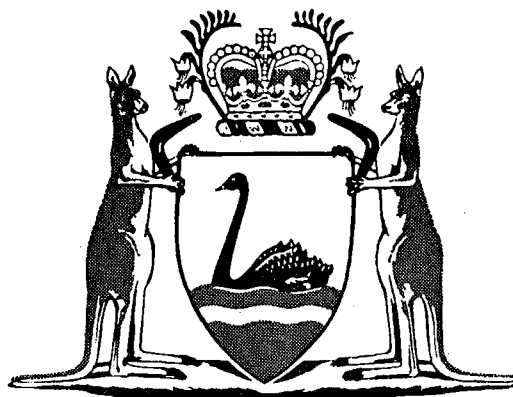


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[1973.

TOWN PLANNING AND DEVELOPMENT ACT, 1928-1973

TOWN OF CANNING TOWN PLANNING
SCHEME No. 16

ZONING SCHEME

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

Advertisement of Approved Town Planning Scheme.

TOWN OF CANNING TOWN PLANNING SCHEME No. 16—DISTRICT ZONING.

T.P.B. 853/2/16/18.

IT is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended), that the Hon. Minister for Town Planning approved the Town of Canning District Scheme on the 20th July, 1973, the Scheme Text of which is published as a schedule annexed hereto.

E. CLARK,

Mayor.

NOEL DAWKINS,

Town Clerk.

Schedule.

TOWN OF CANNING TOWN PLANNING SCHEME No. 16—ZONING SCHEME.

THE Town of Canning Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby makes the following Town Planning Scheme which is set out in the following manner.

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PART I.—PRELIMINARY.

- Citation:** This Town Planning Scheme may be cited as Town of Canning Town Planning Scheme No. 16 Zoning Scheme (hereinafter called "the Scheme").
- Responsible Authority:** The authority responsible for enforcing the observance of the Scheme is the Town of Canning (hereinafter called "the Council").
- Scheme Area:** The Scheme shall apply to the area of land contained within the inner edge of a broken black border on the Land Use Map (hereinafter called "the Scheme Area"). The Scheme Area comprises the whole of the District of the Town of Canning.

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

Land Use Map: Sheets No. 1, 2, 3 and 4.

Scheme Map: Sheets No. 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Scheme Map: Sheet No. 10 and index.

Legend Sheet: The notations on the Legend Sheet shall apply to all maps used in the Scheme.

5. **General Objects:** The general objects of the Scheme are to zone the Scheme Area for the purposes in the Scheme described and to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes, the preservation of objects of natural beauty, of historical buildings and objects of historical or scientific interest and to make provision for other matters necessary or incidental to town planning or housing.

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

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

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

“Adopted Road Pattern” means a tentative layout of subdivisional roads designed to act as a guide for future subdivision of adjacent land.

“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.

“Building” means any structure or appurtenance thereto whether temporary or permanent and includes wall, water supply and drainage.

“Canteen” means a lockup shop established to provide meals and refreshments for employees upon premises used primarily for some other purpose.

“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.

“Caretaker’s Residence” means a building or part thereof used as a residence by the proprietor or manager of or by a person having the care of an industry, business, warehouse, office building, private club or institution, caravan park or place of public assembly carried on upon the same site of the building or plant of the industry.

“Caravan or Traller Hire” means the hire of caravans, car trailers and non-motorised horse floats.

“Caravan Park” means an area set aside for the parking of caravans in conformity with the Caravan and Camp Regulations, 1961.

“Composite Lot” means a lot partially zoned for residential use and partially zoned for light industrial use with the object of permitting a person to carry on a light industrial use adjacent to his residence.

“Day Care Centre” shall have the meaning given to it by the Child Welfare (Care Centres) Regulations, 1968.

“Detached House” means a building containing a minimum of four habitable rooms used primarily for the residence of one family and which is not joined structurally to any other building. The term includes outbuildings ordinarily used with such house and lawns, gardens and recreational facilities for the private enjoyment of the occupier.

“Drive-in Cinema” means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.

"Duplex Housing" means a building of one or two storeys comprising two complete and self-contained houses each containing a minimum of four habitable rooms and each joined to the other by a party wall or party walls, and the whole or portion of each house being on the ground floor.

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

"Effective Frontage" means the average lot width. The measurements used to determine the average width must be along lines parallel to the shortest straight line between the two longest straight boundaries of the Lot. In cases where in the opinion of the Council a true average lot width cannot be obtained by this method, the average lot width shall be determined by the Council.

"Extractive Industry" includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, and also the manufacture of 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.

"Facade" means the face or faces of a building up to roof plate height that front a public street and in cases where the major part of a building is on a higher level than another part fronting a street the terms shall include the front wall of the major building and all external walls in front of this except that where the distance between the front wall of the lower part of the building and the front wall of the higher part of the building is greater than twenty feet the Council may permit only the lower front wall to be treated as a facade.

"Factory Tenement Building" means a building or structure or a group of buildings or structures on one lot in which are carried on two or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries not owned or managed by the same person.

"Factoryette" means a portion of a factory tenement building that is the subject of a separate occupancy.

"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" means a separate and self contained dwelling within a building containing two or more such dwellings but not being within a building which comes within the definitions of Duplex Housing, Triplex Housing, Quadruplex Housing, Patio Housing, Row Housing, Terrace Housing, or Town Housing.

"Floor Area" means the aggregate superficial area of so many horizontal sections of a building as there are floors or storeys in that building and the horizontal section of each floor shall be made at the point of its greatest surface dimensions, inclusive of external walls and of such portions of the party walls as belong to the building and also of all verandah and balcony floors, covered ways and light courts.

"Frontage" shall have the same meaning as is given to it in and for the purpose of the Uniform Building By-laws.

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

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

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

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

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

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

"Health Centre" means a maternal or X-ray centre, a district clinic, a masseur's establishment, or a medical clinic.

"Health, Medical or Dental Practitioner's Rooms" means any building or part thereof used for the purpose of his profession by a chiropodist, chiropractor, dentist, doctor, masseur, nurse or physiotherapist.

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

"Holiday Cottages" means 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 calendar months.

"Home Occupation" means a profession, business or occupation carried on with the permission of the Council within a dwelling or the curtilage of a dwelling that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
- (c) does not occupy any 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;
- (e) for which there is not more than one advertisement sign and that 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 an Hotel Licence, a limited Hotel Licence or a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended), but does not include a motel.

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

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning, or adapting for sale, or breaking up or demolition of any article or part of any article;
- (b) the winning, processing or treatment of minerals;
- (c) the generation of electricity or the production of gas; and
- (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with—
 - (i) the carrying out of agriculture;
 - (ii) site works on buildings, works or land; and
 - (iii) in the case of the manufacture of goods referred to in subparagraph (d) above, the preparation on the premises of a shop of food for sale,

and includes, when carried out on land upon which 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.

"Light Industry" means an industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise, but does not include car wrecking.

"Lot" has the meaning given to it by the Act, and "allotment" has the same meaning, but neither term includes a lot on a strata plan.

"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.

"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—

- (a) to provide residential accommodation for patrons including provision of breakfast, or
- (b) to provide such residential accommodation and breakfast with a restaurant or dining room for the provision of other meals,

and in either case with special provision for the parking of the motor vehicles of patrons.

"Mechanical Repair Station" means land and buildings used for or in connection with electrical and mechanical repairs and overhauls to motor cars and trucks. The term includes repairs to tyres but does not include retreading or recapping of tyres, spray painting or panel beating.

"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 waters, banks of rivers, 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 a commercial or industrial undertaking.

"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 building of one storey comprising a group of four or more complete and self-contained dwellings each on its own lot of not less than 12 perches and containing a minimum of four habitable rooms together with a walled court front and rear and each attached to another by a party wall or party walls constructed over the allotment boundaries.

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

"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.

"Public Amusement" 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 show-grounds.

"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, passenger transport or other similar services.

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

"Quadruplex Housing" means a building of one or two storeys comprising a group of four complete and self-contained houses each containing a minimum of four habitable rooms and each joined to another by a party wall or party walls and the whole or portion of each house being on the ground floor.

"Reception Lodge" means premises used to cater for conventions, receptions and other similar functions.

"Residential Building" means a hostel, boarding or lodging house, residential Club, private hotel and any other building together with such outbuildings as are ordinarily used therewith, but not including any other type of building or housing listed elsewhere in the column of use classes in the Zoning Table.

"Retail Floor Area" means the area from which goods are sold or displayed to the public plus the area in which customers are permitted to await service, or avail themselves of self-service facilities.

"Row Housing" means a building of one or two storeys comprising a group of four or more self-contained houses each on its own lot of not less than nine perches and containing a minimum of four habitable rooms together with a walled court front and rear and each attached to another by a party wall or party walls constructed over the lot 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.

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

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

"Service Station" means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs not including panel beating or spray painting.

"Town" means the Town of Canning.

"Shop" means any building whereon goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot; but does not include a bank, fuel depot, a market, service station, milk depot, marine store, timberyard, or land and buildings used for the sale of motor and other vehicles, or used for any purpose falling within the definition of industry.

"Showrooms" means rooms in connection with warehousing or offices, and intended for the display and sale by wholesale or retail of goods of a bulky character.

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

"Terrace Housing" means a building of one or two storeys comprising a group of five or more complete and self-contained houses each containing a minimum of four habitable rooms and each joined to another by a party wall or party walls and the whole or portion of each house being on the ground floor.

