

WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

561



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G. L. DUFFIELD, Director.

## PROCLAMATIONS

AA101

**TRANSFER OF LAND ACT 1893**  
**TRANSFER OF LAND (REVESTMENT)**  
**PROCLAMATION**

WESTERN AUSTRALIA P. M. Jeffery, Governor. [L.S.]	}	By His Excellency Major General Philip Michael Jeffery, Officer of the Order of Australia, Military Cross, Governor of the State of Western Australia.
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DOLA File 891/992.

Under section 243 of the Transfer of Land Act 1893, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described as portion of Victoria Location 2113 being portion of the land coloured brown and marked Pedestrian Accessway on Plan 11129 and shown bordered green containing an area of 308 square metres on Land Administration Diagram 91473 and being part of the land comprised in Certificate of Title Volume 1401 Folio 110.

Given under my hand and the Seal of the State on 15 February 1994.

By His Excellency's Command,

GEORGE CASH, Minister for Lands.

GOD SAVE THE QUEEN !

## AGRICULTURE

AG401

**HORTICULTURAL PRODUCE COMMISSION ACT 1988**  
**NOTICE OF ESTABLISHMENT OF A GROWERS COMMITTEE FOR THE CARROT GROWING**  
**INDUSTRY IN WESTERN AUSTRALIA**

c/- Department of Agriculture,  
3 Baron-Hay Court,  
South Perth 6151.

Pursuant to section 11 (1) of the Horticultural Produce Commission Act 1988 the Horticultural Produce Commission announces that it has resolved to establish a growers' committee for the carrot growing industry in Western Australia.

The growers committee will be able to raise funds to advertise and promote the sale of carrots; control or develop the means of controlling pests and diseases affecting the quality or volume of output of carrots; conduct research that is of advantage to growers of carrots; conduct educational or instructional programmes relating to the production of carrots; support any scheme or activity which is capable of assisting the carrot growing industry.

The growers committee is to be appointed in relation to carrots produced and marketed in the whole of Western Australia.

Nominations for appointment to the growers committee are invited. Growers and persons who have knowledge of the carrot industry in Western Australia are invited to nominate themselves for appointment by the Commission to the Carrot Growers Committee.

Nominations close at 5 p.m. on Wednesday 23 February 1994 with Mr Mike Robbins, the Secretary to the Commission, care of the Department of Agriculture, 3 Baron-Hay Court, South Perth 6151.

HARRY MORGAN, Chairman,  
Horticultural Produce Commission.

## FISHERIES

FI301

**FISHERIES ACT 1905**  
**RESTRICTED WETLINE OPERATION (KIMBERLEY PRAWN LIMITED ENTRY**  
**FISHERY) NOTICE 1994**

Notice No. 608

FD 496/84.

Made by the Minister under sections 9 and 10.

**Citation**

1. This notice may be cited as the *Restricted Wetline Operation (Kimberley Prawn Limited Entry Fishery) Notice 1994*.

**Interpretation**

2. In this notice unless the contrary intention appears—

“authorised boat” means a boat which is authorised by a limited entry fishery licence to take prawns by trawling from any part of the Fishery;

“attended hand line” means any line used to take fish which has a maximum of 6 hooks attached and one end of the line is either on or attached to the licensed fishing boat; and

“Fishery” means the Kimberley Prawn Limited Entry Fishery\*.

**Authorised means of operation**

3. (1) The licensee of an authorised boat, or its replacement which—

(a) loses access to the Fishery by any means whatsoever;

(b) does not have a Western Australian licensed fishing boat number in the sequence LFBP200-LFBP500 inclusive;

(c) does not have access to any other Western Australian trawl fishery,

may use that boat to take fish by means of attended hand line only in all Western Australian waters.

(2) The licensee of an authorised boat or its replacement which has a Western Australian licensed fishing boat registration number in the sequence LFBP200-LFBP500 inclusive shall not permit or allow that boat to be used to take any fish whatsoever by any means in any Western Australian waters other than prawns by means of trawling in the waters of the Fishery.

[\*Declared by Notice No. 600 published in the Gazette of 25 January 1994.]

Dated this 8th day of February 1994.

M. G. HOUSE, Minister for Fisheries.

FI302

**FISHERIES ACT 1905****FISHING BOAT LICENCES (KIMBERLEY PRAWN LIMITED ENTRY FISHERY)**

Directions to Licensing Officers

Notice No. 609

FD 496/84.

Pursuant to section 17 I hereby issue to licensing officers the following directions regarding the granting, renewal and transfer of fishing boat licences attached to any boat authorised to be operated in the Kimberley Prawn Limited Entry Fishery\* and which loses access to that Fishery.

**Interpretation**

1. For the purpose of these directions, unless the contrary intention appears—

“authorised boat” means a boat which is authorised by a limited entry fishery licence to take prawns by trawling from any part of Fishery;

“Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the Commonwealth of Australia Gazette on 11 May 1981;

“Fishery” means the Kimberley Prawn Limited Entry Fishery\*;

“hull units” means hull units calculated in accordance with the formula specified in Schedule 1;

“otter boards” means the boards used on a trawl net to keep the mouth of the net open while under tow;

“rigged for trawling” means rigged to use a fishing net designed or intended to be towed or trawled having its mouth or opening controlled by otter boards; and

“transferred” means the passing of ownership or effective control of a licence from one person to another person.

**Instructions concerning fishing boat licences**

2. (1) The Western Australian fishing boat licence for an authorised boat which—

(a) loses access to the Fishery by any means whatsoever;

(b) does not have a Western Australian licensed fishing boat registration number in the sequence LFBP200-LFBP500 inclusive; and

(c) does not have access to any other Western Australian trawl fishery,

shall only be granted, transferred or renewed if the boat endorsed on that licence remains rigged for trawling and is of the same number of hull units as the authorised boat was immediately before that boat lost access to the Fishery.

- (2) The Western Australian fishing boat licence for any authorised boat which—
- (a) loses access to the Fishery by any means whatsoever;
  - (b) has a Western Australian licensed fishing boat registration number in the sequence LFBP200-LFBP500 inclusive; and
  - (c) does not have access to any other Western Australian trawl fishery,
- shall be cancelled.

Schedule 1

$ML \times B \times D \times 0.6$

2.83

where—

ML means "measured length" as defined in the Code measured in accordance with Appendix A to Section 1 of the Code;

B means "breadth" as defined in the Code; and

D means "depth" as defined in the Code.

[\*Declared by Notice No. 600 published in the Gazette of 25 January 1994.]

Dated this 8th day of February 1994.

M. G. HOUSE, Minister for Fisheries.

FI303

FISHERIES ACT 1905

FISH TRAP RESTRICTIONS AMENDMENT NOTICE 1994

Notice No. 635

FD 401/77.

Made by the Minister under sections 9, 10 and 11.

**Citation**

1. This notice may be cited as the *Fish Trap Restrictions Amendment Notice 1994*.

**Principal Notice**

2. In this notice the *Fish Trap Restrictions Notice 1990 No. 462\** is referred to as the principal notice.

**Clause 2 Amended**

3. Clause 2 of the principal notice is amended by—

- (a) deleting "(b)" and substituting "(c)";
- (b) deleting "(c)" and substituting "(d)"; and
- (c) inserting after paragraph (a) the following—

"(b) a person, other than the holder of a professional fisherman's licence engaged in fishing from a boat licensed under regulation 2, may take octopus by means of unbaited octopus pots, when fishing from a boat in the waters described in the First Schedule;"

[\*Published in the Gazette on 23 November 1990 p. 5787.]

Dated this 8th day of February 1994.

M. G. HOUSE, Minister for Fisheries.

FAIR TRADING

FT301

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (TOWN OF ALBANY) AMENDMENT ORDER 1994

Made by the Minister for Fair Trading under Section 13.

**Citation**

1. This Order may be cited as the *Retail Trading Hours (Town of Albany) Amendment Order 1994*.

**Amendment**

2. The *Retail Trading Hours (Town of Albany) Order 1988* [published in the *Gazette* of 2 September 1988 at p. 3461] is amended by deleting—

“Other than Saturdays, 2 October 1993; 4, 11, 18 December 1993; 1, 8, 15, 22, 29 January 1994; 2 April 1994; 26 September 1994; and 3, 10, 17, 24, 31 December 1994.”

and inserting in its place the following—

“ Other than the Saturdays 19 February, 1994; 2 April 1994; 26 September 1994; and 3, 10, 17, 24, 31 December 1994. ”

PETER FOSS, Minister for Health; The Arts; Fair Trading.

