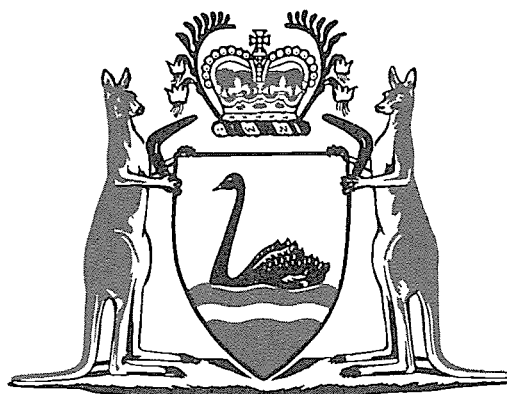


[1805]



Government Gazette

OF WESTERN AUSTRALIA

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No. 44]

PERTH: TUESDAY, 28 MAY

[1985

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

TOWN OF CLAREMONT

TOWN PLANNING SCHEME NO 3

T.P.B. 853-2-2-3

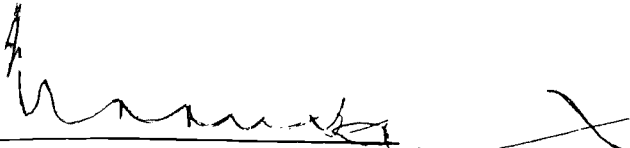
It is hereby notified for public information in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning approved the Town of Claremont Town Planning Scheme No 3 on 14 May 1985 - the Scheme Text of which is published as a Schedule annexed hereto.

B H HOUSTON
Mayor

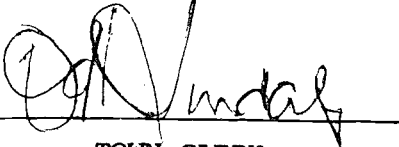
D H TINDALE
Town Clerk

TOWN OF CLAREMONT
TOWN PLANNING SCHEME NO. 3

Adopted by Resolution of the Council of the Town of Claremont at the meeting of the Council held on the *SIXTH* day of *MAY* 1985, and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:



MAYOR

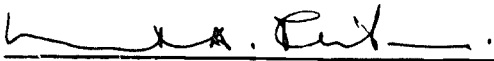


TOWN CLERK

[LS]

This Scheme Text is to be read in conjunction with the approved maps of the Scheme.

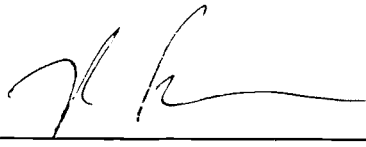
9.5.85
DATE



CHAIRMAN OF THE TOWN PLANNING BOARD

APPROVED:

14.5.85
DATE



MINISTER FOR PLANNING

TOWN OF CLAREMONT

TOWN PLANNING SCHEME NO.3

The Town of Claremont under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act 1959 (as amended) hereby makes the following Town Planning Scheme for the purpose of:

- (a) *Setting aside land for future public use as reserves;*
- (b) *Directing and controlling land development by zoning in such a way as to promote and safeguard the health safety convenience and general welfare of the inhabitants of the district of the Town of Claremont and the amenities of that district;*
- (c) *Other matters authorised by the enabling Act.*

PART I

PRELIMINARY

- 1 *This Town Planning Scheme may be cited as the Town of Claremont Town Planning Scheme No.3 (herein called "the Scheme" or "this Scheme") and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.*
- 2 *The Scheme shall apply to the whole of the Municipal District of the Town of Claremont (herein called "the District").*
- 3 *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.*

4 *The Town of Claremont Town Planning Scheme No.1 which was published in the Government Gazette on the 7th April 1967, and subsequently from time to time amended, is hereby revoked.*

5 *The responsible authority for carrying out the Scheme is the Council of the Town of Claremont (herein referred to as "the Council") except that where land is shown on the Scheme Map as "Regional Reservation" the responsible authority shall be deemed to be the Metropolitan Regional Planning Authority and the provisions of the Metropolitan Regional Scheme shall apply to such reservations.*

6 *Relationship of Scheme By-Laws:*

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

7 *All buildings hereafter erected and all other development hereafter carried out in the Scheme Area shall conform to the provisions and standards contained in the Scheme and, where appropriate, with the requirements of the Uniform Building By-laws to the extent to which those By-laws make provision for matters not dealt with by this Scheme.*

8 *Arrangement of Scheme:*

The Scheme Text is divided into the following parts:

Part I. Preliminary

Part 2. Land Use Control

Part 3. Development Requirements.

Part 4. Special Amenity Design and Development Control.

Part 5. Planning Approval.

Part 6. Administration.

The remaining documents of the Scheme are:

(1) the Land Use Map, and

(2) *The Scheme Map*

both of which form part of the Scheme.

9

Interpretation:

(1) *Where a word or term used in this Scheme is not defined in the Scheme but is defined in Appendix D of the Town Planning Regulations 1967 as amended or re-enacted, from time to time, unless the context requires otherwise, that word or term, as the case may be, has the meaning given to it in that Appendix.*

(2) *Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in this Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.*

10.

In this Scheme, unless the context requires otherwise:

"Bulk Retail Sales" means premises set aside and limited to use for the sale of the following:

floor and wall coverings

large recreational equipment

camping equipment

furniture, furnishings and window treatments

sanitary, general hardware and plumbing supplies

motor vehicle sales, spares and accessories

machinery and large electrical, mechanical and heating appliances

swimming pool supplies and fittings

sunblinds and awnings

kitchen and bathroom cupboards/fittings

picture framing/gallery

motor cycles

boat sales and marine supplies

roofing insulation

*airconditioning and vacuum cleaning systems
equipment, tools or supplies necessary for the efficient merchandising of
the abovementioned goods.
any other use relating to the sale and display of items of goods which are
not readily portable and which in the opinion of Council is not likely to
attract considerable vehicular traffic to those premises.*

*"Consulting Room" means a building or part of a building (other than a
hospital) used in the practice of his or her profession by :*

- (a) A registered medical practitioner*
- (b) A registered dentist or dental therapist*
- (c) A registered occupational therapist or physiotherapist*
- (d) A registered psychologist*
- (e) A registered chiropractor*
- (f) A registered psychiatrist*
- (g) A registered chiropodist*
- (h) A qualified welfare counsellor including a marriage guidance
counsellor*
- (i) A qualified masseur; or*
- (j) A person ordinarily associated with a registered medical practitioner
in the investigation or treatment for physical or mental injuries or
ailments.*

*"Craft Industry" means any part of any land or building used for the production
of works of art or handcrafted works and includes the workshop or studio of a
sculptor, artist, potter, weaver or handcarver but the term does not include
any use which is a light industry as defined in Appendix D of the Town
Planning Regulations 1967 as amended or re-enacted from time to time;*

*"Day Care Centre" has the same meaning as is given to that term in the Child
Welfare (Care Centres) Regulations 1968 as amended or re-enacted from time
to time and includes a facility providing similar services for adults;*

"Depot" means any part of any land or building used for the maintenance or storage (in the course of transfer from place to place or otherwise) of vehicles, goods or materials of any kind including, without limiting the generality of the foregoing, a builder's yard. The word does not include a warehouse;

"Dry Cleaning Premises" means any part of any land or building used for the cleaning of garments and other fabrics by chemical processes;

"Dwelling (Self-contained)" means a Single House, an Attached House, a Grouped Dwelling, a Multiple Dwelling and an Aged or Dependent Persons' Dwelling.

"Fast Food Outlet" means a building principally used for the purpose of preparing and serving meals for gain or reward to the public for consumption otherwise than on the premises;

"Funeral Parlour" means any part of any land or building occupied by an undertaker in connection with the business of the disposal of the dead and includes any chapel erected on that land;

"Gross Leasable Area"

(a) means 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, and

(b) includes basements, mezzanines and storage areas.

"Hospital" means any building or part thereof, whether permanent or otherwise, in which persons are received and lodged for medical or surgical treatment or care, and includes a maternity hospital or nursing home as defined in the Hospitals Act 1927 as amended or re-enacted from time to time;

"Metropolitan Region Scheme" means the Metropolitan Region Scheme made

pursuant to the Metropolitan Region Town Planning Scheme Act 1959 as amended or re-enacted from time to time and published in the Government Gazette on the 9th August 1963 as amended or re-enacted from time to time;

"non-conforming use" means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme;

"Office" means a building or part thereof used for the conduct of the administration requirements or the secretarial or accounting services of a business or industry, the practice of a profession or the provision of services which do not require continuing public attendance at the premises;

"open space" in relation to a building other than a Dwelling (Self-contained) means that area of a lot on which the building stands which is not built upon in any way, but the term includes:

- (a) the area of access driveways where those driveways are adjacent to open space and to the extent that those driveways do not exceed 3m in width; and*
- (b) the structural decks or roofs of car parking areas where so designed and located as to be suitable for use as open space;*

"public utility" means any works or undertakings constructed or maintained by a public authority or municipality to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

"Recreation-Indoor" means a building or part thereof used for the purpose of a theatre, cinema, dance hall, skating rink, swimming pool, gymnasium, sports hall, squash court or for purposes similar to any of the foregoing;

"Recreation-Outdoor" means land used for passive or active recreation and the term includes children's play-grounds, public garden and public sports grounds where no special provision is made for spectators;

"religious purposes" includes places of public worship and buildings 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 Building" means a building, other than a Dwelling (Self-contained) used for human habitation and includes such outbuildings as are ordinarily used therewith. The term includes a hostel and a hotel used primarily for residential purposes, a residential club and a residential institution for the intellectually handicapped;

"Restaurant" means any part of any land or building used principally for the purpose of serving meals for gain or reward to the public for consumption on the premises and the word includes a licensed restaurant but does not include a Fast Food Outlet;

"Retail Store" means a shop the gross leasable area of which exceeds 400 square metres.

"Service Industry" means a light industry in which goods are manufactured, assembled or serviced principally:

(a) for or for sale to inhabitants of the District;

or

(b) for installation within the District.

The term does not include premises in which goods (other than goods manufactured or assembled on those premises) are kept exposed for sale;

"Service Trade" means any part of any land or building used for the repair, servicing or maintenance of goods, generally of a readily portable nature, and without limiting the generality of the foregoing, includes the premises of a bootmaker and a bicycle repair shop;

"Shop" means a building or part of a building in which goods are kept exposed for sale by retail, and includes a lunch bar, newsagency, a branch of a building society or bank in which the services provided involve continuing contact with the public, or a building or part of a building in which counter services

involving continuing contact with the public are provided.

The word does not include :

- (i) premises used for the sale of petrol, boats, motor or other vehicles;*
- (ii) a Showroom.*

"Shop (Intermediate)" means a shop the gross leasable area of which exceeds 80 square metres but not more than 400 square metres.

