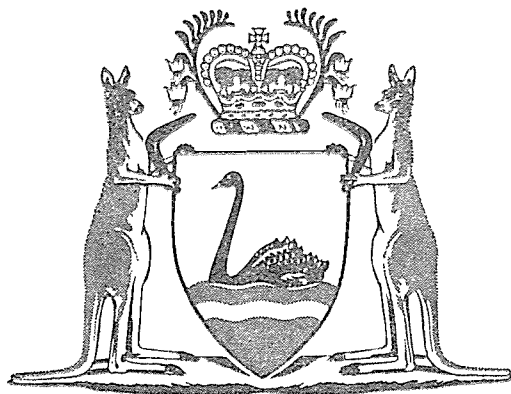


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TOWN PLANNING AND DEVELOPMENT ACT 1928
(AS AMENDED).

SHIRE OF ROCKINGHAM

STATUTORY TOWN PLANNING
SCHEME No. 1.

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

Advertisement of Approved Town Planning Scheme.

SHIRE OF ROCKINGHAM TOWN PLANNING SCHEME, No. 1.

T.P.B. 853/2/28/2, Vol II.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended), that the Minister for Urban Development and Town Planning approved the Shire of Rockingham District Zoning Scheme on the 19th May, 1975, the Scheme Text of which is published as a Schedule annexed hereto.

A. POWELL,
President.

G. G. HOLLAND,
Acting Shire Clerk.

SCHEDULE.

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

SHIRE OF ROCKINGHAM TOWN PLANNING SCHEME, No. 1.

SCHEME TEXT.

THE Rockingham 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), 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 by zoning;
- (c) other matters authorised by the enabling Act.

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

PART I.—PRELIMINARY.

1.1 This Town Planning Scheme may be cited as the Shire of Rockingham 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 divided into the following Parts:—

- Part I.—Preliminary.
- Part II.—Reserved Land.
- Part III.—Zones.
- Part IV.—Non-conforming Uses.
- Part V.—Special Provisions.
- Part VI.—Special Site Development Controls.
- Part VII.—Finance and Administration.

The remaining documents of the Scheme are as follows:—

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

1.4 In the Scheme the planning area is divided into reserves and zones.

The basic types of reserves are:—

- Regional Reservations.
- Public Open Space.
- Communications.
- Special Uses.

The basic types of zones are:—

- Rural.
- Residential.
- Commercial.
- Industrial.

1.5 The responsible authority for carrying out the Scheme is the Council of the Shire of Rockingham, hereinafter called "the Council", except that, where land is defined in the Scheme Proposals Map as "Regional Reservation", the responsible authority shall be deemed to be the Metropolitan Region Planning Authority, hereinafter called "the Authority", and the provisions of the Metropolitan Region Scheme shall apply to such reservations.

1.6 In any instance where the Council is required to obtain the consent of the Authority before consenting to any application for development, any consent given by Council without having obtained such consent shall be null and void.

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

1.8 The Town Planning Zoning By-laws for the Shire of Rockingham are hereby revoked.

1.9 The provisions of the Scheme shall have effect notwithstanding any by-law for the time being in force, and, where the provisions of the Scheme are inconsistent with the provision of any by-law, the provision of the Scheme shall prevail.

1.10 In addition to the provisions of the Uniform Building By-laws, the conditions set down in Part V and Part VI shall apply to the erection of buildings in the various zones, provided that, where the provisions of the Scheme are inconsistent with the provisions of the Uniform Building By-laws, the provisions of the Scheme shall prevail.

1.11 The procedure for the lodgement and determination of appeals shall be in accordance with Part V of the Town Planning and Development Act and the Regulations made under that Act.

1.12 In the Scheme, the terms used shall have the respective interpretations set out hereunder. Terms not set out hereunder shall have the respective interpretations set out in Appendix "D" of the Town Planning Regulations, 1967—

"abattoir" means place for the slaughter of animals for human consumption and the treatment of carcasses, offal and bi-products.

"agriculture" means cultivation of land and includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables or the like.

"bulk store" means a building or place or portion of a building, used or designed for use for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

"commercial sign" means any advertisement or any sign, notice, device or representation in the nature of an advertisement which is:—

- (a) a notice not exceeding 0.4 m² in area, that premises are to let or for sale, with particulars of the same and the name and address of the person of whom enquiries may be made;
- (b) a plate containing the name of any person residing or carrying on any business, trade, industry or profession in or on the premises, and a statement as to the nature of the business, trade, industry or profession carried on in or on such premises, provided that such plate shall not exceed 0.2 m² in area if erected on the street alignment or between the street alignment and the building line, and shall not exceed 0.4 m² in area, if erected on or behind the building line; or
- (c) an advertisement as to meetings, entertainments or religious services to be held in or on such premises.

