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TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

SHIRE OF KALAMUNDA
DISTRICT PLANNING SCHEME NO 2

T.P.B. 853/2/24/16 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 Planning approved the Shire of Kalamunda, District Planning Scheme No 2 on 5 November 1984 - the Scheme Text of which is published as a Schedule annexed hereto.

P J MARJORAM
President

C C AINSWORTH
Acting Shire Clerk

SCHEDULE
S H I R E O F K A L A M U N D A

DISTRICT PLANNING SCHEME NUMBER TWO

The Shire of Kalamunda under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), and the Metropolitan Region Town Planning Scheme Act 1959 (as amended), hereby makes the following Town Planning Scheme.

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PART 1 - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the **Shire of Kalamunda District Planning Scheme No. 2** (hereinafter called "the Scheme") and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.

1.2 ARRANGEMENT OF SCHEME

The Scheme Text is divided into Parts as follows :-

PART I	PRELIMINARY
PART II	RESERVED LAND
PART III	ZONES
PART IV	NON-CONFORMING USES
PART V	PLANNING APPROVAL
PART VI	DEVELOPMENT REQUIREMENTS
PART VII	ADMINISTRATION AND GENERAL PROVISIONS

1.3 RESPONSIBLE AUTHORITY

The authority responsible for enforcing the observance of the Scheme is the municipality of the Shire of Kalamunda (hereinafter called the "Council").

1.4 SCHEME AREA

The Scheme shall apply to the whole of the Municipal District of the Council (hereinafter called "the Scheme Area").

1.5 RELATIONSHIP TO THE METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended from time to time, shall continue to have effect within the Scheme Area. The Authority responsible for implementing the Metropolitan Region Scheme is the Metropolitan Region Planning Authority.

1.6 REVOCATION

The **Shire of Kalamunda Town Planning Scheme - District Scheme** published in the Government Gazette of 26 February 1975, and all amendments thereto is hereby revoked.

1.7 PARTS OF THE SCHEME

The Scheme comprises the :

Scheme Map
Scheme Text

accompanied by :

Scheme Report

1.8 GENERAL OBJECTS

The general objects of the Scheme are :

- (a) To zone the Scheme Area for the purposes described in the Scheme so as to strategically promote the orderly and proper development of land by making suitable provisions for the use of land within the Scheme Area;
- (b) To secure the amenity health and convenience of the Scheme Area and the inhabitants thereof;
- (c) To set aside land for future public use as reserves;
- (d) To make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (e) To make provisions for the conservation and preservation of places of historic interest;
- (f) To encourage the use of modern land planning and design techniques so as to realise the economic social and aesthetic advantage of combining different types of land uses in a co-ordinated community design;
- (g) To promote aesthetic control and design guidelines at all levels of land use and development;
- (h) To promote co-ordinated development proposals and vehicular circulation systems;
- (i) To protect co-ordinated development proposals from ad hoc and inconsistent development proposals;
- (j) To create a pedestrian traffic and landscape environment which complements the wide range of activities carried on or proposed within the Scheme Area;
- (k) To make provision for other matters incidental to town planning and land use;

(1) To encourage co-ordinated development of the Scheme Area in accordance with the guidelines set out in the planning studies adopted by Council for particular areas or the Scheme Area as a whole, including the following or any variation thereof or substitution therefor adopted by Council:

- (i) Hills Orchard Study
- (ii) Foothills Study

and any other studies from time to time adopted by the Council;

1.9 RELATIONSHIP OF THE SCHEME TO BY-LAWS

The provisions of the Scheme shall have effect notwithstanding any by-law for the time being in force in the Scheme Area including the Uniform Building by-laws; and where the provisions of the Scheme are inconsistent with the provisions of any by-law (including the Uniform Building by-laws), the provisions of the Scheme shall prevail.

1.10 RELATIONSHIP OF SCHEME TO STATUTES

A reference to an Act of Parliament or to a section thereof includes a reference to any Act by which it is amended, re-enacted or replaced for the time being in force and also includes all by-laws regulations and orders made thereunder for the time being in force.

1.11 APPENDICES AND SCHEDULES

The Appendices and Schedules form part of the Scheme.

1.12 HEADINGS

The heading of any Part clause, subclause, Appendix or Schedule is intended for reference purposes only and does not form part of nor affect the construction of the Scheme.

1.13 INTERPRETATION

Words and expressions used in the Scheme but not defined in Appendix A have the meanings assigned to them in and for the purposes of the Act or the Regulations or the Residential Planning Codes, unless the context otherwise requires or unless it is otherwise provided herein. In the case of any inconsistency between the definition of any word or expression in the Regulations, and in Appendix A hereto, to the extent of the inconsistency the definition in Appendix A hereto shall be deemed to vary or exclude the definition in the Regulations.

PART II - RESERVED LAND

2.1 REGIONAL RESERVATIONS

Any land shown as "Metropolitan Region Scheme Reserve" on the Scheme Map is reserved pursuant to the Metropolitan Region Scheme and shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959 (as amended). The said land is not reserved by this Scheme. The provisions of the Metropolitan Region Scheme apply to such reservations.

2.2 LOCAL RESERVES

Any land shown as Local Reserve on the Scheme Map (hereinafter referred to as 'Local Reserve') is reserved by this Scheme for local purposes or for purposes shown on the Scheme Map.

2.3 USE OF LOCAL RESERVES

Local Reserves may be used :

- (a) for the purpose for which the land is reserved under this Scheme;
- (b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that public authority;
- (c) for the purpose for which it was used at the public gazettal date, 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;
- (d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council.

2.4 DEVELOPMENT OF LOCAL RESERVES

A person shall not commence or carry out any development on a local reserve, other than the erection of a boundary fence, without first applying for and obtaining approval of the Council.

2.5 MATTERS TO BE CONSIDERED BY THE COUNCIL

In deciding whether or not to grant its planning approval under Clauses 2.3(d) and 2.4, the Council shall, in addition to the matters specified in Clause 5.10 have regard to the ultimate purpose intended for the local reserve and shall in the case of the land reserved for the purposes of a public authority confer with that public authority.

2.6 DEALING WITH A LOCAL RESERVE

The Council may deal with or dispose of a local reserve 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.

2.7 COMPENSATION

Where a Council refuses approval for the development of a local reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, 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.

In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at its unaffected value at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

PART III - ZONES

3.1 CLASSIFICATION

Land, other than Reserved Land referred to in Part II of the Scheme, is classified into Zones as set out hereunder.

3.1.1 Residential Zones

Residential
Urban Development.

3.1.2 Commercial Zones

Shopping
Office
Service Station

3.1.3 Industrial Zones

Special (Rural) Industry
Light Industry
High Wycombe Light Industry
General Industry

3.1.4 Rural Zones

Special Rural
Rural
Intensive Horticulture

3.1.5 Other Zones

Mixed Use
Private Clubs and Institutions
Special Purpose
Special Maida Vale

3.2 DELINEATION OF ZONES

The said Zones are delineated and shown on the Scheme Map according to the reference appended thereto.

3.3 ZONING TABLE AND SYMBOLS

The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the permissibility of uses in the various zones. The symbol indicating the permissibility of any use is determined by cross reference between the list of Use classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table. The symbols used in the cross reference in the Zoning Table have the following meanings :

"P" 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 it is determined by the Council to be incidental to a use determined by the Council to be the predominant use and is approved as such by the Council;

"X" Means that the use is not permitted by the Scheme.

3.4 USE MENTIONED

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.

3.5 USE NOT MENTIONED

If a particular use is not mentioned in the list of use classes or is not included in the interpretation of any of the use classes such use shall be deemed to be prohibited unless approval is granted by Council.

3.6 URBAN DEVELOPMENT ZONES

No person shall use any land or any building or structure in an Urban Development Zone, except for the purpose shown on the Outline Development Plan and in accordance with Clause 6.13.

3.7 SPECIAL PURPOSE ZONES

No person shall use any land or any building or structure in a Special Purpose Zone, except for the purpose specified against the description of such land in Appendix B to the Scheme.

3.8 SPECIAL RURAL ZONES

No person shall use any land or any building or structure in a Special Rural Zone, except for the purposes specified against the description of such land in Appendix C to the Scheme.

3.9 ADDITIONAL USES

The portions of the Scheme Area specified in Appendix D are the subject of additional use permits.

Notwithstanding that land the subject of an additional use permit is within a zone the land or any building thereon may be used for the purpose set against that land in Appendix D in addition to the other uses permitted in the zone in which the land is situated unless any of these uses is excluded or modified by a condition specified in Appendix D. The use of the land is also subject to any other conditions considered appropriate by the Council and stated opposite the parcel in Appendix D.

TABLE 1 ZONING TABLE

SYMBOLS (See Clause 3.3)

- '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 it is determined by the Council to be incidental to a use determined by the Council to be the predominant use and is approved as such by the Council.
- 'X' Means that the use is not permitted by the Scheme.

[SEE FOOTNOTES AT THE END OF THIS TABLE].

ZONE USE CLASS	RESIDENTIAL	SHOPPING	OFFICE	SERVICE STATION	SPECIAL (RURAL) INDUSTRY	LIGHT INDUSTRY	HIGH WYCOMBE LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL	INTENSIVE HORTICULTURE	MIXED USE	PRIVATE CLUBS & INSTITUTIONS	SPECIAL MAIDA VALE
1. AMUSEMENT CENTRE	X	X	X	X	X	X	IP	X	X	X	X	IP	X
2. ATTACHED HOUSE	X ¹	X	X	X	X	X	X	X	X	X	AA	X	X
3. ATTACHED HOUSE OR GROUPED DWELLING COMPRISING NOT MORE THAN TWO ATTACHED HOUSES OR GROUPED DWELLINGS	X ²	X	X	X	X	X	X	X	AA ³	AA	AA	X	X
4. BETTING AGENCY	X	X	X	X	X	X	X	X	X	X	X	X	X
5. BUILDERS STORAGE YARD	X	X	X	X	X	X	X	P	X	X	X	X	X
6. BUILDINGS USED IN CONJUNCTION WITH AND FOR THE PURPOSE OF PLAYING FIELDS RECREATION GROUNDS, SPORTING CLUBS AND RECREATIONAL FACILITIES	X	AA	X	X	X	AA	AA	AA	AA	X	X	X	X
7. CARAVAN PARK	X	X	X	X	X	X	X	X	X	X	X	X	X
8. CARETAKERS DWELLING	X ⁴	AA	AA	X	IP	P	P	P	AA	X	X	P	X
9. CAR PARK	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP
10. CAR WASH	X	X	X	AA	X	AA	AA	AA	X	X	X	X	X

ZONE USE CLASS	RESIDENTIAL	SHOPPING	OFFICE	SERVICE STATION	SPECIAL (RURAL) INDUSTRY	LIGHT INDUSTRY	HIGH WYCOMBE LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL	INTENSIVE HORTICULTURE	MIXED USE	PRIVATE CLUBS & INSTITUTIONS	SPECIAL MAIDA VALE
11. CATTERY	X	X	X	X	X	X	X	X	AA	X	X	X	X
12. CHILD CARE CENTRE (INCLUDING DAY CARE AND FAMILY CARE)	IP	AA	X	X	X	X	X	X	X	IP	AA	IP	IP
13. CIVIC BUILDING	X	P	P	X	X	X	X	X	X	X	X	X	X
14. COKE, COAL, FIREWOOD DEPOT	X	X	X	X	AA	AA	AA	P	X	X	X	X	X
15. CONSULTING ROOMS	X ⁵	AA	P	X	X	X	X	X	X	X	AA	X	AA
16. CONSULTING ROOMS-GROUP	X	AA	P	X	X	X	X	X	X	X	AA	X	X
17. CONVENIENCE STORE	X	AA	X	X	X	X	X	X	X	X	X	X	X
18. COTTAGE INDUSTRY	X ⁶	X	X	X	IP	X	X	X	IP	X	AA	X	IP
19. DISPLAY HOME CENTRE	AA	X	X	X	X	X	X	X	X	X	X	X	AA
20. DOG KENNELS	X	X	X	X	X	X	X	X	X	X	X	X	X
21. DRIVE IN THEATRE	X	X	X	X	X	X	X	X	X	X	X	X	X
22. EDUCATION ESTABLISHMENT	AA ⁷	X	AA	X	X	X	X	X	AA	X	AA	AA	AA
23. EXTRACTIVE INDUSTRY	X	X	X	X	X	X	X	X	AA	X	X	X	X
24. FACTORY UNIT BUILDING	X	X	X	X	AA	P	P	P	X	X	X	X	X
25. FAST FOOD OUTLET	X	AA	X	X	X	X	X	X	X	X	X	X	X
26. FISH SHOP	X	AA	X	X	X	X	X	X	X	X	X	X	X
27. FUEL DEPOT	X	X	X	X	IP	AA	IP	P	IP	IP	X	X	X
28. FUNERAL PARLOUR	X	AA	AA	X	X	X	X	X	X	X	X	X	X
29. GARDEN CENTRE	X	X	X	X	AA	X	AA	X	AA	X	X	X	X
30. GENERAL INDUSTRY	X	X	X	X	X	X	X	P	X	X	X	X	X
31. GROUPED DWELLING	X ⁸	X	X	X	X	X	X	X	X	X	AA	X	X

ZONE USE CLASS	RESIDENTIAL	SHOPPING	OFFICE	SERVICE STATION	SPECIAL (RURAL) INDUSTRY	LIGHT INDUSTRY	HIGH WYCOMBE LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL	INTENSIVE HORTICULTURE	MIXED USE	PRIVATE CLUBS & INSTITUTIONS	SPECIAL MAIDA VALE
32. HALL	X	AA	AA	X	X	X	X	X	AA	X	X	X	X
33. HAZARDOUS INDUSTRY	X	X	X	X	X	X	X	X	X	X	X	X	X
34. HEALTH CENTRE	X	AA	AA	X	X	X	X	X	X	X	X	X	X
35. HEALTH STUDIO	X	AA	X	X	X	X	AA	X	X	X	X	X	X
36. HOLIDAY COTTAGE	X	X	X	X	X	X	X	X	X	X	X	X	X
37. HOME OCCUPATION	AA	X	X	X	X	X	X	X	AA	AA	AA	X	AA
38. HORTICULTURAL PURSUIT	X	X	X	X	X	X	X	X	P	P	X	X	X
39. HOSPITAL	X	X	X	X	X	X	X	X	X	X	X	AA	X
40. HOSPITAL SPECIAL PURPOSES	X	X	X	X	X	X	X	X	X	X	X	X	X
41. HOTEL	X	X	X	X	X	X	X	X	X	X	X	X	X
42. INFANT HEALTH CENTRE	X	X	AA	X	X	X	X	X	X	X	X	X	X
43. INSTITUTIONAL BUILDING	X	X	X	X	X	X	X	X	X	X	X	P	X
44. INSTITUTIONAL HOME	X	X	X	X	X	X	X	X	X	X	X	AA	X
45. KINDERGARTEN/PRE-SCHOOL	AA ⁹ X	X	X	X	X	X	X	X	X	X	AA	AA	AA
46. LAUNDROMAT	X	AA	X	X	X	X	AA	X	X	X	X	X	X
47. LIGHT INDUSTRY	X	X	X	X	X	P	P	P	X	X	X	X	X
48. LIQUOR STORE	X	AA	X	X	X	X	X	X	X	X	X	X	X
49. LOCAL SHOP	X ¹⁰ P	X	X	X	AA	X	AA	X	X	X	X	X	X
50. LODGING HOUSE	X	X	X	X	X	X	X	X	X	X	X	X	X
51. MARINE STORE	X	X	X	X	AA	AA	AA	AA	X	X	X	X	X
52. MEDICAL CENTRE	X	AA	P	X	X	X	X	X	X	X	AA	X	X
53. MILK DEPOT	X	X	X	X	AA	AA	AA	P	X	X	X	X	X
54. MOBILE HOME PARK	X	X	X	X	X	X	X	X	X	X	X	X	X
55. MOTEL	X	X	X	X	X	X	X	X	X	X	X	X	X

ZONE USE CLASS	RESIDENTIAL	SHOPPING	OFFICE	SERVICE STATION	SPECIAL (RURAL) INDUSTRY	LIGHT INDUSTRY	HIGH WYCOMBE LIGHT INDUSTRY	GENERAL INDUSTRY	RURAL	INTENSIVE HORTICULTURE	MIXED USE	PRIVATE CLUBS & INSTITUTIONS	SPECIAL MAIDA VALE
78. RESTAURANT	X	P	X	IP	X	X	X	X	X	X	AA	X	X
79. RURAL INDUSTRY	X	X	X	X	P	X	X	X	AA	AA	X	X	X
80. RURAL PURSUIT	X	X	X	X	AA	X	X	X	P	AA	X	X	X
81. SALVAGE YARD	X	X	X	X	X	X	X	P	X	X	X	X	X
82. SERVICE INDUSTRY	X	X	X	X	X	P	P	P	X	X	X	X	X
83. SERVICE STATION	X	X	X	P	X	X	X	X	X	X	X	X	X
84. SHOP	X	P	X	X	X	X	X	X	X	X	X	X	X
85. SHOP AND DWELLING COMBINED	X	AA	X	X	X	X	X	X	X	X	X	X	X
86. SHOWROOM	X	P	AA	X	IP	IP	AA	IP	X	X	X	X	X
87. SINGLE HOUSE	P	X	X	X	X	X	X	X	P ³	P	P	IP	P
88. SPRAY PAINTING	X	X	X	X	X	AA	X	P	X	X	X	X	X
89. STOCKHOLDING/SALES YARD	X	X	X	X	AA	X	X	X	AA	X	X	X	X
90. TAVERN	X	AA ¹¹	X	X	X	X	X	X	X	X	X	X	X
91. TRUCK DEPOT	X	X	X	X	AA	P	AA	P	X	X	X	X	X
92. TYRE DEPOT INCLUDING TYRE RE-TREADING AND/OR RE-CAPPING	X	X	X	X	X	AA	AA	P	X	X	X	X	X
93. VEHICLE SALES PREMISES	X	AA	X	X	AA	AA	AA	AA	X	X	X	X	X
94. VEHICLE WRECKING	X	X	X	X	X	X	X	P	X	X	X	X	X
95. VETERINARY CLINIC OR SURGERY	X	AA	AA	X	AA	AA	AA	AA	AA	X	AA	X	X
96. VETERINARY HOSPITAL	X	X	X	X	AA	AA	AA	AA	AA	X	X	X	X
97. WAREHOUSE	X	X	X	X	IP	P	P	P	X	X	X	X	X
98. WINE HOUSE	X	AA ¹¹	X	X	X	X	X	X	X	X	X	X	X
99. WORSHIP - PLACE OF	AA ⁹	X	X	X	X	X	X	X	X	X	AA	AA	AA
100 ZOOLOGICAL GARDENS	X	X	X	X	X	X	X	X	AA	X	X	X	X

FOOTNOTES :

[References to the R Codes are to be read in conjunction with Clauses 6.1 and 6.2 of the Scheme].

1. In areas of R20 and R30 code shall be an 'AA' use.
2. In areas of R10 and R12.5 Codes shall be an 'AA' use, subject to the provisions of Clause 6.2(e).
3. Notwithstanding the provisions of Section 11.3(4) of the Uniform Building By-laws, and subject to the provisions of the Scheme, residential development in the Rural Zone shall in the case of a separate lot be limited to either:
 - (a) a single house, or
 - (b) attached house or grouped dwelling comprising not more than two attached houses or grouped dwellings, but not both.
4. In areas of R20 and R30 code shall be an 'IP' use.
5. In areas of R5, R10, and R12.5 code shall be an 'AA' use.
6. In areas of R2, R2.5, and R5 code shall be an 'IP' use.
7. In areas of R2, R2.5, R20 and R30 code shall be an 'X' use.
8. In areas of R10, R12.5, R20 and R30 code shall be an 'AA' use.
9. In areas of R2, R2.5, R20 and R30 code shall be an 'X' use.
10. In areas of R30 code shall be an 'AA' use.
11. Limited to not more than two hundred and twenty (220) square metres Gross Leasable Area.

PART IV - NON-CONFORMING USES

4.1 EXISTING USE RIGHTS

No provision of the Scheme shall prevent -

- (a) the continued use of any land or building for the purpose for which it was being used at the time of the coming into force of the Scheme, if that use was lawful under the provisions of a Scheme and/or enjoyed non-conforming use rights under that Scheme; or
- (b) the carrying out on any land of a development in respect of which there was in existence at the time of the coming into operation of this Scheme, an approval to commence that development issued under a town planning scheme revoked by this Scheme.

4.2 CURRENT APPROVAL

Any development carried on pursuant to Clause 4.1(b) shall be substantially commenced or completed as the case may be within the time stipulated in the approval or such extended time as the Council permits, and provided further that any conditions stipulated in the approval shall be complied with and those conditions shall be enforced by the Council as if they had been imposed under the Scheme.

4.3 RESTRICTIONS ON NON-CONFORMING USES

If at the gazettal date the use of any land or building is a non-conforming use, that use may continue, subject to the following restrictions -

- (a) the non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which it was carried on at the gazettal date;
- (b) if the buildings in which the non-conforming use is carried on are wholly within one lot only, then such buildings shall not be extended beyond the limits of that lot; and
- (c) if the building or buildings in which the non-conforming use is carried on are on more than one lot, such non-conforming use shall be restricted to the land on which the building stands or the buildings stand and such land which is adjacent to the building or buildings and not being used for any other purpose authorised by the Scheme as reasonably required for the purpose for which the building or buildings is or are being used.

Nothing in this clause shall be taken to excuse any person from complying with the provisions in Part V relating to applications for and approvals to commence development of any land.

4.4 NON-CONFORMING USES AND RESERVED LANDS

Notwithstanding that a non-conforming use exists on land reserved by this Scheme, nevertheless any person wishing to extend vary or add to the existing use or seeking to commence or carry out any development on the land shall comply with the provisions of Part II relating to use of and development on Local Reserves.

4.5 EXTENSION TO BUILDINGS

Where on land zoned by the Scheme a non-conforming use exists or was authorized as mentioned in clause 4.1 and provided that all necessary development approvals and a building licence are first obtained, buildings may be extended to the limits prescribed by the Uniform Buildings By-laws, or by any other by-laws made under the Local Government Act 1960 (as amended) or the Act or by the Scheme, for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the gazettal date.

Nothing in this clause shall be taken to excuse any person from complying with the provisions in Part V relating to applications for and approvals to commence development of any land.

In dealing with an application for approval of or to commence a development involving a building extension authorized under this clause the Council shall apply the provisions of clause 5.1.