"Shop (Small)" means a Shop the gross leasable area of which does not exceed 80 square metres;

"Showroom" means a building or any part thereof in which only goods which are not readily portable are kept exposed for sale by retail or wholesale.

"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.

"Tavern" means any land or building the subject of a tavern licence granted under the Liquor Act 1970 as amended or re-enacted from time to time;

"the Act" means the Town Planning and Development Act 1928 as amended or re-enacted from time to time;

"Uniform Building By-Laws" means the Uniform Building By-Laws published in the Government Gazette on the 19th December 1974, as amended or re-enacted from time to time;

"Vehicle Sales" means any part of any land where motor vehicles are displayed for sale in a brick building with a metal or tiled roof.

"Veterinary Clinic" and "Veterinary Hospital" have the respective meanings given to those terms in the Veterinary Surgeons Act 1960 as amended or re-enacted from time to time.

PART 2
LAND USE CONTROL
RESERVED LAND

Division I

Reservation of Land and Development thereof :

11. (1) *Certain land within the Scheme area is set aside as reserves under this Scheme and those reserves respectively comprise the areas which are delineated, distinctively coloured and identified as such on the Scheme map.*
- (2) *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.*
- (3) *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.*
- (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 approval.*
- (5) *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.*

12. (1) Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection in accordance with the Town Planning and Development Act 1928 (as amended).
- (2) 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 the conditions that are unacceptable to the applicant.
- (3) 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.

DIVISION II

13 Zones

- (1) There are hereby created the zones set out hereunder:-

Residential

Local Centre

Town Centre

Light Industrial

Highway

Educational

Special Development Zone A

- (2) Those zones respectively comprise the areas which are delineated, distinctively coloured hatched or lettered and identified as such by the legend on the Scheme map.

TABLE 1 - LAND USE TABLE

CLASSIFICATION Use Classes	ZONES					
	Resid- ential	Local centre	Town Centre	Light Industrial	Highway	Educational
Aged or Dependent						
Persons Dwelling	P	X	X	X	P	X
Bulk Retail Sales	X	X	X	X	AA	X
Car Park	IP	P	P&X*	IP	P	IP
Civic Building	X	AA	AA	X	AA	AA
Consulting Room	SA	AA	AA	X	AA	IP
Craft Industry	SA	AA	AA	AA	AA	IP
Day Care Centre	SA	AA	AA	X	AA	AA
Depot	X	X	X	P	X	X
Dry Cleaning Premises	X	AA	P	AA	AA	X
Dwelling (Self Contained)	P	AA	AA	IP	P	IP
Educational Establishment	SA	X	AA	X	AA	P
Fast Food Outlet	X	X	SA	X	X	X
Fish Shop	X	SA	SA	X	X	X
Funeral Parlour	X	SA	AA	AA	X	X
Home Occupation	AA	AA	AA	AA	AA	AA
Hospital	SA	X	X	X	AA	X
Hotel Tavern	X	SA	AA	X	AA	X
Light Industry	X	X	X	P	X	X
Motel	X	X	SA	X	P	X
Motor Repair Station	X	X	X&AA*	P	AA	X
Office	X	AA	P*'	IP	P	IP
Open Air Display	X	X	AA	P	AA	X
Public Utility	AA	AA	AA	AA	AA	AA
Recreation-Indoor	SA	AA	AA	X	AA	AA
Recreation-Outdoor	SA	AA	AA	AA	SA	P
Religious Purposes	SA	P	P	X	P	IP
Residential Building	SA	SA	SA	X	SA	IP
Restaurant	SA	AA	AA	X	SA	IP
Retail Store	X	X	AA&X*	X	X	X
Service Industry	X	X	X&P*	P	AA	X
Service Station	X	SA	AA	IP	AA	X
Service Trade	X	P	X&AA*	AA	P	IP
Shop (Intermediate)	X	P	P&X*	X	X	X
Shop (Small)	SA	P	P&X*	SA	AA	IP
Showroom	X	X	P&X*	IP	P	X
Transport Depot	X	X	X	P	X	X
Vehicle Sales	X	X	SA	X	AA	X
Veterinary Clinic/Hospital	X	AA	X&AA*	X	AA	X
Warehouse	X	AA	P&X*	P	AA	X

* See Clause 61

*' See Clause 23

14

Land Use Table

- (1) *Subject to this Division, Division III of this Part and Clauses 94 and 95 of the Scheme, the various purposes for which land may be used are set out in the first column of Table No.1. Those purposes are herein referred to as "Use Classes".*
- (2) *Whether the land in a particular Zone may be used for a particular purpose shall be determined by reference to the symbol indicated alongside that Use Class under the appropriate Zone heading.*
- (3) *The symbol:*
 - (a) *"P" means that the use of the land for the purpose indicated is permitted;*
 - (b) *"IP" means that the land shall not be used for the purpose indicated unless Council decides that such use is incidental to the predominant use made of that land;*
 - (c) *"AA" means that the land shall not be used for the purpose indicated but the Council may approve of the use of land for that purpose if that use:*
 - (i) *will provide a local service to other land in the locality; or*
 - (ii) *is consistent with the general use of land in that locality,**and the Council is satisfied that the use, and the activities to be carried on which are connected with or incidental to that use, and any building to be erected on the land will not have any adverse or detrimental effect on the residents or amenity of or the properties in the locality;*
 - (d) *"SA" means that the land shall not be used for the*

purpose indicated but that in exceptional cases the Council may specially approve of such use where:

(i) the Council has advertised in a newspaper circulating in the District notice of the application for planning approval stating in the advertisement particulars of the proposed use and that submissions may be lodged with the Council by a specified date being not fewer than three weeks after the date of the last publication of the notice in that newspaper;

(ii) the Council has in addition to the foregoing, advertised, in such other manner as the Council considers necessary, particulars of the proposed use and the statement that submissions may be lodged with the Council by a specified date;

(iii) the Council has given notice in writing to the owners and occupiers of any land the Council considers is likely to be affected if approval is granted;

(iv) the Council has considered all submissions made with respect to the proposed use and is satisfied that that use, the activities to be carried on which are connected with or incidental to that use and any building to be erected on the land will not have any adverse or detrimental effect on the residents or of the amenity of or the properties in the locality.

- (e) "X" means that the land shall not be used for the purpose indicated.
- (4) Where in Table No I a particular Use Class is mentioned that class is deemed to be excluded from any other Use Class which by its more general terms would otherwise include that particular use.
- (5) If a particular use is not mentioned in the list of Use Classes in Table No I or is not included in the general terms of any of the Use Classes that use shall be deemed to be prohibited.

15

Home Occupation:

- (1) If a Home Occupation is being carried on and the Council is of the opinion that that use is causing a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood or is otherwise having an adverse effect on the residents or amenities of or property in the neighbourhood, the Council may rescind the permission granted by it for that use and thereafter a person shall not use the land for a Home Occupation unless further permission to do so is subsequently granted by the Council.
- (2) Where the Council grants permission for the use of land for a Home Occupation, the Council may limit the time for which that permission remains valid. When that time has expired a person shall not use that land for a Home Occupation unless further permission to do so is subsequently granted by the Council.
- (3) A person to whom permission to use land for a Home Occupation has been granted shall not carry on that Home Occupation at any premises other than those specified in that approval.
- (4) Council shall only grant approval for a Home Occupation where:
- (i) the Home Occupation does not occupy a greater area than 20 square metres;
 - (ii) the Home Occupation does not entail the employment of

any person not a member of the occupier family except where the Home Occupation is carried on by a professional person;

(iii) Council is satisfied that adequate on site parking is available; and

(iv) it is agreed with the occupier that no advertisement exceeding 0.185 square metres in superficial area will be erected.

16 Shops (Small) Various Zones:

In the Residential, Light Industrial and Highway Zones and on any Local Reserve the Council may not approve of the use of land for the purpose of a Small Shop if the area in which the land is situated is already adequately served for that purpose.

17 Recreation-Indoor - Residential Zone:

In the Residential Zone, the Council shall not approve of the use of land for the purpose of Recreation-Indoor unless that use is ancillary to the use of that land for religious purposes or for an Educational Establishment.

18 Educational Establishments:

(1) In any Zone other than the Educational Zone the Council shall not approve the use of land for the purpose of an Educational Establishment unless:

(a) the number of students attending at any one time is not to exceed thirty;

(b) the Council is satisfied that adequate open space for active and passive recreation for students and all other facilities necessary for the conduct of an Educational Establishment will be provided within the area of the proposed site for that Establishment or are available in close proximity to that site.

- (2) *Subject to Division III of this Part, a person shall not use land for the purpose of an Educational Establishment in a Zone other than the Educational Zone if the number of students attending at any one time exceeds thirty (30).*

19

Hospitals

- (1) *Subject to subclause 3 of this clause the Council shall not approve of the use of land for the purpose of a hospital unless:*
- (a) *the number of beds to be provided does not exceed twenty (20); and*
 - (b) *the hospital is to cater for patients who require medium or long term treatment care or convalescence.*
- (2) *Subject to subclause 3 of this clause and to Division III of this Part a person shall not use land for the purpose of a hospital if at any time the number of beds provided exceeds twenty (20).*
- (3) *Where a nonconforming use as a hospital exists Council may after complying with the procedures detailed in subclause 14(d) approve of an increase in the number of beds or for the development of land adjoining for the purpose connected with the use of land as a hospital for patients who require short term treatment care or convalescence or as a hospital for the dying.*

20

Local Centre Zone - Objectives

In considering an application for planning approval for development in the Local Centre Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) *that the Zone is primarily to be used for local shopping and other uses of a local service nature;*
- (b) *the desirability of providing a wide variety of shops and other services of a local nature;*
- (c) *that the scale and operation of uses shall be compatible*

with residential uses in adjoining areas.

