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SHIRE OF SWAN

TOWN PLANNING SCHEME

No. 1

SCHEME TEXT

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED).

Advertisement of Approved Town Planning Scheme.

SHIRE OF SWAN TOWN PLANNING SCHEME No. 1.

T.P.B. 853/2/21/1.

IT is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon. Minister for Town Planning approved the Shire of Swan—District Zoning Scheme on the 4th June, 1974, the Scheme Text of which is published at a Schedule annexed hereto.

L. D. MARSHALL,
President.

T. J. WILLIAMSON,
Shire Clerk.

Schedule.

SHIRE OF SWAN TOWN PLANNING SCHEME No. 1.

THE Swan Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1958 (as amended), hereby makes the following Town Planning Scheme for the purpose of—

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

PART 1.—PRELIMINARY.

1.1 This Town Planning Scheme may be cited as the Shire of Swan Town Planning Scheme No. 1 hereinafter called "The Scheme" and shall come into operation on the publication of notice of the Minister's final approval thereof in the *Government Gazette*.

1.2 The Scheme shall apply to the whole of the land set out in the maps forming part of the Scheme.

1.3 The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provision of the Metropolitan Region Scheme, as amended from time to time, shall continue to have effect.

1.4 The Responsible Authority for carrying out the Scheme is the Council of the Shire of Swan (hereinafter referred to as the Council) except that where land is defined in clause 2.1 as Regional Reserve the Responsible Authority shall be deemed to be the Metropolitan Region Planning Authority and the provision of the Metropolitan Region Planning Scheme shall apply.

1.5 Arrangement of Scheme:

The Scheme Text is divided into the following parts:—

- Part 1.—Preliminary.
- Part 2.—Reserved Land.
- Part 3.—Zones.
- Part 4.—Non-conforming Uses.
- Part 5.—General Provisions.
- Part 6.—Finance and Administration.

The remaining Documents of the Scheme are as follows:—

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

1.6 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 by this Scheme.

Appendix "D" of the Town Planning Regulations appear hereunder, together with any other interpretations as required by this Scheme.

Planning Scheme Interpretations: In any Scheme prepared in accordance with the Town Planning Regulations, 1967, unless the Scheme text provides otherwise:

- "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 leisure as distinct from the work of the industry or business;
- "amusement parlour" means the use of land and buildings for indoor games and includes the use of slot machines and other like equipment;
- "Board" means the Town Planning Board constituted under the Act;
- "building" shall have the same meaning as is given to it in and for the purpose of the Uniform Building By-laws;
- "building line" means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act;
- "bus depot" means land used for the garaging of buses used for the carrying of persons for hire or reward or for any other consideration, and includes maintenance and repair of such vehicles;
- "car and vehicle wreckers" means land and building used for the breaking up or demolition of any car or motor vehicle, and includes premises used for the sale of parts produced therefrom;
- "car parks" means a site or building used primarily for parking private cars or taxis whether as a public or private car park but does not include any part of a public road used for parking or for a taxi rank or any land or buildings on or in which cars are displayed for sale;
- "car sales premises" means land and buildings used for the display and sale of cars, whether new or second hand, but does not include a workshop;
- "caretaker's house" means a building used as a residence by the proprietor or manager of an industry or service station carried on upon the same site or by a person having the care of the building or plant of the industry;
- "caravan park" means an area set aside for the parking of caravans in conformity with the Caravan and Camp Regulations, 1961, made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-law (Caravan Parks) No. 2 made pursuant to the powers conferred by the Local Government Act, 1960 (as amended), and any amendments to those Regulations or to that Model By-law;
- "child minding centre" means the use of land and buildings, or part thereof for the care of children during the day, but does not include an institutional home or hospital;
- "civic building" means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or councils as offices or for administrative or other like purposes;
- "consulting rooms" means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with physical or mental injuries or ailments;
- "consulting rooms with residence" means a building or any part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments together with an adjoining residence;
- "dog kennel" means the use of land and buildings for the keeping and breeding of more than two dogs for commercial purposes;
- "drive-in theatre" means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles;
- "dry cleaning premises" means land and buildings used for the cleaning of garments and other fabrics by chemical processes;
- "duplex house" shall have the same meaning as is given to it and for the purposes of the Uniform Building By-laws;
- "dwelling house" means a building used primarily for living purposes as one separate family unit, the term also includes such out-buildings and recreational uses and gardens as are ordinarily used therewith, but does not include a "residential building" or part of such a building;
- "educational establishment" means a school college, university technical institute, academy or other educational centres, or a lecture hall, but does not include a reformatory institution or institutional home;

