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[1974

KALGOORLIE—BOULDER

JOINT

TOWN PLANNING SCHEME

SCHEME TEXT

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

Advertisement of Approved Town Planning Scheme.

THE TOWN OF KALGOORLIE AND THE SHIRE OF BOULDER.

T.P.B. 853/11/3/2.

IT is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended), that the Hon. Minister for Town Planning approved the Kalgoorlie-Boulder Joint Town Planning Scheme on the 5th December, 1973, the Scheme Text of which is published as a schedule annexed hereto.

For the Town of Kalgoorlie,

H. A. HAMMOND,
Mayor.
D. R. MORRISON,
Town Clerk.

For the Shire of Boulder,

W. J. KENNEALLY,
President.
R. PEDDIE,
Shire Clerk.

Schedule.

SCHEME TEXT.

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

TOWN OF KALGOORLIE AND SHIRE OF BOULDER JOINT TOWN PLANNING SCHEME.

THE Councils of the Town of Kalgoorlie and the Shire of Boulder, under and by virtue of the power conferred upon them in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby make the following Town Planning Scheme for the purpose of—

- (a) setting aside land for future public use as reserves,
- (b) controlling land development,
- (c) other matters authorised by the enabling Act.

PART I.—PRELIMINARY.

1.1 Scheme Title: The Town Planning Scheme may be cited as the Town of Kalgoorlie and Shire of Boulder Joint Town Planning Scheme and shall come into operation on the publication of notice of the Minister's final approval thereof in the *Government Gazette*.

1.2 Scheme Area: The Scheme shall apply to the whole of the land described on the Scheme Maps which includes the whole of the District of the Town of Kalgoorlie and the Kalgoorlie locality of the Shire of Boulder.

1.3 General Intent: The intent of this Scheme is to direct and control the development of the Scheme Area (hereinafter referred to as the District) in such a way as shall promote and safeguard the health, safety and convenience and economic and general welfare of its inhabitants and the amenities of every part of the District.

1.4 Responsible Authority: The responsible authority for carrying out the Scheme is the Council of the Town of Kalgoorlie for all of the land within the Municipality of the Town of Kalgoorlie and the Council of the Shire of Boulder for the balance of the land within the Scheme Area.

1.5 Arrangement of Scheme:

The Scheme Text is divided into the following parts:—

- Part I.—Preliminary.
- Part II.—Reserved Land.
- Part III.—Zones.
- Part IV.—Non-conforming Uses.
- Part V.—General Provisions.
- Part VI.—Finance and Administration.

The remaining documents of the Scheme are as follows:—

- (1) Land Use Map.
- (2) Scheme Map.

1.6 General Obligations: Subject to the provisions of the Act and all regulations made thereunder and to Part IV of this Scheme, no persons shall depart or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake or permit any new work if the use, new work, reconstruction, alteration or modification does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

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

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

1.9 Interpretation: In this Scheme the terms used will have the respective interpretations set out in Appendix D of the Town Planning Regulations, 1967, unless otherwise specified hereunder:—

Definitions:

“Effective Frontage” shall be calculated for lots having parallel side boundaries as the length of a line drawn perpendicular from one side boundary so as to bisect the opposite side boundary and, in the case of other lots, as the length of a line drawn parallel to the street frontage between the two side boundaries at one third of the mean depth of the lot measured from the main street frontage.

Provided that nothing herein contained shall prevent the Council from deciding by other means the effective frontage of lots of such irregular proportions that it considers the above formulae cannot be applied.

“Plot Ratio” shall be calculated in accordance with the provisions of the Uniform Building By-laws.

“Site Coverage” shall be calculated in accordance with the provisions of the Uniform Building By-Laws.

“Setbacks for Lots with Multiple Street Frontage” shall be determined in accordance with the provisions of the Uniform Building By-laws.

“Triplex” means a building comprising three complete and self-contained dwellings.

“Extensive Tourist Development” means development of land for tourism purposes which provides for the accommodation and entertainment of tourists on a site having a minimum area of 25 acres.

“Dwelling” means any building or portion of a building which is used or is intended, adapted, or designed for use for living purposes and is a self-contained unit.

“Natural Planting and Pedestrian Space” means space set out and maintained to the satisfaction of Council as a landscaped area for pedestrian use only and any such space shall be planted with trees, shrubs and lawns or other plants and may be enhanced with rocks, stones, aggregates or paving.

PART II.—RESERVED LAND.

2.1. Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the approved Planning Scheme Map.

2.2 Development on Reserved Land: Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under or on land abutting a reserve defined in this Scheme other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council in the form prescribed as Form 1 as in Appendix to this Text.