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

"development" means the use or development of any land and includes the erection, construction, alteration or carrying out, as the case may be of any building, excavation, filling or other works on any land. Development includes the felling of timber on property.

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

"dwelling house" means a building designed for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith, and includes a dwelling in a row of dwellings attached to each other, such as are commonly known as semi-detached or terrace or patio or row houses.

"effective frontage" means—

- (i) where the side boundaries of a lot are parallel to each other, the length of a line drawn at right angles between the two boundaries,
- (ii) where the front and rear boundaries of a lot are parallel but the side boundaries are not parallel to each other, the length between the side boundaries of a line drawn parallel to the street frontage at a point being one-third of the depth of the lot measured from the street frontage, or
- (iii) in all other cases, such length as the responsible authority may determine.

"general advertising structure" means any structure used or to be used for the display of advertisements, other than a commercial sign, and includes signboards, wall signs, hoardings, painted bulletins, illuminated signs, bracket signs, under-verandah signs and sky signs.

"general residential zone" means a portion of the Shire of Rockingham that is defined as such a zone and classified as Class 4 (GR4) or Class 5 (GR5) in the Scheme.

"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 not described under the definition Professional Offices residential;
- (c) does not occupy an area greater than 20 m²;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located: and
- (e) is restricted in advertisement to a sign not exceeding 0.2 m² in area.

"home unit" means a dwelling unit comprising a minimum of 70 m² being complete and self contained within a multi unit development for which a Strata Title can be granted.

"junk yard" means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottle or other scrap materials or goods, or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

"Minister" means the Minister for Town Planning.

"motel" means a building or buildings, not being an hotel or a residential building, substantially used or intended for use for the overnight accommodation of travellers and the vehicles used by them, whether or not the buildings are also used or designed for use in the provision of meals to such travellers or the general public.

"motor maintenance station" means any building or place or portion of a building used or designed for use for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being—

- (a) body building;
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching up character.

“motor showroom” means a building used or designed for use for the display or sale of motor vehicles and accessories.

“professional office or rooms” in a residential zone means part of a residence designed or adopted for the purpose of his or her profession by a—

Chiropracist,
Chiropractor,
Dental or Medical Practitioner,
Nurse,
Physiotherapist,
Teacher (not of dancing),

or a person, having in the opinion of the Council, an occupation of a similar nature. Subject that no more than two persons other than immediate family are employed, that the building, part of which is used as an office does not occupy a lot larger than 1000 m², that car parking is provided at the rate of 1 space per 20 m² of floor area used for the profession, plus one for each person employed.

“quadruplex” means a building consisting of four complete and self-contained dwellings.

“refreshment room” means a restaurant, cafe, tea room, eating house or the like.

“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 and a residential club.

“residential flat building” means a building which contains five or more dwellings or a group of buildings in which each individual building contains four or more dwellings, but does not include a row of dwellings attached to each other, such as are commonly known as semi-detached or terrace or patio or row houses.

“rural dwelling” means a dwelling house occupied in conjunction with land in a Rural zone.

“saw mill” means a mill handling, cutting and processing timber from logs or baulks.

“Scheme Map” means the series of thirty-one sheets bound in a book the title sheet of which is marked “Shire of Rockingham Town Planning Scheme No. 1”, signed by the President and the Shire Clerk and deposited in the following manner:—

- (a) the Minister for Town Planning;
- (b) the Board; and
- (c) Rockingham Shire Council.

“stock and sale yard” means a building or place used or designed for the purpose of offering animals for sale and includes a public cattle market.

“trade display” means the use of land or buildings for the display of goods for advertising purposes.

“triplex” means a single storey building comprising of three complete and self-contained dwelling units.

“veterinary hospital” means rooms in which a qualified Veterinary Surgeon performs operations and where animals are allowed to remain for any period over 12 hours.

“veterinary surgery” means offices of a qualified Veterinary Surgeon for consultation and where no animal remains on the premises overnight.

PART II.—RESERVED LAND.

2.1 (a) Land set aside under this Scheme for the purposes 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 provisions 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 purposes 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 buildings or works lawfully existing on the land.

