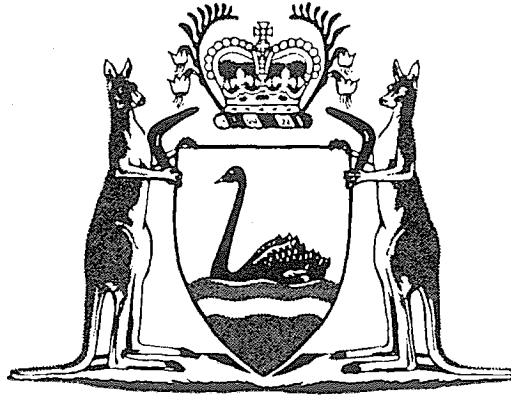


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TOWN PLANNING AND DEVELOPMENT
ACT, 1928

SHIRE OF WANNEROO TOWN PLANNING SCHEME, No. 1

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

Advertisement of Approved Town Planning Scheme.

SHIRE OF WANNEROO TOWN PLANNING SCHEME, No. 1.

T.P.B. 853/2/30/1, 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 Hon. Minister for Town Planning approved the Shire of Wanneroo Town Planning Scheme No. 1 on the 4th August, 1972, the Scheme Text of which is published as a Schedule annexed hereto.

M. NANOVIH,
President.
N. S. BENNETTS,
Shire Clerk.

Schedule.

SHIRE OF WANNEROO TOWN PLANNING SCHEME No. 1.

THE Wanneroo Shire Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), and the Metropolitan Region Town Planning Act, 1959 (as amended), hereby makes the following Town Planning Scheme for the purpose of—

- (a) setting aside land for future public use as reserves;
- (b) controlling land development;
- (c) preserving objects of natural beauty, historical buildings, and objects of historical and scientific interest;
- (d) other matters authorised by the enabling Act.

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

- Index Map.
- Land Use Map—Sheets 1 to 9.
- Scheme Map—Sheets 1 to 9.

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PART 1.—PRELIMINARY.

1.1 Scheme Title: This Town Planning Scheme may be cited as the Shire of Wanneroo Town Planning Scheme No. 1 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 Scheme Area: The Scheme shall apply to the whole of the District of the Shire of Wanneroo which is the land contained within the inner edge of a broken black line on the Land Use Map and on the Scheme Map. The said area is hereinafter referred to as "the Scheme Area".

1.3 Relationship with 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.

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

1.5 Appeal Rights: The procedure for the lodgement and determination of appeals shall be as laid down in Part V of the Town Planning and Development Act, and Regulations made under that Act.

1.6 Uniform General Building By-laws: In addition to the provisions of the Uniform Building By-laws, the Building standards and particular zoning requirements set down in Part 5 shall apply to the erection and alteration and additions to buildings in the various zones. Where the provisions of the Scheme are inconsistent with the provisions of the Uniform General Building By-laws the provisions of the Scheme shall prevail.

1.7 Responsible Authority: The authority responsible for carrying out the Scheme is the Council of the Shire of Wanneroo (hereinafter referred to as the Council) except that where land is shown in the Scheme Map as "regional reservation" the responsible authority shall be deemed to be the Metropolitan Region Planning Authority, and the provisions of the Metropolitan Region Scheme shall apply to such reservations.

1.8 Interpretation: In this Scheme unless the context otherwise requires the terms used will have the respective interpretations set out hereunder:—

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

"Amenity Building" means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment of leisure as distinct from the work of the industry or business.

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

"Boatel" means a building, or group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or guest house but in which special provision is made for the accommodation of patrons with boats.

"Board" means the Town Planning Board constituted under the Act.

"Building" means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, and includes stall, fence, wall, barrier, hoarding, outbuilding, clothes hoist or line, parking area, garden landscaped area, tents, caravans, swimming pool, water supply and drainage.

"Building Line" means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

- "Caravan Park" means an area set aside for the parking of caravans in conformity with the Caravan and Camp regulations, 1961, made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-law (Caravan Parks) No. 2 made pursuant to the powers conferred by the Local Government Act, 1960 (as amended) and any amendments to those Regulations or to that Model By-law.
- "Caretaker's House" means a building used as a residence by the proprietor or manager of an industry carried on upon the same site or by a person having the care of the building or plant of the industry.
- "Car Park" means a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.
- "Car Sales Premises" means land and buildings used for the display and sale of cars, whether new or second-hand but does not include a workshop.
- "Child Minding Centre" means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968, published in the *Government Gazette* of 15th July, 1968, but does not include a family care centre or an occasional care centre as defined by those Regulations.
- "Civic Building" means a building designed, used or intended to be used by Government departments, statutory bodies representing the Crown, or Councils as offices or for administrative or other like purposes.
- "Consulting Rooms" means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- "Development" means the use or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation, fill or other works on any land.
- "District" means the district of the Shire of Wanneroo.
- "Drive-in-Theatre" means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.
- "Dry Cleaning Premises" means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- "Shire Duplex" means a building comprising two dwellings each being complete self-contained units, so designed as to give the external appearance of a single dwelling, but does not include a building in which the units are constructed one above the other.
- "G.R. Duplex" means a building containing two complete and self contained dwellings, but does not include a building in which the units are constructed one above the other.
- "Dwelling House" means a building used primarily for living purposes as one separate family unit, the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a "Residential Building" or part of such a building.
- "Eating House" means any house building or structure or any part thereof in which meals are served to the public for gain or reward.
- The term does not include—
- (a) any premises licensed under the Licensing Act 1911 other than a Restaurant within the meaning of section 44C of that Act in respect of which a Restaurant Licence under that Act is granted, or
 - (b) any boarding house lodging house or hostel, or
 - (c) any building or other structure used temporarily for serving meals to the public at any fair, show, military encampment, races, or other public sports, games or amusements.

"Educational Establishment" means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformative institution or institutional home.

"Effective Frontage"

(I) the width of the frontage of any land is deemed to be the distance measured in a horizontal plane at right angles to one of the boundaries of the side of the land from its intersection with the alignment of the street to the opposite boundary of the land or a prolongation of the boundary and in the event of the side boundaries of the land not being parallel, the average of the distances so measured is the width of the frontage.

(II) where a corner of an allotment at the junction or intersection of any streets has been truncated—

(i) the width of the frontage shall be measured from a point at the intersection of the prolongations of the side and front boundaries of the allotment; and

(ii) the area shall be calculated as if the land thereby excised were portion of the allotment;

(iii) where the lot is of such irregular proportions or on such a steep slope that neither of the above methods can reasonably be applied, such length as the Council may determine.

"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 Part 4 Non Conforming Use of Land.

"Extractive Industry" includes the extraction of sand, gravel, clay, turf, soil, rock, stone minerals or similar substance from the land, also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

"Fish Shop" means a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises.

"Flat Building" means a building containing two or more separate tenements, and which is not capable of subdivision other than subdivision under the Strata Title Act as amended.

"Floor Area" shall have the same meaning as is given to it and for the purposes of the Uniform Building By-laws.

"Frontage" means the boundary line between a site and the street which that site abuts, and when the site abuts on more than one street, then the boundary line between the site and the street to which the main building erected thereon, fronts. If no building has been erected, or if the building appears to front on to more than one street, then the frontage shall be the boundary line between the site and the street nominated by the Council.

"Fuel Depot" means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a service station.

"Funeral Parlour" means land and building occupied by undertakers where bodies are stored and prepared for burial or cremation.

"Gazettal Date" means the date on which notice of the approval of the Minister to this Planning Scheme is published in the *Government Gazette*.

"General Industry" means any industry other than a hazardous, light, noxious, rural, extractive or service industry.

"General Residential Zone" means a portion of the district of the Shire of Wanneroo which is defined as such a zone and classified by the Council as Class 4 (G.R.4) Class 5 (G.R.5) Class 6 (G.R.6) under the Scheme.

"Group Housing" includes patio housing, row housing, terrace housing, town housing and triplex and quadruplex dwellings.

"Hazardous Industry" means an industry which by reason of the processes involved or the method of manufacture, or the nature of the materials used or produced requires isolation from other buildings.