2.3. Approval of Development on Reserved Land: In giving its approval the Council shall have regard to the ultimate purpose intended for the reserves, and shall in the case of land reserved for the purpose of a public authority, confer with that Authority before giving its approval.

2.4 Existing Use Rights on Reserved Land: No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance of buildings or works lawfully existing on the land.

2.5 Compensation for Injurious Affection: Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.6 Compensation Claim Procedure: Claims for compensation shall be lodged at the Office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.

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

PART III.—ZONES.

3.1 Zones Specified in Scheme: The following use zonings are specified and described in this Scheme and more particularly in Table 1—Zoning Table.

1. Residential A.
2. Residential B.
3. Residential Development.
4. Business.
5. Central Business.
6. Showroom, Office, Warehouse.
7. Industrial.
8. Extensive Development.
9. Service Station.
10. Hotel.
11. Motel.
12. Private Clubs and Institutions.
13. Places of Public Assembly.
14. Stables.
15. Drive-in Theatre.
16. Television Studio.
17. Caravan Park.
18. Tourist Development.

3.2 Residential Development Control Code:

Development with Residential A, Residential B, and Residential Development Zones will be in accordance with the controls and standards set out hereunder.

For the purposes of assessing density of occupation the Council will apply the following schedule:

- Single Unit Flat—1.0 persons.
- One bedroom Flat—2.0 persons.
- Two bedroom Flat—3.0 persons.
- Three bedroom Flat—4.0 persons.
- Four bedroom Flat—5.0 persons.

3.3 A minimum of 50 per cent of the area of every lot developed for residential purposes 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).

3.3.1 Within any Residential A, Residential B or Residential Development Zone the Council may approve construction of a single family detached dwelling on an existing lot having a lesser effective frontage and/or a smaller area than the minimums prescribed or a dwelling of Class 1 Occupancy may be erected on any lot of which the subdivision whereby the lot was created has been approved by the Town Planning Board under the provisions of the Town Planning and Development Act 1928 (as amended), or by the Minister on appeal to him under Section 26 of that Act.

3.4 Residential A Zone: The uses permitted in this zone are described in Table No. 1 Zoning Table. The following schedule details the bulk and location requirements which the Council will administer within the Zone.

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Use	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Maximum Site Coverage	Minimum Number of car spaces	Minimum setback from boundaries
Single Family Detached Dwelling	7,350 sq. ft.	60 ft.	.40	.40	2	Front : 25 ft. Back : 25 ft. *Side : 8 ft. **min. on one side. 5 ft. on other.
Duplex	9,301 sq. ft.	66 ft.	.40	.40	2 per unit	Front : 25 ft. Back : 25 ft. *Side : 8 ft. min. both sides
Triplex	13,612 sq. ft.	66 ft.	.40	.40	2 per unit	Front : 25 ft. Back : 25 ft. *Side : 10 ft. per storey each side
Quadruplex	16,335 sq. ft.	82.5 ft.	.40	.40	2 per unit	Front : 25 ft. Back : 25 ft. Side : 10 ft. per storey each side

*Where a garage is incorporated in the structure, 5 ft. on each side.

**With the approval of the adjoining owner Council may approve a single family detached dwelling without a setback from one side boundary providing the dwelling is built in compliance with the Uniform Building By-laws relating to parapet wall construction.

3.4.1 The Council may approve within this zone the conversion of an existing single-family detached dwelling to accommodate aged or infirm relatives of the property owner in accordance with the provisions of the Uniform Building By-laws.

3.4.2 Land may not be used within this zone for the purposes of stabling horses other than in compliance with By-laws adopted by the Council for the control of horse stables in residential areas.

3.5 Residential B Zone: The uses permitted in this zone are described in Table No. 1 Zoning Table. In its consideration of an application to commence development of triplex, quadruplex, flats and/or town houses within this zone the Council shall have regard to the adequacy of proposed sewerage disposal methods, and may require that development shall be conditional upon connection to a deep sewerage system. The following schedule details the bulk and location requirements which the Council will administer within the zone.

