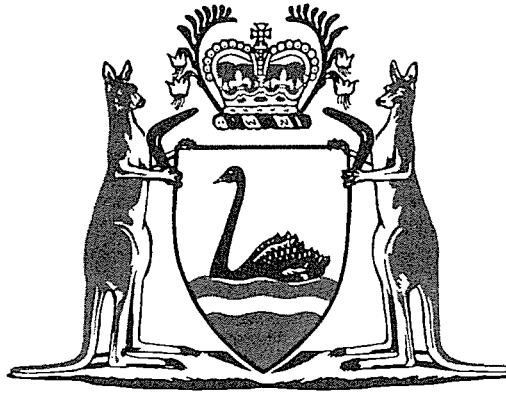


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TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

CITY OF NEDLANDS
TOWN PLANNING SCHEME NO 2

TPB: 853-2-8-4

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 Planning approved the City of Nedlands Town Planning Scheme No 2 on 14 March 1985 - the Scheme Text of which is published as a Schedule annexed hereto.

D C CRUICKSHANK
Mayor

N G LEACH
Town Clerk

CITY OF NEDLANDS
TOWN PLANNING SCHEME NO. 2

ADOPTION

Adopted by resolution of the Council of the City of Nedlands at the meeting held on the 5th day of July, 1984.

D.C. CRUICKSHANK, J.P.

Date: 5th July, 1984.

MAYOR

N.G. LEACH

Date: 5th July, 1984.

TOWN CLERK

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Nedlands at the meeting of the Council held on the 6th day of December, 1984.

D.C. CRUICKSHANK, J.P.

Date: 14th February, 1985.

MAYOR

N.G. LEACH

Date: 14th February, 1985.

TOWN CLERK

2. Recommended for final approval :

M.A. FEILMAN

Date: 13th March, 1985.

CHAIRMAN TOWN PLANNING BOARD

3. Final approval granted :

R.J. PEARCE, B.A., Dip.Ed., M.L.A. Date: 14th March, 1985.

MINISTER FOR PLANNING

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TOWN PLANNING AND DEVELOPMENT ACT, 1928
THE CITY OF NEDLANDS TOWN PLANNING SCHEME NO. 2

The City of Nedlands, under and by virtue of the powers conferred in that behalf by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended) hereby makes the following Town Planning Scheme:

PART 1 - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as CITY OF NEDLANDS TOWN PLANNING SCHEME NO. 2, (hereinafter called "THE SCHEME") and shall come into operation on publication in the Government Gazette of the Minister's final approval thereof.

1.2 SCHEME AREA

The Scheme applies to the land set out in the maps forming part of the Scheme and bounded by a broken black line and comprises the whole of the district of the City of Nedlands.

1.3 INTENT OF SCHEME

The general intent of the Scheme is to create zones for the purposes of land use control and to provide for the setting aside of land for public use, the control of land development and other matters authorised by the enabling Acts.

It is proposed to maintain the existing character and density of residential land with only such non-residential uses as are necessary to service the needs of the district's residential population, except for those uses which may be located along major transport routes within the Scheme area.

1.4 METROPOLITAN REGION SCHEME

This 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, continue to have effect.

1.5 REVOCAION

The Town Planning Scheme adopted by the Council of the City of Nedlands and which was published in the GOVERNMENT GAZETTE dated the 5th day of May, 1967, and subsequently amended, is hereby revoked.

1.6 RESPONSIBLE AUTHORITY

The responsible authority for carrying out the Scheme is the Council of the City of Nedlands, hereinafter referred to as "THE COUNCIL", except that where land is shown on the Scheme maps as "REGIONAL RESERVATION" the responsible authority shall be deemed to be The Metropolitan Region Planning Authority and the provisions of Metropolitan Region Scheme shall apply to such reserves.

1.7 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 Use
- Part 5 - General Provisions
- Part 6 - Development Approval - Procedures
- Part 7 - Administration
 - Schedule 1 - Additional Uses
 - Schedule 2 - Carparking Layouts
 - Schedule 3 - Carparking Requirement by Use Class
 - Schedule 4 - Form of Application: Form of Approval
 - Appendix 1 - Controlled Development Area

1.7 ARRANGEMENT OF SCHEME (Cont'd)

The remaining documents of the Scheme are as follows:

(i) Land Use Maps

(ii) Scheme Maps

1.8 INTERPRETATION

In this Scheme, the terms used have the respective interpretations set out in the Town Planning Regulations 1967 and the Residential Planning Codes except that the following terms have the meanings set out hereunder respectively:

"Act" means Town Planning and Development Act 1928 (as amended);

"Board" means the Town Planning Board constituted under the Town Planning and Development Act 1928 (as amended);

"boat sales yard" means land or a building used for the display and sale of new or secondhand boats, boat trailers, marine engines or boating accessories but does not include a boat motor repair workshop or a boat hull repair workshop;

"boat servicing premises" means land or a building used for or in connection with the overhaul and repair of boats, the carrying out of adjustments to boat engines, the cleaning and repair of boat hulls or the cleaning and repair of boat superstructures but does not include the dismantling or assembly of engines, the spray painting of boats or major repairs to boats;

"building setback" means the distance that any part of a building other than the eaves must under the provisions of the Scheme be set back from a boundary of a lot;

1.8 INTERPRETATION (Cont'd)

"car sales yard" means land or a building used for the display and sale of new or secondhand motor cars (not being trucks, caravans, or commercial vehicles) but does not include a motor repair station;

"car servicing premises" means land or a building used for or in connection with the servicing of motor vehicles, the carrying out of adjustments to, the cleaning of and minor repairs to motor vehicles and engines thereof but does not include engine dismantling or assembly, panel beating, spray painting, major body or chassis repair;

"caretaker's dwelling" means a building or part of a building used as a residence by the owner, manager, or caretaker of premises on the same site used for purposes other than residential purposes;

"child minding centre" means land and buildings licensed for use as a day care centre or family care centre or an occasional care centre under the Child Welfare (Care Centre) Regulations 1968;

"consulting rooms (multiple)" means a building or part of a building (other than a hospital) used in the practice of their profession by two or more of the following - a legally qualified medical practitioner or dentist, 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;

"consulting rooms (single)" means a building or part of a building (other than a hospital) used in the practice of his profession by only one of the following - a legally qualified medical practitioner or dentist, 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;

"convenience store" means land and buildings used for retail sale of convenience goods in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which

1.8 INTERPRETATION (Cont'd)

include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m² gross leasable area;

"development" shall have the same meaning as is given to it in and for the purposes of the Act but shall not include:

- a) the carrying out by Council or the Commissioner for Main Roads of any works required for the maintenance or improvement of a public road
- b) the carrying out by the Council or the representatives of a public authority of any work for the purpose of inspecting repairing or renewing any sewers, mains, pipes, cables or other apparatus involving the breaking open of any street or other land for that purpose
- c) the use of any building or other structures or other land within the curtnage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;

"dry cleaning premises" means land and buildings used for the cleaning of garments and other fabrics;

"dual accommodation unit" means a dwelling designed as a self-contained appendage attached to another dwelling and capable of absorption into that other dwelling to become a single occupancy in accordance with the Residential Planning Codes;

"fast food outlet" means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop;

"gross leasable floor area" means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

1.8 INTERPRETATION (Cont'd)

"health centre" means a medical clinic, a dental clinic, an x-ray centre, a masseur's establishment which is normally associated with a medical profession, a chiropractor's clinic or a chiropodist's clinic;

"health studio" means land and buildings used for physical fitness, training or body building exercises;

"height" when used in connection with buildings used for a purpose other than residential has the meaning given to it by the Uniform Building By-Laws and when used in connection with buildings used for residential purposes has the meaning given to it by the Residential Planning Codes;

"historic building or place" means a building, lot or place or any one or more of them which by reason of its particular history, unique design, character, age or other consideration is, in the opinion of the Council worthy of preservation;

"home occupation" means a business carried on within a dwelling house or the curtilage of a dwelling house:

- a) that 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, radioactive substances or waste products;
- b) that does not entail the employment of any person not a member of the occupier's family;
- c) that does not occupy an area greater than 20 m²;
- d) that 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;

1.8 INTERPRETATION (Cont'd)

e) that does not require the provision of parking facilities over and above those normally required within the zone in which it is located; and

f) that does not entail the parking or garaging of commercial vehicles on the site;

"hospital" means a building or part of a building in which persons are received and lodged for medical treatment or care, but does not include an institutional building;

"hotel" means premises in respect of which there is granted an hotel licence under the Liquor Act 1970 as amended or re-enacted.

