height of the retaining wall.

- (b) Wall Length (refer to Appendix 4 Figure 2): The length of a wall shall be measured so that its total length is included as though in one plane, irrespective of projections or setbacks, provided that—
- (i) the lengths of distinct portions of a wall, such as lengths "B" and "C" in Figure 2 not containing main openings to habitable rooms may together be measured as a separate wall and any two such lengths may be measured separately as walls if separated by more than 25 metres.
- (ii) Lengths of a wall whose external faces are offset more than 3 metres may be treated as separate walls.

## Wall Setbacks.

41. The depth of setback from a boundary other than a street boundary of a wall at any point shall be measured as the horizontal distance between that point and a point on the lot boundary (or assumed boundary between buildings) from which a line drawn at right angles to the boundary would intersect with the given point on the wall. (See Appendix 4 Figure 3.) The relationship between wall height, wall length and setback shall be as tabulated in Figure 4 of Appendix 4. These requirements allow progressive setting back of walls with increase in height.

## Distance Between Dwellings on the Same Lot.

42. The minimum distance between dwellings on the same lot shall be as required by Figure 4 of Appendix 4 and shall be calculated on the assumption of a boundary between the buildings less 10% provided that the window to window distance shall be not less than 6 metres in the case of windows to bedrooms and kitchens, 10 metres in the case of windows to habitable rooms other than bedrooms and kitchens and 8 metres in the case of windows to bedrooms and kitchens facing windows or balconies opening off habitable rooms other than bedrooms and kitchens.

## Relationship Between Parts of the Same Building.

43. The distance between facing walls of different dwellings in the same building shall be calculated as though they were walls of separate buildings on the same lot, provided that the window to window distance shall be not less than 6 metres in the case of windows to bedrooms and kitchens, 10 metres in the case of windows to habitable rooms other than bedrooms and kitchens and 8 metres in the case of windows to bedrooms and kitchens facing living room windows or balconies opening off habitable rooms other than bedrooms and kitchens.

## Setbacks for Grouped and Multiple Dwellings.

44. No wall of a grouped or multiple dwelling containing a window or a door to a habitable room other than a bedroom or kitchen or giving access directly from such room to the exterior shall be permitted closer to a side or rear boundary than 4 metres.

## Open Space Generally.

45. (1) For the purpose of computing the amount of open space to be provided in accordance with Tables R25, R80 and R100 account shall be taken of the following:—

- (a) all areas designed developed and maintained or to be developed and maintained as landscaped open space or as natural landscape;
- (b) the area of access drives between the street alignment and buildings if adjacent to landscaped open space;
- (c) structural decks or roofs to car parking areas where so designed and located as to be suitable for use as open space;

- (d) private balconies the smallest dimension of which is not less than 2.5 metres and not more than one third of the area of which is directly covered by a roof or other overhang but private balconies shall not be taken into account to a greater extent than 20% of the total open space required unless in the opinion of the Council such private balconies contribute substantially to the visual amenity of the locality in which case private balconies may exceed 20% of the total open space required to such extent as the Council may approve;

but areas provided for clothes drying, bin storage and other like purposes and any area which in the opinion of the Council does not contribute to active or passive recreational uses or to visual amenity shall not be taken into account provided that a clothes drying area which is paved or grassed as part of the overall landscaping of the open space may with the approval of the Council be taken into account.

(2) Clothes drying, bin storage and other service areas shall be screened from view by means of a stone or brick wall or other suitable screening approved by the Council.

#### Private Open Space.

46. For the purpose of computing the amount of private open space to be provided in accordance with Tables R25, R80 and R100 account shall be taken of the following:—

- (a) areas which are accessible only from through or by means of the dwelling to which they are appurtenant;
- (b) areas which are screened or to be screened by trees and shrubs or other suitable screening approved by the Council from streets and other dwellings or buildings;
- (c) an area which is directly accessible or portion of which is directly accessible from a habitable room of the dwelling to which it is appurtenant other than a bedroom;
- (d) areas not less than 25 square metres the smallest dimension of which is not less than 4 metres.

#### Community Activity Open Space.

47. For the purpose of computing the amount of community activity open space to be provided in accordance with Tables R25, R80 and R100 account shall be taken of the following:—

- (i) areas which are screened from view from outside the lot by buildings trees or shrubs densely planted walls fences or other sufficient screening approved by the Council;
- (ii) areas which are designed developed and maintained or to be developed and maintained for the use of the owners and occupiers of the lot for children's play areas swimming pools garden areas natural landscape or other active or passive recreational or sporting uses.

#### Landscaping Plans.

48. A person who makes application for consent to commence development shall with his application submit to the Council a plan showing in reasonable detail the trees and shrubs to be planted and retained and the landscaping to be carried out on the land.

#### External Storage Areas.

49. All attached houses and grouped dwellings shall have an external storage room constructed of the same materials as the building, of a minimum area of 4 m<sup>2</sup>.

#### Drying Areas.

50. Each residential development shall have an area set aside for clothes drying, screened from view from any public place. In considering the adequacy of such area the Council shall take into consideration its location and the provision (if any) of a mechanical drying apparatus.