"Town Housing" means a building of not more than three storeys comprising a group of four or more complete and self-contained houses each on its own lot of not less than six perches and containing a minimum of four habitable rooms together with a walled court front and rear and each attached to another by a party wall or party walls constructed over the lot boundaries.

"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.

"Transport Park" means an area used for the parking of road transport vehicles but does not include an area set aside in connection with a business or industry for the parking of vehicles used in connection with that business or industry.

"Triplex Housing" means a building of one or two storeys comprising a group of three complete and self-contained houses each containing a minimum of four habitable rooms and each joined to another by a party wall or party walls and the whole or portion of each house being on the ground floor.

"Uniform Building By-laws" means the Uniform Building By-laws 1965, published in the *Government Gazette* on the 27th October 1969, as amended from time to time.

"Used Car Sales Premises" means land or buildings used for the display and sale of secondhand cars but does not include a workshop.

"Vehicle" includes tractor.

"Vehicle Workshop" means land and buildings used for or in connection with vehicle repairs and overhauls and includes the recapping or retreading of tyres, panel beating, spray painting, body and chassis reshaping.

"Veterinary Clinic" means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animal and household pet out-patients. No patients may remain on the premises overnight.

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

"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 or retail.

PART II.—RESERVED LAND.

7. **Regional Reservations:** The lands shown as "Regional Reservations" on the Scheme Maps are lands reserved by the Metropolitan Region Authority pursuant to the Metropolitan Region Scheme and are shown on the Scheme Maps in order to comply with the Metropolitan Region Town Planning Act, 1959, as amended. The said lands are not reserved by this Scheme.

8. **Local Authority Reservations:** The lands shown as Local Authority Reservations on the Scheme Maps (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 Maps. These lands are already vested in or shall be acquired by the Council.

9. **Uses:** Local Authority Reservations until vested in the Council may be used—

- (a) for the purpose for which the land is reserved under the Scheme;
- (b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by the authority;
- (c) for the purpose for which it was used at the date upon which the Scheme came into operation unless the land shall have in the meantime become vested in a public authority or unless such use shall have been changed with the consent of the Council;
- (d) for any purpose to which the Council shall consent; but shall not be used for any other purpose.

10. **Development:** No person shall on a Local Authority Reservation—

- (a) demolish or damage any building 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, without the consent of the Council.

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

12. If the Council shall—

- (a) refuse to consent to the use of a Local Authority Reservation for any purpose permitted on land adjoining it, or
- (b) refuse to consent to the carrying out of any of the works mentioned in Clause 10 hereof, or
- (c) when granting its consent to the carrying out of any of the said works, impose conditions which are unacceptable to the person applying for such consent,

and if—

- (a) the applicant does not agree to abandon the application for the Council's consent, or
- (b) in the meantime the Council does not resolve to exercise its powers under Section 13 of the Act, or
- (c) no previous claim for compensation has been made for injurious affection by reason of the reservation of the land,

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

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

PART III.—ZONES.

14. **Classification:** There are hereby created within the Scheme Area the several Zones set out hereunder.

Zones.

1. Private Clubs and Institutions.
2. Place of Public Assembly.
3. Residential Class 2.
4. Residential Class 3.
5. General Residential Class 4.
6. General Residential Class 4 (Restricted).
7. General Residential Class 5.
8. Local Shopping.
9. District Shopping.
10. Special Business.
11. Office.
12. Other Commercial.
13. Showroom/Warehouses.
14. Warehouse.
15. Light Industry.
16. General Industry.
17. Residential/Stable
18. Hotel.
19. Motel.
20. Caravan Park.
21. Service Station.
22. Drive In Cinema.
23. Rural.
24. Urban Deferred.

The Zones numbered 3, 4, 5, 6 and 7 above are herein referred to as Residential Zones and the Zones numbered 5, 6 and 7 above as General Residential Zones.

15. **Zone Notation:** The said zones are delineated and coloured or indicated on the Scheme Map according to the legend thereon.

16. **Uses:** The Zoning Table following Clause 18 hereunder indicates, subject to the provisions of the Scheme, the uses permitted in the various zones shown in the Zoning Table. The uses are determined by cross references between the list of Use Classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table. The symbols used in the cross reference in the Zoning Table have the following meanings:—

“P”—A use that is permitted by the Scheme.

“AA”—A use that is not permitted unless approval is granted by the Council.

“SA”—A use that is not permitted unless special approval, pursuant to Clauses 21-27 of the Scheme, 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.

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

18. **Zoning Table:** If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes such use or purpose shall unless it is permitted by the subsequent provisions of the Scheme be deemed to be prohibited.

ZONING TABLE

Use Classes	ZONES																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Use Classes	Private Clubs & Institutions																							
	Place of Public Assembly																							
	Residential Class 2																							
	Residential Class 3																							
	General Residential Class 4																							
	General Residential Class 4 (Restricted)																							
	General Residential Class 5																							
	Local Shopping																							
	District Shopping																							
	Special Business																							
	Office																							
	Other Commercial																							
	Showroom/Warehouse																							
	Warehouse																							
	Light Industry																							
	General Industry																							
	Residential/Stable																							
	Hotel																							
	Motel																							
	Caravan Park																							
	Service Station																							
	Drive-in Cinema																							
	Rural																							
	Urban Deferred																							

ZONING TABLE—continued

Use Classes	ZONES																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Private Clubs & Institutions	X																							
Place of Public Assembly		X																						
Residential Class 2			X																					
Residential Class 3				X																				
General Residential Class 4					X																			
General Residential Class 4 (Restricted)						X																		
General Residential Class 5							X																	
Local Shopping								X																
District Shopping									X															
Special Business										X														
Office											X													
Other Commercial												X												
Showroom/Warehouse													X											
Warehouse														X										
Light Industry															P									
General Industry																P								
Residential/Stable																	X							
Hotel																		X						
Motel																			X					
Caravan Park																				X				
Service Station																					X			
Drive-in Cinema																						X		
Rural																						P	AA	AA
Urban Deferred																							AA	SA
Fuel Depot			X																					
Mechanical Repair Station																								
Transport Depot																								
Transport Park																								
Light Industry																								
Car Wrecking																								
Vehicle Workshop																								
General Industry																								
Noxious Industry																								
Hazardous Industry																								
Extractive Industry																								
Spray Painting																								
Veterinary Clinic																								
Veterinary Hospital																								
Stable																								
Stock Holding and Sales Yards																								
Rural Pursuit																								
Rural Industry																								
Piggery																								

19. **Special Zones:** In addition to the Zones mentioned in Clause 14 the Council may by an amendment to the Scheme create Special Zones. When the description of a parcel of land shall be inserted in the Schedule hereto the parcel of land shall thereupon be classified as a Special Zone.

20. Notwithstanding that a parcel of land described in the Schedule is within another Zone the land or any building or structure thereon may be used for the purpose set against that parcel of land in the Schedule in addition to the other uses permitted in the Zone in which the land is situated if such use does not contravene any development standards applicable to the zone in which the land is situated.

21. **Application for Special Approval of Council:** Any person who desires to use land for a purpose which by the provisions of the Scheme is only permitted if special approval is given by the Council shall make application for such approval to the Council in writing.

22. The application shall state the following particulars:—

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

23. (1) The Council shall consider the application and may refuse its approval or may resolve to recommend to a subsequent meeting of the Council that approval be granted. If the Council resolves to recommend that approval be granted it shall refer the matter to 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 approval.

(2) 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) The Council should 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.

24. 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 a notice stating that objections may be made to the Council within twenty-eight days after the date of the posting of the notice; and
- (b) cause to be published in a newspaper circulating in the Scheme Area notice of his application setting out the substance of 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.

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

26. In making its decision on applications for its special approval 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 building.
- (d) Any representations which may be made by any statutory authority.
- (e) The existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury to such amenity including injury due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid waste 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.

27. The Council may enter into agreements with the Applicant whereby the Applicant covenants for himself and his transferees to carry out and observe the conditions (if any) imposed by the Council in granting its approval as aforesaid.

28. **Adopted Road Patterns:** The roads shown on the Scheme Map that are not shown on the Land Use Map are tentative designs to act only as guides to owners for the future subdivision of adjacent lands. The designs are not final. The fact that such roads are shown on the Scheme Map does not imply that the land on which the road is designed is to be resumed or that the cost of the construction of the roads will be paid by the Council.

29. The land on which an adopted road pattern has been designed shall be deemed to be within the same Zone as that in which the remainder of the lot of which it forms part is situated.

30. **Limit of Time for Development after Zoning:** Where upon the application of an owner the Council amends the zoning classification of land to permit the development of land to take place and the owner has not proceeded with and substantially completed the development within 12 months of the Gazettal date of the amendment to the zoning Classification, the Council may reclassify the land to its former zone without being liable for any payment of compensation in respect of such action.

PART IV.—RESIDENTIAL ZONE REQUIREMENTS.

31. **Tables SR2, SR3, GR4, GR4R, and GR5:** Notwithstanding anything contained in the Scheme a person shall not construct or erect a building in a:—

- (a) Residential Class 2 Zone except in accordance with Table SR2 hereunder.
- (b) Residential Class 3 Zone except in accordance with Table SR3 hereunder.
- (c) General Residential Class 4 Zone except in accordance with Table GR4 hereunder.
- (d) General Residential Class 4 (Restricted) Zone except in accordance with Table GR4R hereunder.
- (e) General Residential Class 5 Zone except in accordance with Table GR5 hereunder.