**FT302****RETAIL TRADING HOURS ACT 1987****RETAIL TRADING HOURS EXEMPTION ORDER (No. 4) 1994**

Made by the Minister for Fair Trading.

**Citation**

1. This Order may be cited as the *Retail Trading Hours Exemption Order (No. 4) 1994*.

**Exemption**

2. The operator of the filling station known as Ampol Kalgoorlie at 2 Cunningham Street, Kalgoorlie may sell or allow fuel to be sold to commercial users at such hours as the operator thinks fit and for that purpose the *Retail Trading Hours Act 1987* does not apply to that filling station.

PETER FOSS, Minister for Fair Trading.

**FT303****RETAIL TRADING HOURS ACT 1987****RETAIL TRADING HOURS EXEMPTION ORDER (No. 3) 1994**

Made by the Minister for Fair Trading under Section 5.

**Citation**

1. This order may be cited as the *Retail Trading Hours Exemption Order (No. 3) 1994*.

**Commencement**

2. This order comes into operation on 22 April 1994.

**Exemption**

3. (1) A person who operates a filling station in the Northam District (Zone No. 9), the Kalgoorlie-Boulder District (Zone No. 11), the Collie District (Zone No. 12), the Geraldton District (Zone No. 13) or the Albany District (Zone No. 16), as prescribed for the purposes of Section 14 (6) of the Act, may sell, or allow to be sold—

(a) fuel;

(b) requisites; and

(c) goods prescribed under section 14 (5) (b) of the Act,

at that filling station, and keep that filling station open, during those hours that the operator thinks fit, other than between the hours of 7 am and 10 pm on any Sunday, and to that extent the Act does not apply to filling stations in those areas.

(2) Between the hours of 7 am and 10 pm on any Sunday, filling stations in the zones set out in subclause (1) shall be subject to the orders in relation to opening hours that are made by the Minister, from time to time under section 14 (8) of the Act.

PETER FOSS, Minister for Fair Trading.

**HEALTH****HE401****DENTAL PROSTHETISTS ACT 1985**  
**DENTAL PROSTHETISTS ADVISORY COMMITTEE**Health Department of WA,  
Perth, 15 February 1994.

384/90.

I Peter Gilbert Foss, being the Minister administering the Dental Prosthetists Act 1985 appoint under section 5 (2) (d) (iii) of the Act, Mr S. J. Millar as a member of the Dental Prosthetists Advisory Committee for the period ending 30 June 1994, vice Mr A. P. Ryan resigned.

PETER FOSS, Minister for Health; The Arts; Fair Trading.

**JUSTICE****JM401****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following appointments to the Office of Justice of the Peace for the State of Western Australia—

Peter John Harding of 18 Sailfish Drive, Coral Bay and Coral Dive, Robinson Road, Coral Bay

Elizabeth Ann McKenzie of 277 Attwood Street, Mount Magnet and Education Department,  
Laurie Street, Mount Magnet

Matilda Ann Miller of Looma Community, Derby

W. ROWE, Executive Director,  
Courts Development and Management.

**LAND ADMINISTRATION****LA401****LAND ACT 1933****DECLARATION THAT PART 1A DOES NOT APPLY**

Department of Land Administration

I declare under section 27H of the Land Act 1933 that Part 1A of the Act does not apply to the following proposals affecting the land specified.

Proposal	Land	DOLA File
Reservation of part of the land for "Port Purposes", part for road widening and the creation of two lots for sale	Geraldton Lots 127 and 138	1486/30v3
Lease under section 116	Portion 'A' Class Reserve 1669	2621/993
Vesting in the City of Kalgoorlie-Boulder	"Parklands" Reserve 21338 (Kalgoorlie Lots 3509, 3933, 3110, 3592, 3419)	11358/904 V2
Reservation for "Public Recreation" with vesting	Swan Locations 11916, 11795 and 11840 (Reserve 42546)	1952/992
Reservation ("Public Recreation") with vesting	Swan Location 7582	3387/960
Reservation "Conservation of Flora and Fauna"	Portion of Canning Location 3 being lots 31, 32, 33, 34 and 35	1886/993
Lease (section 117)	Swan Location 11464	2400/991
Lease (section 116)	Forrest Location 148	1741/983
Lease (section 117)	Hamersley Lot 28	1938/993
Sale (section 38)	Boulder Lot 3978	544/987
Sale (section 45B)	Greenbushes Lot 385	1281/982
Sale (section 45A)	Noggerup Lot 95	2725/974 V2
Sale (section 45A)	Coolgardie Lot 2294	3709/897 V3

Proposal	Land	DOLA File
Sale (section 45B)	Boulder Lot 4490	1599/991
Sale (section 38)	Exmouth Lot 1382	2267/993
Sale (section 117AA)	Ravensthorpe Lots 466 and 467	961/980
Sale (section 117AA)	Boulder Lot 713	1583/900
Sale (section 86)	Avon Locations 27669 and 27670	1347/963
Sale (section 86)	King Location 252	3507/981
Reservation—"Pedestrian Accessway" with power to lease for a term up to twenty one (21) years	Perth Lot 1027	2106/988
Land disposal under section 29 (1) of the Land Act	Nungarin Lots 191, 192 and 193	1379/79
Sale under section 118CA	Portion Port Hedland Lot 2975	2050/992
Sale under section 118CA	Portion of Pedestrian Accessway covered by LTO Plan 13307 the subject of C/T 1577/332	2050/992
Dedication of road	Portion Reserve 40735	2216/988
Sale under section 118CA	Portion Reserve 40735	2449/993
Exchange under section 8	Portion of Reserve 40735 for portion of Port Hedland Lot 1935	1100/992
Land Disposal under section 118CA of the Land Act	Portion Reserve 41761	2171/62v5
Sale—section 118A (3)	Portion of Portcullis Drive comprised in Crown Survey 89206 for inclusion into Certificate of Title Volume 1903 Folio 800	979/1987
Sale—section 118A (3)	Portions of Belmont Avenue and Keane Street for inclusion into Office of Titles Diagram 86067	2579/1992
Sale—section 118A (3)	Portion of Ellis Road and ROW bordered green and red on Crown Survey Diagram 91423 for inclusion into Certificates of Titles (i) Volume 1866 Folio 993; (ii) Volume 1150 Folio 596; (iii) Volume 1642 Folio 669 and for the creation of a Land Act Reserve	3447/989
Sale—section 118A (3)	Northern half of closed road (917 m <sup>2</sup> ) bordered blue on Crown Survey Diagram 91393 for inclusion into Certificate of Title Volume 1732 Folio 765	3366/990
Sale—section 118A (3)	Portion of closed road being 82 m <sup>2</sup> adjoining Lot 234 on Crown Survey Diagram 18044 for inclusion into Certificate of Title Volume 1867 Folio 679	1560/992
Sale—118A (3)	Portion of closed road as shown on Crown Survey Diagram 91447 for inclusion into the adjoining freehold property	1377/991
Sale—section 118A (3)	Portion of closed road being 43m <sup>2</sup> adjoining Lot 202 on Crown Survey Diagram 18044 for inclusion into Certificate of Title Volume 1904 Folio 619	1660/992
Reservation for Parkland with vesting in the Shire of Wyndham-East Kimberley	Kununurra Lot 2426	709/993
Reservation for "Parkland" with vesting	Reserve 2095 Tenterden AA Lot 25	2128/891
Sale—section 29 (2)	Marble Bar Lot 285	1805/985
Reservation for Use and Benefit of Aboriginal Inhabitants, with vesting and power to lease	Numalgun Location 34	1820/991
Reservation for Use and Benefit of Aboriginal Inhabitants, with vesting and power to lease	Yurabi Location 85	3610/990
Reservation for "Repeater Station Site" with vesting	Yelina Location 10	2691/990



Proposal	Land	DOLA File
Reservation for "Repeater Station Site" with vesting	Nabberu Location 54	2686/990
Vesting with power to lease, 21 years	Reserve 26073 Corrigin Lot 391	486/922
Crown Grant in Trust	Reserve 39565	2359/986

GEORGE CASH, Minister for Lands.