"library" means a building set aside to contain books or other materials for reading, study or reference and the borrowing and lending thereof and whether for private or public use;

"licensed premises" means land and buildings the subject of a licence issued under the provisions of the Liquor Act 1970 but does not include an hotel;

"lodging house" has the meaning given to it in and for the purposes of the Health Act 1911;

"mean natural ground level" means those levels as depicted by contour lines at 1 metre intervals on the Lands and Surveys Department public plans Series B.G. 2000 34 as applicable to the Scheme Area measured at the geometric horizontal centre of the lot;

"night club" means land and buildings used for entertainment and which are the subject of a cabaret licence issued under the provisions of the Liquor Act 1970;

"office" means land and buildings used for the administration of a business, the practice of a profession, the carrying on of agencies, banks, building societies, typist and secretarial services and services of a similar nature;

1.8 INTERPRETATION (Cont'd)

"recreation" means the use of land or a building for a park, gardens or playground and which is normally open to the public without charge;

"religious purposes" means the use of land or a building for public worship and includes land or a building used primarily for the religious and social activities of a Church but does not include an institution for primary, secondary or higher education or a residential training institution;

"Residential Planning Codes" means the Residential Planning Codes adopted as a policy by the Board on the 26th July, 1982 together with all amendments or additions thereto or any codes, by-laws or regulations replacing them and applying or being applicable within the district of the Council.

"restaurant" means land and a building used for and in connection with the provision of food or refreshments to the public at large for consumption on the premises but does not include a night club;

"service industry" means a light industry carried on on land and in buildings where:

- a) not more than 25% of the area of the land and building is used for light industry;
- b) there is a building which has a retail shop front;
- c) goods are manufactured only for sale on the premises; and
- d) the remainder of the land and buildings is used -
 - (i) for the sale of goods; or
 - (ii) for parking; or
 - (iii) as a depot for receipt or delivery of goods to be serviced;

1.8 INTERPRETATION (Cont'd)

"shop" means land and a building wherein goods are kept and offered for sale by retail and includes a bank and receiving depot but does not include a fuel depot, market, service station, petrol filling station, milk depot, marine store, timber yard, car sales yard, boat sales yard, or anything falling within the definition of "industry";

"showroom" means land and a building used for the purpose of sale or display of goods of a bulky character;

"squash courts" means land and a building used for the playing of squash;

"storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

"Uniform Building By-laws" means the Uniform Building By-laws, 1974, published in the Government Gazette of the 19th December 1974 (as amended) and if those by-laws are amended or revoked means the Uniform General By-laws made pursuant to section 433A of the Local Government Act, 1960, for the time being in force.

1.9 THE SCHEDULE AND APPENDIX

The Schedules and the Appendix form part of the Scheme.

1.10 A REFERENCE TO AN ACT OF PARLIAMENT

A reference to an Act of Parliament or to a section of an Act of Parliament includes a reference to any amendment thereto or re-enactment thereof for the time being in force and to all by-laws and regulations made thereunder for the time being in force.

1.11 HEADINGS

Headings (other than headings of Parts, Schedules and the Appendix) are for reference purposes only and do not affect the construction of this Scheme Text.

PART 2 - 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 1959. Land reserved under the Metropolitan Region Scheme is not land reserved under this Scheme.
- 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 prevents 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 a) Where the Council refused 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 by the making of the Scheme 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.

2.2 Cont'd

- 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 of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

PART 3 - ZONES

3.1 ZONES SPECIFIED IN THE SCHEME

Land other than land reserved under Part 2 of the Scheme is divided into the following zones, as indicated on Table 1 appended to Clause 3.3:

Residential
Retail Shopping
Office/Showroom
Light Industry
Hotel
Service Station
Development

3.1.1 Zones on Scheme Maps

The zones are delineated and indicated on the Scheme maps according to the legend thereon.

3.2 PERMITTED USES

Table 1 appended to Clause 3.3 indicates the uses permitted by the Scheme in the several zones, such uses being determined by cross reference between the list of "Use Classes" and the list of "Zones" in that Table.

3.3 SYMBOLS

Table 1 is appended to this clause and contains symbols which carry 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;

3.3 SYMBOLS (Cont'd)

"IP" - a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council;

"X" - a use that is not permitted.

TABLE 1
USE CLASS TABLE

ZONES:

USE CLASSES:

	RESIDENTIAL	RETAIL SHOPPING	OFFICE/SHOWROOM	LIGHT INDUSTRY	HOTEL	SERVICE STATION	DEVELOPMENT
1. Boat Sales Yard	X	X	P	P	X	X	AA
2. Boat Servicing Premises	X	X	X	P	X	X	AA
3. Car Sales Yard	X	X	P	P	X	X	AA
4. Car Servicing Premises	X	X	X	P	X	P	AA
5. Caretaker's Dwelling	P	IP	IP	IP	X	X	AA
6. Child Minding Centre	AA	AA	AA	X	X	X	AA
7. Civic Use	X	X	X	X	X	X	AA
8. Consulting Rooms (A) Single	AA	AA	P	X	X	X	AA
(B) Multiple	X	AA	P	X	X	X	AA
9. Convenience Store	X	X	X	X	X	X	AA
10. Dry Cleaning Premises	X	P	AA	P	X	X	AA
11. Dual Accommodation Unit	AA	X	X	X	X	X	AA
12. Dwelling House	P	AA	AA	X	X	X	AA
13. Educational Establishment	X	X	X	X	X	X	AA
14. Fast Food Outlet	X	X	X	X	X	X	AA
15. Health Centre	X	P	P	X	X	X	AA
16. Health Studio	X	X	AA	AA	X	X	AA
17. Home Occupation	AA	X	X	X	X	X	AA
18. Hospital	X	X	X	X	X	X	AA
19. Hotel	X	X	X	X	P	X	AA
20. Institutional Home	X	X	X	X	X	X	AA
21. Licensed Premises	X	AA	X	X	P	X	AA
22. Light Industry	X	X	X	P	X	X	AA
23. Lodging Houses	AA	X	X	X	AA	X	AA
24. Motor Repair Station	X	X	X	P	X	X	AA
25. Night Club	X	X	X	X	AA	X	AA
26. Office	X	AA	P	IP	X	X	AA
27. Public Amusement	X	AA	AA	X	IP	X	AA
28. Public Utility	AA	AA	AA	AA	AA	AA	AA
29. Recreation	AA	AA	X	X	X	X	AA
30. Religious Purposes	X	X	X	X	X	X	AA
31. Restaurant	X	AA	AA	X	P	X	AA
32. Service Industry	X	AA	X	P	X	X	AA
33. Service Station	X	X	X	X	X	P	AA
34. Shop	X	P	IP	IP	X	X	AA
35. Showroom	X	AA	P	IP	X	X	AA
36. Squash Courts	X	X	AA	AA	X	X	AA
37. Transport Depot	X	X	X	X	X	X	AA
38. Warehouse	X	X	AA	P	X	X	AA

3.4 GENERAL TERMS AND PARTICULAR CASES

Where in Table 1 a particular use is mentioned it is deemed to be excluded from any use class which by its more general terms would otherwise include that more particular use.

3.5 USES MARKED "AA"

Where application is made for approval by the Council of a use marked "AA" in Table 1, Council may if it considers it desirable to do so, require the procedures laid down in Clause 6.3 to be followed.

3.6 USES NOT LISTED

Uses not mentioned in Table 1 or not included in the general terms of any use class are deemed to be not permitted, unless special approval is granted by the Council in accordance with the procedures set out in Part 6 of the Scheme.

3.7 ADDITIONAL USES

Notwithstanding the requirements of the Use Class Table, land and/or buildings located as described in Schedule 1 appended to this Scheme may be used for the additional purpose set against such land in Schedule 1 but for no other purposes, unless approved by the Council, in accordance with the procedures set out in Part 6 of the Scheme.

3.8 DEVELOPMENT ZONE

3.8.1 It is the intention of the Council to ensure that development of land within the Development Zone takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.

3.8 DEVELOPMENT ZONE (Cont'd)

3.8.2 Any person who wishes to develop land within the Development Zone shall make application to the Council for approval in accordance with Part 6 and shall submit with the application, overall concept plan for all the land in the Development Zone or such part thereof as the Council shall require. The Outline Development Plan shall show:-

- a) the topography of the area;
- b) the existing major road systems;
- c) the location and width of proposed roads;
- d) the approximate location and quantity of shopping, civic and public facilities proposed;
- e) the approximate location of the recreation and open space area proposed;
- f) the population and residential densities proposed including the spatial location of appropriate Residential Planning Code densities;
- g) the basic layout of a sewerage system;
- h) the layout of comprehensive drainage, both land and stormwater;
- i) land holdings adjacent to or in the vicinity of the area the subject of the application;
- j) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
- k) such other information as shall be required by the Council.