#### Pedestrian Access.

51. In the case of grouped housing and multiple dwellings consisting of more than 12 dwellings pedestrian accessways shall be separated from vehicular accessways. Pedestrian accessways at ground level serving more than one dwelling, shall not pass closer than 3 metres to a window to a habitable room. Unless approved by Council no main window to a habitable room, other than a kitchen shall open directly onto a pedestrian accessway above ground level.

## Aged Persons Housing.

52. Development of land for an Aged Persons Housing shall be in accordance with the relevant Table in Appendix 3 for the zone in which the site is situated provided that the allowable site density may be increased by 20 per cent.

## Development Applications Generally.

53. When considering an application for planning consent to commence development the Council shall have regard to and may impose conditions relating to the following matters or any of them:—

- (a) the need for limitation of building heights or the location of buildings to preserve or enhance views;
- (b) the need for preservation of existing trees or areas or buildings of architectural or historical interest;
- (c) the choice of materials and finishes to be used where these relate to preservation of the existing character of the locality and the amenity of the area generally;
- (d) the separation of a building into two or more separate buildings on a lot, to minimise the effect of a large or gross building;
- (e) the variation of boundary setbacks where the adjacent property is controlled under a lower density residential Table, to ensure adequate protection for adjacent residents;
- (f) adequate standards of visual and acoustic privacy both within the lot the subject of a development application and on adjacent lots;
- (g) the prevention of another building from being continually or substantially in a shadow.

## PART V.—CAR PARKING.

## Parking Space Requirements.

54. Subject to the provisions of clause 55 no person shall erect or use a building for a purpose specified in Column No. 1 of the Parking Space Table hereunder unless paved parking spaces or garages each measuring not less than 5.5 metres by 2.5 metres with all necessary accessways are provided on the parcel of land on which the building is erected to the extent specified in Column No. 2 of the said Table.

## Parking Space Table.

Column No. 1 Use.	Column No. 2 Number of Parking Spaces.
1. Dwelling House 2. Attached House 3. Grouped Dwelling 4. Multiple Dwelling	As provided for in Tables R25, R80 and R100 of Appendix 3.
5. Aged Persons Homes	0.2 spaces per dwelling unit.
6. Shops	1 to every complete 20m <sup>2</sup> of floor area.
7. Restaurants, Cafes and Winehouses	1 to every four seats provided.
8. Administrative, Commercial and Professional Offices	1 to each 40m <sup>2</sup> of floor area.
9. Non-Residential Clubs	1 to each 30m <sup>2</sup> of floor area.
10. Churches, Theatres, Cinemas and Halls	1 to every 6 seats available for the public.
11. Education Establishments	1 to every classroom.
12. Warehouse, Showrooms, Storage yards and Motor Transport Depots including incidental offices on premises used for such purposes	1 to each 100m <sup>2</sup> of floor area, or one to every two employees, whichever is the greater.
13. Light Industry and General Industry	1 to each 50m <sup>2</sup> of floor area or 1 to every two employees, whichever is the greater.
14. Motor Repair Stations and Service Stations	1 space to every two employees.
15. Funeral Parlours.	5 spaces.
16. Motels	1 to each room used as a bedroom plus 1 to each 50m <sup>2</sup> of floor area of service building.

## Parking Space Table—continued.

Column No. 1 Use.	Column No. 2 Number of Parking Spaces.
17. Licensed Hotels and Taverns	1 to every bedroom (if any) plus 1 to each 2m <sup>2</sup> of Bar and Lounge floor area.
18. Hospitals	1 to every four patients' beds plus parking for employees on basis 1 to every two employees.
19. Driving Schools	1 to each vehicle operated by the school.
20. Family Care Child Minding Pre-mises	1 to every two employees.

Floor area in this Table shall be calculated as it would be for the purposes of Plot Ratio.

55. In case of any use not mentioned in the Parking Space Table, the Council may determine the number or ratio of parking spaces required.

56. The Council may permit car parking spaces to be provided not on the site subject to the Council being satisfied that—

- (i) the parking area is reasonably close to the buildings to be served and that legal right of use and access is granted to all users and occupiers of buildings for which the car parking is to be provided;
- (ii) the aggregate number of spaces provided conforms to the required standards; and
- (iii) the amenity of the locality will be adequately served thereby;

57. Where the one parking area serves two or more separate requirements the number of car parking spaces to be provided shall be calculated as the aggregate of the requirements provided that where non-residential uses are conducted substantially between the hours of 9 a.m. and 5 p.m. the total number of spaces to be provided for a residential and a non-residential use may with the consent of the Council be reduced by 15%.

## Cash Payment in Lieu of Providing Parking Spaces.

58. The Council may accept cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this clause:—

- (a) 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 the Scheme, plus the value, as estimated by the Chief Valuer of the Department of State Taxation, of that area of his land which would have been occupied by the parking spaces.
- (b) 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.
- (c) 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.

## Car Parking in "A" and "B" Codes.

59. Car parking facilities under "B" Codes of Tables R80 and R100 shall be so located that the vehicles are not visible from a street or other public place or from a dwelling on the site. If the car parking facilities are contained in a separate building the roof of that building shall not be more than 1 metre above natural ground level and if it be designed, located and landscaped it may qualify as open space.

60. Where the car parking facilities under the "A" Codes of Tables R80 and R100 are fully concealed to the standard required for the "B" Codes the developer may either utilise the standards of the "B" Codes in total or increase the number of dwellings, while remaining within the limits of maximum plot ratio.