**LA402**

**LOCAL GOVERNMENT ACT 1960**  
**DECLARATION OF PUBLIC STREETS**  
**ORDERS OF THE MINISTER FOR LANDS**  
 Made under Section 288

At the request of the local governments nominated, each piece of land specified in the Schedule is now declared to be absolutely dedicated as a public street.

Schedule

1. City of Canning (DOLA File 1386/1993). Road No. 18566 (Rivermoor Loop) (Extension). The whole of the land shown bordered green and comprised in Office of Titles Diagram 85300. Public Plan BG34(2) 16.15.
2. Town of Claremont (DOLA File 1583/993). Road No. 18629 (Franklin Street). All that portion of land marked road widening as shown on Office of Titles Diagram 84699. Public Plan: BG34(2) 8.21.
3. Shire of Serpentine-Jarrahdale (DOLA File 430/994). Road No. 147 (Karnup Road). The whole of the Serpentine Lot 111 as shown bordered green on Crown Survey Diagram 59476. Public Plan: Serpentine Townsite.

A. A. SKINNER, Chief Executive,  
 Department of Land Administration.

**LA403**

**LOCAL GOVERNMENT ACT 1960**  
**DECLARATION OF CLOSURE OF STREET**  
 Made by the Minister for Lands Under Section 288A

At the request of the local government nominated, the streets described in the Notice are now declared to be closed.

Notice

City of Belmont (DOLA File 2579/1992; Closure No. B1340).  
 All that portion of Belmont Avenue and Keane Street now comprised in Office of Titles Diagram 86067.  
 Public Plan: BG34(2) 18.23.

A. A. SKINNER, Chief Executive,  
 Department of Land Administration.

**LA404**

**LAND ACT 1933**  
**NAMING OF ROADS**

It is hereby notified for general information that His Excellency the Governor has been pleased to approve under section 10 of the "Land Act 1933" of the Naming of the following—

*Shire of Mullewa*

DOLA File No. 1619/983.  
 SYNAN Road as coloured black on page 38.

*Shire of Swan*

DOLA File No. 1711/955.  
 LLOYD Street as coloured black on pages 406 and 407.  
 GARTRELL Street as coloured yellow on page 408.

A. A. SKINNER, Chief Executive.

LA405

**LAND ACT 1933****Declaration That Part 1A Does Not Apply**

Department of Land Administration.

I declare under section 27H of the Land Act 1933 that Part 1A of the Act does not apply to the following proposals affecting the land specified.

PROPOSAL	LAND	DOLA FILE
Sale—Section 118CA	Part of Lot 10, being Part of the land in Certificate of Title Vol 1204 Fol 272, as coloured orange at page 4 of DOLA file 2610/993.	2610/993
Sale—Section 29(2)	Reserve 35596—Swan Location 9863.	2528/978
Issue of a lease under Section 117	Portion of Boulder Lot 4487	1596/991

GEORGE CASH, Minister for Lands.

LB901

File No. 2612/1993.

**LOCAL GOVERNMENT ACT 1960****PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND**

"A" Class Reserve—Conservation of Flora and Fauna and Passive Recreation—City of Stirling  
The Minister for Works hereby gives notice in accordance with the provisions of section 17 (2) of the Public Works Act 1902 (as amended) that it is intended to take or resume under section 17 (1) of that Act, the piece or parcel of land described in the Schedule hereto, and being in the Swan District, for the purpose of the following public work, namely, "A" Class Reserve 39962—Conservation of Flora and Fauna and Passive Recreation—City of Stirling and that the said piece of parcel of land marked off on Plan L.A., W.A. 1023 which may be inspected at the office of the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

## Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Matrix Corporation Pty Ltd	Matrix Corporation Pty Ltd	Portion of Swan Location 564 and being part of Lot 6 on diagram 15478 being part of the land contained in Certificate of Title Volume 1132 Folio 412	201 m <sup>2</sup>

Dated this 8th day of February 1994.

GEORGE CASH, Minister for Lands.

LB902

File No. 2303/1993.

**LOCAL GOVERNMENT ACT 1960****PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND****Drainage Compensation Basis—Shire of Swan**

The Minister for Works hereby gives notice in accordance with the provisions of section 17 (2) of the Public Works Act 1902 (as amended) that it is intended to take or resume under section 17 (1) of that Act, the pieces or parcels of land described in the Schedule hereto, and being all in the Helena District, for the purpose of the following public work, namely, Drainage Compensating Basis—Shire of Swan and that the said pieces of parcels of land are marked off on Plan L.A., W.A. 1022 which may be inspected at the office of the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

## Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
David Norman Jones and Anita Dzintra Jones	D. N. and A. D. Jones	Portion of Helena Location 20A and being part of Lot 137 on Plan 4553 (Sheet 2) and portion of the land on Plan 7475 (Sheet 3) being the whole of the land contained in Certificate of Title Volume 1797 Folio 193	2.5767 ha

Dated this 8th day of February 1994.

GEORGE CASH, Minister for Lands.

## LOCAL GOVERNMENT

### LG301

#### LOCAL GOVERNMENT ACT 1960

##### SHIRE OF BRUCE ROCK (WARD REPRESENTATION) ORDER No. 1, 1994

Made by His Excellency the Governor under the provisions of sections 10 and 20 of the *Local Government Act 1960*.

#### Citation

1. This Order may be cited as the *Shire of Bruce Rock (Ward Representation) Order No. 1, 1994*.

#### Reduction in the Number of Offices of Councillor for a Ward

2. Immediately prior to 7 May, 1994 the number of offices of councillor for the Town Ward shall be reduced from 5 to 4.

#### Increase in the Number of Offices of Councillor for a Ward

3. On and from 7 May, 1994 the number of offices of councillor for the Central Ward shall be increased from 1 to 2.

#### Elections to be Held

4. An election to fill the additional office of councillor for the Central Ward shall be held on 7 May, 1994.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

### LG302

#### LOCAL GOVERNMENT ACT 1960

##### *The Municipality of the Shire of Dumbleyung*

##### By-law relating to Standing Order

In pursuance of the power conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 20th day of February 1992, to amend the abovementioned published in the *Government Gazette* on 23rd July 1962 and to make and submit for confirmation by the Governor the following by-laws.

1. Delete subclause 10(i) to (xii) and substitute—

- “ (i) Opening and announcements by the President without discussion.  
(ii) Confirmation of Minutes.  
(iii) Business Arising from Minutes.  
(iv) Finance.  
(v) Reports—Officers.  
(vi) Reports—Committee/Delegates.  
(vii) Correspondence.  
(viii) Motion of which previous notice has been given.  
(ix) General Business. ”

## 2. Delete clause 12 and substitute—

“ 12. The pasting or otherwise permanent affixing of the minutes to the leaves of a book shall be sufficient recording of the minutes in the Minute Book and the reading of the minutes of the previous meeting at the next ordinary meeting may be dispensed with when members have been supplied with copies of those minutes at least 3 days before that next meeting.

12A. The minutes of any preceding meeting, whether of an ordinary or a special meeting, not previously confirmed, shall be submitted as the first business at a meeting of the Council in order to proceed to their confirmation, and discussion, other than discussion as to their accuracy as a record of the proceedings shall not be permitted, and when confirmed, the minutes shall thereupon be signed by the President in accordance with section 188 of the Act. ”

## 3. Delete clause 13 and substitute—

“ 13(1) Any Councillor desiring to ask a question on matters of a detailed nature at any meeting of the Council shall give notice to the Clerk at least four hours before the hour fixed for the commencement of the meeting.

(2) Council officers at the meeting shall answer to the best of their ability questions put to them by the meeting. ”

4. In clause 16 delete the words “being not less than three” and insert “ delivered to Councillors not less than seven ” in subclause (1) and delete subclause (2) and (3) and substitute with—

“ (2) Every motion relating to the constitution of the municipality or the Council must be in the form of a notice of motion and shall comply with Clause 16(1).