If the Council in the exercise of its discretion refuses an application to extend, which apart from the fact that it concerns a non-conforming use, in every way complies with the law and the Scheme, then subject to this clause the applicant within six months of the Council's decision may claim compensation for injurious affection as if the Scheme had prohibited the extension of the non-conforming use.

If a non-conforming use acquired its status as such after the coming into operation of the Shire of Kalamunda Town Planning Scheme - District Scheme, and if under that scheme the Council could in its discretion have refused an application to extend, then an applicant under the Scheme shall have no claim for compensation for injurious affection upon the refusal by the Council of such an application under the Scheme.

4.6 CHANGE OF NON-CONFORMING USES

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.

The decision of the Council as to :

- (a) whether a proposed non-conforming use is less detrimental to the amenity of the neighbourhood than the existing use; and
- (b) whether the proposed non-conforming use is closer to the intended uses of the zone than the existing use is a factual decision to be made upon the Council's objective assessment of the circumstances of the case.

4.7 DISCONTINUANCE OF NON-CONFORMING USES

Notwithstanding the preceding provisions of this Part except where a change of non-conforming use has been permitted by the Council under clause 4.6 when a non-conforming use of any land or building has been discontinued for a period exceeding six (6) months such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

Notwithstanding the provisions of clause 4.1, should any building or works representing a non-conforming use of land be so damaged or destroyed that the cost of restoration or replacement is greater than 75 per cent of the value of such building or works immediately prior to the damage to or destruction thereof, then the land shall be used only in conformity with the provisions of the Scheme.

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.

4.8 CONDITIONS OF APPROVAL FOR CHANGE OF USE

When the Council grants its approval to change the use of any land from one non-conforming use to another it may grant such approval with or without conditions and may limit the time for which the approval remains valid prior to completion or substantial commencement of the development.

4.9 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.

The Council shall establish and maintain a Register of such non-conforming uses. If a particular non-conforming use is not entered in the Register within 6 months of the gazettal date the Council may at a later time enter that use in the Register upon application being made to it and upon the applicant demonstrating to the satisfaction of the Council that :

- (a) the use was a lawful conforming use under the Shire of Kalamunda Town Planning Scheme - District Scheme immediately prior to the revocation of that Scheme; and
- (b) there is a reasonable explanation for the failure to record the non-conforming use in the Register within six months of the gazettal date.

The Council shall note in the Register any change to or discontinuance of a non-conforming use.

For the purpose of the registration of a non-conforming use in the Register the Council shall determine the nature of the use and the appropriate use class as a factual decision based upon the Council's objective assessment of the evidence before it at the time of making the determination.

PART V - PLANNING APPROVAL

5.1 APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT

In addition to a Building Licence the Council's prior approval to commence development is required for any development on or partly on any land zoned or reserved under the Scheme save for those referred to in clause 5.2. An application for Council's approval shall be made in the form prescribed by the Council from time to time and in accordance with the directions thereon.

5.2 APPROVAL NOT REQUIRED

The Council's prior approval to commence development on land zoned by the Scheme is not required if the development consists of :

- (a) the erection on a lot zoned other than Special Rural of a single dwelling house which will be the only development on that lot; or
- (b) the carrying out of any works on in or under a street or road by a public authority acting pursuant to the provisions of any statute.

5.3 APPROVAL FOR METROPOLITAN REGION SCHEME

Notwithstanding that any development by reason of Clause 5.2 does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Authority for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 (as amended) if the land the subject of the application is wholly or partly :

- (a) affected by a gazetted notice of a resolution by the Authority under clause 32 of the Metropolitan Region Scheme; or
- (b) within an area duly declared by the Authority to be a planning control area.

5.4 DEALING WITH APPLICATIONS RECEIVED5.4.1 A Regional Reservation

An application for approval to commence development on land which is wholly within a Regional Reservation shall be referred by the Council to the Authority for determination and no separate determination of the application shall be made by the Council.

5.4.2 Zoned or Reserved in the Scheme

Subject to the provisions of this sub-clause, an application for approval to commence development on land which is wholly zoned or reserved by the Scheme shall be determined by the Council in accordance with the provisions of the Scheme and the Metropolitan Region Scheme.

An application for approval to commence development on land which is wholly zoned or reserved by the Scheme but which is -

- (a) affected by a gazetted notice of a resolution made by the Authority under clause 32 of the Metropolitan Region Scheme, or
- (b) within or partly within a planning control area duly declared by the Authority

shall be dealt with by the Council as follows :

- (i) One copy of the application and supporting papers submitted by the applicant shall be forwarded by the Council to the Authority as soon as is reasonably possible, for determination by the Authority pursuant to the provisions of the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 (as amended); and
- (ii) The Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme.

5.4.3 Part Regional Reservation/Part Zoned or Reserved in the Scheme

If the Council receives an application for approval to commence development on land which is partly within a Regional Reservation and partly zoned or reserved in the Scheme then :

- (a) The Council shall retain one copy of the application and refer the other copy to the Authority for determination of the application pursuant to the Metropolitan Region Scheme;
- (b) If it is reasonable in the circumstances for the Council to make a determination as to the part of the proposed development which is on the land zoned or reserved by the Scheme, then the Council shall deal with that part of the application in accordance with sub-clause 5.4.2 but where appropriate the Council may express any approval it gives to be subject to the approval of the Authority;

- (c) If it is not reasonable in the circumstances for the Council to make a determination as to the part of the development which is on the land zoned or reserved by the Scheme the Council may delay its determination of the application as to that part until the determination of the Authority is made known to it.

5.5 REFERRAL TO OTHER AUTHORITIES

The Council may if it so desires, before determining any application consult with any other statutory, public or planning authority.

5.6 DEEMED REFUSAL

An application shall be deemed to have been refused for the purpose of establishing a right of appeal where a decision is not conveyed to the applicant within 60 days of the receipt of the application or within such further time as may be agreed in writing between the applicant and the Council within that period of 60 days. A decision made within the extended period as agreed shall be a valid decision within the meaning of the Scheme.

5.7 DEALING WITH "P", "IP" AND "X" USES

- (a) "P" Uses - The Council shall approve any development involving only one or more "P" uses if the proposed development in every way complies with the law and the provisions of the Scheme, but the Council may in its discretion impose conditions which, without affecting the generality of the Council's power in that regard, may require variation to the height density design or other aspects of the development.

- (b) "IP" Uses - The decision of the Council :

(i) identifying the predominant use of any land; and

(ii) as to whether any use is incidental to the predominant use,

is a factual decision to be made upon the Council's objective assessment of the circumstances of any case. The Council shall approve any development involving only one or more "IP" uses if the proposed development in every other way complies with the law and the provision of the Scheme, but the Council may in its discretion impose conditions which, without affecting the generality of the Council's powers in that regard, may require variation to the density height design or other aspects of the development.

- (c) "X" Uses

The Council shall refuse approval of any development or so much of any development which involves a use which is not permitted.

5.8 DEALING WITH "AA" USES

5.8.1 Formalities of Application

Where an application under this Part involves a proposal to use land for, or to change the use of land to, an "AA" use in addition to any other requirements applying to development applications generally, the "AA" use applications shall include or be accompanied by the following :

- (i) The full name and address of the applicant;
- (ii) A description of the land, including street name, lot number and house number, sufficient to enable the land to be clearly identified;
- (iii) The full name and address of each person having an interest in the land and the nature of each person's interest;
- (iv) The nature of the applicant's interest in the land;
- (v) A full and complete description of the purpose for which the applicant desires to use the land;
- (vi) The nature of all existing improvements to the land and other improvements the applicant desires to make to the land;
- (vii) A brief statement of the planning principles or reasons (if any) which the applicant considers justify or support approval of the application.

5.8.2 Advertising

The Council may cause one or more of the following to be carried out :

- (i) Notice of the proposed development to be served on persons who, according to the Rate Book, are the rateable owners of land and/or occupiers of land within an area determined by the Council as likely to be affected by the granting of the application stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (ii) Notice of the proposed development to be published in a newspaper circulating in the scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof;

- (iii) A sign displaying notice of the proposed development to be erected in a conspicuous position on the land stating that submissions may be made to the Council within a nominated period being not less than twenty-one days from the date of erection of the sign.

5.8.3 Determination of the Application

If notices have been given or a sign has been erected, after the expiration of twenty-one days from the posting of the notice to the owners and/or occupiers, the publication of the notice, or the erection of the sign whichever is the later, the Council shall consider and determine the application.

5.9 EXPENSES

All expenses incurred by the Council in carrying out the procedures associated with the consideration of an "AA" use shall be reimbursed by the applicant whether or not the application be approved.

5.10 MATTERS TO BE CONSIDERED WHEN COUNCIL EXERCISES DISCRETION

5.10.1 Matters which shall be considered

The Council when exercising a discretion on a planning application shall have due regard to the following :

- (i) The nature of the proposed development and its relationship to development of other land within the locality;
- (ii) The size shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;
- (iii) The nature of the roads giving access to the subject land;
- (iv) The parking facilities available or proposed and the likely requirements for parking arising from the proposed development;
- (v) Such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise;
- (vi) Any Statement of Planning Policy by the Board or the Authority;

- (vii) Any planning study approved by the Council and published prior to the receipt by the Council of the application under consideration.
- (viii) Any policy statement adopted by resolution of the Council and published or otherwise made available to the public prior to receipt by the Council of the application under consideration;
- (ix) The interests of orderly and proper planning and the preservation of the amenity of the relevant locality;
- (x) Any other relevant planning principles;
- (xi) Any relevant submissions by the applicant; and
- (xii) Any relevant submissions received by the Council on an "AA" use application.

5.10.2 Matters which may be considered

The Council when exercising a discretion on a planning application may have regard to the following :

- (i) Any policy statement adopted by the Council but not published or otherwise made available to the public prior to receipt by the Council of the application under consideration;
- (ii) Any policy of the Board or the Authority or any planning policy adopted by the Government of the State of Western Australia;
- (iii) Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;
- (iv) The comments or wishes of any public or municipal authority;
- (v) The comments or wishes of any objectors;
- (vi) Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (vii) Any other matter which in the opinion of the Council is relevant.

5.11 COUNCIL'S DECISION

The Council having regard to the appropriateness of any proposed development may:

- (a) Grant its approval with or without conditions and limit the time for which the approval remains valid prior to completion or substantial commencement of the development; or
- (b) Refuse to grant its approval.

The Council shall convey its decision to the applicant by way of the form prescribed under the Metropolitan Region Scheme for such purpose or by a similar form prescribed by the Council for the purpose.

5.12 COMPLIANCE WITH CONDITIONS

If the Council grants its approval of any development subject to conditions, no person shall use any land or building affected by the conditions otherwise than in accordance with the conditions.

5.13 REVOCAION OF APPROVAL

If the Council grants its approval subject to conditions, and any of the conditions is not fulfilled or complied with within the time stipulated by the Council in its approval, or stipulated subsequently on reasonable notice to the applicant, the Council may in addition to any other remedies available to it, revoke its approval.

5.14 REVOCAION OF 'HOME OCCUPATION' USE APPROVAL

If a home occupation use has been carried on with the approval of the Council, and such use is causing a nuisance or annoyance to neighbours or to the owners or occupiers of land in the neighbourhood, the Council may revoke the approval granted by it and after such revocation no person shall upon the land the subject of a resolution for revocation carry on a home occupation use unless approval to do so shall subsequently be granted by the Council.

5.15 FOLLOWING A DECISION TO REVOKE

In any case where the Council revokes its approval of a development, it shall not issue a notice pursuant to subsection (10)(1) of the Act until after the expiration of sixty (60) days from the date of the revocation, or until after the determination of any appeal against the revocation commenced within the sixty (60) day period.

5.16 AGREEMENTS

The Council may enter into agreements with an applicant or if it is more appropriate, with the owner and/or occupier of any land or building involved in the application. In such agreement the applicant or otherwise the owner or occupier may covenant for himself his transferees assignees and successors, to carry out and observe all or any of the conditions (if any) imposed by the Council and the agreement may deal with any other matter relevant to town planning and development of land.

5.17 MODELS

The Council may require that an application for approval to commence development involving any building or other work be accompanied by a model. The model shall be so constructed as to show the physical characteristics and proposed form of development to such a scale as designated by the Council.

5.18 INFORMAL APPLICATION

An application for approval to commence development shall, for the purpose of computing time limits, be deemed not to have been received by the Council until such time as all requirements of the Council as to formalities have been complied with or have been waived by the Council.

5.19 "IN PRINCIPLE" DECISIONS

- (a) If an applicant stipulates that his application for a planning approval is made "in principle", or using other words indicates that intention and the Council makes a determination thereon; or
- (b) If the Council upon receiving an informal application for a planning approval makes a determination thereon, but issues its decision otherwise than by a form referred to in clause 5.11.

then in either case the determination of the Council shall for all intents and purposes be an "in principle" decision, and shall not in any way be taken as an approval of or to commence any development.

An "in principle" decision by the Council shall not in any way bind the Council or fetter its discretion when dealing substantively with an application concerning the same development.

PART VI - DEVELOPMENT REQUIREMENTS

6.1 RESIDENTIAL DEVELOPMENT : RESIDENTIAL PLANNING CODES

- (a) For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes adopted as a policy by the Board on 26 July 1982 together with all amendments or additions thereto or any code, by-laws or regulations replacing them and applying or being applicable within the District.
- (b) A copy of the Residential Planning codes shall be kept and made available for public inspection at the offices of the Council.
- (c) In the event of there being any inconsistency between the Residential Planning Codes identified by sub clauses (a) and (b) of this clause the provisions in the document identified in sub clause (a) shall prevail.
- (d) Unless otherwise provided for in Clause 6.2 the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.
- (e) The Residential Planning Code density applicable to land within the Scheme area shall be determined by reference to the Residential Planning code density numbers superimposed on the particular areas shown on the scheme map as being contained within the outer edges of the solid black line borders or, where such an area butts on another area having a Residential Planning code density, as being contained within the centre lines of those borders.

6.2 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS

The following variations and exclusions to the Residential Planning Codes shall apply for the purposes of the Scheme.

- (a) The Codes in Table 1 of the Residential Planning Codes and which shall be applicable to land within the Scheme Area shall be limited to R2, R2.5, R5, R10, R12.5, R20, and R30. All other Codes as shown in Table 1 of the R Codes and as may be referred to in the R Codes shall not apply to land within the Scheme Area or to the Scheme.
- (b) On land within the Scheme Area designated with a Code density of R2 or R2.5 or R5 development shall be limited to a single house only and shall exclude attached house and grouped dwelling.
- (c) Notwithstanding the provisions of Table 1 of the R Codes, for land which is not serviced by a comprehensive sewerage system and where the responsible authorities recommend to the Council that there are exceptional circumstances, which are consistent with the current Government Sewerage Policy and accordingly warrant a variation from the sewerage requirement, the requirements for minimum area of land per dwelling shall be increased. The increase is to be determined in accordance with the "Bacteriolytic Treatment of Sewage and Disposal of Liquid Waste Regulations" made pursuant to the Health Act 1911 (as amended).

- (d) Notwithstanding anything appearing elsewhere in the Scheme, on land within the Scheme Area designated with a Code density of R2, R2.5, R.5, R.10, or R.12.5 the Council may consider an application to develop a single house on a lot which does not comply with the requirement of minimum area of land per dwelling and may grant approval with or without conditions, or may refuse the application.
- (e) Notwithstanding the provisions of Table 1 of the R Codes, the development of attached house or grouped dwelling comprising not more than two attached houses or grouped dwellings in areas of R10 or R12.5 Code shall be subject to a minimum lot size of 1500 square metres and a minimum effective frontage of 30 metres; and in areas of R20 or R30 Code shall be subject to a minimum lot size of 1000 square metres and a minimum effective frontage of 20 metres.
- (f) Clause 8(3) of the R Codes is deleted and a new Clause inserted therein as follows :

"8(3) In the case of attached housing developments, the preliminary approval of the Town Planning Board to the subdivision shall be obtained prior to the Council issuing its planning approval in respect of the development. Such preliminary approval if granted by the Board shall not prejudice limit or restrict assessment of the proposed development by the Council which shall be unfettered in its ability to approve the application with or without conditions or to refuse the application in accordance with the Scheme".

6.3 DEVELOPMENT LIMITED BY LIQUID WASTES DISPOSAL

Notwithstanding anything elsewhere appearing in the Scheme, residential development in the form of grouped dwellings or attached houses shall be connected to a comprehensive sewerage system. However, where such a connection is not available and cannot reasonably be made available the development may be assessed by the responsible authorities in accordance with the "Bacteriolytic Treatment of Sewage and Disposal of Liquid Waste Regulations" made pursuant to the Health Act 1911 (as amended) and when consistent with the current Government Sewerage Policy, the responsible authorities may recommend to the Council that there are exceptional circumstances to warrant a variation from the sewerage requirement.

The Council may refuse to issue approval for any particular type of development if in its opinion no sufficient provision is or can be made for the disposal of liquid wastes.

TABLE 2 - SITE REQUIREMENTS

ZONES	SETBACK FROM MAIN STREET FRONTAGE ¹	SETBACK FROM MINOR STREET FRONTAGE ¹	SETBACK FROM SIDE BOUNDARIES	SITE COVERAGE	PLOT RATIO
RESIDENTIAL	As	per	the	Residential	Planning Codes
HOTEL	As per Uniform Building by-laws			25%	0.6
MOTEL	As per Uniform Building by-laws				
SHOPPING	6m	6m	See Note 2		1.0
OFFICE	6m	6m	See Note 2		1.0
MIXED USES	As for Code R20 of the Residential Planning Codes				
PRIVATE CLUBS & INSTITUTIONS	15m	15m	4.5m	7.5m	50% 0.5
SERVICE STATION	15m	15m	4.5m	4.5m	35% 0.35
SPECIAL (RURAL) INDUSTRY	25m	15m	See Note 2	30%	
LIGHT INDUSTRY	18m ³	6m	See Note 2	60%	0.5
HIGH WYCOMBE LIGHT INDUSTRY	9m	6m	See Note 2	60%	0.5
GENERAL INDUSTRY	18m ³	6m	See Note 2	60%	0.5
SPECIAL RURAL	15m	15m	10m	10m	
RURAL	15m	9m	10m	10m	
SPECIAL PURPOSE	At	the	discretion	of	Council
SPECIAL MAIDA VALE	As for Code R 2.5 of the Residential Planning Codes				

- NOTES 1. Where the two road frontages are identical the designation of which road shall be the main road for the purpose of setback shall be determined by the Council.
2. Subject to Council Approval
3. Council may approve the construction of a building closer than eighteen (18) metres but not less than nine (9) metres to the alignment of the main road frontage so as to allow a maximisation of 60 per cent site coverage.

6.4 SITE BUILDING REQUIREMENTS

- (a) The site building requirements for land in various zones shall be as set out in Table 2, subject to any additional or other requirements as set out in sub-clause (b) to this clause.
- (b) Outbuildings

Outbuildings alongside a residence shall be constructed of the same materials as the residence unless special approval is granted by the Council.

6.5 VARIATION OF SETBACK REQUIREMENTS

The Council may permit a departure from the setback requirement as set out in Table 2 under the following circumstances :

- (a) In a Shopping Zone or Office Zone.
- (i) 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 front setback to not less than that of the rearmost of the two buildings.
- (ii) 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 proposed development or for the adjoining properties.

- (b) Other than in a Shopping Zone or Office Zone

The Council may approve an application for reduction in building setback requirements if the parcel of land has such physical characteristics to render it impractical to comply with the provisions of Table 2. The applicant for such reduction in setback requirements may be required to provide full substantiating evidence to support the application for reduction in setback requirements.

6.6 USE OF SETBACK AREAS

No person shall on any land used for commercial or industrial purpose use the land between a street alignment and the distance that buildings are required to be set back from such street alignment for any purpose other than one or more of the following :

- (a) a means of access
- (b) the daily parking of vehicles used by employees and customers
- (c) the loading and unloading of vehicles
- (d) landscaped area.

The setback area shall not be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

6.7 MINIMUM AREA OF LAND FOR SUBDIVISION

The Council may recommend to the Board and the Board may approve a subdivision application which creates a lot or lots with less than the minimum area of land for buildings as set out in Table 1 of the R Codes for the Code density applicable to the land.

6.8 PRESERVATION AND CONSERVATION OF PLACES OF HISTORIC INTEREST

The places described in Appendix E are considered by the Council to be of historic interest.

(i) Where any development involves an alteration to, or the destruction, total or partial of a building, object or place which is described in Appendix E, the Council before determining that application may give notice thereof to the Kalamunda and Districts Historical Society (Inc.), and such other bodies or persons as the Council thinks fit.

(ii) In determining an application referred to in sub clause (i) of this clause the Council shall have regard to any submissions made to the Council with respect to the preservation of the building, object or place involved in that application.

(iii) The Council may give special approval to the development referred to in sub clause (i) of this clause notwithstanding that the work involved does not comply with the Uniform Building By-laws. The Council may relax the requirements of Table 2 in respect of the retention or restoration of historic places.

(iv) Having regard to the desirability of preserving and retaining a building, object or place involved in an application referred to in sub clause (i) of this clause, the Council may effect the retention of the building, object or place by the purchase, resumption of the affected property or payment of an agreed sum in compensation to the owner and may enter into an agreement with the owner for that purpose.

6.9 PARKING OF COMMERCIAL VEHICLES IN THE RESIDENTIAL ZONES

No person shall on privately owned land within the residential zones :

(a) unless otherwise approved by the Council by the issue of a truck parking permit, park, or allow to remain stationary for more than two (2) hours consecutively :

(i) more than two (2) commercial vehicles and if there are two (2) such vehicles one (1) at least must be housed in a domestic garage or domestic outbuilding; or,

- (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of seventy (70) square metres and in which no horizontal dimension is more than ten (10) metres; or
 - (iii) a vehicle which together with the load thereon exceeds two point seven five (2.75m) metres in height;
- (b) repair service or clean a commercial vehicle unless such work be carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding provided however that such work 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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.

6.10 CAR PARKING REQUIREMENTS

A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Appendix F unless car parking spaces as specified in Appendix F are provided and such spaces are constructed and maintained in accordance with the Scheme.

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

- (a) The proportion of car spaces to be roofed or covered;
- (b) The proportion of car spaces to be below natural ground;
- (c) the means of access to each car space and the adequacy of any vehicle manoeuvring area;
- (d) 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;
- (e) The extent to which car spaces are located within required building setback areas;
- (f) The locations of proposed public footpaths, vehicular crossings, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (g) The suitability and adequacy of proposed screening or landscaping;
- (h) The suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.

The parking spaces shall measure not less than the dimensions as shown in Appendix F for the type of parking layout adopted, except that the Council may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.

Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the Council.