3.8 DEVELOPMENT ZONE (Cont'd)

- 3.8.3 If the Council shall approve the Outline Development Plan in principle it shall submit it to the Town Planning Board.
- 3.8.4 If the Board shall have approved the Outline Development Plan in principle Council on behalf of the applicant and at the applicant's expense shall advertise that the Outline Development Plan has been prepared and will be available for public inspection at the offices of the Council inviting submissions in relation to the Outline Development Plan which shall be made to the Town Clerk of the Council. A minimum period of 21 days from the date of the last advertising shall be made available for submissions.
- 3.8.5 The advertisement of the preparation of the Outline Development Plan shall be by notice at weekly intervals for each of three consecutive weeks in a newspaper circulating in the district. The notice shall be of such size as determined by Council.
- 3.8.6 The Council shall consider the submissions, if any, to the Outline Development Plan and may after consultation with the applicant amend the Outline Development Plan after consideration of such submissions.
- 3.8.7 The Council may decide not to proceed with the proposal or may submit the Outline Development Plan so prepared to the Town Planning Board together with the objections and request the Board to adopt the plan submitted as the basis for approval of subdivision and development applications within the area covered by the plan.

PART 4 - NON-CONFORMING USE

4.1 CONTINUANCE OF NON-CONFORMING USE

No provision of the Scheme prevents:

- (i) 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
- (ii) the carrying out of any development thereon for which, immediately prior to that time, any approval under any law then in force authorising the development to be carried out had been duly obtained and was current.

4.1.1 Where in respect of land reserved under Part 2 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 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.

4.1.2 Where in respect of land zoned under Part 3 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 of this Part on that land, and provided the prior consent in writing of the Council has been obtained, buildings may be extended to the limits prescribed by the Uniform Building By-Laws made under the Local Government Act 1960 (as amended), or by any other by-laws made under that Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the coming into force of the Scheme.

4.2 CHANGE OF NON-CONFORMING USE

The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use if the proposed use

4.2 CHANGE OF NON-CONFORMING USE (Cont'd)

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.

4.3 DISCONTINUANCE OF NON-CONFORMING USE

4.3.1 Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 4.2, when a non-conforming use of any land or building has been discontinued for a period of six months or more, that land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

4.3.2 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, or the occupier, for that purpose.

4.4 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART 5 - GENERAL PROVISIONS

5.1 DEVELOPMENT STANDARDS

RESIDENTIAL ZONES

- 5.1.1 Subject to the provisions of the Scheme, a person shall not commence or carry out the development of any land -
- a) within a Residential zone, except in accordance with the provisions of the Residential Planning Codes;
 - b) within a zone other than a Residential zone except in accordance with the development standards set out in Table 2;
 - c) being land which may be used for an additional purpose pursuant to Clause 3.7 except in accordance with the development standards applicable to the zone within which such land is located unless otherwise determined by the Council.

5.2 RESIDENTIAL DEVELOPMENT : RESIDENTIAL PLANNING CODES

- 5.2.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.
- 5.2.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- 5.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.

5.3 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS

5.3.1 Notwithstanding the provisions of the Residential Planning Codes the designations shown on the Scheme Map have the following meaning:

- a) where an area is designated with an R. Code R.10 or R12.5, no development other than a single dwelling house or a dual accommodation unit is permitted;
- b) where an area is designated with an R. Code R.12.5/R.20 or R.10/R.20 no development other than a single dwelling house complying with R.12.5 or R.10 requirements (as the case may be) is permitted except that the Council may approve a grouped dwelling development containing a maximum of two dwellings subject to R.20 requirements if the following conditions are satisfied:
 - i) grouped dwellings do not occur at a frequency greater than one lot in ten of all lots within an area bounded by four streets or other natural boundary;
 - ii) grouped dwellings are separated from any other grouped dwelling by not less than two single dwellings in the same street frontage; and
 - iii) the setback requirements of the first mentioned R. Code designation are observed.

5.3 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS (Cont'd)

5.3.2 Nothing in the Residential Planning Codes as they are applied in the Scheme operates to preclude the erection of a dwelling house on a lot which was in existence at the date of coming into operation of the Scheme and which is situated within the Residential zone and is smaller in area or in any dimension than the minimum area of dimension set out in the code for that lot.

5.3.3 Notwithstanding the provisions of the Residential Planning Codes a person shall not commence or carry out the development of any land within a Residential zone:

- a) by the erection of a building used for residential purposes at a distance of less than 9 m from a street alignment unless otherwise provided in the Scheme;
- b) on lots on one side of a section of a street which runs between two cross streets where more than half of the lots have dwellings thereon which are set back less than 9 m, the Council may permit the erection or extension of a dwelling to be closer than 9 m to the street boundary;
- c) maximum building heights for residential development shall be determined in accordance with the provisions of Clause 5.11 of this Scheme.

5.3.4 Notwithstanding the provisions of the Residential Planning Codes, Additional Accommodation as set out in Clauses 28 and 29 of the Codes have been replaced by the term 'Dual Accommodation Unit' as defined in Clause 1.8 interpretation. Subject to the procedures set out in Part 6 of the Scheme, Council may approve of a Dual Accommodation Unit in the Residential zone if the following requirements are satisfied:

- a) the lot on which it is proposed is not less than 730 m² in area;

5.3 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS (Cont'd)

5.3.4 Cont'd

- b) the total floor space of the Dual Accommodation Unit does not exceed 60 m² in area;
- c) the Dual Accommodation Unit contains no more than two habitable rooms; and
- d) the Dual Accommodation Unit will be occupied by a person related to the persons occupying the remainder of the dwelling.

5.3.5 The owner of any premises for which approval has been granted for use as a Dual Accommodation Unit shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not than be re-occupied as a Dual Accommodation Unit without prior approval of the Council.

5.4 STANDARDS FOR DEVELOPMENT IN OTHER THAN RESIDENTIAL ZONES

TABLE 2

Minimum Setback from Boundaries (See note (1) below)	<u>Front</u> : 4.5 m
	<u>Side</u> : 5.0 m where the lot adjoins any Residential zone. 2.5 m where the side boundary of the lot adjoins any other street.
	<u>Rear</u> : 5.0 m where the lot adjoins any Residential zone.
Maximum Plot Ratio	0.75

NOTE (1) In the Light Industry Zone, where development on adjoining lots is set back less than 4.5 m, Council may vary front setback requirements to not less than that of the buildings on the side having the least setback.

NOTE (2) In the case of lots in Hampden Road adjacent to a right-of-way, the rear setback shall be not less than 1.5 m.

NOTE (3) Residential Development in other than Residential zones shall conform with the standards and requirements of the R.35 Code. However, Council may vary the requirements of this Code if in the opinion of Council the proposed development is in keeping with the amenity of the area.

5.4 STANDARDS FOR DEVELOPMENT IN OTHER THAN RESIDENTIAL ZONES (Cont'd)

5.4.1 In the case of development for any purpose other than residential:

- a) the Council may vary the requirements of, or impose conditions on the location and design of carparking spaces, taking into account:
 - i) the number to be roofed or covered and the manner of roofing or covering;
 - ii) the number to be below natural ground level;
 - iii) the means of access to each space and the adequacy of vehicular manoeuvring areas;
 - iv) the effect on the amenity of adjoining premises, including potential effects if spaces should later be roofed or covered and the suitability or adequacy of proposed screening or natural planting;
 - v) the location of proposed public footpaths, vehicular crossings or private footpaths within or adjacent to the boundary of the lot in terms of safety;
 - vi) the provision of suitable pickup and setting down bays.
- b) No commercial vehicle shall be permitted to stand between the street boundary and the minimum setback, nor in the area of setback between the lot and any adjoining residential zone.

5.4.2 Landscaping Requirements

In the case of development for a purpose other than residential -

- a) the portion of the lot between the street boundary and the setback line; and

5.4 STANDARDS FOR DEVELOPMENT IN OTHER THAN RESIDENTIAL ZONES (Cont'd)

5.4.2 Landscaping Requirements (Cont'd)

- b) the portion of the lot between any adjoining residential lot and the setback line from the respective lot boundary

shall be designed and developed to the satisfaction of the Council as landscaping or natural planting BUT the Council may approve the paving and draining of portion of the area of the lot between the street boundary and the setback line in order to provide vehicular access.