(3) The President shall rule out of order any motion which does not comply with subclause (2) of this clause. ”

## 5. In clause 18—

1. delete subclause 2(a) & 2(b)

2. delete “hyphen” following “memorial” in clause 18(2)

3. insert after “memorial”, “ before the President who may refer the memorial to the relevant Committee or comply with clause 18(3). ”

6. In subclause 20(1) delete the words “rise and.”

## 7. Delete subclause 51(2) and substitute—

“ 51(2) Where there is an equal division of votes upon any question the matter shall be decided in the negative. ”

8. In clause 67 delete the text beginning with the words “be resumed” and ending “so interrupted” and substitute “ be placed before the next meeting. ”

9. In clause 81 delete the text after the words “moved other than” and substitute “ by an absolute majority vote of the Council. ”

10. In clause 84 delete the text after the words “duly made and seconded” and substitute “ and passed by Council ”.

## 11. In clause 87 delete subclause (2) and substitute—

“ (2) Upon a division being called for a Councillor shall not be permitted to leave the chamber, until after the division has been taken. ”

## 12. In clause 88 insert in subclause (1) the following paragraph—

“ (c) Staff Appointment Committee ”

Delete subclause 88(2) and substitute—

“ (2) Each Standing Committee shall be appointed in terms of Section 179 of the Act. ”

Delete subclause 88(5).

13. In the first line of paragraph 89(1)(a) delete the words “the oversight of” and substitute with “ recommendations to Council on matters pertaining to ”.

In the first line of paragraph 89(1)(b) delete the words “the oversight of” and substitute with “ recommendation to Council on matters pertaining to ”.

Delete subclause 89(2) and substitute—

“ (c) Staff Appointment Committee, recommendation to Council on matters pertaining to—

(1) The appointment of all persons employed by Council. ”

14. Delete subclause 90(5).  
 15. Insert the following clause—  
 “ 100. Minutes of Council Meeting are to be distributed to Councillors within seven days after the meeting has been held. ”

Dated this 12th day of November 1993.

R. W. WRIGHT, President.  
 C. J. PEPPER, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency, the Governor in Executive Council the 15th day of February 1994.

D. G. BLIGHT, Clerk of Council.

**LG303**

**LOCAL GOVERNMENT ACT 1960**

*The Municipality of the Shire of Moora*

By-laws Relating to Verandahs and Removal thereof

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the Shire of Moora hereby records having resolved on the 21st July, 1993 to submit to the Governor the following by-laws—

1. The By-laws Relating to Verandahs and Removal thereof published in the *Government Gazette* 4th June, 1970, is hereby repealed.

Dated this 2nd day of November 1993.

The Common Seal of the Shire of Moora was affixed hereto in the presence of—

C. W. ADAMS, President.  
 J. N. WARNE, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 15th day of February 1994.

D. G. BLIGHT, Clerk of the Council.

**LG304**

**LOCAL GOVERNMENT ACT 1960**

SHIRE OF MOORA (WARD REPRESENTATION) ORDER No. 1, 1994

Made by His Excellency the Governor under the provisions of sections 10 and 20 of the *Local Government Act 1960*.

**Citation**

1. This Order may be cited as the *Shire of Moora (Ward Representation) Order No. 1, 1994*.

**Reduction in the Number of Offices of Councillor for a Ward**

2. Immediately prior to 7 May, 1994 the number of offices of councillor for the Central Ward shall be reduced from 6 to 5.

**Increase in the Number of Offices of Councillor for a Ward**

3. On and from 7 May, 1994 the number of offices of councillor for the Bindi Bindi Ward shall be increased from 1 to 2.

**Elections to be Held**

4. An election to fill the additional office of councillor for the Bindi Bindi Ward shall be held on 7 May, 1994.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

LG305

**LOCAL GOVERNMENT ACT 1960****SHIRE OF NGAANYATJARRAKU (REDESCRIPTION OF DISTRICT BOUNDARIES)  
ORDER 1994**

Made by His Excellency the Governor under the provisions of section 12 (3a) (d) of the *Local Government Act 1960*.

**Citation**

1. This Order may be cited as the *Shire of Ngaanyatjarraku (Redescription of District Boundaries) Order 1994*.

**Revocation of Previous Order**

2. That part of the *Shire of Wiluna and Shire of Ngaanyatjarraku Order 1993*, published in the *Government Gazette* of February 5, 1993, which deals with the description of the district boundaries of the Shire of Ngaanyatjarraku, is hereby revoked.

**Redescription of District Boundaries**

3. The boundaries of the district of the Shire of Ngaanyatjarraku shall be as designated and described in the Schedule to this Order.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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**Schedule**

All that portion of land bounded by lines starting from the intersection of 124 degrees 40 minutes East Longitude with 23 degrees 26 minutes 30 seconds South Latitude (Tropic of Capricorn) and extending east to 129 degrees East Longitude (Eastern Boundary of the State of Western Australia); thence south to a point situated east of the southernmost northeastern corner of Yelina Location 4; thence west to 124 degrees 40 minutes East Longitude and thence north to the starting point.

Area: Approximately 159 948 Km<sup>2</sup>.

LG306

**LOCAL GOVERNMENT ACT 1960****SHIRE OF NORTHAMPTON (VALUATION AND RATING) ORDER No. 1, 1994**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

**Citation**

1. This Order may be cited as the *Shire of Northampton (Valuation and Rating) Order No. 1, 1994*.

**Commencement**

2. This Order shall take effect on and from 1 July, 1994.

**Revocation of Previous Order**

3. The *Shire of Northampton (Valuation and Rating) Order 1982* published in the *Government Gazette* of 3 December, 1982 on page 4744 is hereby revoked.

**Authorisation to Use Gross Rental Value**

4. The Council of the Shire of Northampton is hereby authorised to use valuations on gross rental values for the purpose of rating the townsites of Kalbarri, Northampton, Horrocks, Binnu, Gregory and Isseka.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

**LG401**

*Shire of Gingin*

Appointment of Ranger/Authorised By-laws Officer

It is hereby notified for public information that Michael Joseph O'Loughlin has been appointed as a Temporary Ranger for the Shire of Gingin as from 14 February 1994, and, as such, is authorised to administer and enforce the Dog Act 1976, Bush Fires Act 1954, Control of Vehicles (Off Road Areas) Act, Litter Act 1979 and Council's By-laws. The previous appointment of Mervyn Neil Stonehouse is hereby cancelled.

A. W. HORTIN, Shire Clerk.

**LG402**

**LOCAL GOVERNMENT ACT 1960**

*City of Gosnells*

Rating Exemption

Department of Local Government,  
Perth, 15 February 1994.

LG: GS 5-6.

It is hereby notified for public information that His Excellency the Governor acting pursuant to section 532 (10) of the Local Government Act 1960, has declared exempt from Municipal Rates the land described as being portion of Canning Location 16 and being Lot 625 on L.T.O. Plan 2569 which is owned by Amaroo Cottages (Inc).

JOHN LYNCH, Executive Director,  
Department of Local Government.

**LG403**

**LOCAL GOVERNMENT ACT 1960**

*City of Canning*

Closure of Private Street

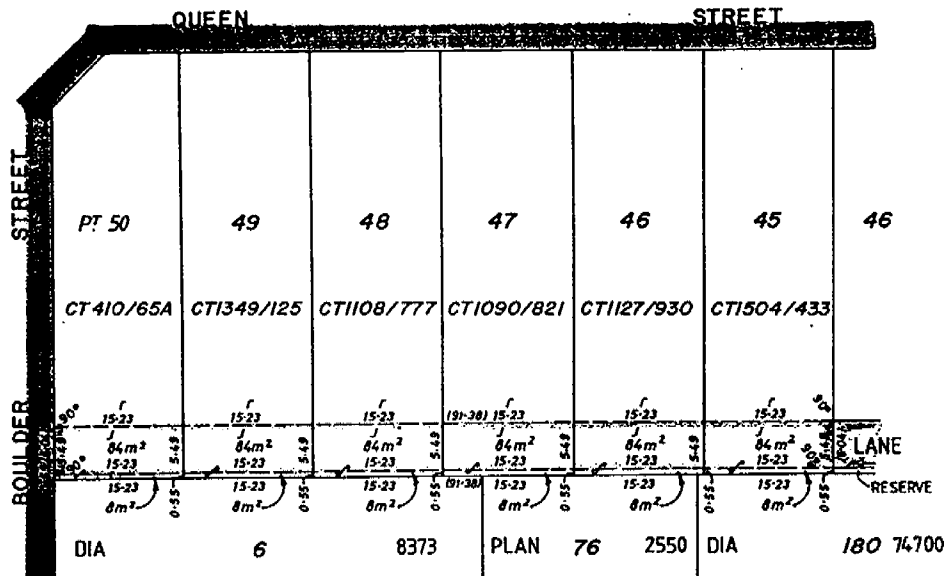
Department of Local Government,  
Perth, 15 February 1994.

