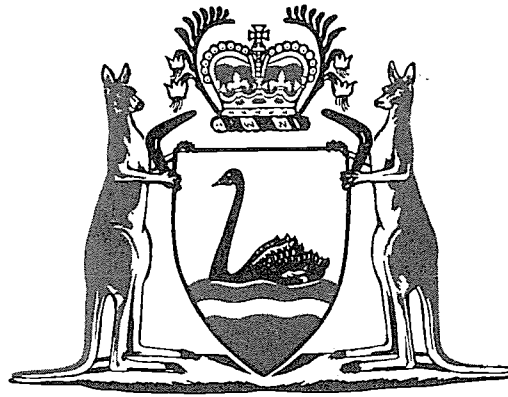


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TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

CITY OF STIRLING

DISTRICT PLANNING SCHEME NO 2

T.P.B. 853/2/20/2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning approved the City of Stirling, District Planning Scheme No 2 on 6 September 1985 - the Scheme Text of which is published as a Schedule annexed hereto.

T TYZACK
Mayor

M G SARGANT
Town Clerk

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PART 1 : GENERAL PROVISIONS

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1.1 Preliminary

1.1.1 CITATION

This Town Planning Scheme may be cited as the City of Stirling District Planning Scheme Number 2 (hereinafter called "the Scheme").

1.1.2 RESPONSIBLE AUTHORITY

The authority responsible for enforcing the observance of the Scheme is the City of Stirling (hereinafter called "the Council").

1.1.3 SCHEME AREA

The Scheme shall apply to the whole of the District of the City of Stirling as identified on the Area Map and the maps forming part of the Scheme. The boundary of the Scheme is indicated where necessary by a broken black line. The said Area is hereinafter referred to as the Scheme Area.

1.1.4 OBJECTS

The general objects of the Scheme are to zone the Scheme Area for the purposes in the Scheme described, to set aside land for use for recreational, public, and local authority purposes, and to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes, and to make provisions for other matters necessary or incidental to town planning or housing. The Scheme is complementary to and not a substitute for the Metropolitan Region Scheme.

1.1.5 ARRANGEMENT OF THE SCHEME

1.1.5.1 The Scheme is divided into the five Parts specified hereunder:

- Part 1: General Provisions
- Part 2: Residential Provisions
- Part 3: Commercial Provisions
- Part 4: Industrial Provisions
- Part 5: Schedules

1.1.5.2 The provisions of each Part of the Scheme shall be read in conjunction with the rest of the Scheme and shall not be deemed to limit or otherwise prejudicially affect any other Part.

1.1.5.3 The Maps specified hereunder form part of the Scheme:

- Area Map
- Scheme Map: Sheets 1 to 5

1.1.6 RELATIONSHIP OF SCHEME TO RESIDENTIAL PLANNING CODES (R-CODES)

1.1.6.1 For the purpose of the Scheme, "Residential Planning Codes" shall mean the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto. The Residential Planning Codes are hereinafter called "the R-Codes".

1.1.6.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council. In the event of there being an inconsistency between the R-Codes identified by Clauses 1.1.6.1 and 1.1.6.2, the provisions in the document identified in Clause 1.1.6.1 shall prevail.

1.1.6.3 Except as otherwise provided for by the Scheme, the use or development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

1.1.6.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code density 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.

1.1.7 RELATIONSHIP OF SCHEME TO BY-LAWS

The provisions of the Scheme shall have effect, notwithstanding any By-law for the time being in force in the District including the Uniform Building By-laws; and where the provisions of the Scheme are inconsistent with the provisions of any By-law including the Uniform Building By-laws, the provisions of the Scheme shall prevail.

1.1.8 CLAUSE HEADINGS

The headings to clauses are for reference only and do not affect the construction of the Scheme.

1.1.9 STATUTES

A reference to an Act of Parliament or to a section thereof includes a reference to any Act by which it is re-enacted or amended for the time being in force and also includes all by-laws, regulations and orders made thereunder for the time being in force.

1.1.10 REVOCATION

The City of Stirling District Planning Scheme published in the Government Gazette of the 17 October 1974 and amended from time to time is hereby revoked.

1.1.11 INTERPRETATION

1.1.11.1 Terms and expressions used in the Scheme but not defined in this Clause have the meanings assigned to them in and for the purposes of the Act or in Appendix D to the Town Planning Regulations, 1967, unless the context otherwise requires or unless it is otherwise provided herein.

1.1.11.2 Subject to the provisions of Clause 1.1.6, terms and expressions forming part of the R-Codes shall be deemed to form part of this Clause.

1.1.11.3 In the Scheme, unless the context otherwise requires, the following terms shall have the meanings set out hereunder:

Act: means the Town Planning & Development Act 1928.

Automotive Accessory Sales: means the sale of automotive accessories and spare parts and includes the sale of batteries and tyres.

Automotive Panelbeating/Spraypainting: means chassis reshaping, minor and major body repairs and the painting of motor vehicles by a spray process.

Automotive Repairs: means the greasing, servicing, mechanical repair and overhaul of motor vehicles.

Automotive Wrecking: means the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand automotive accessories and spare parts.

Automotive and Marine Sales: means the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include such ancillary uses as approved by the Council.

Automatic Car Wash: means a building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means.

Betting Agency: means a building or portion of a building operated in accordance with the Totalisator Board Act of 1960.

Boarding House: means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper if any, for hire or reward, but does not include:-

- (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970;
- (b) premises used as a boarding school approved under the Education Act, 1928;
- (c) a single house, attached house, grouped or multiple dwelling, or a holiday unit;

- (d) a Prison, Reformatory, Hospital - Special Purposes, Institutional Building or Institutional Home.

Building: has the same meaning given to it in and for the purposes of the Residential Planning Codes and the term shall include part of a building.

Car Parking Station: means land used solely for the purpose of parking cars, (whether as a private or public car park) but does not include any part of a public road, nor premises used for the purpose of automotive and marine sales.

Caravan Park: means an area set aside for the parking of caravans under the By-laws of the City, or pursuant to the Caravan and Camp Regulations 1972, made pursuant to the provisions of the Health Act 1911.

Caretaker's Dwelling: means a dwelling used by a person having the care of a building or plant situated upon the same site as an industrial or commercial activity carried on upon the same site.

Child Day Care Centre: means land and building used for the purpose of a Day Care or Occasional Care Centre for children in accordance with the Child Care Regulations 1968 but does not include an Institutional Home or Nursing Home.

Cinema/Theatre: means a building or portion of a building wherein the public may view a motion picture or theatrical production.

City: means the City of Stirling.

Civic Use: means the use of land by a Government Department, instrumentality of the Crown or the Council for administrative, recreational or other purposes.

Clause: means a Clause of the Scheme.

Club Premises: means land and building used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment within limitations approved by the Council, and includes any land appurtenant thereto used for recreation, and includes a residential club.

Consulting Rooms: means a building or portion of a building (other than a hospital or medical centre) used by not more than two legally qualified and registered medical practitioners, dentists, physiotherapists or chiropractors, other than for specialist consultations, or a combination of them not exceeding two in number and such nurses and administrative assistants normally associated with them.

Consulting Rooms - Group Practice: means a building, or portion of a building (other than a hospital or medical centre) used by three or more legally qualified and registered medical practitioners, dentists, physiotherapists, chiropractors or a combination of them, and nurses, administrative assistants and other persons normally associated with them, or for other medical or para-medical uses approved by the Council.

Corner Store/Service Shop: means a building or portion of a building used for the sale of daily grocery needs principally to persons resident within the immediate locality but does not include a Local Convenience Store.

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

Display Home Centre: means a group of two or more dwellings, which are intended to be open for public inspection.

District: means the district of the City of Stirling.

Drive-In Cinema: means an open air cinema which makes provision for the public to view motion pictures while seated in motor vehicles.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre or lecture hall, but does not include an Institutional Building or an Institutional Home.

Fuel Depot: means land and buildings used for the storage and bulk sale of solid, liquid and gaseous fuels, but does not include a Service Station.

Funeral Parlour: means a building or portion of a building (whether or not it includes a private chapel) used for the temporary storage and preparation of corpses prior to burial or cremation.

Garden Centre: means land used for the growing of trees, plants, shrubs or flowers for sale and includes the sale of associated gardening supplies.

Gazettal Date: means the date on which notice of the approval of the Minister to the Scheme is published in the Government Gazette.

Gross Floor Area: means, in relation to a building used for office, commercial, industrial or recreational purposes, the total floor area within the building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building.

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

Health Studio: means a building used and equipped for physical fitness and body building exercises and may include outdoor areas if approved by the Council.

Holiday Unit: means a dwelling unit designed or intended to be used as short term accommodation for a tourist, person on holiday, or such other person who may require accommodation for a short period of time, but does not include a Boarding House, Single House, Attached House, Grouped Dwelling or Multiple Dwelling; and which may be constructed as part of a building or group of buildings containing other uses as determined appropriate by Council.

Home Occupation: means an activity conducted within a single house or curtilage of a single house in accordance with Clause 2.2.10.

Horse Stable: means land, building and appurtenances thereto for the keeping or agistment of horses.

Hospital: means any building or part of a building, in which persons are received and lodged for medical treatment or care but does not include a Hospital - Special Purposes.

Hospital - Special Purposes: means land and building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment or care of the mentally sick or similar use.

Hotel/Motel: means land and building providing accommodation for the public and which is the subject of an Hotel Licence granted under the provision of the Liquor Act 1970 but does not include a Tavern, Boarding House or premises the subject of a Limited Hotel Licence granted under that Act.

Hotel/Motel (Private): means land and building providing accommodation for the public and which is the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 but does not include a Tavern, Boarding House or premises the subject of a Hotel Licence granted under that Act.

Industrial Unit: means a portion of an industrial unit complex which is or is designed to be or is capable of being the subject of a single, separate occupancy.

Industrial Unit Complex: means a building or group of buildings on one lot comprising two or more Industrial Units.

Industry - General: means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:-

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods for human or animal consumption; and
- (e) when carried out on land upon which the process is carried out and in connection with that process, the packing or canning or adapting for sale of an article, the storage of goods, any work of administration or accounting, or the sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process,

BUT DOES NOT INCLUDE:

- (i) the carrying out of agriculture.
- (ii) site work on buildings, works or land.
- (iii) in the case of edible goods for human or animal consumption, the preparation of food for sale from the premises.
- (iv) automotive panelbeating, spraypainting or wrecking.

Industry - Noxious: means an industry in which the processes involved constitute an Offensive Trade within the meaning of the Health Act 1911, but does not include fish shops, dry cleaning premises or laundrettes.

Industry - Service: means land used as a depot for receiving goods to be serviced whether or not goods of the type serviced are sold.

Institutional Building: means land and building used or designed for use wholly or principally for the purpose of a rehabilitation centre or home for alcoholics, drug addicts, persons released from penal institutions or other persons requiring treatment as provided by such a centre.

Institutional Home: means a building used for the residence of or for the care and maintenance of children, State wards or orphans.

Land: includes strata titles, messuages, tenements and hereditaments, any estate in the land, and houses, buildings, works and structures, in or upon the land.

Local Convenience Store: means land and building used for the sale to the public of a range of goods comparable to that offered by a supermarket and includes the sale to the public of motor vehicle fuel, but does not include any such use in which the total gross floor area of all building exceeds 300 square metres.

Lot: has the meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

Marine Collectors Yard: means land used for the storage of marine stores under the provisions of the Marine Stores Act 1902.

Market Garden Sales: means the sale of fruit or vegetables or both grown elsewhere than on the lot upon which they are sold or offered for sale or grown both on the lot and elsewhere.

Medical Centre: means a building (other than a hospital) that contains or is designed or intended to contain facilities not only for the practitioners mentioned under the definition of Consulting Rooms - Group Practice but also for ancillary services such as chemists, pathologists and radiologists.

Nursing Home: means a building used for the care and maintenance of the aged or infirm or persons who are physically handicapped or intellectually defective, but does not include a Hospital, Hospital - Special Purposes, Institutional Building or Institutional Home.

Office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

Owner: in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

- (a) is entitled to the land for an estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Part: means a Part of the Scheme.

Plot Ratio: has the same meaning given to it in and for the purposes of the Residential Planning Codes.

Prison: means land and building used for the purpose of a prison within the meaning of that term as defined in the Prisons Act 1903.

Public Amusement: means the use of land for the amusement or entertainment of the public, with or without charge and includes an Amusement Parlour.

Public Assembly - place of: means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadia or show grounds.

Public Authority: means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility, and any other person or body, whether corporate or not, who or which under the authority of any Act, administers or carries on for the benefit of the State a social service or public utility.

Public Floorspace: means in relation to a building used for office, commercial, industrial or recreational purposes, the total floor area within the building measured over the enclosing walls (including the portion of any common party wall forming part of the building) exclusive of parking facilities sited within the building, toilets, changerooms, entrance lobbies, areas used solely for storage of goods or other areas which in the opinion of the Council are not capable of being used or occupied by the general public.

Public Utility: means any works or undertaking constructed or maintained by a public authority or the Council, as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship - place of: means a building used primarily for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

Radio Equipment: means masts, aerials and other associated equipment used for the transmission and reception of radio signals.

Radio & T.V. Installation: means land used by a private or public body for the transmission or reception of radio or television signals and associated activities and includes a radio station or television studio.

Reception Centre: means the use of land and building for functions or gatherings on formal, informal or ceremonious occasions but does not include an Hotel or Tavern.

Redevelopment: means the revision or replacement of an existing building or land use.

Reformatory: means land and building used or designed to be used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

Restaurant: means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, cafe or nightclub, and also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that that forms only a minor part of the business.

Rural Use: means the use of land for any of the purposes set out hereunder and shall include such building normally associated therewith:-

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of poultry, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- (e) the sale of produce grown solely on the lot

but does not include the following except as approved by the Council:

- (i) the keeping of pigs
- (ii) the processing, treatment or packing of produce
- (iii) the breeding, rearing or boarding of domestic pets

Schedule: means a Schedule to the Scheme.