6.11 RECIPROCAL PARKING

Council may vary the parking requirements as outlined in Appendix F when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the Council shall take into consideration the following matters :

- (a) the nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;
- (b) the hours of normal operation of the intended use and abutting land uses;
- (c) any such matters as the Council considers relevant, including any legal agreements between affected landowners.

6.12 CASH IN LIEU OF PARKING

An owner may if the Council so agrees contribute to the cost of acquisition and development by the Council of a public car park. The cost of each parking space in a public car park shall be ascertained by dividing the total cost or estimated cost of the acquisition of land and development of the public car park by the number of car parking spaces therein. The number of car parking spaces which an owner is required to provide pursuant to Appendix F shall, if the Council so agrees, be reduced by the number of car parking spaces in a public car park of which an owner pays the cost.

6.13 URBAN DEVELOPMENT ZONE

- (a) It is intended that land in this zone be progressively developed for residential purposes and for commercial and other uses normally associated with residential development.
- (b) Before granting and/or recommending approval to any development within this zone that involves subdivision or follows subdivision, the Council shall require the submission of an Outline Development Plan for the whole of the Urban Development Zone.

The Outline Development Plan shall show -

- (i) the topography of the area
- (ii) the existing major road systems

- (iii) the location and width of proposed roads
 - (iv) the approximate location and quantity of shopping civic and public facilities proposed together with an analysis of the factors used in the determination of the need for such facilities
 - (v) the approximate location of the recreation and open space areas proposed. Open space to be related to creeklines, native vegetation, and other natural features
 - (vi) the population and residential densities proposed
 - (vii) the basic layout of a sewerage system
 - (viii) the layout of comprehensive drainage both land and stormwater
 - (ix) landholdings adjacent to or in the vicinity of the area the subject of the application
 - (x) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development
 - (xi) such other information as shall be required by the Council.
- (c) If the Council resolves to approve the Outline Development Plan in principle it shall advertise that the Outline Development Plan has been prepared and will be available for public inspection at the Offices of the Council. The advertisement shall state that objections to the Outline Development Plan may be made to the Clerk of the Council and shall nominate a date not being less than twenty-one days from the date of the last advertisement before which such objections may be made.
- (d) The advertisement of the preparation of the Outline Development Plan shall be by notice at weekly intervals for each of three consecutive weeks in a newspaper circulating in the District.
- (e) The Council shall consider the objections, if any, to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of objections.
- (f) The Council may decide not to proceed with the proposal or may submit the Outline Development Plan so prepared to the Board together with the objections and request the Board to adopt the plan submitted as the basis for approval of subdivision and development applications within the area covered by the plan.

- (g) Notwithstanding the provisions of Table 1 of the Scheme, if the developer and owner of land the subject of an approved Outline Development Plan shall enter into an agreement with the Council to develop the area within a time specified by the Council and to comply with such other terms and conditions as the Council shall consider desirable, the Council may permit the land to be used for the various purposes shown in the approved Outline Development Plan.
- (h) Any departures from or alterations to the Outline Development Plan, excepting the provisions of sub-clause (g) of this Clause may, subject to the approval of the Board, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of the Outline Development Plan.

6.14 INDUSTRIAL ZONES

The following provisions shall apply in the Industrial Zones.

- (a) No person shall use a service road, access way or parking area situated on a parcel of land for any other purpose than a service road, access way or vehicle parking respectively.
- (b) No building or any other structure shall be erected closer than a distance of fifteen (15) metres from any part of a residential zone, except with the special approval of the Council. The area shall be landscaped and maintained to provide a suitable screen as may be required by the Council as a condition of such special approval
- (c) No building shall exceed two storeys in height provided that this will not apply in the case of storage silos water towers and similar uses.
- (d) Where any building is used or intended to be used for the purpose of Classes 6, 7 or 8 occupancy, as defined in the Uniform Building by-laws there shall be provided accommodation in the form of loading docks for vehicles delivering goods to or removing goods from such a building. Every loading dock shall be so located that no portion of any vehicle occupying or adjoining same shall project over the street alignment and where a site abutts more than one street, the Council may require that access to loading docks shall be only from such street or streets as it shall so determine.
- (e) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner, builder or architect may apply to the Council for permission to use materials other than those prescribed and the Council may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.
- (f) Each open yard shall be screened from public roads by a closed fence or wall not less than one point eight (1.8) metres in height unless with special permission of the Council.

- (g) Approval to commence development may be granted by Council subject to implementation of landscaping on any site or sites in accordance with an overall plan approved by Council.

6.15 HIGH WYCOMBE LIGHT INDUSTRY ZONE

The following provisions shall apply specifically to all land included in the High Wycombe Light Industry Zone in addition to any provisions which are more generally applicable to such land under the Scheme.

- (a) There shall be a presumption against the creation of lots with an area of less than 2000 square metres.
- (b) Notwithstanding the provisions of sub-clause (a) of this Clause, in cases when it is considered reasonable to do so, the Board only after consultation with the Council may vary the standards for lot size requirements.
- (c) Within the front setback area a minimum of 3 metres in width adjacent to the street frontage shall be landscaped generally in accordance with an overall landscape plan approved by Council.
- (d) Vehicular access to lots fronting Wittenoom Road shall be restricted to constructed crossovers shown on an overall landscape plan adopted by Council.
- (e) No vehicular access shall be permitted through abutting residential lots.
- (f) The operation of any use or uses which may from time to time establish in this zone, shall always be such that the amenity of residential development in the vicinity shall not be adversely affected by the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, waste water or waste products.

Should any such use or uses cause a nuisance as specified above, the Council may resolve that action be taken separately or severally by the establishments concerned to reduce the nuisance to acceptable levels.

- (g) If in Council's opinion a proposed use or development within this zone may have an adverse effect on the amenity of the adjoining residences, Council may approve such use subject to such conditions considered necessary to ensure the amenity of the residents will not be adversely affected.

Without limiting the generality of the foregoing, Council may require the use of specific building materials, modifications to the building or site layout or set alternative setback requirements.

- (h) Notwithstanding the provisions of Table 1 and anything contained in the Scheme Council may approve retail-hardware stores in the zone.

6.16 SPECIAL (RURAL) INDUSTRY ZONE

The following provisions shall apply specifically to all land included in the Special (Rural) Industry Zone in addition to any provisions which are more generally applicable to such land under the Scheme.

- (a) There shall be a presumption against the creation of lots with an area of less than one (1) hectare.
- (b) Notwithstanding the provisions of sub-clause (a) of this Clause, in cases when it is considered reasonable to do so, the Board only after consultation with the Council may vary the standards for lot size when such variation would not prejudice the overall intent of lot size requirements.
- (c) Notwithstanding anything elsewhere appearing in the Scheme, for the purposes of development in this zone the interpretation of 'Rural Industry' shall mean an industry handling treating processing or packing primary products and/or the sales and service of agricultural and farming machinery and implements.

6.17 SPECIAL RURAL ZONES

The following provisions shall apply specifically to all land included in a Special Rural Zone in addition to any provisions which are more generally applicable to such land under the Scheme -

- (a) The objective of the Special Rural zone is to select areas wherein closer subdivision may be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, intensive agriculture (including market gardens and viticulture), and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (b) The provisions for controlling subdivision land uses and development relating to a specific Special Rural Zone will be as laid down in Appendix C and future subdivision will accord with the Subdivisional Guide Plan for the specified area referred to in Appendix C and such Subdivisional Guide Plan shall form part of the Scheme.

Before making provision for a Special Rural Zone, Council will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include -

- (i) A statement as to the purpose of intent for which the zone is being created.
- (ii) The reasons for selecting the particular area the subject of the proposed zone with particular reference to how this relates to the Council's rural planning strategy.

- (iii) A plan or plans showing contours at such intervals as to adequately show the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, creeks, swamps, orchards, wells.
 - (iv) Information regarding the method whereby it is proposed to provide a potable water supply to each lot.
- (c) The Scheme provisions for a specific Special Rural Zone shall include a Subdivisional Guide Plan showing :
- (i) The proposed ultimate subdivision including lot sizes and dimensions.
 - (ii) Areas to be set aside for Public Open Space, pedestrian accessways, horse trails, community facilities and such other uses as may be considered appropriate.
 - (iii) Those physical features it is intended to conserve.
 - (iv) The proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented.
- (d) In addition to the Subdivisional Guide Plan the Scheme provisions for a specific Special Rural Zone shall specify : .
- (i) The facilities which the purchasers of the lot will be required to provide (e.g. their own potable water supply, liquid and solid waste disposal system etc.).
 - (ii) Proposals for the control of land uses, and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
 - (iii) Any special provisions appropriate to secure the objectives of the zone.
- (e) In addition to a Building Licence, the Council's prior approval to commence development is required for all development including a dwelling house and such application shall be made in the form as prescribed in the Scheme and be subject to the provisions of Part V of the Scheme.
- (f) Notwithstanding the provisions of Section 11.3(4) of the Uniform Building By-laws, not more than one dwelling per lot shall be erected.
- (g) In order to conserve the rural environment, or features of natural beauty such as creeklines, hillslopes, valleys and ridges, all trees shall be retained unless their removal is authorised by Council.

- (h) Any person who keeps an animal or animals or who uses any land in the Zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent damage to trees. These measures may include :
- (i) containing the animal(s) in yards
 - (ii) placing protective guards around each tree
 - (iii) any other arrangement that will prevent damage to any tree

Where in the opinion of the Council the continued presence of animals on any portion of land in the Zone is likely to cause or is causing damage to trees notice may be served on the owner of the said portion of land requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

- (i) In addition to such other provisions of the Scheme as may affect it any land which is included in a Special Rural Zone shall be subject to the provisions as may be specifically set out against it in Appendix C to the Scheme.
- (j) Notwithstanding the provisions of the Scheme and what may be shown in the Subdivisional Guide Plan specified in Appendix C, the Council may recommend, and the Board may approve, a variation to the subdivisional design but further breakdown of lots so created shall be deemed to be contrary to the provisions of the Scheme.
- (k) No building shall be constructed unless the external materials shall be of colour and texture as approved by the Council.
- (l) Notwithstanding anything elsewhere appearing in the Scheme, no boundary or other fence shall be erected in a Special Rural Zone without the approval of the Council having first been obtained. In making its decision on applications for approval to erect a fence, Council shall take into consideration the colour and texture of the materials and the environmental and visual effects.

Except with the approval of the Council, no boundary or other fence within a Special Rural Zone shall be constructed of the following materials :

- (i) asbestos;
- (ii) metal sheeting;
- (iii) wooden pickets.

Any approval of Council to use any of the materials referred to in this sub-clause for a boundary or other fence shall not be regarded as satisfying the requirements of this sub-clause unless the approval refers in express terms to the request for the use of those materials.

- (m) Any person who keeps an animal or animals or who uses any land in the Zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include :
- (i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover;
 - (ii) Installing sprinkler or ground water irrigation where necessary to maintain soil moisture at a level that will prevent wind blown dust;
 - (iii) Constructing feed lot facilities;
 - (iv) Adopting any other management system that prevents dust arising or soil erosion.

Where in the opinion of the Council the continued presence of animals on any portion of land in the Zone is likely to contribute or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said portion of land requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

6.18 INTENSIVE HORTICULTURE ZONE

The purpose and intent of the Intensive Horticulture Zone is to select areas within the Hills Orchard areas wherein development will be permitted only to provide for horticultural pursuits and uses directly associated with or compatible with horticultural pursuits, and it is a further purpose and intent of the Zone to make provision for the retention of the landscape and amenity in a manner consistent with the orderly and proper planning of specific areas.

Having regard to the purpose and intent of the Zone, the Council shall apply the following guidelines when dealing with development applications and otherwise planning for development within the Zone :

- (a) The Council shall not approve any development where in the opinion of the Council such development will encourage the establishment of land uses considered not compatible with intensive horticultural pursuits and specifically but without limiting the generality of the foregoing, the Council in applying the provisions of this item shall discourage within the Zone horse breeding, pig farming, poultry farming, cattle farming, sheep farming or the keeping of any other hooved animals for commercial gain, and the keeping of any more than two such animals will require the specific approval of the Council.
- (b) The Council when considering the use of land within the Zone for any purpose associated with the keeping of animals or any other land use considered incompatible with intensive horticultural pursuits shall grant approval only where;

- (i) the owner of the land has satisfied the Council that the nature of the soil and/or the physical constraints of the lot or any part of the lot render it totally inappropriate for intensive horticultural pursuits; or
- (ii) the owner of the land establishes to the satisfaction of the Council that the use the owner proposes would assist in converting the subject land into a more productive horticultural unit; or
- (iii) the Council is otherwise satisfied that the use proposed would assist in the promotion of the locality, in general, as an intensive horticultural area; and
- (iv) where the land is contained within a water catchment area the public authority responsible for that water catchment area has approved the application for the use; and
- (v) any other approvals as may be required have been first obtained.

6.19 SPECIAL MAIDA VALE ZONE

The following provisions shall apply specifically to all land included in the Special Maida Vale Zone in addition to any provisions which are more generally applicable to the land under the Scheme.

- (a) In areas which the Council considers to be deficient in tree cover, it may require as a condition of development for any Building Licence issued, that the owner plant and maintain up to a maximum of twenty (20) native trees on the lot subject of the Building Licence.
- (b) Any person who keeps an animal or animals or who uses any land in the Zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include :
 - (i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetative ground cover,
 - (ii) Installing sprinkler or ground water irrigation where necessary to maintain soil moisture at a level that will prevent wind blown dust;
 - (iii) Constructing feed lot facilities;
 - (iv) Adopting any other management system that prevents dust arising or soil erosion.

Where in the opinion of the Council the continued presence of animals on any portion of land in the Zone is likely to contribute or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said portion of land requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

- (c) Before granting approval to any development in the Zone the Council shall require the preparation of an Outline Development Plan which shall form the basis for approval of subdivision and development applications. The Outline Development Plan shall include the following aspects :
 - (i) the topography of the area;
 - (ii) the location and width of proposed roads;
 - (iii) the location and quantity of proposed shopping, civic and public facilities proposed, together with an analysis of factors used in the determination and need for such facilities;
 - (iv) the location of recreation, open space, and pedestrian accessways proposed;
 - (v) the population and residential densities proposed;
 - (vi) the layout of comprehensive drainage;
 - (vii) such other information as may be required by Council.
- (d) If the Council resolves to approve the Outline Development Plan in principle it shall advertise that the Outline Development Plan has been prepared and will be available for public inspection at the offices of the Council. The advertisement shall state that objections to the Outline Development Plan may be made to the Clerk of the Council and shall nominate a date not being less than twenty-one days from the date of the last advertisement before which such objections may be made.
- (e) The advertisement of the preparation of the Outline Development Plan shall be by notice at weekly intervals for each of three consecutive weeks in a newspaper circulating in the District.
- (f) The Council shall consider the objections, if any, to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of objections.
- (g) The Council may decide not to proceed with the proposal or may submit the Outline Development Plan so prepared to the Board together with the objections and request the Board to adopt the plan submitted as the basis for approval of subdivision and development applications within the area covered by the plan.

- (h) Any departures from or alterations to the Outline Development Plan may, subject to the approval of the Board, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of the Outline Development Plan.

6.20 A TAVERN OR WINE HOUSE IN A SHOPPING ZONE

A Tavern or Wine House approved by the Council in a Shopping Zone shall be limited to 220 square metres gross leasable area.

6.21 DOG KENNELS

- (a) Any structure or land used for dog kennels shall be subject to the provisions of the Shire of Kalamunda By-laws Relating to Dogs.
- (b) With the approval of the Council a service shop may be included, provided that the service shop is incidental to the primary purpose of boarding and/or breeding of dogs, and trades only in goods related to that activity.
- (c) Any service shop shall not be sited on the road frontage of the subject lot.
- (d) No provision in the Scheme shall prohibit the erection of a Caretaker's Residence or Dwelling House (but not both) on the subject lot.
- (e) Landscaped buffers between a parcel of land used for dog kennels adjoining land may be required to the specifications of Council. Any such landscaped buffer shall be sited on the subject land and maintained to the satisfaction of the Council.

6.22 CARAVAN PARKS

- (a) The Shire of Kalamunda By-laws Relating to Caravan Parks and the Caravan and Camp Regulations shall apply.
- (b) With the approval of the Council a service shop may be included provided that the service shop is incidental to the predominant use and the trading area is limited to the caravan park only.
- (c) Any service shop shall not be sited on the road frontage of the subject lot.
- (d) No provision in the Scheme shall prohibit the erection of a Caretaker's Residence or Dwelling House (but not both) on the subject lot.
- (e) Provision may be made for the sale of motor spirit and other fuels and lubricants, subject to the approval of the Council. Such facility shall not include motor repair facilities nor provide for sale of motor accessories. The fuel sales area shall not be sited on the road frontage of the subject lot.

- (f) Any development shall be subject to arrangements for sewage treatment and disposal to the satisfaction of the Council. This shall be interpreted to mean a connection to a comprehensive sewerage scheme unless the applicant can demonstrate to the satisfaction of the Council that such requirement is not required.
- (g) Landscaped buffers between a parcel of land used for a Caravan Park and adjoining land may be required to the specification of the Council. Any such landscaped buffer shall be sited on the subject land and maintained to the satisfaction of the Council.

PART VII - ADMINISTRATION AND GENERAL PROVISIONS

7.1 GENERAL OBLIGATIONS

SUBJECT TO THE PROVISIONS OF THE ACT AND ALL REGULATIONS MADE thereunder and to Part IV of the Scheme, no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or commence or permit the commencement of any other development which -

- (a) does not conform with the Scheme or would tend to delay the effective operation of the Scheme; or
- (b) being a use or other development which requires the approval of the Council or the Authority or both, does not have the same; or
- (c) does not comply with the terms of any approval or any condition attached thereto.

7.2 COUNCIL POLICIES

- (i) In order to provide for the co-ordination of future development in the District, the Council may adopt policy statements, policy plans or codes for the development of any area, locality, zone or use or the application of and interpretation of development standards and for administrative procedures.
- (ii) Policy statements adopted by the Council under this Clause are advisory only and are intended to guide the Council's discretionary decision making under the Scheme or in respect to subdivision applications referred to the Council for recommendation.
- (iii) The policy statements included in the Council's Operations Manual are deemed to be adopted by the Council under this Clause. Those policy statements may be added to, amended, elaborated upon or another policy statement substituted therefor if the following procedure is followed :
 - (a) a preliminary resolution of adoption is passed by an absolute majority of the Council;
 - (b) notice of the proposal is published in a newspaper circulating in the District stating that submissions may be made to the Council within twenty-one days from the publication thereof;
 - (c) following advertising and consideration of any submission received, the Council by an absolute majority, adopts the policy statement.
- (iv) Policy statements adopted pursuant to this clause shall be added to the Operations Policy Manual. The Operations Manual shall be available for inspection at the office of the Council by members of the public during normal office hours.

- (v) If there is any conflict between the operations Manual and the Scheme, the latter prevails.
- (vi) The Operations Manual -
 - (a) contains general policy statements;
 - (b) is not binding on the Council;
 - (c) does not affect the obligation of the Council to consider the circumstances and merits of each particular case; and
 - (d) does not form part of the Scheme.

7.3 ACQUISITION AND DISPOSAL OF LAND

The Council may acquire land pursuant to the provisions of the Act and may deal with or dispose of any land which it owns or has so acquired and for such purposes may make such agreements and arrangements with other owners as it considers appropriate.

7.4 AUTHORISED ENTRY

The Council may by an authorised officer enter at all reasonable times any building or land within the Scheme area for the purpose of ascertaining whether the provisions of the Scheme are being observed.

7.5 POWERS OF COUNCIL

The Council may in the conduct and management of the Scheme in addition to all other powers vested in it have the following powers :

- (a) To enter into agreements and arrangements with any of the owners of land within the Scheme Area.
- (b) To acquire land or buildings within the Scheme Area.
- (c) To acquire land within an Industrial Zone in order that such land may be made available for any use permitted in the Zone in which the land is situated.

7.6 NOTICES

Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10(1) 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.

7.7 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.

7.8 APPEAL RIGHTS

An applicant aggrieved by a decision of the Council exercising a discretionary power under the Scheme may appeal in accordance with the provisions of Part V of the Act and the Rules and Regulations made pursuant to the Act.

7.9 PENALTIES

Subject to the Act and to any Regulations made thereunder and to the provisions of the Scheme a person who :

- (a) uses for a purpose a building which does not conform with a standard or requirement of the Scheme relating to buildings used for such purpose;
- (b) erects, alters, or adds to any building or carries out any other development or uses any land contrary to the provisions of the Scheme or contrary to the terms of any approval by the Council or conditions attached to such approval;
- (c) does or omits to do any act and in so doing contravenes the Scheme; or
- (d) permits or causes any such erection, alteration, addition, development, use, act, or omission to be made or done;

shall be considered to have contravened or failed to comply with the provisions of the Scheme for the purpose of proceedings for an offence under Section 10(4) of the Act, or any other proceedings in respect of that contravention or failure to comply.

APPENDIX A

(Clause 1.13)

INTERPRETATIONS

- "Act" - means the Town Planning and Development Act, 1928 (as amended);
- "amusement centre" - means land or building in which one or more amusement machines are available for public use.
- "amusement machine" - means a machine, device or games table, coin-operated or not, mechanically or electronically powered, that releases or makes available balls, discs, or other items for projection in or on the machine by the use of springs, flippers, paddles or cues; or electronic devices which are controlled or partly controlled by computer associated with electronical screen(s) operated by one or more players for amusement or recreation.
- "Authority" - means the Metropolitan Region Planning Authority.
- "battle-axe lot" - means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- "betting agency" - means a building or part thereof operated in accordance with the Totalisator Agency Board Act 1960 (as amended).
- "Board" - means the Town Planning Board constituted under the Act.
- "builders storage yard" - means any land or building used for the storage of building material, pipes, or other items related to any trade, and may include manufacture, assembly or dismantling processes where incidental to such use.
- "building envelope" - means an area of land within a lot defined on a plan approved by the Council or by other means related by measurement to the boundaries of the lot and within which all buildings on the lot must be contained.
- "caravan" - means a wheeled unit, whether currently equipped with wheels or not, capable of being used for residential or other purposes and includes self-propelled units of similar nature.
- "caravan park" - means land set aside for the parking of caravans under the By-laws of the Council, or the Caravan and Camp Regulations made pursuant to the provisions of the Health Act, 1911 (as amended).
- "car park" - means land 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.
- "caretaker's dwelling" - means a building or part thereof used or provided for use as a residence by the proprietor or manager of an industry, business, office building, or recreation area carried on or existing on the same site; or by a person having the care of the building, plant, equipment, or grounds thereof.