Table SR2.

RESIDENTIAL CLASS 2 ZONES.

Min. Lot Area		Min. Effective Frontage		Max. No. of Dwelling Units (D.U.)	Max. Plot Ratio	Min. No. of Car Spaces	Min. Setbacks from Boundaries		
Perches	Sq. Ft.	Links	Ft.				Front	Side(s)	Rear
32	8,712	100	66	1 (detached house)	As in Uniform Building By-laws	2 per D.U.	25 ft.	12 ft. combined 9 ft. minimum one side 3 ft. minimum on other side single storey. 9 ft. minimum two or more storeys.	25 ft.
40	10,890	100	66	2 (duplex housing)	"	2 per D.U.	30 ft.	10 ft. per storey ...	25 ft.
60	16,335	125	82.5	3 (triplex housing)	"	2 per D.U.			
80	21,780	150	99	4 (quadruplex housing)	"	2 per D.U.			

Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 300 acres, the Council may modify any of the above standard requirements of the zone, provided it is satisfied that the modifications are both socially and aesthetically desirable and provided also that no change in the subdivisional requirements will be made without the consent of the Town Planning Board.

Duplex, triplex or quadruplex housing development may only take place with the approval of the Council. In considering whether such development should be permitted the Council shall consider the further subdivision into lots for detached dwellings of the land on which the development is proposed.

The Council may permit a detached house to be erected on a lot which does not meet the minimum requirements shown in this table if :—

(a) the lot was shown on a plan of subdivision approved by all appropriate authorities prior to the Gazetted Date ;

OR,

(b) the lot is not less than 4,000 square feet in area and was reduced to below the minimum requirements prescribed in this table by severance due to resumption and the owner does not own an adjoining lot.

All the side set back distances shown in the above table apply irrespective of whether a garage is incorporated in the structure or not.

The Council may permit a drive through carport to be erected within a side set back distance provided that :—

(a) The set back distance does not provide access to any other parking spaces required by the Scheme.

(b) The carport has a minimum headroom of 9 ft. 3 in.

All car parking spaces are to be behind the set back distance from the front of the lot.

In special circumstances the Council may require a minimum front set back distance of 25 ft. to be increased to 30 ft.

Table SR3.

RESIDENTIAL CLASS 3 ZONES.

Min. Lot Area	Perches	Min. Effective Frontage		Max. No. of Dwelling Units (D.U.)	Max. Plot Ratio	Min. No. of Car Spaces	Min. Setbacks from Boundaries		
		Links	Ft.				Front	Side(s)	Rear
27		100	66	1 (detached house)	As in Uniform Building By-laws	2 per D.U.	25 ft.	12 ft. combined 9 ft. minimum one side 3 ft. minimum on other side single storey. 9 ft. minimum two or more storeys.	25 ft.
40		100	66	2 (duplex housing)	"	2 per D.U.	30 ft.	10 ft. per storey	25 ft.
60		125	82.5	3 (triplex housing)	"	2 per D.U.			
80		150	99	4 (quadruplex housing)	"	2 per D.U.			

Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 100 acres, the Council may modify any of the above standard requirements of the zone, provided it is satisfied that the modifications are both socially and aesthetically desirable and provided also that no change in the subdivisional requirements will be made without the consent of the Town Planning Board.

Duplex, triplex or quadruplex housing development may only take place with the approval of the Council. In considering whether such development should be permitted the Council shall consider the further subdivision into lots for detached dwellings of the land on which the development is proposed.

The Council may permit a detached house to be erected on a lot which does not meet the minimum requirements shown in this table if :—

(a) the lot was shown on a plan of subdivision approved by all appropriate authorities prior to the Gazetted Date ;

OR,

(b) the lot is not less than 4,000 square feet in area and was reduced to below the minimum requirements prescribed in this table by severance due to resumption and the owner does not own an adjoining lot.

All the side set back distances shown in the above table apply irrespective of whether a garage is incorporated in the structure or not.

The Council may permit a drive through carport to be erected within a side set back distance provided that :—

(a) The set back distance does not provide access to any other parking spaces required by the Scheme.

(b) The carport has a minimum headroom of 9 ft. 3 in.

All car parking spaces are to be behind the set back distance from the front of the lot.

In special circumstances the Council may require a minimum front set back distance of 25 ft. to be increased to 30 ft.

Table GR4.

GENERAL RESIDENTIAL ZONE CLASS 4 ZONES.

Min. Lot Area		Min. Effective Frontage		Max. No. of Dwelling Units (D.U.)	Max. Plot Ratio	Min. No. of Car Spaces	Min. Setbacks from Boundaries		
Perches	Sq. Ft.	Links	Ft.				Front	Side(s)	Rear
27	7,350.75	100	66	1 (detached house) and ...	0.33 single storey 0.40 two or more storeys	2 per D.U.	25 ft.	Minimum 9 ft. on one side and 3 ft. on the other single storey. 9 ft. minimum two or more storeys.	25 ft.
40	10,890	100	66	2 (duplex housing) and ...	0.33 single storey 0.40 two or more storeys	2 per D.U.	25 ft.	10 ft. per storey each side	25 ft.
50	13,612.50	115	75.9	3 (triplex housing)	0.30	2 per D.U.	30 ft.	"	25 ft.
60	16,335	125	82.5	4 (quadruplex housing)	0.30	2 per D.U.	30 ft.	"	25 ft.
80	21,780	150	99	Multiple	0.30	5 D.U. or less	30 ft.	"	30 ft.
($\frac{1}{2}$ acre)						8 spaces.		"	
100	27,225	175	115.5	Multiple	P.R. increases 0.000625 for each Perch increase in Lot Area between 80 perches and 400 perches	6-20 D.U., 1.5 spaces for each D.U. Over 20 D.U. 30 spaces plus 1.25 spaces for each D.U. in excess of 20	30 ft.	"	30 ft.
120	32,670	200	132.0	Multiple				"	
($\frac{3}{4}$ acre)								"	
160	43,560	250	165.0	Multiple				"	
(1 acre)								"	
400	108,900	300	198.0	Multiple	0.50	"	30 ft.	"	30 ft.
(2 $\frac{1}{2}$ acres)								"	

Table GR4—continued.

Where comprehensive architectural plans and designs of houses, such as "patio housing" are submitted for a minimum group of four dwelling units the Council has, with the prior consent of the Town Planning Board to the necessary subdivision, a discretion to modify standards as follows :—

12	3,267	60	39·6	1 (single family patio house)	0·35	2 per D.U.	...	20 ft.	Nil between houses. 10 ft. at ends of each row	Patio houses. 10 ft. at ends of each row	20 ft.
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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 2½ 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.

The Council may permit a detached house to be erected on a lot which does not meet the minimum requirements shown in this table if :—

- (a) the lot was shown on a plan of subdivision approved by all appropriate authorities prior to the Gazetted date ;

OR,

- (b) the lot is not less than 4,000 square feet in area and was reduced to below the minimum requirements prescribed in this table by severance due to resumption and the owner does not own an adjoining lot.

All the side set back distances shown in the above table apply irrespective of whether a garage is incorporated in the structure or not.

The Council may permit a drive through carport to be erected within a side set back distance provided that :—

- (a) The set back distance does not provide access to any other parking spaces required by the Scheme.
- (b) The carport has a minimum headroom of 9 ft. 3 in.

All car parking spaces are to be behind the set back distance from the front of the lot.

In special circumstances the Council may require a minimum front set back distance of 25 ft. to be increased to 30 ft.

Table GR4R.

GENERAL RESIDENTIAL CLASS 4 (RESTRICTED) ZONES.

Min. Lot Area	Perches	Min. Effective Frontage		Max. No. of Dwelling Units (D.U.)	Max. Plot Ratio	Min. No. of Car Spaces	Min. Setbacks from Boundaries		
		Links	Ft.				Front	Side(s)	Rear
27		100	66	1 (detached house)	0.33	2 per D.U.	25 ft.	Minimum 9 ft. on one side and 3 ft. on the other	25 ft.
40		100	66	2 (single storey duplex housing)	0.33	2 per D.U.	25 ft.	10 ft. each side	25 ft.
50		115	75.9	3 (single storey triplex housing)	0.30	2 per D.U.	30 ft.	" "	25 ft.
60		125	82.5	4 (single storey quadruplex housing)	0.30	2 per D.U.	30 ft.	" "	25 ft.
80		150	99	Multiple (single storey terrace housing)	0.30	5 D.U. or less, 8 spaces.	30 ft.	" "	25 ft.
100		175	115.5	" "	P.R. increases 0.000625 for each perch increase in Lot area between 80 perches and 400 perches	6-20 D.U. 1.5 spaces per D.U. Over 20 D.U., 30 spaces, plus 1.25 for each D.U. in excess of 20	}	" "	25 ft.
120		200	132	" "				" "	25 ft.
160		250	165	" "				" "	25 ft.
400		300	198	" "	0.50			" "	25 ft.

Table GR4R—continued.

Where comprehensive architectural plans and designs of houses, such as "patio housing" are submitted for a minimum group of four dwelling units the Council has, with the prior consent of the Town Planning Board to the necessary subdivision, a discretion to modify standards as follows :—

12	3,267	60	39.6	1 (single family patio house)	0.35	2 per D.U.	20 ft.	Nil between patio houses. 10 ft. at ends of each row	20 ft.
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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.