Service Station: means land and building used for the supply of motor vehicle fuel to the public and may include the supply of other petroleum products, automotive accessories and the greasing, servicing and repairing of motor vehicles but does not include a fuel depot or automotive panelbeating, spraypainting or wrecking or a Local Convenience Store.

Setback: means the horizontal distance between the wall of a building and the adjacent lot boundary measured at right angles to the boundary, except in relation to the residential buildings provided for by the Residential Planning Codes.

Shop: means any building wherein goods are kept, exposed or offered for sale, or within which services of a personal nature are provided and includes a hairdresser, beauty therapist or manicurist but does not include a Local Convenience Store, bank, Fuel Depot, market, Service Station, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles or for any purpose falling within the definition of industry.

Showroom: means a building or portion of a building wherein goods are displayed and offered for sale, excluding foodstuffs liquor or beverages; items of clothing or apparel; magazines, newspapers, books or paper products, medicinal or pharmaceutical products; china, glassware or domestic hardware; or items of personal adornment.

Spraypainting - Non-automotive: means the painting or coating by a spray process of items other than motor vehicles.

Squash Courts: means a building or portion of a building wherein persons may participate in or view the game of squash.

Street Alignment: means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed means the new street alignment so prescribed.

Take Away/Fast Foods: means a building or portion of a building wherein food is prepared and offered for sale for consumption principally off the premises and includes in the case of industrial zones, a lunch shop.

Tavern: means land and building the subject of a Tavern Licence, granted under the provision of the Liquor Act 1970.

Trade Display: means the external display of goods for advertisement and inspection purposes.

Transport Depot: means land used for the garaging of road motor vehicles used or intended to be used for carrying of goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes maintenance and repair of the vehicles used, but not of other vehicles.

Uniform Building By-laws: means the Uniform Building By-laws 1974 published in the Government Gazette on 19 December 1974 and if those by-laws are revoked or amended after the gazettal date, means the Uniform General By-Laws made pursuant to Section 433A of the Local Government Act, 1960, for the time being in force.

Veterinary Consulting Rooms: means a building or portion of a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

Veterinary Hospital: means land or building used for, or in connection with, the treatment of sick animals and pets and includes the accommodation of sick animals and pets.

Warehouse: means a building or portion of a building wherein goods are received and stored for distribution.

1.2 Reserved Land

1.2.1 REGIONAL RESERVATIONS

The land shown as "Metropolitan Region Scheme Reserves" on the Scheme Map are lands reserved by the Metropolitan Region Planning Authority pursuant to the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. The said lands are not reserved by the Scheme.

1.2.2 LOCAL AUTHORITY RESERVATIONS

The lands shown as Local Authority Reservations on the Scheme Map (hereinafter referred to as "Local Authority Reservations") are lands reserved by the Scheme for Local Authority purposes or for the purposes shown on the said Map. These lands are vested in or shall be acquired by the Council.

1.2.3 USES

Local Authority Reservations until vested in the Council may be used:-

- 1.2.3.1 for the purpose for which the land is reserved under the Scheme;
- 1.2.3.2 where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority;
- 1.2.3.3 for the purpose for which it was used at the date upon which the Scheme came into operation unless the land shall have in the meantime become vested in a public authority, or unless such use shall have been changed with the approval of the Council;

1.2.3.4 for any purpose approved by the Council;

but shall not be used for any other purpose.

1.2.4 DEVELOPMENT

1.2.4.1 No person shall on a Local Authority Reservation, without the approval of the Council:-

- (a) demolish or damage any building or works;
- (b) remove or damage any tree;
- (c) excavate, spoil or waste the land so as to destroy, affect, or impair its usefulness for the purpose for which it is reserved;
- (d) construct, extend or alter any building or structure, other than a boundary fence.

1.2.4.2 The Council may on written application of the owner of a Local Authority Reservation either grant its approval to the carrying out of any of the works mentioned in the clause immediately preceding or refuse its approval or grant its approval upon such conditions as it thinks fit.

1.2.4.3 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.

1.2.4.4 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 conditions that are unacceptable to the applicant.

- 1.2.4.5 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 of the grant of approval subject to conditions that are unacceptable to the applicant.
- 1.2.4.6 The Council may deal with or dispose of a Local Authority Reservation upon such terms and conditions as it thinks fit provided that the land is used for, or preserved for, the use for which the land is reserved.

1.3 Zones

1.3.1 CLASSIFICATION

1.3.1.1 There are hereby created the 17 Zones set out hereunder:-

Low Density Residential
Medium Density Residential
High Density Residential
Special Residential
Business
Restricted Business
Hotel
Service Station
Special Beach Development
Mirrabooka Regional Centre
Public Amusement
General Industrial
Special Garden Industrial
Private Institutions
Civic
Rural
Special Use

1.3.1.2 The Zones are delineated and coloured on the Scheme Map according to the reference appended thereto.

1.3.2 ZONING TABLE & SYMBOLS

1.3.2.1 Table 1 - Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the various zones. The uses are determined by cross reference between the list of "Use Classes" on the left hand side of the Table and the list of "Zones" on the top of the Table.

1.3.2.2 The symbols used in Table 1-Zoning Table have the following meanings:-

"P" means that the use is permitted by the Scheme;

"AA" means that the use is not permitted unless approval is granted by the Council;

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

Where no symbol appears it means that the use is not permitted.

1.3.2.3 Where in the Zoning Table a particular use is mentioned, it is deemed to be excluded from any use class which by its more general terms would otherwise include such particular use.

1.3.2.4 Subject to the provisions of Clause 1.3.2.5, if a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes or is not normally part of the conduct of any of the use classes, such use or purpose shall, unless it is permitted by the subsequent provisions of the Scheme, be deemed to be a use not listed, provided further that such use or purpose is not a combination of two or more listed use classes or part of the conduct of two or more listed use classes or any combination thereof.

1.3.2.5 A use not listed shall be deemed to be a use not permitted by the Scheme. The Council may, in the case of an application for a use not listed, determine in which zone or zones, if any, the use may be considered. Where the Council is of the opinion that the use the subject of the application may be considered in a Zone, such application shall be subject to the provisions of Clause 1.3.4.3 of the Scheme. Where such a use is approved by the Council in a particular Zone, the Council may impose such condition as it deems fit.

1.3.3 SPECIAL USE ZONE

No person shall use any land, or any building or structure thereon in a Special Use Zone, except for the purpose specified against such land in Schedule 2 to the Scheme.

1.3.4 USE AND DEVELOPMENT OF LAND

1.3.4.1 Application for Approval to Commence Development and Council's Approval

In addition to a Building Licence, the Council's prior approval to commence development is required for all development other than:

- (a) Development on land reserved under the Metropolitan Region Scheme,
- (b) A single house, or
- (c) Attached houses or grouped dwellings where the total number of dwellings on the lot does not exceed two at or below the density provisions of the R-Code R20;

and application shall be made in the form of Schedule 1A and in accordance with the directions thereon.

The Council may in considering an application consult with any authority that in the circumstances it thinks appropriate and may grant its approval to an application to commence development with or without conditions or may refuse to grant its approval to the application.

The Council shall issue its decision in respect of an application in the form of Schedules 1B or 1B and 1C. An approval or refusal of approval issued by the Council shall also be regarded as an approval or refusal of approval to commence development under the provisions of the Metropolitan Region Town Planning Scheme Act 1959; provided that the land the subject of the application is not the subject of a separate application for approval to commence development to the Metropolitan Region Planning Authority by reason of it being reserved under the Metropolitan Region Scheme, or by reason of it being the subject of a notice under Clause 32 of the Metropolitan Region Scheme, or the subject of a declaration under Section 35(c) of the Metropolitan Region Town Planning Scheme Act 1959.

If the Council shall have granted its approval subject to conditions, and any of the conditions shall not be fulfilled or complied with, the Council may revoke its approval. Any person who acts in default of Council's conditions of approval or its revocation of approval, shall be liable to the penalties prescribed under the Act.

If the Council shall not have conveyed its decision to the applicant within sixty days of the receipt by it of an application, that application shall be deemed to have been refused.

1.3.4.2 Application to Use Land and Council's Approval ("AA" Uses)

A person who desires to use land for a purpose which by the provisions of the Scheme is not permitted unless approval is given by the Council, shall make application for such approval in writing to the Council. Such application shall be additional to the provisions of Clause 1.3.4.1.

The application shall include:

- (a) The full name and address of the applicant;
- (b) A description of the land, including street name, lot number and house number, sufficient to enable the land to be clearly identified;
- (c) The full name and address of all persons having an interest in the land and the nature of their interest;
- (d) The nature of the applicant's interest in the land;
- (e) A full and complete description of the purpose for which the applicant desires to use the land;
- (f) The nature of all existing and proposed improvements on the land.

In determining the application, the Council shall have regard to the appropriateness of the proposed use and its effect on the locality and in particular, traffic congestion and hazard, noise, amenity, nuisance and any other factor relevant to the application.

The Council may:

- (i) Grant its approval with or without conditions
- (ii) Refuse to grant its approval
- (iii) Limit the time for which its approval remains valid.

1.3.4.3 Public Notification of an Application for Council's Approval

Before making a final determination in respect of an application for the Council's approval where the application is:

- (a) To use land for a purpose which by the provisions of the Scheme is not permitted unless approval is given by the Council (AA Use), provided further that the Council is of the opinion that the use the subject of the application may be appropriate ; or
- (b) To use land for a purpose which is not listed in or included in the general terms of the use classes listed in Table 1 - Zoning Table (use not listed), provided further that the Council is of the opinion that the use the subject of the application may be appropriate; or
- (c) For approval to commence development by virtue of the provisions of Clause 2.3.3 (Height of Buildings); or
- (d) For the change of the use of any land from one non-conforming use to another non-conforming use under the provisions of Clause 1.5.5;

the Council shall ensure that one or more, as determined by the Council, of the provisions specified hereunder are invoked:

- (i) One or more notices, not less than 1 metre by 1.5 metres each and readable from the street, explaining the proposed use, shall be displayed in a prominent position on the lot for a period of not less than three weeks. The notice shall also state that comments may be lodged with the Council before a specified date, being not less than three weeks after the first display of the notice.

(ii) The Council shall advertise or cause to be advertised in a newspaper circulating in the District, notice of its intention to consider the application for the proposed use; the advertisement shall state that comments may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice.

(iii) The Council may use any other methods or media to ensure widespread notice of the proposal.

The Council shall after the date stated in the notices, consider the application and any comments received and make its decision.

All expenses incurred by the Council in carrying out the foregoing procedures shall be reimbursed by the applicant whether or not his application is approved.

1.3.4.4 Preservation of Amenity

The Council, having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenity of the locality, may refuse to grant its approval to an application to use or develop land.

TABLE 1: ZONING TABLE


ZONES: 	R10,R20, R30	R40,R60	R80,R100	SPECIAL RESIDENTIAL	BUSINESS	RESTRICTED BUSINESS	HOTEL	SERVICE STATION	GENERAL INDUSTRIAL	SPECIAL GARDEN INDUSTRIAL	SPECIAL BEACH DEVELOPMENT	MIRRABOOKA REGIONAL CENTRE	PRIVATE INSTITUTIONS	CIVIC	RURAL	PUBLIC AMUSEMENT	SPECIAL USE.
	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL														
AUTOMOTIVE: ACCESSORY SALES					P	AA		IP	P	P		AA					
: PANELBEATING									AA	AA		AA					
: REPAIRS								IP	P	P		AA					
: SPRAYPAINTING									AA	AA		AA					
: WRECKING									AA								
AUTOMOTIVE - MARINE SALES					AA	AA			AA	AA		AA					
AUTOMATIC CAR WASH								AA	AA	AA		AA					
BETTING AGENCY					P	AA	AA		AA	AA	AA	AA				AA	
BOARDING HOUSE		AA	AA								AA						
BUILDERS STORAGE YARD									P	P		AA					
CARAVAN PARK																	
CARETAKER'S DWELLING	P	P	P	P	IP	IP	IP		IP	IP	IP	IP	IP		IP	IP	
CAR PARKING STATION					P	P			P	P	AA	AA		P			
CHILD DAY CARE CENTRE	AA	AA	AA	AA	AA	AA			AA	AA	AA	AA	IP	P		IP	
CINEMA/THEATRE					AA	AA			AA	AA	AA	AA		AA		AA	
CIVIC USE	AA	AA	AA	AA	P	P			AA	AA	AA	AA		P			
CLUB PREMISES			AA		AA	AA			AA	AA	AA	AA	AA		AA	AA	
																	AS PER SCHEDULE 2.