BULK AND LOCATION CONTROLS

Use	Minimum Lot area	Minimum effective frontage	Maximum Plot Ratio	Maximum Site Coverage	Minimum Number of car spaces	Minimum setback from boundary
Single family detached house (one dwelling unit)	4,900 sq. ft. 18 pchs	49 ft. 6 in.	.35	.35	2	Front : 20 ft. Back : 20 ft. Side : 5 ft. per storey each side
Duplex (two dwelling units)	6,534 sq. ft. 24 pchs.	60 ft.	.35	.35	2 per unit	Front : 20 ft. Back : 20 ft. Side : 5 ft. per storey each side
Triplex (Three dwelling units)	8,712 sq. ft. 32 pchs.	60 ft.	.35	.35	2 per unit	Front : 20 ft. Back : 20 ft. Side : 5 ft. per storey each side

Quadruplex,
Town Houses
and Flats*

Generally in accordance with the provisions of the General Residential Zone Class 6 (GR6) Controls of the Uniform Building By-laws providing that a population density equivalent of 100 persons per acre is *not* exceeded on any one parcel of land, and, providing further, that the minimum number of car parking spaces provided shall be determined on the basis of 2 spaces for each of the first five dwelling units and 1.5 spaces for every additional dwelling unit thereafter.

*A flat building shall not be built on any lot within this zone so that a fenestrated wall of that building is positioned closer than 40 feet measured in a horizontal plane to a fenestrated wall of a dwelling built upon another lot whether or not the dwelling is within the Residential B Zone.

Table I.

GENERAL RESIDENTIAL ZONE—CLASS 6 (GR6)

Minimum Lot Area	Sq. Ft.	Minimum Effective Frontage		Maximum No. of Dwelling Units D.U.	Maximum Plot Ratio	Minimum Setbacks from Boundaries		
		Links	Feet			P.R.	Front	Side(s)
40 ($\frac{1}{4}$ acre)	10,890	100	66.0	Multiple	0.35	30 ft	5 ft. per storey each side up to a maximum of 30 ft.	25 ft.
60	16,335	125	82.5	„	PR increases	„	„	„
80	21,780	150	99.0	„	0.00625	„	„	„
($\frac{1}{2}$ acre)					each Perch increase	„	„	„
100	27,225	175	115.5	„	in Lot Area	„	„	„
120	32,670	200	132.0	„	between	„	„	„
($\frac{3}{4}$ acre)					40 perches and 320 perches	„	„	„
280	76,230	200	132.0	„	2.1	„	„	„
(1 $\frac{1}{4}$ acre)								
320	87,120	200	132.0	„		„	„	„
(2 acres)								

Where comprehensive architectural plans and designs of houses, such as are commonly known as "town houses" are submitted for a minimum group of 4 dwelling units, the Council has, with the consent of the Town Planning Board, a discretion to modify standards as follows :—

6	1,633.5	30	19.8	1 (single family town house)	0.70	20 ft	Nil	20 ft.
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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 2 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.

Subject to the particular provisions of the Table I the following provisions apply to all residential buildings, in the Residential B Zone:—

(A) Lot Coverage by buildings:

A residential building or buildings shall not occupy a greater percentage of a lot than is shown in the following table:—

SITE COVERAGE

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 2/3
over 1.1	15

Garages and roofed parking spaces that are not placed above or below the floor included in the gross covered area shall not be taken into account, in calculating lot coverage by buildings.

(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 the 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—

- (a) 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
- (b) the difference in the height of the two buildings is 60 feet or more.

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

(D) Size, location and design of car parking, natural planting and 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 setback areas;
- (vi) the locations of proposed public footpath, 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.

3.6 Residential Development Zone: The uses permitted in this zone are described in Table No. 1—Zoning Table. The Council will only exercise its discretionary power to allow subdivision and/or development within this zone after its consideration of outline development plans. Any such plan shall show the proposed subdivision of land, the proposed land use pattern, the allocation of land for various public purposes including reserves for parks and recreation and the co-ordination of proposed subdivision and land usage with adjoining properties and with existing and proposed public utility systems. The bulk and location of residential buildings within this zone shall generally be in accordance with the General Residential Zone—Class 5 (GR5) Controls of the Uniform Building By-laws as they relate to multi-unit residential development providing that a population density equivalent of 100 persons per acre is not exceeded on any one parcel of land within the area covered by the Outline Development Plan.

3.6.1 Outline Development Plan: The Council may prepare Outline Development Plans for land within this zone and submit such plans to the Town Planning Board for approval. With the approval of the Town Planning Board an Outline Development Plan prepared by the Council shall operate as the plan of subdivision for the land and all new lots and roads created within the area be subdivided and laid out in general conformity with the plan.

Each owner shall, when subdividing his land, pay to the Council an amount which bears the same proportion to the costs of preparation of the Outline Development Plan as the area of his land bears to the total acreage of land within the Outline Development Plan excluding land, which, at the time of preparation of the plan, was reserved for road, railway, water supply, sewerage works, drainage or local authority purposes.

Nothing herein contained shall be deemed to limit the powers of the Town Planning Board or remove the requirement for its approval of individual subdivision applications.