The Council may permit a detached house to be erected on a lot which does not meet the minimum requirements shown in this table if :—

(a) the lot was shown on a plan of subdivision approved by all appropriate authorities prior to the Gazetted Date ;

OR,

(b) the lot is not less than 4,000 square feet in area and was reduced to below the minimum requirements prescribed in this table by severance due to resumption and the owner does not own an adjoining lot.

All the side set back distances shown in the above table apply irrespective of whether a garage is incorporated in the structure or not.

The Council may permit a drive through carport to be erected within a side set back distance provided that :—

- (a) The set back distance does not provide access to any other parking spaces required by the Scheme.
- (b) the carport has a minimum headroom of 9 ft. 3 in.

All car parking spaces are to be behind the set back distance from the front of the lot.

In special circumstances the Council may require a minimum front set back distance of 25 ft. to be increased to 30 ft.

Table GR5.

GENERAL RESIDENTIAL CLASS 5 ZONES.

Min. Lot Area		Min. Effective Frontage		Max. No. of Dwelling Units (D.U.)	Max. Plot Ratio	Min. No. of Car Spaces	Min. Setbacks from Boundaries		
Perches	Sq. Ft.	Links	Ft.				Front	Side(s)	Rear
27	7,350-75	100	66	1 (detached house)	0.33 single storey and 0.40 two or more storeys	2 per D.U.	30 ft.	Minimum 9 ft. on one side and 3 ft. on other single storey. 9 ft. minimum two or more storeys	25 ft.
36	9,801	100	66	2 (duplex housing)	0.33 single storey and 0.40 two or more storeys	2 per D.U.	30 ft.	5 ft. per storey each side for 2 storeys and above	25 ft.
48	13,068	115	75.9	3 (triplex housing)	0.35	2 per D.U.	30 ft.	"	25 ft.
60	16,335	125	82.5	4 (quadruplex housing)	0.35	2 per D.U.	30 ft.	"	25 ft.
80	21,780	150	99	Multiple	0.35		30 ft.	"	30 ft.
($\frac{1}{2}$ acre)	27,225	175	115.5	Multiple	P.R. increases 0.00375 for each perch increase in Lot Area between 80 perches and 360 perches	5 D.U. or less, 8 spaces. 5-20-1.5 spaces for each D.U. Over 20 D.U. 30 spaces. Plus 1.25 spaces for each D.U. in excess of 20	30 ft.	"	30 ft.
100							30 ft.	"	30 ft.
120							30 ft.	"	30 ft.
($\frac{3}{4}$ acre)	43,560	200	132.0	Multiple			30 ft.	"	30 ft.
160							30 ft.	"	30 ft.
(1 acre)	65,340	200	132.0	Multiple			30 ft.	"	30 ft.
240							30 ft.	"	30 ft.
(1 $\frac{1}{2}$ acres)	87,120	200	132.0	Multiple			30 ft.	"	30 ft.
320							30 ft.	"	30 ft.
(2 acres)	98,010	200	132.0	Multiple			30 ft.	"	30 ft.
360							30 ft.	"	30 ft.
(2 $\frac{1}{2}$ acres)							30 ft.	"	30 ft.

Table GR5—continued.

Where comprehensive architectural plans and designs of houses, such as "row housing" are submitted for a minimum group of four dwelling units the Council has, with the prior consent of the Town Planning Board to the necessary subdivision, a discretion to modify standards as follows :—

9	2,450-25	50	33-0	1 (single family row house)	0-50	2 per D.U.	...	20 ft.	Nil between row houses : 5 ft. at ends of each row.	20 ft.
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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding $2\frac{1}{4}$ acres, the Minister may, after considering reports from the Council and the Town Planning Board, modify any standard, other than plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs for precincts or neighbourhoods are submitted for a minimum area of 10 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.

The Council may permit a detached house to be erected on a lot which does not meet the minimum requirements shown in this table if :—

(a) the lot was shown on a plan of subdivision approved by all appropriate authorities prior to the Gazetted Date ;

OR,

(b) the lot is not less than 4,000 square feet in area and was reduced to below the minimum requirements prescribed in this table by severance due to resumption and the owner does not own an adjoining lot.

All the side set back distances shown in the above table apply irrespective of whether a garage is incorporated in the structure or not.

The Council may permit a drive through carport to be erected within a side set back distance provided that :—

(a) The set back distance does not provide access to any other parking spaces required by the Scheme.

(b) The carport has a minimum headroom of 9 ft. 3 in.

All car parking spaces are to be behind the set back distance from the front of the lot.

In special circumstances the Council may require a minimum front set back distance of 25 ft. to be increased to 30 ft.

32. Lot Coverage and Other Site Requirements: Subject to clause 33 and the particular provisions of the Tables GR4, GR4R or GR5 the following provisions apply to all buildings intended for residential use in every general residential zone.

- (a) **Lot Coverage by Buildings:** A building or buildings intended for residential use shall not occupy a greater percentage of a lot than is shown in the following table:—

On lots subject to a maximum plot ratio of—	Maximum percentage of lot which may be covered by buildings— %
up to and including 0.7	35
from 0.7 up to and including 0.9	20
from 0.9 up to and including 1.1	16.66
over 1.1	15

- (b) **Distances between Buildings on the Same Lot:** Where more than one building is erected on a lot, all standards shall be observed, as though the development were a single structure. In addition, the minimum distance between any two buildings shall be 30 feet or the minimum distance required under the formula set out below, whichever is the greater.
The formula regulating the minimum distance between any two buildings (referred to as "Building A" and "Building B") is as follows:—

$$D = \frac{L^A + L^B + 2(H^A + H^B)}{6}$$

where

D is the required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L^A is the total length of Building A.

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

L^B is the total length of Building B.

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

H^A is the height of Building A.

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

H^B is the height of Building B.

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

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

- (i) any one of the two buildings has a height of two storeys or less and the other has a height of six storeys or more; and
- (ii) the difference in the height of the two buildings is 60 feet or more.

- (c) **Size, Location and Design of Car Parking, Natural Planting/Pedestrian Spaces on Lots:** The minimum dimensions of every required car parking space shall be 18 feet by 8 feet, excluding all access drives.

A minimum of fifty per centum of the area of every lot shall be designed, developed and maintained as natural planting and pedestrian space (access driveways between street alignment and setback line may be included in the 50 per cent. of the area maintained as natural planting).

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—

- (i) the proportion of car spaces to be roofed or covered;
- (ii) the proportion of car spaces to be below natural ground level;
- (iii) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- (iv) 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;
- (v) the extent to which car spaces are located within required building set-back areas;
- (vi) the locations of proposed public footpaths, vehicular crossings of private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (vii) the suitability and adequacy of proposed screening or natural planting; and
- (viii) 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.

33. Variations to Site Requirements: Notwithstanding the provisions of Part (iv) of the Scheme, where the Minister considers that the public interest is better served by not requiring strict adherence to the standards imposed by that Part he may, on the recommendation of the Council or the Town Planning Board in a particular case, vary a provision relating to a General Residential Zone.

34. Development in Residential Zones: (1) Notwithstanding anything contained in the Scheme a person shall not construct or erect a building containing more than two dwelling units in a Residential Zone, unless the premises may be connected to a sewer or, if no sewer is available, then unless in accordance with such limitations and conditions as may be imposed by the Council.

(2) Where development involving the construction of more than two dwellings on one lot is proposed and where in the opinion of the Council such development will provide accommodation for a greater number of persons than would have been provided had the lot been situated within a Residential Class 3 zone and developed with the maximum possible number of detached houses, the Council may require, as a condition of Council Planning Consent, that the developer pay into the Council's Public Open Space Trust Fund a sum or sums calculated as follows:—

- (a) Five per cent. (5%) of the average value of an unimproved detached house lot in the Scheme Area (ascertained as hereinafter provided) for every dwelling proposed on the lot in excess of the number of dwellings which could have been erected on the lot had it been subdivided into the maximum possible number of detached house lots in accordance with the standards applicable to a Residential Class 3 zone; and
- (b) In cases where a lot is not less than two acres in area and no public open space contribution has been made in respect of the lot as a condition of the approval of its subdivision from a larger parcel of land, an additional sum being ten per cent. (10%) of the unimproved value which the lot would have if subdivided into the maximum possible number of detached house lots in accordance with the standards applicable to a Residential Class 3 zone.

Notwithstanding the provisions of paragraphs (a) and (b) of this subclause, if the developer of an area greater than twenty (20) acres on his plan of subdivision sets aside land for public open space, the Council may accept the lands so set aside in lieu of the payments to be made under this clause if it is satisfied that the land so set aside is of adequate size and suitable in all respects for development as public open space and that it represents an area of land which could have been purchased for such use had the payments under paragraph (a) and (b) been made.

For the purpose of the application of this subclause the following shall apply:—

- (i) The average value of an unimproved detached house lot in the Scheme Area shall be ascertained annually as at the first day of July, by the Chief Valuer of the Taxation Department or some other competent valuer appointed by the Council and the value applicable to the application for Council Planning Consent shall be that made as at the first day of July preceding the date of the application being lodged with the Council.
 - (ii) A detached house lot is a lot with an area not less than 27 perches nor greater than 32 perches and having a frontage of one chain.
 - (iii) The maximum number of detached house lots of SR3 standards into which a lot of land could be subdivided shall be determined by the Council.
- (3) Money standing to the credit of the Council's Public Open Space Trust Fund shall be used by the Council only for the purpose of the acquisition and improvement of land for public recreation and public open space.