21 Hotels and Service Stations - Local Centre Zones

- (1) *The Local Centre Zone is comprised of the separate areas shown on the Scheme Map as the Local Centre Zone.*
- (2) *In the Local Centre Zone the Council shall not approve of the use of land in any of those separate areas for the purpose of :*
 - (a) *an Hotel if there is already an Hotel in that area of that Zone;*
 - (b) *a Service Station if there is already a Service Station in that area of that Zone.*

22 Other Licensed Premises - Local Centre Zone:

If, at the time the Scheme comes into force:

- (a) *there is no Hotel in a separate area of the Local Centre Zone the Council shall not approve of the use of land in that area for the purpose of a Tavern or a Club the subject of a licence under the Liquor Act 1970 as amended or re-enacted from time to time unless the capacity of the premises is not to exceed thirty (30) persons;*
- (b) *there is an Hotel in a separate area of the Local Centre Zone, the Council shall not approve of the use of land in that area for the purpose of a Tavern or Club the subject of the licence under the Liquor Act 1970 as amended or re-enacted from time to time;*
- (c) *there is an Hotel in a separate area of the Local Centre Zone and subsequent thereto the land on which that Hotel is located ceases to be used for that purpose, the Council may approve of the use of land in that area for the purpose of a Tavern or Club the subject of the licence under the Liquor Act 1970 as amended or re-enacted from time to time, notwithstanding that the capacity of the premises is to exceed thirty (30) persons.*

23 Office and Dwelling (Self-contained) - Local and Town Centre Zones:

In the Local and Town Centre Zones (Shopping Policy area) the Council shall not approve of the use of land for an Office or Dwelling (Self-contained) unless:

- (a) that use is confined to a floor or floors of a building above ground floor level; or*
- (b) it is not practical to use the land or building in respect of which the application for planning approval is made for retail shopping purposes at ground level.*

DIVISION III

NON-CONFORMING USES

- 24
- (1) (a) Notwithstanding any other provision of the Scheme, if on the date when the Scheme comes into operation, any land or building or part of a building is being lawfully used for a purpose other than is permitted under this Scheme, it shall be lawful, subject to this Clause, and to any statute or by-law, to continue to use that land or building or that part of a building and any land directly ancillary thereto for that identical purpose, but no other.*
 - (b) If any premises entitled to a non-conforming use under this Clause are not used for a period of six (6) months continuously for the purpose authorised by this Clause those premises shall not thereafter be used otherwise than in conformity with this Scheme.*
 - (c) If a building which is, or of which any part is, being used for a non-conforming use under this Clause is demolished to an extent of more than three quarters of its value or is damaged to more than three-quarters of its value neither*

that building nor any building erected in place thereof shall thereafter be used otherwise than in conformity with the Scheme, unless by permission of the Council.

(d) *If land, in respect of which a non-conforming use exists or is authorised pursuant to this Clause, is subdivided into two or more lots no part of that land shall be used otherwise than in conformity with the Scheme after that sub-division takes place. The provisions of this paragraph shall not apply if the Council is satisfied that:*

(A) *the subdivision was effected to enable part of the land to be used for public work within the meaning of the Public Works Act 1902 (as amended) or*

(B) *that the effect of the subdivision will be to reduce the extent of the non-conforming use being made of the land.*

(e) *If the extent or intensity of a non-conforming use of land authorised by this Clause is reduced for a period of six months continuously the extent or intensity of that non-conforming use of that land shall not thereafter be increased.*

(2) *Nothing in the Scheme shall prevent the carrying out or continuance of any development for which, immediately prior to the coming into force of the Scheme, all necessary permits or licences required under the Act, the Metropolitan Region Town Planning Scheme Act or any other Act or law including the Metropolitan Region Scheme and the Town of Claremont Town Planning Scheme No. 1 have been obtained and are current.*

(3) *Where, in respect of land reserved or zoned under this Part of the Scheme, a non-conforming use exists or is authorised as*

mentioned in subclause (1) of this Clause on that land, nothing in the Scheme shall be deemed to prohibit or to have the effect of prohibiting the erection, alteration or extension on the land of any building in connection with or in furtherance of such nonconforming use of the land which would not be an unlawful erection, alteration or extension under the laws of the State or the by-laws of the Council.

- (4) 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 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 uses permitted in the Zone in which the land is located under the provisions of this Scheme.*
- (5) 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 and the occupier for that purpose.*

PART 3

DEVELOPMENT REQUIREMENTS

DIVISION I

GENERAL REQUIREMENTS

25 Development Generally:

- (1) A person shall not commence development of any land in the District without first having applied for and obtained the planning approval of the Council under this Scheme except that planning approval is not required for the development of land for the purpose of a Single House unless the proposed development involves an alteration to, or total or partial destruction of a building, object or place referred to in Clause 79 of this Scheme.
- (2) Application for planning approval shall be made in accordance with the provisions of Part 5 - Planning Approval of the Scheme.

TABLE 2 - DEVELOPMENT TABLE

<u>USE</u>	<u>BUILDING SETBACKS</u>	<u>LANDSCAPED OPEN SPACE</u>	<u>CARPARKING SPACE REQUIREMENTS</u>
Aged or Dependent Persons Dwellings	Refer to requirements Part 3		
Bulk Retail Sales	*	5% of Site	One for each 30 square metres of gross leasable area.
Consulting Room	*	In Residential Zone 40% for one storey; 50% if two storey. Elsewhere as determined.	One for each 30M ² gross leasable area plus one for each person employed.
Craft Industry	*	5% of site	As for Light Industry
Dwelling (Self-contained)	Refer to Requirements of Part 3.		
Educational Establishment	As for R15 Code	50% of site	One for each full-time employee plus spaces for students, as determined by Council.
Fast Food Outlet	*	5% of site	As for Shop Intermediate
Funeral Parlour	*	5% of site	Not less than six spaces.
Hospital	As for R15 Code	30% of site	One per patient bed plus one for each employee.
Hotel/Tavern	*	10% of site	One for each bedroom, plus one for each 2M ² of bar and lounge floor area.

TABLE 2 - DEVELOPMENT TABLE

<u>USE</u>	<u>BUILDING SETBACKS</u>	<u>LANDSCAPED OPEN SPACE</u>	<u>CARPARKING SPACE REQUIREMENTS</u>
Light Industry	Street $\frac{7.5}{3}$ Side $\frac{7.5}{3}$ Rear $\frac{7.5}{3}$	10% of site	One for each 30M ² of gross leasable area.
Motel	*	30% of site	One for each bedroom, plus one for each 25M ² of gross leasable area of service building.
Office	*	5% Town Centre 10% elsewhere	One for each 30M ² of gross leasable area.
Residential Building	In Residential Zone - as for applicable R-Code. Elsewhere as determined by Council.	As for Predominant Use	One for every two persons the building is designed to accommodate.
Restaurant	In Residential Zone - as for applicable R-Code. Elsewhere as determined by Council.	As for Predominant Use	One for each 12.5M ² of gross leasable or one for every four seats provided. Whichever is greater.
Retail Store	*	5% of site	One for each 12.5M ² of gross leasable area.
Service Station	*	5% of site	One for each working bay, plus one for each person employed on site.
Shop (Intermediate)	*	5% of site	One for each 12.5M ² of gross leasable area.

TABLE 2 - DEVELOPMENT TABLE

<u>USE</u>	<u>BUILDING SETBACKS</u>	<u>LANDSCAPED OPEN SPACE</u>	<u>CARPARKING SPACE REQUIREMENTS</u>
Showroom - more than 400M ²	*	5% of site	One for each 50M ² of gross leasable area or one for every two persons employed on site, whichever is greater.
Showroom - less than 400M ²			One for each 40M ² of gross leasable area.
Shop (Small)			
Residential Zone & Light Industrial 20M	Street Nil Side 2.5 Rear 7.5	5% of site	Requirements to be determined by Council
Town Centre (Shopping Policy Area)			
Local Centre Zone	Nil Nil 7.5		One for each 12.5M' of gross leasable area.
Theatre, Hall, Cinema, Church	*	As for Predominant Use	One for every four persons who the building is designed to accommodate.
Vehicle Sales	*	As for Predominant Use	One for each 100M' of sales area plus one for each person employed on site.
Warehouse	*	As for Predominant Use	As for Showrooms.

* Requirements to be determined by Council.

- 26 (1) *For the purpose of this Scheme, Residential Planning Codes means the Residential Planning Codes issued as Statement of Planning Policy P7B by the Town Planning Board on the 14th day of May, 1984 a copy of which is set out as Appendix IV to this Scheme.*
- (2) *A copy of the Residential Planning Codes shall be kept and made available for public inspection at the office of the Council.*
- (3) *In the event of there being any inconsistency between the Residential Planning Codes identified by Clause 26(1) and 26(2) the provisions in the document identified in clause 26(1) will prevail.*
- (4) *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 provision of those codes.*
- (5) *The Residential Planning Code density applicable to land within the Scheme area shall be determined by reference to the Residential Planning Code numbers superimposed on the particular areas shown on the Scheme Map as being contained within the outer edges of the black borders or where such an area abuts on another area having a residential planning code density as being contained within the centre lines of those borders.*

27 *Residential Planning Codes - Variations and Exclusions*

This Scheme incorporates no variations or exclusions from the Residential Planning Codes other than the provision of additional Council discretion to vary set backs in certain circumstances in Clause 43.

28 *Table 2 - Listed Use Classes:*

- (1) *Unless otherwise provided in the Scheme, where land may be used for*

the purpose set out in the first column of Table No 2 the land shall not be used for that purpose unless the requirements specified in that Table or (where so provided in that Table) determined by the Council are complied with in accordance with the provisions of this Part.

(2) *Where in Table No 2 provision is made for the Council to determine a particular requirement, the Council shall make that determination on each application for planning approval for the development with respect to which that provision is made having regard to:*

- (a) *the nature of the use proposed to be made of the land;*
- (b) *the purposes for which land in the locality may be used in accordance with the Scheme;*
- (c) *the use being made of land in the locality;*
- (d) *the preservation of the amenity of the locality and the prevention of any adverse or detrimental effect which the use might have on the residents of or the properties in the locality.*

29

Table 2 - Unlisted Use Classes:

(1) *Where a particular Use Class is not mentioned in the first column of Table No 2, land shall not be used for that purpose unless the requirements laid down with respect to the Use Class which predominates in the Zone in which the development is proposed to be carried out are complied with but, if the Council considers that those requirements are inappropriate to the proposed development, the Council shall determine the requirements to be complied with having regard to the matters mentioned in Clause 28(2).*

(2) *For the purposes of subclause (1) of this Clause the Use Class which predominates in a particular Zone shall be deemed to be:*

- (a) *in the Residential Zone - Dwelling (Self-contained);*
- (b) *in the Local Centre Zone - Shop (Intermediate);*

- (c) *in the Town Centre Zone -Office or Shop (Intermediate) as the Council determines in each particular case;*
- (d) *in the Light Industrial Zone -Light Industry;*
- (e) *in the Highway Zone -Show room with a floor area of less than 400 square metres;*
- (f) *in the Education Zone -Educational Establishment;*

30 Substantial Alterations - Car Parking

Where:

- (a) *land is developed by any substantial reconstruction, alteration or any addition to a building on that land or*
- (b) *the nature of use made of land is changed*

car parking spaces of the number required by the Scheme shall be provided, constructed and maintained in accordance with the Scheme.