2.2 The Council shall, when examining subdivisional proposals, consider the possibility of obtaining by dedication from the landowner all, or portion thereof, of any land required for public purposes that it considers to be equitable in the circumstances applying to the particular subdivision.

2.3 Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under the Scheme, without first applying for and obtaining the written approval of the Council.

2.4 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 purposes of a public authority, confer with that authority before giving its decision.

2.5 Where the Council refuses approval for 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 Any claim 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 owners.

2.7 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.

2.8 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 gazettal date or the repair and maintenance of buildings or works lawfully existing on the land.

2.9 Where land previously reserved by Council is no longer required for a reservation no claim for compensation can be made by the owner or his or her agent. Development of the land will be permitted in accordance with the current zoning and in accordance with such other provisions as required by the Scheme.

PART III.—ZONES.

3.1 Notwithstanding anything to the contrary in this Scheme and without affecting the generality of clause 1.5 of Part I, the Council may, with the consent of the Minister, or when required by the Metropolitan Region Planning Authority so to do, shall require that the development of any land within the District, however zoned, shall be subject to the provisions of clauses 10, 24 and 30 of the Metropolitan Region Scheme.

3.2 The Scheme area is divided into 14 types of zones set out hereunder:—

- (a) Development Zone,
- (b) Residential SR3
- (c) GR4,
- (d) GR5,
- (e) Residential Special,
- (f) Residential Deferred,
- (g) Business Local,
- (h) Business District,
- (i) Industry Service,
- (j) Industry Light,
- (k) Industry General,
- (l) Rural,
- (m) Hotel,
- (n) Service Station.

3.3 Table No. 1 appended to Clause 3.4 of this Part indicates the several uses permitted by this Scheme in the zones described in Table I of zoning tables, such uses being determined by cross reference between the list of "Use Classes" on the left-hand side of the Table and list of "Zones" on the top of that table.

3.4 The symbols used in the cross reference in Table 1 appended to this Clause have the following meanings:—

"P" = A use that is permitted under this Scheme.

"AA" = A use that is not permitted unless approval is granted by the Council.

"IP" = A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

"X" = A use that is not permitted.

PART IV.—NON-CONFORMING USES.

4.1 No provision of the Scheme shall prevent—

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

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

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

4.5 Discontinuance of Non-Conforming Use:

- (a) Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 4.3 when a non-conforming use of any land or building has been discontinued, 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.—SPECIAL PROVISIONS.

5.1 In respect of any application for consent to erect or use a building to carry out or use or work or to use land, the Council shall take into consideration—

- (a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;
- (b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;

- (c) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;
- (d) any representations made by any public authority, in relation to the application or to the development of the area, and the rights and powers of any such authority;
- (e) any detailed plan, design or code adopted by resolution of the Council for the development of the locality in which the land to which the application relates is situated;
- (f) whether adequate provision has been made for the landscaping of the parts of the site between any building and the boundary of any reserved land for public purposes;
- (g) the existing and future amenity of the neighbourhood;
- (h) the circumstances of the case and the public interest; and
- (i) the provisions of the Scheme.

5.2 Notwithstanding the provisions of any Act, By-law or Regulations, the Council shall not consent to the erection of—

- (a) a dwelling house or home unit having a gross floor area of less than 70 m²;
- (b) any building in a business zone having walls of other than brick, stone or concrete; or
- (c) a duplex dwelling in any street in the Rockingham Shire located closer than 100 m to any other duplex dwelling in that street, or closer than 100 m to any Lot on which an approval to erect a duplex dwelling has been given and was current.

5.3 Development within residential zone SR3 shall be in accordance with the controls and standards set out in Table II and development within the residential Zones GR4 and GR5 shall be in accordance with the requirements as laid down in the Uniform Building By-laws, for the purpose of applying these standards and controls:—

PLOT RATIO shall be calculated so as to include stairs, lobbies and amenity areas in the gross floor area figure and to exclude floor space in basements, lift shafts, machinery rooms, air conditioning equipment rooms, garages and roofed parking area from the gross floor area:

COVERAGE shall be calculated as that area of the site covered by buildings when measured from the outer surface of their walls plus the area of any projections beyond the walls, including overhanging eaves but, insofar only as they project more than 0.9 m horizontally from the wall. The area does not include roofed parking areas where the roof area is available for use as pedestrian, planting or parking space.

SITE RESTRICTIONS unless otherwise specified in the Scheme Text all site restriction provisions of the Uniform General Building By-laws shall apply to development in the Shire.