TABLE 1: ZONING TABLE (Continued)

ZONES: →	R10, R20, R30.	R40, R60	R80, R100	SPECIAL RESIDENTIAL	BUSINESS	RESTRICTED BUSINESS	HOTEL	SERVICE STATION	GENERAL INDUSTRIAL	SPECIAL GARDEN INDUSTRIAL	SPECIAL BEACH DEVELOPMENT	MIRRABOOKA REGIONAL CENTRE	PRIVATE INSTITUTIONS	CIVIC	RURAL	PUBLIC AMUSEMENT	SPECIAL USE
	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL														
CONSULTING ROOMS	AA	AA	AA	AA	P	P			AA	AA	AA	AA					
CONSULTING ROOMS: GROUP PRACTICE			AA		P	P			AA	AA	AA	AA					
CORNER STORE/SERVICE SHOP	AA	AA	AA	AA	P								AA				
DISPLAY HOME CENTRE	AA	AA	AA	AA													
DRIVE-IN CINEMA																AA	
DWELLING: AGED PERSONS	AA	P	P	P								AA	AA	AA	AA		
: SINGLE HOUSE AND																	
TWO ATTACHED HOUSES OR																	
TWO GROUPED DWELLINGS	P	P	P	P							AA				P		
: ATTACHED) MORE THAN	AA	P	P	P							AA	AA					
: GROUPED) TWO	AA	P	P	P	AA	AA					AA	AA					
: MULTIPLE		*	P		AA	AA					AA						AS
EDUCATIONAL ESTABLISHMENT					AA	AA			AA	AA		AA	AA				PER
FUEL DEPOT									AA	AA							SCHEDULE
FUNERAL PARLOUR					AA	AA			AA	AA		AA					2


* MULTIPLE DWELLING: Not Permitted in R40 - Permitted in R60

TABLE 1: ZONING TABLE (Continued)

ZONES: →	USE CLASSES: ↓			R10, R20, R30.	R40, R60	R80, R100	SPECIAL RESIDENTIAL	BUSINESS	RESTRICTED BUSINESS	HOTEL	SERVICE STATION	GENERAL INDUSTRIAL	SPECIAL GARDEN INDUSTRIAL	SPECIAL BEACH DEVELOPMENT	MIRRABOOKA REGIONAL CENTRE	PRIVATE INSTITUTIONS	CIVIC	RURAL	PUBLIC AMUSEMENT	SPECIAL USE	
	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL																		
GARDEN CENTRE								P	AA			AA	AA		AA						
HEALTH STUDIO								AA	AA			AA	AA	AA	AA					AA	
HOLIDAY UNIT														AA							
HOME OCCUPATION	AA	AA	AA	AA			AA											AA			
HORSE STABLES																AA		P			
HOSPITAL																					
HOSPITAL - SPECIAL PURPOSES																					
HOTEL/MOTEL										P				AA	AA						
HOTEL/MOTEL: PRIVATE								AA	AA	P				AA	AA						
INDUSTRY: GENERAL												P	P		AA						
: NOXIOUS												AA	AA		AA						
: SERVICE								AA	AA			P	P		AA						
INSTITUTIONAL BUILDING																					
INSTITUTIONAL HOME	AA	AA	AA	AA			AA														
LOCAL CONVENIENCE STORE								AA							AA						
MARINE COLLECTOR'S YARD												P	P								
MARKET GARDEN SALES																					
MEDICAL CENTRE								P	AA			AA	AA	AA	AA						



AS PER SCHEDULE 2

TABLE 1: ZONING TABLE (Continued)

ZONES: 	R10, R20, R30	R40, R60	R80, R100	SPECIAL RESIDENTIAL	BUSINESS	RESTRICTED BUSINESS	HOTEL	SERVICE STATION	GENERAL INDUSTRIAL	SPECIAL GARDEN INDUSTRIAL	SPECIAL BEACH DEVELOPMENT	MIRRABOOKA REGIONAL CENTRE	PRIVATE INSTITUTIONS	CIVIC	RURAL	PUBLIC AMUSEMENT	SPECIAL USE
	LOW DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL														
NURSING HOME		AA	AA										AA		AA		
OFFICE					P	P			P	P	AA	AA					
PRISON																	
PUBLIC AMUSEMENT					AA	AA			AA	AA	AA	AA				AA	
PUBLIC ASSEMBLY																	
PUBLIC UTILITY	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	
PUBLIC WORSHIP	AA	AA	AA	AA							AA	AA	AA				
RADIO EQUIPMENT	IP	IP	IP	IP	IP	IP			P	P	IP	IP	IP	IP	IP	IP	
RADIO - T.V. INSTALLATION																	
RECEPTION CENTRE					AA	AA	AA		AA	AA	AA	AA				AA	
REFORMATORY																	
RESTAURANT/NIGHTCLUB					AA	AA	AA		AA	AA	AA	AA				AA	
RURAL USE															P		
SERVICE STATION								P				AA					
SHOP					P						AA	AA					
SHOWROOM					P	AA			IP	IP		AA					
SPRAYPAINTING (NON-AUTOMOTIVE)									P	P		AA					

AS PER SCHEDULE 2

TABLE 1: ZONING TABLE (Continued)

SQUASH COURTS TAKE-AWAY/FAST FOODS TAVERN TRADE DISPLAY TRANSPORT DEPOT VETERINARY CONSULTING ROOMS VETERINARY HOSPITAL WAREHOUSE	ZONES: 	
	USE CLASSES: 	
	LOW DENSITY RESIDENTIAL	R10,R20, R30.
	MEDIUM DENSITY RESIDENTIAL	R40,R60
	HIGH DENSITY RESIDENTIAL	R80,R100
	SPECIAL RESIDENTIAL	
	AA P AA AA	BUSINESS
	AA AA P	RESTRICTED BUSINESS
	P	HOTEL
	SERVICE STATION	
	AA AA P AA AA P	GENERAL INDUSTRIAL
	AA AA P AA AA P	SPECIAL GARDEN INDUSTRIAL
	AA AA	SPECIAL BEACH DEVELOPMENT
	AA AA AA AA	MIRRABOOKA REGIONAL CENTRE
PRIVATE INSTITUTIONS		
CIVIC		
AA AA	RURAL	
AA AA	PUBLIC AMUSEMENT	
AS PER SCHEDULE 2		SPECIAL USE

1.4 Building Standards and Particular Zoning Requirements

1.4.1 MINIMUM DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme, no person shall develop or use any land in any Zone within the Scheme Area for any of the purposes mentioned in Table 1: Zoning Table unless such development or use is in accordance with the provisions of the Scheme and the standards set against such purpose in Tables 2, 3 or 4, as the case may be, of the Scheme.

1.4.2 DETERMINATION OF STANDARDS

Where a particular requirement is not readily determined from a study of the Scheme, such requirement shall be determined by the Council.

1.4.3 MODIFICATION OF STANDARDS

If it is established to the satisfaction of the Council that a particular development requirement or standard specified in the Scheme is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion modify the requirement or standard subject to such conditions as it thinks fit. Before modifying any requirement or standard the Council may require that the owner or developer enters into an agreement to use or develop the land in a particular manner.

1.4.4 GENERAL APPEARANCE OF BUILDING

1.4.4.1 The Council may refuse to approve the construction of any building or appurtenances thereto if, in its opinion, the proposed building would have an adverse effect on the amenity of the locality.

1.4.4.2 It is not the intention of this Clause to preclude the adoption of a particular design, nor to prevent the use of particular materials of construction, nor to enforce uniformity of appearance; but rather to ensure that design and construction will result in a building in keeping and in harmony with its surroundings.

1.4.4.3 To this effect, in exercising its discretion under this Clause, the Council shall have regard to:

- (a) The external appearance of the building;
- (b) The dimensions and proportions of the building;
- (c) The effect on existing buildings, nearby properties, and the occupants of those buildings;
- (d) The environment resulting from the building itself and the effect of this environment on the occupants of the building;
- (e) The effect on the landscape and environment generally.

1.4.5 PRESERVATION OF BUILDINGS, PLACES OR OBJECTS

Where a development which is the subject of an application for approval to commence development involves a material alteration to, or the destruction, total or partial, of a building, place or object of historical or architectural interest or of outstanding natural beauty, the Council, having regard to the desirability of retaining the building, place or object, may refuse to approve the application or approve of it subject to such conditions as the Council deems necessary with a view to protecting or preserving the building, place or object.

1.4.6 TRAFFIC ENTRANCES AND IMPORTANT REGIONAL ROADS

1.4.6.1 The Council may refuse to permit more than one vehicular entrance or exit to or from any lot. The Council may require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.

1.4.6.2 Access to a lot for vehicles shall not be permitted directly to or from Important Regional Roads where access is available from side or rear streets or from rear rights-of-way. An unpaved right-of-way shall be paved and drained at the cost of the developer to the extent considered necessary by the Council.

1.4.6.3 Where access to a lot abutting an Important Regional Road is available only from that Road, parking, servicing and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.

1.4.7 DISPOSAL OF WASTES

No person shall, without the approval of the Council, use any privately owned land for the disposal or dumping of any form of rubbish or waste matter, either temporarily or permanently.

1.4.8 VISUAL TRUNCATION - CORNER LOTS AND VEHICULAR ACCESS WAYS

Except with the approval of the Council, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metre truncation of a street corner as depicted in Schedule 3A or within a 3 metre by 1.5 metre truncation of a vehicular accessway as depicted in Schedule 3B.

1.5 Non-Conforming Uses

1.5.1 NON-CONFORMING USE PERMITTED

1.5.1.1 If at the gazettal date, any land, building, or structure is being lawfully used for a purpose not permitted by the provisions of the Scheme (hereinafter called a "non-conforming use"), or if any land is built on or any building or structure is built in a manner not permitted by the Scheme, such land, building, or structure may continue to be used for that purpose or in that manner, but no such land use shall be altered except to conform with the Scheme and no such building or structure shall be added to or altered or any additional building erected, unless approval to do so is granted by the Council.

1.5.1.2 No provision of the Scheme shall prevent the carrying out of any development on land for which, immediately prior to the gazettal date, a permit or permits required under the Act, the City of Stirling District Planning Scheme revoked by the Scheme, and any other law authorising the development to be carried out, have been duly obtained and are current.

1.5.2 DISCONTINUANCE OR CHANGE OF NON-CONFORMING USE

If at the gazettal date any land, building or structure is being used for a non-conforming use, or any land is built on in a manner not permitted by the Scheme, and such non-conforming use shall after such date be discontinued or changed or the buildings removed, no person shall thereafter use the land or any building or structure thereon, for any purpose or in a manner not permitted by the Scheme, unless approval to do so is granted by the Council.

1.5.3 DESTRUCTION OF BUILDINGS

If any building or structure is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of more than seventy-five per cent of its value, no such land use shall be altered except to conform with the Scheme, and the building shall not be repaired or re-built, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme, unless approval to do so is granted by the Council.

1.5.4 DESTRUCTION OF RESIDENTIAL BUILDINGS

Notwithstanding the provisions of the Scheme, where a lot has been developed for residential purposes, under the provisions of the City of Stirling District Planning Scheme published in the Government Gazette of 17 October 1974, and where the total number of dwellings on the lot exceeds that permitted by the Scheme and one or more of the dwellings are subsequently damaged or destroyed, the Council shall permit the dwelling or dwellings to be repaired or rebuilt in accordance with the plan approved by the Council prior to the occurrence of the damage or destruction. However, where the damage or destruction exceeds in value seventy five per cent of the total value of all dwellings on the lot, the Council may refuse to allow the dwellings to be repaired or rebuilt except in accordance with the Scheme other than for those provisions in respect of the number of dwellings.

1.5.5 COUNCIL'S APPROVAL FOR CHANGE OF NON-CONFORMING USE

The Council may grant its approval to the change of the use of any land 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 and is, in the opinion of the Council, closer to the intended uses of the zone. An application for the Council's approval to a change of non-conforming use shall be made in accordance with the provisions of Clause 1.3.4 and shall be subject to the provisions of Clause 1.3.4.

1.5.6 CONDITIONS OF APPROVAL

When the Council grants its approval under Clause 1.5.5, it may grant such approval upon such terms and conditions as it thinks fit.

1.5.7 ACQUISITION AND AGREEMENTS TO DISCONTINUE USE

The Council may, for the purpose of discontinuing any particular non-conforming use, acquire the lot and buildings (if any) on or in which the use is, or is permitted to be carried on, or make agreements relating to the payment of compensation or moneys to persons willing to discontinue a non-conforming use.

1.5.8 SUBDIVISION OF LAND

If a non-conforming use exists on any land or in any building thereon, no person shall, without the consent of the Council, carry on such non-conforming use after the subdivision of such land. Nothing herein shall be construed to limit the powers of the Town Planning Board under the Act.

1.6 Administration

1.6.1 RIGHT OF APPEAL

A person who is an applicant for the Council's approval or consent under the Scheme, and who is aggrieved by the decision of the Council in respect of the exercise by it of a discretionary power under the Scheme in respect of that person's application, may appeal under and in accordance with Part V of the Act. In this clause "applicant" includes the successors in title of an applicant.

1.6.2 PROHIBITION

1.6.2.1 No person shall use any land or any building or structure otherwise than in accordance with the provisions of the Scheme. No person shall use any land, building or structure contrary to the provisions of the Scheme.

1.6.2.2 If, pursuant to the provisions of the Scheme, approval has been granted by the Council upon conditions, no person shall fail to comply with or shall commit a breach of any such conditions.

1.6.3 DISPOSAL OF LAND

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

1.6.4 POWERS OF COUNCIL

The Council may:-

- 1.6.4.1 By an authorised officer, enter at all reasonable times any building or land within the Scheme Area;
- 1.6.4.2 Remove, alter or demolish any building which obstructs the observance or carrying out of the Scheme;
- 1.6.4.3 Make arrangements with the Government of the State or the Commonwealth or any public or statutory body or authority;
- 1.6.4.4 By virtue of the provision of Clause 18 of the First Schedule to the Act, acquire land or buildings or make any agreement or proposal in respect thereto.

1.6.5 BUILDINGS AND WORKS

Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act. Any expenses incurred by the Council under the said Section may be recovered from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim.

1.6.6 AGREEMENTS

The Council may enter into agreements with the owners of land within the Scheme Area or with any other person in respect of any matters pertaining to the Scheme.

1.6.7 COMPENSATION

Unless otherwise provided in the Scheme, claims for compensation by reason of the Scheme shall be made not later than six months after the gazettal date.

PART 2 : RESIDENTIAL PROVISIONS

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2.1 Preliminary

This Part of the Scheme shall apply to the development of all residential dwellings and other uses which are permitted or may be permitted by the Council in any of the Residential Zones within the Scheme Area listed in Clause 2.2.1.

2.2 Zones

2.2.1 CLASSIFICATION

2.2.1.1 The Residential Zones created under Part 1 of the Scheme are set out hereunder.

Low Density Residential
Medium Density Residential
High Density Residential
Special Residential

2.2.1.2 The Zones are delineated and coloured on the Scheme Map according to the reference appended thereto.

2.2.2 ZONING TABLE

The Zoning Table - Table 1, indicates, subject to the provisions of the Scheme, the uses permitted in the various Residential Zones.