5.5 PRESERVATION OF AMENITY

- 5.5.1 Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any factor inconsistent with the use for which the lot is zoned.

- 5.5.2 Unless otherwise approved by the Council, no person shall erect or add to any building unless the external walls are constructed of brick, stone or concrete, other than in the case of:

- a) outbuildings complying with the Uniform Building By-laws, and not exceeding 37 m² in floor area;
- b) the upper floor of a dwelling of which the external walls of the ground floor are to be, or have been, constructed of brick, stone or concrete;

- c) an historic building;

except that: up to 25% of the external elevation of any wall of a building in any residential zone may be of materials other than brick, stone or concrete.

5.5 PRESERVATION OF AMENITY (Cont'd)

5.5.3 In the case of development within the Retail Shopping Zone, provision shall be made for landscaping and natural planting to enhance the appearance of the development and to secure a harmonious relationship between the development and existing or potential development on adjoining land.

5.5.4 Unless otherwise approved by the Council, no person shall erect or construct a retaining wall other than in accordance with the Council's By-laws and in no case without Council approval if the wall is greater than 0.5 m in height at any point. In determining an application to erect or construct a retaining wall, Council shall have regard to:

- a) its likely impact on the amenity or appearance of the land immediately surrounding the proposed retaining wall;
- b) the materials, shape, height or proximity of the retaining wall to, and their likely effect on the outlook from, surrounding land;
- d) the effect on the usability of the land on which the retaining wall is proposed.

5.6 OUTBUILDINGS, GARAGES, CARPORTS & FENCES

5.6.1 Without limiting the generality of Clause 6.5 where in the opinion of the Council an outbuilding, by reason of its height, bulk or proposed use may adversely affect the amenity of the surrounding area, the Council may impose conditions on its approval.

5.6.2 Without limiting the generality of Clause 6.5 where in the opinion of the Council a carport to be constructed on the portion of the lot between the street boundary and the setback line, by reason of its height, bulk or proposed use may adversely affect the amenity of the surrounding area

5.6 OUTBUILDINGS, GARAGES, CARPORTS & FENCES (Cont'd)

5.6.2 Cont'd

the Council may impose conditions on its approval and without limiting the generality of the foregoing the following shall apply:-

- a) the roof plan area of the carport shall not be greater in area than 36 m²;
- b) no fence or wall erected or used in conjunction with the carport shall be more than 1.8 m above natural ground level measured at the centre of the carport; and
- c) no gate erected in front of the carport shall be more than 1.8 m above natural ground level, or shall open in such a manner as to obstruct vision through an area enclosed by a 1.5 m x 2.5 m truncation to each side of the driveway at the street boundary.

5.6.3 The Council may approve a garage to be erected on the side boundary of any lot, if:

- a) there is an existing garage on the adjoining lot within 1 m of that boundary and adjacent to the proposed garage; or
- b) any house on the adjoining lot is of substantial construction and located not more than 2.5 m from that boundary, but constructed in such a manner that light and ventilation to the rooms overlooking that boundary are not adversely affected; and
- c) no danger of spread of fire exists due to the proximity of overhanging eaves;

5.6 OUTBUILDINGS, GARAGES, CARPORTS & FENCES (Cont'd)

5.6.4 Dividing Boundaries - Fence or Screen Wall Heights

No fence or screen wall shall be erected within 0.9 m of a dividing boundary to a height greater than 1.8 m above natural ground level without the approval of the Council. The Council may refuse to grant approval of a screen wall or fence higher than 1.8 m above natural ground level if in the opinion of the Council such additional height would adversely affect the amenity of the occupants of the adjoining lot.

5.7 DEVELOPMENT IN RETAIL SHOPPING ZONES

5.7.1 Without limiting the generality of Clause 6.5, in considering a proposal to undertake development or redevelopment on land in a retail shopping zone the Council shall have regard to the following matters and may impose conditions to ensure that:

- a) any building on a lot is constructed so as to have regard to the development or likely development of adjoining lots;
- b) where agreements between adjacent owners are made with the intent of achieving a co-ordinated development, such development is completed within 1 year of approval;
- c) any group of buildings has an integrated layout in terms of vehicular and pedestrian circulation, appearance, colour and texture of external materials and landscaping;
- d) the design of the development or redevelopment makes provision for general uniformity of advertising signs;
- e) vehicular servicing to shops is provided to the rear of such shops and is screened from public view in a manner satisfactory to the Council;

5.7 DEVELOPMENT IN RETAIL SHOPPING ZONES (Cont'd)

5.7.1 Cont'd

- f) off-street carparking is laid out to provide for both the convenience and safety of shoppers;
- g) vehicular access from public roads is so sited as to minimise hazards to passing traffic.

5.8 SHOPS IN ZONES OTHER THAN RETAIL SHOPPING

5.8.1 A shop may be incorporated within a building in an Office/Showroom or Light Industry Zone, if:

- a) not more than one shop is provided on any lot;
- b) the shop is no greater than 20 m² in floor area (including storage space);
- c) the shop is used only for the sale at retail of:- lunches, confectionery, non-alcoholic beverages, newspapers, magazines, cigarettes and similar goods;
- d) in an Office/Showroom zone the shop has no direct frontage to the street; and
- e) such shop is not used as a retail outlet for any showroom located in the building.

5.9 HISTORIC BUILDINGS, OBJECTS OR PLACES

Where a development which is the subject of an application for approval to commence development involves a material alteration to, or the destruction, total or partial, of a building, place or object of historical or architectural interest or of outstanding natural beauty, the Council, having regard to the desirability of retaining

5.9 HISTORIC BUILDINGS, OBJECTS OR PLACES (Cont'd)

the building, place or object, may refuse to approve the application or approve of it subject to conditions as the Council deems necessary with a view to protecting or preserving the building, place or object. Council may vary any or all requirements of the Scheme as deemed necessary.

5.10 CONTROLLED DEVELOPMENT AREA

5.10.1 Any development within the areas bounded by:

- a) Reserve 17391, The Esplanade, Broadway, lots on the north side of Elizabeth Street and Bruce Street;
- b) Victoria Avenue, the City boundary, the Metropolitan Region Recreation reserve abutting the Swan River and Reserve 16668;
- c) Jutland Parade, Iris Avenue, the Metropolitan Region Recreation reserve abutting the Swan River and Point Resolution Reserve;

shall require the Council's special approval.

5.10.2 Without limiting the generality of Clause 6.5 in determining an application for approval of development in a Controlled Development Area:

- a) the Council shall consider the effect of the development on the amenity of the surrounding area, the visual effect of the development as perceived from the Swan River and the effect on the amenity of the parks and recreation reserves in that area in accordance with Council policy from time to time determined for each Controlled Development Area;
- b) if the Council so requires, the applicant shall furnish such further information, as deemed necessary by Council to determine the application (including perspectives and elevations, or any other data);

5.10 CONTROLLED DEVELOPMENT AREA (Cont'd)

5.10.2 Cont'd

- c) the Council may refuse development approval or impose conditions on a development approval where it considers that the amenity of the area may be detrimentally affected by the proposal.

5.10.3 Within a Controlled Development Area the following provisions shall apply:

- a) the Council shall not permit the ground level of any portion of any lot to be raised by an amount greater than 2 m above natural ground level whether by means of a retaining wall or not, unless it is satisfied that such changes in level will not unduly affect the amenity of the area including amenity of neighbouring properties; for the purpose of this clause natural ground level shall be as delineated in Appendix 1 of the Scheme Text;
- b) for the purpose of this clause the rear boundaries of certain lots shall be as delineated in Appendix 1 and the rear setback applicable to boundaries of lots so delineated shall be 7.5 m;
- c) notwithstanding the provisions of the Residential Planning Codes, or the Uniform Building By-laws no building or out-building shall be erected within the rear setback area.

5.11 MAXIMUM BUILDING HEIGHT

No site shall be developed or building constructed to contain more than two stories or to exceed 10 m measured to the highest portion of the building from mean natural ground level or such other ground level as may be determined by Council.

5.11 "MAXIMUM BUILDING HEIGHT (Cont'd)

Council may vary this requirement if it can be satisfied the development:

- a) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
- b) will not intrude upon the privacy enjoyed by surrounding properties with overview;
- c) will not diminish views or outlook available from surrounding properties;
- d) is sympathetic with the scale and character of the environment;
- e) is consistent with the amenity of the locality.