- "Health Centre" means a maternal or X-ray centre, a district clinic, a masseur's establishment, or a medical clinic.
- "Health Studio" means a building designed and equipped for recreation and sporting activities and includes outdoor recreation if especially approved by Council.
- "Height" has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws.
- "Holiday Cottages" mean two or more detached dwellings on one lot let for holiday purposes none of which is occupied by the same tenant for a continuous period of more than four months.
- "Home Occupation" means a business carried on with the permission of the responsible authority within a house or the curtilage of a house that—
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
 - (b) does not entail the employment of any person not a member of the occupier's family except in the case of a professional person;
 - (c) does not occupy an area greater than 200 square feet;
 - (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 two (2) square feet in area.
- "Hospital" means any building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care.
- "Hotel" means land and buildings the subject of a Publicans General Licence, an Hotel Licence or a Wayside-House Licence granted under the provisions of the Licensing Act, 1911 (as amended), or of any Act in substitution for that Act, but does not include a motel.
- "Industry" means the carrying out of any process for and incidental to—
- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or breaking up or demolition of any article or part of any article,
 - (b) the winning, processing or treatment of minerals,
 - (c) the generation of electricity or the production of gas, and
 - (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with—
 - (i) the carrying out of agriculture;
 - (ii) site work on buildings, works or land; and
 - (iii) in the case of the manufacture of goods referred to in sub-paragraph (d) above, the preparation on the premises of a shop of food for sale;
 and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process;
- "Institutional Building" means a building used or designed for use wholly or principally for the purpose of—
- (a) a hospital or sanatorium for the treatment of infectious or contagious diseases,
 - (b) a home or other institution for care of State Wards, orphans, or persons who are physically or mentally handicapped.
 - (c) a penal or reformatory institution,
 - (d) a hospital for treatment or care of the mentally sick, or
 - (e) any other similar use.

"Institutional Home" means a residential building for the care and maintenance of children, the aged or the infirm, and includes a benevolent institution, but does not include a hospital or a mental institution.

"Land" includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

"Light Industry" means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to 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.

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

"Marine Filling Station" means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on, but does not include a service station.

"Marina" means a safe anchorage for small boats, at which provisions, supplies, etc., may be obtained.

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

"Motel" means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to an hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

"Motor Repair Station" means land and buildings used for or in connection with mechanical repairs and overhauls including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

"Museuni" means a place preserving and exhibiting works of nature, art, curiosities, etc., also any collection of such objects.

"New Street Alignment" (see street alignment).

"Non-conforming Use" means the use of land which, though lawful immediately prior to the coming into operation of this 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 does not include fish shops or dry cleaning establishments.

"Objects of Natural Beauty" mean the natural beauties of the area including lakes and other inland water, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the sea hill slopes and summits and valleys.

"Office" means the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature, or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.

"Open Air Display" means the use of land as a site for the display and/or sale of goods and equipment.

"Owner" in relation to any land includes the Crown and every person who jointly or severally, whether at law or in equity—

- (a) is entitled to the land for any estate in fee simple in possession or
- (b) is a person to whom the crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessee or licensee from the Crown, or
- (d) is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive the rents and profits thereof whether as a beneficial owner, trustee, mortgagee in possession or otherwise.

"Patio Housing" means a group, or cluster, or row of single storey houses, each of which—

- (i) is attached to at least one other dwelling unit in the group by a party wall, or walls on the common boundary;
- (ii) has at least one private walled court yard or garden.

"Petrol Filling Station" means land and buildings used for the supply of petroleum products and automotive accessories.

"Plot Ratio" has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws.

"Private Hotel" means land and buildings used for residential purposes in respect of which may be granted an hotel licence under the provisions of the Licensing Act, 1911 (as amended), or any Act in substitution for that Act.

"Private Recreation" means the use of land for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

"Professional Offices" means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiropractist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), or town planner, and "professional person" has a corresponding interpretation.

"Public Amusements" means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.

"Public Assembly—Place of" means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, race-courses, trotting tracks, stadia, or showgrounds.

"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 Recreation" means the use of land for a public park, public gardens, foreshore reserve playground or grounds for recreation which are normally open to the public without charge.

"Public Utility" means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

"Public Worship" includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.

"Quadruplex" means a building comprising four complete and self-contained dwellings but does not include a building in which the units or any of them are constructed one over the other.

"Redevelopment" means revision or replacement of an existing land use according to a controlled plan.

"Reformatory Institution" includes a penal institution.

- "Residential Building" means a building, other than a dwelling house or flats designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club.
- "Row Housing" means a building of one or two storeys comprising a group of four or more self contained dwellings, each on its own lot of not less than twelve perches, having a walled court front and rear, each attached to another by a party wall or walls constructed over the allotment boundaries.
- "Rural Industry" means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop, servicing plant or equipment used for rural purposes in the locality.
- "Rural Pursuit" means and includes agriculture, horticulture, forestry, pasture and poultry farming.
- "Sawmill" means a mill a premises where logs or large pieces of timber are sawn but does not include joinery works unless logs or large pieces of timber are sawn therein.
- "Service Industry" means a light industry carried 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 Shop" means a shop forming part of a residential, factory office building, or hotel, and designed principally to serve the residents of the building.
- "Service Station" means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs.
- "Shire" means the Shire of Wanneroo.
- "Shop" means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot, but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles, or for any purpose falling within the definition of industry.
- "Showrooms" means rooms in connection with warehousing or offices, and intended for display of goods of a bulky character.
- "Sports Ground" means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.
- "Street Alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.
- "Tavern" means a tavern as defined pursuant to the Liquor Act, No. 34, 1970.
- "Terrace Housing" means a building of one or two storeys comprising a group of five or more self-contained dwellings, each joined to another by a party wall or walls, the building being so designed that no dwelling is constructed over another.
- "Town Housing" means a building of not more than three storeys, comprising a row of four or more self-contained houses, each on its own lot of not less than twelve perches, having a walled court front and rear, each attached to another by a party wall or walls constructed over the lot boundaries.
- "Trade Display" means the controlled and moderate display of goods for advertisement as approved by Council.
- "Transport Depot" means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes maintenance and repair of vehicles.

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

"Uniform Building By-laws" means the Uniform Building By-laws, 1965, published in the *Government Gazette* on the 15th October, 1965, and amended from time to time thereafter by notices published in the *Government Gazette*.

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

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

"Vehicle" includes a tractor.

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

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

"Zone" means a portion of the Scheme area shown on the map by distinctive colouring, hatching, or edging for the purpose of indicating the restrictions imposed by the Planning Scheme on the erection and use of buildings or the use of land, but does not include land reserved.

PART 2.—RESERVED LAND.

2.1 Regional Reservations: The lands shown as "Regional Reservations" on the Scheme Map are lands reserved by the Metropolitan Region Authority pursuant to the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme 1959 as amended.

2.2 Any application for the approval of the Council to commence development on land reserved or abutting a reserve defined in the Metropolitan Region Planning Scheme shall be submitted in duplicate to the Council together with such plans as the Council may reasonably require. The Council shall refer the application together with its recommendation to the Metropolitan Region Planning Authority for determination in accordance with Clause 29 of the Metropolitan Region Planning Scheme.

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

2.4 Uses: Local Authority Reservations until vested in Council 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 authority;
- (c) for the purpose it was being lawfully used immediately prior to the scheme having the force of law, or the repair and maintenance, for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land;
- (d) for any purpose approved by the Council; with or without conditions but shall not be used for any other purpose.

2.5 Development: Except as otherwise provided in this Part a person shall not without first applying for and obtaining the written approval of Council—

- (a) demolish or damage any buildings or works,
- (b) remove or damage any tree,
- (c) excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved,
- (d) construct, extend, or alter any building or structure other than a boundary fence.

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

2.7 In giving its approval to the use or development of a Local Authority Reservation the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its approval.

2.8 If the Council shall—

- (a) refuse to grant its approval to the use of a Local Authority Reservation for any purpose permitted on land adjoining it; or
- (b) refuse to grant its approval to the carrying out of any of the works mentioned in clause 2.4 hereof; or
- (c) when granting its approval to the carrying out of any of the said works impose conditions which are unacceptable to the person applying for such approval;

and if—

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

then the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.9 Compensation Claim Procedure: Any claim for such compensation shall be in the Form 4 to the Metropolitan Region Scheme 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.

2.10 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

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

PART 3.—USE ZONING—EFFECT AND PROCEDURES.

3.1 Zones: Notwithstanding anything to the contrary in this Scheme and without affecting the generality of Clause 1.3 Part 1 the Council may, with the consent of the Minister, or when required by the Metropolitan Region Planning Authority so to do, shall require that the development of any land within the District, however zoned, shall be subject to the provisions of clauses 10, 24 and 30 of the Metropolitan Region Scheme.

3.2 Land, other than land reserved under Part 2 of this Scheme, is classified into zones as set out hereunder:—

- (1) Residential Zone.
- (2) General Residential G.R. 4 Zone.
- (3) Residential Development Zone.
- (4) Commercial Zone.
- (5) Civic Zone.
- (6) Hotel Zone.
- (7) Service Station Zone.
- (8) Light Industrial Zone.
- (9) General Industrial Zone.
- (10) Rural Zone.
- (11) Whitford Town Centre Zone.
- (12) Special Development Zone A.