2.2.3 SPECIAL RESIDENTIAL ZONE

The intention of the Special Residential Zone is to permit the State Housing Commission to undertake a mixture of residential development, which though predominantly single residential, would also include attached houses and grouped dwellings at a maximum residential density of 40 dwellings per hectare of the site area (i.e. Residential Planning Code R40). Before approval is granted to any development in excess of two dwellings on the one lot in this zone, a Subdivision Layout Plan is to be submitted to the Council. Upon preliminary approval of the Council after consultation with the Town Planning Board, the Council shall advertise that the plan is available for public inspection and the lodgement of any objection thereto within three (3) weeks. Additional public notices shall be displayed as required by the Council. Subject to any changes necessary as a result of objections or other considerations, the Council shall submit the plan together with the objections to the Town Planning Board. The layout plan finally adopted by the Town Planning Board, with the Council's consent, shall be the basis for approval of subdivision and development applications within the area covered by the plan.

2.2.4 SPECIAL RESIDENTIAL ZONE: SUBDIVISION LAYOUT PLAN

Unless otherwise determined by the Council, the Subdivision Layout Plan required under the provisions of Clause 2.2.3 shall show the following:

- 2.2.4.1 The topography of the area;
- 2.2.4.2 The existing major road systems;
- 2.2.4.3 The location and width of proposed roads;
- 2.2.4.4 The approximate location and quantity of shopping, civic and public facilities proposed;
- 2.2.4.5 The approximate location of recreation and open space areas proposed;

- 2.2.4.6 The population and residential densities proposed including the spatial location of appropriate Residential Planning Code densities;
- 2.2.4.7 The basic layout of a sewerage system;
- 2.2.4.8 The basic layout of a comprehensive drainage system, both land and stormwater;
- 2.2.4.9 Land holdings adjacent to or in the vicinity of the area the subject of the application;
- 2.2.4.10 The development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
- 2.2.4.11 Such other information as shall be required by the Council.

2.2.5 SPECIAL DESIGN CONTROL AREA

2.2.5.1 The intention of the Special Design Control Area is to ensure that any new development is compatible with and reflects, in its design and finishes, the character and style of construction applicable to the period during which the Area was first developed. The land comprising the Special Design Control Area is depicted in Schedule 4 and is also delineated accordingly on the Scheme Map. In addition to the provisions of Clause 1.3.4, application for a Building Licence or for the Council's prior approval to commence development, as the case may be, shall also include:

(a) Street elevations, drawn to a scale of 1:100, showing the proposed development and the whole of the existing residential developments on each lot immediately adjoining the lot the subject of the application, as one continuous elevation.

(b) Side, rear and internal elevations, drawn to a scale of 1:100, of the proposed development.

- (c) In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the lot and the location, type and height of all existing vegetation exceeding 2 metres in height. Such plan shall be drawn to the same scale as the site plan.
- (d) A detailed schedule of finishes, including type and colour of existing and new materials to be used in the proposed development.

2.2.5.2 The Council in having regard for the Design Policy may in respect of an application for a Building Licence or for its prior approval to commence development, as the case may be:-

- (a) Refuse to grant a Building Licence or its approval to commence development if it is of the opinion that the proposed development does not reflect, in its design and finishes, the character and style of construction of the surrounding existing residential developments.
- (b) Specify alterations to be made to the design of the proposed development.
- (c) Notwithstanding the schedule of finishes submitted, specify an alternative schedule of finishes to be used in the proposed development.

2.2.6 RESIDENTIAL DEVELOPMENT IN OTHER THAN RESIDENTIAL ZONES

2.2.6.1 Special Beach Development Zone:

The development of dwellings within the Special Beach Development Zone shall conform with the standards and requirements of the Residential Planning Code R60, except in respect of Multiple Dwellings, where the

Council may permit the development of Multiple Dwellings to a density of up to but not exceeding 160 dwellings per hectare of lot area. Subject to the specific provisions of Clause 2.3.9, the provisions of Clause 2.3 shall apply to the development of all dwellings within the Special Beach Development Zone.

2.2.6.2 Mirrabooka Regional Centre Zone:

Residential development within the Mirrabooka Regional Centre Zone shall conform with the standards and requirements of the Residential Planning Code R40.

2.2.6.3 Business & Restricted Business Zones:

Residential development within a Business or Restricted Business Zone shall conform with the standards and requirements of the Residential Planning Code R40 or such other R-Code designation of higher density within which the lot may be located.

2.2.7 CORNER STORE/SERVICE SHOP

The Council may permit the construction of a Corner Store/Service Shop in any Residential Zone subject to the following:-

2.2.7.1 In Low or Medium Density Residential Zones R10, R20, R30 or R40 the Council may require the store to be attached to a dwelling occupied by the proprietor or lessee of the store.

2.2.7.2 In Medium or High Density Residential Zones R60, R80, or R100 the store may be located on its own lot or form part of a grouped or multiple dwelling unit development.

2.2.7.3 The gross floor area of the store does not exceed 100m².

2.2.7.4 Off street parking is provided at a ratio equivalent to eight parking bays per 100m² of gross leasable area and in accordance with Schedules 5A and 5B.

2.2.8 AGED PERSONS DWELLINGS

Development of a lot for aged or dependent persons' dwellings shall be in all respects in accordance with the standards and requirements of the Residential Planning Code R40 or such other R-Code designation of higher density within which the lot may be located.

2.2.9 PARKING OF COMMERCIAL VEHICLES

2.2.9.1 No person shall park, or cause to be parked, more than two commercial vehicles in a Residential Zone.

2.2.9.2 Two such vehicles may be parked provided that:-

(a) The vehicles are parked on a lot containing only a Single House.

(b) The vehicles form an essential part of the occupation of an occupant of the dwelling.

(c) If there are two commercial vehicles, at least one must be effectively screened from view from outside of the lot.

(d) No commercial vehicle exceeds 2.7 metres in height or 16 metres in length.

(e) Any commercial vehicle exceeding 8 metres in length is effectively screened from view from outside of the lot.

- (f) No commercial vehicle is brought to or taken from the lot between the hours of midnight and 6 a.m.
- (g) Major repairs to the vehicle shall not be undertaken on the lot.
- (h) Any minor repairs, servicing or cleaning of the vehicle is carried out in an area which is effectively screened from view from outside of the lot.

2.2.10 HOME OCCUPATIONS

2.2.10.1 A person may, with the approval of the Council, conduct a Home Occupation provided that the Home Occupation:

- (a) does not provide a substantial source of household income;
- (b) does not entail the employment of any person not permanently resident within the dwelling;
- (c) does not involve the preparation or sale of foodstuffs;
- (d) does not entail the sale of produce from the site;
- (e) does not occupy an area greater than 20 square metres;
- (f) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (g) does not have more than one advertisement sign and the sign displayed does not exceed 0.2 square metres in area;

- (h) does not, in the opinion of the Council, by reason of its nature or scale, constitute a use that would be more appropriately located in a zone other than a Residential Zone;
- (i) will not result in the requirement of a greater number of vehicle parking facilities than normally required for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (j) does not cause injury to or prejudicially affect the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.

2.2.10.2 The Council may seek the comments of surrounding residents or owners in respect of an application for a Home Occupation or may use such other method or medium to ensure widespread notice of the proposed Home Occupation.

2.2.10.3 An approval to carry on a home occupation -

- (a) is personal to the person to whom it was granted;
- (b) is not capable of being transferred or assigned to any other person; and
- (c) does not run with the land in respect of which it was granted.

A person to whom approval to carry on a home occupation has been granted shall not carry on that home occupation at any premises other than those in respect of which the approval was granted.

2.2.10.4 If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, carry on a home occupation unless approval to do so shall subsequently be granted by the Council.

2.2.11 DISPLAY HOME CENTRES

2.2.11.1 A person may with the approval of the Council, construct a Display Home Centre provided that:-

- (a) Application is made in the form of Schedule 1A and in accordance with the directions thereon;
- (b) It is not located within 400 metres of a major intersection as determined by the Council;
- (c) An off-street parking area is provided with a minimum of 5 car bays for each dwelling;
- (d) Floodlights are not illuminated after 9.00 p.m.

2.2.11.2 The Council may refuse to grant its approval or may grant its approval with or without conditions and such approval shall be for a period of twelve months from the date of the Council's approval.

2.3 Residential Building Standards and Particular Zoning Requirements

2.3.1 MINIMUM DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme, no person shall develop or use any land or use any building in a Residential Zone or undertake any development of a residential nature for any of the purposes mentioned in the Zoning Table - Table 1, unless such development or use is in accordance with the provisions of the R-Codes, this Part of the Scheme and the standards set against such purpose in Table 2: Uses which may be permitted in a Residential Zone, as the case may be.

2.3.2 CALCULATION OF MAXIMUM NUMBER OF DWELLINGS

2.3.2.1 The maximum number of dwellings that may be permitted on any lot is obtained by multiplying the lot area (in hectares), by the code number. In the case of a "battleaxe" lot, the area of the lot shall not include the area of that portion of the lot providing access to the street.

2.3.2.2 Where the calculations in Clause 2.3.2.1 result in a fraction, the next lowest whole number shall apply.

2.3.2.3 Notwithstanding the provisions of 2.3.2.2, a person may erect two Attached Houses or two Grouped Dwellings on a lot in a low density Residential Zone R20 provided that the lot has an area of not less than 900m².

2.3.3 HEIGHT OF BUILDINGS

2.3.3.1 Any development in a Residential Zone which exceeds the number of storeys or height, whichever shall be the greater, specified hereunder requires the special approval of the Council:

Single House : two storeys or 6 metres

Attached House	:	two storeys or 6 metres
Grouped Dwelling	:	two storeys or 6 metres
Multiple Dwelling	:	three storeys or 9 metres
Other Uses	:	two storeys or 6 metres

2.3.3.2 Before determination of an application requiring the special approval of the Council under clause 2.3.3.1, the Council shall cause the provisions of Clause 1.3.4.3 to be invoked in respect of the application.

2.3.4 SIZE OF DWELLINGS

2.3.4.1 In a Low Density Residential Zone R10, R20 or R30, no dwelling shall contain less than 2 bedrooms. At least one-third of the total number of dwellings in an attached house or grouped dwelling development in excess of 2 dwellings shall contain at least 3 bedrooms.

2.3.4.2 In a Medium Density Residential Zone R40, at least half of the total number of dwellings in an attached house or grouped dwelling development shall contain at least 2 bedrooms.

2.3.4.3 The minimum sizes specified hereunder shall apply to any attached, grouped or multiple dwellings:

Single Bedroom Dwelling -	50 square metres
Multi Bedroom Dwelling -	60 square metres plus 7.5 square metres for each bedroom in excess of two.

2.3.5 RESIDENTIAL PLANNING CODES - VARIATIONS AND EXCLUSIONS

The Residential Planning Codes (R-Codes) are hereby varied as set out hereunder:-

...53.

2.3.5.1 Interpretations:

The insertion of the following additional terms:

- (a) "Dual R - Codes" - means the designation of the Scheme Area or portion of the Scheme Area with two Residential Planning Codes having differing density provisions.

2.3.5.2 Building Setbacks:

- (a) Clause 9 - is varied by the addition of a new sub-clause (3) as set out hereunder.

"(3) Notwithstanding the provisions of Clause 9(2), where buildings abutting the subject lot are set back from the street alignment by 7.5 metres or more, then the set back shall not be less than 7.5 metres.

- (b) Table 1 - is varied in respect of the minimum rear boundary setback for Attached Houses by deletion of the figure "8" (metres) and substitution of the figure "6" (metres).

2.3.5.3 Car Parking:

- (a) Clause 17(3) - is varied by deletion of the figure "10%" and substitution of the term "one-third".

- (b) Clause 17(5) - is varied by the insertion of:-

"in accordance with Schedule 5A." after the phrase "..... all car parking bays".

- (c) Clause 19(3)(a) - is varied by the deletion of the figure "1m" and substitution of the figure "1.5m".

(d) Clause 19(4) - is varied by the deletion of all that part of the Clause after the phrase "shall be" and insertion of the figure "1.5m." after the phrase "shall be".

(e) Clause 19(6) - is deleted.

(f) Clauses 20 and 21 - are deleted.

2.3.6 ADDITIONAL REQUIREMENTS

2.3.6.1 Covered Parking Spaces:

Each Attached House, Grouped Dwelling or Multiple dwelling unit shall be provided with one covered car parking space located behind the street setback and such cover shall be constructed of the same material as the dwelling.

2.3.6.2 Location of Parking Spaces and Driveways:

No uncovered parking space shall be located closer than 1.5 metres to any building and no parking space shall be located closer than 1.5 metres to a side or rear lot boundary. No driveway shall be located closer than 1.5 metres to any boundary or building.

The Council may allow a carport or garage to be constructed on a side or rear boundary where the written consent of the owner or owners of the adjoining affected lot is furnished to the Council.

2.3.6.3 Driveways - Width and Grade:

The minimum width of a driveway shall be 3 metres. Where the Council is of the opinion that the system of

vehicular circulation proposed or the number of dwellings proposed warrants a greater width, the minimum width of the driveway shall be 4.5 metres.

The maximum grade of any driveway or portion of a driveway shall not exceed "one in seven".

2.3.6.4 Private Courtyards:

Where an Attached House or Grouped Dwelling contains three or more bedrooms, the area of the courtyard shall be increased to 40 square metres and the minimum dimension shall be increased to 5 metres.

2.3.6.5 Retention of Trees:

In giving its approval to any form of residential development, the Council may impose conditions requiring the retention of trees and shrubs nominated by it.

2.3.6.6 Boundary Fences:

Side and rear boundary fences to an Attached House, Grouped or Multiple Dwelling development in excess of two dwelling units shall be erected, replaced or renewed to the satisfaction of the Council.

2.3.6.7 Refuse Storage Areas:

Any development comprising more than four dwellings shall include an area or areas for refuse storage located, designed and screened to the satisfaction of the Council, on the basis set out hereunder:

- (a) 5-12 dwellings : 0.5m² per dwelling for the storage of individual refuse bins.

(b) Where the total number of dwellings equals or exceeds 13, provision is required to be made for a bulk refuse bin of 1.53 cubic metres plus 0.38 cubic metres per 3 dwellings in excess of 13. The area proposed to accommodate the bulk bin shall have the following minimum internal dimensions:

Width - 3.5 metres per bin

Depth - 1.8 metres

2.3.6.8 Piping & Ducting:

In the case of Multiple Dwelling developments and two storey Attached Houses and Grouped Dwellings in excess of two dwellings, all piping and ducting shall be completely concealed.