SET BACKS FOR LOTS WITH MULTIPLE STREET FRONTAGES shall conform to the standards for front boundaries.

5.4 Notwithstanding the provisions of clause 5.3, the setbacks from street property lines for Lots at the corners of intersecting streets shall be as follows:—

Single Residential SR3 Zone—

All Buildings—4.5 m minimum: 12 m for any two combined.

General Residential GR4 Zone—

Dwelling houses and duplex houses—4.5 m minimum: 12 m for any two combined.

Other buildings of one storey—4.5 m minimum: 13.7 m for any two combined.

Other buildings of two storeys—6 m minimum: 15 m for any two combined.

Other buildings of three or more storeys—9 m minimum: 18 m for any two combined.

General Residential GR5 Zone—

Dwelling houses and duplex houses—4.5 m minimum: 12 m for any two combined.

All other buildings—4.5 m minimum: 13.7 m for any two combined.

Light Industry—

All buildings—7.5 m minimum: 15 m for any two combined.

Dixon Road Frontages between Crocker and Morgan Streets 15 m set back.

5.5 The Council may permit a dwelling house to be erected on a lot smaller in area and frontage than prescribed in the Scheme, if the site comprises the whole of any lot shown on a plan or diagram of subdivision approved in accordance with the provisions of the Act.

5.6 Where more than one building is erected on a lot in a Residential zone all standards shall be observed, as though the development were a single structure. In addition, the minimum distance between any two buildings shall be 9 m 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:—

$$D = \frac{La + Lb + 2(Ha + Hb)}{6}$$

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.

La 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.

Lb 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.

Ha 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.

Hb 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 24 m or more.

5.7 Notwithstanding the provisions of clause 5.3—

- (a) no building shall be erected to a height exceeding two storeys in those parts of the General Residential GR4 zone shown with a heavy red edging on the Scheme Proposals Map; and
- (b) no triplex, quadruplex or residential flat building shall be erected on a lot which is not served with a piped water supply to the satisfaction of the Metropolitan Water Supply, Sewerage and Drainage Board.

5.8 Every owner or occupier who constructs or substantially reconstructs, alters or adds to a building or who changes the use of any land or building shall make provision for parking spaces on the said land or the site of the said building generally in accordance with the suggested requirements of Table III, or, if the proposed use is not specified in Table III, as the Council may determine.

Council shall determine what proportion of spaces to be provided should be constructed when giving its approval to the development but reserves the right to insist that all additional spaces be constructed if so required. Council shall re-examine the question of car parking requirements on each site prior to giving its approval to additional building development on the land.

5.9 The minimum dimensions of any parking space, required under the provisions of clauses 5.3 and 5.8, shall be 5.5 m by 2.5 m, excluding all access drives. When considering any development application, the Council shall have regard to and impose conditions on the details of locating and designing the required car parking spaces. 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;
- (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 effect 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 set back areas;
- (g) the location of proposed footpaths and the effect of traffic movement on safety; and
- (h) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

5.10 Subject to the provisions of clauses 5.7, 5.8 and 5.9 the provisions of clauses 5.3, 5.4 and 5.6 shall apply *mutatis mutandis* to all development in Residential zones.

5.11 No building shall be erected in a Residential zone, unless at least 50% of the site area is designed, developed and maintained as natural planting and pedestrian space, including access driveways between street alignment and set-back line.

5.12 No more than one commercial sign shall be displayed on any lot in a Residential zone.

5.13 A motel shall not be erected on any land which has an area of less than 4 000 m².

5.14 An hotel shall not be erected on any land which has an area of less than 12 000 m². Any other land being subject to a Liquor License applicable under the Liquor Act, 1970 must be approved for this purpose by the Council, and have sufficient area to meet the Council's requirements, except for hotel established on Rockingham Lots 12, 13, 14 and 15.

5.15 The Council shall not consent to the erection or use of a building or the use of land for the purpose of a petrol filling station or a service station unless—

- (a) the site has a frontage of not less than 38 m,
- (b) the site has an area of not less than 1200 m².
- (c) no petrol pump stands closer to the street alignment or proposed alignment than 3.6 m,
- (d) no building stands closer to the street alignment or proposed alignment than 12.8 m,
- (e) no vehicular crossing over a footpath exceeds 10.5 m in width, and
- (f) no vehicular crossing over a footpath is closer than 7 m to a street intersection.

5.16 The Council shall not consent to the erection of a drive-in theatre, unless the screen is so located or protected that no image projected thereon shall be visible from any controlled access road reserve, main road reserve or regional road reserve.