PART 6 - PLANNING APPROVAL PROCEDURES

6.1 COUNCIL APPROVAL NECESSARY

The Council's approval is required prior to changing the use of or commencing any development of land zoned or reserved under the Scheme except for a single dwelling house which is not in the controlled development area.

6.2 APPLICATION FOR DEVELOPMENT APPROVAL

Application to the Council for its planning approval shall be made on the Form 1 described in Schedule 4 of the Scheme.

6.3 SPECIAL PROCEDURES

6.3.1 Special procedures are required by Council before determining an application for planning approval in any of the following cases:

- . CHANGE OR EXTENSION OF NON-CONFORMING USE
- . USES DESIGNATED "AA" IN TABLE 1 OF PART 3
- . USES NOT LISTED IN THE ZONING TABLE
- . LISTING, CHANGE OF USE OR ALTERATION OF HISTORIC BUILDINGS, OBJECTS OR PLACES
- . DEVELOPMENT IN CONTROLLED DEVELOPMENT AREA
- . DEVELOPMENT OF A DUAL ACCOMMODATION UNIT
- . CHANGE OF USE OF AN ADDITIONAL USE

6.3.2 Such application shall include the following information if required by Council:

- a) a certified copy of the Certificate of Title;
- b) the names and addresses of the owners of the land and of any party proposing to purchase or develop the land;

6.3 SPECIAL PROCEDURES (Cont'd)

6.3.2 Cont'd

- c) a full description of the purposes for which the building or land is proposed to be used;
- d) complete descriptive plans of the buildings or other improvements proposed on the land.

6.3.3 Before determination of any application made under Clause 6.3 the Council may cause any or all of the following to be done:

- a) notification in writing of any adjoining property owner or occupier;
- b) publication of a Notice of the application in a newspaper circulating in the district;
- c) erection of a Notice Board not less than 1 m² in area, conspicuously placed on the lot the subject of the application for a period not less than 21 days.

6.3.4 Any such notification, Notice or Notice Board shall be in sufficient detail to ensure an understanding of the application and shall state that submissions relating to the application may be lodged in writing at the office of the Council by a certain date, being not less than 21 days from receipt of the notification, publication of the Notice and/or erection of the Notice Board, as the case may be.

6.4 CONSIDERATION OF APPLICATIONS

6.4.1 In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.

6.4 CONSIDERATION OF APPLICATIONS (Cont'd)

6.4.2 In respect of an application for planning approval made under Clause 6.3 the applicant shall satisfy the Council that the following conditions and standards have been met.

- a) the nature and intensity of the proposed use or development will not detrimentally affect the locality in terms of its environmental impact by way of its hours of operation, illumination, emission of any kind and the effect on any use or development within the locality;
- b) the plot ratio, site coverage, setbacks, height, landscaping and parking provisions are in keeping with the general character of the locality;
- c) the form, layout, appearance and material of any building is in keeping with the existing character of the locality;
- d) the vehicular and pedestrian access, including on-site circulation and provision for deliveries will not create any danger;
- e) the vehicle flows to and from the subject land will not be disruptive to existing traffic movements or circulation patterns;
- f) that any traffic generated must be capable of being accommodated within existing streets;
- g) that the development or use will not place excessive loads on existing or projected essential services;
- h) the proposed development or use is necessary to service the needs of the district's residential population and is otherwise generally in keeping with the Council's Town Planning intentions for the locality;

6.4 CONSIDERATION OF APPLICATIONS (Cont'd)

6.4.2 Cont'd

- i) any other matter considered relevant by Council.

6.5 DETERMINATION BY COUNCIL

- 6.5.1 The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.
- 6.5.2 If the Council has granted the planning approval subject to conditions and any of the conditions are not fulfilled or complied with within the time limit specified by the Council, the Council may in addition to other remedies available to it, revoke its approval.
- 6.5.3 The Council may in respect of any such application limit the time for which approval granted on the application remains valid.
- 6.5.4 If the Council has not within 60 days of the receipt by it of an application to commence development conveyed its decision to the applicant the application shall be deemed to have been refused.

6.6 CONDITIONS

- 6.6.1 In cases where the Council has granted development approval subject to conditions no person shall erect a building or use land or buildings for any purpose otherwise than in accordance with those conditions.

PART 7 - ADMINISTRATION

7.1 ACQUISITION OF LAND

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

7.2 DISPOSAL OF LAND

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

7.3 ENTRY TO PREMISES

The Council in the conduct and management of the Scheme has in addition to all other powers vested in it the power by its officers and employees to enter and inspect any land or building within the Scheme Area provided that no officer or employee of the Council shall enter a residential building without the consent of the owner or occupier unless he is reasonably satisfied that a breach of this Scheme may have occurred.

7.4 PENALTIES

Any person who fails to comply with any of the provisions of the Scheme or of the Act is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties as prescribed in the Act.

7.5 BUILDINGS AND WORK - NOTICE

Twenty eight (28) days' written notice, is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

7.6 AGREEMENTS

The Council may enter into agreements with the owners of land within the Scheme area, or with any person in respect of, any matter pertaining to this Scheme.

7.7 COMPENSATION

Unless otherwise provided for in the Scheme, claims for compensation by reason of the Scheme shall be made not later than six months from the date on which Notice of Approval of the Scheme is published in the Government Gazette.

7.8 APPEALS

An applicant for the Council's planning approval or other approval required by the Scheme who is aggrieved by a decision of the Council in respect of the exercise of a discretionary power by the Council under the Scheme may appeal under and in accordance with Part V of the Act.

7.9 GENERAL OBLIGATIONS AND PROHIBITION

Subject to the provisions of the Act and all Regulation made thereunder and to Parts 4 and 5 of this Scheme, no person shall permit or suffer any departure from the requirements and provisions of the Scheme nor shall any person use or permit the use of land or buildings or undertake or permit any development if the use, or development does not conform with the provisions of the Scheme.

SCHEDULE 1 - ADDITIONAL USES

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
1	477,476	Cnr. Viking Rd Alexander Ave	Residential	Church
2	342	Waratah Ave	Residential	Church
3	Pt. 134	Adelma Rd, Hotchin St. Sutcliffe St and Gallop Rd	Residential	Convent & Church
4	614,613	Princess Rd, Bruce St, and Viewway	Residential	Church
5	1,2	Dalkeith Rd and Edward St	Residential	Church
6	498,499, 500,501	Tyrell St and Elizabeth St	Residential	Church
7	570,569	Kingsway	Residential	Church
8	80	Stirling Highway and Napier St	Office/Showroom	Church
9	321,322	Leura St and Hardy St	Residential	Church
10	115,116,117	Watt St and Walpole St	Residential	Church
11	397	Waratah Ave	Residential	Hall
12	556,557	Princess Rd and Broadway	Residential	Hospital
13	414-420 431-441	Stanley St, Elizabeth St and Webster St	Residential	Private College
14	1	Thomas St, Elizabeth St and Tyrell St	Residential	Private College
15	509,510	Meriwa St	Residential	Hall
16	554	Broadway	Residential	Professional Office

SCHEDULE 1 - ADDITIONAL USES (Cont'd)

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
17	551	Broadway	Residential	Office
18	2	Broadway	Residential	Professional Office
19	544	Broadway	Residential	Professional Office
20	1	Broadway	Residential	Office
21	541	Broadway	Residential	Professional Office
22	320	Leura St and Hardy St	Residential	Office
23	316	Leura St	Residential	Office
24	314	Leura St	Residential	Office
25	311	Leura St	Residential	Office
26	308	Leura St and Karella St	Residential	Office
27	571	Hampden Rd & Park Rd	Residential	Shop
28	570	Hampden Rd	Residential	Professional Office
29	57	Loch St and Bedford St	Residential	Shop
30	71	Aberdare Rd & Croydon St	Residential	Shop
31	349	Walpole St & North St	Residential	Shop
32	10	Asquith St	Residential	Shop
33	726,742	Hillway/The Avenue	Residential	Police Station
34	531	Broadway	Residential	Office
35	529	Broadway	Residential	Professional Office
36	429	Broadway	Residential	Professional Office