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

3.4 Zoning Table:

The Zoning Table (Table No. 1) at the end of Part 3 indicates subject to the provisions of the Scheme, the uses permitted in the various zones.

The uses are determined by cross reference between the list of "Use Classes" on the left hand side of the Zoning Table and the list of Zones on the top of the Zoning Table.

3.5 The symbols used in the cross reference in Table No. 1 appended to this clause have the following meanings:—

- "P" == A use that is permitted under this Scheme.
- "AA" == A use that is not permitted unless approval is granted by the Council.
- "IP" == A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.
- "X" == A use that is not permitted.

3.6 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.

3.7 Uses not listed: If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes such use or purpose shall unless it is permitted by the subsequent provisions of the Scheme be deemed to be a use that is not permitted unless SPECIAL approval is granted by the Council.

3.8 Application for Approval or Special Approval of Council: Any person who desires to use land for a purpose which by the provisions of this Scheme is only permitted if approval or special approval is given by the Council shall make application for such approval to the Council in writing. This application shall be in addition to an application for approval to commence development if such is required under Clause 7.1.

3.9 The application shall state the following particulars:—

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

3.10 Special Approval of Council Uses not listed: Before approving by virtue of Clause 3.7 a use not listed in the Zoning Table, the Council shall ensure that a notice of sufficient size to be visible and readable from the street, has been displayed in a prominent position on the land, explaining the proposed use. The notice shall be exhibited for a period of not less than three weeks and shall state that objections may be lodged with the Council before a specified date, being not less than three weeks after the display of the notice.

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

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

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

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

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

3.16 If so directed by the Council the applicant shall—

- (a) Cause to be sent by certified post to the owners whose names and addresses have been given to him by the Council and to all persons having an interest in the land the subject of the application a copy of his application to the Council; and
- (b) Cause to be published in a newspaper circulating in the Scheme area notice of the application setting out in an abbreviated form the information contained in his application and stating that objections may be made to the Council within twenty-eight days from the publication of the said notice.

3.17 At a subsequent meeting of the Council held, if notices have been given after the expiration of twenty-eight days from the publication of the said notice and after the expiration of twenty-eight days from the posting of the said notice to the owners whichever is the later, the Council shall again consider the application and any objections received and may grant its approval or may refuse its approval, or grant its approval upon such conditions as it thinks fit, or may refer the matter to a subsequent meeting of the Council to be held not less than three weeks or more than six months after the passing of the resolution recommending referral.

3.18 Uses Marked AA in the Zoning Table:

In the case of an application for the Council's approval to a use shown in the Zoning Table with the symbol AA, indicating that the use is not permitted unless the approval of the Council is granted.

The Council shall consider the application, and may grant its approval, or may refuse its approval or grant its approval upon such conditions as it thinks fit, or may refer the matter to a subsequent meeting of the Council to be held not less than three weeks nor more than six months after the passing of the resolution recommending referral.

3.19 The Council may, if it considers it desirable to do so, require that any or all of the procedure laid down in clauses 3.10 to 3.17 be followed.

3.20 Council's Approval: In granting its approval to a use the Council shall take into consideration the following matters:—

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

3.21 Conditions of Approval: In granting its approval to a use the Council shall impose whatever conditions it considers necessary to avoid any adverse effect on the amenity of the neighbourhood, and in the case of an application under clause 3.7 to ensure that the use is no more detrimental than a use that could be permitted by the provisions of the Zoning Table.

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

3.23 Expenses. All expenses incurred by the Council in carrying out the foregoing procedures shall be re-imbursed by the applicant whether or not his application be approved.

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

3.25 Special Zones: In addition to the Zones mentioned in clause 3.2 there are hereby created Special Zones (Additional Use and Special Zones Restricted Use.)

3.26 Those portions of the Scheme Area specified in Section 1 of Schedule hereto are classified as Special Zones (Additional use).

3.27 Notwithstanding that a parcel of land described in Section 1 of Schedule 1 is within another Zone the land or any building or structure thereon may be used for the purpose set against the parcel of land in the said Section in addition to the other uses permitted in the Zone in which the land is situated.

3.28 Those portions of the Scheme area which are specified in Section 2 of Schedule 1 hereto or are shown as Special Zones on the Scheme Map hereby are classified as Special Zones (Restricted Use) for the uses or purposes set against such land respectively in Section 2 of the Schedule or the use or purpose shown on the Scheme Map as the case may be.

3.29 No person shall use any land or any building or structure thereon within a Special Zone (Restricted Use) except for the use or purpose set against such land respectively in Section 2 of Schedule 1 or shown on the Scheme Map.

Table 1
ZONING

Use Classes	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	General Residential GR. 4 ⁺	Residential Development	Commercial	Civic	Hotel	Service Station	Light Industrial	General Industrial	Rural	Whitford Town Centre	Special Development "A"
1. Amenity Building	X	X	AA	AA	X	X	X	P	P	X	AA	AA
2. Bathing and Boating Facilities	X	X	AA	X	X	X	X	X	X	AA	X	AA
3. Boatels	X	X	X	X	X	X	X	X	X	AA	X	X
4. Builders Yard, Dump	X	X	X	X	X	X	X	AA	AA	AA	X	AA
5. Canteen	X	AA	IP	X	AA	X	X	P	P	X	IP	IP
6. Camping Area	X	X	AA	X	X	X	X	X	X	AA	X	AA
7. Caravan Park	X	X	AA	X	X	X	X	X	X	AA	X	AA
8. Caretakers House/Flat	AA	AA	AA	IP	AA	IP	AA	AA	AA	IP	IP	AA
9. Car Park	IP	IP	AA	IP	AA	AA	AA	AA	AA	IP	IP	AA
10. Car Sales Premises	X	X	AA	AA	X	X	X	AA	AA	X	AA	AA
11. Car Wrecking	X	X	X	X	X	X	X	X	AA	X	X	X
12. Cemeteries/Crematoria	X	X	X	X	X	X	X	X	X	AA	X	X
13. Child Minding Centre	AA	AA	AA	AA	AA	X	X	X	X	X	AA	AA
14. Civic Building	AA	AA	AA	AA	P	X	X	X	X	AA	AA	AA
15. Clinic Infant Health	AA	AA	AA	AA	AA	X	X	X	X	AA	AA	AA
16. Clinic Medical	AA	AA	AA	AA	AA	X	X	X	X	AA	AA	AA
17. Club Nou Residential	AA	AA	AA	AA	X	IP	X	X	X	AA	AA	AA
18. Commercial Uses not mentioned elsewhere in use classes	X	X	X	AA	X	X	X	X	X	X	AA	X
19. Consulting Rooms	AA	AA	AA	P	X	X	X	X	X	AA	P	AA
20. Convalescent Home	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
21. Depots for the sale and distribution of coal, coke, firewood	X	X	X	X	X	X	X	P	P	AA	X	X
22. Drive-In-Theatre	X	X	AA	AA	X	X	X	P	X	AA	AA	AA
23. Dry Cleaning Premises	X	X	X	AA	X	X	X	P	P	X	AA	X
24. Dwelling House	P	P	P	X	X	X	X	X	X	P	X	P
25. Duplex House Shire	AA	P	AA	X	X	X	X	X	X	AA	X	AA
26. Duplex House G.R. 4	X	P	X	X	X	X	X	X	X	X	X	X
27. Eating House	X	X	X	P	X	IP	IP	X	X	AA	P	X
28. Educational Establishment	AA	AA	AA	AA	X	X	X	X	X	AA	AA	AA
29. Equestrian Establishment	X	X	X	X	X	X	X	X	X	AA	X	X
30. Fish Shop	X	X	X	AA	X	X	X	X	X	X	AA	X
31. Flat Building	X	P	AA	AA	X	X	X	X	X	X	AA	AA
32. Fuel Depot	X	X	X	X	X	X	X	X	AA	X	X	X
33. Funeral Parlour	X	X	X	AA	X	X	X	X	X	X	AA	X
33a. Group Housing, including Triplex and Quadruplex	X	P	AA	X	X	X	X	X	X	X	X	AA
34. Hall, Church	AA	AA	AA	AA	AA	X	X	X	X	AA	AA	AA
35. Hall, Public, Dance, Concert	X	X	X	AA	AA	IP	X	X	X	AA	AA	X
36. Hall, Youth	AA	AA	AA	AA	AA	X	X	X	X	AA	AA	AA
37. Health Centre	AA	AA	AA	P	AA	X	X	X	X	X	P	AA
38. Health Studio	X	X	X	P	X	X	X	AA	X	AA	P	AA
39. Holiday Cottages	X	X	AA	X	X	AA	X	X	X	AA	X	AA
39a. Home for the Aged	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
40. Home Occupation	AA	AA	AA	IP	X	X	X	X	X	AA	IP	AA