31 Car Parking Spaces

- (1) *Car parking spaces of the number required to be provided by the Scheme and any trees or vegetation required to be provided pursuant thereto shall be constructed and maintained in accordance with the provisions of this clause.*
- (2) *Those car parking spaces and the access ways to those spaces shall not be of lesser dimensions than those specified in Appendix III of the Scheme and shall be laid out in accordance with the appropriate diagram contained in that Appendix.*
- (3) *Those car parking spaces and access ways shall be constructed of hard standing, dust free surfaces graded and drained to specifications approved of by the Council.*
- (4) *Every car parking space provided pursuant to the Scheme (other than car parking spaces for a Single House or Attached House) shall be clearly identified by painted outline, kerbed divisions or other method approved by the Council.*

- (5) *Where the total number of car parking spaces in any row exceeds six (6), the Council may require that a suitable species of shade tree be planted at intervals of not more than 10m.*
- (6) *The Council may require that a suitable species of and number of shade trees or other suitable vegetation be planted at the end of a row of car parking spaces or at the street alignment.*
- (7) *Where car parking spaces are located on land adjacent to the Residential Zone, the Council may require that those spaces shall be suitably screened from view from that Zone.*

32 *Car Parking Spaces - Location*

The Council may approve of some or all of the car parking spaces prescribed for a development to be provided elsewhere than on the land to be used for that development if the Council is satisfied that the car parking spaces to be provided elsewhere are:

- (a) *sufficiently close to the development and*
- (b) *those spaces are available for the sole use of occupiers of or visitors to the development.*

33 *Cash Payment in Lieu of Providing Car Parking Spaces:*

- (1) *Where car parking spaces are required to be provided pursuant to this Scheme, the Council may accept a cash payment in lieu of the provision of some or all of those car parking spaces, if:*
 - (a) *the payment is not less than the amount the Council estimates to be the cost to the owner of providing and constructing those spaces together with the amount the Council estimates to be the value of the land which would have been occupied by those spaces;*
 - (b) *payment is made prior to commencement of the development in respect of which those spaces are required to be provided or in accordance with the terms of an*

agreement made between the Council and the applicant for planning approval for that development.

(2) *Any amount paid to the Council under this Clause shall be held by the Council in a separate trust account and shall be applied by the Council:*

(a) *in providing car parking spaces or car parking facilities capable of serving the needs of the development in respect of which the payment was made and in the locality of that development;*

(b) *to the acquisition of land and the construction of buildings for the purpose referred to in paragraph (a) of this Sub-Clause.*

34 *Landscaped Open Space*

The Council shall determine the location of the open space in connection with every development. The area provided shall not be less than the area (if any) required to be provided for that purpose by the Scheme.

35 *Grouped Dwelling - Store-room*

Every Grouped Dwelling shall be provided with a store-room having an area of not less than 3 square metres. Every such store-room shall be under the same roof as the Grouped Dwelling which it serves.

36 *Pergolas:*

The Council may permit a pergola or similar structure to be constructed closer to a boundary of a lot than the prescribed setback distance and the area of the land beneath that pergola or structure shall be deemed to be part of the open space provided on that land.

37 *Combined Uses:*

Where land or a building is used for multiple purposes:

- (a) the number of car parking spaces to be provided pursuant to this Part shall be calculated separately for each part of the building used for a purpose which differs from the purpose for which another part is used and the number of car parking spaces with which the building shall be provided shall be the total of the numbers calculated for each of those parts;
- (b) the Council shall determine which of the other requirements prescribed for those uses in Table No 2 shall be complied with having regard to the matters mentioned in clause 28(2).

38

Amalgamation of Lots

Where it is proposed that a building, the subject of an application for planning approval, will extend over the boundaries of a lot the Council may only approve of that application:

- (a) if the building comprises two (2) or more Attached Houses;
or
- (b) the approval is conditional upon the amalgamation of the lots into one lot and the issue of a new Certificate of Title with respect to that lot prior to the issue of a building licence.

39

Access - Disabled Persons:

Where any part of a proposed building will be open to the public generally provision shall be made for disabled persons to have access to that building in accordance with the relevant requirements of Australian Standard 1428-1977 relating to access to buildings.

40

Height of Buildings:

- (1) Subject to subclauses (6) and (12) of this clause, a building shall not be erected or added to so as to exceed the height prescribed or determined in accordance with this clause.

- (2) *For the purpose of this clause the height of a building shall be the vertical distance between the top of the eaves, parapet or flat roof whichever is the highest and the natural ground level. Natural ground level shall be determined by connecting a point on the front boundary to a corresponding point on the rear boundary. Points are deemed to correspond when a line connecting such points is parallel to the nearest side boundary. Where a lot is affected by By-law No 123 and is referred to in subclause 4 of this clause, Council may accept the line dividing the unhatched area from the hatched area as the rear boundary of the site.*
- (3) *Subject to subclauses (4) and (5) and (6) of this clause, in the Residential Zone a building shall not exceed 6m in height.*
- (4) *On lots on the east side of Bindaring Parade and on the east side of Richardson Avenue from Osborne Parade to and including Lot 23 Richardson Avenue, the Council may permit:*
- (a) *a building to exceed 6m in height; and*
 - (b) *the land to be developed up to the density permitted in an area to which the R Code Density of R60 applies subject to compliance with all the requirements for development to an R Code Density of R60.*
- if:*
- (i) *the height to which the building is to be constructed does not vary more than 2m from the Reduced Level (Australian Height Datum) designated for the particular lot on the plan in Appendix V to the Scheme;*
 - (ii) *the building is so designed and sited as:*
 - (A) *to allow clear views to the river where those views are obtainable from the street alignment; and*

- (B) not to significantly encroach on the privacy of adjacent residential property; and
- (iii) the exterior walls are substantially of masonry and of a light colour sympathetic to the colour of limestone and if the colour form and materials of the building generally are appropriate to the setting of the building having regard to adjacent buildings in and the amenity of the locality.
- (5) On the south side of Victoria Avenue west of Chester Road, a building shall not at any point exceed 9m in height above natural ground level.
- (For the purpose of this sub-clause the natural ground level shall be determined by a line connecting a point on the ground at the street alignment to a corresponding point of the Foreshore Building Line prescribed by By-Law No 123 published in the Government Gazette on the 18th April 1975. Points are deemed to be corresponding when the line connecting such points is parallel to the nearest side boundary of the lot.
- (6) Notwithstanding any provision of this part to the contrary, the Council may in special circumstances only approve of a building of a greater height than prescribed under Sub-clause (3) of this Clause on any lot within the Municipality located within the area contained within the black border on the map in Appendix VI.
- (7) In the Local Centre Zone a building shall not exceed 6m in height.
- (8) In the Town Centre Zone a building of more than two storeys shall not exceed a height which, in the opinion of the Council, would be contrary to the orderly and proper planning of the locality or would have an adverse effect on the amenity of the locality.
- (9) In the Light Industrial Zone a building shall not exceed 6m in height provided that the Council may permit a building to be erected or

added to a height of not more than 9m if the Council is satisfied that the use proposed to be made of that building could not be effectively carried out in a building of a maximum height of 6m and if the Council is satisfied that there will be no adverse effect on the amenity of the locality.

- (10) In the Highway Zone a building shall not exceed 12m in height provided that, if the Council is of the opinion that it is necessary to do so in a particular case to avoid any adverse effect on the amenity of any part of the Residential Zone, the Council may require a building to be constructed to a lower height than 12m.
- (11) In the Educational Zone a building shall not exceed 9m in height provided that, if the Council is of the opinion that it is necessary to do so in a particular case to avoid any adverse effect on the amenity of any part of the Educational Zone, the Council may permit a building to be constructed to a height not exceeding 12m.
- (12) Notwithstanding the provisions of this clause a church may have a tower, spire or arch feature which exceeds the maximum prescribed building height.

41 Plot Ratio - Consulting Rooms:

The Plot Ratio of Consulting Rooms:

- (a) in the Residential Zone shall not exceed 0.4;
- (b) in any other Zone shall not exceed 0.5.

42 Plot Ratio - Residential Buildings:

The Plot Ratio of a Residential Building:

- (a) in the Residential Zone shall not exceed 0.4;
- (b) in the Town Centre Zone shall not exceed 0.8;
- (c) in the Highway Zone shall not exceed 0.4 unless the land on which the building is erected has no direct vehicular access to or from Stirling Highway in which case the Plot Ratio of

that building shall not exceed 0.8;

(d) *in any other Zone shall not exceed 0.5.*

43

Relaxation of Set-Backs

(1) *Notwithstanding the requirements of Table No 2 or the Residential Planning Codes relating to building set-backs from boundaries and subject to subclause (2) of this Clause, the Council may approve of the development of land for the purpose of Aged or Dependent Persons' Dwellings or a Dwelling (Self-contained) where the proposed development does not comply with those requirements if the Council is satisfied that:*

(a) *it would otherwise be difficult to construct the building or to extend an existing building of a reasonable standard; or*

(b) *a lesser set-back would be consistent with the character of the street or locality; or*

(c) *to do so would enable an existing building of architectural or townscape value on the land to be retained; or*

(d) *the approval would enable additions to an existing building to be built to the same set-back;*

and

(e) *to do so would not be detrimental to the privacy or amenity generally of adjacent residential uses.*

(2) *The Council shall not grant planning approval of a development pursuant to this Clause unless the Council has first sought and considered the views of the owners and occupiers of land adjoining the land proposed to be developed.*

44

Stirling Highway Vehicular Access.

Where land having a frontage to Stirling Highway has an alternative means of vehicular access to another street or road, a person shall not create and direct vehicular access to or from that land to Stirling Highway.

DIVISION II

RESIDENTIAL ZONE

45 Application:

This Division applies to development in the Residential Zone.

46 Objectives:

In considering an application for planning approval for development in the Residential Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) *the retention of the Zone as an area of largely residential character with only limited non-residential exceptions;*
- (b) *the confinement of non-residential uses to those providing:*
 - (i) *amenities to the residential area in which the use is to be established; or*
 - (ii) *services to that area*
which uses are compatible in scale, appearance and operation with residential uses;
- (c) *the continuation of the domestic scale and architectural character of the area of the proposed development;*
- (d) *the preservation of the traditional housing character of the Zone.*
- (e) *the preservation of all buildings referred to in Clause 78.*

47 Single House:

Nothing in the Scheme shall prevent the erection of a Single House on a site which has a smaller area than that prescribed in the Residential Codes if that site is a lot prior to the coming into operation of the Scheme or if that site is created as a lot thereafter.

48 Car Parking

Notwithstanding the provisions of Table No 2 the Council may increase the total number of car parking spaces required for a development for the purpose

of a Dwelling (Self-contained) if the Council is satisfied that that number is insufficient to adequately cater for the proposed development and that the amenity of the locality may be adversely affected if that number is not increased.

49

Car Ports

The Council may permit a car port to be constructed closer to the side boundary of a lot or the boundary of that lot and the street than the set-back distance required by the Scheme if:

- (a) the materials used in and the nature of the construction of the car port are consistent with those of the Dwelling (Self-contained) that that car port will serve; and*
- (b) in the opinion of the Council the amenity of the locality will not be adversely affected.*

50

Lots Affected by By-Law No 123.