2.3.6.9 Rooms Adjoining:

In all Attached House, Grouped Dwelling or Multiple Dwelling developments living areas, kitchens and ablution facilities in each dwelling shall not adjoin bedrooms in an adjacent dwelling.

In the case of Multiple Dwelling developments, living areas in each dwelling shall not be placed above or below bedrooms in any other dwelling.

2.3.7 SEWERAGE CONNECTION REQUIREMENT

2.3.7.1 Sewerage Connection:

All residential development, apart from a single house or an existing development, is required to be connected to a comprehensive sewerage system.

If no sewer is available, development in excess of a single house is not permitted unless:

- a) The Public Health Department recommends to the Council that there are exceptional circumstances to warrant a variation from the requirement to connect to a sewer;

or

- b) The development replaces an existing development approved under the provisions of the City of Stirling District Planning Scheme published in the Government Gazette of 17 October 1974 and redevelopment is only being carried out to an equivalent or lesser density as the existing development.

2.3.7.2 Areas Designated with Dual R-Codes

Subject to the provisions of Clause 2.3.7.1 no lot within any area designated on the Scheme Maps by the R-Coding "20/30", "20/40", "20/60" or "20/80" shall be developed such that the total number of dwellings on the lot exceeds that permitted by the R-Code R20 unless all the dwellings on the lot are connected to a sewer.

2.3.8 USES PERMITTED IN A RESIDENTIAL ZONE : REQUIREMENTS

The provisions of the Residential Planning Codes and Clauses 2.3.6 and 2.3.7 shall also apply to other developments in a Residential Zone except where the Council decides otherwise.

2.3.9 SPECIAL BEACH DEVELOPMENT ZONE : MULTIPLE DWELLINGS

Subject to the provisions of Clause 2.2.6.1, where the Council permits the development of Multiple Dwellings in the Special Beach Development Zone to a density in excess of the Medium Density Residential R-Code R60, the following provisions shall also apply:-

2.3.9.1 Plot Ratio and Minimum Unit Size:

The maximum plot ratio shall not exceed 1.5 and no dwelling shall have a floor area, exclusive of balconies landings and service areas, of less than 90 square metres plus 10m² for each bedroom in excess of two, measured from the centre line of enclosing walls of the dwelling.

The Council may, where it is proposed also to construct serviced holiday units, allow the construction of such serviced units at a plot ratio not exceeding 0.55 of the site area provided that:

- a) The total residential plot ratio does not exceed 1.5.
- b) The serviced holiday units and the residential apartments are substantially integrated into the one complex, both physically and visually.
- c) The serviced holiday unit has a floor area of not less than 50m² plus 10m² for each bedroom/sleeping unit in excess of one, measured from the centre line of enclosing walls of the unit.

2.3.9.2 Orientation of Building:

All buildings exceeding three storeys in height shall be orientated on the lot such that the longest axis of the building is running generally in an east to west direction.

2.3.9.3 Variation of Setbacks

The minimum setback to lot boundaries for all buildings exceeding two storeys in height shall be as set out hereunder:-

Setback from Street Alignment: 9 metres

Setback from southern lot boundaries: In accordance with the provisions of the R-Codes for walls with major openings whether or not the wall contains major openings.

Setback from other lot boundaries: In accordance with the provisions of the R-Codes for walls without major openings whether or not the wall contains major openings - provided that where the Council is of the opinion that a dwelling in any adjoining residential building will not receive adequate sunlight on the 21st June, it may require a greater setback than would otherwise be required.

2.3.9.4 Distance Between Buildings:

Except as provided for in Clause 2.3.9.3 the distance between buildings and portions of a building shall be as for the provisions of the R-Codes. In the case of a residential building located near a non-residential building, the closest face of the non-residential building shall be regarded as the boundary.

2.3.9.5 Calculation of Site Area in Mixed Developments:

Where a Multiple Dwelling building forms part of a composite development including other non-residential building, the site area shall be determined by multiplying the total number of dwellings proposed by 62.5 square metres.

2.3.9.6 Access, Parking Provision and Location:

No access driveway shall be permitted to West Coast Highway where safe access is practical from another street. The provision and location of parking facilities shall be in accordance with the R-Codes and the Scheme. In addition, where parking is to be provided as deck parking, the parking area shall not be located closer than 9 metres to the street boundary or 3 metres per storey to any other boundary unless the uppermost level of the car park is at or below natural ground level at all points along the boundary. In any case, no car parking area shall be located within 2 metres of the street frontage. The parking area shall be screened to the satisfaction of the Council. Visitor parking areas shall be provided and marked accordingly at a ratio of 0.5 bays per dwelling up to 20 units plus 0.3 bays per dwelling for each dwelling in excess of 20.

TABLE 2 : USES WHICH MAY BE PERMITTED IN A RESIDENTIAL ZONE

USE	MAXIMUM PLOT RATIO	MIN. OPEN SPACE % OF TOTAL SITE	MIN. SETBACKS		MINIMUM PARKING PROVISION	OTHER REQUIREMENTS
			STREET	REAR		
Boarding House	0.5 *	50	7.5	7.5	1 bay per bed or 1 bay per unit as the case may be.	* <u>Plot Ratio</u> : In areas coded R60 or higher, the plot ratio shall be 0.55.
Nursing Home	0.5	50	7.5	7.5	1 bay per three beds.	Subject to Health Act 1911.
School		50	9.0	9.0	1.25 bays per classroom.	The Council may require the provision of a satisfactory internal area for the setting down and pick-up of school children.
Kindergarten Child Day Care Centre.	0.5	50	7.5	9.0	1 bay per five children.	
Public Worship	0.5	50	9.0	7.5	1 bay per 3m ² (fixed seat) 1 bay per 5m ² (seats not fixed)	Parking provision is calculated over that portion of the building capable of accommodating seating.
Club Premises	0.5	50	9.0	9.0	1 bay per bedroom plus 1 bay per 9m ² of public floorspace.	

TABLE 2 : USES WHICH MAY BE PERMITTED IN A RESIDENTIAL ZONE

USE	MAXIMUM PLOT RATIO	MIN. OPEN SPACE % OF TOTAL SITE	MIN. SETBACKS		MINIMUM PARKING PROVISION	OTHER REQUIREMENTS
			STREET	REAR		
Consulting Rooms	0.3	50	7.5	7.5	General Practitioners: 6 for 1 10 for 1 Dentists, Physiotherapists and Chiropractors: 4 for 1 6 for 2	See Table No. 3 for Consulting Rooms - Group Practice and Medical Centres. No more than 50% of the required front setback shall be used for parking.
Holiday Unit	0.55	40	7.5	7.5	1 bay per unit plus 1 additional bay for each unit containing more than 2 bedrooms plus such additional parking as is required by the Council for the other uses on the site.	A minimum of 20% of the site area shall be provided and developed in a manner acceptable to the Council as communal open space.

PART 3 : COMMERCIAL PROVISIONS

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3.1 Preliminary

This Part of the Scheme shall apply to all developments of a commercial nature or which are permitted or may be permitted by the Council in any of the Commercial Zones listed in Clause 3.2.1.

3.2 Zones

3.2.1 CLASSIFICATION

3.2.1.1 The Commercial Zones created under Part 1 of the Scheme are set out hereunder:

- Business
- Restricted Business
- Hotel
- Service Station
- Special Beach Development
- Mirrabooka Regional Centre
- Public Amusement

3.2.1.2 The Zones are delineated and coloured on the Scheme Map according to the reference appended thereto.

3.2.2 ZONING TABLE

The Zoning Table Table 1 indicates, subject to the provisions of the Scheme, the uses permitted in the various Commercial Zones.

3.2.3 SPECIAL BEACH DEVELOPMENT ZONE

All development in a Special Beach Development Zone requires special approval of the Council. The Council wishes to encourage in this Zone a high standard of development. The Council will therefore discourage piece-meal developments on inadequate sites; or uses and buildings not in keeping with the standard desired. The Council is prepared to co-ordinate the development of land in various ownerships and will act wherever appropriate to facilitate the construction of buildings of a high standard of quality.

Development within this zone shall be restricted to three storeys in height, however, the Council may permit a relaxation of the height requirements if it is satisfied that the proposed development will not have an adverse affect on the amenity, density and character of the area and be considered generally consistent with the objectives of the zone.

3.2.4 SPECIAL USE ZONE: MEDIA ESTABLISHMENTS

All development in the Special Use Zone - "Media Establishments" requires the special approval of the Council. The purpose of the Zone is to provide for the development and expansion of the radio, television, film and allied media industries including, but without limiting the foregoing, the electronic media other than telecommunications, and such other administrative and entertainment activities as would normally be associated with the operation or public image of such industries but does not include such amusements as could normally be provided on other land in the Scheme Area and does not include printing presses or activities normally associated with the printed media.

3.3 Commercial Building Standards and Particular Zoning Requirements

3.3.1 MINIMUM DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme, no person shall develop or use any land or use any building in any Commercial Zone or undertake any development of a commercial nature for any of the purposes mentioned in the Zoning Table - Table 1 unless such development or use is in accordance with the provisions of this Part of the Scheme and the standards set against such purpose in Table 3: Commercial Developments.

3.3.2 SETBACK REQUIREMENTS

3.3.2.1 Side and Rear Setback:

Subject to the provisions this Clause and Clause 3.3.4 the Council may permit a commercial development in a Commercial Zone to have no side or rear setback if it is of the opinion that such will not prejudicially affect the amenity of surrounding properties.

3.3.2.2 Where a commercial development is proposed to be located adjacent to a lot within a Residential Zone the side and rear setbacks abutting the Residential Zone shall be the same as those required under the R-Codes but, in any case, shall not be less than the distances set out hereunder.

- (a) 3 metres for buildings of one storey
- (b) 5 metres for buildings of two storeys

This provision shall be interpreted to allow the progressive setting back of the building.

3.3.2.3 Corner Lots:

Subject to the provisions of Clause 1.4.8 where a lot has frontage to two streets, the setback to the secondary street, as determined by the Council, shall be not less than 3 metres.

3.3.2.4 Setbacks to Important Regional Roads:

Where a lot has frontage to a road reserved under the Metropolitan Region Scheme 1963, the Council may allow all or part of any existing or proposed widening of the road reservation to be included within the street setback provided that:-

- (a) The portion of the lot within the street setback is only used for the purposes of pedestrian access, landscaping and as a means of access to the side or rear of the lot.
- (b) Only the landscaped area of the street setback between the building and the new street alignment is included as landscape provided under Clause 3.3.7.

3.3.3 USE OF SETBACK AREAS

No person shall in any Commercial Zone use the land between the building setback line and the street alignment for any purpose other than one or more of the following:-

3.3.3.1 A means of access.

3.3.3.2 The daily parking of vehicles used by employees and customers, but subject to Clauses 3.3.2.4 and 3.3.7.

3.3.3.3 The loading and unloading of vehicles.

3.3.3.4 Trade display.

3.3.3.5 Landscaping.

The said area shall not be used for the parking of vehicles which are being wrecked or repaired; nor for the stacking or storage of fuel, raw materials, products, by-products or wastes.

3.3.4 SERVICE ACCESS

3.3.4.1 Provision shall be made for service access to the rear of a shop, showroom, restaurant or other commercial use for the purpose of loading and unloading of goods unless, in the opinion of the Council, the circumstances do not warrant the provision of such access. Where alternative service access is provided and such access is considered acceptable by the Council, the Council may waive the requirement of this Clause.

3.3.4.2 Service access shall be provided in accordance with the provisions set out hereunder:-

- (a) The access way shall be so constructed that vehicles using it may return to a street in forward gear.
- (b) If there exists a right of way to the rear or side of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right of way. The area shall be of such a size that if no alternative route exists, vehicles may turn so as to return to a street in forward gear.
- (c) Except as hereinafter mentioned the access way shall be not less than 6 metres in width. If the size of the lot makes the provision of a 6 metre wide access way impracticable or unreasonable, the Council may permit an access way of a lesser width, but in no case less than 3 metres in width.

- (d) The access way as required above shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking.

3.3.5 SERVICE COURTS

One or more service courts, as determined by the Council, shall be provided in any commercial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be:

3.3.5.1 Accessible from the rear access provided under Clause 3.3.4;

3.3.5.2 Of an area and dimensions to the satisfaction of the Council, but in any case, shall be not less than 10 sq. metres in area with a minimum internal dimension of 3.5 metres; and

3.3.5.3 Screened to the satisfaction of the Council.

3.3.6 PARKING

Provision shall be made for the off-street parking of motor vehicles without charge in all development in a Commercial Zone or in all development of a commercial nature in accordance with the provisions of Table 3 and Schedules 5A and 5B and no car bay or manoeuvring area shall be located closer than 1 metre to any building. Parking areas shall be paved, drained and marked to the satisfaction of the Council and maintained thereafter, and shall be designed so as to enable all vehicles to return to the street in forward gear.

3.3.7 LANDSCAPING

Landscape areas shall be provided in accordance with an approved landscape plan and the following provisions and shall be maintained thereafter by the owner:

3.3.7.1 Within any development of a commercial nature a minimum of 10% of the total site area shall be provided as landscaping in a form approved by the Council and principally as landscaped buffers to adjacent properties of a minimum width of 1.5 metres, and as shade and screen planting within parking areas. The area of the site required to be provided under this Clause shall not include areas which would normally be set aside for pedestrian movement.

3.3.7.2 Landscape areas provided under this Clause shall be planted within 30 days of practical completion of the development, or part thereof, as determined by the Council.

3.3.8 SIZE OF SHOPS AND OFFICES

No shop or showroom in a commercial development shall have an area of less than 60m² nor any dimension of less than 5 metres; and no office in a commercial development shall have an area of less than 40m² nor any dimension of less than 4 metres.

3.3.9 CONNECTION TO SEWER

All developments of a commercial nature or in a Commercial Zone shall be connected to a sewer where such connection is available.