## Plans to Show Car Parking Spaces and Access Ways.

61. The plans of a proposed building shall show the position of all car parking spaces and access ways and shall conform to the standards of Appendix 5 of this Scheme.

## Conditions Relating to Car Parking.

62. When considering an application for planning consent to commence development the Council shall have regard to and may impose conditions relating to the location and design of car parking spaces and loading facilities. In particular, the Council shall take into account, and may impose conditions concerning—

- (a) the proportion of spaces to be roofed or covered (if any);
- (b) the proportion of spaces to be below natural ground level (if any);
- (c) the means of access to each space and the adequacy of any manoeuvring area;
- (d) the location of the spaces on the site and their effect on the amenity of adjoining area including the potential effect if spaces should later be roofed or covered;
- (e) the adequacy of proposed screening or planting;
- (f) the extent to which spaces are located within required setback areas; and
- (g) the location of proposed footpaths, the vehicular access points in relation to and the effect on traffic movement and safety;
- (h) that no parking area shall be closer to windows of habitable rooms than 1.5 metres nor closer than 4 metres to major openings to living rooms.

## PART VI.—GENERAL PROVISIONS.

## Amalgamation of Titles.

63. If a person wishes to construct a building or improvements which extend over more than one lot or which do not have the requisite setback for the boundaries of each lot he shall have all lots affected amalgamated into one lot and the Council may refuse the issue of a Building Licence in respect of such buildings or improvements, until such time as the requirements of this clause have been complied with.

## Special Provisions Relating to Certain Lands.

64. Development on any of the lands being—

- (a) portion of Swan Location 2103 and being Lots 1 and 2 (Troy Terrace), and Lots 3, 4 and 5 (Hay Street), on Diagram 46358;
- (b) Daglish Lot 234 and that portion of Daglish Lot 168 as is comprised in Certificate of Title Volume 1060 Folio 576 (cnr. Robinson and Troy Terrace),

shall not be permitted except in accordance with the following provisions:—

- (i) Alterations, extensions or reconstructions to buildings or improvements on the portion of the said lands fronting Troy Terrace shall be set back 13 metres at least from Troy Terrace and cultivated garden areas shall be established to the satisfaction of the Council in such set back areas. The set back areas may if so approved by the Council be incorporate in areas required for parking and loading of vehicles.
- (ii) Other road frontages shall be landscaped and cultivated to the requirements of the Council.
- (iii) Alterations, extensions or reconstructions of buildings shall conform to the following general requirements:—
  - (I) A building shall not exceed 10 m. in height and shall be as far as reasonably practicable of a domestic exterior appearance. The exterior design shall be in harmony with adjacent residential buildings and of a standard to be approved by the Council.
  - (II) If so required by the Council the owner or developer shall enter into an agreement with the Council to observe the foregoing provisions and such other provisions as the Council may require.

65. (1) Every building erected within that portion of the General Industry Zone bounded by Jersey Street, Salvado Road, Station Street, the Railway Reserve and Hay Street shall have the wall or walls of that portion of the building which fronts on a street and which is less than 7.5 metres from the street alignment constructed of brick, masonry, concrete, reinforced concrete or other hard incombustible materials of the same fire rating as approved by the Council.

(2) Every building (not being a carport) erected within the area bounded by Hay Street, the Municipal Boundary on the west, Selby Street, Boas Street and Stubbs Terrace shall be of either Type 1, 2 or 3 Construction.



(3) Every building (not being a carport) erected within the Residential R80 Zone situated south of Stirling Highway and shown on the Scheme Map Sheet No. 4 shall be of either Type 1, 2 or 3 Construction.

(4) Every building erected within a Commercial Zone shall be of Type 1, 2 or 3 Construction.

(5) In this clause the Types of Construction are those referred to in the Uniform Building By-laws.

#### Vehicle Access.

66. If in the opinion of the Council separate entrances or exits for road vehicles to or from any lot to be used for business or industry are desirable for the avoidance of traffic hazards on streets adjacent thereto it may as a condition of its consent to commence development require the owner to provide such entrances and exits as it may direct.

#### Vehicle Loading.

67. (1) A person who constructs or substantially reconstructs, alters or adds to a building in a commercial zone or changes the use of any land or buildings shall make provision for vehicles used in conjunction with the use of the land (whether by occupiers, their employees, or invitees or by customers invitees or other persons) to stand on the site while such vehicles are being loaded or unloaded or awaiting use.

(2) Where development is commenced on land fronting Rokeby Road a means of access at the rear shall be provided.

#### Setbacks at Intersection Streets in Commercial Zones.

68. A building within a Commercial Zone, erected on a lot situated at the intersection or junction of two streets shall be so constructed that the area formed by an 8.5 metre truncation is not built upon unless the development is such that in the opinion of the Council clear vision at the intersection is maintained.

#### Setbacks for Commercial Buildings.

69. In a Commercial Zone no building with the exception of a shop shall be constructed within three metres of the front boundary and no building shall be constructed within three metres of the rear boundary.

#### Right-of-Way Setback and Truncation.

70. All buildings constructed on a lot adjoining a right-of-way shall be set back at least 3 metres from the right-of-way provided that the Council may in any particular case relax this requirement.