Where part of a lot is in the hatched area shown on the Plan in the Schedule to By-law No 123 of the Town of Claremont (published in the Government Gazette on the 18th April 1975):

- (a) for the purpose of calculating the number of dwelling units which may be erected on that lot, the area of that lot shall be deemed to be the area of the lot which is not so hatched but for the purposes of calculating plot ratio the hatched and unhatched areas may be taken into account; and*
- (b) the distance from the underside of any part of the footings of a building in the hatched area to the top of the building immediately above that point shall not exceed 2.4m and no part of such a building shall be more than 1m above the natural surface of the land immediately beneath that part.*

51

Lots affected by By-Law 132

- (1) Subject to subclause (2) of this clause, where the building line*

prescribed by By-law 132 of the Town of Claremont (published in the Government Gazette on the 25th day of January 1962) applies to a lot, the relevant set-back distance prescribed by the Scheme for buildings on that lot shall be calculated from that building line.

(2) The Council may permit the relevant set-back distance for a building on a lot referred to in sub-clause (1) of this Clause, to be calculated from the boundary of that lot with the foreshore reserve if the Council is satisfied that the development is so designed and sited that:

- (a) public access to the foreshore reserve will not be inhibited; and
- (b) that part of the foreshore reserve abutting on the land to be developed will not have the appearance of being part of that land.

52 Grouped and Multiple Dwellings - Replacement

If any part of a Grouped or Multiple Dwelling development existing at the time the Scheme comes into operation, is damaged or destroyed, otherwise than by or on behalf of the owner thereof, the Council may permit that development to be restored (in the event of damage) or replaced (in the event of destruction), notwithstanding that the density of the development exceeds that permitted on land having the R Code Density accorded to it by the Scheme.

53 Bonus Densities:

- (1) Where land:
 - (a) has an R Code Density of R12.5 - R15, R15 - R20 or R20 - R25 accorded to that land by the Scheme and
 - (b) there is a building, object or place on that land which is referred to in the Schedule maintained by the Council pursuant to Clause 78 of the Scheme the Council may:
 - (i) approve of the development of that land to the

density permitted by and in accordance with the development requirements of the higher R Code Density accorded to that land if:

(A) where necessary, that building, object or place is repaired or restored to the satisfaction of the Council; and

(B) in any event, the owner of that land enters into an agreement with the Council undertaking to maintain and preserve that building, object or place to the Council's satisfaction and authorising the Council to enter on that land to carry out the work necessary for that purpose should the owner fail to do so;

(ii) reduce the building set-back distances prescribed by the Scheme with respect to development to that higher R Code Density and reduce the number of car parking spaces required to be provided, if the Council is satisfied in either case that to do so is necessary to protect the character of appearance of that building, object or place and to enable the development to be carried out.

(2) If, for any reason, the provision of subclause (1) of this Clause do not apply to land to which an R Code Density of R12.5 - R15, R15 - R20 or R20 - R25 is accorded by the Scheme, development of that land shall conform to the requirements of the lower R Code Density accorded to that land.

R CODE DENSITY R30 - R40

Where land has an R Code Density of R30 - R40 accorded to that land by the Scheme, development of that land shall conform to the requirements

applicable to land having an R Code Density of R30, unless the development is for Aged or Dependent Persons Dwellings when the development of that land shall conform to the requirements of R Code Density R40.

55 Access to Grouped Dwellings:

Where land is developed for the purpose of Grouped Dwellings each dwelling unit in the group shall be provided at all times with either shared or exclusive pedestrian access of a width not less than 1.5m to a street.

56 Small Shop

- (1) Where part of a building is used for the purpose of a Small Shop that part may abut upon the street alignment.
- (2) All areas used for servicing a Small Shop shall be completely screened from public view.
- (3) A street awning or verandah attached to a Small Shop may project over the footpath adjoining that Shop but shall not project closer than 150mm to any part of the vehicle carriageway.
- (4) An advertising sign shall not be placed, painted or displayed on a building containing a Small Shop other than on a street awning or verandah attached to that Shop or on the facade of the building below the level of such an awning or verandah.

57 Restaurant:

- (1) Where part of a building is used for the purpose of a Restaurant that part may abut upon the street alignment.
- (2) All areas used for servicing a Restaurant shall be completely screened from public view.
- (3) In granting approval of an application for planning approval for the use of land for the purpose of a Restaurant the Council may (in addition to any other conditions the Council is required or permitted to impose):
 - (a) specify the days and hours on and during which the

Restaurant may be open to the public;

(b) *specify the location of the car parking spaces to be provided on the land.*

(4) *A person shall not use land for the purpose of a Restaurant in such a way as to cause any nuisance or offence to the occupiers of property in the vicinity of the Restaurant.*

58

Specific Development Zone A (Sundowner Site):

Land known as lot 412 of Swan Location 699 and shown as Special Development Zone A on the Scheme Map may be used for the following purposes:

- (a) *Accommodation of semi-frail and aged persons*
- (b) *Elderly persons day centre*
- (c) *Base for domicilliary care services in the surrounding areas*
- (d) *Sheltered workshop for the aged and handicapped people as approved by the Council*
- (e) *Such restricted areas as approved by the Licencing Court under the Liquor Act*
- (f) *Offices for the purposes of administration of elderly and handicapped persons home*
- (g) *Hostel accommodation for aged and handicapped persons*
- (h) *Self-care accommodation for aged and handicapped persons*
- (i) *Any other similar uses or activities generally coming within the category of an elderly and handicapped home.*

The aforesaid uses shall be restricted to the confines of existing premises and those additional buildings approved by Council on 27 March 1984 by the issue of building licence No 6533.

Maximum plot ratio for this site shall be 0.5.

DIVISION IIITOWN CENTRE ZONE59 Application:

This division applies to the Town Centre Zone.

60 Objectives

In considering an application for planning approval for development in the Town Centre Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) *that Bay View Terrace be maintained as the centre of the specialised shopping area of District;*
- (b) *the need for the Zone to provide a varied and integrated centre incorporating a wide range of retail outlets, Offices, Entertainment, Social and Community Facilities;*
- (c) *that buildings and the access and circulation for pedestrians and vehicles and parking facilities be so laid out as to ensure safety and convenience for shoppers and other users of the Zone;*
- (d) *the need for architectural and civic design of a high standard in order to complement the design of older buildings and provide diversity consistent with overall harmony;*
- (e) *the provision of landscaping to provide shade and visual relief;*
- (f) *to enable appropriate residential development within the Zone.*
- (g) *the preservation of all buildings referred to in Clause 78.*

61 Disposition of Uses:

- (1) *Where land is in the Shopping Policy Area depicted on the plan in Appendix VII to the Scheme the following symbols in Table No 1 apply to the following uses:*

Carpark - X

Motor Repair Station - X

Retail Store - A-A

Service Industry - X

Service Trade - X

Shop (Intermediate) - P

Shop (Small) - P

Showroom - X

Warehouse - X

Veterinary Clinic/Hospital - X

- (2) *Where land is not in the Shopping Policy Area depicted on the plan in Appendix VII to the Scheme the following symbols in Table No 1 apply to the following uses:*

Carpark - P

Motor Repair Station - A-A

Retail Store - X

Service Industry - P

Service Trade - A-A

Shop (Intermediate) - X

Shop (Small) - X

Showroom - P

Warehouse - P

Veterinary Clinic/Hospital - A-A

- (3) *Notwithstanding subclause 2 of this clause any lot having a frontage to Stirling Road the following shall apply:*

Carpark - X

Service Industry - X

Service Trade - X

Veterinary Clinic/Hospital - A-A

Residential Development Requirements

- (1) *Where approval is given for the use of land for residential purposes, development for those purposes shall, subject to subclause (2) of this*

Clause, conform with the requirements prescribed for land having an R Code Density of R80 accorded to it by the Scheme.

(2) *In the case of Multiple Dwellings the Council may:*

- (a) *reduce the number of car parking spaces required to be provided to 0.5 spaces per dwelling unit if the Council is satisfied that the reduced number of spaces will be adequate to cater for the development;*
- (b) *if the Council considers that the prescribed set-back distances are inappropriate having regard to the nature of the proposed development and its relationship to adjoining streets land or buildings, increase or reduce those distances;*
- (c) *reduce the prescribed open space requirements to the provision of an open balcony for each Multiple Dwelling.*

63 *Plot Ratio*

Subject to Clause 64 and any provision of the Scheme imposing a lower plot ratio with respect to a particular building, a building shall not have a plot ratio of more than 2.0.

64 *Bonus Plot Ratio*

The Council may approve of:

- (a) *a building have a plot ratio of not more than one fifth in excess of the plot ratio prescribed for that building; or*
- (b) *an increase of not more than one fifth of the permitted number of dwelling units otherwise permitted on land, as the case may be, if the proposed development:*
 - (i) *incorporates an area that is freely accessible to the public at street level and is arcaded or open to the sky;*
 - (ii) *incorporates an area of the kind described in paragraph (i) of this Clause at a level other than street level, which area*

- is, in the opinion of the Council, a substantial amenity to the public;
- (iii) preserves a building, object or place of historic, architectural or townscape value and any other building on the site is located so as to enhance or maintain the setting of that building, object or place;
- (iv) incorporates a courtyard between two streets freely accessible to the public with pedestrian access to the courtyard from one or both streets through arcades; or
- (v) incorporates a community or other facility or amenity that the Council considers justifies an increase in the permissible plot ratio.

DIVISION IV

LIGHT INDUSTRIAL ZONE

65 Application

This division applies to the Light Industrial Zone.

66 Objectives:

In considering an application for planning approval for development in the Light Industrial Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) *that the Zone provide a location for diverse light industry servicing the District;*
- (b) *the preservation of all buildings referred to in Clause 78.*

67 Front Setback - Graylands Road

The area of land in Graylands Road between the street alignment and the prescribed setback distance for buildings may only be used for any one or more of the following purposes:

- (a) *landscaping;*

- (b) visitor car parking;
- (c) access;
- (d) advertising;

68 Other Front Boundary Setbacks

Subject to Clause 67, a minimum of one third of the area of land between the street alignment and the prescribed setback distance for buildings shall be comprised of landscaped open space. That space shall include strips of not less than 1m in width immediately adjacent to each side boundary, unless there is an access way on that boundary which is shared by adjacent lots. The remainder of the area of land between the street alignment and the prescribed setback distance for buildings shall be developed with landscaped open space or shall be completely screened from view.

DIVISION V

HIGHWAY ZONE

69 Application:

This division applies to the Highway Zone.

70 Objectives

In considering an application for planning approval for development in the Highway Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) a mixture of residential and commercial developments;
- (b) the restriction, to a minimum, of direct vehicular access to and from Stirling Highway;
- (c) the volume of traffic likely to be generated;
- (d) a landscape and townscape within the Zone compatible with the scale of Stirling Highway;
- (e) the preservation of all buildings referred to in Clause 78.