- "cattery" - means the use of an approved outbuilding constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions (as amended), for the purpose of keeping more than three (3) cats over the age of three (3) months.
- "civic building" - means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or by the Council as offices, or for administrative or other like purposes.
- "club" - means land or building used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- "commercial" - means the carrying out of any wholesale or retail business, trade, or enterprise, involving the sale and/or display of those goods.
- "commercial vehicle" - means any vehicle excluding a motor car, motor carrier, caravan (motor propelled), motor cycle, or motor wagon as defined in the Road Traffic Act 1974 (as amended).
- "consulting rooms" - means a building or part of a building (other than a hospital or medical centre) used by not more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, or persons ordinarily associated with a medical practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- "consulting rooms - group" - means a building or part of a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, or persons ordinarily associated with a medical practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- "convenience store" - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagencies but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 square metres gross leasable area.
- "cottage industry" - means an industry which produces arts and craft goods of a local nature which cannot be carried out under the provisions relating to a "home occupation" and 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 noise, vibration, steam, soot, ash, dust, grit, oil, waste water or waste products;

- b. where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- c. is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55 square metres unless special approval from the Council has been obtained;
- 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. is restricted in advertisement to a sign not exceeding 0.2 square metres in area.

"courtyard" - means a pedestrian space enclosed or substantially enclosed by buildings and open to the sky.

"display home centre" - means land used for a group of two or more dwelling houses, which are intended to be open for public inspection.

"District" - means the Municipal District of the Shire of Kalamunda.

"dog kennels" - means land or building used for the boarding and/or breeding of dogs and is subject to the provisions of the Shire of Kalamunda's By-laws Relating to Dogs.

"drive-in theatre" - means land used for an open air theatre that makes provision for the audience of spectators to view the entertainment while seated in motor vehicles.

"education establishment" - means a school, college, university, technical institute, kindergarten, academy, or other educational centre, but does not include a reformatory or an institutional home.

"effective frontage" - means the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows :

- a. where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- b. 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 the minimum distance from the street alignment at which buildings may be constructed;
- c. where the lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

"existing use" - means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in the Scheme.

"extractive industry" - means the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the treatment or manufacture of products from those materials when carried out on the land from which any of those materials is extracted or on land adjacent thereto.

"factory unit building" - means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

"fast food outlet" - means land and building or part of a building used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises but does not include a fish shop.

"fish shop" - means a building or part of a building where wet fish and similar foods are displayed and offered for sale.

"frontage" - means the boundary line or lines between a site and the street or streets upon which that site abuts.

"fuel depot" - means land or building used for the storage or sale in bulk of solid or liquid or gaseous fuel, but does not include a service station.

"funeral parlour" - means land and buildings occupied by undertakers where bodies may be stored and prepared for burial or cremation and includes chapels erected on the same land.

"garden centre" - means any land or building or part thereof used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorized implements and the display but not manufacture of pre-fabricated garden buildings;

BUT DOES NOT INCLUDE :

- a. the sale, storage, or handling of any manure other than in packages approved by the Council, or
- b. the sale, storage, packaging, handling or processing of any manure in bulk.

"gazettal date" - means the date on which notice of the approval of the Minister to the Scheme was published in the Government Gazette.

"general 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, the wholesale 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, work on land;
- iii) in the case of edible goods for human or animal consumption, the preparation on the premises of food for sale from the premises.

"gross leasable area" (G.L.A.) - means the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment including shop fronts, and includes basements, mezzanines, and storage areas.

"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 any building or part of a building used for a maternal or X-ray centre, a district clinic, a masseur's establishment, or a para-medical clinic.

"health studio" - means a building designed and equipped for recreation and sporting activities and includes outdoor recreation if specially approved by the Council.

"home occupation" - means a trade or business carried on with the permission of the Council within a dwelling house or the curtilage of a dwelling house and 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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- b. where operating in a residential zone does not entail the employment of a person who is not a member of the occupier's family normally a resident in the dwelling house;
- 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;
- e. is not advertised by a sign exceeding 0.2 square metres in area;
- f. does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the neighbourhood in which the business is located;

- g. will not result in the requirement of a greater number of vehicle parking facilities than normally required in the Zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- h. is so conducted that, with the exception of a sign complying with paragraph (e) hereof, no indication is given that the dwelling house is used for other than residential purposes; and
- i. does not require the outdoor storage of materials or supplies.

"horticultural pursuit" - means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith :

- a. the growing of grapes, vegetables, fruit, cereals or food crops;
- b. the growing of vines, trees, plants, shrubs or flowers for replanting;
- c. the sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;

"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 and (without limiting the generality of the foregoing) includes 'C' class hospitals and convalescent homes.

"hospital special purposes" - means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment or care of the mentally sick, or similar use.

"hotel" - means any building in respect of which there is granted a hotel licence under the Liquor Act 1970 (as amended).

"institutional building" - means a building used or designed for use wholly or principally for the purpose of :

- a. a home or other institution for the care of persons who are physically or mentally handicapped.
- b. a rehabilitation centre or home for alcoholics, drug addicts, persons released from prison or other persons requiring treatment as provided by such a centre.

"institutional home" - means a building used for residential purposes for the care and maintenance of children, the aged or the infirm, and includes a benevolent institution.

"land" - includes land, tenements and hereditaments and any interest therein and also houses, buildings, and other works and structures.

"light industry" - means an industry :

- a. in which the processes carried on, the machinery used, and the carriage of goods and commodities 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 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.

"local shop" - means a building or part of a building wherein the only goods offered for sale are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

"lodging house" - shall have the same meaning as is given to it in and for the purposes of the Health Act 1911, (as amended).

"lot" - shall have the same meaning as is given to it in and for the purposes of the Act.

"manure" - means any animal or human excreta, or compost or sludge from manure works or sewage treatment works, whether or not treated or processed by any means.

"medical centre" - means any building (other than a hospital) that contains or is designed to contain facilities for use not only by the practitioners as specified under the interpretation of "consulting rooms" in the Scheme but also for ancillary services of pathologists, radiologists, and paramedicals.

"Metropolitan Region Scheme" - means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 (as amended), published in the Government Gazette on the 9th day of August, 1963 and as amended from time to time thereafter;

"milk depot" - means any building to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

"mobile home" - means any vehicle or similar re-locatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

"mobile home park" - means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

"motel" - means a building, group of buildings or place used, designed or adapted for use to accommodate patrons in a manner similar to a hotel or lodging house but in which special provision is made for the accommodation of patrons with motor vehicles.

"museum" - means a building, structure or land used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

"non-conforming use" - means the use of land which, though lawful immediately prior to the coming into operation of the Scheme, is not in conformity with the Scheme.

"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 for the purpose of the Scheme does not include the following :

- a. fish shops
- b. dry cleaning establishments
- c. laundries
- d. marine stores
- e. piggeries
- f. poultry farms

"nursery" - means the use of land for the :

- a. propagation, rearing and sale of plants and;
- b. the storage and sale of products associated with horticultural and garden decor from an open or enclosed area, not exceeding a total of 200 square metres on one lot;

BUT DOES NOT INCLUDE :

- c. the sale, storage, or handling of any manure other than in packages approved by the Council, or
- d. the sale, storage, packaging, handling, or processing of any manure in bulk.

"office" - means a building or part of a building used for 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.

"open air display" - means the use of land as a site for the open air display and/or sale of goods and equipment.

"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.

"petrol filling station" - means land and buildings used for the supply of petroleum products, automotive accessories and such restricted business uses as may from time to time be approved by the Council.

"plot ratio" - has the same meaning as is given to it in and for the purposes of the Uniform Building by-laws except for residential dwellings where it shall have the same meaning given to it in the Residential Planning Codes.

"poultry farm" - means the use of land or buildings for hatching, rearing or keeping of poultry for either eggs or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911 (as amended).

"predominant use" - means the primary use of land and to which all other uses carried out on the land are subordinate incidental or ancillary.

"prison" - shall have the same meaning as is given to it in and for the Prisons Act 1903 (as amended).

"private hotel" - means any building used or designed or adapted for use for the purpose of providing accommodation and board not being a hotel or lodging house.

"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 office" - means any building or part thereof, used for the purposes of his profession by an accountant, architect, artist, author, barrister, consular official, engineer, land surveyor, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or town planner, or a person having in the opinion of the Council an occupation of a similar nature; and "professional person" has a corresponding interpretation.

"public amusement" - means the use of land or building or part of a building for the amusement or entertainment of the public, with or without charge.

"public assembly - place of" - means any building or land set aside, designed or intended for use by the public for the purpose of amusement, entertainment or recreation not being a building or land which is otherwise classified under the provisions of the Scheme.

"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 a public authority or municipality to provide water, sewerage, electricity, gas, drainage, communications, or other similar services.
- "radio and t.v. installation" - means land, buildings, devices or structures for the transmission or receiving of signals and/or pictures both commercial and domestic other than that normally required for domestic t.v. receivers.
- "reception centre" - means any building or part of a building available for the use of parties on formal or ceremonious occasions, but not for unhosted use on general occasions for entertainment purposes.
- "recreational facility" - means land or buildings designed, used or adapted for use for the purpose of public or private tennis courts, public or private swimming pools, squash courts or centres, basketball centres, gymnasias and skating rinks and for all other similar purposes in respect of which a charge is made for the use thereof.
- "reformatory" - means land and building used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.
- "Regulations" - means the Town Planning Regulations 1967 (as amended).
- "residential building" - means a building, other than a dwelling house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, a hotel designed primarily for residential purpose, and a residential club.
- "residential density" - means the number of people per unit area, and can be expressed in terms of habitable rooms per unit area, or bedrooms per unit area, or dwelling units per unit area, or any other term as considered appropriate by the Council.
- "restaurant" - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business.
- "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.
- "rural pursuit" - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith :

- a. the growing of vegetables, fruit, cereals, or food crops;
- b. the rearing or agistment of goats, sheep, cattle or beasts of burden;
- c. the stabling, agistment or training of horses;
- d. the growing of trees, plants, shrubs or flowers for replanting in domestic commercial or industrial gardens;
- e. the sale of produce grown solely on the lot.

but does not include the processing, treatment or packing of produce except as approved by the Council.

"salvage yard" - means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

"service industry" - means a light industry carried out, 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 or designed or adapted for use for the supply of petroleum and automotive accessories and the provision of lubrication and greasing services, and tyre and minor mechanical repairs.

"shop" - means any building or part of a building wherein goods are kept, exposed or offered for sale, but does not include a bank, fuel depot, 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 an industry. (Cafe and restaurant are included under the definition of 'Restaurant').

"showroom" - means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.

"site coverage" - has the same meaning as "coverage" as defined in the Uniform Building by-laws.

"tavern" - means any building in respect of which there is granted a Tavern Licence under the Liquor Act 1970 (as amended).

"truck depot" - means any land or building designed, used or adapted for use :

- a. for the garaging of vehicles used or intended to be used for the carriage of goods for hire or reward, or;
- b. for the transfer of goods from one such vehicle to another such vehicle; or
- c. for the maintenance and repair of such vehicles.

"Uniform Building By-laws" - means the Uniform Building By-laws 1974 (as amended).

"vehicle" - includes tractor

"vehicle sales premises" - means any land or building used for the display, sale and/or hiring of vehicles other than bicycles, whether new or secondhand, but does not include a workshop.

"vehicle wrecking" - means land and buildings used for dismantling of vehicles or other machinery of any nature and the sale of second hand parts derived from such dismantling.

"veterinary clinic or surgery" - means any building used or designed or adapted for use in the practice of his profession by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals whilst receiving treatment.

"warehouse" - means any building enclosed land, or part of a building or enclosed land, used for, designed or adapted for use for the storage and/or wholesale sale of goods and can include a bulk store or depot but does not include a fuel depot.

"wholesale" - means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a "wholesale merchant" for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 (as amended).

"wine house" - means any building or part thereof in respect of which a Wine House Licence is granted under the provision of the Liquor Act 1970 (as amended).

"worship - place of" - means any land or building 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.

"zoological gardens" - means any land or building used for the keeping, breeding or display of native and/or imported fauna and the term includes "zoo" or any other similar terminology but does not include kennels for the keeping, breeding or showing of domestic pets.

APPENDIX B

SPECIAL PURPOSE ZONES

Clause 3.7

B.1 DEVELOPMENT CONTROLS IN SPECIAL PURPOSE ZONES

In addition to any provisions which are more generally applicable to the land under this Scheme, the following development control provisions shall apply specifically to land included in the various Special Purpose Zones as nominated :

B.1.1 Special Purpose (Service Industry) Zone

- a. The provisions of Clause 6.14 (a) to (f) inclusive shall apply.
- b. Landscaping shall be established and maintained to the satisfaction of the Council. For the purpose of interpretation of this sub-clause the species of flora shall be determined in negotiation with Council subject to the principles of landscaped screening being maintained.
- c. No building shall exceed 4.5 metres in height measured from finished ground level to ridge lines; or the height of buildings existing on the land on the gazettal date, whichever is the greater.
- d. Uses in the zone shall be limited to those uses classified as hereunder and each such use shall be regarded as a use that is not permitted unless approval is granted by the Council. Applications for approval of the Council shall be submitted in accordance with Part V of the Scheme.
 - i. Light metal fabrication manufacture and sales;
 - ii. Electrical engineering excluding retail sales;
 - iii. Light vehicle body and caravan manufacture excluding trade display;
 - iv. Hire service subject to no open air display or outdoor storage;
 - v. Printer and signwriter;
 - vi. Retail hardware store to a maximum gross leasable area of 520 square metres subject to the requirement of seven (7) car parking bays for each 100 square metres gross leasable area of the hardware retail store;

- vii. Mechanical repairs and overhauls, and servicing of light vehicles excluding tyre recapping or retreading, panel beating, spray painting, or chassis reshaping.
 - viii. Showroom;
 - ix. Warehouse;
 - x. Service industry; and
 - xi. Indoor Cricket or any such indoor recreation as approved by Council subject to the issuing of an annual permit. Council may impose such conditions as are deemed necessary to preserve the amenity of the adjoining residential neighbourhood.
- e. The operation of any use or uses which may from time to time establish in this zone, shall always be such that the amenity of residential development in the vicinity shall not be adversely affected by the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, waste water, or waste products.

Should any such use or uses cause a nuisance as specified above, the Council may resolve that action be taken separately or severally by the establishments concerned to reduce the nuisance to acceptable levels.

B.1.2 Special Purpose (Fuel Depot) Zone

- a. The provisions of Clause 6.14 shall apply.
- b. The owner shall obtain all approvals from the Mines Department and any other authority as may be required for the storage and distribution of fuels and lubricants.
- c. A dwelling house may be erected on a lot in this zone. Such house is to be occupied only by a caretaker unless with the special permission of the Council.
- d. No dormitory accommodation shall be permitted on a lot in this zone, either in the dwelling house referred to in sub-clause (c) of this Clause, or any separate building.
- e. The number of commercial vehicles remaining overnight on a lot in this zone shall not exceed eight (8), and this number shall include any commercial vehicle used by the owner in the conduct of his business.
- f. No warehousing shall be provided on site unless it is for the storage of fuel and lubricants associated with the primary purpose of the site for a Fuel Depot.

B.1.3 Special Purpose (Shop/Dwelling Units) Zone

- a. A total of two hundred and forty (240) square metres gross leasable area may be developed as a Local Shop.

- b. **Notwithstanding the provisions of by-law 11.9 (2) of the Uniform Building by-laws, not more than eight (8) separate dwelling units may be developed without direct internal building access to or from the Local Shop referred to in sub clause (a) of this clause and furthermore 50% of such dwelling units may be developed without direct street frontage access.**

B.1.4 Special Purpose (Vehicle Sales/Service) Zone

- a. The land in this zone may be used only for the storage, sale, and/or service (as detailed in sub-clause (e) of this Clause) of new or used motor cars or light commercial vehicles.
- b. All buildings within this zone shall be constructed of brick, concrete or masonry or other such material as approved by Council.
- c. The land within this zone shall be landscaped and maintained to the satisfaction of the Council.
- d. The storage of petroleum products for retail sale is not permitted, but this sub-clause shall not preclude storage of products for use as permitted in sub-clause (e) of this Clause.
- e. The servicing of motor vehicles in this zone shall be limited to lubrication, tuning, and mechanical repairs of a minor nature, and may include the sale of spare parts. Activities not permitted within this zone shall include major mechanical repairs and overhauls, tyre re-capping, re-treading, panelbeating, spray painting and chassis re-shaping.
- f. The site coverage not to exceed 60% of each lot or lots to be built on.

B.1.5 Special Purpose (Vehicle Service Centre) Zone

- a. All buildings within this zone shall be constructed of brick, concrete or masonry or other such material as approved by the Council.
- b. The land within this zone shall be landscaped and maintained to the satisfaction of the Council.
- c. The land within the building setback area shall not be used for the storage of motor vehicles.
- d. The storage of petroleum products for retail sale is not permitted, but this sub-clause shall not preclude storage of products for use as permitted in sub-clause (e) of this Clause.

- e. The servicing of motor vehicles in this zone shall be limited to lubrication, tuning, and mechanical repairs of a minor nature, and may include the sale of spare parts. Activities not permitted within this zone shall include major mechanical repairs and overhauls, tyre re-capping, re-treading, panelbeating, spray painting and chassis re-shaping.
- f. The site coverage not to exceed 60% of each lot or lots to be built on.

B.1.6 Special Purpose (Hotel) Zone

- a. Within this zone the following uses are permitted (P): Caretaker's Dwelling; Hotel; Parks, Recreation Grounds, Botanical Gardens, Playing Fields not used at night; Private Hotel; Public Utility.
- b. The following uses are not permitted unless specific approval is granted by Council (AA): Liquor Store; Motel; Playing Fields used at night; Public Amusement; Residential Building; Tavern; Wine House.
- c. The following uses are not permitted unless determined by the Council to be incidental to the predominant use as approved by the Council (IP): Amusement Centre; Car Park; Office; Restaurant.
- d. All other uses not mentioned under sub-clauses (a), (b), and (c) of this Clause are not permitted (X).

B.1.7 Special Purpose (Motel) Zone

- a. Within this zone the following uses are permitted (P): Caretaker's Dwelling; Motel; Parks, Recreation Grounds, Botanical Gardens, Playing Fields not used at night; Public Utility.
- b. The following uses are not permitted unless specific approval is granted by Council (AA): Playing Fields used at night; Residential Building.
- c. The following uses are not permitted unless determined by the Council to be incidental to the predominant use as approved by the Council (IP): Car Park; Office; Restaurant.
- d. All other uses not mentioned under sub-clauses (a), (b), and (c) of this clause are not permitted (X).

B.1.8 Special Purpose (Office) Zone

Notwithstanding anything elsewhere appearing in the Scheme, in this Zone the term 'Office' means a building wherein is carried on a predominately administrative type of business but which is dependent on direct access to the public and without limiting the generality of the foregoing includes a professional office, estate agency, and insurance office, but excludes a travel agency, bank, building society, and post office.

B.2 SCHEDULE OF SPECIAL PURPOSE ZONES

<u>Particulars of Land</u>	<u>Special Purposes (Symbol)</u>
HALE ROAD, FORRESTFIELD Lot 223, Swan Location 2599	Drive-in-theatre (DIT).
MUNDARING WEIR ROAD, PIESSE BROOK Lot 3 Canning Location 394	Restaurant and Caretaker's Residence. (R/R).
KALAMUNDA ROAD/GOOSEBERRY HILL ROAD MAIDA VALE. LOT 60, Swan Location 2159	Squash Courts. (SC).
GOOSEBERRY HILL ROAD, MAIDA VALE Lot 101, Swan Location 2159	Swimming Pool (SP).
WATSONIA ROAD, MAIDA VALE Lot 5, Swan Location 1290	Reception Centre and Caretakers Residence (Rc/R).
HALE ROAD, FORRESTFIELD Lot 23 Canning Location 319	Caravan Park in accordance with Clause 6.22 (CVP).
HAWTIN ROAD FORRESTFIELD Lot 402 Swan Location 28	Caravan Park in accordance with Clause 6.22 (CVP).
MAIDA VALE ROAD, HIGH WYCOMBE Lot 10 Swan Location 1412	Caravan Park in accordance with Clause 6.22 (CVP).
HALE ROAD, FORRESTFIELD Lot 6 Swan Location 2599	Tavern and T.A.B. agency (T/TAB).
CENTRAL ROAD, KALAMUNDA Kalamunda Townsite Lot 30	Totalisator Agency (TAB)
HOLMES ROAD, FORRESTFIELD Lot 1000 Swan Location 1442 and Canning Location 700	Service Industry (SI)
HALE ROAD, WATTLE GROVE Lot 29 Canning Location 288.	Fuel Depot (FD)
FIRST AVENUE BICKLEY Bickley Townsite Lot 3, Lots 45 and 46.	Shop Dwelling Units (S/DU).
MEAD STREET, KALAMUNDA Kalamunda Townsite Lot 5, Lots 25 and 26.	Vehicle Service Centre (VSC).
CANNING ROAD KALAMUNDA Kalamunda Townsite Lot 76	Vehicle Sales/Service (VS/S)
HALE ROAD/CYPRESS ROAD Lot 498 Canning Location 310	Car Park (CP).
STIRK STREET KALAMUNDA Kalamunda Townsite Lot 10	Car Park (CP).

STIRK STREET KALAMUNDA Kalamunda Townsite Lot 11	Car Park (CP).
RAILWAY ROAD KALAMUNDA Lot 9 Kalamunda T/Site Pt. Lot 20 Lots 21 and 22; Lot 9	Hotel (H)
KALAMUNDA ROAD HIGH WYCOMBE Swan Location 1327 Lot 50	Hotel (H)
WELSHPOOL ROAD WATTLE GROVE Canning Locations 288 & 289 Lot 8	Motel (M)
SALIX WAY FORRESTFIELD Swan Location 2226 Lots 13 & 14	Office (O)
SALIX WAY/STRELITZIA AVENUE F/FIELD Swan Locations 2226 & 2599 Lot 1	Community Uses (CU)
STRELITZIA AVENUE FORRESTFIELD Swan Location 2226 Lot 3	Indoor Recreation (IR)
HALE ROAD FORRESTFIELD Swan Location 2226 & 2599 Lot 5	Fast Food Outlet (FFO)
CENTRAL ROAD KALAMUNDA Kala Town Lot 32	Car Park (CP)
STIRK STREET/RAILWAY ROAD KALAMUNDA Kala Town Lot 17	Car Park (CP)
CANNING ROAD/HEATH ROAD KALAMUNDA Canning Loc. 308, Lot 29	Car Park (CP)
CANNING ROAD/COLLINS ROAD KALAMUNDA Canning Loc. 457, Lot 4	Squash Courts (SC)
ROOTH ROAD LESMURDIE Canning Loc. 432 Ptn. Lot 50	Car Park (CP)

APPENDIX C

SPECIAL RURAL ZONES

SCHEDULES

(Clause 3.8)

Column (a)

Special Rural Zone Area No. 1 (Watsonia/Ridge Hill Roads Area) Portion Lot 1, Swan Location 1298; Lot 2, Swan Location 1763; Swan Location 1295; Portion Swan Location 1763; and Lot 5 Helena Location 20A.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 1 is to be generally in accordance with Subdivisional Guide Plan No. 1 (Watsonia/Ridge Hill Roads area).
 - (2)
 - (a) Within Special Rural Zone Area No. 1 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Stables,
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) where lots are to be used for the keeping of a horse or horses then that use shall be limited to the keeping of horses for the personal use and enjoyment of the owners or occupiers of the lot.
-

Column (a)

Special Rural Zone Area No. 2 (Hawtin Road Area, Forrestfield) Lot 1, Swan Location 1793; Part Lot 2, Swan Location 1489 Hawtin Road; Lot 9 being portion of Lot 7 of Swan Location 1793 Maud Road; and Lot 1 of Swan Location 1489 Holmes Road, Forrestfield.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 2 is to be generally in accordance with Subdivisional Guide Plan No. 2 (Hawtin Road Area).