Table 1
ZONING

Use Classes	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	General Residential GR. 4	Residential Development	Commercial	Civic	Hotel	Service Station	Light Industrial	General Industrial	Rural	Whitford Town Centre	Special Development "A"
41. Hospital Private Inc. "C" Class	AA	AA	AA	X	X	X	X	X	X	X	X	AA
42. Hospital Public	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
43. Hostel Youth/Camp	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
44. Hotel/Motel	X	X	X	X	X	P	X	X	X	X	X	X
45. Industry, General	X	X	X	X	X	X	X	X	P	X	X	X
46. Industry, Extractive	X	X	AA	X	X	X	X	X	X	AA	X	X
47. Industry, Hazardous	X	X	X	X	X	X	X	X	AA	X	X	X
48. Industry, Light	X	X	X	AA	X	X	X	P	P	X	AA	X
49. Industry, Noxious	X	X	X	X	X	X	X	X	AA	X	X	X
50. Industry, Rural	X	X	X	X	X	X	P	P	P	X	X	X
51. Industry, Service	X	X	X	AA	X	X	X	P	P	X	AA	X
52. Institutional Building	X	X	X	X	X	X	X	X	X	X	X	X
53. Institutional Home	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
54. Kindergarten	AA	AA	AA	AA	AA	X	X	X	X	AA	X	AA
55. Laundry, Automotive (Laundrette)	X	AA	X	AA	X	IP	X	X	X	X	AA	X
56. Library	AA	AA	AA	P	AA	X	X	X	X	X	AA	AA
57. Marina	X	X	X	X	X	X	X	X	AA	X	X	X
58. Marine Filling Station	X	X	X	X	X	X	X	X	AA	X	X	X
59. Milk Depot	X	X	X	X	X	X	X	P	P	AA	X	X
60. Motel (Unlicensed)	X	AA	AA	AA	X	AA	X	X	X	X	AA	AA
61. Motor Bus Depot	X	X	AA	AA	X	X	X	AA	X	AA	AA	AA
62. Motor Repair Station	X	X	X	X	X	X	X	X	AA	X	X	X
63. Museum	X	X	AA	AA	AA	X	X	AA	AA	X	AA	AA
64. Noxious Industry	X	X	X	X	X	X	X	X	AA	X	X	X
65. Office	X	IP	IP	P	IP	IP	X	IP	IP	IP	P	IP
66. The office of a professional where it is within a dwelling house	AA	AA	AA	X	X	X	X	X	X	AA	X	AA
67. Panel Beating	X	X	X	X	X	X	X	X	AA	X	X	X
68. Petrol Filling Station	X	X	X	AA	X	X	P	X	X	X	AA	X
69. Piggery	X	X	X	X	X	X	X	X	X	AA	X	X
70. Playing Fields (not including places used at night)	AA	AA	AA	AA	P	X	X	X	X	P	AA	AA
71. Playing field used at night	X	X	AA	AA	X	X	X	X	X	AA	AA	AA
72. Private Club Hotel	X	AA	AA	X	X	X	X	X	X	X	AA	AA
73. Private Recreation	AA	AA	AA	AA	AA	X	X	X	X	AA	AA	AA
74. Professional Office	X	X	AA	P	AA	AA	X	X	X	X	AA	AA
75. Public Amusement	X	X	X	AA	IP	IP	X	X	X	IP	AA	AA
76. Public Assembly	X	X	X	AA	IP	X	X	X	X	AA	AA	AA
77. Public Recreation and buildings used in conjunction with and for the purpose of playing fields and recreation grounds	AA	AA	AA	AA	AA	AA	X	AA	AA	AA	AA	AA
78. Public Utility	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
79. Public Worship	AA	AA	AA	AA	X	X	X	X	X	AA	AA	AA

Table 1
ZONING

Use Classes	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	General Residential G.R. 4	Residential Development	Commercial	Civic	Hotel	Service Station	Light Industrial	General Industrial	Rural	Whitford Town Centre	Special Development "A"
80. Radio/TV Installation	X	X	X	AA	X	X	X	AA	AA	X	AA	X
81. Reformatory Institution	X	X	X	X	X	X	X	X	X	X	X	X
82. Residential Building	AA	AA	AA	AA	X	X	X	X	X	AA	AA	AA
83. Rooms for the Exhibition of works of art, photographs and for instruction	X	X	AA	AA	AA	IP	X	AA	AA	X	AA	AA
84. Rural Use	X	X	AA	X	X	X	X	X	X	P	X	AA
85. Service Station	X	X	X	X	X	X	P	X	X	X	AA	X
86. Shop	X	IP	X	P	IP	AA	X	IP	IP	X	P	AA
87. Showroom	X	X	X	AA	X	X	X	P	P	X	X	X
88. Sports Ground	X	X	X	X	IP	X	X	X	X	AA	X	AA
89. Stock Yard, Stock Sale Yard	X	X	X	X	X	X	X	X	X	AA	X	X
90. Tavern	X	X	X	AA	X	P	X	AA	AA	X	AA	X
91. Theatre not being Drive-In or Open Air Theatre	X	X	X	AA	AA	X	X	X	X	X	P	X
92. Totalizator Agency	X	X	X	AA	X	X	X	X	X	X	AA	AA
93. Transport Depot	X	X	X	AA	X	X	X	AA	AA	AA	AA	X
94. Trade Display	X	X	X	AA	X	X	X	AA	AA	AA	AA	X
95. Veterinary Establishment (Animal Hospital, Kennels, cats home)	X	X	X	X	X	X	X	P	X	AA	X	X
96. Veterinary Establishment (Consulting Rooms)	X	X	AA	P	X	X	X	P	X	X	AA	AA
97. Warehouse	X	X	AA	X	X	X	X	P	P	X	AA	X
98. Woodyard	X	X	X	X	X	X	X	AA	AA	AA	X	X
99. Works Room or Rooms (connected with a shop in which not more than one half of the total floor area of such premises is used as a work room or rooms)	X	X	X	AA	X	X	X	AA	AA	X	AA	AA

Table No. 1a

ESTIMATES OF LAND USE ALLOCATION—WHITFORD PROJECT AREA

ESTIMATES OF LAND USE ALLOCATION

An outline of land use allocation is drawn up by the following table:

Zone or Reservation	ORIGINAL OWNER OR CONTRIBUTOR (after Land Exchanges)				
	NWE	WB	BP	Crown	Total
Open Space (Region—Coastal)	24.5	20	52	90	186.5
Open Space (Region—Recreation) (ex cemetery) ....	....	....	....	166	166
Open Space (L.A.)	154.9	159+	56.5	....	371
Schoolsites	74	72.5	17	26.5	190
Single Residential (including area of access roads)	990.5	1133	382	....	2506
Group Residential (including area of access roads)	55	65	25	....	145
Multiple Residential (including area of access roads)	15	15	5	....	35
Whitford Town Centre	22.5	22.5	....	....	45
Commercial—other than Town Centre (estimated)	11	10	6	....	27
General Industry....	....	....	....	93	93
Tertiary Education ....	....	....	....	131	131
M.W.S. (Reservoir) ....	....	....	....	21	21
M.W.S. (Sewage Treatment) ....	....	....	....	206	206
Cemetery ....	....	....	....	332	332
Service Stations (estimated)	2.5	3.5	1.5	....	7.5
C.A. Roads	55	57	39	10	127
Special Public Purposes ....	....	....	....	19	19
Civic and other (incl. private schools) (estimated)	25	20	10	....	55
National Fitness ....	....	....	....	68	68
Hotels	5	5	5	....	15
Total	1436 (calculated)	1584 (actual)	600 (estimated)	....	....

PART 4.—NON-CONFORMING USE.

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 lawfully used at the time of the coming into force of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits required under the Town Planning and Development Act, 1928 (as amended) or any other law authorising the development to be carried out had been duly obtained and was current.

4.2 Non-conforming Use and Reserved Lands: Where in respect of land reserved under Part 2 of the Scheme, a non-conforming use lawfully exists or was authorised as mentioned in clause 4.1 of this Part on that land all or any erections, alterations or extensions of the buildings thereon or use thereof shall not be carried out unless the approval of the Council has been obtained in writing.