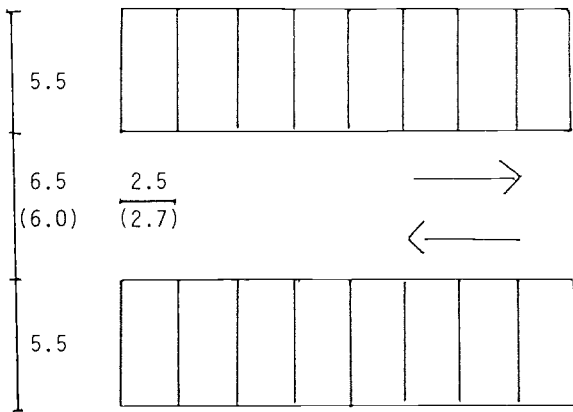
SCHEDULE 1 - ADDITIONAL USES (Cont'd)

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
37	428	Broadway	Residential	Professional Office
38	Pt.64	Stirling Highway - Balance of lot from a line measured 45m parallel to Stirling Highway	Residential	Car parking
39	62	Robinson St	Residential	Car parking
40	569	Hampden Road	Residential	Professional Office
41	Pt.306	Philip Road	Residential	Second dwelling permitted
42	309	Leura Street	Residential	Office
43	569	Hampden Road	Residential	Professional Office
44	1,2,3 & 272	Hampden Road	Residential	Professional Office
45	119	Aberdare Road	Residential	Additional Dwelling

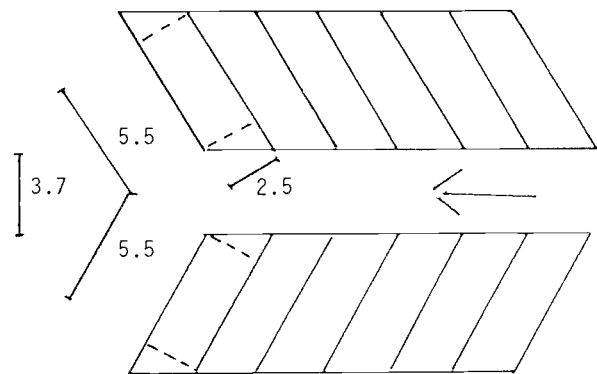
SCHEDULE 2 - CARPARKING LAYOUTS

LAYOUTS AND DIMENSIONS (shown in metres)

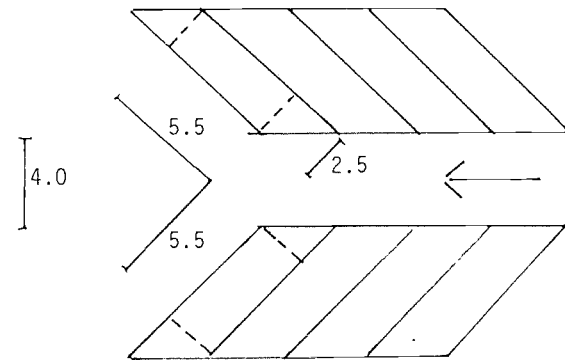
90° Parking



60° Parking

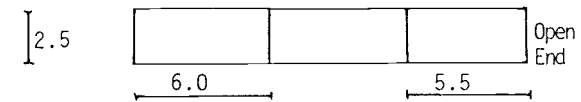


45° Parking



Parallel Parking

Where a parking bay is alongside a wall or solid obstruction, the width shall be increased to 3 metres. Columns or piers not more than 1 metre from either end of a bay shall not require the width of a bay to be increased, provided the width of the column or pier does not exceed 300 mm.



SCHEDULE 3 - CARPARKING REQUIREMENT BY USE CLASS

USE CLASS OR ADDITIONAL USE	CONDITIONS AND NO. OF SPACES	QUALIFICATION
Religious Purposes	1 to 4 person (a)	
Educational Establishment Primary	1.2 per Staff Member	2 at every 10 spaces (or part thereof) to be set aside for student teachers or visitors. (b)
Secondary	2 per Staff Member PLUS 1 per rostered canteen worker PLUS 2 additional spaces for each 10 provided (or part thereof)	Additional spaces to be set aside for student teachers or visitors.
Licensed Premises Hotel	1 per Bedroom PLUS 1 per each 1.3 m ² of bar & public areas PLUS	Includes all such areas other than restaurant to which public has access excluding only toilets and passages. (c) (e)
	1 per each employee on duty (a)	To be set aside.
Restaurant	1 per each 2.6 m ² of restaurant seating area, OR 1 per 2 persons (a)	Whichever is greater. May include a bar area intended for use by diners only. (c) (d)
Light Industry	2.2 per each 100 m ² of gross leasable floor area OR 1 per employee.	Whichever is greater. 1 space in every 3 to be set aside for employees. (b)
Hospital	12 OR 1 per every 4 beds	Whichever is greater.
Motor Repair Station	5 per each working bay PLUS 1 per employee	
Office Professional Office	4.75 per every 100 m ² of gross leasable floor area.	2 spaces in every 3 set aside for employees.

SCHEDULE 3 - CARPARKING REQUIREMENT BY USE CLASS (Cont'd)

USE CLASS OR ADDITIONAL USE	CONDITIONS AND NO. OF SPACES	QUALIFICATION
Public Amusement	1 per 2 persons	
Shop	8.3 per every 100 m ² of gross leasable floor area.	1 space in every 5 to be set aside for employees.
Showroom, Warehouse	2.2 per every 100 m ² gross leasable floor area OR 1 per employee	Whichever is greater. 2 spaces in every 3 to be set aside for employees.

(a) "persons" means the number of persons for which a building has been designed or for whom seating is provided.

"employee" means any person employed in the building.

(b) Where spaces are to be set aside for visitors, employees or student teachers, they must be clearly marked as such.

(c) In the case of every Hotel, Licensed Premises and Restaurant there shall be displayed in such premises a plate being not less than 200 mm x 100 mm stating the number of car parking spaces which have been provided and the use of such premises by a number of persons exceeding twice that number is not permitted.

(d) In calculating the area of a Restaurant the area of any bar therein intended for use by diners only shall not be taken into account.

(e) In calculating the area of the bar and public areas within a Hotel or Licensed Premises the area of toilets and passages shall not be taken into account.

CITY OF NEDLANDS

TOWN PLANNING SCHEME NO. 2

APPLICATION FOR PLANNING APPROVAL

Name of owner of land on which development is proposed: Surname: Christian Names:

Address in full:

Submitted by:

Address for Correspondence:

Locality of Development:

Description of Land: Lot No.

Street: Location No.

Plan or Diagram:Certificate of Title Volume

Folio:

Development Proposed:

Approximate Cost of Proposed Development:

Estimated Time of Completion:

Signature of Applicant:

Date:

Signature of Owner (if not the Applicant):

.....

Date:

This form is to be submitted in duplicate with three copies of the site plan.

This is not an application for a building licence, for which a separate application is required.

NOTICE OF APPROVAL/REFUSAL OF APPLICATION

FOR PLANNING APPROVAL

Name and Address of Applicant:

.....

.....

Name and Address of Owner: (if not Applicant)

.....

.....

Description of Land:

.....

.....

Planning approval in accordance with an application dated the
day of 19 and the plans attached thereto is granted

subject to the following conditions/refused upon the following grounds:

.....

.....

.....

.....

This approval is valid for a period of months from the date
hereof. If development is not commenced within that period a fresh application
must be made.

.....
Town Clerk

.....
Date

This is not a building licence, for which a separate application is necessary.