5.17 No development shall be carried out in any deferred Residential zone until the deferment has been lifted by the Authority and until a development plan covering an area of not less than 40 hectares or such area as deemed by Council or the Authority may direct and until such a development plan has been approved by both the Council and the Town Planning Board. All development shall be carried out in accordance with the approved development plan.

5.18 The owner or occupier of every building in the light or general industrial area shall plant and maintain lawns and other suitable planting in the building set back area. A plan showing the proposed development shall be included with the application for a Building License.

5.19 No obstruction more than 0.9 m high shall be permitted on a business lot abutting a residential lot, within a triangle formed by one side 7.5 m along on the dividing boundary measured from the intersection on that dividing boundary and the street boundary, and 15 m along the street boundary of the business lot. Measured from the same point, parking of vehicles within the triangle so formed is to be prohibited. Every building on a business lot shall be set back 3 m per storey from the dividing side boundary of an adjacent residential lot.

5.20 Nothing in the Scheme shall operate to allow the use of:—

- (i) Lots 497 and 498, Smythe Street, Rockingham, for any purpose other than a bakery.
- (ii) Lot 174 Sub Lot 1 Thorpe Street to be used for no other purpose than a Doctor's Surgery or Residence.
- (iii) Within the hotel zone land may only be used for hotel purposes except Lot 1433 which may be used for Motel purposes with approval of the Council.
- (iv) Lots 24 and 25 Val Street and Harrison Street to be used for Parking in conjunction with the Yacht Club situated on Lot 1 of Part 23 Val Street.
- (v) Lot 955 Thorpe Street and Houston Street to be Parking for medical centre.
- (vi) Lots 956 and 957 Thorpe Street to be used for Dental Clinic Parking and residence.

5.21 The special motel zone covering Lots 72 and 74 Parkin Street and 49, 50 and 51 Saw Avenue:—

- (a) No part of the land or any building thereon or to be erected thereon is designed, constructed or used as for the purposes of and or for Wedding Receptions, Private or Public Parties, Meetings, Dances or other Functions.
- (b) Any area designed for use as a Restaurant is used for that purpose and no other.
- (c) The premises do not become subject to any License issued in the provisions of the Liquor Act, 1970, other than a Restaurant License.

5.22 Development of light industrial area:

- (i) 50% of the set back area may be used for customer parking, the balance must be given garden treatment and the type of garden treatment must be indicated on two (2) copies of the plans forwarded to the Shire for approval.
- (ii) Buildings where fronting Dixon Road must have brick, stone or concrete frontages and if they are either offices or showrooms, they must be of brick, stone or concrete construction throughout. Any building behind these may be of steel frame construction with suitable approved cladding. All toilet blocks, whether incorporated in the building or separated from it, must be of brick, stone or concrete.
- (iii) Distance from side boundaries, if the walls are of brick, stone or concrete construction and have the required parapet above roof line, one side may be built on the boundary, the other side must be the height of the

wall clear of the boundary to allow access to the rear of the lot. In all other cases, distance from the building to the boundary must be equal or greater than the height of the wall.

- (iv) All employee parking must be to the rear of the building, only customer parking is permitted in the 7.5 m set back area.
- (v) Sufficient area must be available for septic tank installation and effluent disposal.
- (vi) All plans and conditions as laid down by the Shops and Factories Act, and Fire Brigades Board, must be adhered to.
- (vii) All in accordance with the Uniform General Building By-laws.
- (viii) No lot can be altered to any other use without prior approval of the Council.

5.23 A person shall not stock or place any fuel or raw materials or products or by-products or waste of manufacture between the alignment of the building and the street alignment.

5.24 No person shall change the use of any land, however zoned, from one use class to another use class unless the prior approval in writing of the Council has been obtained.

5.25 Notwithstanding the provisions of the zoning table no development shall be approved within the "Development Zone" until a comprehensive plan for development of the area has been submitted to and approved by the Council and Town Planning Board. When considering applications to develop within the zone the Council and the Town Planning Board shall pay due regard to the effect that the proposed development will have on the amenity, public health, convenience and economy of the general area.

PART VI.—SPECIAL SITE DEVELOPMENT CONTROLS.

6.1 This part shall apply to those parts of the Single Residential SR3 zone shown hatched white on the Scheme Map, hereinafter called "That Site Controls Area", and, in addition to any other requirements of the Scheme, no building shall be erected or work carried out therein except in accordance with the provision of this part.