35. Parking of Commercial Vehicles in Residential Zones: No person shall on privately owned land within a Residential Zone—

- (a) park or allow to remain stationary a commercial or industrial vehicle having a tare weight exceeding thirty hundredweight for a longer period than is necessary for loading or unloading unless—
 - (i) it is completely housed or capable of being completely housed within a domestic garage or domestic outbuilding having a floor area not greater than 500 square feet and in which neither the length nor breadth exceeds 25 feet,
 - (ii) if not housed as aforesaid is parked or allowed to remain stationary behind the setback distance,
 - (iii) the vehicle and its load does not exceed 9 feet in height;
- (b) park or allow to remain stationary more than one commercial or industrial vehicle having a tare weight exceeding thirty hundredweight for a longer period than is necessary for loading or unloading.

PART V.—GENERAL PROVISIONS.

36. Building and Use Restrictions: (1) Subject to the provisions of subclause (2) of this clause no person shall erect or use a building for a purpose specified in Column No. 1 of the Building Table following this clause except in accordance with the following conditions:—

- (a) the building and the site shall conform to the requirements of the said Building Table.
- (b) the building shall not have a site coverage greater than 35%; and
- (c) the external walls of all buildings to roof plate height shall be constructed of brick, stone, concrete or glass or a combination of one or more of these materials with steel columns. Panel filling of asbestos, aluminium or steel sheeting to a design approved by the Council may be permitted on external walls above 6 ft. 6 in. from the ground floor level provided such does not extend above 12 ft. 6 in. from the ground floor level on walls below roof plate height; and
- (d) the building shall not have a plot ratio exceeding that shown in Table GR4 for the appropriate lot size.

(2) Subject to the provisions of the Uniform Building By-laws, the Council may either generally or in any particular case relax the requirements of this clause if the resolution to do so is passed by an absolute majority of the Council.

BUILDING TABLE

1 Purpose	2 Min. Area of Site Acres	3 Min. Effective Frontage		4 5 6 Min. Set-back Distance (feet)			
		Feet	Links	Front	Side 1	Side 2	Rear
Places of Worship	0.75	99	150	50	20	20	30
Hospital-Convalescent Homes	1.00	132	200	50	20	20	30
Private Schools	2.00	198	300	50	20	20	30
Kindergartens	0.50	82.5	125	30	20	20	30
Day Care Centres	0.25	66	100	30	10	10	30
Consulting Room/Residence	0.25	66	100	30	9	3	25
Athletic Club-Social Club	1.00	132	200	50	20	20	30
Institutional Home	1.00	132	200	50	20	20	30
Institutional Building	1.00	132	200	50	20	20	30
Hotel	3.00	264	400	50	20	20	30
Tavern	1.00	165	250	50	20	20	30
Motel	1.00	132	200	50	20	20	30
Public Halls	0.50	82.5	125	50	20	20	30
Youth Centres	0.50	82.5	125	50	20	20	30

Note : Where any building exceeds 20 ft. in height to roof plate level each minimum side set-back distance shall be increased by the amount by which the building exceeds 20 ft. in height to roof plate level.

37. Minimum Lot Requirements: Unless a lot was shown on a plan of subdivision approved by all appropriate authorities prior to the gazettal date it shall not be used for a purpose specified in Column 1 of the Table appearing at the end of this clause if it does not have an area equal to or greater than that shown opposite in Column 2 of the Table or if it does not have a minimum effective frontage equal to or greater than that shown in Column 3 of the Table.

1 Purpose.	2 Minimum Area (Acres) of Site.	3 Minimum Effective Frontage	
		Links	Feet
Service Station	0.50	150	99
General Industry	1.00	150	99
Light Industry	0.50	100	66
Showroom/Warehouse	0.50	100	66
Warehouse	0.50	100	66
Local Shopping	1.5	300	165

38. Building Setback from Street Alignment: (1) Except as hereinafter provided no person shall erect or cause or permit to be erected any building or any portion of a building nearer to a street alignment than the distance mentioned hereunder (in the Scheme called "the setback distance") for the particular Zone or part thereof in which the land is situated:—

1. Private Clubs and Institutions	} As per Building Table Clause 36.
2. Place of Public Assembly	
3. Residential Class 2	
4. Residential Class 3	
5. General Residential Class 4	} As per tables in Clause 31.
6. General Residential Class 4 (Restricted)	
7. General Residential Class 5	
8. Local Shopping	40 feet.
9. District Shopping	40 feet.
10. Special Business	40 feet.
11. Office	50 feet.

12. Other Commercial ..	....	....	....	....	50 feet.
13. Showroom/Warehouse ..	....	....	....	....	50 feet.
14. Warehouse ..	....	....	....	....	50 feet.
15. Light Industry ..	....	....	....	....	50 feet.
16. General Industry ..	....	....	....	....	50 feet.
17. Residential/Stable ..	....	....	....	....	30 feet.
18. Hotel ..	....	....	....	....	50 feet.
19. Motel ..	....	....	....	....	50 feet.
20. Caravan Park ..	....	....	....	....	50 feet.
21. Service Station ..	....	....	....	....	50 feet.
22. Drive-In Cinema ..	....	....	....	....	50 feet.
23. Rural ..	....	....	....	....	50 feet.
24. Urban Deferred ..	....	....	....	....	50 feet.

Provided that nothing in this clause shall be construed to permit the construction or use of a building for a purpose mentioned in any other clause of the Scheme nearer to a street alignment than the minimum distance (if any) specified for such purpose.

(2) In cases where it is proposed to construct additional shops within an area already developed with shops, if an adequate number of paved car parking spaces can be provided in an area at the rear of the shop buildings together with direct customer access into the shops from such area, the new shops may be constructed to a setback line as determined by the Council.

(3) Where subdivision of land has taken place specifically for the creation of shop sites and as part of the subdivision an area of road widening has been provided and paved for customer car parking, the Council may permit shops to be erected closer to or on the new street alignment created by the road widening previously provided for car parking.

39. In a Light Industry Zone or in a General Industry Zone in cases where allotments are less than two hundred and fifty feet in depth, the Council may permit a building to be erected nearer to the street alignment than the setback distance but not nearer than thirty feet from the street alignment if the construction of a building beyond the setback distance is in the particular case impracticable.

40. **Curved Streets:** Where the street alignment is curved irregular or not at right angles to the side boundaries of the lot, a person may erect a building nearer to the street alignment than the setback distance, provided that the mean of the greatest and the least distance of the building from the street alignment shall not be less than the setback distance, and provided also that where part of a building is proposed closer than 20 feet to the street alignment, the consent of the Council to such is obtained.

41. **Corner Lots:** Subject to clause 39 hereof where a lot has two adjoining boundaries on the street alignment making an internal angle of less than 135°, the Council may permit a person to erect a building nearer to the street alignment than the setback distance from one only of the adjoining boundaries, but—

- (a) in a Residential Class 2 or in a Residential Class 3 Zone, not nearer than twelve feet to that street alignment;
- (b) in a General Residential Zone, not nearer than fifteen feet to that street alignment;
- (c) in a Showroom/Warehouse, Warehouse or Office Zone, not nearer than eight feet three inches to that street alignment; or
- (d) in a General Industry or in a Light Industry Zone, not nearer than thirty feet to that street alignment.

42. **Lots with more than one Street Frontage:** Where a lot has more than one street frontage although not at a street corner or has street frontages on all its boundaries, the Council may permit a building to be erected nearer to all or any of the street alignments than the setback distances but not nearer than the distances specified in the clause immediately preceding.

43. **Area Adjacent to Street:** (1) This clause shall apply in an Office, Other Commercial, Showroom/Warehouse, Warehouse, Light Industry and General Industry Zone.

(2) Where buildings on a lot are required to be set back fifty feet from a street alignment no person shall—

- (a) use the land within sixteen feet of that street alignment except for one or more of the following purposes—
 - (i) lawns, gardens or the planting of trees or shrubs;
 - (ii) an access drive from the street through the garden strip to the premises;
- (b) use the land situated between sixteen feet and fifty feet from that street alignment except for one or more of the following purposes—
 - (i) a means of access;
 - (ii) the parking of vehicles used by employees, visitors and customers;
 - (iii) the loading and unloading of vehicles;
 - (iv) lawns, gardens or the planting of trees or shrubs;
 - (v) if special permission of the Council shall be given thereto, trade display.

(3) Where buildings on a lot are required to be set back thirty feet or more from a street alignment but not as much as fifty feet whether the lot has more than one street frontage or not, no person shall—

- (a) use the land within ten feet of that street alignment except for one or more of the following purposes—
 - (i) lawns, gardens or the planting of trees or shrubs;
 - (ii) an access drive from the street through the garden strip to the premises;
- (b) use the land situated between ten feet and the minimum setback except for one or more of the following purposes—
 - (i) a means of access;
 - (ii) the parking of vehicles used by employees, visitors and customers;
 - (iii) the loading and unloading of vehicles;
 - (iv) lawns, gardens or the planting of trees or shrubs;
 - (v) if special permission of the Council shall be given thereto, trade display.

(4) Where buildings on a lot are required to be set back a distance less than thirty feet from a street alignment whether the lot has more than one street frontage or not, no person shall use the land between the street alignment and the minimum setback except for—

- (i) lawns, gardens or the planting of trees or shrubs;
- (ii) an access drive from the street through the garden strip to the premises.