CITY OF NEDLANDS
TOWN PLANNING SCHEME NO. 2

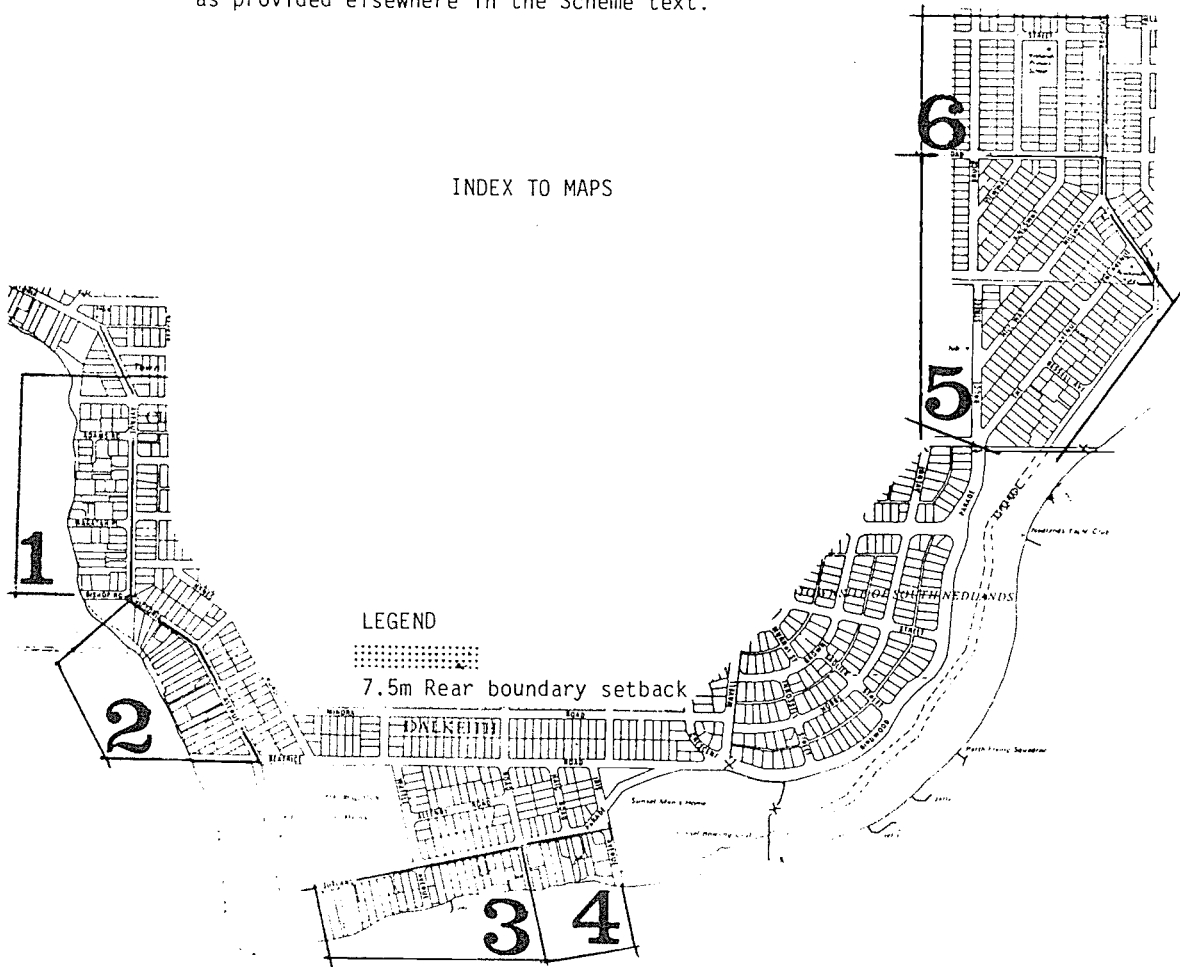
APPENDIX 1

CONTROLLED DEVELOPMENT AREA

NOTES

1. This is the Appendix referred to in clause 5.10 of the Scheme text.
2. Where a subdivision of land takes place within the area the subject of clause 5.10, the Council shall determine which boundary shall be regarded as the rear boundary for the purposes of determining where the rear setback shall be applied.
3. The maps comprising Appendix 1 follow and are numbered 1-6 inclusive. They are drawn to a scale of 1-2000 but in determining distances preference shall be given to actual measurements.
4. Contours shown are indicative only. Actual levels shall be determined as provided elsewhere in the Scheme text.

INDEX TO MAPS



6459700

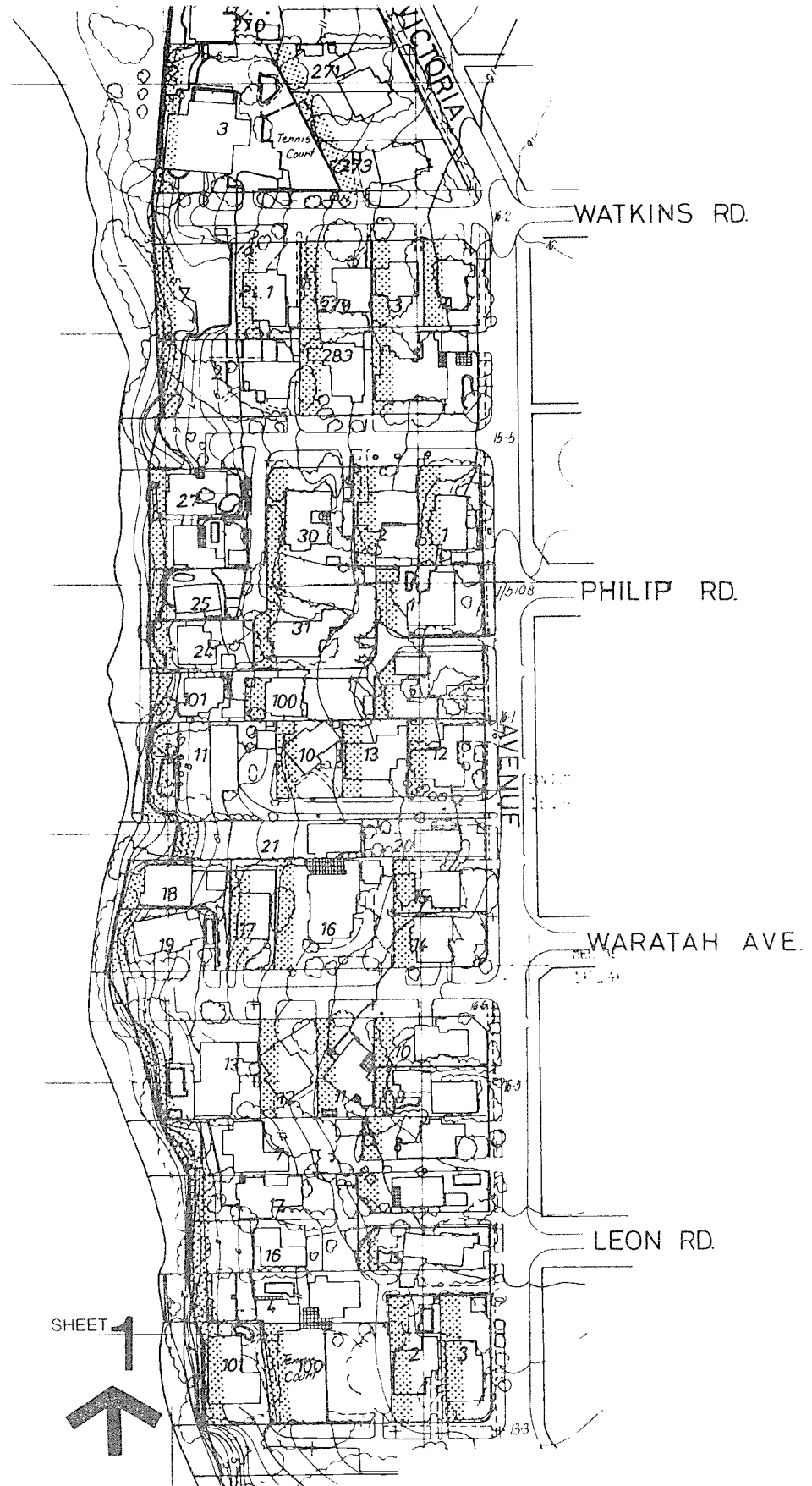
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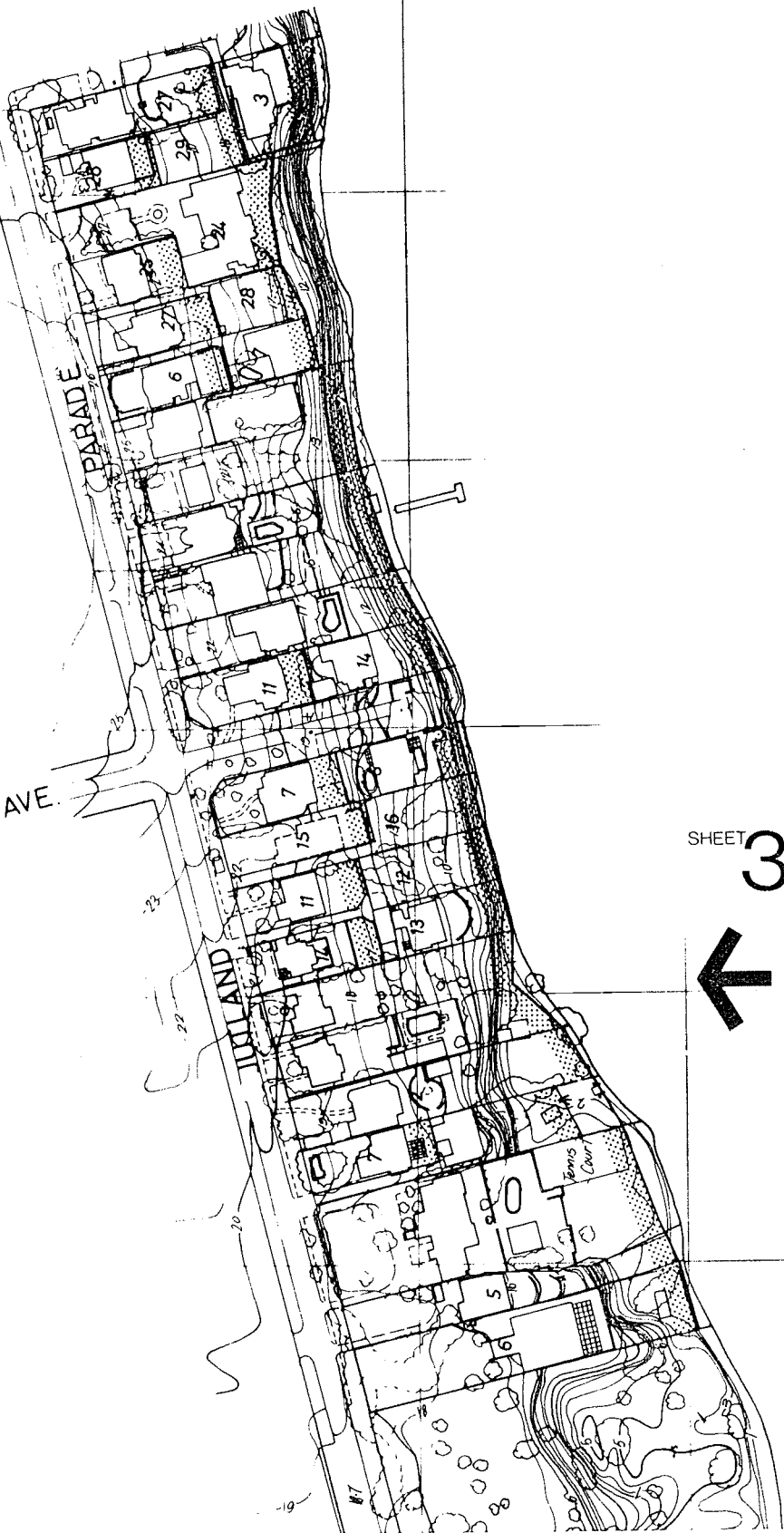
ADELMA RD.