TABLE 3 : COMMERCIAL DEVELOPMENTS

USE	MINIMUM STREET SETBACK	MINIMUM PARKING PROVISION	
Shop	9	0 - 5000m ²	8 bays per 100m ² of gross leaseable area
		5000 - 10000m ²	400 bays plus 7 bays per 100m ² of gross leaseable area in excess of 5000m ²
		10000m ² plus	750 bays plus 6 bays per 100m ² of gross leaseable area in excess of 10000m ²
Showroom	9	1 bay per 50m ² of gross floor area	
Office	9	1 bay per 30m ² of gross floor area	
Bank	9	1 bay per 11m ² of public floorspace, plus 1 bay per 30m ² of gross office floor area	
Hotel/Motel (inc. Private)	9	1 bay per bedroom; plus 1 bay per 3m ² of dining area; plus 1 bay per 1.8m ² public floorspace	
Tavern	9	1 bay per 1.8m ² of public floorspace	
Restaurant, Fast Foods, Reception Centre	9	1 bay per 7m ² of gross floor area	
Squash Courts	9	3 bays per court	
Health Studio	9	1 bay per 9m ² of public floorspace	

TABLE 3 : COMMERCIAL DEVELOPMENTS (Continued)

USE	MINIMUM STREET SETBACK	MINIMUM PARKING PROVISION	
Public Amusement	9	Cinema/Theatre Bowling Alley Skating Rink Sports Hall Other Uses	1 bay per 3m ² of auditorium area 2.5 bays per lane 1 bay per 20m ² of gross floor area 1 bay per 4 persons that the building is designed to accommodate or as determined by Council
Consulting Rooms - Group Practice and Medical Centres	9	Practitioners Pharmacy	10 bays plus 2 bays for each practitioner in excess of 2 1 bay per 25m ² of gross floor area when included in the Medical Centre
Veterinary Consulting Rooms/ Hospital	9	Practitioners	6 bays for 1 10 bays for 2 plus 2 for each practitioner in excess of 2
Hospital	9 (to both streets for corner lots)	1 bay per bed	
Service Station	*9 (to both streets for corner lots)	3 bays per working bay	
* Steel Canopy supports may be erected to within 3.5m of the street alignment			

NOTE:

Other Setbacks
 Service Access
 Service Courts
 Landscaping

Refer Clause 3.3.2
 Refer Clause 3.3.4
 Refer Clause 3.3.5
 Refer Clause 3.3.7

PART 4 : INDUSTRIAL PROVISIONS

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4.1 Preliminary

This Part of the Scheme shall apply to all developments of an industrial nature or which are permitted or may be permitted by the Council in either of the Industrial Zones within the Scheme Area, listed in Clause 4.2.1.

4.2 Zones

4.2.1 CLASSIFICATION

4.2.1.1 The Industrial Zones created under Part 1 of the Scheme are set out hereunder:

General Industrial
Special Garden Industrial

4.2.1.2 The Zones are delineated and coloured on the Scheme Map according to the reference appended thereto.

4.2.2 ZONING TABLE

The Zoning Table - Table No. 1 indicates, subject to the provisions of the Scheme, the uses permitted in the Industrial Zones.

4.2.3 MIRRABOOKA REGIONAL CENTRE ZONE

Industrial development within the Mirrabooka Regional Centre Zone shall conform with the development standards and requirements of the Special Garden Industrial Zone, except that the minimum lot area shall be 2000m².

4.2.4 SALE OF GOODS

In a General Industrial Zone, Special Garden Industrial Zone or from an industrial development in the Mirrabooka Regional Centre Zone, a person may offer for sale goods or produce by retail or wholesale to the public provided that:

4.2.4.1 The goods or produce are manufactured or stored in bulk on the lot;

4.2.4.2 Not more than 20% of the gross floor area of building on the lot is used for the sale of such goods or produce and such area is divided from the balance of the occupancy by one or more concrete or masonry walls not less than 2.4 metres in height; and

4.2.4.3 The goods or produce sold are not foodstuffs, liquor or beverages; items of clothing or apparel; magazines, newspapers, books or paper products; medicinal or pharmaceutical products; china, glassware or domestic hardware other than building supplies; or items of personal adornment; unless such goods are manufactured on the lot.

4.3 Industrial Building Standards and Particular Zoning Requirements

4.3.1 MINIMUM DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme, no person shall develop or use any land or use any building in an Industrial Zone or undertake any development of an industrial nature for any of the purposes mentioned in Table 1 - Zoning Table, unless such development or use is in accordance with the provisions of this Part of the Scheme and the standards set against such purpose in Table 4 - Industrial Developments and Schedules 6 and 7.

4.3.2 SETBACK REQUIREMENTS: CORNER LOTS

4.3.2.1 Where a lot in a General Industrial Zone has frontage to two streets and that lot has an area of less than 2000m², the setback to the secondary street, as determined by the Council, may be reduced to 6 metres.

4.3.2.2 Where a lot in a Special Garden Industrial Zone has frontage to two streets, the setback to the secondary street, as determined by the Council, may be reduced to 9 metres.

4.3.3 USE OF SETBACK AREAS

4.3.3.1 No person shall use the land between the building setback line and the street alignment otherwise than in accordance with the provisions of Schedule 6 in respect of the General Industrial Zone and Schedule 7 in respect of the Special Garden Industrial Zone and industrial development in the Mirrabooka Regional Centre Zone.

4.3.3.2 Setback areas shall not be used for the parking of vehicles which are being wrecked or repaired, the storage of materials, products, by-products or wastes or the storage of fuel, except in underground tanks.

4.3.3.3 A trade display may be conducted within the area between the building setback line and the street alignment, provided that -

(a) The trade display does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located.

(b) The trade display is not located closer than 1.5 metres to the street alignment in a General Industrial Zone or 6 metres in the Special Garden Industrial Zone or the Mirrabooka Regional Centre Zone.

4.3.4 LANDSCAPING

Landscape areas shall be provided in accordance with an approved landscape plan and the following provisions and shall be maintained thereafter by the owner.

4.3.4.1 In a General Industrial Zone a landscaped area not less than 1.5 metres wide shall be provided adjoining all street boundaries in accordance with Schedule 6.

4.3.4.2 In a Special Garden Industrial Zone or the Mirrabooka Regional Centre Zone, a minimum of one-sixth of the gross site area shall be provided as landscaping, and shall include those areas of landscaping provided in accordance with Schedule 7.

4.3.4.3 Landscape areas provided under this Clause shall be planted within 30 days of practical completion of the development, or part thereof, as determined by the Council.

4.3.5 PARKING

4.3.5.1 Provision shall be made for the off-street parking of motor vehicles without charge in all development in an Industrial Zone or of an industrial nature in accordance with the provisions of Table 4 and Schedule 5A. Parking areas shall be paved, drained and marked to the satisfaction of the Council and maintained thereafter, and shall be designed so as to enable all vehicles to return to the street in forward gear.

4.3.5.2 Parking areas may be located between the building setback line and the street alignment but subject to the provisions of Schedule 6 in respect of the General Industrial Zone and Schedule 7 in respect of the Special Garden Industrial Zone and industrial developments in the Mirrabooka Regional Centre Zone.

4.3.6 INDUSTRIAL UNIT COMPLEXES

4.3.6.1 Subject to Clause 4.3.7 land in a General Industrial Zone, Special Garden Industrial Zone and the Mirrabooka Regional Centre Zone may be used for industrial unit complexes except for automotive and marine sales or automotive wrecking, provided that there is not more than one occupancy per industrial unit and:

- (a) The number of units is not more than the equivalent of 15 per hectare.
- (b) The floor area of any unit is not less than 150 square metres.
- (c) Neither the width nor the length of any unit is less than 8 metres.

...77.

- (d) There is appurtenant to each industrial unit an unroofed area not smaller than one-third of the gross floor area of the industrial unit for storage and service purposes. For the purposes of this Clause, the gross floor area shall include all factory, warehouse, showroom and office floor areas constructed at ground level.
- (e) Each storage area shall be paved and drained to the satisfaction of the Council and enclosed to a minimum height of 1.8 metres in materials acceptable to the Council and shall be screened from parking areas and public roads by a masonry wall not less than 1.8 metres high. Stormwater and effluent drainage facilities shall be contained within this area. The storage area shall be in addition to the area set aside for parking.
- (f) Parking spaces are provided in accordance with Clause 4.3.5. For the purposes of this Clause the gross area of the service/storage yard provided under Clause 4.3.6.1(d) shall be included in the calculation of gross floor area.
- (g) Vehicle and service access roads are paved and drained to the satisfaction of the Council and maintained in good condition.
- (h) Industrial units shall be separated from each other by an internal wall or walls constructed of brick, stone or concrete in accordance with the Uniform Building By-laws. Where Strata Titles are involved these walls shall form a parapet through the roof.
- (i) Internal partitions within an industrial tenement building are not altered or removed without the consent of the Council.

(j) Fire escapes and services are provided as required by the Uniform Building By-laws.

(k) Each unit the subject of a Strata Title contains its own toilets within the "lot" and not in the "common property" ("lot" defined as per Strata Titles Act). Communal facilities such as a canteen may be provided as part of the "common property" with the consent of the Council, but the common property shall not be used for that purpose without that consent.

4.3.6.2 Notwithstanding the provisions of Clause 4.3.6.1(d), the Council may reduce the area required for storage and service purposes where the gross floor area at ground level of an industrial unit equals or exceeds 750m², provided that:

(a) the industrial unit is not used or intended to be used for any purpose which entails a manufacturing or production process;

(b) the applicant and owner and their successors in title enter into an agreement with the Council requiring the Council's consent to a proposed occupancy or change in occupancy in respect of the subject industrial unit; and

(c) in any case, the industrial unit is provided with an area for storage and service purposes in accordance with Clause 4.3.6.1(e) having an area of not less than 5% of the gross floor area at ground level or 50m², whichever is the greater.

4.3.6.3 Subject to the provisions of this Part of the Scheme, offices or showrooms or both may be constructed as part of an industrial unit complex and for the purposes of Clause 4.3.6.1(a) shall be jointly regarded as one industrial unit. Such offices, showrooms or both shall be designed

and constructed as an integral part of the industrial unit complex. Such offices may be let to persons or companies other than those occupying the other industrial units on the lot.

4.3.7 PANELBEATERS/SPRAYPAINTERS IN INDUSTRIAL UNITS

4.3.7.1 No person shall occupy or use an industrial unit in a General Industrial Zone, Special Garden Industrial Zone or the Mirrabooka Regional Centre Zone for the purposes of automotive panelbeating/spraypainting without the approval of the Council. The Council may grant approval where:

- (a) The gross floor area of the industrial unit to be occupied is not less than 400 square metres, exclusive of service yards.
- (b) Neither the width nor the length of the industrial unit is less than 13 metres.
- (c) The industrial unit has appurtenant to it a service yard, screened to the satisfaction of Council, having an area of not less than one-third of the industrial unit.
- (d) The combined area of the industrial unit and its service yard is not less than 530 square metres.
- (e) No vehicles or parts of vehicles are stored or worked upon, either temporarily or permanently, on any part of the lot other than within the industrial unit.
- (f) No vehicle parts, equipment, machinery, tools of trade or materials connected with the process are stored, either temporarily or permanently, on any part of the lot other than within the industrial unit or its service yard.

- (g) The industrial unit and its fittings comply with all other relevant by-laws and regulations.

4.3.8 FACADES

The facades of buildings erected in a General Industrial Zone, Special Garden Industrial Zone or Mirrabooka Regional Centre Zone shall be constructed of brick, stone or concrete, or in respect of that portion of the building higher than 3.6 metres from ground level, of such other material as may be approved by the Council.

4.3.9 CONNECTION TO SEWER

All developments of an industrial nature or in an Industrial Zone shall be connected to a sewer where such connection is available.

TABLE 4 : INDUSTRIAL DEVELOPMENTS

USE	MINIMUM LOT AREA	MINIMUM WIDTH *	MINIMUM SETBACKS		NUMBER OF PARKING SPACES	OTHER REQUIREMENTS AND VARIATIONS
			STREET	OTHER		
General Industrial Zone	2,000	30	9 **	as per U.B.B.L.'s	Factories, warehouses or showrooms - 1 bay per 50m ² of gross floor area; plus Offices - 1 - bay per 30m ² of gross floor area.	** Refer Clause 4.3.2 for corner lots. Refer Clause 4.3.6 for Industrial Units. Refer Schedule 6.
Special Garden Industrial Zone	3,000	30	15 **	as per U.B.B.L.'s	Factories, warehouses or showrooms - 1 bay per 50m ² of gross floor area; plus Offices - 1 bay per 30m ² of gross floor area	** Refer Clause 4.3.2 for corner lots. Refer Clause 4.3.6 for Industrial Units. Refer Schedule 7.

* Minimum width is determined at the street setback line.

PART 5: SCHEDULES 1/7

SCHEDULES

SCHEDULE	1A	Application for Approval to Commence Development
	1B	Form of Council's Approval/Refusal of Approval to Commence Development
	1C	Form of Council's Approval/Refusal of Approval to Commence Development (Continued)
SCHEDULE	2	Special Use Zones
SCHEDULE	3A	Visual Truncation: at Corner Lots
	3B	Visual Truncation: at Vehicular Accessways
SCHEDULE	4	Special Design Control Area
SCHEDULE	5A	Parking Modules
	5B	Marking of Car Bays
SCHEDULE	6	Building Setbacks - General Industrial
SCHEDULE	7	Building Setbacks - Special Garden Industrial



SCHEDULE 1A

OFFICE USE ONLY

Serial N^o 7.4.3.20/_____

CITY OF STIRLING

DISTRICT PLANNING SCHEME N^o 2

APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT

1. OWNER OF LAND : SURNAME _____ GIVEN NAMES _____
ADDRESS _____

2. APPLICANT : NAME/COMPANY _____
ADDRESS (For Correspondence) _____
POSTCODE _____
TELEPHONE N^o _____ PERSON TO CONTACT _____

3. SITE DESCRIPTION : LOT N^o _____ ST. N^o _____ STREET _____
LOCALITY _____ CLOSEST CROSS-STREET _____
LOCATION N^o _____ PLAN/DIAG _____ VOL _____ FOL _____

4. DEVELOPMENT : DESCRIPTION OF PROPOSED DEVELOPMENT _____

APPROXIMATE COST (Exc. Land) _____

SIGNED BY THE OWNER : _____

DATE : ____/____/19____

- NOTE : 1. This Form is not to be used for applications to the Metropolitan Region Planning Authority (M.R.P.A.)
2. Three copies of site plans, floor plans & elevations are to be submitted with this application.