44. Restricted Use of Setback Areas: No person shall between the street alignment and the minimum building setback distance—

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

45. Building on Adjoining Lots: If a person wishes to construct buildings or improvements which extend over more than one lot or do not have the requisite setback from the boundaries of each lot, he shall have all lots affected consolidated into one lot before the issue of a building licence in respect of such buildings or improvements.

46. Access for Loading and Unloading of Vehicles: (1) No person shall erect a building for business, for a showroom, a warehouse or industry unless there is provided a paved access way for vehicles from the street to the rear of and to any other part of the building where provision is made in the external walls of the building for the entry of or the loading or unloading of vehicles.

(2) The access way shall be so constructed that all vehicles using it can enter from and return to a street in forward gear without reversing any part of the vehicle on a street.

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

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

47. Lawns and Gardens: (1) In this clause the term "land adjoining the street" shall mean that portion of the parcel of land which lies within sixteen feet of the street alignment provided that if the parcel of land has a frontage to more than one street the term shall in respect of the less important street or streets (as determined by the Council) mean that portion of the parcel of land which lies within ten feet of the street alignment of such less important street or streets.

(2) The occupier of land within any of the Zones following that is to say—

Office	Warehouse
Other Commercial	Light Industry
Showroom/Warehouse	General Industry

shall within twelve months from the first occupation of a building constructed thereon after the Scheme comes into force—

- (a) plant and thereafter maintain lawns or gardens on so much of the "land adjoining the street" as is situated between a building and a street alignment but with the exception of such part thereof as is used or set aside as a means of access; and
- (b) on so much of the "land adjoining the street" as is not situated between a building and a street alignment either plant and thereafter maintain lawns or gardens or plant and thereafter maintain trees or shrubs not more than fifty feet apart.

48. Land Set aside for Particular Use: No person shall use a service road, access way, parking area or areas set aside for lawns, gardens, or planting of trees for any purpose other than that for which it has been designated or set aside on an approved plan, without the prior consent of the Council and in any event not unless suitable alternative provisions have been made.

49. Shopping Centres: Planning and development of shopping areas shall be carried out to the standard to be approved by the Council incorporating the principles and provisions enumerated below:—

(a) Building and Landscape—

- (i) The building group shall be designed to produce an integrated layout.
- (ii) Buildings shall be of complimentary design with particular reference to height and shape of verandahs and cantilever and also in terms of colour tone and texture of facing material so that all components of form and finish will blend harmoniously.
- (iii) The design shall make provision for general uniformity of future advertising outside of shops and will be in keeping with the architectural quality of the development.
- (iv) Provision shall be made for planting and landscaping of the development to enhance its appearance and to secure a harmonious relationship between the centre and the existing or potential use of adjoining land.
- (v) Service access to rear of shops shall be screened from public view to the satisfaction of the Council.

(b) Traffic—Access, Safety and Circulation—

- (i) Service for shops shall be provided by vehicle access to the rear of such shops.
- (ii) Off street parking shall be laid out to provide the highest possible degree of safety and convenience to users.
- (iii) Access from public roads to parking area shall be sited to reduce traffic hazards to a minimum.

- (iv) Any service station proposed within the curtilage of the shopping centre shall be located and designed in such a way as to secure the safety and orderly circulation of vehicular traffic, and not interfere with the safety and convenience of pedestrian movement.
- (v) The Standards required under items (i) and (iv) inclusive shall be to the satisfaction of the Council.

50. Caravan or Trailer Hire: No person shall carry on the business of caravan or trailer hire in a stable zone except in accordance with the following conditions:—

- (a) the lot on which the business is carried on shall be not less than 60 perches in area and there shall be a residence thereon occupied by the manager of the business,
- (b) the total number of caravans, trailers or horse floats at any one time on the land shall not exceed the ratio of one for every ten perches of the area of the lot.

51. Premises Used Primarily for the Sale of Secondhand Motor Vehicles: (1) No person shall use any land primarily for the sale of secondhand motor vehicles unless—

- (a) office and toilet facilities approved by the Council have been erected thereon;
- (b) the remainder of the area to be used in connection with the sale or display of motor vehicles has been paved to the satisfaction of the Council;
- (c) the land is fenced to the satisfaction of the Council with the front fence not nearer to the street alignment than fifty feet;
- (d) the area between the front fence and the street alignment is provided with driveways.

(2) The area of land between the front fence of the land used for the display or sale of secondhand motor vehicles and the street alignment shall be used only as a means of access, for customers' car parking or for lawns and gardens and shall not be used for the display of motor vehicles.

52. (1) Service Stations: In a service station no person shall use more than one half of the floor area of the premises as a work room.

(2) **Service Industry:** If a service industry is being conducted on land classified for other than industrial use the area used for industrial purposes on the premises must not exceed 50% of the gross area of the buildings thereon.

53. Showrooms and Warehouses: (1) No person shall use a building as a showroom or as a warehouse if any part of the building be used for the assembly repair breaking up or painting or other similar work, of any article without the consent of the Council and under no circumstances shall more than one half of the total floor area of the building be used for such purpose.

(2) No person shall use any land or any building or structure in a Showroom/Warehouse or Warehouse Zone—

- (a) for the sale or display of new vehicles or tractors unless such vehicles are displayed within a showroom.
- (b) for the purpose of sale or display of secondhand motor vehicles or tractors unless with the consent of the Council and unless the motor vehicles and tractors are displayed on the same allotment as that used for the sale and display of new motor vehicles.

54. Facades: Subject to clauses 55 and 56 no person shall erect or cause to be erected a building in any of the Zones following that is to say:—

Local Shopping,
District Shopping,
Special Business,
Office,
Other Commercial,
Showroom/Warehouse,
Warehouse,
Light Industry,
General Industry,

unless the facade, or facades if more than one, of the building be constructed of brick, stone, concrete or glass, or a combination of one or more of these materials with steel columns. Panel filling of asbestos, aluminium or steel sheeting to a design approved by the Council may be permitted on facades above 6 ft. 6 in. from the ground floor level provided such areas do not extend above 12 ft. 6 in. from ground level.

55. In cases where the facade of a building in any industrial zone is not less than 70 feet from the street alignment the Council may permit the walls in the facade to be constructed of a material other than that required by the preceding clause, provided that the material used is structurally and aesthetically acceptable to the Council.

56. Notwithstanding the requirements of Clause 54 and the definition of the term "Facade" in the Scheme, in the case of a corner lot in any industrial zone with an area not less than 3 acres and with a frontage of not less than 3 chains to each of the abutting streets, the Council may permit the walls in the facade of a building to be constructed of a material other than that required by Clause 54, provided that the material used is structurally and aesthetically acceptable to the Council and provided also that—

- (a) the building is not to be used for the sale of goods direct to the public; and
- (b) a building containing not less than 1,200 square feet of floor area has been erected fronting one of the streets, with all facade walls constructed of materials outlined in Clause 54; or, alternatively, a building of this specification is incorporated in a site layout plan showing the proposed ultimate development of the lot by stages which has been submitted to and approved by the Council, and—
 - (i) the total floor area of the buildings erected plus the floor area of the building or buildings for which a building licence is sought does not exceed 50 per cent. of the total floor area proposed in the ultimate development; and
 - (ii) the area required to complete the ultimate development of buildings and access thereto or an area equal to that area, within the lot boundaries, is not being used for other purposes.

57. **Factory Tenement Buildings and Factoryettes:** No person shall occupy or use or permit to be occupied or used a factory tenement building or any part thereof unless the following requirements are complied with:—

- (a) No factoryette shall have a floor area of less than 1,000 square feet, nor shall it be so constructed that either its width or its length is less than twenty feet.
- (b) There shall be an open yard appurtenant to each factoryette. The open yard shall not be smaller than the floor area of the factory. The open yard shall be used for storage and service purposes and shall contain facilities for stormwater and effluent drainage.
- (c) There shall be situated in the open yard of each factoryette a bin area for rubbish. The bin area shall be of not less than one hundred square feet and shall be in such a position that vehicles have direct access to it by a paved internal service road.
- (d) Each open yard shall be screened from public roads and adjoining factoryettes by a close fence or wall of not less than six feet in height: provided that the Council may relax this requirement in cases where it considers the requirement unnecessary.
- (e) Factoryettes shall be separated from each other by an internal wall or walls constructed of brick, stone or concrete.
- (f) Each factoryette and each open yard shall have direct access on to a paved service road and there shall be connecting access between each factoryette and its open yard.

If the service road is situated between buildings or between a building and a boundary of the lot, it shall not be less than eighteen feet in width; if the service road is situated between open yards or an open yard and a building or a boundary of the lot, it shall not be less than fifteen feet in width.

Where a service road changes direction, the width of the service road at the point that it changes direction shall be to the satisfaction of the Council.

All internal service roads shall be so constructed that motor vehicles may return to a street without reversing.

- (g) There shall not be any advertising signs or sign boards unless erected and maintained in accordance with the Scheme or with the by-laws of the Council relating to Signs.
- (h) Adequate provision shall be made for the disposal of all trade waste.
- (i) Each factoryette shall have incorporated in its structure one privy and one washbasin. It shall also be provided with one additional privy and one additional washbasin for every five hundred square feet of floor area by which the total floor area exceeds one thousand square feet.