Special Rural Zone Area No. 2 continued

- (2) (a) Within Special Rural Zone Area No. 2 the following uses are permitted (P): Dwelling House.
- (b) the following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).

Column (a)**Special Rural Zone No. 3 (Holmes Road area Forrestfield) Portion Swan Location 1126.****Column (b)**

- (1) Subdivision of Special Rural Zone Area No. 3 is to be generally in accordance with Subdivisional Guide Plan No. 3 (Holmes Road Area).
- (2) (a) Within Special Rural Zone No. 3 the following uses are permitted (P): Dwelling House
- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery Garden.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).

Column (a)**Special Rural Zone Area No. 5 (Crystal Brook Road Area, Wattle Grove) Lots 3, 4, 14 and 43, Canning Location 706.****Column (b)**

- (1) Subdivision of Special Rural Zone Area No. 5 is to be generally in accordance with Subdivisional Guide Plan No. 5
- (2) (a) Within Special Rural Zone Area No. 5 the following uses are permitted (P) : Dwelling House.

Special Rural Zone Area No. 5 continued

- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area Nos. 6 & 21, Lots 1, 2, 3, 4, 5, 7 and Pt. Lot 6; Pt. Swan Location 1790, (Brewer Road Area); Lots 12, 14, and 15 Pt. Swan Location 1489; and Lots 504 to 514 Swan Location 28 (Sultana Road area).

Column (b)

- (1) Subdivision of Special Rural Zone Area Nos. 6 & 21 is to be generally in accordance with Subdivisional Guide Plan No. 6 (Sultana Road area); and Subdivisional Guide Plan No. 21 (Brewer Road area).
 - (2) (a) Within Special Rural Zone Area No. 6 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 7 (Sultana/Edney Roads area, High Wycombe) Swan Location 1563 (C/T 701/162 and C/T 701/161); Pt. Lot 1 and Lot 5 Swan Loc. 1348; Lots 1,2, 12, Pt. Lot 3 and Portion of Pt. Lot 4, Swan Loc. 1623; land resulting from closure of part of Brae Road; Portion of Lots 22 and 23 Swan Location 1320.

Special Rural Zone Area No. 7 continued

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 7 is to be generally in accordance with Subdivisional Guide Plan No. 7.
 - (2)
 - (a) Within Special Rural Zone Area No. 7 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above, are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 8 (Gavour/ Jack Roads area) Lot 5 Canning Location 706, Gavour Road, Wattle Grove.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 8 is to be generally in accordance with Subdivisional Guide Plan No. 8.
 - (2)
 - (a) Within Special Rural Zone Area No. 8 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above, are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 9 Lots 1-4, 7,8, 10-12; Pt. Lot 5; Lot 6 Swan Location 2080, (Norwood/Hawtin/Maud/Holmes Road Area).

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 9 is to be generally in accordance with Subdivisional Guide Plan No. 9.
 - (2) (a) Within Special Rural Zone Area No. 9 the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
 - (4) A drainage retardation basin and appropriate easements in favour of Council to be provided as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 10. (Holmes/Hawtin Road area) Pt. Lot 3 Swan Location 1126; Lots 5, 7, 8 Swan Location 854, Lots 518 Swan Location 28.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 10 is to be generally in accordance with Subdivisional Guide Plan No. 10.
 - (2) (a) Within Special Rural Zone Area No. 10, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).

Special Rural Zone Area No. 10 continued

- (3) A reticulated public water supply shall be provided to all lots with an area of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 11 (Bruce Road area), lots 1-10, Pt. Lot 11, Swan Location 2762; Lots 12-14 Lot 3 Swan Location 1793.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 11 is to be generally in accordance with Subdivisional Guide Plan No. 11.
- (2) (a) Within Special Rural Zone Area No. 11, the following uses are permitted (P) : Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) For Lot 5 Swan Location 2762 the use "cattery" may be permitted by the Council with or without conditions. Should Lot 5 Swan Location 2762 be subdivided as allowed for in the Subdivisional Guide Plan the provisions of this sub-clause shall be limited to only that remaining portion of Lot 5 as includes the dwelling house and adjacent outbuilding existing at the gazettal date.
- (4) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 12 (Wandoo Road Area), Pt. Lots 1, Lot 2, Pts. Swan Location 1449; Lots 4, 166 Canning Location 11

Special Rural Zone Area No. 12 continued

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 12 is to be generally in accordance with Subdivisional Guide Plan No. 12.
 - (2)
 - (a) Within Special Rural Zone Area No. 12, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 16, Lot 19 Swan Location 2089 Roe Highway, Ravenswood/Brae/Brewer Roads, and Madderson Roads, Maida Vale.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 16 is to be generally in accordance with Subdivisional Guide Plan No. 16.
 - (2)
 - (a) Within Special Rural Zone Area No. 16, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 17 (Berkshire Road area, Forrestfield) Lots 527 and 528 Swan Location 28, Berkshire Road, Forrestfield.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 17 is to be generally in accordance with Subdivisional Guide Plan No. 17.
 - (2)
 - (a) Within Special Rural Zone Area No. 17, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted. (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 18, Lot 6 Swan Location 2854 Holmes Road, Forrestfield.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 18 is to be generally in accordance with Subdivisional Guide Plan No. 18.
- (2)
 - (a) Within Special Rural Zone Area No. 18, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 19 Lots 1, 2 and part of Lots 380, 384, Canning Location 7 Welshpool/Coldwell Roads, Wattle Grove

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 19 is to be generally in accordance with Subdivisional Guide Plan No. 19.
- (2) (a) Within Special Rural Zone Area No. 19 the following uses are permitted (P):
Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above, are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 20 Pt. Lot 540, Lots 541-544 Swan Location 28 Berkshire Road, High Wycombe.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 20 is to be generally in accordance with Subdivisional Guide Plan No. 20.
- (2) (a) Within Special Rural Zone Area No. 20, the following uses are permitted (P) : Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).

Special Rural Zone Area No. 20 continued

- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 22 (Kelvin to Valcan Roads area) Lots 1,2,15, 17, 18 and part Lots 16, 19 Canning Location 706.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 22 is to be generally in accordance with Subdivisional Guide Plan No. 22.
- (2) (a) Within Special Rural Zone Area No. 22, the following uses are permitted (P) : Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
-

Column (a)

Special Rural Zone Area No. 24 Lots 2,3,4,5,22 and 100 Swan Loc. 1348, Lots 5,6,7,8,10, Swan Loc. 2082 bounded by Maida Vale Road, Roe Highway, Brewer Road and Oxford Court.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 24 is to be generally in accordance with Subdivisional Guide Plan No. 24.
- (2) (a) Within Special Rural Zone Area No. 24 the following uses are permitted (P): Dwelling House.

Special Rural Zone Area No. 24 continued

- (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not Permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
- (4) In areas which the Council believes to be deficient in tree cover, it may require as a condition of development for any building licence issued, that the owner plant and maintain up to a maximum of 50 native trees per hectare on the lot subject of the building licence.

Column (a)

Special Rural Zone Area No. 25 Lots 1,2,3,4,5 and 6 Swan Location 1290 (Watsonia/Ridge Hill Roads)

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 25 is to be generally in accordance with Subdivisional Guide Plan No. 25.
 - (2) (a) Within Special Rural Zone Area No. 25 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 26. Lot 1, Pt. Lot 2, Pt. Lot 4, Lot 5 and Pt. Lot 1489, Swan Location 1489, Hawtin Road, Forrestfield.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 26 is to be generally in accordance with Subdivisional Guide Plan No. 26.
- (2)
 - (a) Within Special Rural Zone Area No. 26, the following uses are permitted (P) : Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval. ,

Column (a)

Special Rural Zone Area No. 28 (Holmes Road (north) area Forrestfield) Swan Location 1123 and 1124.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 28 is to be generally in accordance with Subdivisional Guide Plan No. 28.
- (2)
 - (a) Within Special Rural Zone Area No. 28 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted.
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of Subdivisional approval.

Column (a)

Special Rural Zone Area No. 29, Lots 213 and 214, Canning Locations 3 and 12 Brentwood Road, Wattle Grove (First Brentwood Road area).

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 29 is to be generally in accordance with Subdivisional Guide Plan No. 29.
 - (2) (a) Within Special Rural Zone Area No. 29 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
 - (4) In order to enhance the rural amenity of the land, in areas which Council considers deficient in tree cover, it may require, as a condition of any building permit issued in these areas, the owner to plant and maintain such trees, groups of trees and or shrubs as specified by the Council.
-

Column (a)

Special Rural Zone Area No. 30 Lots 203 and 204 Canning Location 12 Crystal Brook Road, Wattle Grove.

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 30 is to be generally in accordance with Subdivisional Guide Plan No. 30.
- (2) (a) Within Special Rural Zone Area No. 30 the following uses are permitted (P): Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.

Special Rural Zone No. 30 continued

- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
- (4) In order to enhance the rural amenity of the land, in areas Council considers deficient in tree cover, it may require as a condition of any building permit issued in these areas, the owner to plant such trees, and/or groups of trees as specified by the Council.

Column (a)

Special Rural Zone Area No. 31. Lots 16 and 17 of Swan Location 2089 Brand/Sultana Roads, High Wycombe (Brand/Sultana Roads Area).

Column (b)

- (1) Subdivision of Special Rural Zone Area No. 31 is to be generally in accordance with Subdivisional Guide Plan No. 31.
- (2) (a) Within Special Rural Zone Area No. 31 the following uses are permitted (P) : Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 33, Lot 20 cnr Edney Road and Sultana Road, High Wycombe, Pt. 21 Edney Road, High Wycombe.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 33 is to be generally in accordance with Subdivisional Guide Plan No. 33.
- (2) (a) Within Special Rural Zone Area No. 33 the following uses are permitted (P): Dwelling House.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.
-

Column (a)

Special Rural Zone Area No. 34, Lots 12 & 13, Kelvin Road, Wattle Grove.

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 34 to be generally in accordance with Plan of Subdivision No. 34.
- (2) (a) With Special Rural Zone Area No. 34 the following uses are permitted (P): Dwelling House, Public Parks, Recreation Grounds, Botanical Gardens.
- (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuits, Stables, Nursery Garden.
- (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
- (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 35, Lot 199 & Ptn. Canning Location 707, Crystal Brook Road, Wattle Grove

Column (b)

-
- (1) Subdivision of Special Rural Zone Area No. 35 to be generally in accordance with Plan of Subdivision No. 35.
 - (2) (a) With Special Rural Zone Area No. 35 the following uses are permitted (P): Dwelling House, Public Parks, Recreation Grounds, Botanical Gardens.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA) : Home Occupation, Public Utility, Rural Pursuits, Stables, Nursery Garden.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Column (a)

Special Rural Zone Area No. 36. Swan Loc. 327, Stirling Crescent, High Wycombe.

Column (b)

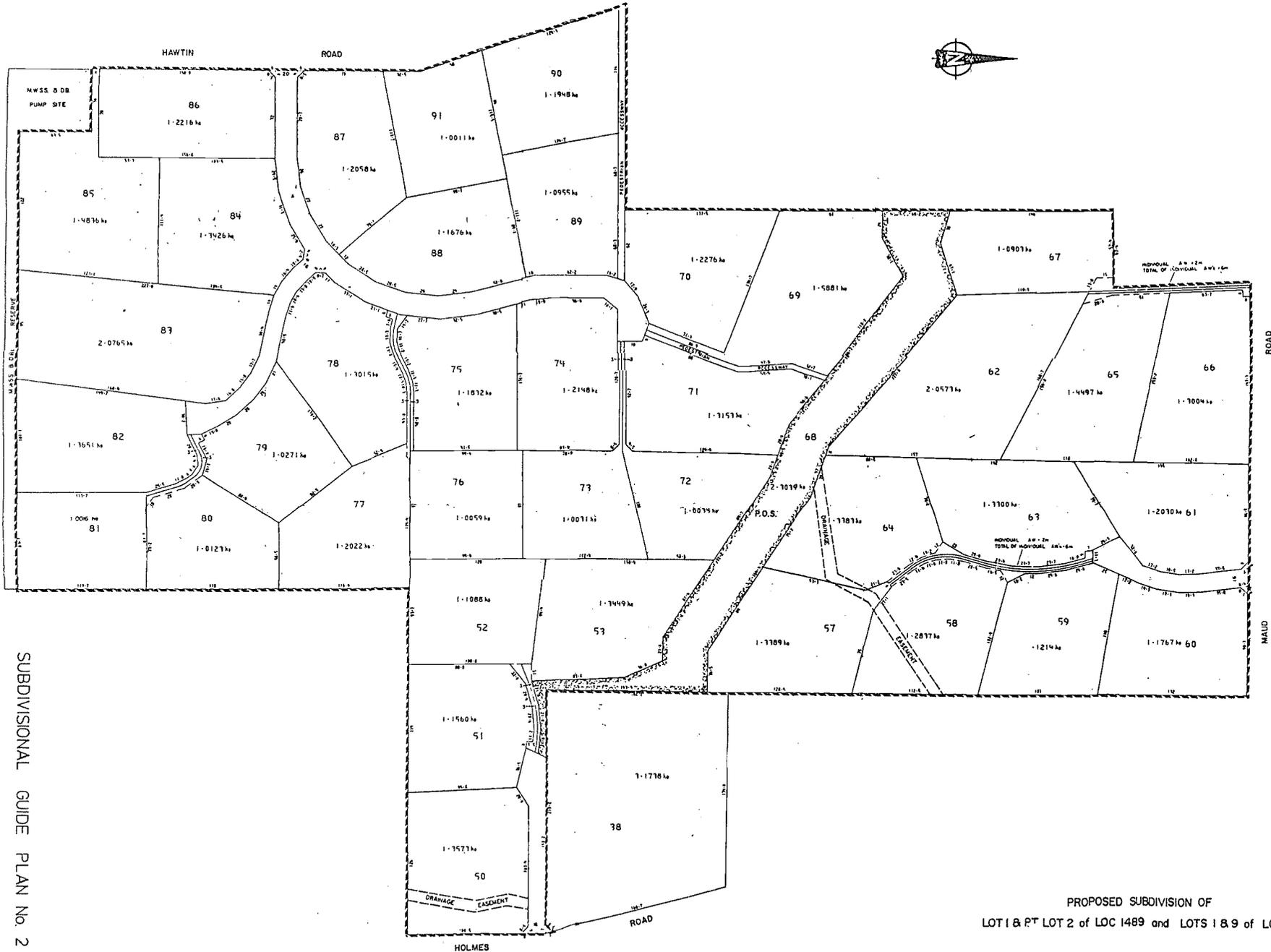
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- (1) Subdivision of Special Rural Zone Area No. 36 is to be generally in accordance with Subdivisional Guide Plan No. 36.
 - (2) (a) Within Special Rural Zone Area No. 36 the following uses are permitted (P): Dwelling House.
 - (b) The following uses are not permitted unless specific approval is granted by Council (AA): Home Occupation, Public Utility, Rural Pursuit, Stable, Nursery.
 - (c) All other uses not mentioned under (a) and (b) above are not permitted (X).
 - (3) A reticulated public water supply shall be provided to all lots of less than 2 hectares as a condition of subdivisional approval.

Special Rural Zone Area No. 36 continued

- (4) Notwithstanding anything appearing elsewhere in the Scheme, Council shall not permit the erection of any building on a lot in areas other than within the Building Envelope depicted on Subdivisional Guide Plan No. 36.
- (5) Final approval to subdivision of Swan Location 372 shall not be granted until such time as the land has been re-vegetated to the satisfaction of the Commissioner for Soil Conservation.



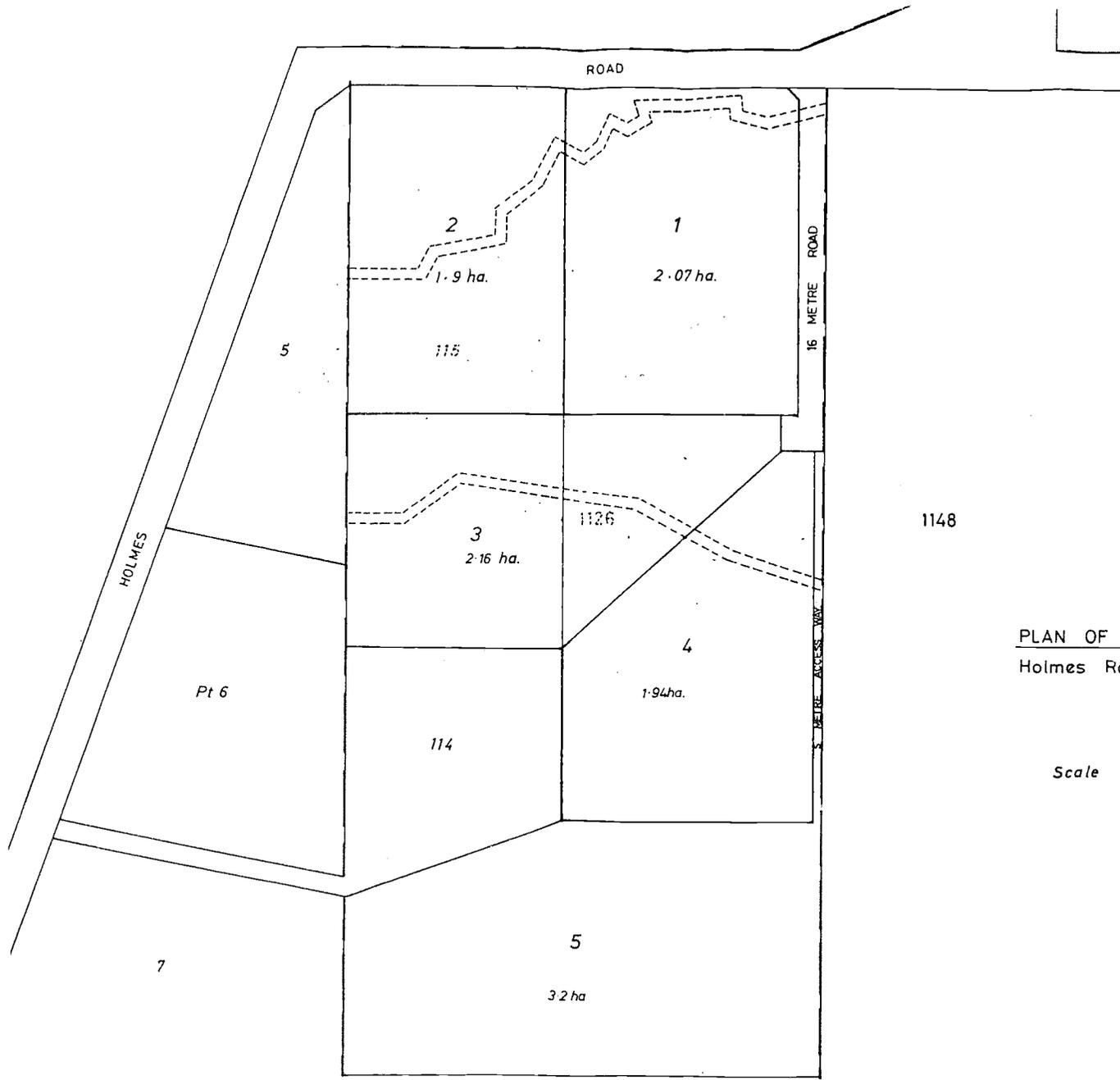
PROPOSED SUBDIVISION OF PT LOT 1,
LOT 2, PT SWAN LOC 1763 & 1295