71 Building Setback Distances

Where the Council grants an application for planning approval the minimum setback from Stirling Highway shall be 7 metres except that Council may vary that distance having regard to the following matters:

- (a) the need for shops and other commercial uses to be exposed to the Highway;*
- (b) the desirability of variety in setback distances;*
- (c) the desirability of reducing noise impact from the Highway;*
- (d) the desirability of providing space for landscaped areas; and*
- (e) the desirability of providing flexibility in residential development.*

72 Control of Access

- (1) The Council may in respect of any planning approval require that an easement be granted over the land in favour of any other parcel of land for the purpose of providing access for vehicles from a street or right of way other than Stirling Highway.*
- (2) The Council may in respect of any planning approval, require that the development be so designed as to allow future access to be taken from a street or right of way other than Stirling Highway and in such cases may limit the time for which access from Stirling Highway may be permitted to such time as an adequate alternative access to a street or right of way is not available.*
- (3) Where access is available solely from Stirling Highway the Council may reduce the extent of the development to be permitted on the site to the extent it determines in the interest of safety and convenience for users of the Highway.*

DIVISION VI
EDUCATIONAL ZONE

73 Application

This division applies to the Educational Zone.

74 Objectives:

In considering an application for planning approval for development in the Educational Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

- (a) *the maintenance of the park-like appearance of the school grounds visible to the public;*
- (b) *the preservation of all buildings referred to in Clause 78.*

PART 4

SPECIAL AMENITY, DESIGN AND DEVELOPMENT CONTROL

75

Design Advisory Committee:

- (1) The Council may appoint a Committee to be called the Design Advisory Committee.
- (2) The Committee shall consist of not fewer than three (3) persons chosen from a panel of persons the Council considers qualified, by reason of their respective professions or experience, to advise on matters relating to architectural or landscape design. At any time, not fewer than two (2) members of the Committee shall be architects registered under the Architects Act 1921 as amended or re-enacted from time to time.
- (3) The Council may refer to the Committee for advice any matter relating to the design of any building or landscape and in any other matter relating to any proposed development or the Scheme as the Council thinks fit.
- (4) In giving advice to the Council the Committee shall have regard to the provisions of the Scheme and may, where the Committee considers necessary, make recommendations for amendments to the Scheme.
- (5) The Council shall not be bound to accept any advice given or adopt any recommendation made by the Committee.
- (6) The Council shall make available to any member of the public on request any recommendation made by the Committee following its consideration by Council.

76

Design and Construction:

- (1) This Clause applies to every application for planning approval with respect to a building.

- (2) *Before the Council may approve an application for planning consent to which this Clause applies the Council shall be satisfied that:*
- (a) *the appearance of the building will not adversely affect the character or amenity of the locality and will not clash in harmony with the appearance of adjoining or neighbouring buildings;*
 - (b) *the proposed building, addition or alteration will not have any adverse effect on the privacy of any residential property;*
 - (c) *if the proposal includes the use of reflective glass, that use will not give rise to any glare or other discomfort to the occupiers or users of any other property or to the users of any public place;*
 - (d) *all servicing areas and other parts of the land or building, which are likely to be untidy in appearance, will be completely screened from public view and from view from adjoining properties;*
 - (e) *additions or alterations to an existing building are so designed as to be sympathetic and compatible with that building.*

77

Protection of Townscape:

In order to protect the existing townscape from changes of such magnitude or quality as to adversely affect the general character or amenity of the locality of a proposed development, the Council in considering an application for planning approval shall have regard to:

- (a) *the scale and architectural form of the proposed development;*
- (b) *the materials colours and finishes proposed to be used;*
- (c) *the scale, architectural form and the materials colour and*

general appearance of the buildings in the vicinity;

- (d) *the landform and vegetation of the locality as they affect the character of that locality.*

78

Schedule of Historic and Other Buildings and Places:

- (1) *The Council shall maintain a Schedule of buildings, objects and places ("the Schedule") which the Council considers to be of architectural, historical or townscape value.*
- (2) *The Schedule shall be available for inspection by any member of the public on request.*
- (3) *The Council shall include in the Schedule:*
- (a) *any building constructed prior to the year 1910 and which retains substantially its original form and detail as seen from any public place;*
- (b) *any building constructed during or after the year 1910 and which the Council considers to have high intrinsic architectural merit or to be an outstanding example of its kind or of historical significance;*
- (c) *buildings, objects or places that the Council considers make a positive contribution to the townscape of the district.*
- (4) *Every building, object or place which is included by the National Trust of Australia (W.A.) in either the Recorded or the Classified List or which is included by the Australian Heritage Commission in the Register of National Estate shall be deemed to be included in the Schedule.*
- (5) *The Council may from time to time add to or delete from the Schedule any building, object or place.*
- (6) *The Council shall, before including any building, object or place in the Schedule:*

- (a) give to the owner of that building, object or place written notice that the Council proposes to include that building, object or place in the Schedule and specifying a date being not less than three (3) weeks after the notice is given by which submissions may be made to the Council by the owner,
 - (b) advertise notice of the Council's intention in a newspaper circulating in the district and specifying the date by which submissions may be made to the Council by any person interested.
- (7) The Council shall not include a building, object or place in the Schedule without first considering any submissions made within the time limit specified by the notice referred to in subclause (6) of this Clause.

79

Preservation of Historic and Other Buildings Objects and Places:

- (1) Where any development involves an alteration to, or the destruction, total or partial of a building, object or place which is:
- (a) entered in the Schedule;
 - (b) included by the Australian Heritage Commission in the Register of the National Estate;
 - (c) included in the National Heritage Register;
- the Council before determining that application may give notice thereof to the National Trust of Australia (W.A.) the Australian Heritage Commission and such other bodies or persons as the Council thinks fit.
- (2) In determining an application referred to in sub clause (1) of this Clause the Council shall have regard to any submissions made to the Council with respect to the preservation of the building, object or place involved in that application.

- (3) Where Council refuses approval for the development of land in order to preserve or retain a building, object or place referred to in subclause (1) of this clause, or grants such an approval subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for injurious affection in accordance with the Town Planning and Development Act 1928 (as amended).
- (4) 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 the conditions that are unacceptable to the applicant.
- (5) 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 the grant of approval subject to conditions that are unacceptable to the applicant.

80

Protection of Landform

The Council may refuse to approve an application for planning approval if the proposed development will so disturb the natural contour of the land as to have an adverse effect on adjoining property, the privacy thereof or the amenity of the locality.

81

Protection of Vegetation:

- (1) In granting an application for planning approval the Council, in addition to any other condition which the Council is required or permitted to impose, may require that:
- (a) the development be carried out in such a way as to minimise disturbance to existing significant vegetation;
- (b) any tree or group of trees be preserved or protected.
- (2) The Council may refuse an application for planning approval if the Council considers that the proposed development involves the unnecessary removal of vegetation which is worth preservation.

PART 5

PLANNING APPROVAL

82

Application

- (1) *Subject to subclause (2) of this Clause, every application for planning approval shall be made in the form prescribed in Form 1A to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.*
- (2) *Where, under the provisions of the Metropolitan Region Scheme;*
 - (a) *approval of the responsible authority is required for the development of land zoned under Part III of that Scheme; and*
 - (b) *the Council has power, delegated to it by the Metropolitan Region Planning Authority under the Metropolitan Region Town Planning Scheme Act 1959 as amended and re-enacted, to determine an application for approval to commence and carry out development;*

an application for that approval in the Form No 1 prescribed by the Metropolitan Region Scheme, if accompanied by such plans and other information as is required by this Scheme, shall be deemed to be an application under this Scheme for planning approval.
- (3) *Every application for planning approval shall be accompanied by:*
 - (a) *Three (3) copies of plan or plans to a scale of 1:200 or larger, showing;*
 - (i) *Street names, lot numbers, north point and the dimension of the site;*
 - (ii) *position by dimension of street trees existing and proposed*

- driveways and permanent street furniture such as bus stops, telephone boxes, power poles and manholes;*
- (iii) *the position and size of existing sewers, stormwater drains and other major services on the site;*
- (iv) *the location and height of any existing building including buildings on adjoining land, the location of proposed buildings on the land and the type and height of existing fences on adjoining land;*
- (v) *the existing contours and proposed finished levels of the land relative to the levels of adjoining land, streets, footpaths and streets and other vehicle carriageways;*
- (vi) *details of any retaining walls or embankments required to support any proposed cutting or filling of the existing ground surface;*
- (vii) *the existing and the proposed means of access for pedestrians and vehicles to and from the land;*
- (viii) *the location, number dimensions and layout of all carparking spaces, accessways and circulation areas intended to be provided and particulars of proposed drainage lighting and landscaping;*
- (ix) *the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the premises and the means of access to and from such area;*
- (x) *accurately, the position of and describing the type and height of all trees above 4M on the land and indicating which (if any) of those trees will be removed;*
- (xi) *accurately the position of and describing the type of all significant vegetation and indicating what part of that*

- vegetation (if any) is to be removed;
- (xii) the location and dimensions of open space areas;
- (xiii) Schedule of materials and finishes
- (b) three copies of drawings showing floor plans, elevations and sections, drawn to a scale of 1:100 of any building proposed to be erected or altered and of any building it is intended to retain, all clearly figured and dimensioned and showing relationships of proposed floor levels to proposed finished ground levels;
- (c) three copies of a schedule outlining the type and colour of materials to be used in the construction of buildings, drive-ways, fences and retaining walls,
- (d) any other plan, model or information required to be provided pursuant to the Scheme or that the Council may require to enable the application to be determined.

83

Landscaping Requirements:

- (1) Where planning approval has been granted under the Scheme, and a minimum landscaped area of open space is required to be provided under the Scheme or by that approval, a person shall not occupy or use the land or any building the subject of that approval for the purpose for which that approval was given unless and until:
- (a) the Council has approved a plan showing:
- (i) the location of every building on the site;
- (ii) the layout and location of pedestrian spaces, pavements, grassed areas, areas covered with ground cover planting, shrubs and garden beds and the location of existing and proposed trees;
- (iii) the quantity of shrubs to be planted in each landscaped area and the types of existing and proposed trees;

- (iv) *details of any alterations or proposed alterations to the natural contours of the land-scaped areas;*
- (b) *the landscaped areas have been developed and completed in accordance with the plan approved by the Council.*
- (2) *Every landscaped area shall be maintained in good order and condition and in accordance with the plans approved by the Council.*

84

Form of Approval/Refusal of Application

- (1) *Where:*
 - (a) *an application for planning approval is made in the form prescribed in Form 1A to the Scheme; or*
 - (b) *an application is made for approval to commence and carryout development in Form No 1 prescribed by the Metropolitan Region Scheme and, pursuant to Clause 82 of this Scheme, that application is deemed to be an application for planning approval under this Scheme.*

the Council shall issue its decision on the application in the Form No 2 prescribed by the Metropolitan Region Scheme.