4.3 Extension of Buildings: Where in respect of land zoned under Part 3 of the Scheme a non-conforming use exists or was authorised as mentioned in clause 4.1 of this Part on that land, and provided the prior consent in writing of the Council has been obtained, buildings may be extended to the limits prescribed by the Uniform Building By-laws made under the Local Government Act 1960 (as amended), or by any other by-laws made under that Act 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 coming into force of the Scheme. Provided that where the provisions of any by-law referred to in this Part are inconsistent with the provisions of this Scheme, then the provisions of this Scheme shall prevail.

4.4 Change of Non-Conforming Use: The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use, or is in the opinion of the Council closer to the intended uses of the ZONE.

4.5 Discontinuance of Non-Conforming Use:

- (a) Notwithstanding the preceding provisions of this Part except where a change of non-conforming use has been permitted by the Council under clause 4.4 when a non-conforming use of any land or building has been discontinued for a period exceeding six months such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- (b) Notwithstanding the provisions of Clause 4.1 of this Section, should any building or works comprised in such 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, such land shall be used only in conformity with the provisions of the Scheme.
- (c) The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.6 Register of Non-Conforming Uses: Any person carrying on a non-conforming use, shall within two calendar months of the receipt of a written request from Council, give to the Council in writing full information of the nature and extent of the non-conforming use.

PART 5.—GENERAL PROVISIONS.

5.1 Residential Development Zone: Before granting approval for any of the uses permitted within the Residential Development Zone subject to Council approval under Table No. 1 the Council may require the submission of and agreement to an Outline Development Plan for such areas as are the subject of an application to develop or subdivide together with other areas determined by the Council having regard to—

- (a) The major road systems under the Scheme.
- (b) Topographic conditions.
- (c) Land holdings adjacent to or in the vicinity of the subject land.
- (d) The necessity of providing civic and public facilities.

5.2 Outline Development Plans shall be prepared for areas determined by the Council under clause 5.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Town Planning Board for approval.

5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show—

- (a) The location and width of the distributor road system proposed.
- (b) The approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities.
- (c) The distribution of the recreation and open space areas proposed.
- (d) The population and residential densities proposed.

5.4 (a) Upon preparation of an Outline Development Plan the Council shall subject to sub-clause (b) here-under, advertise that such plan has been prepared and will be available for public inspection and the lodgement of any objections thereto.

(b) The Minister for Town Planning acting upon the advice of the Town Planning Board, may decide in the circumstances of any particular case that the provisions of sub-clause (a) are not applicable, and the Council shall be advised accordingly.

(c) Advertisement of the preparation of an Outline Development Plan shall be by notice for each of three consecutive weeks in a newspaper circulating in the District of the Shire of Wanneroo and shall state a date on which objections to the Outline Development Plan may be made, such date being not less than 21 days from the date of the last advertisement.

(d) In addition to newspaper advertisements, the Council may advise each of the owners in writing that such land has been included within a Residential Development Zone, and that an Outline Development Plan has been, or will be, prepared.

(e) Objections under sub-clause (b) or (d) of this clause shall be in writing addressed to the Clerk of the Council.

5.5 The Council shall consider the objections if any made under clause 5.4 and may amend the Outline Development Plan after such consideration of objections.

5.6 The Council shall submit the Outline Development Plan so prepared to the Town Planning Board together with the objections received under clause 5.4 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.

5.7 Where the owners of land within the area covered by an Outline Development Plan are aggrieved by the decision of the Council pursuant to clause 5.3 or where the Council is aggrieved by a decision of the Board pursuant to clause 5.6 an appeal to the Minister for his determination may be made and the decision of the Minister shall be final.

5.8 Minimum Development Requirements: Subject to the provisions of this Scheme, no person shall develop any land or use any building for any of the purposes mentioned in Column No. 1 of Table No. 2 in Column No. 1 of Table No. 3 in Column No. 1 of Table No. 4, or in Column No. 1 of Table No. 5, unless such development or building is in accordance with the standards set against such purpose in the said tables.

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

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

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

5.12 In a Commercial Zone, the Council may permit a departure from the setback provisions of Table 2-5 inclusive, under the following circumstances:—

Where it is considered that a variation would increase road safety, reduce traffic hazard, increase the number of parking spaces and would not reduce environmental and amenity standards, either for the new shops or for the adjoining properties.

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

5.14 When considering any development application, the Council shall have regard to and may impose conditions on the details of locating and designing the required car parking spaces, natural planting and pedestrian spaces on the lot.

In particular the Council shall take into account and may impose conditions concerning—

- (a) The proportion of car spaces to be roofed or covered.
- (b) The proportion of car spaces to be below natural ground level.
- (c) The means of access to each car space and the adequacy of any vehicular 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 natural planting; and
- (h) The suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

- (i) In Industrial and Light Industrial Zones, when submitting an application to the Council for approval to commence development, the developer shall indicate so far as is reasonably possible the number of persons likely to be employed in the building upon the parcel of land for which development approval is sought.
- (j) Council may permit car parking to be provided in two or more stages, subject to the developer setting aside the required area of land and entering into an agreement to provide additional parking up to the requirements of the Scheme, when requested in writing by Council to do so.

5.15 Cash Payment in lieu of providing parking spaces: The Council may accept a cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this clause.

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

5.16 Shire Duplex Houses: The following provisions shall apply to duplex houses in the Residential zone and the Residential Development zone.

- (a) The duplex shall be so designed as to give the external appearance of a single dwelling.
- (b) There shall be only one main service driveway.
- (c) Unless in any particular case the Council otherwise determines, garages and carports, if visible from the street, shall be paired.
- (d) Plumbing fittings in one unit shall be separated from those in the other unit and so constructed as not to be heard in the other unit.
- (e) Garages or carports, if constructed integrally with the main building, may be located within a side set back area, but not nearer than five feet from the side boundary.

This provision shall apply only if main external walls of the duplex are not less than the distance from the side boundaries prescribed in Table No. 2.

5.17 Preservation of Amenities: No building shall be so constructed or finished or left unfinished that its external appearance would disfigure the locality or tend to depreciate the value of adjoining property. Further all land and buildings shall be so used and maintained as to preserve the amenities of the neighbourhood in which they are situated.

5.18 Nuisance: No lot, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent or in such a manner as to create or to be a nuisance to any inhabitant of the neighbourhood of such land or to traffic or persons using roads in the vicinity.

5.19 Traffic Entrances: If in the opinion of the Council separate entrances to and exits from any lot for road vehicles are desirable for the avoidance of traffic hazards on public roads adjacent thereto it may require the owner to provide such entrances and exits as it may direct.

5.20 General Industrial and Light Industrial Zones: Before granting approval for any of the uses permitted within the General Industrial and Light Industrial Zones or subject to Council approval under Table No. 1 the Council may require the submission of and agreement to an Outline Development Plan for such areas as are the subject of an application to develop or sub-divide together with other areas determined by the Council having regard to—

- (a) the major road systems under the Scheme;
- (b) topographic conditions;
- (c) land holdings adjacent to or in the vicinity of the subject land;
- (d) the necessity of providing civic and public facilities.

5.21 Outline Development Plans should be prepared for areas determined by the Council under clause 5.21 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Town Planning Board for approval.

5.22 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and if so required by Council shall show—

- (a) the location and width of the distributor road system proposed;
- (b) the distribution of the recreation and open space areas proposed.

5.23 (a) Upon preparation of an Outline Development Plan the Council may advertise that such plan has been prepared and will be available for public inspection and the lodgement of objections thereto.

(b) Advertisement of the preparation of an Outline Development Plan shall be by notice for each of three consecutive weeks in a newspaper circulating in the district of the Shire of Wanneroo and shall state a date on which objections to the Outline Development Plan may be made such date being not less than 21 days from the date of the last advertisement.

(c) Objections under sub-clause (b) of this clause shall be in writing addressed to the Clerk of the Shire.

5.24 The Council shall consider the objections if any made under clause 5.23 and may amend the Outline Development Plan after such consideration of objections.

5.25 The Council shall submit the Outline Development Plan so prepared to the Town Planning Board together with the objections received under clause 5.23 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.

5.26 Where the owners of land within the area covered by an outline Development Plan are aggrieved by a decision of the Council pursuant to clause 5.22 or where the Council is aggrieved by a decision of the Board pursuant to clause 5.25 an appeal to the Minister for his determination may be made and the decision of the Minister shall be final.

5.27 Protection of Coastal Area: In order to preserve and protect against development which may, or could destroy the existing physical characteristics and flora adjacent to the coast no development except—

- (i) a public road,
- (ii) a building for the use or convenience of the general public,

and for which Council approval has been given shall be permitted within 300 feet of the seaward crest of a stable sand dune, which is undisturbed by wave or wind erosion. Saving that where the Minister for Town Planning determines that the public interest is better served by not requiring strict adherence to the above requirements he may on the recommendation of the Town Planning Board, in particular case, permit a use and/or development subject to such conditions as he thinks fit. (See Appendix A.)