The Crown holds a large portion of the land subject to this zoning and the subdivision and disposal of this land would normally be completed in accordance with the provisions of the Land Act. The provisions of this Scheme do not purport to limit the powers of that Act except in relation to the pattern of subdivision and development which may be approved and in regard to the sharing of costs of the preparation of an Outline Development Plan, where the Crown is to be treated as an owner of the land.

3.7 Business Zone: The uses permitted in this zone are described in Table No. 1 Zoning Table. The Council may as a condition of approval insist upon integration of building layout and design, parking layout and vehicular access and pedestrian circulation, with adjoining development.

3.8 Central Business Zone: This zone is intended to provide for the establishment of a commercial centre which will provide for the major retail, entertainment and administrative functions of the Eastern Goldfields. The uses permitted in the zone are described in Table No. 1—Zoning Table. In its consideration of any application to commence development the Council shall have regard to and may impose conditions relating to—

- (a) the provision of adequate parking facilities and the integration of adjoining parking areas and access thereto,
- (b) pedestrian safety and convenience,
- (c) the design and appearance of buildings and in particular the Hannan Street facade with the view to retaining the existing character of Hannan Street,
- (d) the provision of service access at the rear of buildings.

3.9 Showroom, Office, Warehouse Zone: This zone is established to provide for wholesale, warehousing, showroom and office uses to support the Central Business Zone. The uses permitted within this zone are described in Table No. 1—Zoning Table. The Council may impose conditions on any proposed development within the zone in order to achieve appropriate standards of safety, appearance, convenience and service. The bulk and location of buildings within the zone will be controlled by Council in accordance with the provisions of the Uniform Building By-laws.

3.10 Industrial Zone:

3.10.1 Intention: The Industrial Zone is established to provide for the industrial development of the five industrial areas within the Scheme Area. The Council may approve a wide range of industrial activities within this zone subject to conditions designed to achieve a high standard of industrial environment.

3.10.2 Use Control: The uses permitted in this zone are described in Table No. 1—Zoning Table. When considering any application for development within the zone the Council shall have regard to the provision and preservation of amenities which are commensurate with the establishment and operation of a modern industrial area, particularly in relation to safe and efficient movement of goods and people; aesthetically pleasing layout, disposition and construction of buildings, plant and ancillary facilities and, to safe, convenient and compatible relationships between various uses within the zone and in adjoining zones.

3.10.3 Bulk and Location Requirements: The following bulk and location requirements shall relate to all industrial undertakings within the Industrial Zone.

- (1) Maximum Site Coverage: No site shall be built upon so as to exceed a site coverage of 70 per cent.
- (2) Setback of Buildings from Site Boundaries: No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto 50 feet within the site. Provided that: In regard to any corner site the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by Council and the setback from the lesser roads shall be not less than 30 feet. In cases where insistence on a setback of 50 feet would effectively prevent efficient industrial use of a lot having an area of 40 perches or less the Council may approve a minimum building setback of not less than 30 feet from the road or roads of higher category.
- (3) Building Setback Areas: No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and parking in accordance with the provisions of this ordinance except that—not more than 20% of the setback area may be used for trade display purposes approved by Council.
- (4) Pedestrian and Garden Space: Every person who constructs or who substantially re-constructs, alters or adds to a building or who changes the use of any land or building within the Industrial Zone shall make provision for 25% of the building setback area between the street alignment and the minimum building setback line to be set aside, developed and maintained as natural planting and pedestrian space.

3.11 Extensive Development Zone: The Extensive Development Zone is established to provide for the control of development surrounding the Kalgoorlie urban area. The uses permitted within this zone are described in Table No. 1—Zoning Table. It is the Council's intention that this zone should remain predominantly in its existing rural and extractive industrial usage, however, provision is made for new mining activity (excluding all residential functions) and for extensive tourist developments to be located within the zone.

3.12 Zones not included in Table 1—Zoning Table: The following zones are specified in this Scheme but are not included in Table 1—Zoning Table:—

Service Station.
Hotel.
Motel.
Private Clubs and Institutions.
Places of Public Assembly.
Market Gardens and Stables.
Drive-in Theatre.
T.V. Studio.
Caravan Park.
Tourist Development.

3.12.1 Service Station Zone: Within this zone land may only be used for service station purposes.

3.12.2 Hotel Zone: Within this zone land may only be used for hotel purposes.

3.12.3 Motel Zone: Within this zone land may only be used for motel purposes.

3.12.4 Private Clubs and Institutions Zone: Within this zone land may only be used for private club and institutional purposes.