6.2 In the Site Controls area, all fences on Lots 1-329 and Lots 502-531 shall be either 0.9 m or 1.8 m in height, and all fences on Lots 330-501 and Lots 534-830 shall be either 0.9 m or 1.65 m in height.

6.3 In the Site Controls area, no fence may be erected between a dwelling and a reserve, if it is constructed of—

- (a) natural timber pallings or pickets,
- (b) galvanised iron sheeting, or
- (c) asbestos-cement sheeting, other than of an approved design and fitted with an approved capping.

6.4 On any lot in the Site Controls Area, no outbuilding may exceed 20 m² in floor area, all outbuildings and garages shall be in the same material as the dwelling, and all appurtenances shall be screened from view from any reserve by 1.65 m or 1.8 m high fencing.

6.5 In the Site Controls Area, each lot indicated by an identifying symbol in sheets 29, 30 and 31 of the Scheme Map shall be subject to the Controls indicated by the corresponding identifying symbol on sheets 32 and 33 of the Scheme Map and set out in clauses 6.6, 6.7, 6.8 and 6.9.

6.6 On any Lot in the Site Controls area, the dwelling shall be erected within the dwelling unit area indicated by the corresponding controls on sheets 32 and 33 of the Scheme Map.

6.7 On any Lot in the Site Controls area, all carports, garages, outbuildings and appurtenances shall be erected within the dwelling unit area or the carport area indicated by the corresponding control on sheets 32 and 33 of the Scheme Map, provided that, for those lots indicated by the identifying symbols A1, A2, A3, A4, A5, A6, A7 and A8, a garage or carport may be placed within 4.5 m of the street alignment, if the garage door does not face the street.

6.8 On any lot in the Site Controls Area indicated by the identifying symbols B1, B2, B3, B4, B5, B6, B7, B8 and H, no carport, garage outbuildings or appurtenance may exceed 2.1 m in height within 3 m of the street alignment, or 2.5 m in height if it is between 3 m and 3.6 m from the street alignment, or 2.7 m in height if it is between 3.6 m and 4.2 m from the street alignment.

6.9 On the Lots described in clause 6.2, 1.65 m or 1.8 m high fences may be erected—

- (a) along the full length of any property line which is common to two lots, and
- (b) along half the length of any property line abutting a reserve, provided that the length of any fence parallel to a property line abutting a reserve may be increased by 100 mm for every 100 mm which the fence is set back from the property line or by a corresponding proportion of 100 mm for every 100 mm which any proportion of the permissible length of the fence is set back from the property line, always provided that no 1.65 m or 1.8 m high fences may be erected on those lots indicated by the identifying symbols C1, C2, C3, C4, C5, C6, C7, C8, F1, F2, F3, F4, F5, F6, G1, G2, G3, G4 and L, where such fences are prohibited by the corresponding controls on sheets 32 and 33 of the Scheme Map.

6.10 In any instance where development is proposed not in conformity with the provision of clauses 6.6, 6.7, 6.8 and 6.9, the Council may consent to a minor but not substantial variation of the provisions, provided the general intentions and purposes of the provisions are maintained.

6.11 In the Site Control area, no vehicular crossing over a footpath shall be closer than 12 m to a street intersection.

6.12 "New Concept Homes" will be permitted on Lots 798 and 799 Quamby Place, Lots 772, 773, 755 and 756 Turana Place, and Lots 818, 819 and 820 Quamby Place. Development consists of self-contained dwelling units linked by a fire wall only, and usual development modules of 4 to 6.

Adopted by resolution of the Council of the Shire of Rockingham at the ordinary meeting of the Council held on the 25th day of March, 1975, and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of—

A. POWELL,
President.

[L.S.]

G. G. HOLLAND,
Acting Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.3 of this Scheme and to which formal approval was given by the Hon. Minister for Town Planning on the 19th day of May, 1975.

Recommended—

DAVID CARR,
Chairman of the Town Planning Board.
Date: 19th May, 1975.