- "existing use" means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part IV of this Text.
- "extractive industry" includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or substance from the land, and also the manufacture of products from those minerals when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto;
- "fish shop" means a shop where the goods kept exposed or offered for sale include wet fish or fish fried in the premises for consumption off the premises;
- "flats" shall have the same meaning as is given to it in and for the purpose of the Uniform Building By-laws and includes single unit flats as described in By-law 2808 of the Uniform Building By-laws;
- "floor area" shall have the same meaning as is given to it and for the purposes of the Uniform Building By-laws;
- "frontage" shall have the same meaning as is given to it in and for the purposes of the Uniform Building By-laws;
- "gross leaseable area" is the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from centre lines of joint partitions and exteriors of outside walls. This does not include office buildings in which medical, dental, research and other kinds of special organisations are housed, but does include banks and other such activities which are part of a shopping centre;
- "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;
- "gazettal date" means the date on which notice of the final approval of the minister to this Planning Scheme is published in the *Government Gazette*;
- "general industry" means any industry other than a hazardous, light, noxious, rural, extractive or service industry;
- "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;
- "height" has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws;
- "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;
- "home occupation" means a business carried on with the permission of the responsible authority within a house or the curtilage of a house that—
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste, water, or waste products;
 - (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
 - (c) does not occupy an area greater than 200 square feet;
 - (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
 - (e) is restricted in advertisement to a sign not exceeding two (2) square feet in area;
- "hotel" means land and buildings the subject of a Publican's General Licence, and Hotel Licence or a Wayside-House Licence granted under the provision of Licensing Act, 1911 (as amended) or of any Act in substitution for that Act, but does not include a motel;

“hotel-motel” means a building, group of buildings or place used or intended to be used to accommodate persons in manner similar to a hotel or boarding house, but in which special provision is made for the accommodation of patrons with motor vehicles and to which a Publican’s General Licence, and Hotel Licence or a Wayside house Licence under the provisions of the Licensing Act, 1911 (as amended) or of any Act in substitution for that Act has been granted;

“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—
 - (1) the carrying out of agriculture;
 - (2) site work on buildings, works or land; and
 - (3) 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 of accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process;

“institutional building” means a building used or designed for use wholly or principally for the purpose of—

- (a) a hospital or sanatorium for the treatment of infectious or contagious diseases;
- (b) a home or other institution for care of State wards, orphans, or persons who are physically or mentally handicapped;
- (c) a penal or reformatory institution;
- (d) a hospital for treatment or care of the mentally sick; or
- (e) any other similar use;

“institutional home” means a residential building for the care and maintenance of children, the aged, or the infirm, and includes a benevolent institution, but does not include a hospital or a mental institution;

“land” includes air stratum titles, messages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land;

“light industry” means an industry—

- (a) in which the processes carried on, the machinery used and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste, water, waste-products, grit, oil or otherwise; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities or any other like service.

“lot” has the meaning given to it in and from the purpose of the Act, and “allotment” has the same meaning;

“marine filling station” means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on, but does not include a service station;

“milk depot” means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasturised;

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

- “motor repair station” means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping;
- “new street alignment” see “street alignment”
- “non-conforming use” means the use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme;
- “noxious industry” means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include fish shops or dry cleaning establishments;
- “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 conducted on the site thereof, the administration of or the accounting in connection with an industry;
- “open air display” means the use of land as a site for the display and/or sale of goods and equipment;
- “owner” in relation to any land includes the Crown and every person who jointly or severally, whether at law or in equity—
- (a) is entitled to the land for any estate in fee simple in possession; or
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
 - (c) is a lessee or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;
- “petrol filling station” means land and buildings used for the supply of petroleum products and automotive accessories;
- “plot ratio” has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws;
- “private hotel” means land and buildings used for residential purposes in respect of which may be granted an hotel licence under the provisions of the Licensing Act, 1911 (as amended) or any Act in substitution for that Act;
- “private recreation” means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge;
- “professional offices” means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or town planner, and “professional person” has a corresponding interpretation;
- “public amusement” means the use of land as a theatre, a cinema, a dance hall, a 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 authority” means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility;
- “public recreation” means the use of land for a public park, public gardens, foreshore reserve, playground or grounds for recreation which are normally open to the public without charge;
- “public utility” means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- “public worship—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 residential training institution;