5.28 Whitford Project Area: Proposed land uses for the general locality known as the Whitford Project area are shown in Scheme Map 7a, 7b, 7c, 7d, and 7e. 3c, and 3d.

- (a) Land has been classified by inclusion within various zones and reserves, in addition the various uses which may be permitted within the Whitford Project Area, are indicated in Table No. 1 ZONING. The general locations where a use or reserve may in principle be located are shown in Appendix C.
- (b) The total acreage of land that may be allocated to various land uses is indicated by Table No. 1a ESTIMATES OF LAND USE ALLOCATION.
- (c) Within the Special Development "A" Zone and the Whitford Town Centre Zone, when application is made to Council for approval to commence a use shown in columns 11 and 12 of Table No. 1 with the symbol "AA", the Council before determining the application shall take into account the following:—
 - (i) whether the proposed use would be detrimental to the amenity, public health, convenience and economy of the existing or planned uses nearby.
 - (ii) the necessity or otherwise of preparing a locality outline plan, in the absence of such plan.
 - (iii) the need or otherwise for the adoption of the advertising procedure laid down in Clauses 3.10 to 3.17.
 - (iv) any other matters as Council considers relevant.

5.29 Whitford Town Centre:

Land has been set aside as shown in the Scheme Map for the development of a Town Centre.

Planning and development of this centre shall be carried out to the approval of Council incorporating the following principles:—

- (1) The building group shall be designed to produce an integrated layout.
- (2) Building shall be of complementary design with particular reference to height and slope of pavings and cantilever awnings; and also in terms of colour, tone and texture of facing materials so that components of form and finish will blend harmoniously.
- (3) The design shall make provision for general uniformity of future outside advertising to be in keeping with the architectural character of the development.
- (4) Provision shall be made for planting and landscaping of development to enhance the environs and to secure a pleasant relationship between the centre and the existing and planned use of adjoining land.

5.30 Local Shopping Centres:

In order to meet the future needs of local retail trading and services, selected locations will be zoned progressively for future development as local shopping centres.

The planning design and development of these centres shall be carried out to the approval of the Council incorporating as far as possible the principles as set out for the Town Centre.

5.31 Notwithstanding the provisions of this Scheme, the Minister upon the recommendation of the Town Planning Board and after taking into consideration agreements between the original subdividers and the State Government, may vary Scheme requirements within the Whitford Town Centre Zone and the Special Development Zone "A".

Table No. 2
SITE AND CARPARKING REQUIREMENTS
(Uses generally of a Residential Nature)

1. Use	2. Minimum Lot Area	3. Minimum Frontage	4. Minimum Setbacks from Boundaries			5. Number of Parking spaces or garages to be provided	6. Maximum Plot Ratio	7. Maximum Site Coverage	8. Other Requirements and Variations
			Front	Side	Rear				
Dwelling House	Minimum 7,350.75 sq. ft. 27 perches	Minimum 59.4 ft. 90 links	As set down in the U.B.B.L.'s except for corner lots; see column 8			2	As set down in U.B.B.L.'s	As set down in U.B.B.L.'s	For corner lots, 25 feet to one street and 10 feet to the other; except that no por- tion of a building shall project into a "50 feet truncation" of the corner; as illustrated in Ap- pendix B
(Shire) Duplex	9,081 sq. ft. 36 perches	66 ft. to all streets 100 links	25 feet	10 ft. Single Storey; 15 ft. Two Storey	25 feet	4	0.33 Single Storey, 0.40 Two Storey	0.4	See Clause 5.17 for certain structural and environmental requirements
Consulting Rooms (incl. Medical and Dental Clinics)	8,712 sq. ft. if in Res. Zone, 32 perches	66 ft. to all streets 100 links	25 feet if in Res. Zone	10 ft. per Storey if in Res. Zone	25 feet	As determined by Council, Min. 6	0.30 if in Res. Zone	0.30	
Club, non Residential	40 perches ($\frac{1}{4}$ acre)	99 feet 150 links	30 feet	10 feet	25 feet	1 per 100 sq. ft. of gross floor area	0.50	0.30	
Res. Build. (inc. Boarding House, Lodging House, Hostel and Res. Club)	40 perches ($\frac{1}{4}$ acre)	66 feet 100 links	30 feet	10 feet	25 feet	1 per two persons including staff	0.50	0.30	
C-Class Hospital Con- valescent Home	80 perches ($\frac{1}{2}$ acre)	99 feet 150 links	30 feet	15 feet	25 feet	1 per four beds, including staff	0.50	0.30	Subject to Health Act

School	2 acres	99 feet 150 links	30 feet	30 feet	30 feet	1 per Class-room			All requirements may be reduced by Council in special circumstances
Kindergarten	....	....	80 perches ($\frac{1}{2}$ acre)	99 feet 150 links	25 feet	10 feet	25 feet			
Public Worship (incl. Church Hall)			80 perches ($\frac{1}{2}$ acre)	99 feet 150 links	30 feet	10 feet	10 feet	1 per 4 seats, on the basis of one seat being provided for each person attending	0.30	0.30	

Table No. 3
SITE AND CARPARKING REQUIREMENTS
(Low-density Flats)
GENERAL RESIDENTIAL ZONE—CLASS 4 (GR-4)

GR-4

Minimum Lot Area Perches	Sq. Ft.	Minimum Effective Frontage		Maximum No. of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum No. of Car Spaces	Minimum Setbacks from Boundaries		
		Links	Feet				Front	Side(s)	Rear
27	7,350.75	90	59.4	1 (Single-family detached unit)	0.30	2 per D.U.	25 feet	Minimum 8 ft. on one side and 5 ft. on the other or, where a garage is incorporated in the side of the structure, 5 ft. on each side	25 feet
40 ($\frac{1}{4}$ acre)	10,890	100	66.0	2 (GR. Duplex)	0.30	“	“	10 feet per storey each side	“
60	16,335	125	82.5	4 (GR. Quadruplex)	0.30	“	30 feet	10 feet per storey each side	“
80 ($\frac{1}{2}$ acre)	21,780	150	99.0	Multiple	0.30	5 D.U. or less—8 spaces	“	“ “ “	30 feet
100	27,225	175	115.5	“	P.R. increases	6-20 D.U.—1.5 spaces for each D.U.	“	“ “ “	“
120 ($\frac{2}{3}$ acre)	32,670	200	132.0	“	0.000625 for each Perch increase in Lot Area between 80 Perches and 400 Perches	Over 20 D.U.—30 spaces plus 1.25 spaces for each D.U. in excess of 20	“	“ “ “	“
160 (1 acre)	43,560	250	165.0	“	0.50	“	“	“ “ “	“
400 (2 $\frac{1}{2}$ acres)	108,900	300	198.0	“	“	“	“	“ “ “	“
Where comprehensive architectural plans and designs of houses, such as are commonly known as “patio houses,” are submitted for a minimum group of 4 dwelling units, the Council has, with the consent of the Town Planning Board, a discretion to modify standards as follows :—									
12	3,267	60	39.6	1 (single-family patio house)	0.35	1 per D.U.	20 feet	Nil between patio houses 10 feet at ends of each row	20 feet

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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 2 $\frac{1}{2}$ acres, the Minister may, after considering reports from the Council and the Town Planning Board, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 20 acres, the Minister may, after considering reports from the Council and the Town Planning Board, modify any standard, if he is satisfied that the modifications are both socially and aesthetically desirable.

Table No. 4

SITE AND CARPARKING REQUIREMENTS

(Uses generally of a Commercial Nature)

1. Use	2. Minimum Lot Size	3. Minimum Frontage	4. Minimum Setbacks from Boundaries			5. Minimum Number of Paved Parking Spaces or Garages to be provided	6. Maximum Plot Ratio	7. Maximum Site Coverage	8. Other Requirements and Variations	
			Front	Side	Rear					
Public Amusements (includes theatre and Cinema.)	6,000 sq. ft.	50 feet....	30 feet....	10 feet from side street (Cnr. lots only.)	*20 feet	1 to every 4 persons whom the building is designed to accommodate	....	....	*See note for shop. Requirements may be varied by Council in buildings designed for multiple uses
Hotel, with accommodation (does not include separately licensed bars or taverns)	3 acres....	300 feet	as determined by Council			....	1 space per bedroom, plus 1 space for each 20 sq. ft. of bar space and lounge area		
Hotel without accommodation (includes separately licensed bars or taverns)	....	....	as determined by Council						
Motel, Private Hotel	1 acre	200 feet	30 feet....	20 feet	10 feet....	1 space per unit; plus 1 space per three patrons where there is restaurant open to the public; plus 1 space per 25 sq. ft of licensed floor area exclusive of storage, service and refrigeration areas	Not to exceed two storeys, unless Council approves otherwise with appropriate conditions designed to protect the environment and amenity of the surrounding locality

Table No. 4.
 SITE AND CARPARKING REQUIREMENTS—*continued*
 (Uses generally of a Commercial Nature.)