Approved—

E. C. RUSHTON,
Minister for Town Planning.
Date: 19th May, 1975.

APPENDIX A
ZONING TABLE—TABLE I

USE CLASS	Development Zone	Res SR3 (Inc. Special SR3)	Res. GR4	Res. GR5	Res. Special	Res. Deferred	Bus. Local	Bus. District	Hotel	Service Station	Ind. Service	Ind. Light	Ind. Gen.	Rural
Abattoir	X	X	X	X	X	X	X	X	X	X	X	X	X	AA
Advertising Structure (General)	AA	X	X	X	AA	X	AA	AA	AA	AA	AA	AA	AA	X
Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Bulk Store	X	X	X	X	X	X	AA	AA	X	X	AA	P	P	AA
Caravan Parks	X	X	X	X	P	AA	X	X	X	X	X	X	X	AA
Caretakers House/Flat	IP	X	IP	IP	IP	X	IP	IP	IP	IP	IP	IP	IP	X
Car Parks	IP	X	IP	IP	IP	X	IP	IP	IP	IP	IP	IP	IP	IP
Car Sales Premises	X	X	X	X	X	X	AA	AA	X	X	P	P	P	X
Cemeteries/Crematoria	X	X	X	X	X	X	X	X	X	X	X	X	X	AA
Civic Buildings	AA	AA	AA	AA	X	AA	AA	AA	X	X	AA	AA	AA	AA
Consulting Rooms	AA	IP	IP	IP	IP	X	P	P	X	X	X	X	X	IP
Commercial Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive-in Theatre	AA	X	X	X	X	AA	X	X	X	X	X	AA	AA	AA
Dry Cleaning Premises	X	X	X	X	X	X	X	AA	X	X	AA	P	P	X
Educational Establishments	AA	AA	AA	X	X	AA	AA	AA	X	X	X	X	X	AA
Fish Shop	AA	X	X	X	X	X	AA	AA	X	X	AA	AA	AA	X
Fuel Depot	X	X	X	X	X	X	X	X	X	IP	X	AA	AA	AA
Funeral Parlour	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X
Health Centre	AA	X	X	X	X	X	P	P	X	X	AA	AA	AA	X
Home Occupation	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	AA
Hospital	AA	X	AA	AA	AA	AA	X	X	X	X	X	X	X	AA
Hotel	X	X	X	X	P	X	X	X	P	X	X	X	X	X
Industry Extractive	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry General	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry Hazardous	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA
Industry Light	X	X	X	X	X	X	X	X	X	X	X	P	P	X
Industry Noxious	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA

ZONING TABLE—TABLE I—continued

USE CLASS	Development Zone	Res SR3 (Inc. Special SR3)	Res. GR4	Res. GR5	Res. Special	Res. Deferred	Bus. Local	Bus. District	Hotel	Service Station	Ind. Service	Ind. Light	Ind. Gen.	Rural
Industry Rural	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Industry Service	X	X	X	X	X	X	X	X	X	X	P	P	P	X
Institutional Building	X	X	X	X	X	AA	X	X	X	X	X	X	X	AA
Institutional Home	AA	X	AA	AA	AA	AA	X	X	X	X	X	X	X	AA
Junk Yard	X	X	X	X	X	X	X	X	X	X	X	AA	AA	X
Laundromat	X	X	X	X	X	X	X	AA	X	X	AA	AA	AA	X
Licensed Premises	X	X	X	X	X	X	AA	AA	P	X	X	X	X	X
Marine Filling Station	X	X	X	X	X	X	X	X	X	X	P	P	P	X
Milk Depot	X	X	X	X	X	X	X	X	X	X	AA	P	P	AA
Motel	X	X	X	X	AA	X	X	X	X	X	X	X	X	X
Motor Repair Station	X	X	X	X	X	X	X	X	X	AA	X	P	P	X
Motor Showroom	AA	X	X	X	X	X	P	P	X	AA	P	P	P	X
Office	AA	X	X	X	X	X	AA	P	X	X	AA	AA	AA	X
Professional Office	AA	AA	AA	AA	AA	X	P	P	X	X	AA	X	X	AA
Public Amusement	AA	X	X	X	AA	X	P	P	X	X	AA	AA	AA	X
Public Assembly	AA	X	X	X	AA	AA	AA	AA	X	X	X	X	X	AA
Public Recreation	P	P	P	P	P	AA	X	X	X	X	X	X	X	AA
Public Utility	P	P	P	P	P	P	P	P	X	X	P	P	P	P
Public Worship	AA	AA	AA	AA	AA	AA	AA	AA	X	X	AA	AA	AA	AA
Radio/T.V. Installation	AA	X	AA	AA	AA	AA	AA	AA	X	X	AA	AA	AA	AA
Reformative Institution	X	X	X	X	P	AA	X	X	X	X	X	X	X	AA
Refreshment Room	AA	X	X	AA	AA	X	P	P	AA	AA	AA	AA	AA	X
Residential Building	AA	X	AA	AA	AA	X	X	AA	X	X	X	X	X	X
Residential—														
(a) Dwelling House	P	P	P	P	X	X	X	X	X	X	X	X	X	P
(b) Duplex	P	AA	P	P	X	X	X	X	X	X	X	X	X	AA
(c) Triplex	P	X	P	P	X	X	X	X	X	X	X	X	X	X
(d) Quadruplex	P	X	P	P	X	X	X	X	X	X	X	X	X	X
(e) Flats	P	X	P	P	X	X	AA	AA	X	X	X	X	X	X