LG: CI 4-12.

It is hereby notified for public information that the notice published in the *Government Gazette* of 26 November 1993 on page 6363 is hereby revoked; and that His Excellency the Governor has approved under the provisions of section 297A of the Local Government Act 1960, the resolution passed by the City of Canning that the private street which is described as being portion of Canning Location 2, being portion of the land coloured brown and marked "LANE" on Plan 2279(2) and being portion of the land contained in Certificate of Title Vol 1786 Fol 353 be closed, and the land contained therein be amalgamated with adjoining Lots 45-50 Queen Street, Bentley, was shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government.

Schedule  
Diagram No. 85378



**LG901****LOCAL GOVERNMENT ACT 1960***Shire of Denmark***NOTICE OF INTENTION TO BORROW**

Proposed Loan (No. 108) of \$30 000

Pursuant to section 610 of the Local Government Act 1960, the Council of the Shire of Denmark hereby gives notice of its proposal to borrow by the sale of Debentures on the following terms and for the following purpose—

\$30 000 for a period of ten (10) years at the current rate of interest repayable at the office of the Shire of Denmark in equal half yearly instalments of principal and interest with review every four years.

*Purpose*—Building improvements and extensions to the Denmark Country Club. The payment of principal and interest being met in full by the Denmark Country Club (Inc.)

Plans, specifications and estimates as required by section 609 of the Local Government Act are available for inspection at the office of the Council during normal office hours for a period of 35 days after publication of this notice.

D. MORRELL, President.  
P. DURTANOVICH, Shire Clerk.

**MAIN ROADS****MA401****PUBLIC WORKS ACT 1902****SALE OF LAND**

MRWA 41-1948-2VB.

Notice is hereby given that His Excellency the Governor has authorised under section 29 (7) (a) (ii) of the Public Works Act 1902 the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

**Land**

Portion of Swan Location 1748 and being part of Lot 11 on Diagram 62596 and being part of the land comprised in Certificate of Title Volume 1671 Folio 768 as is more particularly shown delineated and coloured green on Plan MR 93-108.

Dated this 16th day of February 1994.

D. R. WARNER, Director Corporate Services.

**MINERALS AND ENERGY****MN401****PETROLEUM ACT 1967****Notice of Grant of Exploration Permit**

Exploration Permit EP 386 has been granted to Amity Oil NL of 2nd Floor, 33 Ord Street, West Perth WA 6005, to have effect for a period of five years from 30 December 1993.

KEITH ROBERT GAMMIE, Acting Director Petroleum Division.

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE****OA401****OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984****SECTION 57—CODE OF PRACTICE****Notice of Approval**

I, the undersigned Minister for Labour Relations, being the Minister charged with the administration of the Occupational Health, Safety and Welfare Act, acting in exercise of the power conferred upon me by section 57 (4) of the said Act, do hereby approve for public information a Code of Practice for the Safe Use of Ethylene Oxide in Sterilisation/Fumigation Processes.

GRAHAM KIERATH, Minister for Labour Relations.





**PD403****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Belmont*

Town Planning Scheme No. 11—Amendment No. 61

Ref: 853/2/15/10 Pt. 61.

Notice is hereby given that the City of Belmont has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning lots 5, 6, 7, 8, 9 & 10 bounded by Belmont Avenue, Alexander Road and Robinson Avenue from "Industrial" to "Business Enterprise".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 5, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 5, 1994.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

B. R. GENONI, Town Clerk.

**PD404****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Bunbury*

Town Planning Scheme No. 6—Amendment No. 154

Ref: 853/6/2/9 Pt. 154.

Notice is hereby given that the City of Bunbury has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning portion of Pt Wellington Locations 11, 15, 16 and 38 from "Rural" to "Light Industrial".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Stephen Street, Bunbury, and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 5, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 5, 1994.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

G. P. BRENNAN, Town Clerk.

**PD405****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 100

Ref: 853/5/4/5 Pt. 100.

Notice is hereby given that the Shire of Albany has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lot 401 La Perouse Court, Frenchman Bay from "Rural" Zone to "Special Residential" Zone and "Parks and Recreation (Non Restricted)" Reserve as shown on the Amending Map.
2. introducing into Schedule 4—Special Residential Zone, provisions relating to Area 3: Lot 401 La Perouse Court, Frenchman Bay.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany, and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including May 19, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before May 19, 1994.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

W. F. SCHEGGIA, Shire Clerk.

PD406

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Shire of Dandaragan*

Town Planning Scheme No. 6—Amendment No. 9

Ref: 853/3/6/7 Pt. 9.

Notice is hereby given that the Shire of Dandaragan has prepared the abovementioned scheme amendment for the purpose of:

1. adding a new clause 4.6 to read as follows:

**“4.6 Jurien Industrial Area—Building Setbacks**

Within the Industry Zone located at Jurien, those lots situated east of and fronting Carmella Street, being Lots 920 to 917 (inclusive), 650 to 652 (inclusive), 654, 665, 664, 656 and 657 shall be permitted to have a nil rear boundary building setback.”

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Dandaragan Road, Dandaragan and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including April 5, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 5, 1994.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

B. J. GOLDING, Shire Clerk.

PD407

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Shire of Manjimup*

Town Planning Scheme No. 2—Amendment No. 50

Ref: 853/6/14/20, Pt. 50.

Notice is hereby given that the Shire of Manjimup has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lot 4 of Nelson Locations 6224 and 1611, Part Nelson Location 6223 and 1277 South West Highway from ‘Rural’ to ‘Special Rural’; and
2. incorporating Special Provisions controlling the development of land within the zone within Appendix 1 of the Scheme.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 36 Rose Street, Manjimup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 5 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 5 April 1994.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

M. RIGOLL, Shire Clerk.

PD408

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Town of Bassendean*

Town Planning Scheme No. 3—Amendment No. 48

Ref: 853/2/13/3, Pt. 48.

Notice is hereby given that the Town of Bassendean has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lots 7, 8 and 9 Guildford Road, Bassendean from ‘Service Station’ to ‘Group Residential R35’.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 48 Old Perth Road, Bassendean and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 5 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 5 April 1994.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

S. SMITH, Town Clerk.

PD702

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME**  
*City of Canning*  
 Town Planning Scheme No. 40

Ref: 853/2/16/44.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Canning Town Planning Scheme No. 40 on 15 February 1994—the Scheme Text of which is published as a Schedule annexed hereto.

M. S. LEKIAS, Mayor.  
 I. F. KINNER, Town Clerk.

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## PART I—PRELIMINARY

### 1.1 CITATION

This Town Planning Scheme may be cited as the City of Canning Town Planning Scheme No. 40—City Zoning Scheme, (hereinafter called “the Scheme”) and shall come into operation on the publication of the Scheme and notice of the Minister’s final approval thereto in the *Government Gazette*.

### 1.2 ARRANGEMENT OF SCHEME

The Scheme Text is divided into Parts as follows:

## PART I—PRELIMINARY

1.1	Citation
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### 1.3 RESPONSIBLE AUTHORITY

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

### 1.4 SCHEME AREA

The Scheme shall apply to the whole of the municipal district of the Council (hereinafter called "the City") as identified and contained within the inner edge of a broken black line on the Scheme Map.

### 1.5 RELATIONSHIP TO THE METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended from time to time, shall continue to have effect within the City. The authority responsible for implementing the Metropolitan Region Scheme is the State Planning Commission (hereinafter called "the Commission").

### 1.6 REVOCATION

The City of Canning Town Planning Scheme No. 16, published in the *Government Gazette* of 16th October, 1973, and all amendments thereto are hereby revoked.

### 1.7. MAPS

The following maps form part of the Scheme, but are not published in the *Government Gazette*. The maps are available for inspection at the municipal offices of the Council.

#### Maps

Scheme Map (Sheets 1-10 inclusive)  
Supplementary Map

### 1.8. GENERAL OBJECTS

The general objects of the Scheme are:

- (a) To zone and classify the land within the City for the purposes described in the Scheme so as to promote the orderly and proper development of land, and make suitable provisions for the use of land within the City;
- (b) To secure the amenity, health and convenience of the City and the inhabitants thereof;
- (c) To set aside land used or to be secured for use as reserves for public purposes;
- (d) To make provision for the conservation and enhancement of places of cultural heritage significance; and
- (e) To make provision for other matters incidental to town planning and land use.