- “radio and television installations” means the buildings and equipment capable of being used for transmitting and receiving radio and television broadcasts;
- “redevelopment” means revision or replacement of an existing land use according to a controlled plan;
- “reformatory institution” includes a penal institution;
- “reserved land for public purposes” means any land referred to in Part 2 of this Scheme;
- “residential—aged persons home” means a residential building for the care and maintenance of the aged, and includes a benevolent institution, but does not include a hospital or mental institution;
- “residential building” means a building, other than a dwelling house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club;
- “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;
- “service industry” means a light industry carried on land and in buildings having a retail shop front and in which goods may be manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;
- “service station” means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs;
- “shop” means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot, but does not include a bank, fuel depots, a market, servicing station, petrol filling station, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles, or for any purpose falling within the definition of industry;
- “showrooms” means rooms in connection with warehousing or offices, and intended for display of goods of a bulky character;
- “sports ground” means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially;
- “stockyards” means the use of land, buildings and other structures for the holding and/or sale of animal stock;
- “street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed;
- “trade display” means the use of land and buildings for the display and/or sale of goods and equipment;
- “transport depot” means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles, and includes maintenance and repair of vehicles;
- “Uniform Building By-laws” means the Uniform Building By-laws, 1965, published in the *Government Gazette* on the 15th October, 1965, and amended from time to time thereafter by notices published in the *Government Gazette*;
- “vehicle sales premises” means premises for the sale and servicing of vehicles, and includes showrooms and workshops;
- “veterinary hospital and clinic” means land and buildings or any part of a building used in the practice of his profession by a legally qualified veterinary surgeon or by a person ordinarily associated with a veterinary surgeon in the investigation and treatment of physical injuries or ailments of animals;
- “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 transaction involving the sale of such goods by wholesale;

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

1.7 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 such by-law, the provisions of the Scheme shall prevail.

1.8 The Town Planning Scheme for the Guildford Municipality which was published in the *Government Gazette* on the 31st July, 1931 and subsequently amended from time to time is hereby revoked.

1.9 The By-laws relating to Prescribed Residential Area which were published in the *Government Gazette* on the 11th September, 1936 and subsequently amended from time to time is hereby revoked.

PART 2.—RESERVED LAND.

Reservation of Land and Development Thereof.

2.1 Reservations within the Scheme area are as set out hereunder:—

Regional Reserves—

Recreation.
Controlled Access Road.
Major Highway.
Important Regional Road.
Railway.
State Forest.
Waterway.
Public Purposes.

Reserves—

Recreation.
Important Local Roads.
Local Roads.
Car Parks.
Public Purposes.
Civic and Cultural Areas.

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

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

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

(d) 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 for which the prior consent in writing of the Council has been obtained, of building or works lawfully existing on the land.

2.3 (a) Where a 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 that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

(b) Claims for such compensation shall be lodged at the Office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.

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

PART 3.—ZONES.

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

3.2 The Scheme area is divided into the following zones:—

Residential Development.
 Residential.
 Residential QR5.
 General Residential GR5.
 General Residential GR6.
 Central Area.
 Commercial A.
 Commercial AR.
 Commercial B.
 Hotel.
 Motel.
 Private Clubs and Institutions.
 Places of Public Assembly.
 Rural.
 Special Sites.
 Service Industry.
 Light Industry.
 General Industry.
 Noxious Industry.
 Extractive Industry.
 Hazardous Industry.
 Public Open Space.

3.3 Table No. 1 appended to clause 3.4 of this Part indicates the several uses permitted by this Scheme in the various zones set out hereunder—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 the top of that Table.

3.4 Where a zone is restricted to one use only it has been omitted from the Table and the permitted use may be determined from the Scheme Maps.

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

- "P" = A use that is permitted in principle by the Scheme, subject however, to any conditions imposed by Council in determining applications for planning consent.
 "AA" = A use that is not permitted unless approval is granted by the Council.
 "A" = A use that is not permitted unless approval is granted by the Council under the conditions of clause 5.1 inclusive of this Scheme.
 "IP" = A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.
 "X" = A use that is not permitted.

3.6 (a) The Council may advertise its intention to consider on application for a use marked "AA" in Table 1, at least twice in a newspaper circulating in the district of the Shire of Swan, such advertisements to be published at least seven days apart.

(b) The Council may use other methods or media to ensure widespread notice of the proposal, including a notice on the site subject to the application, or notice by letter of the proposed use to ratepayers, residents and authorities likely to be affected by the granting of the application.

(c) The notice shall state that objections and comments may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice.

(d) After the date stated in the notice, the Council shall consider the application and any objections and comments received and shall resolve to refuse or grant approval.