3.12.5 Places of Public Assembly: Within this zone land may only be used for places of public assembly.

3.12.6 Market Gardening and Stables Zone: The uses permitted within this zone are:

- (a) the stabling and training of horses,
- (b) the storage of commercial vehicles used in the transport of horses,
- (c) any other use incidental to the stabling and training of horses,
- (d) rural and agricultural uses and uses incidental thereto,
- (e) dwellings incidental to the predominant use.

When considering any application for development within the Zone the Council shall have regard to provision and preservation of amenities which might reasonably be expected to be provided in a residential environment.

Bulk and Location Requirements: The following bulk and location requirements shall relate to all development within the residential and market gardening and stables zone:—

1. Residential Development: Development shall comply with the controls of the Residential A Zone.
2. Market Gardening and Stables Development: Any building erected for stables or any other usage associated with, or incidental to, the horse racing industry, shall be built in compliance with the provisions of the Uniform Building By-laws except that—
 - (a) on any lot occupied in part by a residential dwelling, buildings, being used for stabling horses or for any other associated usage shall not, together with the area occupied by the dwelling, aggregate more than 40% site coverage.
 - (b) on any site used only for stabling horses or for any associated or incidental usage to the horse racing industry, buildings may be erected to a maximum site coverage of 50% of the lot area.

Relationship to By-laws: By-laws made under the Health Act for the purposes of maintaining health and hygiene standards of stables shall be deemed not to be affected by the operation of this Scheme.

3.12.7 Drive-in Theatre Zone: Within this zone land may only be used for drive-in theatre purposes.

3.12.8 T.V. Studio Zone: Within this zone land may only be used for television studio purposes.

3.12.9 Caravan Park Zone: Within this zone land may only be used for caravan park purposes.

3.12.10 Tourist Development Zone: Within this zone land may be used with the approval of Council for purposes associated with the tourist industry including hotels, motels, caravan parks, entertainment and recreation facilities.

3.13 Table No. 1—Zoning Table indicates the several uses permitted by this Scheme in various zones, such uses being determined by cross reference between the list of "Use Classes" on the left hand side of the Table and the list of "Zones" on top of the table. The symbols used in the cross reference in Table No. 1 have the following meanings:—

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

Any use not specifically listed in Table No. 1 shall be included either in the appropriate use class or in a special use class at the discretion of the Council.

3.14 Any person who intends to use land for a purpose which is only permitted with the special approval of the Council shall make application to the Council for such approval and the application shall state:—

- (a) The legal description of the land and the particulars of the Certificate of Title.
- (b) 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.
- (c) The full name and address of the applicant and the nature of his interest in the land.
- (d) The purposes for which the applicant desires to use the land, together with plans and statements illustrating and explaining the nature and details of the proposed use.
- (e) The reasons why the Council should exercise its authority to permit the proposed use.

3.14.1 The Council shall consider the application and may refuse its approval or may resolve to approve the application with or without conditions, or the Council may resolve that notice of the proposed use should be given to those ratepayers and residents likely to be affected by the granting of the application.

3.14.2 If the Council so resolves the applicant shall give notice of the proposed use to those owners of land scheduled by the Council, and cause to be published in a newspaper circulating in the Scheme Area notice of the application setting out in abbreviated form the information contained in the application and stating that objections may be made to the Council within a specified period, being not less than twenty-eight days from the publication of the said notice.

3.14.3 Within twenty-eight days of the expiry of the objection period the Council shall again consider the application and any objection lodged opposing the proposed use and shall resolve to refuse or grant its approval subject to conditions.

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

3.14.5 Any person grieved by a decision of Council given in terms of Clause 3.14 may appeal to the Minister for Town Planning in accordance with the provisions of Clause 1.8 of this text.

PART IV.—NON-CONFORMING USE OF LAND.

4.1 Existing Use Rights: No provisions of the Scheme shall prevent—

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

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

4.3 Extension of Buildings: Where in respect of land zoned under Part III of the Scheme a non-conforming use lawfully exists or was authorised as mentioned in Clause 4.1 of this Part on that land, buildings may be extended to the limits prescribed by the Uniform Building By-laws made under the Local Government Act, 1960 (as amended), or by any other by-laws made under the Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried out immediately prior to the coming into force of the Scheme: PROVIDED THAT where the provisions of any by-law referred to in this Part are inconsistent with the provisions of this Scheme then the provisions of this Scheme shall prevail.

4.4 The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is not detrimental to the amenity of the neighbourhood, or is, in the opinion of the Council, closer to the intended uses of the zone.