- (2) *Where, an application for approval to commence and carry out development under the Metropolitan Region Scheme is not deemed to be an application for planning approval under Clause 82 of this Scheme, the Council shall issue its decision on the application for planning approval in the form prescribed in Form No 2A to this Scheme.*

85

Determination of Application

- (1) *In determining an application for planning approval the Council may consult with any authority which, or person who, in the circumstances, it thinks appropriate.*
- (2) *The Council having regard to:*
 - (a) *any matter which it is required by the Scheme to consider;*

- (b) *the purpose for which the land is zoned or reserved for use under the Scheme;*
 - (c) *the purpose for which the land is zoned under the Metropolitan Region Scheme;*
 - (d) *the purpose for which land in the locality is used;*
 - (e) *the orderly and proper planning of the locality and the preservation of the amenities of the locality*
- may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it may deem fit.*
- (3) *Nothing in the Scheme which:*
- (a) *requires or enables the Council to take any particular step;*
 - (b) *requires or enables the Council to consider or take into account any particular matter or thing with respect to development or with respect to an application for planning approval;*
 - (c) *empowers the Council to refuse an application for planning approval on particular grounds or to approve the application or to approve the application subject to the imposition of conditions relating to any particular matter or thing;*
- shall in any way effect, prejudice or restrict the generality of the provisions of subclause (2) of this Clause.*
- (4) *Where the Council approves an application for planning approval under this Scheme, the Council may limit the time for which that approval remains valid.*

86

Conditional Approvals:

If the Council approves of an application for planning approval subject to conditions, the development the subject of that application shall not be carried out and the land shall not be used for any purpose unless those conditions have been and continue to be complied with or otherwise than in accordance with those conditions.

PART 6

FINANCE, ADMINISTRATION, APPEALS AND OFFENCES

87 Purchase and Disposal of Land:

The Council may acquire any land within the District by agreement for the purpose of securing any objective of the Scheme. The Council may deal with or dispose of any land which it owns or which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it deems fit.

88 Agreement:

The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme for the purpose of securing any of the objectives of the Scheme.

89 Entry to Premises

An officer of the Council, authorised by the Council for the purpose, may, at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

90 Compensation

Claims for compensation by reason of the Scheme shall be made not later than six (6) months from the date on which notice of approval of the Scheme is published in the Government Gazette, except in the case of land reserved under the Metropolitan Region Scheme in which case the provisions of that Scheme shall apply.

91 Notices:

- (1) *Any notice given by the Council under Section 10(1) of the Act shall be a thirty (30) day notice under the hand of the Town Clerk sent by registered post to the owner and occupier (if any) of the land affected by the notice.*
- (2) *The Council may recover expenses under Section 10(2) of the Act in*

any manner in which the Council is from time to time entitled to recover rates levied by the Council.

92 Appeals

Subject to the provisions of the Act, an applicant for planning approval has a right of appeal under this Scheme in respect of the exercise by the Council of a discretionary power.

93 Offences

Subject to Division III of Part 2 of the Scheme a person shall not erect, alter or add to a building or use or change the use or suffer or permit the use of or suffer or permit a change of the use of any land building or part of a building for any purpose:

- (a) other than a purpose permitted or approved of by the Council in the zone in which that land or building is situated;*
- (b) unless all approvals, consents or licences required by the Scheme have been granted or issued;*
- (c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by the Scheme have been and continue to be complied with;*
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.*

94 *Where the Council has granted planning approval for the development of the land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.*

- 95 *The owner and occupier of land in the District shall ensure that any building in that land is maintained in good order and repair and that the appearance and state of that building does not adversely affect the amenity of the locality.*

APPENDIX I

FORM 1A

TOWN OF CLAREMONT

TOWN PLANNING SCHEME NO. 3

APPLICATION FOR PLANNING APPROVAL

Name of Owner of Land on which development proposed

Surname.....
Christian Names.....
Address in Full.....

Submitted by.....

Address for Correspondence.....

Locality of Development.....

Titles Office Description of Land :

Lot No..... Street..... Loc. No.....

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

The type of development proposed and the nature of the proposed buildings are as follows :

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

The approximate cost of proposed development is

The estimated time of completion is

The approximate number of persons to be employed when the development is completed is.....

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land

Note: Separate applications are required to be submitted to the Council for:

- i) Approval to Commence Development under the Metropolitan Region Scheme (Form 1);
ii) A building license (where applicable).

APPENDIX II

FORM 2A

TOWN OF CLAREMONT
TOWN PLANNING SCHEME NO. 3
PLANNING APPROVAL
REFUSAL OF PLANNING APPROVAL

Application dated:

Applicant:

Owner of Land:

Details of Land:

Lot No.: _____ Street: _____ Loc. No.: _____

Certificate of Title Volume: _____ Folio: _____

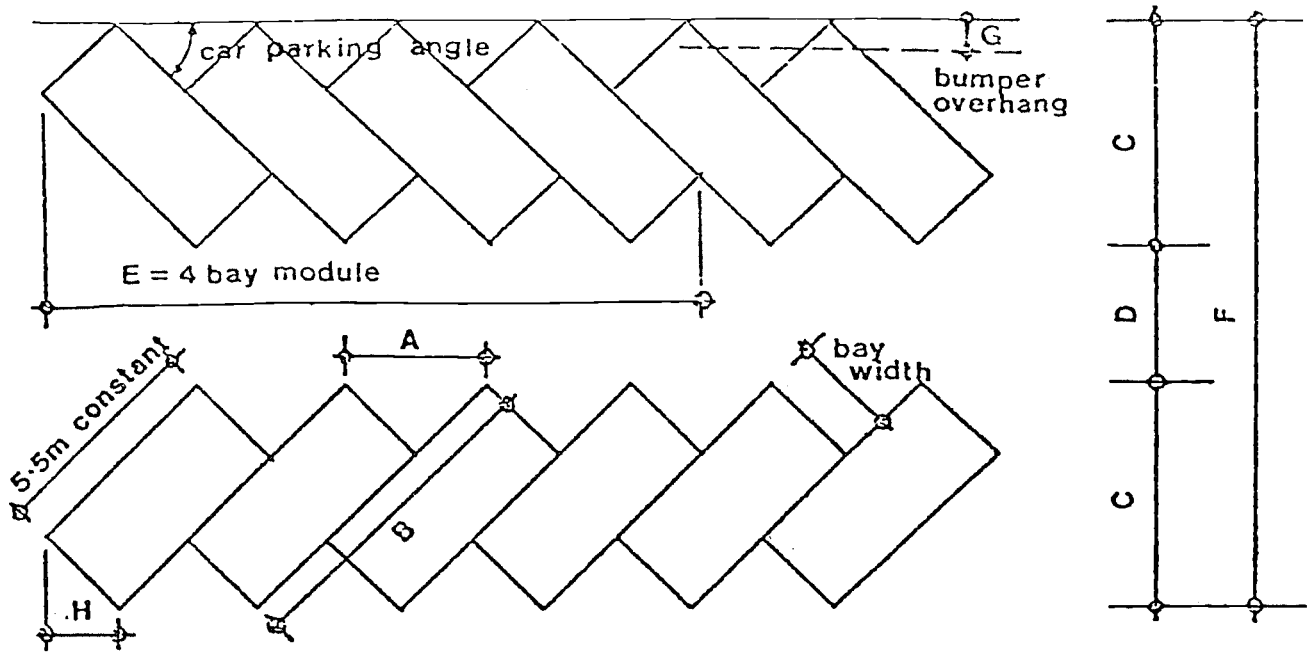
Conditions of Approval (where applicable):

Signed: _____

Town Clerk

This Approval is valid for a period of _____ months only.

APPENDIX III



Bay Width	Car Parking Angle	Dimensions							
		A	B	C	D	E	F	G	H
2.5	30 degrees	5.0	9.8	5.7	3.3	21.0	14.7	1.8	1.25
2.6		5.2	10.0	5.8	3.2	21.7	14.8	1.8	1.3
2.75		5.5	10.3	5.9	3.1	22.6	15.0	1.8	1.38
2.9		5.8	10.5	6.1	3.0	23.6	15.2	1.8	1.5
2.5	45 degrees	3.5	8.0	5.7	4.0	16.2	15.3	2.0	1.8
2.6		3.7	8.1	5.7	3.7	16.8	15.2	2.0	1.8
2.75		3.9	8.3	5.8	3.5	17.5	15.2	2.0	1.9
2.9		4.1	8.4	5.9	3.3	18.2	15.2	2.0	2.0
2.5	60 degrees	2.9	6.9	6.0	5.0	13.6	17.0	2.3	2.2
2.6		3.0	7.0	6.1	4.9	14.0	17.0	2.3	2.3
2.75		3.2	7.1	6.1	4.7	14.7	17.0	2.3	2.4
2.9		3.3	7.2	6.2	4.5	15.3	17.0	2.3	2.5
2.5	75 degrees	2.6	6.1	5.9	5.3	11.5	17.2	2.5	2.3
2.6		2.7	6.2	6.0	5.2	11.9	17.1	2.5	2.4
2.75		2.8	6.2	6.0	5.1	12.5	17.1	2.5	2.5
2.9		3.0	6.3	6.0	5.0	13.1	17.1	2.5	2.6
2.5	90 degrees	2.5	5.5	5.5	6.0	10.0	17.0	2.5	2.5
2.6		2.6	5.5	5.5	5.75	10.4	16.7	2.5	2.6
2.75		2.75	5.5	5.5	5.5	11.0	16.5	2.5	2.75
2.9		2.9	5.5	5.5	5.2	11.6	16.2	2.5	2.9