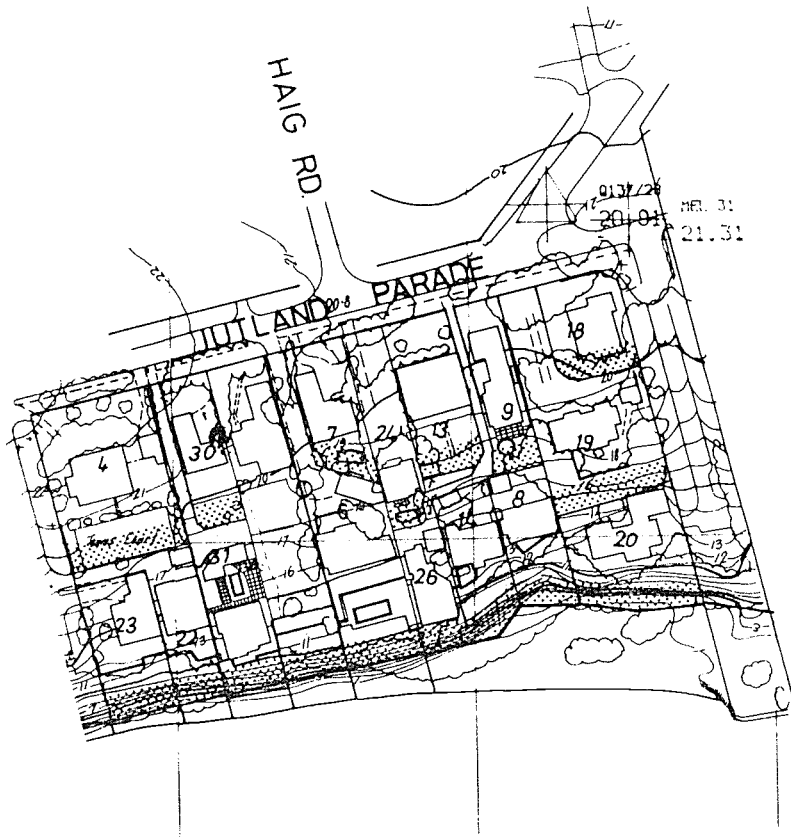
PARADE

WATTLE AVE.

LULLLAND

SHEET 3



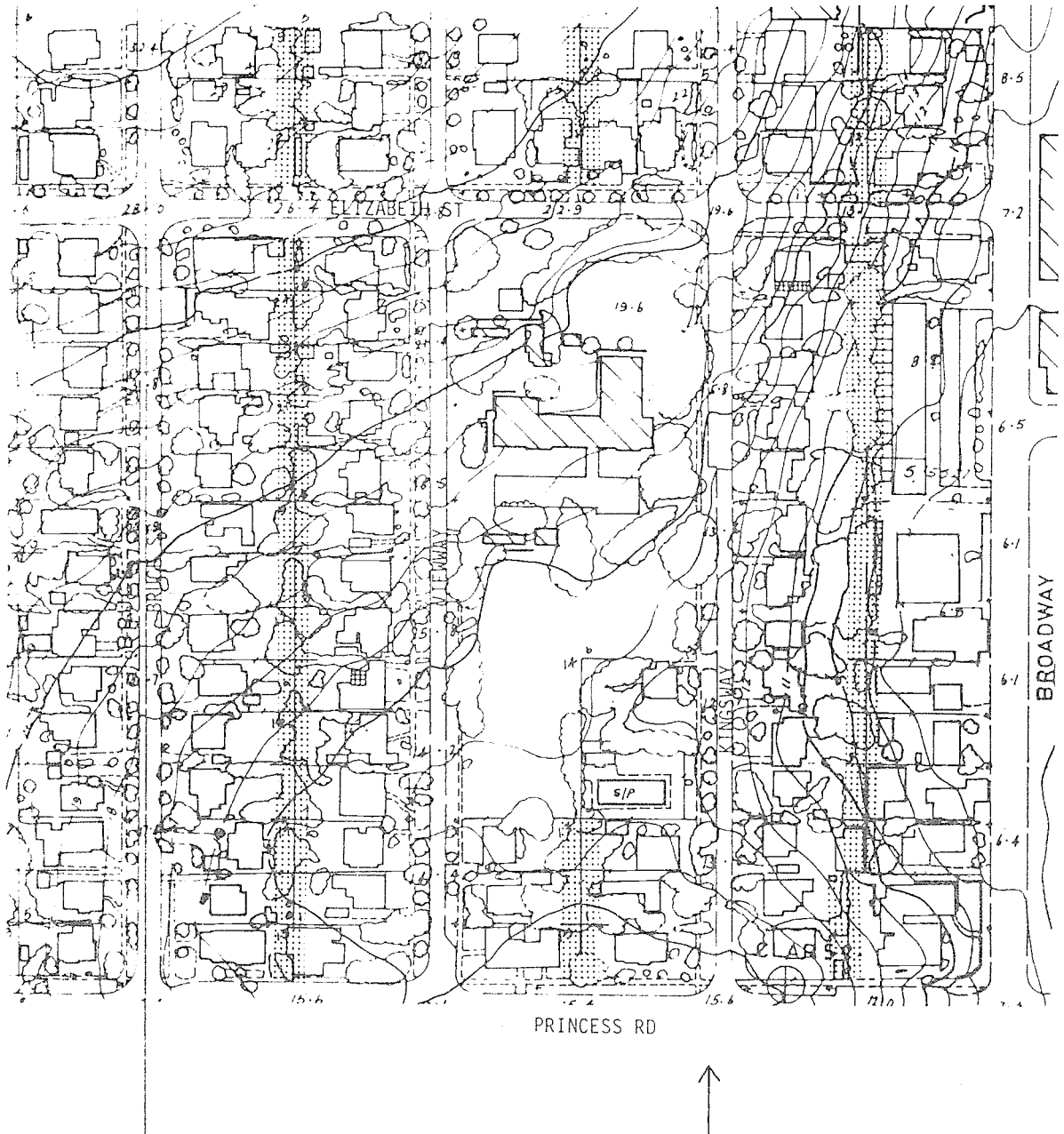


SHEET 4





SHEET 5



SHEET 6