- (ii) In all cases where vehicles parking provisions are required under this Scheme Council approval to the position and layout of parking areas shall be obtained prior to development and in determining its decision the Council shall have regard to—
- (a) layout and size of parking space;
 - (b) access from the street system;
 - (c) adequacy of access lanes and turning areas;
 - (d) landscaping, tree planting and aesthetic quality of the proposal in regard to its effect on adjoining areas; and
 - (e) any other matter considered relevant by Council.
- (iii) The Council may require to be made before approval any changes to the layout or other provision under clause (ii) of a vehicle parking area as it thinks fit and may withhold its approval until agreement has been reached.
- (iv) Within the Central Business District defined in Appendix A the Council may accept a cash provision in lieu of the on site provision of car parking areas such cash provision to be held by Council until used for the purchase and development of land for public car parks in positions and quantity as determined by Council having due regard to the aims and Policies of the Scheme.

5.6 Building Lines: Within the Scheme area Building Lines and plot ratios shall be as defined in the Uniform Building By-laws (as amended) except that within the General Industrial Zone Council may require a Building Line greater than 30 feet but not exceeding 100 feet.

5.7 General Industry:

- (i) Within a lot or lots zoned for General Industry the car parking provision required under Table 4 shall occupy not more than 50% of the land between the building line and the street alignment of the lot or lots, the balance of the land between such building line and the street alignment shall be laid out and maintained as lawns, gardens or approved plantation strips or with the approval of Council trade displays or advertisements.
- (ii) Trade displays or advertisements approved by Council under the preceding sub-clause shall not occupy more than 10% of the land between the building line and the street alignment.
- (iii) Notwithstanding anything contained in the preceding sub-clauses of this clause vehicle parking or trade displays or advertisements shall not be permitted within 25 feet of a road or street corner.

5.8 Central Area Zone: Having regard to the Council's intention of developing land within the Central Zone to the maximum public benefit and amenity, and to promote the aesthetic unity of the Area, Council will require to approve the use, design, construction, material and layout of all developments within the Zone and may enter into any agreements with others for the purpose and objects stated.

TABLE 3
MINIMUM ON SITE CAR PARKING REQUIREMENTS AREAS WITHIN THE CENTRAL BUSINESS DISTRICT AS DEFINED IN APPENDIX A.

Zone	Uses	Number of Car Parking Spaces (Not including turning and access areas)	Remarks
Commercial A Commercial B Commercial AR	Shops	5.5 per 1 000 sq. ft. gross leaseable area or in the case of lesser area, a number in the same proportion thereto.	Council may accept cash in lieu of car parking spaces in accordance with the provisions of clause 5.5 (iv).
	Offices or Banks	2 for up to 500 sq. ft. gross leaseable area plus 1 for each additional 400 sq. ft. of gross leaseable area.	

TABLE 3—Continued.

Zone	Uses	Number of Car Parking Spaces (Not including turning and access areas)	Remarks
Commercial A Commercial B Commercial AR (Continued)	Warehouses	2 for up to 1 000 sq. ft. of storage area plus 1 for each additional 1 000 sq. ft. of storage area.	
	Showrooms....	2 for up to 1 000 sq. ft. of storage area plus 1 for each additional 1 000 sq. ft. of storage area plus 1 for each 500 sq. ft. of display or sales area to which the public has access.	
	Service Industry	As for Shops.	
	All Residential Uses	In accordance with the car parking provisions of Tables 213A, 213B or 213C whichever is applicable of the Uniform Building By-laws (as amended).	
	Cafes, Dining Rooms and Restaurants	1 for each 4 persons the building is designed to accommodate.	
	All other uses	To be negotiated with Council on application for development.	Council will have regard to its policies for overall central development and to the proximity and use of other parking areas.
Hotel	Hotel	To be negotiated with Council on application to develop.	
All Zones Where Permitted	Consulting Rooms	To be negotiated with Council on application to develop.	

TABLE 4

MINIMUM ON SITE CAR PARKING REQUIREMENTS ALL AREAS EXCLUDING CENTRAL BUSINESS DISTRICT

Zone	Uses	Number of Car Parking Spaces (Not including turning and access areas)	Remarks
Commercial A Commercial B	Shops	7.5 per 1 000 sq. ft. gross leaseable area or in the case of lesser area, a number in the same proportion thereto.	
	Offices or Banks	3 for up to 500 sq. ft. gross leaseable area plus 1 for each additional 400 sq. ft. gross leaseable area.	
	Warehouses	2 for up to 1 000 sq. ft. of storage area plus 1 for each additional 1 000 sq. ft. of storage area.	

TABLE 4—Continued.