DIMENSIONS OF CAR PARKING BAYS

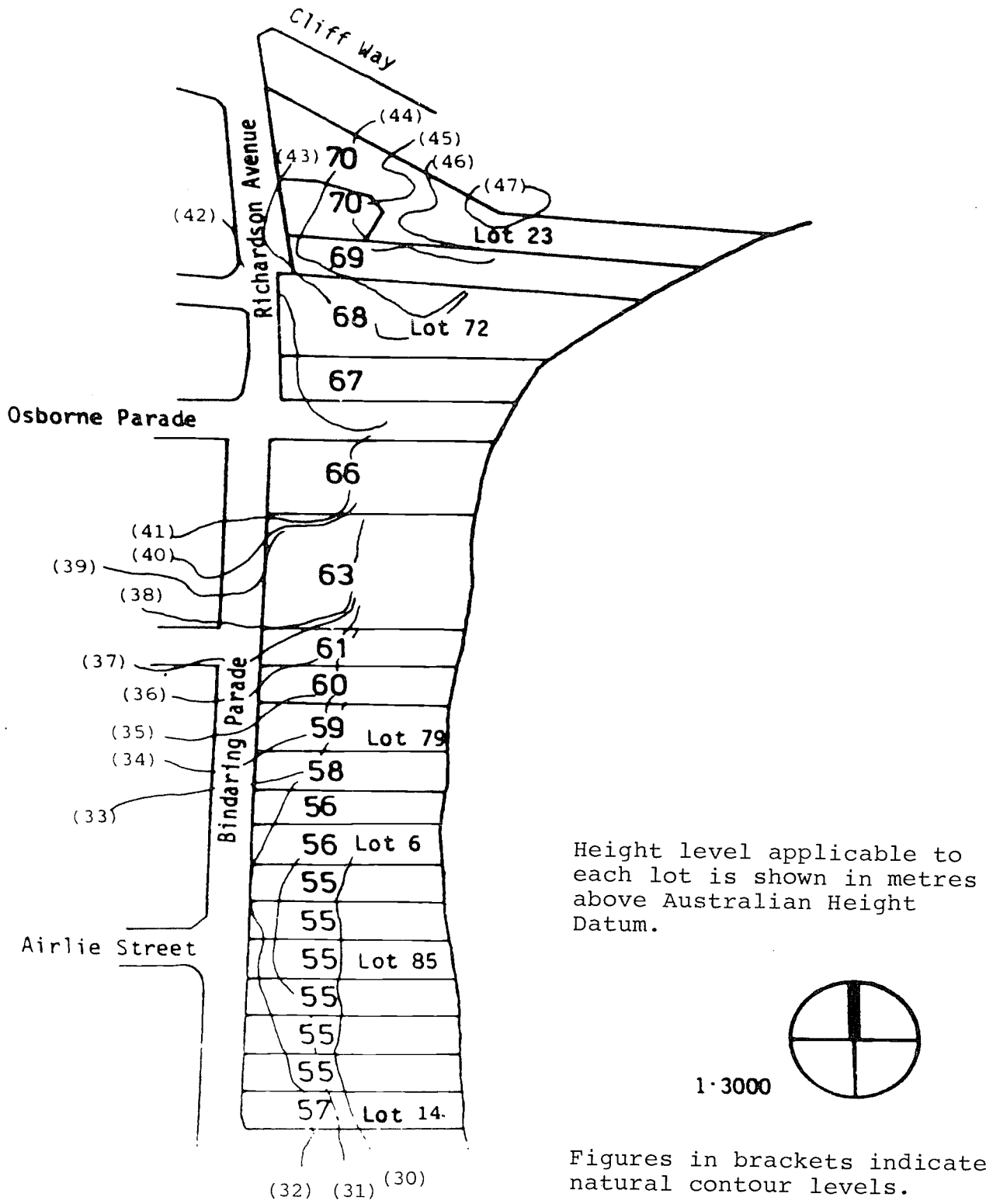
APPENDIX IV

RESIDENTIAL PLANNING CODES

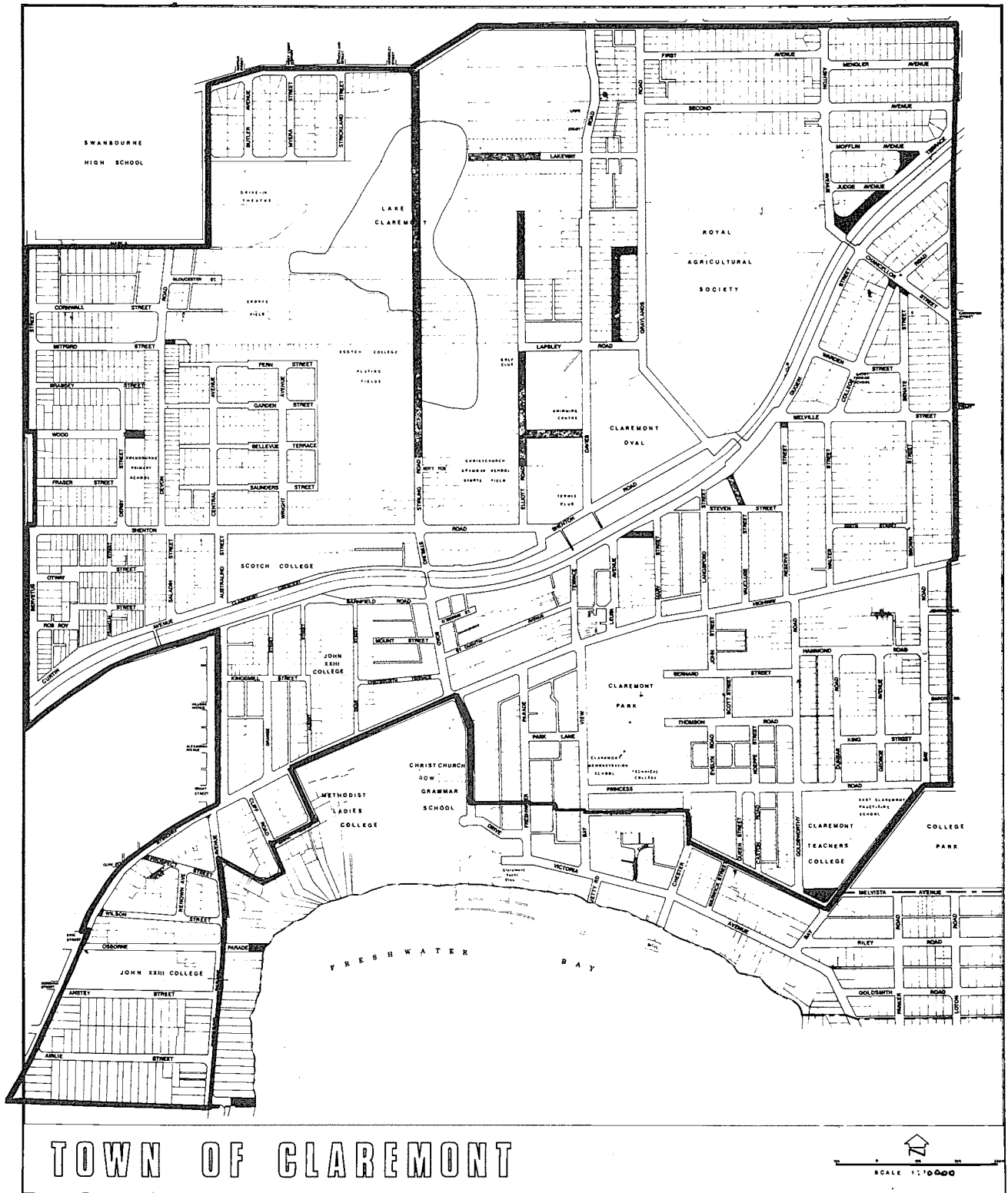
The Residential Planning Codes will be adopted in accordance with The Town Planning Board Policy No 7A and are available with the Scheme Text for perusal.

APPENDIX V

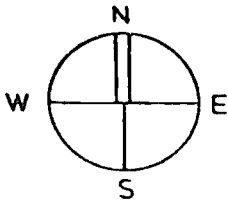
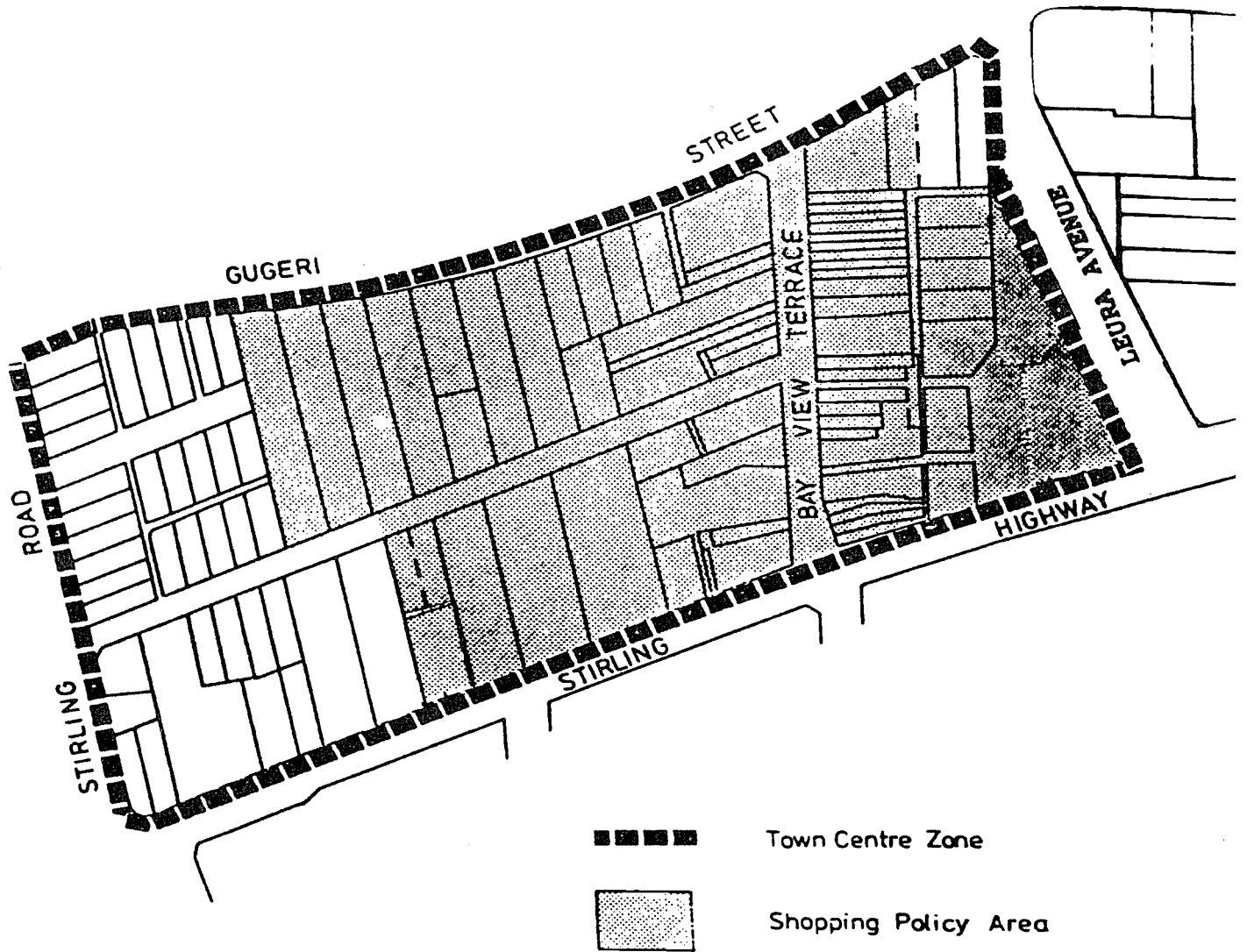
FRESHWATER BAY ESCARPMENT HEIGHT CONTROL



APPENDIX VI



APPENDIX VII
TOWN CENTRE POLICY PLAN



1 3000 Scale