1. Use	2. Minimum Lot Size	3. Minimum Frontage	4. Minimum Setbacks from Boundaries			5. Minimum Number of Paved Parking Spaces or Garages to be provided	6. Maximum Plot Ratio	7. Maximum Site Coverage	8. Other Requirements and Variations
			Front	Side	Rear				
Shop	2,000 sq. ft.	20 feet....	30 feet....	10 feet from side St (cnr lots only)	*20 feet....	**Up to 10,000 sq. ft. gross floor area, 1 space per 100 s.f.g.f.a. 10,000-100,000 s.f.g.f.a. 100 spaces plus 1 space per 80 sq ft in excess of 10,000 s.f.g.f.a.; over 100,000 s.f.g.f.a., 1,200 spaces plus as many additional spaces as determined by Council	....	....	*To provide for rear service access; may be varied in special circumstances with Council approval where alternative acceptable service access is provided **This requirement may be reduced by Council for a service shop in a block of flats or in an institutional building. Landscaping as required by Council up to 1/12th of Site Area
Offices ....	....	20 feet....	30 feet....	10 feet from side St (cnr lots only)	*20 feet	1 space per 300 sq. ft. of gross floor area	1.0	0.60	*See note for shop
Showroom	2,000 sq.	20 feet....	30 feet....	10 feet from side St (cnr. lots only)	*20 feet	1 to each 1,000 sq. ft. of gross floor area (incl. open areas); or 1 to every 2 employees; whichever is the greater; plus customer parking as determined by the Council	....	....	*See note for shop

Warehouse	2,000 sq. ft.	20 feet....	30 feet....	10 feet	*20 feet	1 to each 1,000 sq. ft. of gross floor area (incl. open areas); or 1 to every 2 employees, whichever is the greater, plus customer parking as determined by the Council	*See note for shop
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Table No. 5
SITE AND CARPARKING REQUIREMENTS
 (Uses generally of an Industrial Nature)

1. Use	2. Minimum Lot Area	3. Minimum Frontage	4. Minimum Setbacks from Boundaries			5. Number of Parking spaces or garages to be provided	6. Maximum Plot Ratio	7 Maximum Site Coverage	8 Other Requirements and Variations
			Front	Side	Rear				
Industry	*80 perches	*99 feet	30 feet to both streets for enr. lot	*10 feet	10 feet	One space for each two employees, plus 25% for customer parking; or one third of the site in addition to setback areas; whichever provides the greater number of spaces; where sales are not made from the premises, the 25% referred to above may be reduced to 10% where a showroom is attached to the premises; additional spaces at the rate of 1 space per 100 sq. ft. of gross floor area shall be provided			*Not applicable to plans or diagrams of survey created prior to the Gazettal of the Scheme. Parking Requirements may be reduced for lots less than a half acre in area. Landscaping as required by Council up to 1/12th of site area. Where a site has a street frontage at the front and rear, Council may reduce the side boundary set back to 5 feet
Light Industrial	*40 perches ($\frac{1}{4}$ acre)	*66 feet	*30 feet	10 feet	10 feet	One space for each two employees, plus 25% for customer parking, or one third of the site in addition to setback areas; whichever pro-			*See note for Industry. Parking requirements may be reduced for lots less than a half acre in area. Landscaping as required by Council up to 1/12th of

Warehouse	80 perches ($\frac{1}{2}$ acre)	99 feet	30 feet	10 feet, 30 feet to both streets for cnr. lot	20 feet**	vides the greater number of spaces, where sales are not made from the premises, the 25% referred to above may be reduced to 10% where a showroom is attached to the premises, additional spaces at the rate of 1 space per 100 sq. ft. of gross floor area shall be provided 1 to each 1000 sq. ft. of gross floor area (incl. open areas); or 1 to every 2 employees; whichever is the greater plus customer parking as determined by the Council	site area. Where a site has a street frontage at the front and rear Council may reduce the side boundary set back to 5 feet
Service Station	50 perches	120 feet (Both streets for cnr. lot)	30 feet (Both streets for cnr. lot)	10 feet	20 feet	1 to each working bay, plus 1 to each person employed on the site	**To provide for rear service access may be varied in special circumstances with Council approval where alternative acceptable access is provided Landscaping as required by Council up to 1/12th of site area

PART 6.—PRESERVATION AND CONSERVATION OF OBJECTS OF NATURAL BEAUTY AND HISTORICAL BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST.

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

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

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

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

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

6.4 The Council shall cause a copy of the preliminary resolution to be published in a newspaper circulating throughout the State of Western Australia and in a newspaper published in the Council's District if such exists.

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

6.6 The Council shall consider all written recommendations and objections submitted to it and may resolve that the object of natural beauty or the historical building or object of historical or scientific interest should be conserved or preserved as the case may be. If the Council shall pass the said resolution (hereinafter called "the preservation resolution") it shall give written notice thereof to all persons mentioned in clause 6.2 hereof.

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

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

6.9 The Council may—

- (a) enter into agreements with the owners or occupiers of land on which an object of natural beauty or historical building or object of historical or scientific interest is situated, for the preservation or conservation of such building or object whether a preservation resolution has been passed or not;
- (b) enter into agreements with any of the organisations named in paragraphs (d) (e) or (f) of clause 6.2 hereof or with any other person for the preservation or conservation of any building or object mentioned in a preservation resolution passed by the Council; or if the owner thereof so agrees, notwithstanding that no preservation resolution has been passed; and
- (c) enter into agreements relating to the determination and settling of compensation.

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

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

6.12 No person shall without the written consent of the Council—

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

PART 7.—DEVELOPMENT.

7.1 Council's Approval Necessary: In addition to a Building License, (where applicable), Council's prior approval to commence development is required for all development except in the case of zoned land a private dwelling house. In the case of land reserved by this Scheme or by the Metropolitan Region Planning Scheme approval to commence development is required for all development as provided hereunder.

7.2 Application to Council for approval to commence development shall be made on Form No. 1 in the Third Schedule hereto and in accordance with the directions thereon and shall be submitted to the Council in duplicate.

7.3 The Council shall—

- (a) where the application is for development of land reserved under Part 2 of the Metropolitan Region Town Planning Scheme, forward the application together with its recommendations to the Metropolitan Region Planning Authority for determination;
- (b) where the application is for the development of land reserved under Part 2 of this Scheme, or zoned under Part 3 of this Scheme, grant its approval with or without conditions, or refuse to grant its approval to the application in accordance with the power delegated by the Metropolitan Region Planning Authority under the Metropolitan Region Scheme Act;
- (c) where the application is for the development of land reserved under Part 2 of this Scheme, or zoned under Part 3 of this Scheme, and the subject of a notice under clause 32 of the Metropolitan Region Scheme, forward the application together with its recommendations to the Metropolitan Region Planning Authority for determination.

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

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

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

PART 8.—ADMINISTRATION AND FINANCE.

8.1 General Obligations: Subject to the provisions of the Act and all regulations made thereunder and to Part 4 of this Scheme, no person shall depart 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 undertake or permit any work if the use, new work, reconstruction, alteration, or modification does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

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

8.3 Acquisition of Land: The Council may acquire by purchase or resumption any land or buildings within the Scheme Area and for such purpose may enter into agreements and arrangements with any owners of land within the Scheme area.

8.4 Without affecting the generality of clause 8.3 the Council may acquire land on behalf of, and at the cost of, a developer by purchase or resumption, subject to the following provisions:—

- (a) The developer shall have agreed to use the land in accordance with the zoned use within a certain time after the land has been made available by the Council.
- (b) Subject to the prior approval of the Council, and subject to the other requirements of this clause the land may be used for a purpose other than the use for which it was zoned.
- (c) The developer shall show proof that he has negotiated unsuccessfully with the owners of the land during a period of not less than six months, and that these negotiations have been *bona fide* on the developer's part.
- (d) The Council shall discuss the proposal, including the proposed use, with all parties having an interest in the land.
- (e) The Council shall not proceed to acquire the land unless and until the Minister for Town Planning has consented to the proposal.

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

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

8.7 Entry to Premises: The Council, by an authorised officer, may 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.

8.8 Buildings and Works: Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

Any expenses incurred by the Council under the said Section may be recovered from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim.