SUBDIVISIONAL GUIDE PLAN No. 2

PROPOSED SUBDIVISION OF
 LOT 1 & P^t LOT 2 of LOC 1489 and LOTS 1 & 9 of LOC 1793

SUBDIVISION GUIDE PLAN No. 3



PLAN OF SUBDIVISION N° 3
Holmes Road Area

Scale 1:2000

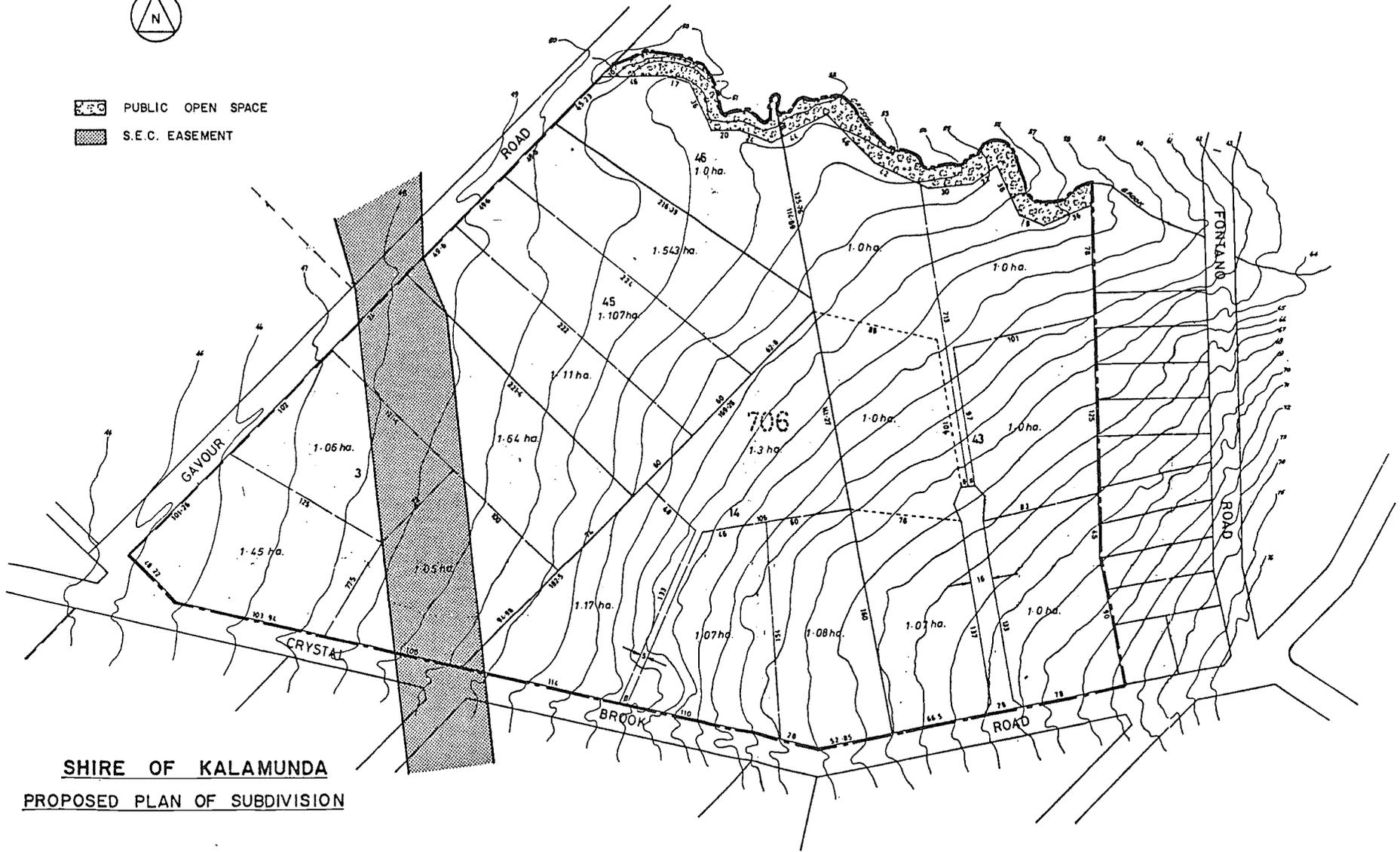


1148

85



-  PUBLIC OPEN SPACE
-  S.E.C. EASEMENT

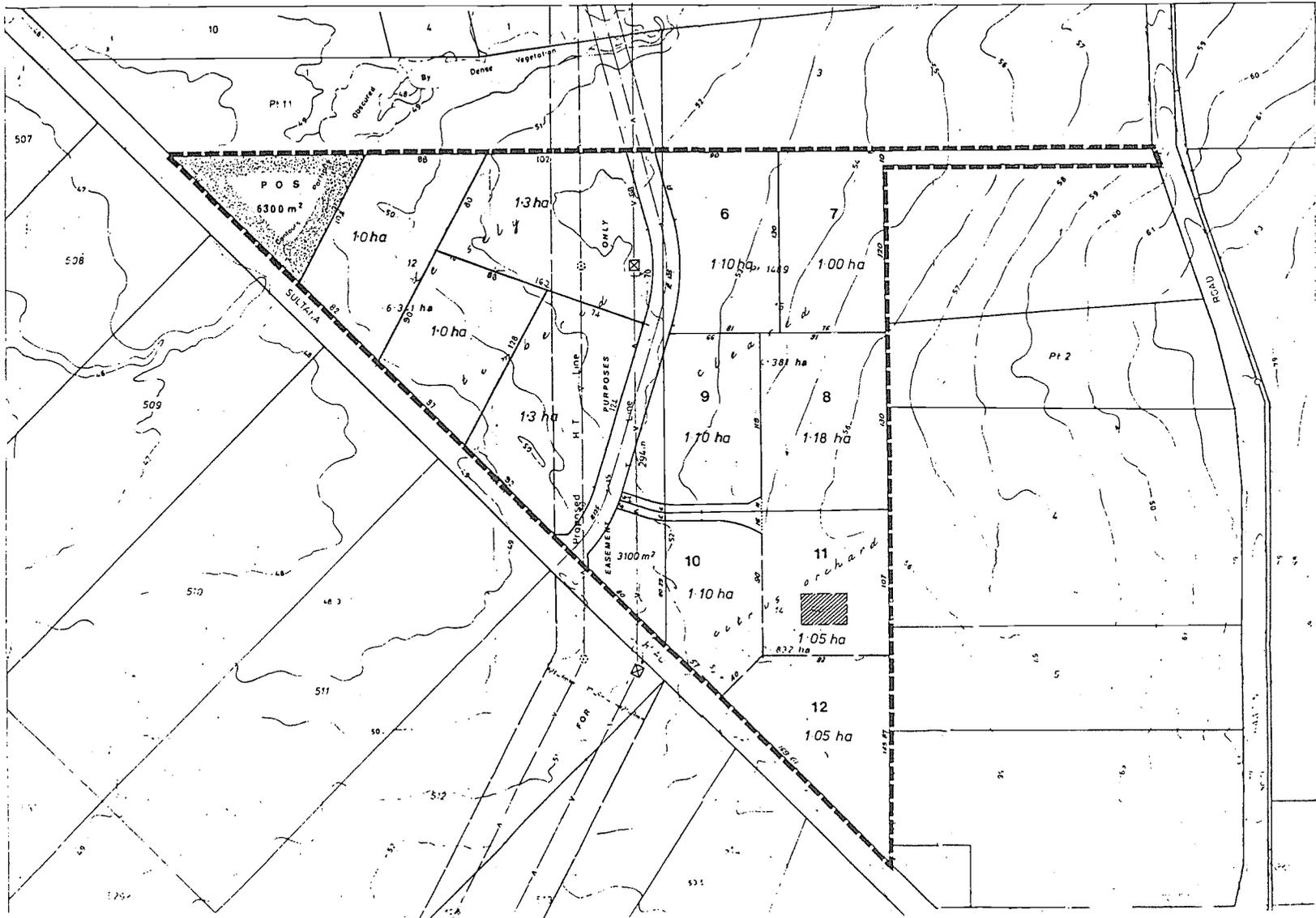


SUBDIVISIONAL GUIDE PLAN No. 5

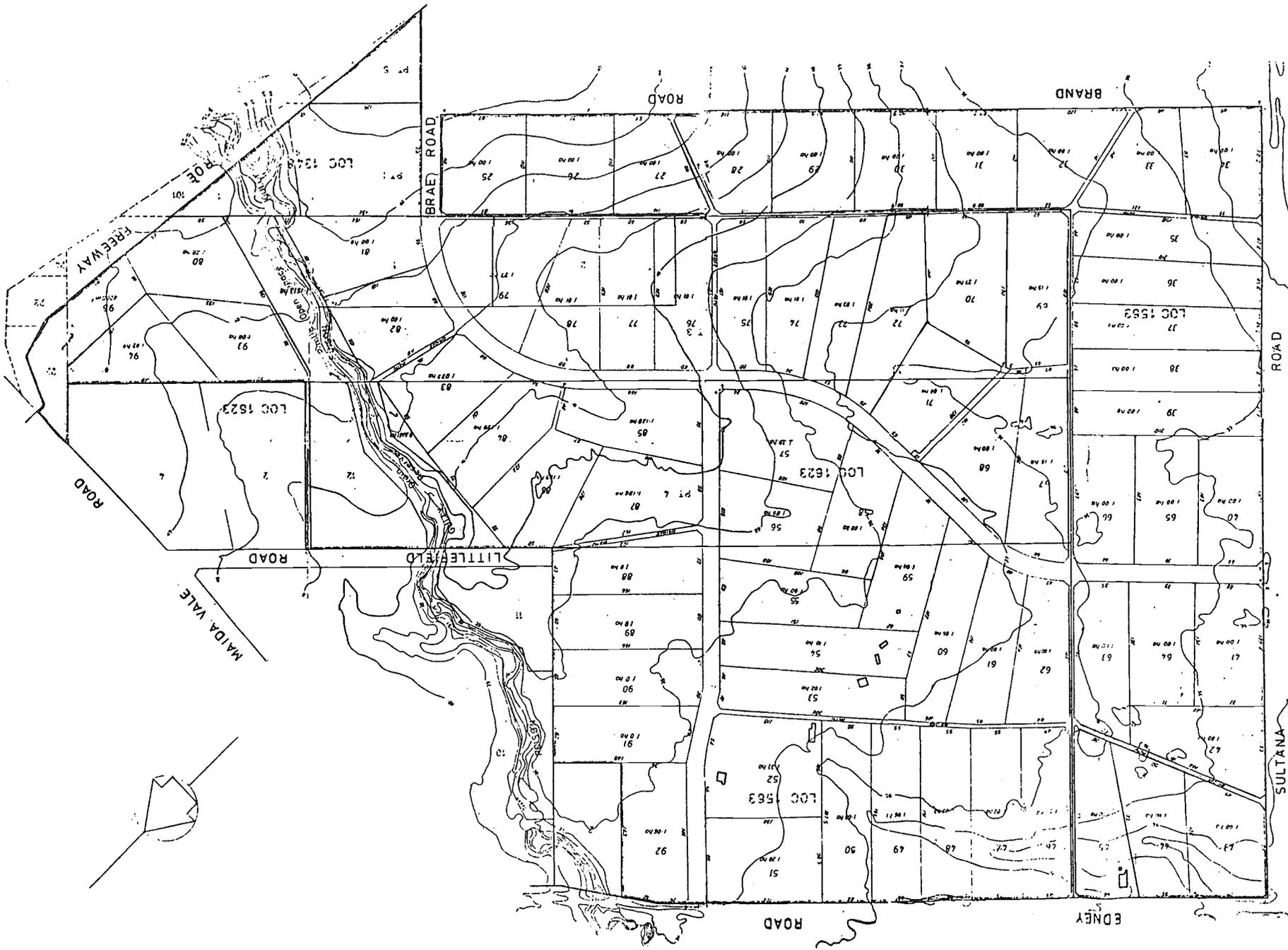
SHIRE OF KALAMUNDA
PROPOSED PLAN OF SUBDIVISION

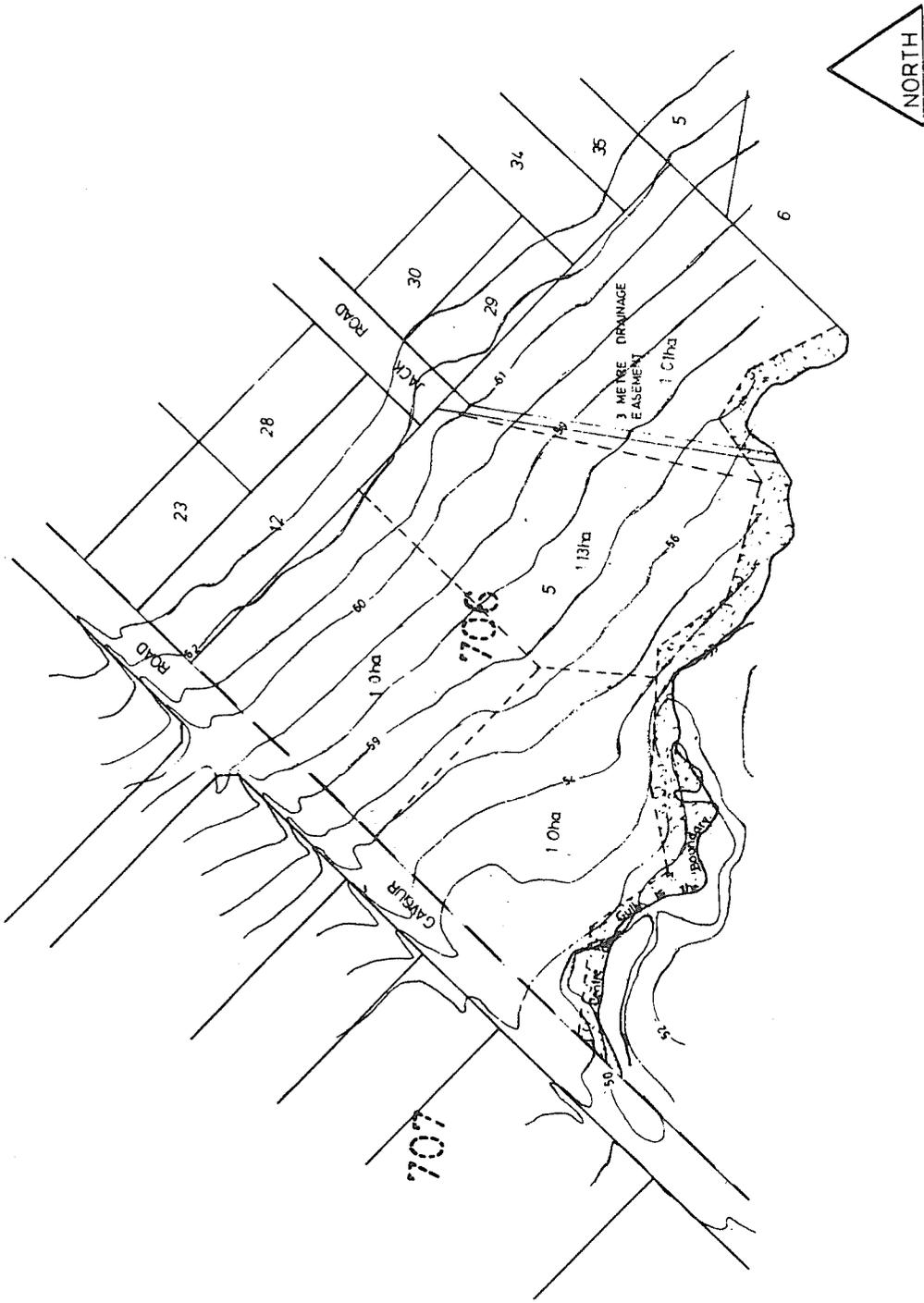
MINIMUM LOT SIZE ONE HECTARE

**PROPOSED SUBDIVISION
OF LOTS 12, 14, & 15
Pt Swan Loc 1489**



PART OF SUBDIVISIONAL GUIDE PLAN No. 6



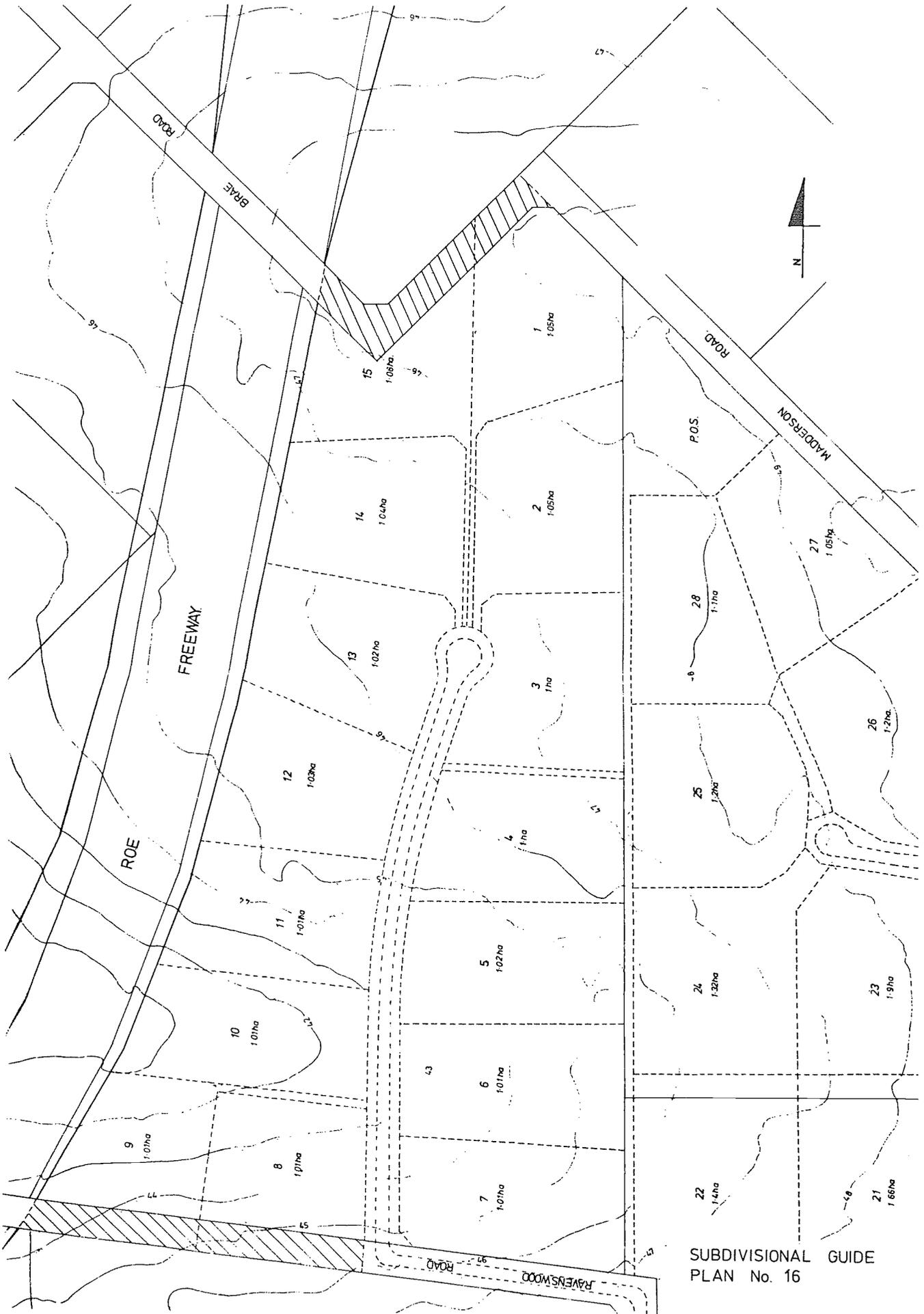


SUBC

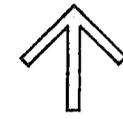
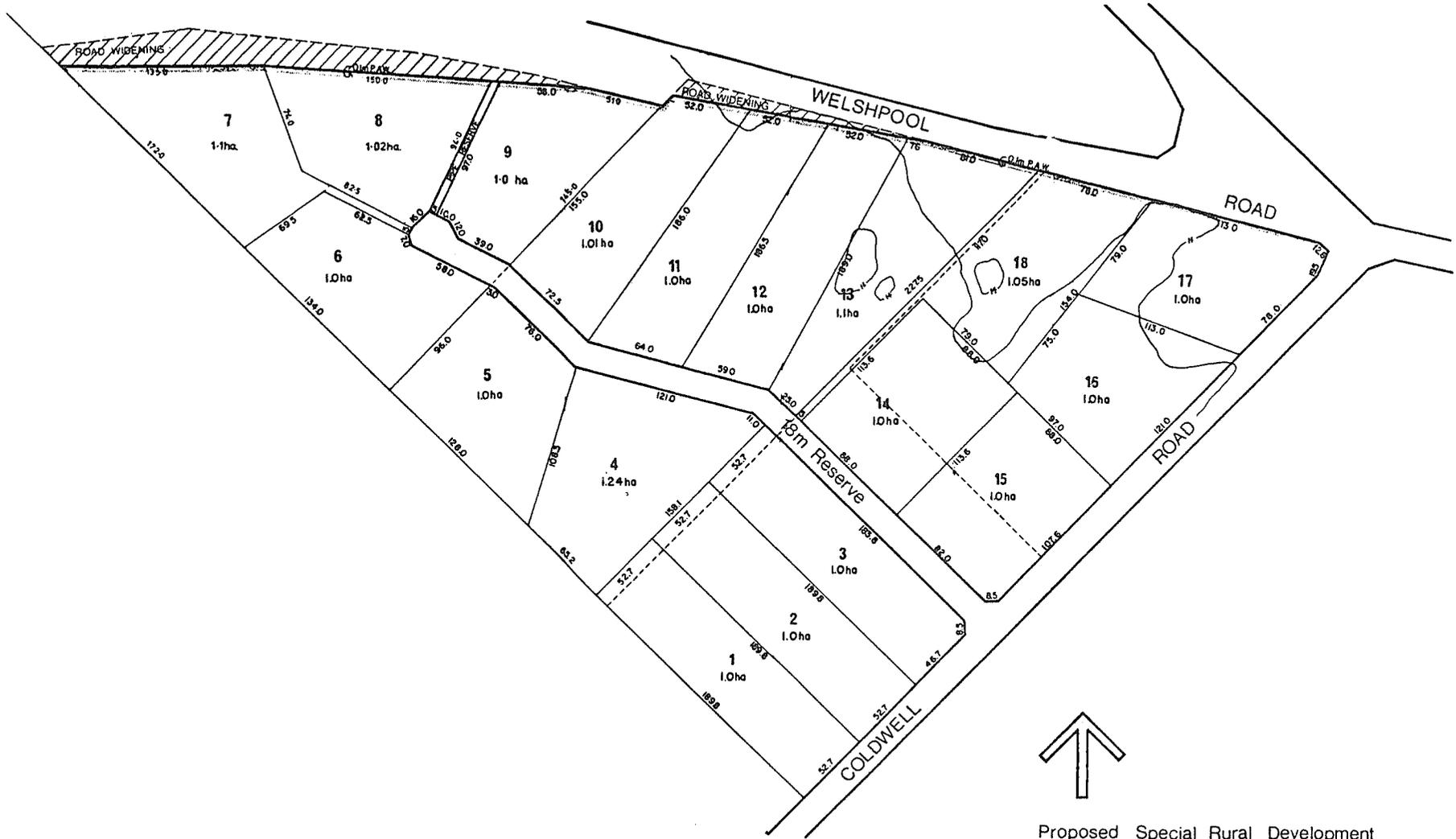