#### Landscaping Requirements.

71. Land developed for an industrial or a commercial purpose with the exception of retail usage, shall be developed in such a manner that a building setback area of not less than 3 metres in width immediately adjoining the front boundary of the site is set apart as an area for use by pedestrians.

#### Car Parks, Vehicle Parks, Loading Bays and Service Ways.

72. No person shall use any land for the purpose of a car park, or for the parking of vehicles or motor cycles, a loading bay or service ways unless the land and all accessways thereto shall be paved and drained to specifications approved by the Council.

#### Advisory Panel.

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

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

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

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

## Change of Use Classes.

74. Where after gazettal date the use of land and buildings is changed all requirements of the Scheme pertaining to the new use shall apply and shall be complied with.

## Shops and Offices Zone.

75. The Council may if in its opinion special circumstances exist permit a development on land which is situated within a Shops and Offices Zone and which abuts a Residential Zone to be closer to the street alignment than 7.5 metres.

## Family Care Centre/Child Minding Use.

76. Where consent is given to the use of land and buildings for the purpose of child minding the number of children that may be accepted for child minding at such premises in a Residential Zone shall not exceed ten.

## Site Coverages, Plot Ratios and Height Limitations.

77. No person shall construct or erect a building in the zones shown in the Building Table contained in Appendix 6 except in accordance with such Table.

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

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

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

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

- (a) the owner of the land on which the object of natural beauty or the historical building or the object of historic or scientific interest is situated;
- (b) the occupier of such land if he is not the owner;
- (c) all other persons whose names appear on the Certificate of Title to the said land as having an interest therein;
- (d) The National Trust of Australia (W.A.);
- (e) The Royal Western Australian Historical Society (Inc.);
- (f) The Western Australian Tourist Development Authority;
- (g) such other persons who in the opinion of the Council could give to it information which would assist the Council in arriving at a decision on the proposal.

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

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

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

83. The Council shall consider all written recommendations and objections submitted to it and may resolve that the object of natural beauty or the historical building or object of historical or scientific interest should be conserved or preserved as the case may be. If the Council shall pass the said resolution (hereinafter called "the preservation resolution") it shall give written notice thereof to all persons mentioned in Clause 79 hereof.

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

85. The Council may purchase or subject to the Act resume the parcel of land on which the object of natural beauty or the historical building or object of historical

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or scientific interest mentioned in the preservation resolution passed by the Council is situated or so much thereof as is in the opinion of the Council necessary for the preservation of the said object or building.

86. The Council may—

- (a) enter into agreements with the owners or occupiers of land on which an object of natural beauty or historic building or object of historical or scientific interest is situated, for the preservation or conservation of such building or object whether a preservation resolution has been passed or not;
- (b) enter into agreements with any of the organisations named in paragraphs (d), (a) or (f) of Clause 79 hereof or with any other person for the preservation or conservation of any building or object mentioned in a preservation resolution passed by the Council; or if the owner thereof so agrees, notwithstanding that no preservation resolution has been passed;
- (c) enter into agreements relating to the determination and settling of compensation.

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

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

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

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

#### PART VIII.—NON-CONFORMING USES OF LAND.

90. (1) If on the gazettal date any building or part of a building is being used for a purpose other than is permitted under this Scheme it shall be lawful, subject to this clause and to any Statute or by-law, to continue to use such building or part of a building or any land directly used as ancillary thereto for the same or a similar purpose as the then existing use.

(2) Subject to any Statute or by-law the Council may permit any use authorised by the last preceding subclause to be extended over all or part of—

- (i) the same lot;
- (ii) any adjoining land which was at the coming into force of this Scheme and has continuously since been in the same ownership as such lot.

(3) If premises cease to be used for a purpose authorised by this clause they shall not thereafter be used otherwise than in conformity with this Scheme: Provided that a temporary interruption of use, for instance for the purpose of repair or change of tenancy, shall not by itself be deemed a cesser of such use.

(4) If a building is damaged by fire or other casualty to the extent of 80 per cent or more of its content it shall not be repaired, rebuilt or used otherwise than in conformity with this Scheme unless by special permission of the Council.

91. The Council may consent to the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use, is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use, or is in the opinion of the Council closer to the intended uses of the zone.

92. 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 carried on or make agreements relating to the payment of compensation or moneys to persons willing to discontinue a non-conforming use.

#### PART IX.—ADMINISTRATION.

##### Prohibition.

93. (1) No person shall construct a building otherwise than in accordance with the provisions of the Scheme.

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

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(3) In cases where the Council's consent is required before a development is commenced or is required for the use of land no person shall commence the development or use the land without the consent of the Council.

(4) If planning consent or any other consent or approval has been granted upon conditions no person shall commit a breach of any of those conditions.

## Powers of Council.

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

(a) By its officers and employees to enter and inspect any land or building within the Scheme Area.

(b) To enter into agreements and arrangements with any of the owners of land within the Scheme Area.

95. 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.

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

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

## Compensation.

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

## Appeals.

99. Should an owner be aggrieved by a decision of the Council exercising a discretionary power conferred on it by the Scheme, he may appeal in accordance with Part V of the Act.