Zone	Uses	Number of Car Parking Spaces (Not including turning and access areas)	Remarks
Commercial A Commercial B (Continued)	Showrooms....	2 for up to 1 000 sq. ft. of storage area plus 1 for each additional 1 000 sq. ft. of storage area plus 1 for each 500 sq. ft. of display or sales area to which the public has access.	
	Cafes, Dining Rooms and Restaurants	1 for each 4 persons the building is designed to accommodate.	If the hours of business of a Cafe, Dining Room or Restaurant at no time coincide with those of other business uses in the area and the parking spaces within public parking areas in the area are sufficient in the Council's opinion to cater for the parking requirements of the Cafe, Dining Room or Restaurant the provisions of Table 11 shall not apply to that Cafe, Dining Room or Restaurant.
Hotel	Hotel	1 for every bedroom, an additional space for every 20 sq. ft. of floor 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 or ground area (if provision is made for holding Conventions, Council may require an additional space for every 4 persons that the Convention Room is designed to accommodate).	
Motel	Motel	1 for every residential unit or suite.	
Places of Public Assembly	Places of Public Worship or Public Assembly	1 for every 4 persons the building is designed to accommodate.	Where a public car parking area adjoins land used for this use, and in the Council's opinion the parking spaces within such public car park are sufficient to cater for the requirements of the use, the provisions of column 3 shall not apply.
	Private Recreation	To be negotiated with Council on application to develop.	
	Private Schools (Primary)	1 for every classroom.	

TABLE 4—Continued.

Zone	Uses	Number of Car Parking Spaces (Not including turning and access areas)	Remarks
Places of Public Assembly (Continued)	Private Schools Secondary	1 for every classroom plus 1 for every 25 students the school is designed to ac- commodate for the final 2 years of secondary educa- tion.	
Private Clubs and Institutions	Clubs 1 for every 500 sq. ft. of total floor area.	
	Hospitals 'C' Class	12 or 1 for every 3 patients' beds whichever is the greater number.	
	Hospitals Other	1 for every 4 patients' bed provided.	
	Residential Buildings	As specified in the Uniform Building By-laws.	
Special Sites Funeral Parlour	6.	
Residential Residential QR5 General Residential GR5 General Residential GR6	All Uses In accordance with the car parking provisions of Tables 213A, 213B or 213C which- ever is applicable of the Uniform Building By-laws (as amended).	
Industrial Zones Service and Light Industry	1 parking bay for every 500 sq. ft. of gross floor area or 1 parking bay for every person employed, whichever the greater.	
	General Industry	1 parking bay for every 1 000 sq. ft. of gross floor area or 1 parking bay for every person employed, which- ever the greater.	
All Zones Where Permitted	Consulting Rooms	To be negotiated with Council on application to develop.	

PART 6.—FINANCE AND ADMINISTRATION.

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 purpose may make such agreements with other owners as it deems fit.

6.2 Compensation: Claims for compensation by reason of the Scheme other than for the purpose of Part 2 shall be made not later than six months from the date which notice of approval of the Scheme is published in the *Government Gazette*, except in the case of reserved land where the provisions of Part 2 shall apply.

6.3 Entry to Premises: The Council may by an authorised officer 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 Non-Compliance with Scheme: Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by the Act.

6.5 Council's Approval Necessary: In addition to a Building Licence, Council's prior approval to commence development is required for all development except a private dwelling house.

6.6 Application for Approval: Applications to the Council for its approval to commence development shall be made on the same or similar form as that used for applications for approval to commence development under the Metropolitan Region Scheme.

6.7 Council's Approval:

- (i) The Council may grant its approval with or without conditions or may refuse to grant its approval to the application to commence development.
- (ii) If the Council shall have granted its approval to commence development subject to conditions and any of the conditions shall not be fulfilled or complied with the Council may revoke its approval.
- (iii) The Council may limit the time for which its approval to commence development remains valid.

6.8 Applications for Development on or on Land Abutting Metropolitan Region Scheme Reservations: Any application for development on 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.

6.9 Appeals Against a Council Decision: If an application for planning consent has been refused by Council or approved subject to conditions the applicant may where the Council's decision involves the exercise of a discretion 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, 1928-1969 and Appeal Regulations thereto.

Adopted by resolution of the Council of the Shire of Swan at the ordinary meeting of the Council held on the 29th day of October, 1974, and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:—

[L.S.]

L. D. MARSHALL,
President.

T. J. WILLIAMSON,
Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.6 of this Scheme and to which formal approval was given by the Hon. Minister for Town Planning on the 4th day of June, 1974.

Recommended—

DAVID CARR,
Chairman of the
Town Planning Board.
Date: 4th June, 1974.

Approved—

E. C. RUSHTON,
Minister for Town Planning.
Date: 4th June, 1974.