OFFICE USE ONLY : _____ Rec. N^o _____

Officer _____ Ward _____ Tax Sheet _____

Form 1 to MRPA - Yes No Date sent ____/____/19____

Refer - TPB Council Other _____

Comments _____



SCHEDULE 1B

Serial N^o 7.4.3.20/

CITY OF STIRLING DISTRICT PLANNING SCHEME N^o 2

TO COMMENCE DEVELOPMENT

OWNER OF LAND : SURNAME GIVEN NAMES

APPLICANT : NAME/COMPANY
ADDRESS

SITE : LOT N^o ST N^o STREET

DEVELOPMENT : DESCRIPTION OF PROPOSED DEVELOPMENT

APPROVAL TO COMMENCE DEVELOPMENT IN ACCORDANCE WITH THE APPLICATION DATED
IS SUBJECT TO THE SCHEDULE OF CONDITIONS SPECIFIED

HEREUNDER :-

This approval is valid for a period of two years only . If development is not completed within this period a fresh approval must be obtained before commencing or continuing development . Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme , this approval shall be deemed to be an approval under the Metropolitan Region Scheme .

Should the applicant be aggrieved by this decision , a right of appeal may exist pursuant to the provisions of Clause 33 of the Metropolitan Region Scheme or Clause 1.6 of the City of Stirling District Planning Scheme Number 2 , as the case may be . Such an appeal shall be made in accordance with Part V of the Town Planning and Development Act 1928 (as amended) .

SCHEDULE OF CONDITIONS :-

PLEASE NOTE : THIS IS NOT A BUILDING LICENCE

SIGNED : _____
Town Clerk

DATE : --/--/19--



SCHEDULE 1C

Serial N^o 7.4.3.20/

CITY OF STIRLING
DISTRICT PLANNING SCHEME N^o 2

TO COMMENCE DEVELOPMENT (Continued)

APPLICANT : NAME/COMPANY

SITE : LOT N^o ST N^o STREET

SCHEDULE OF CONDITIONS (Continued) :-

SIGNED : _____
Town Clerk

DATE : __/__/19__

SCHEDULE 2 SPECIAL USE ZONES

LOCATION	PARTICULARS OF LAND	PERMITTED USE
Alexander Drive Dianella	Portion of Swan Loc 1313 and being Lot 2 on Diagram 56238	Consulting Rooms: Group Practice
Amelia Street Balcatta	Portion of Perthshire Loc Au being Lot 1 on Diagram 56336	Medical Centre
Balcatta Road Gwelup	Portion of Swan Loc K and being Lot Pt. 234 on Diagram 34187	Caravan Park
Beaufort Street Mt. Lawley	Portion of Swan Loc Y and being Lots 94, 95, 96, 97 & 98 on Plan 2671 and Lots 108, 109 & 110 on Plan 2473	Automotive and Marine Sales
Beaufort Street Mt. Lawley	Portion of Swan Loc Z and being Lot 4 on Diagram 2342(2)	Medical Centre
Beaufort Street Mt. Lawley	Portion of Swan Location Z and being Lots 438, Pt 439 and 440 on Plan 2342	Offices
Burroughs Road Karrinyup	Portion of Karrinyup Townsite and being Lot 419 on Certificate of Title Vol. 1316 Folio 753	Consulting Rooms: Group Practice
Cedric Street Stirling	Portion of Perthshire Location Au and being the westerly portion of Loc 2872 on Certificate of Title Volume 1203, Folio 575	Offices, Restaurant & Delicatessen
Central Avenue Inglewood	Portion of Swan Location Y and being Lot 15 on Plan 2671	Consulting Rooms: Group Practice
Dianella Drive Dianella	As depicted on Scheme Map No. 2	Media Establishments
Ellesmere Road Mt. Lawley	Portion of Swan Loc Z and being Lot 1 on Plan 2343	Hospital

SCHEDULE 2 (Continued)

LOCATION	PARTICULARS OF LAND	PERMITTED USE
Fieldgate Square Balga	Portion of Swan Loc 1315 and being Lot 133 on Diagram 50996	Medical Centre
Flinders Street Yokine	Portion of Swan Loc 1106 and being Lot 29 on Plan 5023 on Certificate of Title Vol 1129 Fol. 795.	Consulting Rooms: Group Practice
Flora Terrace North Beach	Portion of Swan Loc 1152 and being Lot 15 on Diagram 45957	Medical Centre
Flynn Street Herdsman	The western moiety of Pt. Herdsman Lake Lot 149 on Plan 3185	Warehousing
Flynn Street Herdsman	Herdsman Lake Lot 3 on Diagram 21287	Warehousing
Flynn Street Herdsman	The eastern moiety of Pt. Herdsman Lake Lot 149 on Plan 3185	Sports Centre
Guildford Road Maylands	Portion of Perthshire Loc X and being Lot 50 on Diagram 45130	Take Away/Fast Foods
Karrinyup Road Osborne Park	Portion of Perthshire Loc Au and being Lot Pt. 17 & Lot Pt. 18 on Plan 925	Garden Centre
Main Street Osborne Park	Portion of Perthshire Loc Au and being Lots 402, 403, 404 and 405 on Plan 2453	Building and Hardware Supplies
Main Street Osborne Park	Portion of Perthshire Loc Au and being Lot 365 on Plan 2452	Restaurant
Monyash Road Carine	Portion of Swan Location 566 being Lot 35 on Plan 11535	Consulting Rooms: Group Practice
North Beach Road Gwelup	Portion of Perthshire Loc. At and being Lot 51 on Diagram 39118	Automotive Repairs
Odin Drive Gwelup	Portion of Perthshire Loc Au and being the southern portion of Lot Pt. 8 on Diagram 39082	Market Garden Sales

SCHEDULE 2 (Continued)

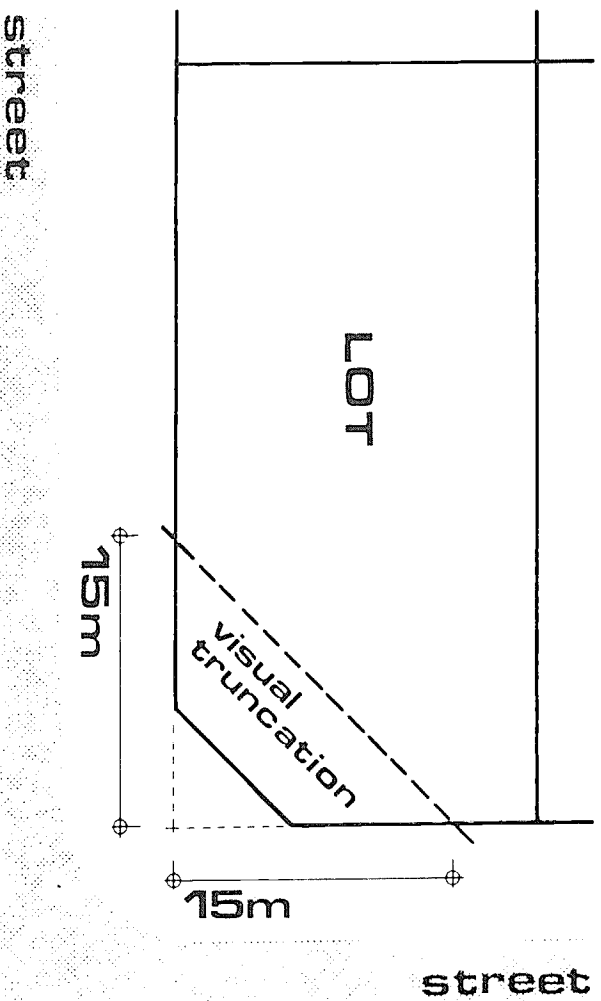
LOCATION	PARTICULARS OF LAND	PERMITTED USE
Osborne Place Stirling	Portion of Perthshire Loc Au and being Lot 113 on Diagram 51693	Medical Centre
Pearl Parade Scarborough	Portion of Swan Loc 1187 and being Lots 6 & 7 on Diagram 9458 and Lots 8 & 9 on Diagram 12985 and Lots 6 & 7 on Diagram 9457	Caravan Park
Princess Road Balga	Portion of Swan Loc. K and being Lots 205 and 206 on Plan 8893	Consulting Rooms: Group Practice
Royal Street	Portion of Perthshire Loc. Au and being those portions of Lot 89 on Plan 5134 as lie within a distance of 45.4 metres from the street alignment	Automotive Sales
Sanderling Street Stirling	Portion of Perthshire Loc Au and being Lot 80 on Plan 12676	Medical Centre
Scarborough Beach Road, Scarborough	Portion of Swan Location and 1136 being Lot 102 on Diagram 9347	Consulting Rooms: Group Practice
Scarborough Beach Road, Scarborough	Portion of Swan Location 1257 and being Lots 107 and 108 on Plan 3697	Caravan Hire
Scarborough Beach Road, Scarborough	Portion of Swan Location 1419 and being Lots 601, 43 and 86 on Plan 3670	Business and Holiday Units
Spencer Street Yokine	Portion of Swan Location 1094 and being Lot 500 on Plan 2563(2)	Hospital
Walter Road Dianella	Portion of Swan Loc W and being Lots 37 and 38 on Diagram 36415	Automotive and Marine Sales
Wanneroo Road Balga	Portion of Swan Location 1113 and being Lots 22 and 23 on Plan 8708	Radiology Clinic
Wanneroo Road Balga	Portion of Perthshire Loc K1 and being Lot 5 on Diagram 31644	Funeral Parlour

SCHEDULE 2 (Continued)

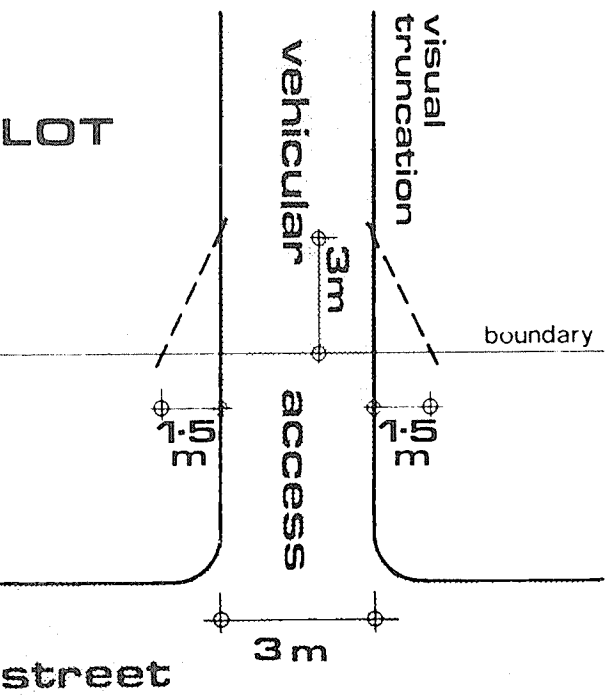
LOCATION	PARTICULARS OF LAND	PERMITTED USE
Wanneroo Road Balga	Portion of Perthshire Loc Au and being Lot 4 and part of Lot 5 on Diagram 35409	Service Station and Workshops
Wanneroo Road Nollamara	Portion of Perthshire Location Au and being Lot 307 on Plan 5332 on Certificate of Title Volume 1108, Folio 320	Scuba Diving Instruction Pool
Wanneroo Road Nollamara	Portion of Perthshire Loc Au and being Lot 179 on Plan 59095	Medical Centre
Wanneroo Road Tuart Hill	Portion of Perthshire Loc Au and being Lot 75 on Plan 7346	Caravan Sales
Williamson Way Trigg	Portion of Swan Loc 7529 and being Lot Pt. 25 on Plan 9759	Office
Wishart Street Gwelup	Portion of Perthshire Location At and being Lot 40 on Plan 925(1)	Shops, Showrooms & Vehicle Workshop