### 1.9 RELATIONSHIP OF SCHEME TO CODE AND REGULATIONS AND OTHER SCHEMES

1.9.1 The provisions of the Scheme shall have effect notwithstanding any by-law, regulation or order for the time being in force in the City including the Building Regulations 1989, the Local Government (Buildings) Order 1989, the Building Regulations Order 1989 and the Town Planning (Buildings) Uniform General By-laws 1989; and where the provisions of the Scheme are inconsistent with the provisions of any by-law, regulation or order including those herein before referred to, the provisions of the Scheme shall prevail.

1.9.2 This Scheme is intended to operate in conjunction with the development schemes presently and in the future operating within the City.

### 1.10 RELATIONSHIP OF SCHEME TO STATUTES

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

### 1.11 INTERPRETATION

#### 1.11.1 Tables and Appendices

The Tables and Appendices form part of the Scheme.

### 1.11.2 Headings

The headings of Parts form part of the Scheme, but the Table of Contents and headings of clauses, subclauses and paragraphs are intended for reference purposes only and do not form part of nor affect the construction of the Scheme.

### 1.11.3 Definitions

- (a) Words and expressions used in the Scheme and defined in Appendix 1 have the meanings assigned to them in Appendix 1.
- (b) Words and expressions used in the Scheme but not defined in Appendix 1 have the meanings assigned to them in and for the purposes of the Act or the Residential Planning Codes, unless the context otherwise requires or unless it is otherwise provided herein.
- (c) References to the Scheme include any amendments thereto.

## PART II—GENERAL PROVISIONS

### 2.1 RESERVATIONS

Subject to subclause 2.1.3, the reservations within the City shall be as set out in the Tables in this clause.

TABLE 1A  
REGIONAL RESERVATIONS

Parks and Recreation  
Controlled Access Highways  
Other Major Highways  
Important Regional Roads  
Railways  
Public Purposes  
Waterways

TABLE 1B  
LOCAL AUTHORITY RESERVATIONS

Local Park and Recreation Area  
Public Purposes  
Civic & Cultural Areas  
Primary Distributor Road  
District A Distributor Road  
District B Distributor Road  
Local Distributor Road

The said Reservations are delineated and coloured on the Scheme Maps according to the legend appended thereto.

#### 2.1.1 Regional Reservations

Any land shown as "Regional Reservations" on the Scheme Maps is land reserved by the Commission pursuant to the Metropolitan Region Scheme and is shown on the Scheme Maps in order to comply with the *Metropolitan Region Town Planning Scheme Act 1959*. The said land is not reserved by this Scheme and compensation for injurious affection shall not be payable by the Council in respect of a Regional Reservation.

#### 2.1.2 Development and Use of Regional Reservations

2.1.2.1 The Council may not approve the commencement or carrying on of any use or development on a Regional Reservation within the City but shall refer any application for such approval to the Commission or Swan River Trust as appropriate for determination.

2.1.2.2 The only approval required to commence or carry out a development on a Regional Reservation is that required by the Metropolitan Region Scheme. Any such application shall be submitted to the Council in triplicate on the form prescribed by the Metropolitan Region Scheme for such applications together with such plans and other information as the Council reasonably requires, or as the Commission or Swan River Trust from time to time prescribes.

#### 2.1.3 Local Authority Reservations

The lands shown as Local Authority Reservations on the Scheme Maps and Supplementary Map (hereinafter called "Local Authority Reservations") are lands reserved by the Scheme for Local Authority purposes or for the purposes shown on the said maps.

#### 2.1.4 Uses of Local Authority Reservations

Any Local Authority Reservation not owned by or vested in the Council may be used:

- (a) for the purpose for which the land is reserved under this Scheme;
- (b) where such land is owned or vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

- (c) for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land in the meantime has been acquired by or is vested in a public authority, or unless such use has been changed with the approval of the Council; or
- (d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;

but shall not be used otherwise for any other purpose.

The use of any Local Authority Reservation which is not owned by or has not been vested in the Council shall not be changed without the approval in writing of the Council unless the proposed new use is a public work exempted from the requirement of development approval by s.32 of the Act.

#### 2.1.5 Prohibition of Certain Work on Local Authority Reservations

Except as otherwise provided in this clause no person shall on any land comprising or forming part of a Local Authority Reservation commence or carry out any development without first applying for and obtaining the approval in writing of the Council and, without affecting the generality of the foregoing, no person shall without such approval:

- (a) demolish or damage any building work or thing forming part of, affixed to or growing from the reserved land;
- (b) remove or damage any tree on the reserved land;
- (c) excavate, spoil or waste any part of the reserved land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved; or
- (d) construct, extend or alter any building or structure, except a boundary fence of a kind defined or accepted by the Council as a sufficient fence in the relevant locality.

The provisions of this subclause shall not in any way limit or affect the interpretation or application of the general provisions of the Scheme relating to developments and applications for development approval in so far as they affect land zoned under the Scheme, and where any land is partly zoned under the Scheme and partly included in a Local Authority Reservation, then the general provisions of the Scheme shall apply to the part which is zoned.

#### 2.1.6 Right to Grant Approval or Refusal

2.1.6.1 Any application for Development Approval on any land or the portion of any land included in a Local Authority Reservation shall be made in the form prescribed by the Metropolitan Region Scheme for Applications for Approval to Commence Development and/or Appendix 3.

2.1.6.2 The Council may on an application for Development Approval by an owner of land any part of which is included in a Local Authority Reservation, either refuse its approval, or grant its approval without conditions or with such conditions as it thinks fit.

2.1.6.3 Where an application for Development Approval involves land part of which is zoned under this Scheme and part of which is included in a Local Authority Reservation, the Council may, where the circumstances permit, give one decision in respect of the part of the development on land which is zoned and a different decision in respect of the part of the land included in the Local Authority Reservation.

#### 2.1.7 Dealing with Applications

The general provisions in clause 2.3 and elsewhere in the Scheme relating to developments and applications for Development Approval shall, insofar as they are not inconsistent with the provisions of this clause, apply to Local Authority Reservations.

#### 2.1.8 Regard for Ultimate Purpose

In considering whether or not to give its approval to the development of any land comprising or forming part of a Local Authority Reservation, the Council shall have regard to the ultimate purpose intended for the Reservation and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its approval.

#### 2.1.9 Development Standards on Reserved Land

Where the Council considers the development of any Local Authority Reservation by any person, the Council shall to the extent that it is reasonable to do so apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.

#### 2.1.10 Power to Deal with Reserved Land

Where Council has acquired land for a Local Authority Reservation or the land is reserved under the Scheme as Local Authority Reservation and is in Council ownership, the Council shall not enter into any lease or licence or resolve to dispose of the land for a purpose inconsistent with the purpose for which the land was acquired or is reserved unless that use or purpose is permitted by the Scheme.

### 2.1.11 Compensation

2.1.11.1 Where the Council refuses planning consent for the development of land indentified as a local reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, or grants consent 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.

2.1.11.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.

2.1.11.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

## 2.2 ZONES—EFFECT AND PROCEDURES

### 2.2.1 Classification

Land, other than land reserved under clause 2.1, is classified into zones as set out hereunder and shall be distributed as shown on the Scheme Map.

TABLE 2

#### ZONES

##### Canning City Centre Zones

City Centre  
City Centre Deferred

##### Residential Zones

Residential  
Special Residential/Kennels

##### Industrial Zones

Mixed Business  
General Industry  
Light Industry

##### Commercial Zones

Shopping  
Commercial  
Highway Commercial  
Industrial Service  
Service Station

##### Rural Zones

Rural  
Special Rural

##### Other Zones

Private Clubs and Institutions

The said zones are delineated and coloured on the Scheme Map according to the legend appended thereto.

### 2.2.2 Zoning Table

The Zoning Table (Table 3) indicates, subject to the provisions of the Scheme, the permissibility of uses in the various zones.

The symbol indicating the permissibility of any use is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones on the top of the Zoning Table.

### 2.2.3 Symbols

(a) The symbols used in the cross reference in the Zoning Table referred to in subclause 2.2.2 and in the appendices 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;

“SA” means that the use is not permitted unless approval is granted by the Council and the Council has followed the procedures required by paragraph 2.3.7.1 and, where applicable, had regard to the provisions of subclause 2.3.8.