SUBDIVISIONAL GUIDE PLAN No. 12

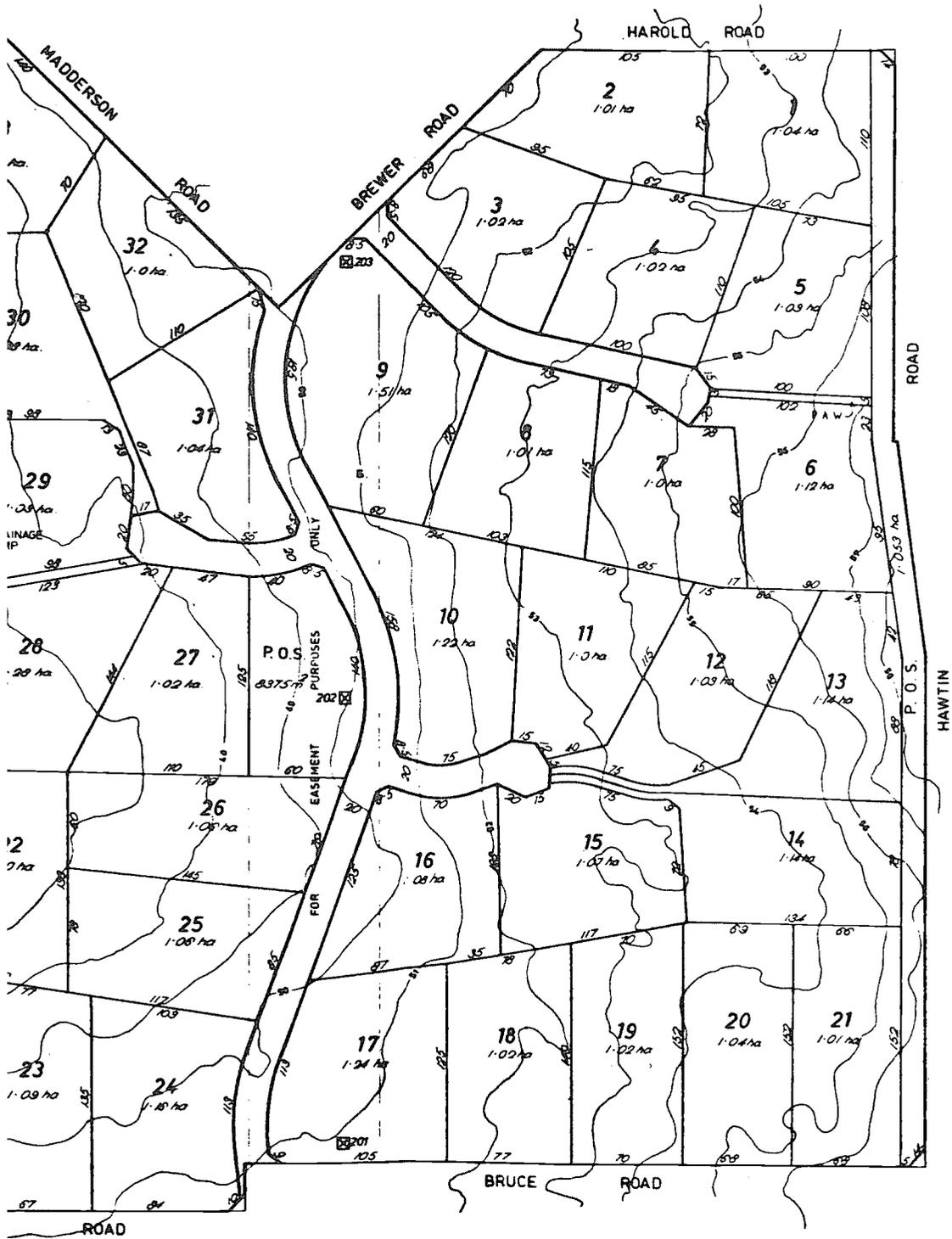
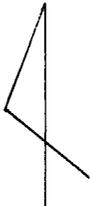




SUBDIVISIONAL GUIDE
PLAN No. 16

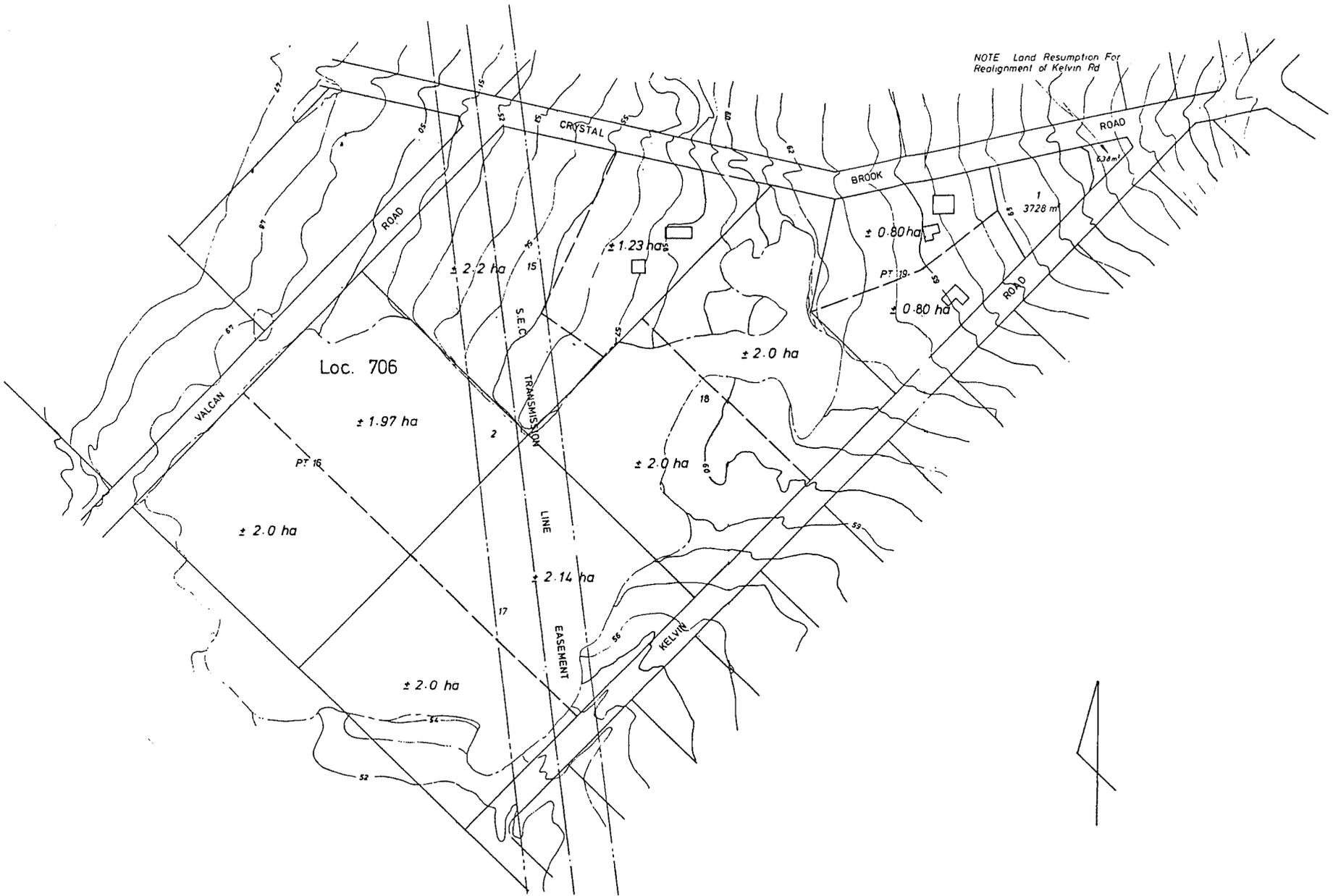


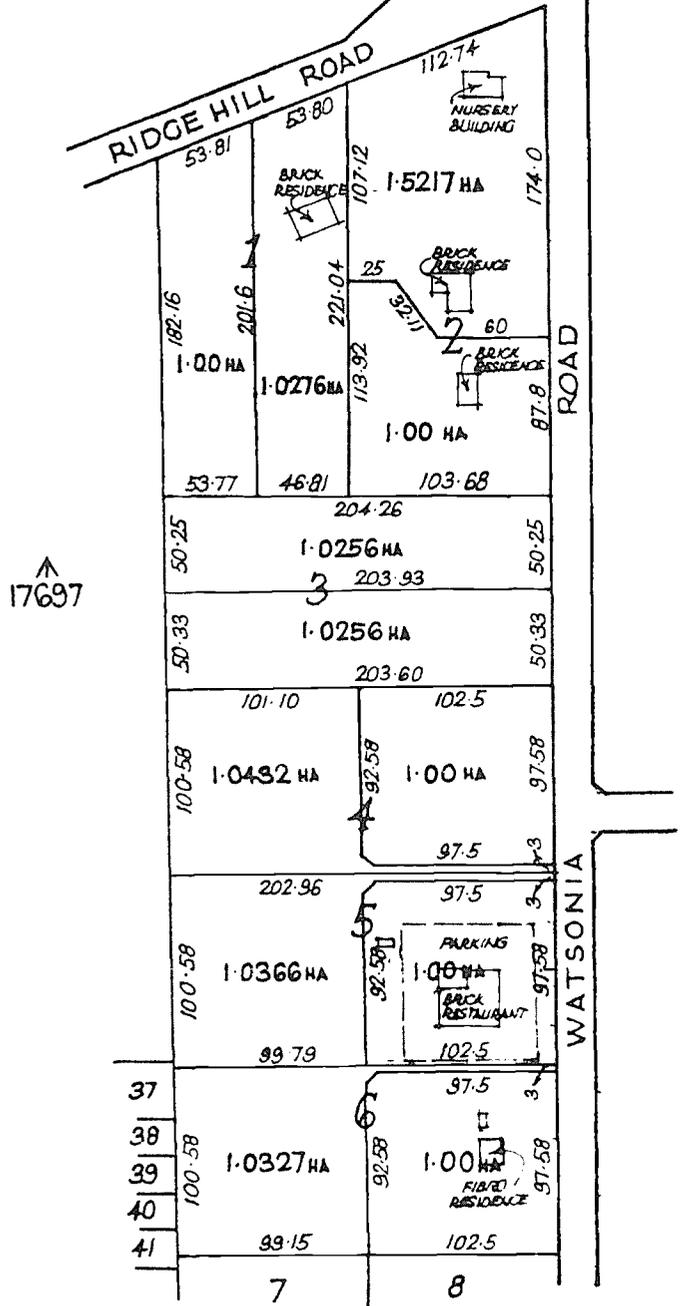
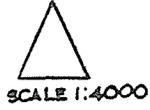
Proposed Special Rural Development
Lots 1, 2, 380 & 384 Canning Loc 7 Wattle Grove

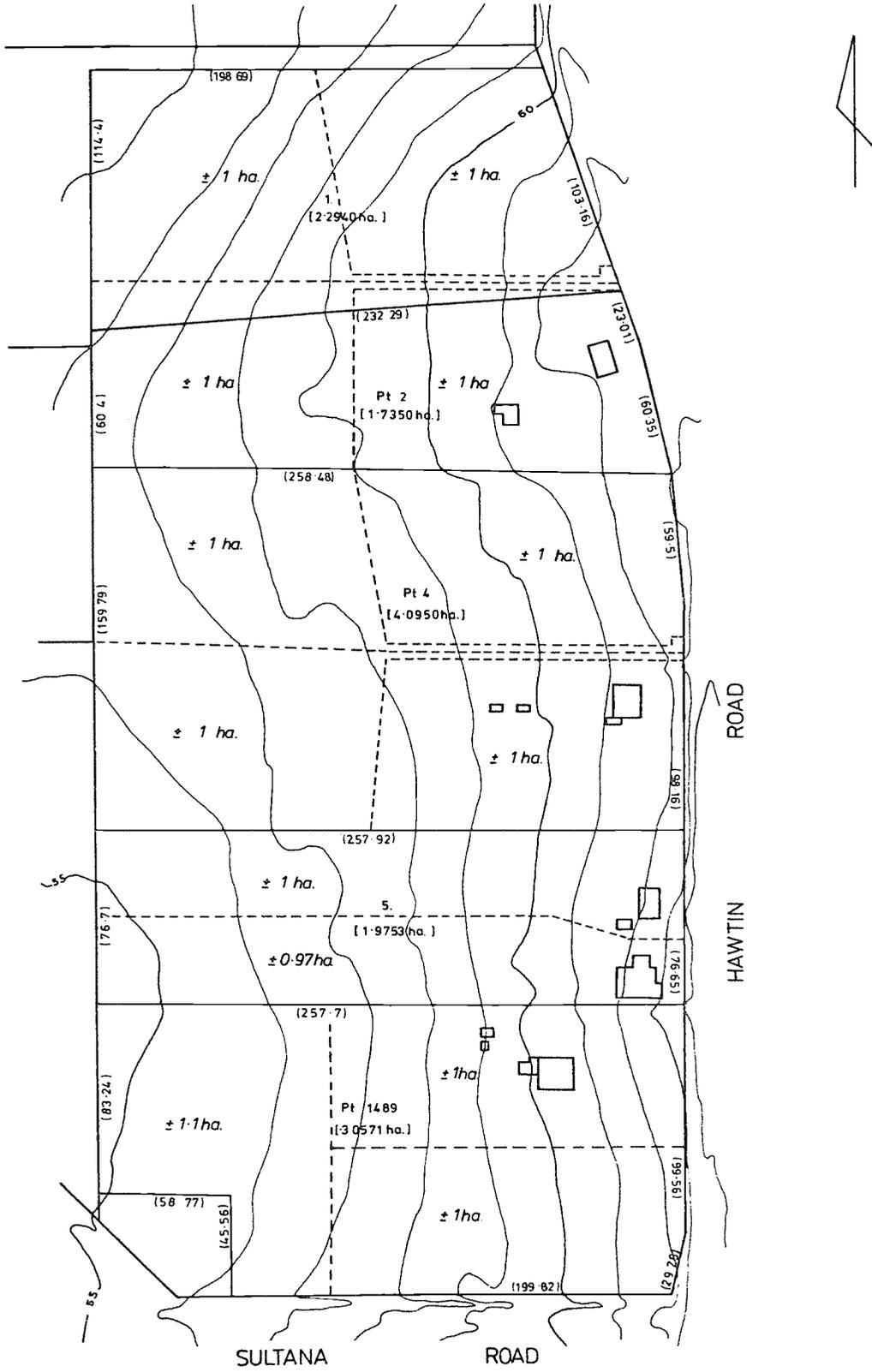


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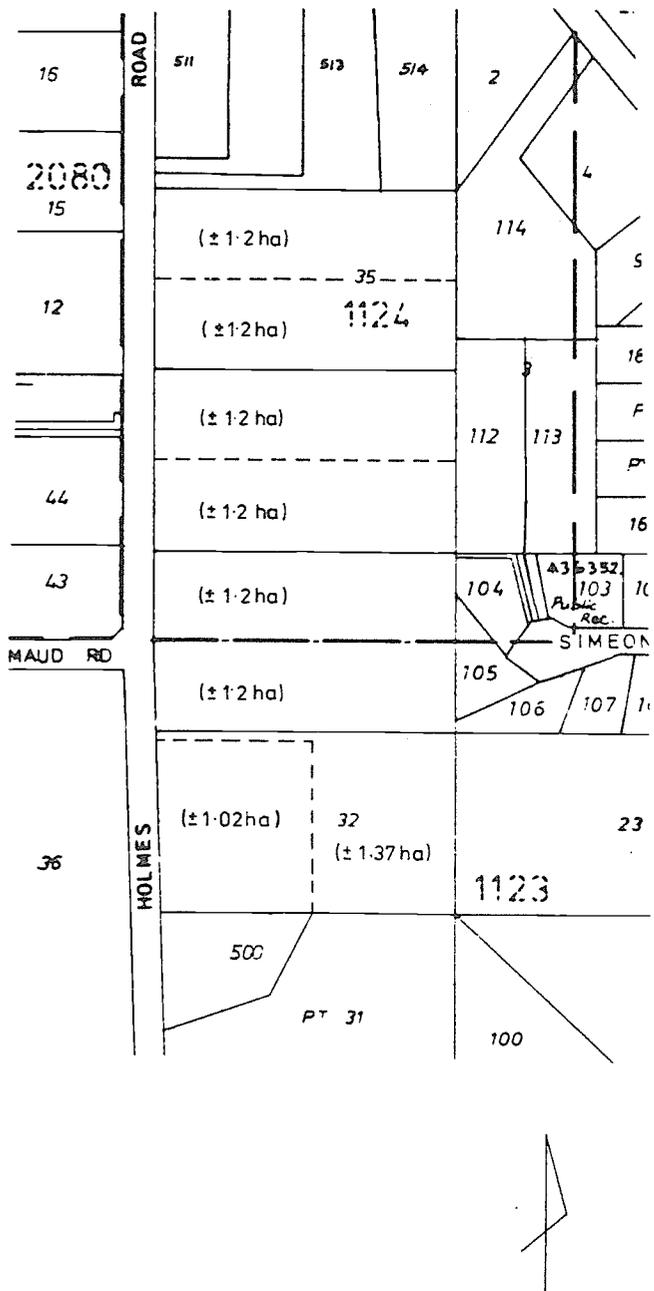
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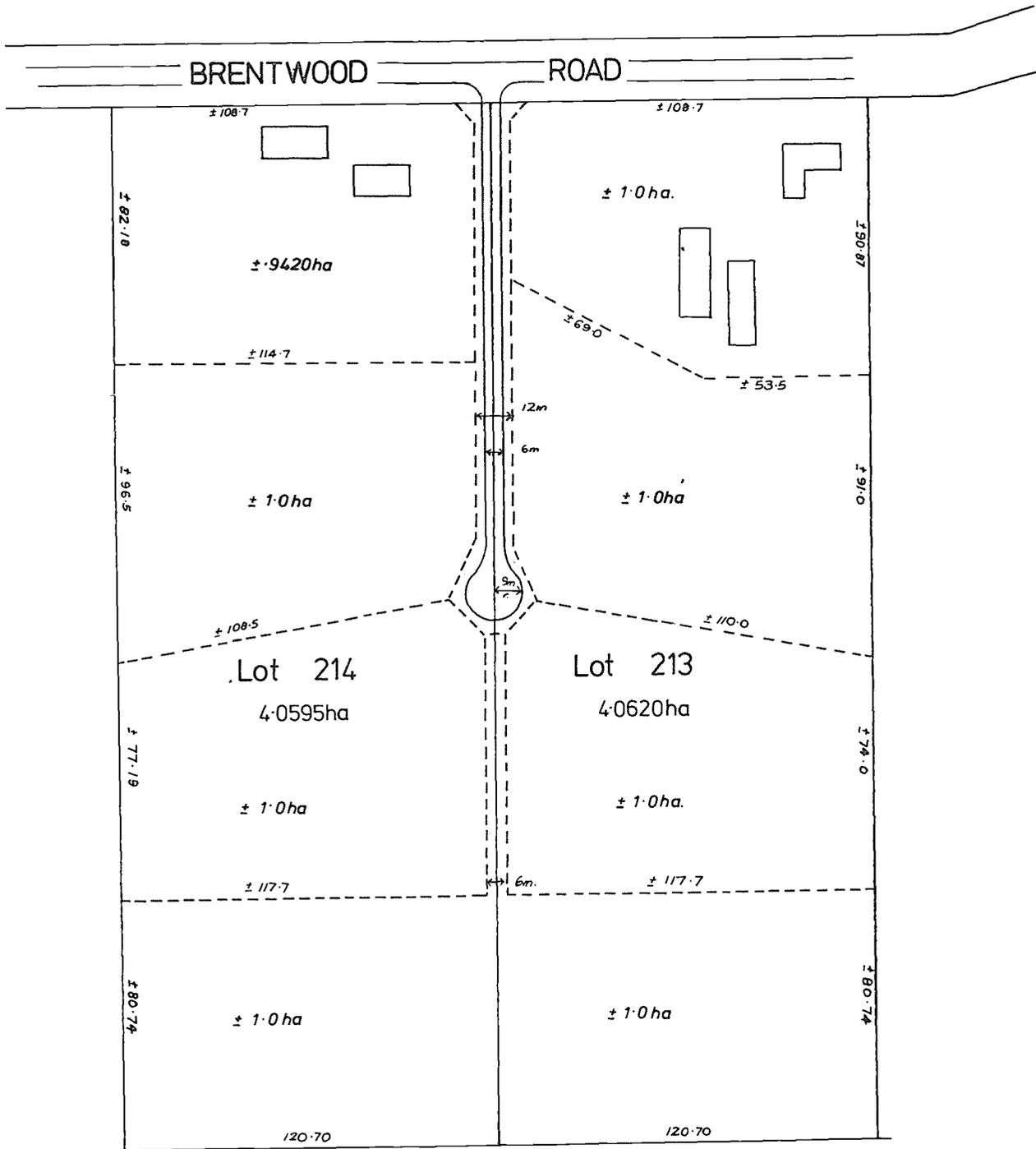




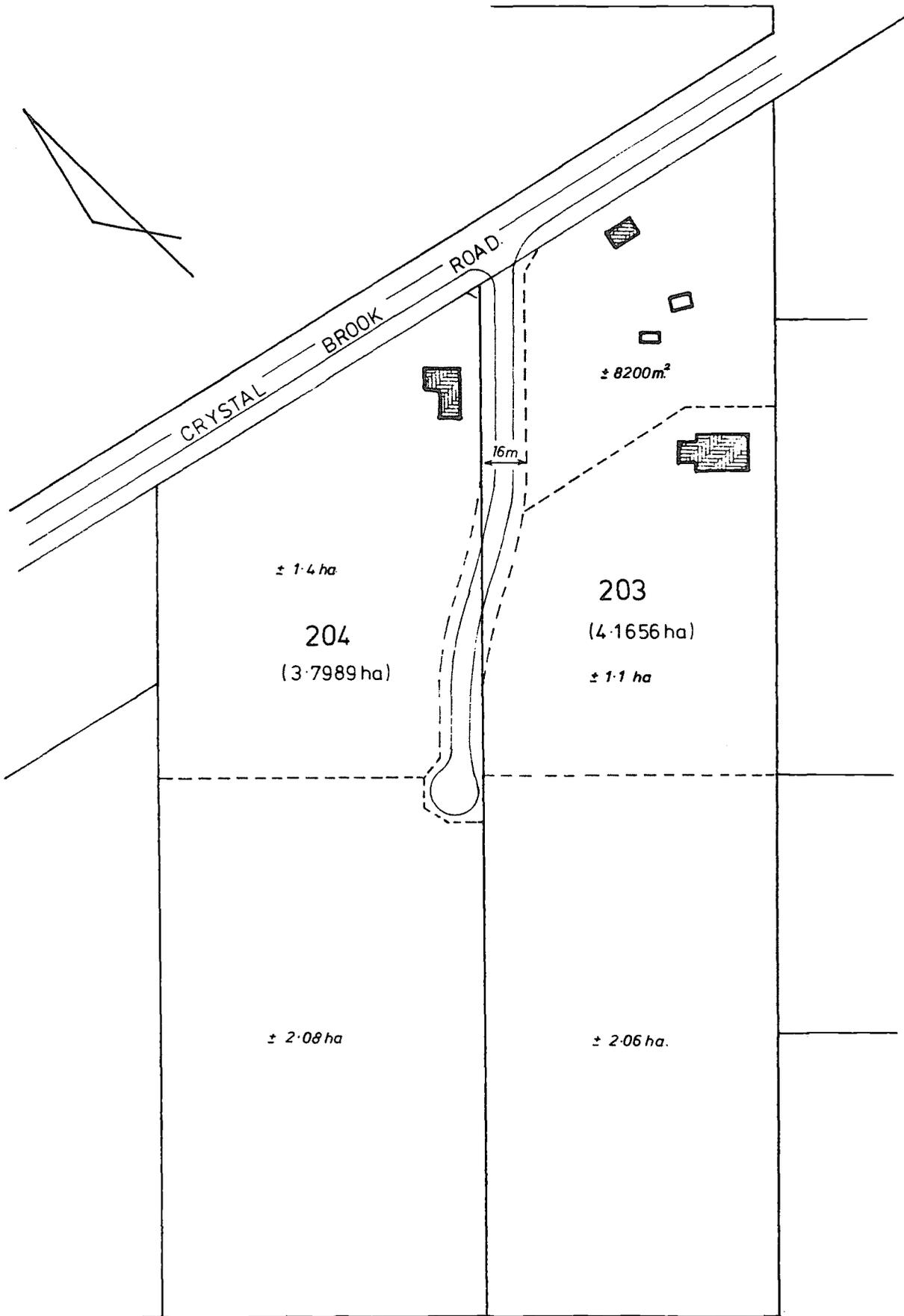
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SUBDIVISIONAL GUIDE PLAN No. 28