4.5 Discontinuance of Non-conforming Use

- (a) Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 4.4 when a non-conforming use of any land or building has been discontinued for a sufficient period which, in the Council's opinion, proved that the owner or the occupier intended to cease the non-conforming use, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- (b) The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

PART V.—GENERAL PROVISIONS.

5.1 Vehicle Parking and Loading: The purpose of this clause is to secure the provision of off-street parking and loading facilities in relation to the use of land so as to reduce or prevent the congestion of traffic on any road or public place. Every owner or occupier who constructs or who substantially reconstructs, alters or adds to a building on any site or changes the use of any land or building shall make provision in accordance with the requirements of Table II for vehicles used in conjunction with the site (whether by occupiers, their employees or invitees or other persons) to stand on or, in the opinion of the Council, sufficiently close to the site but not on a street while being loaded or unloaded or awaiting use.

5.2 Size and Location of Car Spaces and Loading Facilities: The minimum dimensions of every required car parking space shall be 18 ft. x 8 ft. excluding all access drives. When considering any development applications, the Council shall have regard to and impose conditions on the details of locating and designing the required car parking spaces and loading facilities. In particular, the Council shall take into account, and may impose conditions concerning—

- (a) the proportion of spaces to be roofed or covered,
- (b) the proportion of spaces to be below natural ground level,

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- (c) the means of access to each space and the adequacy of any manoeuvring area,
- (d) the location of the spaces on the site and their affect on the amenity of adjoining development, including the potential effect if spaces should later be roofed or covered,
- (e) the adequacy of proposed screening or planting,
- (f) the extent to which spaces are located within required setback areas,
- (g) the location of proposed footpaths and the effect on traffic movement and safety, and
- (h) the means of access to or from the site onto any public road.

5.3 (a) Subject to subclauses (b) and (c) of this clause where a site is to be used for a purpose stipulated in the first column of Table II car parking spaces of the number specified in the second column of that Table shall be provided before that site is used for that purpose.

TABLE II

Use	Number of Parking Spaces
1. Dwellings, duplex, triplex and quadruplex houses and flats	As set down in Part III.
2. Other residential buildings	1 to every 4 persons the building is designed to accommodate.
3. Motels	1 to each room used as a bedroom plus 1 to each 250 sq. ft. of gross floor area of service buildings.
4. Licensed Hotels	200 or one to every 40 sq. ft. gross of bar and lounge floor area.
5. Hospitals	1 to every 4 patients beds plus employee parking.
6. Theatres, cinemas, halls and non-residential clubs	1 to every 4 persons whom the building is designed to accommodate.
7. Churches	1 to every 4 persons whom the building is designed to accommodate.
8. Educational Establishments	1 to each staff member plus 1 space to every 4 students at a tertiary education establishment.
9. Motor Repair Stations and Service Stations	1 to each working bay plus 1 to each person employed on-site.
10. Warehouse, showrooms, storage yards and carriers depots including incidental offices on premises used for such purposes	1 to each 1,000 sq. ft. of open space and 1 to each 1,000 sq. ft. of gross floor area or 1 to every 2 employees.
11. Industry	1 to every 2 persons employed.
12. Shops	6 per 1,000 sq. ft. of gross floor area.
13. Administrative, commercial and professional offices	1 to each 500 sq. ft. of floor area or 1 to every 2 employees.

(b) Where a site is to be used for business purposes, within Business, Central Business, Office Showroom Warehouse, or Hotel Zones, the Council may permit it to be so used notwithstanding that the prescribed number of parking spaces is not to be provided on or in the opinion of the Council sufficiently close to the site provided that the owner or occupier of such site makes such arrangements with the Council with respect to off-street parking in the vicinity of the site as are satisfactory to the Council.

(c) Where in the opinion of the Council the provision of the number of parking spaces prescribed in Table II would be excessive in a particular case the Council may permit the particular site to be used for the purpose proposed if such number of parking spaces is provided as the Council consider adequate. In deciding whether the number so prescribed is excessive in a particular case the Council shall have regard to the nature of the use to be made of the site, the known or likely volume of goods to materials or the numbers of people moving to or from the site and the

likelihood or otherwise of congestion of traffic on any road or other public place in the vicinity.

(d) Where a site is to be used for a purpose other than a purpose specified in the first column of Table II the number of parking spaces to be provided in respect thereof shall be the number determined by the Council having regard to the nature of the proposed use, the known or likely volume of goods or materials or the numbers of people moving to and from the site and the likelihood or otherwise of congestion of traffic on any road or other public place in the vicinity.

5.4 Appearance of Buildings: All buildings shall be maintained by the owner and occupier thereof so as to preserve the amenities of the locality and their harmony with the exterior designs of neighbouring buildings.