If both males and females are employed in the factoryette there shall be provided separate privies and washbasins for the separate use of males and females in accordance with the requirements of this subclause: provided that, depending on the numbers of persons employed in the factoryette, the Council may relax the requirements of this subclause.

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

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

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

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

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

- (a) an unrestricted access way of not less than 33 feet in width or two unrestricted access ways totalling 33 feet in width with one not less than 15 feet in width can be set aside leading from a public street to the area to be developed with factoryettes;
- (b) the access way or ways and the area to be used for factoryette development is clearly marked on a site plan as such.
- (c) The factoryette development meets the requirements of the Scheme in all other respects, as if the land used as such were in fact a separate lot.

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

62. For the purpose of Clause 47 the owner of the parcel of land on which a factory tenement building is situated shall be deemed to be the occupier thereof.

63. **Composite Lots:** In cases where a lot is situated within two zones no person shall—

- (a) use or permit to be used any part of the lot for purposes other than those permitted in the zones of which it forms part;
- (b) allow a house in the residential portion of the lot to be occupied by any person other than the occupier or an employee of the occupier of the light industrial part of the lot;
- (c) erect on the portion zoned for residential use any dwelling other than that defined in the Scheme as a detached house.

64. **Garages:** A motor garage ancillary to a dwelling house shall not exceed 500 square feet in area unless with the special permission of the Council, but in no event shall it exceed 750 square feet in area.

65. (1) **Health, Medical or Dental Practitioners Rooms:** No person shall use any building or part thereof in a residential zone for health, medical or dental practitioners rooms if more than two full-time or part-time persons outside the immediate family of the occupier are employed in the business on the premises.

(2) **Home Occupations:** If a home occupation shall be carried on with the permission of the Council granted in accordance with the terms of the Scheme and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood the Council may rescind the permission 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 permission to do so shall subsequently be granted by the Council.

66. **General Appearance of Buildings:** (1) No person shall construct—

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

(2) Any person who is aggrieved by the refusal of the Council to grant its approval to the construction of a building by reason of this clause may within sixty days after the refusal is communicated to him appeal to the Minister who may hear the appeal himself or appoint a person or persons to hear the appeal and report to him thereon and the Minister after considering the report if any shall make his decision thereon and communicate it to the Council and to the appellant. The decision of the Minister shall be final.

67. In any zone wherein the open storage of goods or materials is permitted by the Scheme and the goods or materials so stored are, in the opinion of the Council, of an untidy nature and likely to give offence to adjoining owners or have an adverse effect upon the general appearance of the area, the Council may require the owner or occupier to restrict the height to which goods or materials may be stored and to screen effectively the open storage area by a close fence and the planting of trees and/or shrubs as may be considered desirable.

The height to which storage is to be restricted, the height design and specifications of the fence, and the nature and extent of planting shall be determined by the Council in respect of each case taking into consideration any matters it considers relevant including the physical characteristics and the zoning classification of surrounding land.

A front fence erected pursuant to this Clause shall not be erected in front of the setback line. Unless some other distance is specified by the Scheme for a particular zone, no goods material or merchandise shall be stacked or placed within five feet of either side or rear boundaries of the site or nearer to the street or way than the building setback line.

68. Off Street Parking Provisions: (1) No person shall erect or use a building for a purpose specified hereunder unless provision is made for off street vehicle parking areas, and parking spaces are paved and maintained in accordance with this Scheme and to the extent shown opposite such purpose hereunder:—

Industry (Excluding Factory Tenement Building):

- (a) As many parking spaces as are necessary to accommodate all company, managerial and workforce vehicles plus a minimum of three such spaces for customer and visitor vehicles shall be paved and maintained in the parking areas shown on the plan referred to in Paragraph 7 hereof.
- (b) In the case of an industry in which employees work in shifts, the said paved parking spaces shall be sufficient to accommodate vehicles used by the two largest shifts.

Factory Tenement Building: One paved parking space for every 250 square feet of Factoryette floor area. In cases where factoryettes exceed 2,000 sq. ft. the Council may, at its discretion, vary the parking requirements to obtain one paved parking space for every 400 sq. ft. of floor area in the factory tenement building plus 25% of the number so calculated for customer and visitor parking on condition that the owner undertakes to ensure that a sufficient number of paved parking spaces of the standard laid down, will be available at all times to accommodate all workforce, visitor and company owned vehicles, and that should at any time in the opinion of the Council the off street parking facilities be inadequate he will make up the deficiency by obtaining other land for such parking or by constructing deck parking behind the buildings, or by demolition of buildings.

Shops:

- (a) Shopping centres with over 20,000 sq. ft. gross floor area: One paved parking space for every 48 sq. ft. of retail floor area, or, one paved parking space for every 80 sq. ft. of gross floor area whichever produces the greater number of paved parking spaces.
- (b) Shopping centres with 20,000 sq. ft. gross floor area or under: Two thirds of the above requirement.
- (c) Take-away pre-cooked food shops: The number of paved parking spaces to be at discretion of the Council.
- (d) Cafe, dining room, restaurant: One paved parking space for every two persons the building is designed to accommodate. Council may reduce this requirement by up to but not exceeding 50% in cases where such reduction may be balanced by out of hours use of parking facilities on adjoining property subject to agreement between owners and provided that the Council is satisfied that such an arrangement will provide adequate overall parking facilities.

Health Centres: Ten paved parking spaces per centre or four paved parking spaces per consulting room or surgery in the centre, whichever is the greater.

Offices:

- (a) Administrative and Professional and similar: One paved parking space for every 250 sq. ft. of gross floor area.
- (b) Trading and Commercial such as Banks, Building Societies, Post Offices and similar involving intensive public use: One paved parking space for every 100 sq. ft. of gross floor area not open to public and one paved parking space for every 72 sq. ft. of gross floor area open to the public.

Showroom, Showroom Warehouse, Other Business or Commercial not listed elsewhere: One paved parking space for every 12 ft. of building frontage or one paved parking space for every 400 sq. ft. of floor area open to customers whichever is the greater plus one paved parking space for every staff or company vehicle.

Caravan Park: One paved parking space for every caravan space plus one paved parking space for each person working on the premises.

Service Station: One paved parking space for every 100 sq. ft. of workshop or lubeshop plus one paved parking space for each person working on the premises.

Milk Depot: One paved parking space for each vehicle on the premises.

Vehicle Wrecking Yard: Twelve paved parking spaces per wrecking yard plus one parking space for each person working on the premises.

Home Occupation: Where the use does not fall into any of the use classes elsewhere mentioned in respect to paved parking requirements, two paved parking spaces in addition to residential requirements, and located in a position as determined by the Council.

Place of Worship, Public Hall, Youth Centre, Athletic or Social Club: One space for every 20 sq. ft. of gross floor area available for seating congregation, but where in the opinion of the Council a lesser provision is justifiable, this provision may be reduced accordingly, but in any event may not be reduced to less than one space for every 30 sq. ft. of gross floor area available for seating congregation.

General Hospital: One paved parking space per patients' bed.

"C" Class Hospital, Nursing Home, Home for the Aged, Convalescent Home: Twelve paved parking spaces or one paved parking space for every three patients' beds whichever produces the greater number of parking spaces.

Day Care Centre: One paved parking space for every person employed in or around the premises plus a paved pick-up area to the satisfaction of the Council.

Private School: Five paved parking spaces plus one paved parking space per person employed in or around the premises.

Kindergarten: One paved parking space per six persons accommodated plus one paved parking space per person employed in or around the premises.

Institutional Home, Institutional Building: Such number of paved parking spaces as considered necessary by Council.

Health, Medical or Dental Practitioner's Room: Six paved parking spaces in addition to residential requirements.

Hotel, Tavern: One paved parking space for every bedroom, an additional space for every 20 sq. ft. of floor and/or ground area open to the public for consumption of liquor, provided that in the case of areas used as lounges and beer gardens and used solely for seated customers, the ratio may be reduced to an additional space for every 45 sq. ft. of floor and/or ground area and if provision is made for holding conventions, the Council may require an additional space for every four persons that the convention room is designed to accommodate.

Where an hotel erected and licenced prior to the Gazettal Date proposes or is ordered under the provisions of another Act, to provide additional bedroom accommodation, the paved parking requirements may, at the discretion of the Council, be less than that stated.

Motel, Residential Building: One paved parking space per residential unit available for use plus one paved parking space per person employed in or around the premises. Where a Motel erected and licensed prior to the Gazettal Date proposes or is ordered under the provisions of another Act, to provide additional bedroom accommodation, the paved parking requirement may at the discretion of the Council, be less than that stated.

(2) When by the Scheme provision is to be made for motor vehicles parking it shall be made in accordance with the standards shown in the Appendix "T" to the Scheme.

(3) The paved parking spaces shall be so located that vehicles have easy access thereto.

(4) The owner of land whereon provision is to be made for paved parking spaces in conformity with the Scheme shall before any building is constructed enlarged rebuilt or extended lodge with the Council a plan on which is delineated all paved parking spaces and access lanes to be provided in accordance with the Scheme.

(5) When the buildings are completed, the owner shall at all times clearly indicate on the ground the boundaries of all paved parking spaces and access lanes in conformity with the said plan.

(6) The owner shall when lodging the plan referred to in Subclause (4) hereof in respect of industrial development lodge with the Council a certificate stating the total number of persons employed and the number likely to reside or work in the building for which the paved parking spaces are shown on the plan lodged with the Council and in the case of an industry in which employees work in shifts the total number of persons likely to be employed in the two largest shifts.