ZONING TABLE—TABLE I—continued

USE CLASS	Development Zone	Res SR3 (Inc. Special SR3)	Res. GR4	Res. GR5	Res. Special	Res. Deferred	Bus. Local	Bus. District	Hotel	Service Station	Ind. Service	Ind. Light	Ind. Gen.	Rural
Sawmill	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Service Station	X	X	X	X	X	X	X	X	X	P	X	X	X	X
Shop	AA	AA	AA	AA	AA	X	P	P	X	X	AA	AA	AA	X
Showroom	AA	X	X	X	X	X	AA	P	X	X	AA	AA	AA	X
Sportsground	P	P	P	P	P	AA	X	X	X	X	X	P	P	AA
Stock and Sale Yards	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Trade Display	AA	X	X	X	X	X	P	P	AA	AA	P	P	P	AA
Transport Depot	X	X	X	X	X	X	X	X	X	X	X	AA	P	X
Zoological Garden	X	X	X	X	X	X	X	X	X	X	X	X	X	AA
Warehouse	X	X	X	X	X	X	AA	AA	X	X	P	P	P	X
Stables	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA
Veterinary Surgery	X	X	X	X	X	X	X	AA	X	X	X	AA	X	AA
Veterinary Hospital	X	X	X	X	X	X	X	X	X	X	X	AA	X	AA

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

“P”—A use that is permitted under this Scheme.

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

“IP”—A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

“X”—A use that is not permitted.

(Note:—Where a special zone is restricted to one use only, it may be excluded from the columns in Table No. 1 and its use determined from the Map.)

TABLE II
SINGLE RESIDENTIAL SR3 ZONE

	Dwelling House	Duplex
Minimum Site Area	680 m ²	1000 m ²
Minimum Effective Frontage	18 m	20 m
Maximum Number of Dwellings	One	Two
Maximum Plot Ratio	.30	.30
Maximum Coverage	.30	.30
Minimum Set-backs from Site Boundaries—		
(a) Front	7.5 m	7.5 m
(b) Side(s)	4 m	3 m
	2.5 m minimum one side*	
(c) Rear	7.5 m	7.5 m
Minimum Number of Car Spaces	Two	Four

*Where a garage capable of accommodating two vehicles is incorporated in the structure, minimum set-back may be 1.5 m on each side.

TABLE III

Use	Number of Parking Spaces
1. Dwelling houses, duplex houses, quadruplexes and residential flat buildings.	As set down in clause 5.3.
2. Other residential buildings	One to every two persons or part thereof whom the building is designed to accommodate.
3. Motels	One to every bedroom plus one to every 24 m ² of gross floor area or part thereof in service buildings.
4. Educational establishments	One to every member of the teaching staff.
5. Hospitals	One to every three beds or part thereof.
6. Public amusements, religious purposes	One to every four persons or part thereof whom the building is designed to accommodate.
7. Professional Offices	One to every 20 m ² of gross floor area or part thereof.
8. Shops	Six to every 100 m ² of gross leasable area or part thereof.
9. Civic buildings and commercial premises	One to every 28 m ² of gross floor area or part thereof.
10. Hotels	One to every bedroom plus one to every 2.3 m ² of bar floor area or part thereof plus one to every 4 m ² of lounge floor area or part thereof plus one to every 10 m ² of beer garden area or part thereof.
11. Bulk stores, showrooms and warehouses	One to every 93 m ² of open space or part thereof plus one to every 93 m ² of gross floor area or part thereof.
12. Funeral parlours	Six spaces
13. Motor maintenance station, motor repair stations and service stations	One to every working bay plus one to every employee.
14. Light industry	One to every 46 m ² of gross floor area or part thereof, or one space to every person employed whichever is the greater.
15. Service industry	One to every 46 m ² of gross floor area or part thereof, or one space to every person employed whichever is the greater.
16. General industry	One to every 93 m ² of gross floor area or part thereof, or one space to every person employed whichever is the greater.