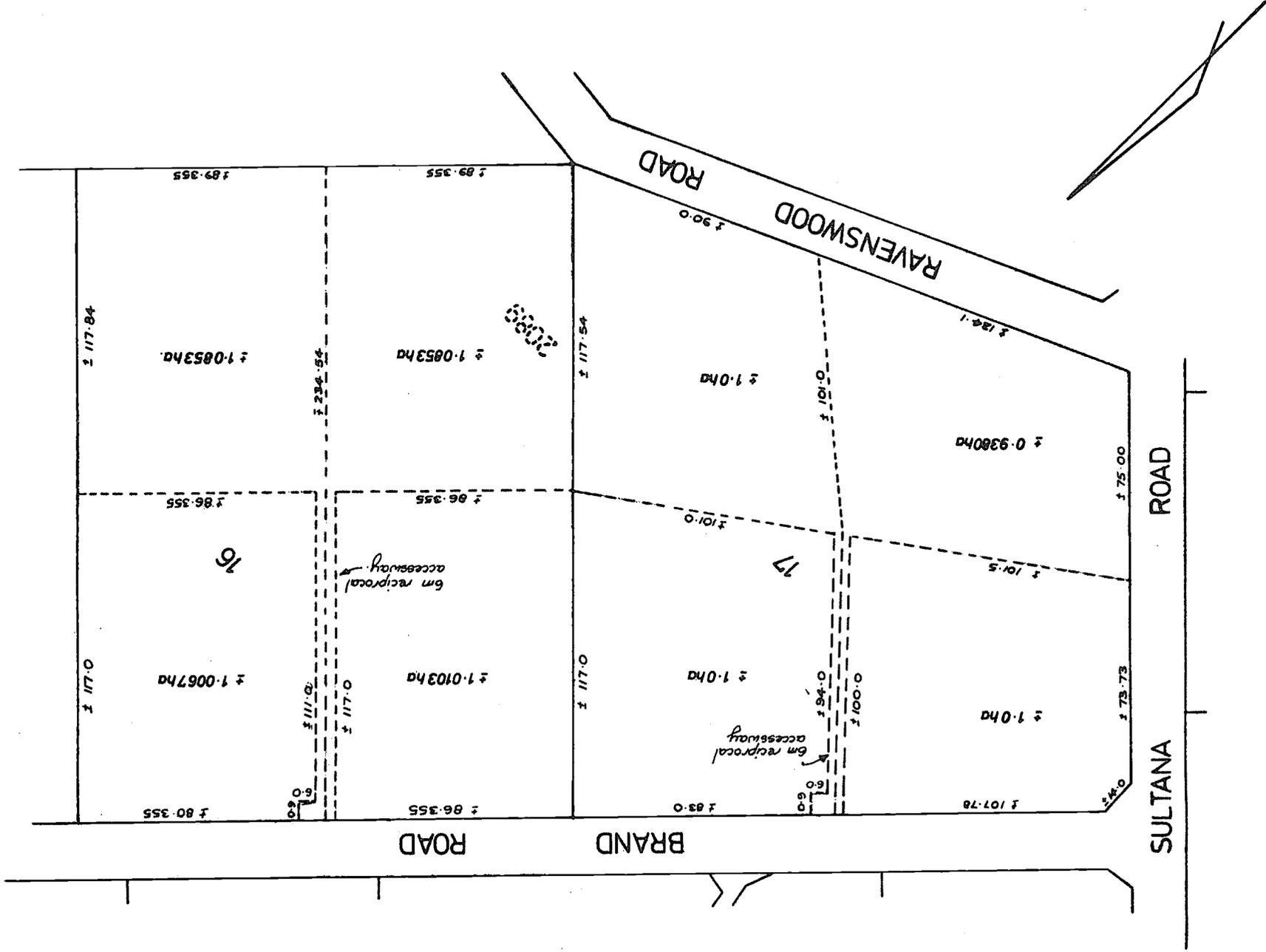


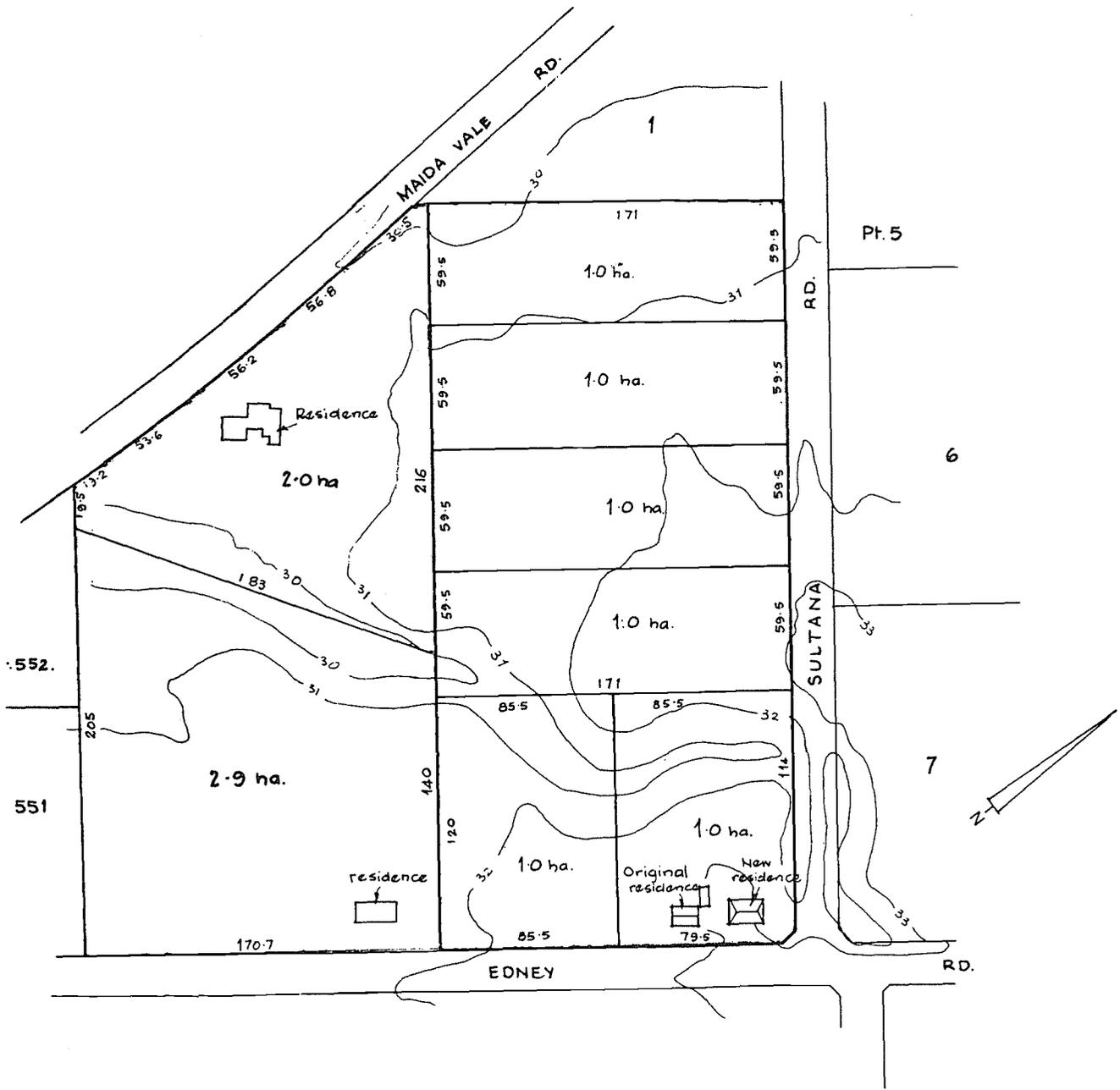
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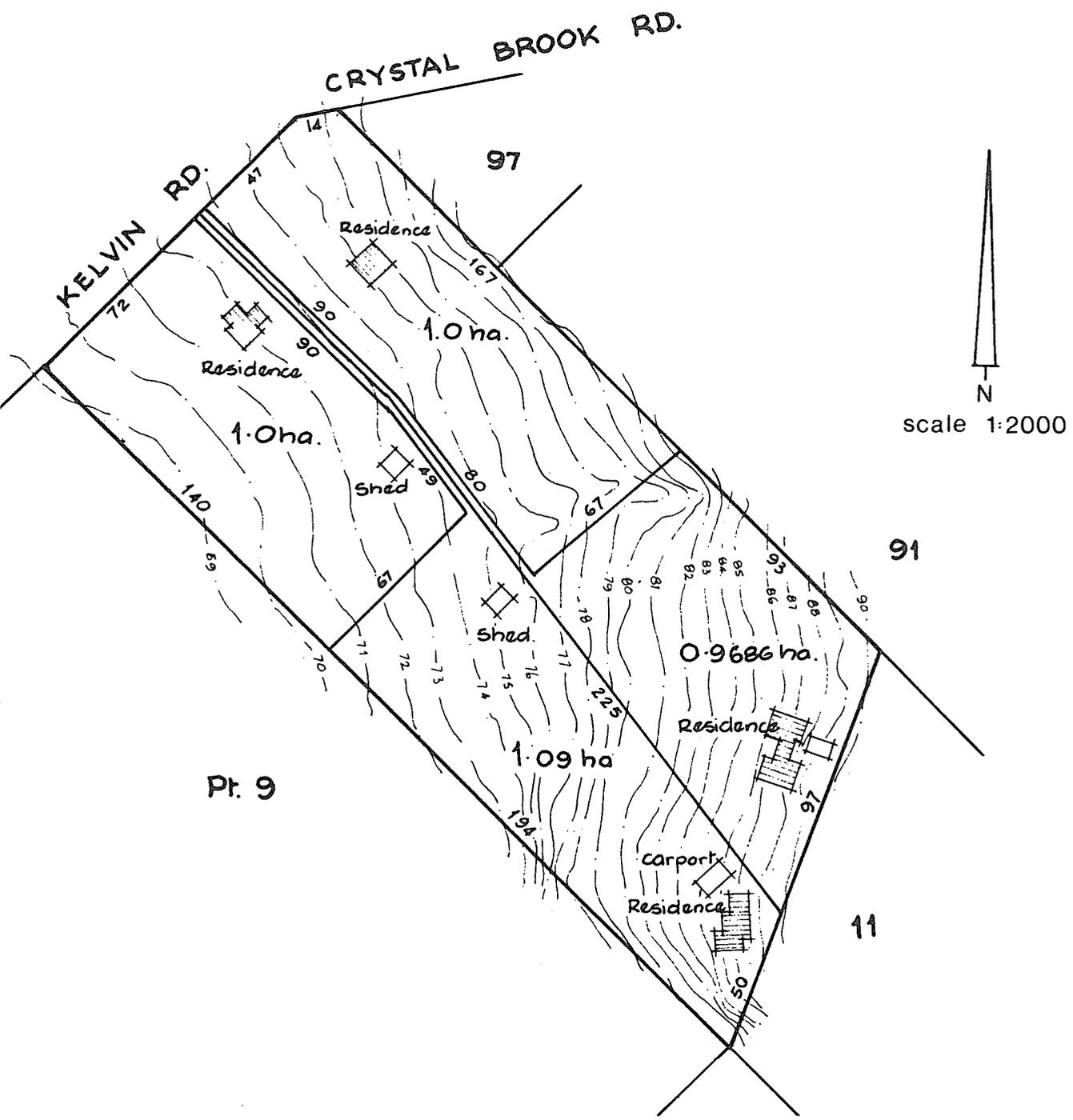
EXISTING HOUSES WITH SCHEME WATER

SUBDIVISIONAL GUIDE PLAN No. 30.

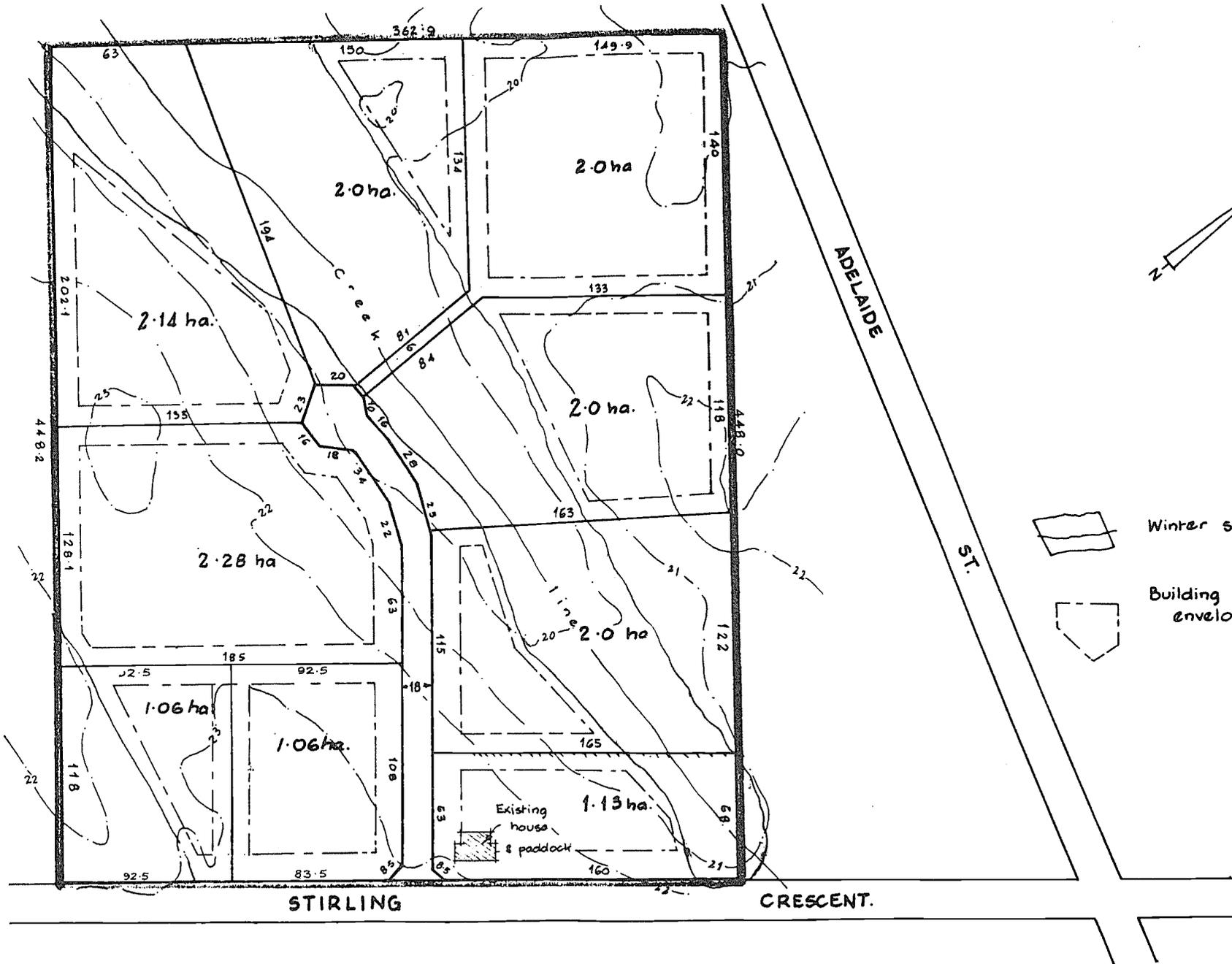




SUBDIVISIONAL GUIDE PLAN No. 33



SUBDIVISIONAL GUIDE PLAN No. 34.



Winter soak.

Building envelopes.

APPENDIX D

SCHEDULE OF ADDITIONAL USES

<u>PARTICULARS OF LAND</u>	<u>ADDITIONAL USE</u>	(CLAUSE 3.9)
HALLEENDALE ROAD BICKLEY Lot 43, Canning Location 672	Dog Kennels in accordance with Clause 6.21.	
WELSHPOOL ROAD, WATTLE GROVE Part Lot 153, Canning Location 11	Dog Kennels in accordance with Clause 6.21.	
WELSHPOOL ROAD, WATTLE GROVE Part Lot 38, Canning Locations 128 and 288	Dog Kennels in accordance with Clause 6.21.	
HALE ROAD, WATTLE GROVE Lot 4, Canning Location 288	Dog Kennels in accordance with Clause 6.21.	
CANNING ROAD, KALAMUNDA Kalamunda Townsite, Lot 58	Non-licensed Restaurant with a maximum floor area of 65 square metres for the public dining area.	
KALAMUNDA ROAD, HIGH WYCOMBE Lot 50 Swan Location 1327	T.A.B. Agency of not more than 110 square metres G.L.A. and no direct internal public access with the hotel premises.	
RAILWAY ROAD/STIRK STREET KALAMUNDA. Lot 1 Kalamunda Townsite Lot 15.	Arts and Crafts Centre including teaching production, display and sales on the basis that the development : <ul style="list-style-type: none"> i. 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 affectation due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products. ii. 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 	

- iii. does not provide more than one advertisement sign and that not exceeding 0.2 square metres.
- iv. does not involve the use of commercial vehicles exceeding one tonne in weight for the delivery and collection of materials to or from the premises, provided that any such vehicle owned by the proprietor of such business or occupier of the dwelling unit where parked on the site shall be contained in an entirely enclosed garage.
- v. provides on-site parking for vehicles attracted by or related to use of the site as an Arts and Crafts Centre.

APPENDIX E

PLACES OF HISTORIC INTEREST

(Clause 6.8)

Reference Number	Location	Particulars
1	Kalamunda Townsite, Lot 6, Central Road Kalamunda	St Barnabas Church, early 1920's
2.	Reserve 9050 and Kalamunda Townsite Canning Road, Kalamunda	Darling Range Road Board office 1934
3.	Reserve 5530 Kalamunda Townsite Lot 79	Agricultural Hall 1898
4.	Reserve 8717, Lot 47 Canning Location 154 Carmel Road, Carmel	Carmel School 1904
5.	Reserve 38569, Canning Location 3415 Lesmurdie Road, Lesmurdie	Falls Farm circa 1920
6.	Lot 5, Canning Locations 101 and 205 Kalamunda Road, Kalamunda	Stirk Cottage 1881

APPENDIX F

PARKING REQUIREMENTS

(Clause 6.10)

USE	NUMBER OF PARKING SPACES
1. SHOPPING	<p>Seven (7) spaces for every 100 square metres of Gross Leasable Area.</p> <p>NOTES : i. If in a Shopping Centre any one store occupies 75% or more of the Gross leasable Area, the car parking ratio may be increased by one (1) space per 100 square metres.</p> <p>ii. Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays shall be clearly marked "DISABLED DRIVER ONLY".</p>
2. HOTEL, MOTEL, TAVERN, CLUB, PRIVATE HOTEL, LODGING HOUSE, RESTAURANT, NIGHTCLUB, PLACE OF PUBLIC ASSEMBLY.	<p>Where applicable to the particular use :</p> <p>Fifty (50) spaces for every 100 square metres of drinking area other than public lounge drinking areas;</p> <p>One (1) space for every four (4) seats which an eating area is designed to provide, or twentyfive (25) spaces for every 100 square metres of eating area or part thereof whichever produces the greater number of parking spaces ;</p> <p>One (1) space for every bedroom;</p> <p>One (1) space for every six (6) seats provided or capable of being provided in assembly areas; or</p> <p>Twentytwo (22) spaces for every 100 square metres of assembly area whichever produces the greater number of car parking spaces;</p> <p>Twentytwo (22) spaces for every 100 square metres of beer garden or outdoor drinking area.</p>

3. OFFICE
Five (5) spaces for every 100 square metres of gross leasable area.
4. HEALTH CENTRE, CLINIC, CONSULTING ROOMS
Four (4) spaces for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.
5. HEALTH STUDIO
Five (5) spaces for every 100 square metres of gross leasable area.
6. SQUASH CENTRE
Four (4) spaces for every court.
7. WAREHOUSE, SHOWROOM INDUSTRY WITH THE EXCEPTION OF A FACTORY UNIT BUILDING
Three (3) spaces for up to the first 200 square metres of floor area and thereafter one (1) space for every additional 100 square metres of gross leasable area or part thereof.
8. FACTORY UNIT BUILDING
As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.
9. VETERINARY HOSPITAL, CLINIC, OR SURGERY.
Four (4) spaces for each 100 square metres of gross leasable area.
10. CARAVAN PARK
Five (5) spaces for every four (4) caravan bays/lots/stands.
11. NURSERY
A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.
12. GARDEN CENTRE
A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.
13. DWELLING UNIT(S)
As set out in the Residential Planning Codes.
14. DISPLAY HOME CENTRES
Five (5) spaces for each display house.

Adopted by Resolution of the Council of the Shire of Kalamunda at the Ordinary Meeting of the Council held on the 9th day of July 1984.

PRESIDENT P J MARJORAM DATE 30th August, 1984

ACTING SHIRE CLERK C C AINSWORTH DATE 30th August, 1984

Adopted for final approval by resolution of the Council of the Shire of Kalamunda at the Ordinary Meeting of the Council held on the 9th day of July 1984 and the seal of the Municipality was pursuant to that resolution hereunto affixed.

PRESIDENT P J MARJORAM DATE 30th August, 1984

ACTING SHIRE CLERK C C AINSWORTH DATE 30th August, 1984

RECOMMENDED/SUBMITTED FOR
FINAL APPROVAL -
CHAIRMAN OF TOWN
PLANNING BOARD

M A FEILMAN DATE 23rd October, 1984

FINAL APPROVAL GRANTED
HON. MINISTER FOR
PLANNING

P DOWDING DATE 5th November, 1984

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.7 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the Fifth day of November 1984.