## SCHEDULE

## Section 1 : Additional Use Zones.

Street	Particulars of Land	Permitted Use
1. Hampden Road	Portion of Swan Location 648 and being Lot 16 on Diagram 34344 and Lots 4, 5 and 6 on Plan 3733	Single unit flats if special permission shall have been granted by the Council in each case.
2. Park Road	Portion of Swan Location 648 and being Lots 7 to 15 inclusive on Plan 3733.	" " "
3. Fairway	Portions of Swan Locations 268 and 86 and being Lots 274, and 280 to 286 inclusive and Lots 298 to 312 inclusive on Plan 2948 (2).	" " "
4. Cooper Street	Portion of Swan Location 268 and being Lots 261 and 262 on Plan 2948 (2).	" " "

## Section 2 : Restricted Use Zones

Street	Particulars of Land	Only Use Permitted
1. Hay Street cnr. of Robinson Tce. and Troy Terrace	Daglish Lot 234, and that portion of Daglish Lot 168 as is comprised in Certificate of Title Volume 1060 Folio 576.	Sale of Motor Vehicles.
2. Hay Street cnr. Troy Terrace	Portion of Swan Location 2103 and being Lots 1 to 5 inclusive on Diagram 46358.	Warehouse, Showrooms.
3. Roberts Road cnr. of Railway Road	Perth Suburban Lot 479	Office and Display of trade products with a plot ratio not exceeding .5.





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Appendix 2

City of Subiaco

TOWN PLANNING SCHEME No. 1

APPLICATION FOR COUNCIL PLANNING CONSENT TO PROPOSED DEVELOPMENT/USE OF LAND

Full Name and Adress of Applicant : (Surname in Block Letters).....

Name of Applicant's Agent submitting this application :.....

Address for Correspondence :.....

Full Names and Adresses of Registered Proprietor/s of the subject land :.....

Names and Adresses of all other persons having an interest in the land :.....

Description of the Land : Street No.:..... Street :.....

Locality :..... Lot No.:..... Sub-Lot No.:.....

Location No.:..... Plan or Diagram :..... Cert. Title

Vol.:..... Folio :.....

Nature of the Applicant's interest in the land ;.....

Purpose for which the Applicant desires to use the land ;.....

Nature of buildings and other improvements now on the Land ; .....

Nature of buildings and other improvements the Applicant desires to construct or make to the land :

No. of Employees :..... Estimated time of completion.....

Approximate cost of proposed development \$.....

Signature of the owner/s of the land :.....

Note : 1. This form is to be submitted in duplicate, to the Council Office together with three copies of the Site Plan and such other plans as may be found necessary to describe the proposal.

2. This is not an application for a Building Licence. Separate forms must be completed for such application.

Appendix 3  
Table R25

Residential R25

Type of Dwelling	Minimum Lot Area per Dwelling —sq. metres	Minimum Effective Frontage —metres	Minimum Defined Site area for each Dwelling —sq. metres	Minimum Open Space		Minimum No. Car Parking Spaces per dwelling	Minimum Clearances from boundaries —metres
				Total % of Lot	Private : sq. m./per dwelling		
Dwelling Houses ...	600	15	...	50	...	2	Street : 6 Rear : 8 Side : 1 for 1st Storey Walls 2.4 for 2nd Storey Walls
Attached Houses ...	350	10	...	50	...	2	Street : 6 Rear : 8 Side : 1 Between Houses : 0
Duplex House ...	400	20	320	50	100	2	As for a dwelling house
Grouped Dwellings ...	400	20	320	50	100	4 dwellings or less : 2 for each dwelling over 4 : 1.5	Street : 6 Other : See Fig. 4 Appendix 4



TABLE R80

Development controls for dwelling houses are the same as those in Table R25.

Residential R80	Type of Dwelling	Minimum Lot Area per dwelling unit—sq. metres	Minimum Effective Frontage	Minimum Defined site area per dwelling—sq. metres	Maximum Plot Ratio	Minimum Open Space			Minimum No. of Car parking spaces per dwelling	Minimum Setbacks—metres
						Total %	Communal Activity %	Private Activity sq. m. per dwelling unit		
	Attached Houses	150	See Clause 37 (c)	...	Flexible	50	...	...	2	Street : 6 Rear : 8 Between Houses : 0 At end of Row : 1 Street : 6 Other : See Fig. 4 Appendix 4
	Duplex House	166	See Clause 37 (c)	130	0.5	50	...	40	2	Street : 6 Other : See Fig. 4 Appendix 4
	Grouped Dwellings	166	See Clause 37 (c)	130	0.5	50	...	40	4 dwellings or less—2 For each dwelling over 4—1.5 10 dwellings or less—1.5 for each dwelling over 10—1.25	Street : 6 Other : See Fig. 4 Appendix 4
	Multiple Dwelling R80A Code	125	...	...	0.6	50	20	...	10 dwellings or less—1.5 for each dwelling over 10—1.25	Street : 9 Others : See Fig. 4 in Appendix 4
	Multiple Dwelling R80B Code	125	...	...	0.75	60	20	...	2	Street : 9 Other : See Fig. 4 in Appendix 4

TABLE R100

## Residential R100

Development controls for dwelling houses, attached houses, duplex houses and grouped dwellings are the same as those in the Table R80.