5.5 Prohibition of Unsightly Objects: No persons shall cause, allow or permit to be placed on any building or part of a building or on a building lot, any article, object or thing which shall be visible from any street, way or public place or from any other land or building or any part thereof, and which is, in the opinion of the Council, offensive, unsightly or otherwise considered to be detrimental to the amenities of the neighbourhood.

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

5.7 Advertising:

5.7.1 Relationship to By-laws: Without limiting the generality of the application of any by-law it is expressly declared that this Clause is supplementary to and not in substitution for the by-laws relating to the control and licensing of signs and advertising.

5.7.2 Interpretation: In this Ordinance unless the context otherwise requires, "signs" include—

- (a) every sign placed or affixed (whether by painting or otherwise) as advertising matter upon a site and visible from off the site; and
- (b) the board, hoarding or other structure which supports such sign.

5.7.3 Signs in Residential Zones. No sign shall be erected or displayed in any residential zone except:

- (a) Traffic signs erected by or with the consent of the Council or signs denoting the name of the road, number of the premises or the location or other details of a public utility or facility.
- (b) A sign not exceeding 12 sq. ft. in area bearing only the name and use details of the premises and erected on a reserve or a recreation ground or on the site of a school, church, church hall.
- (c) A sign not exceeding 2 sq. ft. in area bearing only the name of the premises and the trade name of occupiers and the name, occupation and hours of attendance of a person or a group of persons using the premises.
- (d) A temporary sign for electioneering or other purposes—

Provided that such sign not be erected without the consent of the Council and shall be subject to such conditions as the Council may impose.

- (e) A sign advertising the intention to sell the land or premises on which it is situated.

5.7.4 Signs in Other Zones or Reserves: No sign shall be erected or displayed on land not situated in a residential zone or on or in any building erected thereon:

- (a) If it detrimentally affects the amenities of any residential zone or zones or any parts thereof.
- (b) If it tends to depreciate the value of any adjoining property.
- (c) If the area of the sign exclusive of supporting structure exceeds 2 sq. ft. for every one lineal foot of site frontage.

Provided that in the case of a site having more than one street frontage the limitation as to sign area shall apply to each street frontage and the sign area may not be aggregated and displayed on one street frontage.

5.7.5 Power to Prohibit Signs Affecting Traffic Safety: If at any time the Council, having regard to considerations of traffic safety or the requirements of traffic control, is of the opinion that the erection or display of any sign ought not to be permitted the Council may by resolution prohibit the erection or display of any such sign.

5.8 Places and Objects of Historical Interest and Natural Beauty:

- (a) No person shall destroy, remove, modify or damage any object or place registered on the Schedule of Places and Objects of Natural Beauty and of Scientific or Historic interest unless application is made and submitted to the Council in the form of Form 1 in Appendix 1 of this Scheme.
- (b) Following consideration of such application, the Council may refuse consent or may grant consent to destroy, remove or modify such object or place registered, either with or without conditions, or may after giving public notification of its intention to cancel such registration and after considering any objections lodged within 28 days of such public notification, resolve to remove any place or object from the Schedule and the Council thereupon shall make the appropriate alteration to the Schedule and notify accordingly the owner or occupier of the land upon which the object or place is situated.
- (c) Public notification shall include notice in a local newspaper, a letter to the National Trust of Australia (W.A.) and a letter to the Royal W.A. Historical Society (Inc.).
- (d) An applicant grieved by Council's decision in relation to any application may appeal to the Minister as laid down in Clause 1.8 of the Scheme.

SCHEDULE OF PLACES AND OBJECTS OF NATURAL BEAUTY AND OF SCIENTIFIC OR HISTORIC INTEREST.