SCHEDULE 3 VISUAL TRUNCATION

3A: at corner lots



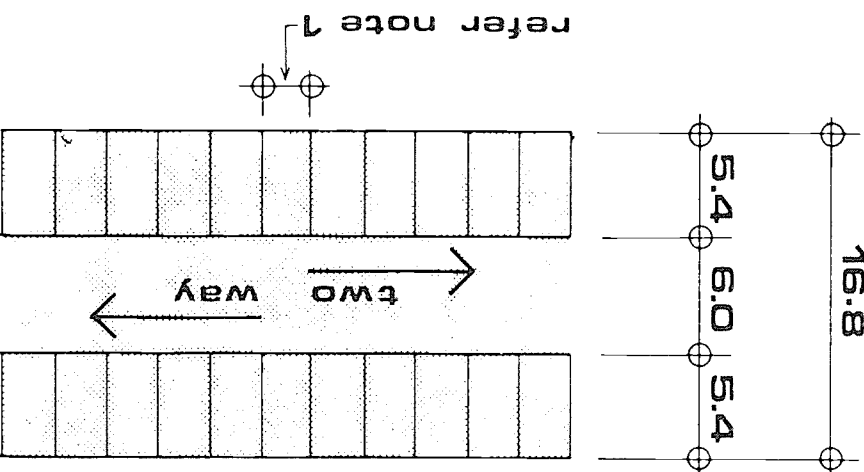
3B: at vehicular accessways



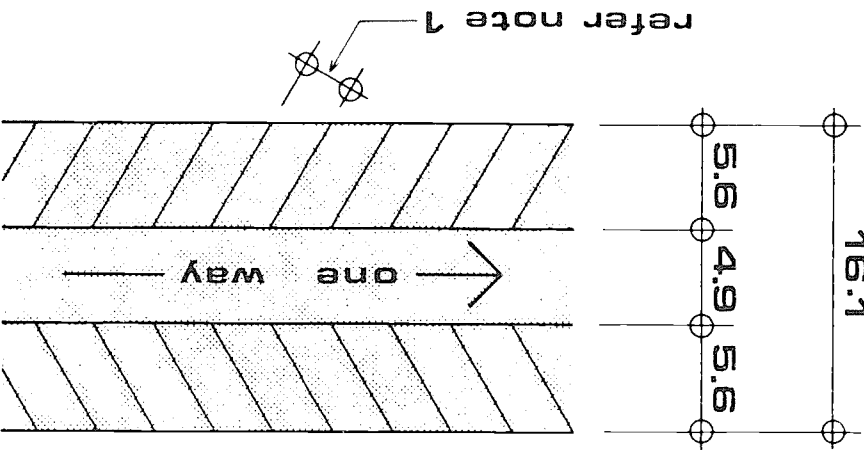
SCHEDULE 5

5A: parking modules generally

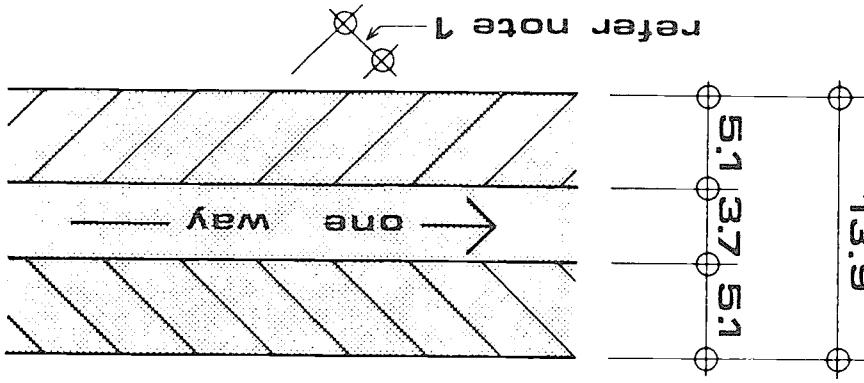
90° Parking



60° Parking



45° Parking



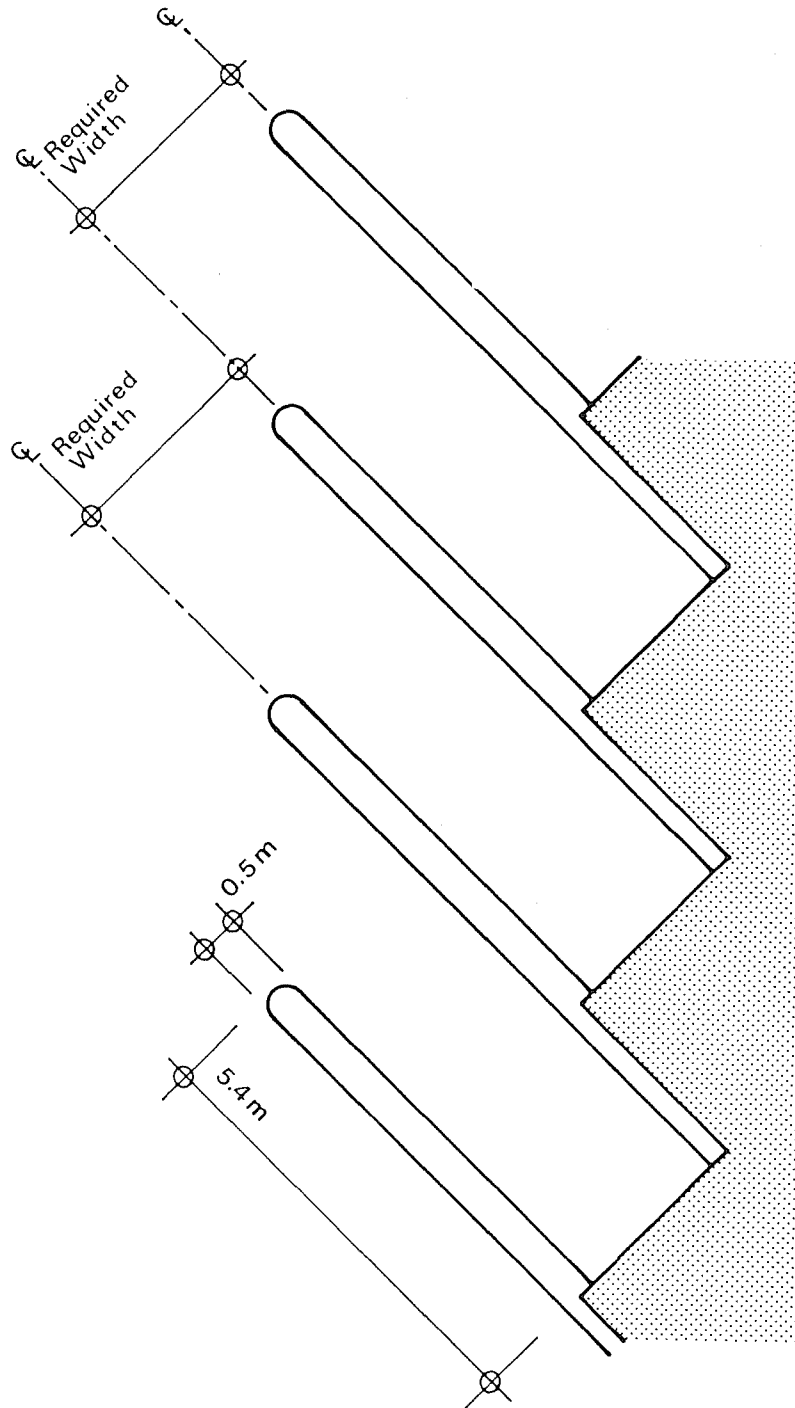
all dimensions in metres

NOTE 1 : Bay Width - Residential Developments 2.5m
 - Commercial Developments 2.7m
 - Industrial Developments 2.5m

2 : Where a car bay is abutted by a wall, column, pier or other structure, the width of the car bay shall be increased to 3 metres

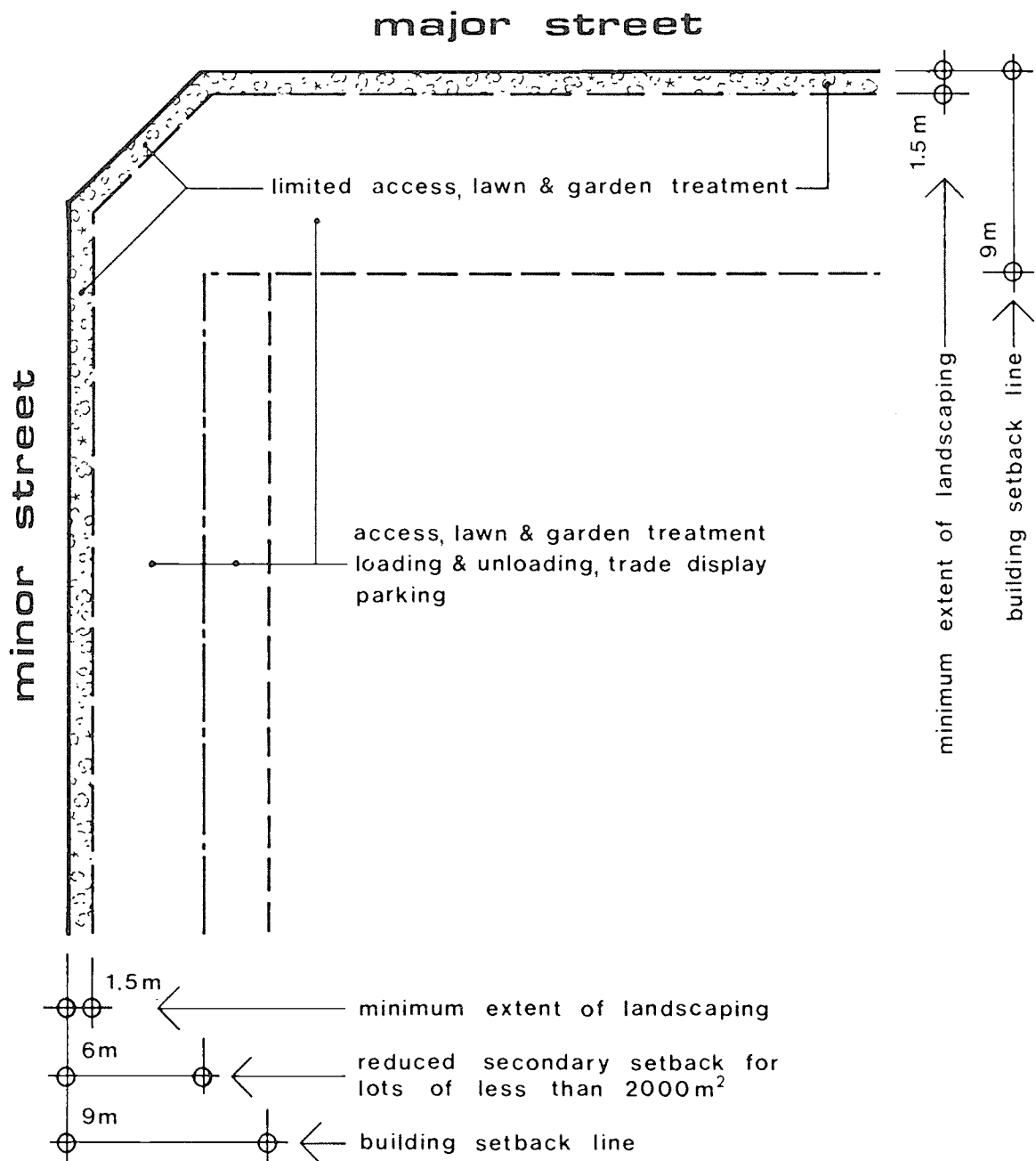
SCHEDULE 5

5B: marking of car bays

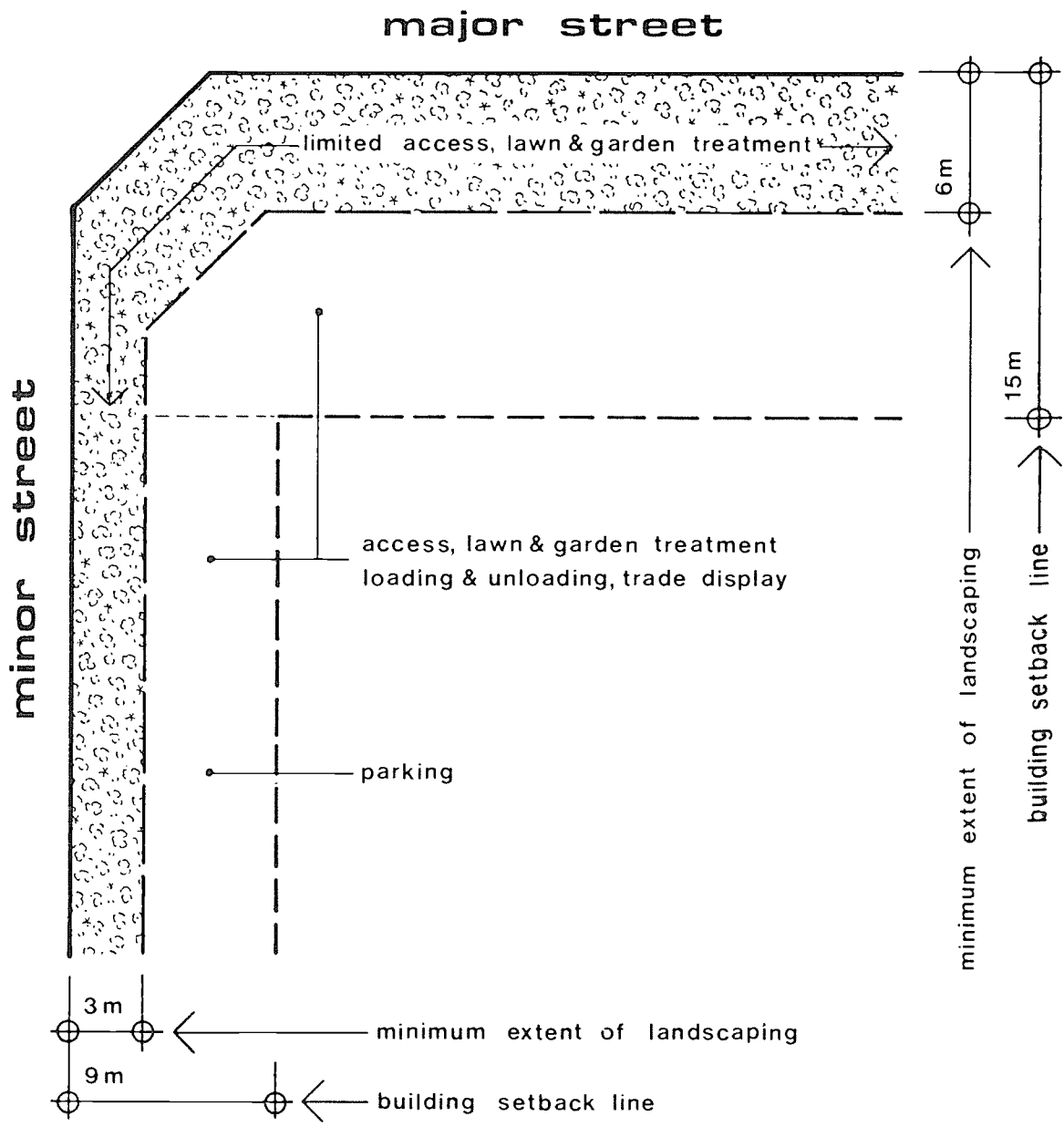


NOTE: Car bays to be marked as shown for:
1. angled and 90° bays
2. all commercial developments

SCHEDULE 6 BUILDING SETBACKS AND USE OF SETBACK AREAS GENERAL INDUSTRIAL ZONES



**SCHEDULE 7
 BUILDING SETBACKS AND USE
 OF SETBACK AREAS
 SPECIAL (GARDEN) INDUSTRIAL ZONE**



NOTE: The requirements set out above also apply to industrial developments within the MIRRABOOKA REGIONAL CENTRE ZONE