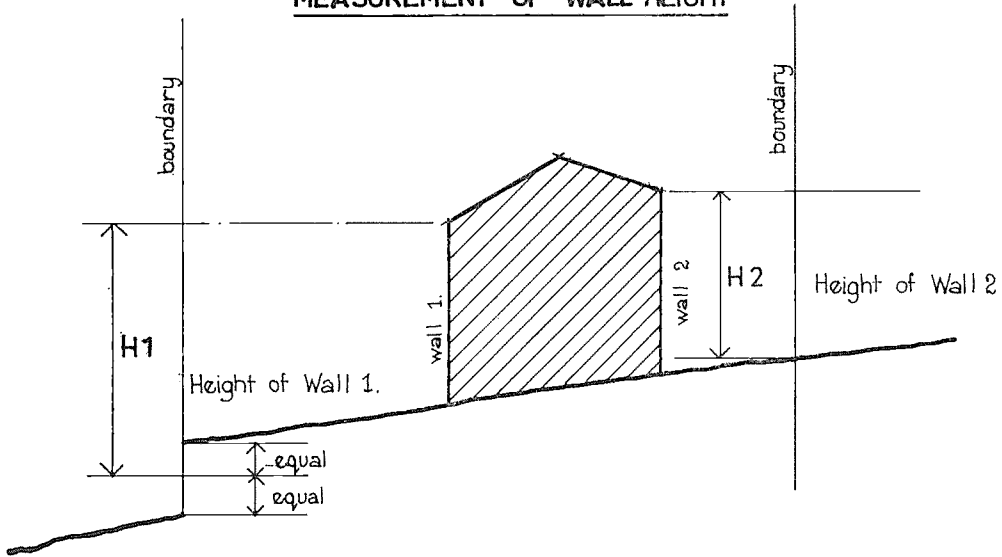
Type of Dwelling	Minimum Lot Area per Dwelling —sq. metres	Maximum Plot Ratio	Minimum Open Space		Minimum No. Car parking spaces per dwelling	Minimum Setbacks—metres
			Total %	Communal Activity %		
Multiple Dwelling R100A Code	100	0.8	50	20	10 dwellings or less —1.5 for each dwelling over 10 —1.25	Street : 9 Others : See Fig. 4 in Appen- dix 4
Multiple Dwelling R100B Code	100	1.0	60	20	2	Street : 9 Others : See Fig. 4 in Appen- dix 4

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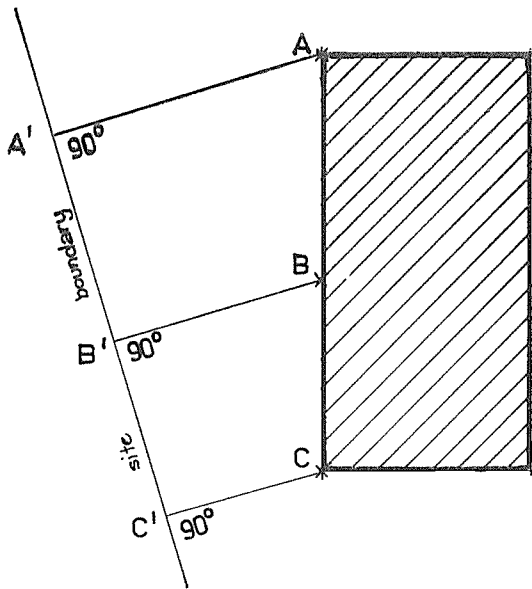
APPENDIX 4