Item	Interest	Property Description
1. Institutional Buildings		
Kalgoorlie Post Office and Government Buildings	Historic and Architectural	Reserve 2671 Hannan St., Kalgoorlie
Boulder Town Hall	Historic and Architectural	Reserve 6917 corner Brookman/Burt Sts., Boulder.
Kalgoorlie Town Hall	Historic, Internal Decor and displayed Historic Records	Reserve 3629 corner Wilson/Hannan Streets, Kalgoorlie.
Original Kalgoorlie Council Chambers	Historic	Lot 87 Brookman Street, Kalgoorlie.
St. Mary's Roman Catholic Church	Historic and Architectural	Lots 81 to 84 inclusive Cnr. Porter/Brookman Streets, Kalgoorlie
Queens Methodist Church	Historic and Architectural	Lots 35 and 36 Piesse Street, Boulder
Boulder Railway Station and Park	Historic and Natural Beauty	Part Reserve 6662 Hamilton St., Boulder.
School of Mines	Scientific and Historic	Reserve 6594 Cnr. Cassidy/Egan Streets, Kalgoorlie.
Golden Mile Museum	Historic and Architectural	Lot 412 Outridge Terrace, Kalgoorlie.
2. Hotels		
Exchange	Historic and Architectural	Lot 10 Cnr. Boulder Rd./Hannan Street, Kalgoorlie.
Oriental	Historic and Architectural	Lot 163 Hannan Street, Kalgoorlie.
York	Historic and Architectural	Lot 161 Hannan Street, Kalgoorlie.
Court	Historic and Architectural	Lot 136 Burt Street, Boulder.
3. Residential		
Herbert Hoover's Residence	Historic	Located at 22 George Street, Kalgoorlie.
Miners Camp	Historic	Located in Egan Street, Kalgoorlie.
Residence	Historic and Architectural	Lot 191 Cnr. Brookman/Piesse Sts., Boulder.
Pioneer Prospectors Camp	Historic	Located in Brownhill Rd., Williamstown.
Eileen Joyce's Residence	Historic	Located at 113 Wittenoorn Street, Boulder.
4. Places and Objects		
Boulder Block	Historic	Located Cnr. Contention/Gallagher Sts., Fimiston.
Golden Mile	Scientific and Historic	Located along the entire eastern boundary of the Urban Complex.
Kingsbury Park	Natural Beauty	Reserve 6589 Cnr. Cassidy/Macdonald Sts., Kalgoorlie.
Victoria Park	Natural Beauty	Reserves 4901 and 29031 Cnr. Outridge Terrace/Victoria St., Kalgoorlie.
Rosenberg Crescent	Residential Area of Interest	Located off Cheetham and Lionel Sts., Kalgoorlie.
Kalgoorlie Racecourse	Historical and Architectural	That part of Reserve 3417 in the vicinity of the corner of Meldrum Ave. and Charles St, Kalgoorlie which contains the major buildings associated with the operation of the Kalgoorlie Racecourse.
Mt. Charlotte Lookout	Views of Tourist Interest	Reserve 9892 north end of Victoria St. Kalgoorlie.

PART VI.—ADMINISTRATION AND FINANCE.

6.1 Disposal of Land: The Council may deal with or dispose of any land which it owns or which it has acquired pursuant to the provisions of the Scheme, in accordance with the Act and in conformity with the provisions of the Scheme, and for such purposes may make such agreements with other owners as it deems fit. In addition to all other powers vested in it the Council may acquire land and buildings within the Scheme Area and enter into agreements and arrangements with any owners of land within the Scheme Area.

6.2 Compensation: Claims for compensation by reason of the Scheme other than for the purposes of Section 2 shall be made not later than 6 months from the date on which notice of approval of the scheme is published in the *Government Gazette*.

6.3 Entry to Premises: The Council may by its Shire or Town Clerk, Health Surveyor or Building Surveyor, or such other officer authorised in writing by the Shire or Town Clerk, enter at all reasonable times any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

6.4 Relationship of Scheme Text to other Documents: This Scheme Text is to be read in conjunction with all documents comprising the Town of Kalgoorlie/Shire of Boulder Joint Town Planning Scheme.

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

Adopted by resolution of the Council of the Town of Kalgoorlie at the meeting of the Council held on the 1st October, 1973 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

H. A. HAMMOND,
Mayor.

[L.S.]

D. R. MORRISON,
Town Clerk.

Adopted by resolution of the Council of the Shire of Boulder at the meeting of the Council held on the 13th September, 1973 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

W. J. KENNEALLY,
President.

[L.S.]

R. PEDDIE,
Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of this Scheme and to which formal approval was given by the Hon. Minister for Town Planning on the 5th day of December, 1973.

Recommended—

D. J. COLLINS,
Chairman of the Town Planning Board.
Dated 29th November, 1973.

Approved—

R. DAVIES,
Minister for Town Planning.
Dated 5th December, 1973.

Appendix I.

Town of Kalgoorlie and Shire of Boulder Joint Town Planning Scheme.

Office Use Only:

Serial No.....

Form 1.

Town/Shire of.....

APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT.

(Name of owner of land on which development proposed)	}	Surname.....
		Christian Names.....
		Address in Full.....

Submitted by.....

Address for Correspondence.....

Locality of Development.....

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

Location No.....

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

Folio.....

State Type of Development proposed, or describe briefly the proposed development:

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

State approximate cost of proposed development.....

State estimated time of completion.....

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

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

Date.....

DETERMINATION OF COUNCIL.

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