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

8.10 Compensation: Unless otherwise provided in the Scheme claims for a compensation by reason of the Scheme other than for the purpose of Part 2 shall be made not later than six months, from the date on which notice of approval of the Scheme is published in the *Government Gazette* except in the case of land reserved under the Metropolitan Regional Planning Scheme where the provisions of Division 3 of Part 2 of the Metropolitan Region Scheme shall apply.

8.11 Relationship of Scheme Text to other Documents: This Scheme Text is to be read in conjunction with all documents comprising Wanneroo Shire Council Town Planning Scheme No. 1.

8.12 Penalties: Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and is liable to such penalties as are prescribed by the Town Planning and Development Act, 1928, and its amendments.

Schedule 1.

SPECIAL ZONES.

Section 1: Special Zones (Additional Use).

Street	Particulars of Land	Additional Use Permitted.
West Coast Highway	Lot 17 of Swan Location 59, Sorrento	Caravan Park.

Section 2: Special Zones (Restricted Use).

Street	Particulars of Land	Only Use Permitted.
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Dated the 24th day of May, 1972.

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

[L.S.]

M. NANOVICH,
President.
N. S. BENNETTS,
Shire Clerk.

Recommended—

J. E. LLOYD,
Chairman of the Town Planning Board.

Date: 4/8/1972.

Approved—

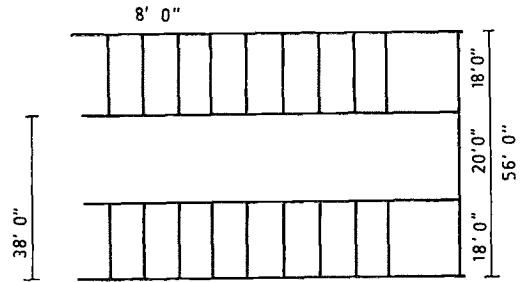
R. DAVIES,
Minister for Town Planning.

Date: 4/8/72.

THE SECOND SCHEDULE

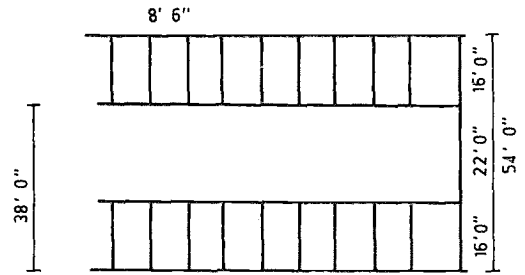
PARKING MODULES

1A. 90° PARKING

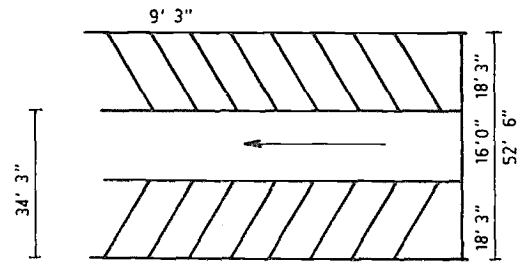


OR

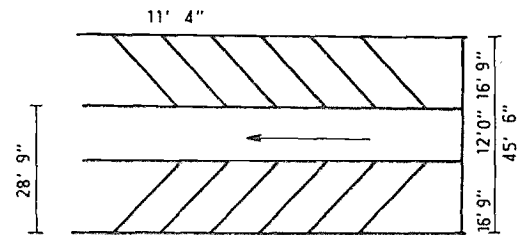
1B. 90° PARKING

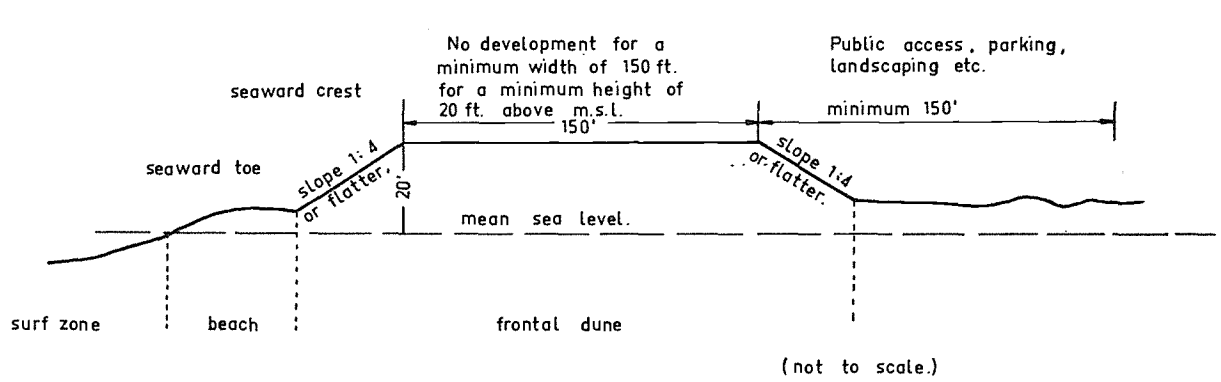


2. 60° PARKING



3. 45° PARKING

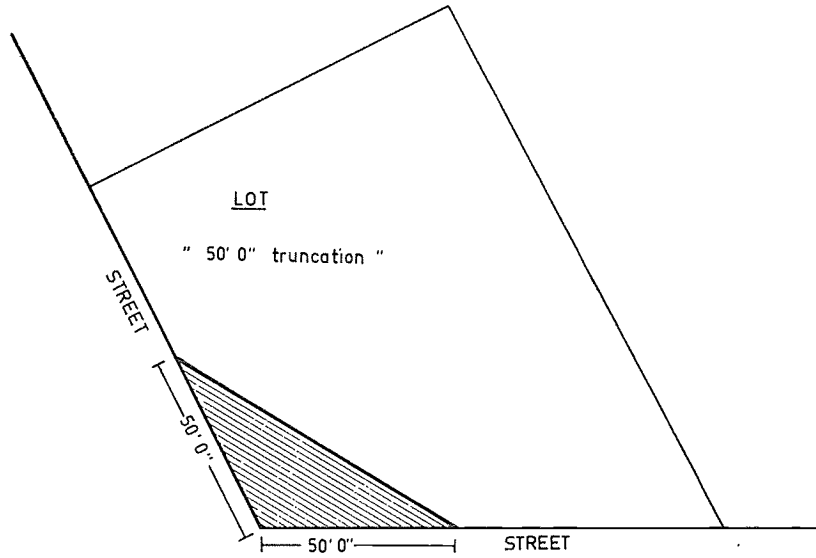




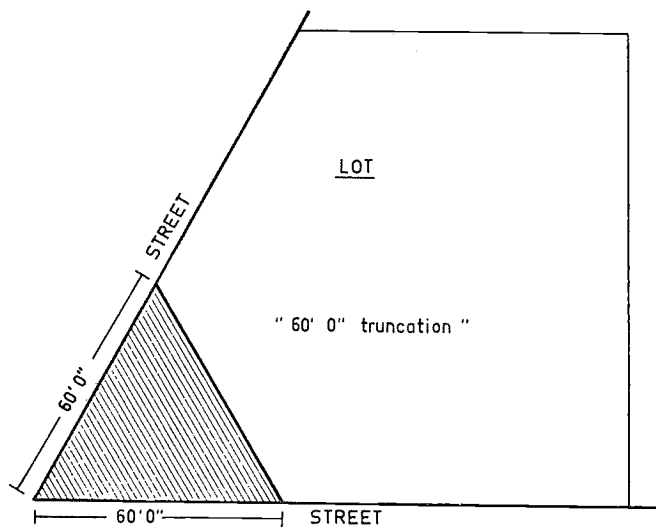
APPENDIX "A"

APPENDIX "B"

"50 FEET TRUNCATION"



" 60 FEET TRUNCATION "



(M.R.P.A's Copy)

Office Use Only:
Serial No.

Metropolitan Region Scheme
SHIRE OF WANNEROO

Form 1

City/Town/Shire of.....

APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT

Name of owner of land on which development proposed { Surname.....
Christian Names.....
Address in full.....

Submitted by.....

Address for Correspondence.....

Locality of Development.....

Titles Office description of land: Lot No..... Street.....

Location No.....

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

State type of development proposed, or describe briefly the proposed development:

.....
.....
.....

State approximate cost of proposed development.....

State estimated time of completion.....

Three copies of the Building Plan and Site Plan of the proposal area submitted with this application.

Signed by the owner of the land.....

Date.....

RECOMMENDATION OF COUNCIL

DECISION OF COUNCIL

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.....
.....
.....
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Note: This form to be submitted in duplicate, together with copies of the plans requested to the office of the Local Authority in whose area the development is proposed