FIGURE 1

MEASUREMENT OF WALL HEIGHT

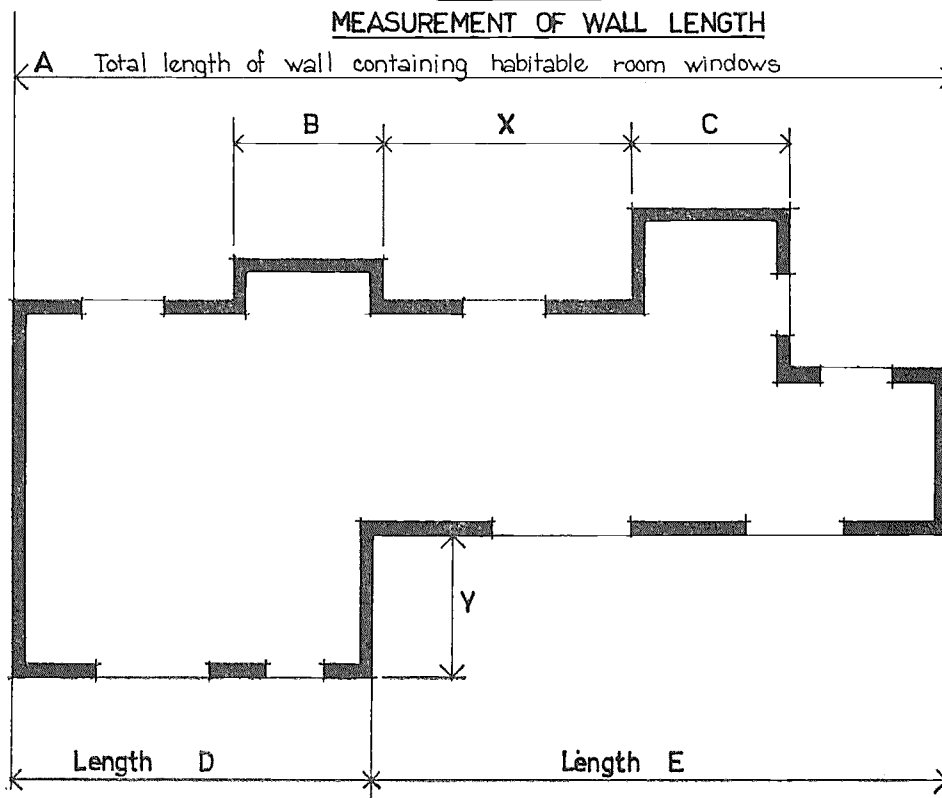


CROSS SECTION



PLAN

**APPENDIX 4**  
**FIGURE 2**

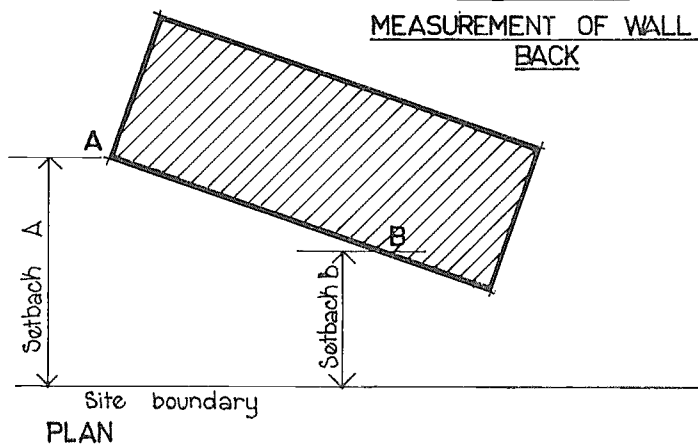


**NOTES:**

1. Lengths B and C measured independently if  $X \geq 25$  m
2. Lengths D and E measured independently if  $Y \geq 3$  m

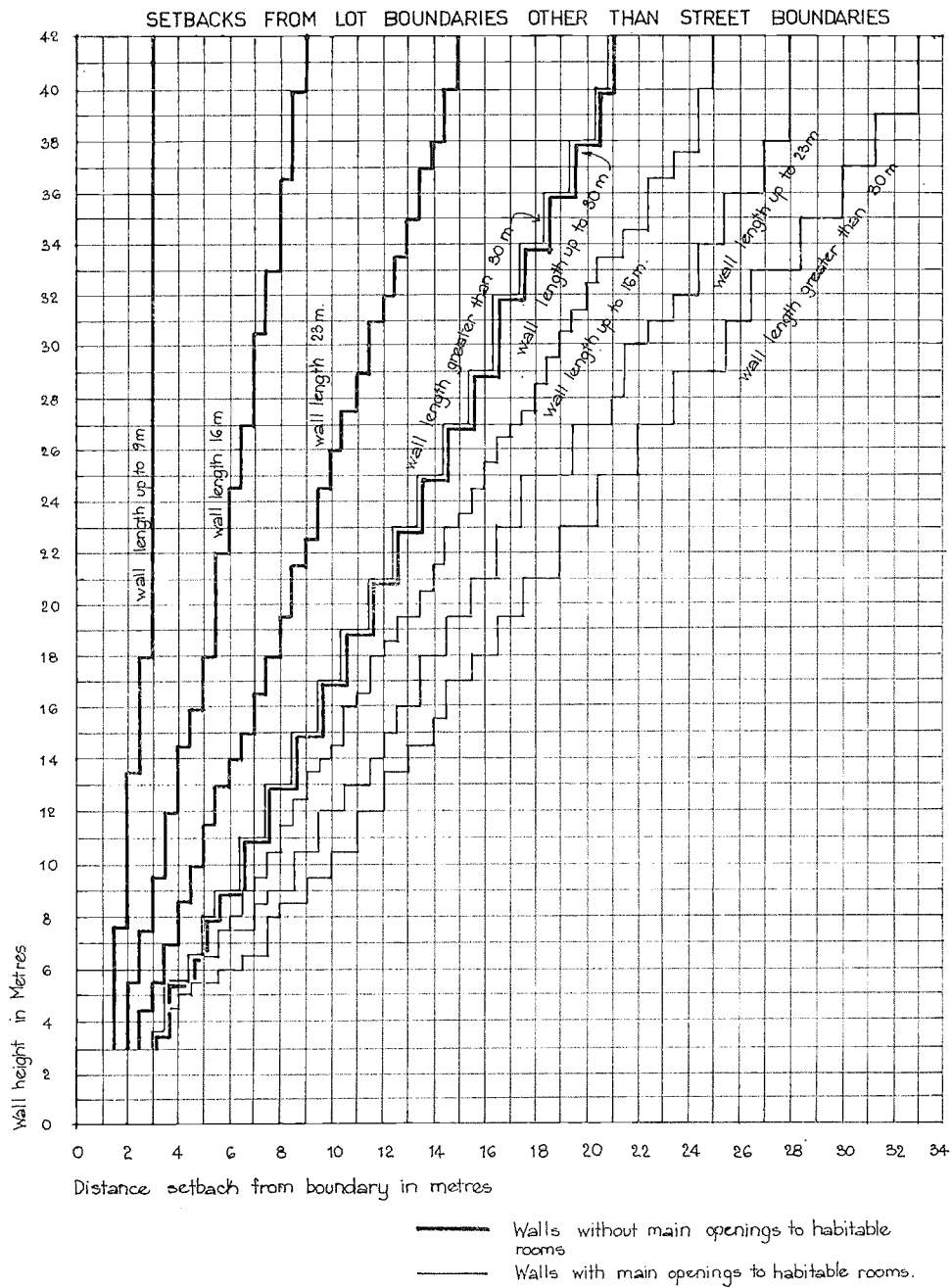
**FIGURE 3**

**MEASUREMENT OF WALL SET-BACK**



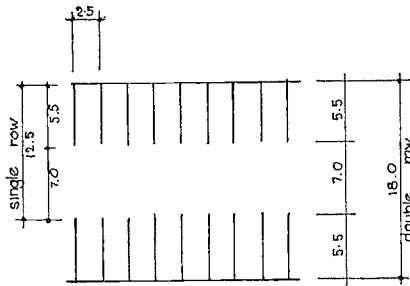
**APPENDIX 4**

FIGURE 4

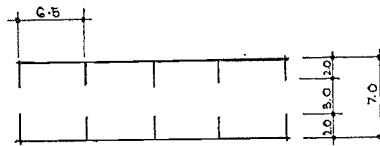


APPENDIX 5

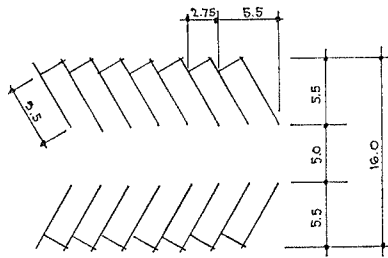
MINIMUM STANDARDS FOR CAR  
PARKING SPACES AND ACCESSWAYS



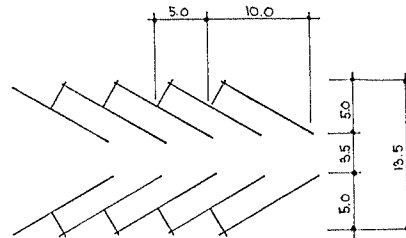
**RIGHT ANGLE**  
 Single row - 30 sq. m. per car  
 Double row - 22 sq. m. per car



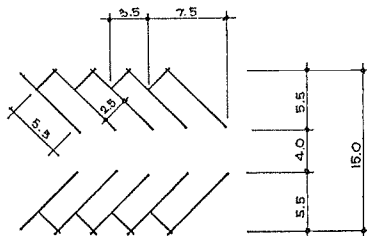
**PARALLEL**  
 Single row - 32 sq. m. per car  
 Double row - 23 sq. m. per car



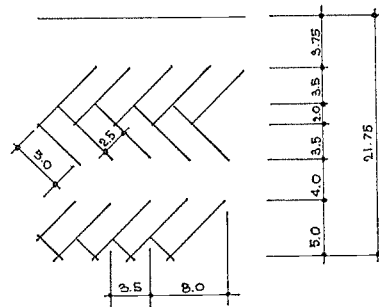
**60 DEGREE**  
 25 sq. m. per car



**30 DEGREE**  
 40 sq. m. per car



**45 DEGREE**  
 25 sq. m. per car



**45 DEGREE**  
 30 sq. m. per car

Appendix 6  
BUILDING TABLE

Zone	Site Cover	Areas marked on the Scheme Map with the Letter and Number shown hereunder	Plot Ratio	Maximum Number of Storeys
1. Shops and Offices Zone	As per Uniform Building Bylaws	B	Scheme Map Areas marked with letter on the Scheme Map (Broadway) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	3 Storeys
		C	(Onslow Road) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	3 Storeys
		D	(Nicholson Road) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	3 Storeys
		E	(Railway Road) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	3 Storeys
		F	(Daglish) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	2 Storeys
		G	(Johimont) 0.75	1 Storey
		H	(Hollywood) 1.33 on sites less than 600 sq. m. in area, on larger sites 1.5	3 Storeys