“IP” means that the use is not permitted unless it is determined by the Council to be incidental to a use determined by the Council to be the predominant use and is approved as such by the Council.

- (b) Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table, a use of the class shall be prohibited in that zone.
- (c) 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.

#### 2.2.4 Uses Not Listed

If a particular use is not mentioned in the list of use classes in the Zoning Table or is not included by reference in the definition of any of the use classes in the Zoning Table, such use shall be deemed to be a prohibited use.

#### 2.2.5 Additional Uses

2.2.5.1 If the Council considers that any use should be permitted or permissible on any land which under the Zoning Table is not permitted or permissible in the zone applicable to that land, without amending the zone of the land or the permissibility designations for the relevant use class in the relevant zone in the Zoning Table, the Council may initiate an amendment to the Scheme to indicate that the use is permitted or permissible as an additional use on that land and such land is to be included in Appendix 5 to the Scheme.

2.2.5.2 If the Council resolves under paragraph 2.2.5.1 that a use should be permitted or permissible on any land as an additional use, the Council shall to the extent that it is reasonable to do so, apply or impose the minimum development standards and requirements which would be imposed for development in the zone within which the land is situated, in addition to any requirements or restrictions relevant to the additional use which may be set out in Appendix 5 hereto.

2.2.5.3 The insertion of a general condition applying to a use in Appendix 5 in respect of any land shall not limit the power of the Council to impose further conditions on any approval to commence or carry out development on that land, and the conditions in Appendix 5 shall be enforceable in the same manner as conditions imposed on an approval.

2.2.5.4 If in respect of any land the Council considers that use which under the Zoning Table would be permitted or permissible on that land should have a different permissibility designation, or should be permitted or permissible only subject to restrictions or conditions, then the Council may stipulate the different permissibility designation restrictions or conditions for that land in Appendix 5.

2.2.5.5 To use or permit or cause to be used any land contrary to the provisions of Appendix 5 is a contravention of this Scheme.

2.2.5.6 Appendix 5 being part of the Scheme, additions or changes shall only be made to the Appendix by the normal procedures for a Scheme Amendment.

### 2.3 DEVELOPMENT AND USE OF LAND

#### 2.3.1 Application for Development Approval

2.3.1.1 The Council's approval to commence development, carry on development or carry out development (in this Scheme, referred to as "Development Approval") is required for any development on or partly on any land zoned or reserved under the Scheme except those referred to in paragraph 2.3.1.3, and with those exceptions no person shall commence or carry out any development unless the Council's approval has first been obtained.

2.3.1.2 Any application for Development Approval shall be made on or in accordance with the form prescribed in Appendix 3. The application shall be submitted to the Council in triplicate together with such plans and other information as the Council reasonably requires.

2.3.1.3 The Council's prior Development Approval on land zoned by the Scheme is not required if the development consists of:

- (a) the erection on a lot of a single house which will be the only building on that lot and where a single dwelling house is a permitted ("P") use in the Zone in which that lot is situated; or
- (b) the carrying out of any works on, in, or under a street or road by a public authority acting pursuant to the provisions of any Statute.

2.3.1.4 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:

- (a) the variation requested is one which the Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the R-Codes.

2.3.1.5 Notwithstanding that any development by reason of the preceding paragraph does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the *Metropolitan Region Town Planning Scheme Act 1959* if the land the subject of the application is wholly or partly:

- (a) affected by a gazetted notice of a resolution by the Commission under Clause 32 of the Metropolitan Region Scheme;
- (b) within an area duly declared by the Commission to be a planning control area pursuant to Section 35C of the Metropolitan Region Town Planning Scheme Act; or
- (c) affected by *State Planning Commission Act 1985* Notice of Development Control Delegation under the Metropolitan Region Scheme as published in *Government Gazette* on 2nd December 1992 and 25th May 1993.

2.3.1.6 Notwithstanding that any development by reason of the provisions of paragraph 2.3.1.3 does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Swan River Trust for determination in accordance with the *Swan River Trust Act 1988* if the land the subject of the application is wholly within the management area of the Swan River Trust.

### 2.3.2 Application for Approval of Use

2.3.2.1 For the purpose of this Scheme the commencement, carrying out or change of a use on land shall be a development notwithstanding that it does not involve the carrying out of any building or other works.

2.3.2.2 If an application for Development Approval involves the carrying out of building or other work on land, the approval by the Council of the application shall unless the Council stipulates otherwise in its approval, be an approval also of the commencement and carrying out of any use of the land:

- (a) which is specifically proposed and referred to in the application; or
- (b) which is normally associated with and follows as the most usual consequence of the carrying out or completion of the building or other work.

### 2.3.3 Dealing with Applications Received

2.3.3.1 An application for Development Approval on land which is wholly within a Regional Reservation shall be referred by the Council to the Commission or Swan River Trust as appropriate for determination and no separate determination of the application shall be made by the Council.

2.3.3.2 Subject to the provisions of the next succeeding paragraph, an application for Development Approval on land which is wholly zoned or reserved by the Scheme shall be determined by the Council in accordance with the provisions of the Scheme and the Metropolitan Region Scheme.

2.3.3.3 An application for Development Approval on land which is wholly zoned or reserved by the Scheme but which is—

- (a) affected by a gazetted notice of a resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;
- (b) within an area duly declared by the Commission to be a planning control area pursuant to Section 35C of the Metropolitan Region Town Planning Scheme Act; or
- (c) affected by *State Planning Commission Act 1985* Notice of Development Control Delegation under the Metropolitan Region Scheme as published in *Government Gazette* on 2nd December 1992 and 25th May 1993.

shall be dealt with by the Council as follows:

- (i) one copy of the application and supporting papers shall be submitted by the Council to the Commission within 7 days of receipt of that application for determination by the Commission pursuant to the provisions of the Metropolitan Region Scheme or the *Metropolitan Region Town Planning Scheme Act 1959*;
- (ii) the Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme; and
- (iii) the Council shall, as soon as practicable, forward to the Commission its recommendation as to the manner in which the matter should be determined.

2.3.3.4 If the Council receives an application for Development Approval on land which is partly within a Regional Reservation and partly zoned or reserved by the Scheme then:

- (a) the Council shall retain one copy of the application and refer the other copy to the Commission within 7 days for determination of the application pursuant to the Metropolitan Region Scheme;
- (b) if it is reasonable in the circumstances for the Council to make a determination as to the part of the proposed development which is on the land zoned or reserved by the Scheme, then the Council shall deal with that part of the application in accordance with paragraphs 2.3.3.2 and 2.3.3.3 but where appropriate the Council may express any approval it gives to be subject to the approval of the Commission;

- (c) if it is not reasonable in the circumstances for the Council to make a determination as to the part of the development which is on the land zoned or reserved by the Scheme the Council may delay its determination of the application as to that part until the determination of the Commission is made known to it.

#### 2.3.4 Referral to Other Authorities

The Council may if it so desires, before determining any application consult with any other statutory, public or planning authority and with any other party it deems fit.

#### 2.3.5 Deemed Approval and Deemed Refusal

2.3.5.1 Notwithstanding the provisions of Item (d) of paragraph 2.3.9.1 an application which by the terms of the Scheme is required to be determined by the Council shall be deemed to have been refused where a decision determining the application has not been conveyed to the applicant by the Council within 60 days of the Council's receipt of the application or within such further time as may be agreed in writing between the applicant and the Council.

2.3.5.2 Subject to the provisions of the Metropolitan Region Scheme, if in respect of any proposal to commence or carry out development the Council is required to deal with an application under this Scheme and also an application under the Metropolitan Region Scheme by virtue of an authority delegated to it under the provisions of the *Metropolitan Region Town Planning Scheme Act 1959*, unless it stipulates a contrary intention, the decision conveyed to the applicant shall be its decision both under the Metropolitan Region Scheme and under this Scheme.

#### 2.3.6 Dealing with "P", "AA", "IP" and Not Permitted Uses

2.3.6.1 "P" Uses—If an application under this Scheme for Development Approval involves a "P" use, the Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the Council may in its discretion impose conditions upon the Development Approval and if the application proposes or necessarily involves any building or other work the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

2.3.6.2 "AA" Uses—The Council in exercising its discretion as to the approval or refusal of an application for Development Approval, shall have regard to the provisions of subclause 2.3.8.