(7) The owner of industrial land, when preparing the plan referred to in Subclause (4) hereof, shall show thereon in addition to other requirements, off street parking areas capable of accommodating 35 parking spaces for each acre of land contained within the boundaries of the lot to be developed. Parking spaces for fractions of an acre shall be calculated proportionately.

(8) Where land is set aside as an off street parking area no buildings or structure shall be erected, placed or allowed to remain on the reserve unless they are solely to accommodate parked vehicles. If part of a parking area is not immediately required for parking it may be used temporarily for open storage, lawns and gardens or trade display, provided that such use does not contravene the requirements of another Clause in the Scheme.

(9) In assessing the number of off street car parking bays necessary on a non-retailing commercial activity which is to be located at or adjoining an Hotel or a Shopping centre for the service and convenience of the customers of such, the Council may permit a reduction in the parking requirement stipulated against the particular use in Subclause (1) of this Clause, on the grounds that reciprocal parking takes place. A reduction of parking requirements made under this Subclause shall not exceed 50%.

69. Applications for Development on or on Land Abutting Metropolitan Region Scheme Reservations: Any application for development of land reserved by or abutting land reserved by the Metropolitan Region Scheme or within an area defined pursuant to Clause 32 of that Scheme shall be made on the form prescribed by that Scheme and also on the form prescribed hereunder for Council planning consent. The form prescribed by the Metropolitan Region Scheme shall be referred by the Council to the Metropolitan Region Planning Authority; where the Authority refuses approval for the development of reserved land on the ground that the land is reserved for public purposes or approves subject to conditions unacceptable to the applicant the owner may claim compensation for injurious affection in accordance with the Metropolitan Region Town Planning Scheme Act, 1959.

70. Applications for Council Planning Consent to Proposed Development: A person proposing to improve land (not being land reserved by or abutting land reserved by the Metropolitan Region Scheme) with any form of development other than a detached house, shall before making application for a building licence, make application to the Council on the form set out hereunder for Council Planning Consent. The application shall be made in duplicate and shall be accompanied by such plans and other information as the Council may require.

Office Use Only:

Serial No.

Municipality of Canning.

APPLICATION FOR COUNCIL PLANNING CONSENT TO PROPOSED 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 Site Plan and other necessary plans of the proposal are submitted
 with this application.

Signed by the owner of the land,

Note: This is not an application for a Building Licence. Separate application forms
 and plans are to be submitted for such, when planning consent has been
 obtained.

Date

COUNCIL'S DECISION.

Note: This form is to be submitted in duplicate, together with copies of the plans
 requested, to the Council Office, 1317 Albany Highway, Cannington, W.A. 6107.

71. (1) The Council, in considering an application for Council Planning Consent, may consult with any authority that in the circumstances it thinks appropriate, and, having regard to the purpose for which the land is zoned or reserved under the Scheme, to the orderly and proper planning of the locality and to the preservation of the amenities of the locality, may refuse its consent or may grant its consent, subject to such conditions, if any, as it may deem fit.

(2) Where Council Planning Consent is granted subject to conditions, if the conditions are not complied with, the said consent may be revoked by the Council.

(3) The Council may, in respect of any such application, limit the time for which Council Planning Consent remains valid.

(4) Where the Council has not, within 60 days after the receipt by it of an application for Council Planning Consent, conveyed its decision to the applicant, the application shall be deemed to have been refused.

72. **Appeals Against a Council Decision:** If an application for planning consent has been refused by the Council or approved subject to conditions, the applicant may, where the Council's decision involves the exercise of a discretion under the terms of the Scheme, appeal to the Minister for Town Planning or to the Court in accordance with the provisions of Part V of the Town Planning and Development Act, 1928-1973, and Appeal Regulations thereto.

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

73. **Conservation and Preservation Procedure:** (1) The Council may resolve that it will consider whether an object of natural beauty specified in the resolution should be conserved.

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

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

- (a) the owner of the land on which the object of natural beauty or the historical building or the object of historical or scientific interest is situated;
- (b) the occupier of such land if he is not the owner;
- (c) all other persons whose names appear on the Certificate of Title to the said land as having an interest therein;
- (d) the National Trust of Australia (W.A.);
- (e) the Royal Western Australian Historical Society (Inc.);

- (f) the Western Australian Tourist Development Authority;
- (g) such other persons who, in the opinion of the Council, could give to it information which would assist the Council in arriving at a decision on the proposal.

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

76. The Council shall cause a copy of the preliminary resolution to be published in a newspaper circulating throughout the State of Western Australia.

77. 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 considered by the Council.

78. 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 74 hereof.

79. 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.

80. 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.

81. The Council may—

- (a) enter into agreements with the owners or occupiers of land on which an object of natural beauty or historic building or object of historical or scientific interest is situated, for the preservation or conservation of such building or object, whether a preservation resolution has been passed or not;
- (b) enter into agreements with any of the organisations named in paragraphs (d), (e) or (f) of Clause 74 hereof or with any other person for the preservation or conservation of any building or object mentioned in a preservation resolution passed by the Council; or, if the owner thereof so agrees, notwithstanding that no preservation resolution has been passed,
- (c) enter into agreements relating to the determination and settling of compensation.

82. **Claims for Compensation:** 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.

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

84. 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 historic or scientific interest referred to in any such resolution.

PART VII.—NON-CONFORMING USES OF LAND.

85. Non-conforming use Restrictions: (1) If at the Gazettal Date any land building or structure is being lawfully used for a purpose not permitted by the foregoing provisions of the Scheme (herein called a non-conforming use) or if any land is built on or any building or structure is built in a manner not permitted by the Scheme such land building or structure may continue to be used for that purpose or in that manner but no such land use shall be altered except to conform with the Scheme and no such building or structure shall be added to or altered or any additional building erected unless special permission to do so is granted by the Council.

(2) If at the Gazettal Date any land building or structure is being used for a non-conforming use or any land is built on or used in a manner not permitted by the Scheme and such non-conforming use shall after such date be discontinued or changed or the buildings removed, no person shall thereafter use the land or any building or structure thereon on which the non-conforming use was carried on for any purpose or in a manner not permitted by the Scheme unless special permission to do so is granted by the Council.

(3) If any building or structure is at the Gazettal Date being used for a non-conforming use or is constructed in a manner not permitted by the Scheme and is subsequently destroyed or damaged by fire or otherwise to an extent of more than fifty per cent. of its value no such land use shall be altered except to conform with the Scheme and the buildings shall not be repaired or re-built altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme unless special permission to do so is granted by the Council.

(4) When the Council grants its permission under any of the foregoing sub-clauses of this clause it may grant such permission upon such terms and conditions as it thinks fit.

(5) The Council shall not grant its permission to the change of a non-conforming use to another non-conforming use unless the new non-conforming use is in the opinion of the Council more compatible with the uses permitted for the Zone in which the land is situated.

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

(7) Where a non-conforming use exists in a residential area the Council may if circumstances warrant, restrict the working hours of the non-conforming use to between 7 a.m. and 5 p.m. and prohibit work from being carried out on Saturdays and Sundays.

86. Subdivision of Land the Subject of Non-conforming use Restrictions: Subject to the subsequent provisions of this clause if a non-conforming use is carried on on any land or in any building thereon no person shall after the subdivision of such land carry on the non-conforming use unless with the approval of the Council.

The Council may give its approval to the continuance of the non-conforming use on only one lot resulting from the subdivision and then only if that lot is of a size and nature consistent with that required for the use in its appropriate zone. The Council shall not give its approval to the continuance of a non-conforming use after a subdivision has taken place if the land is in a residential zone and the closer settlement of the lands in the immediate vicinity renders the continuance of the use undesirable or if the use is industrial and does not comply strictly with the definition of a light industry.

87. Registration of Non-conforming Uses: Any person carrying on a non-conforming use shall within twelve calendar months of the Gazettal Date or within such extended time as the Council shall allow give to the Council in writing full information of the nature and extent of the non-conforming use.

PART VIII.—ADMINISTRATION.

88. **Land Use to be in Accordance with Scheme:** (1) No person shall use any land or any building or structure otherwise than in accordance with the provisions of the Scheme. No person shall use any land building or structure contrary to the provisions of the Scheme.

(2) If pursuant to the provisions of the Scheme permission has been granted by the Council upon certain conditions no person shall commit a breach of any such conditions.

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

- (a) To enter and inspect any land or building within the Scheme Area;
- (b) To enter into agreements and arrangements with any of the owners of land within the Scheme Area;
- (c) To acquire land or buildings within the Scheme Area; and
- (d) To deal with or dispose of any land for the time being vested in it.

90. 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.

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

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

93. **Compensation:** Unless otherwise provided in the Scheme, claims for compensation by reason of the Scheme 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*.

Approved by resolution of the Council of the Town of Canning at the ordinary meeting of the Council held on the 9th day of April, 1973.

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

[L.S.]

E. CLARK,
Mayor.
NOEL DAWKINS,
Town Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 4 of the Scheme and to which formal approval was given by the Hon. Minister for Town Planning on the 20th day of July, 1973.

Recommended—

D. J. COLLINS,
Chairman of the Town Planning Board.

Date: 13th July, 1973.

Approved—

R. DAVIES,
Minister for Town Planning.

Date: 20th July, 1973.

APPENDIX SHOWING ADOPTED STANDARDS FOR OFF-STREET PARKING.

Scale: 1in. = 40ft.