2. Special Business	"	....	1.33 on sites of less than 600 sq. m. in area, on larger sites 1.5	As determined by the Council in each particular case
3. Offices	"	A1	1.33 on sites less than 600 sq. m., 1.5 on larger sites	"
		A2	1.33 on sites less than 600 sq. m., 1.5 on larger sites	"
		A3	0.5	"
		A4	1.25	"
		....	2.0	"
		....	.75	"
		....	0.5	"
		....	1.0	"
		....	3.0	"
		....	5.0	"
		....	3.0	"
		....	....	"
4. General Industry	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
5. Hazardous Industry	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
6. Service Station	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
7. Funeral Parlour	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
8. Hotel	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
9. Hospital	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
10. Public Amusement	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
11. Public Worship	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"
12. Town Centre	"	....	2.0 generally except that for offices, show-rooms and warehouses a plot ratio of 1.33 shall apply on lots less than 600 sq. m. in area and 1.5 on larger lots	"

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Adopted by Resolution of The Council of The City of Subiaco at the Ordinary Meeting of the Council held on the 9th day of December, 1975, and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

E. H. PARKER,  
Mayor.

J. F. R. McGEOUGH,  
Town Clerk.

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This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 5 of this Scheme and to which formal approval was given by the Hon. Minister for Urban Development and Town Planning on the 24th day of December, 1975.

D. J. COLLINS,  
Recommended Chairman of the Town Planning Board.  
Date: 24th December, 1975.

E. C. RUSHTON,  
Minister for Urban Development and Town Planning.  
Date: 24th December, 1975.