2.3.6.3 "IP" Uses—The decision of the Council:

- (a) identifying the predominant use of any land; and
- (b) as to whether any use is incidental to the predominant use;

is a factual decision to be made upon the Council's assessment of the circumstances of any case. Having determined that the use involved in an application for Development Approval is properly an "IP" use, the Council shall deal with the application in accordance with the provisions of paragraph 2.3.6.1 as if the use involved was a "P" use.

2.3.6.4 Not Permitted Uses—The Council shall refuse to approve of so much of any development which involves a use which is not permitted.

#### 2.3.7 Dealing with "SA" Uses

##### 2.3.7.1 "SA" Uses

Before approving a development involving an "SA" use, the Council shall do any one or more of the following:

- (a) cause to be advertised one or more times in a newspaper circulating in the City notice of the Council's intention to consider the application for the proposed use and any such advertisement shall state that submissions may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice;
- (b) use any other methods or media to ensure widespread notice of the proposal; or
- (c) give notice to ratepayers and/or occupiers likely to be affected by the granting of the approval. Such notice shall be in writing supplying at least the information referred to in item (a) of this paragraph, and allowing a like time after receipt of the notice for submissions to be lodged with the Council.

##### 2.3.7.2 Consideration of Submissions on "SA" Uses

Council shall not make a decision to approve a development involving an "SA" use until after the latest date for submissions stated in any notice given or published pursuant to paragraph 2.3.7.1, and until after the Council has considered each submission lodged in accordance with the notice.

##### 2.3.7.3 Expenses

In the event that the Council undertakes responsibility for any notice or advertising pursuant to paragraph 2.3.7.1 then Council may require that any expenses incurred by the Council be advanced or reimbursed by the applicant to the Council, whether or not the application is approved.

#### 2.3.8 Matters to be Considered when Council Exercises Discretion

2.3.8.1 The Council when considering an application for Development Approval shall where its discretionary power permits have due regard to the following:

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;



- (b) any relevant submissions by the applicant; and
- (c) any planning policy adopted in accordance with Clause 2.7.12.

2.3.8.2 The Council when considering an application for Development Approval may have due regard to the following:

- (a) any policy adopted by the Council but not published or otherwise made available to the public by means additional to its inclusion in the Council's Minutes, prior to the receipt by the Council of the application under consideration;
- (b) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;
- (c) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;
- (d) the comments or wishes of any public or municipal authority;
- (e) the comments or wishes of any objectors to or supporters of the application;
- (f) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (g) any other matter which in the opinion of the Council is relevant.

2.3.8.3 In addition to the matters referred to in the preceding paragraphs of this subclause, the Council when considering whether or not to approve an "SA" or an "AA" use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding paragraphs of this subclause):

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;
- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building, the view from the building and any possible interruption of the existing view from other buildings or land in the locality;
- (c) the nature of the roads giving access to the subject land;
- (d) the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;
- (e) any relevant submissions received by the Council;
- (f) the provisions of the Albany Highway Policy Plan (draft or otherwise) in connection with any development fronting or in the near vicinity of Albany Highway; and
- (g) such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.

### 2.3.9 Power to Determine Applications for Development Approval

2.3.9.1 The Council having regard to the appropriateness of any proposed development may make any of the following decisions:

- (a) to refuse to grant its approval;
- (b) to grant approval without conditions;
- (c) to grant approval subject to such conditions and requirements as it deems fit; or
- (d) to defer consideration or determination of the application to a later meeting if in the Council's view additional information for, or more detailed investigation of, the proposal is required.

2.3.9.2 If the Council resolves to defer consideration or determination of an application then from the date of that decision time shall cease to run for the purpose of a deemed refusal. However the Council shall give notice of any deferral to the applicant within fourteen (14) days of its decision to defer and if the applicant thereafter requests the Council in writing to proceed with its consideration or determination of the application, from the time the Council receives that request the time for the Council's determination shall continue to run for the purpose of calculating the time for a deemed refusal. After a request to proceed, the Council shall not again resolve to defer consideration of that application.

2.3.9.3 Without limiting the generality of the preceding paragraph, if in the opinion of the Council the nature or circumstances of an applicant for Development Approval or of a proposed occupier, or any assurance undertaking or representation by the applicant or the proposed occupier, makes it likely that a proposed use would in some way be less detrimental to amenity or orderly and proper planning than if the use was to be carried on by others, the Council may, if it resolves to approve the application having regard to those special circumstances:

- (a) grant an approval limited in duration to the occupation or use of the premises by a particular person or body; or
- (b) otherwise limit the duration of the approval; or
- (c) impose appropriate conditions aimed at ensuring that the use does not continue if the special circumstances cease to exist or are significantly modified or compromised; or
- (d) impose conditions which come into operation on the change of occupation and which are aimed at protecting amenity and orderly and proper planning.

2.3.9.4 Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a development approval which—

- (a) if not commenced, substantially commenced, or completed as the case may be within the period of time specified in the Approval shall cease to be valid; or
- (b) permits the use and/or other development of land to occur for a limited period of time specified in the Approval, after the expiration of which period the use and/or other development shall cease and unless otherwise stipulated by the Council the site shall be restored to the condition existing at the time when the Approval was given, unless a further Approval has been sought and obtained.

2.3.9.5 The Council shall convey its decision to an applicant by way of the form prescribed under the Metropolitan Region Scheme for such purpose or by a similar form adopted or prescribed by the Council for the purpose.

2.3.9.6 If the Council in exercising any discretion is required by the Scheme or by any other written law to have due regard to any matter or thing, it shall be deemed to have had due regard to such matter or thing unless the contrary is expressly stated in the Minutes of the relevant Council Meeting or the document communicating the determination for decision to the applicant, or is otherwise proved. In any event, due regard to the matter or thing by the responsible Committee of the Council shall be sufficient compliance.

#### 2.3.10 Compliance with Conditions

2.3.10.1 If the Council, or the Minister or the Town Planning Appeal Tribunal on appeal from a decision of the Council, or any other decision-making authority exercising relevant power, grants its approval of any development subject to conditions, no person shall use any land or building affected by the conditions or suffer or permit them to be used, or otherwise commence or carry out or suffer or permit the commencement or carrying out of any development on land otherwise than in accordance with the conditions.

2.3.10.2 If the Council grants its approval subject to conditions, and any of the conditions is not fulfilled or complied with within the time (if any) stipulated by the Council in its approval, or stipulated subsequently on not less than 28 days' written notice to the owner of the subject land, the Council may in addition to any other remedies available to it, revoke its approval.

2.3.10.3 In any case where the Council revokes its approval of a development, it shall not issue a notice pursuant to section 10 subsection (1) of the Act until after the expiration of 60 days from the date of the revocation, or until after the determination of any appeal against the revocation, commenced within the 60 day period.

#### 2.3.11. Approvals on Appeal

In any case where an approval of a development is given by the Minister or the Town Planning Appeal Tribunal on appeal from the Council, or where a condition is imposed by the Minister or the Tribunal, then that approval and/or any such conditions shall be deemed for the purpose of enforcement to have been imposed by the Council under this Scheme and may be enforced by the Council as such.

#### 2.3.12 Approval of Existing Developments

2.3.12.1 The Council may give approval of a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

2.3.12.2 The application to the Council for approval under paragraph 2.3.12.1 shall be made on the form provided for an application for Development Approval or on such other form as the Council provides from time to time.

2.3.12.3 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this paragraph it is permissible under the Scheme.

2.3.12.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

### 2.4 NON-CONFORMING USES

#### 2.4.1 Existing Use Rights

2.4.1.1 No provision of the Scheme shall prevent—

- (a) the continued use of any land or building for the purpose for which it was being used at the time of the coming into force of the Scheme if that use was lawfully carried on under the provisions of the City's Town Planning Scheme No. 16 and/or enjoyed non-conforming use rights under that Scheme; or
- (b) the carrying out on any land of a development in respect of which there was in existence at the time of the coming into operation of this Scheme, a valid planning consent issued under Town Planning Scheme No. 16.

2.4.1.2 Any development carried out pursuant to item 2.4.1.1(b) shall be substantially commenced or completed as the case may be within the time stipulated in the Approval or such extended time as the Council in writing permits. Any such Approval or conditions applying thereto shall be complied with and may be enforced by the Council as if it had been given or imposed under this Scheme.

2.4.1.3 If this Scheme is amended, unless the amendment specifically provides to the contrary, a use carried on prior to the amendment on any land shall not be rendered unlawful by the amendment, and planning consent given before the amendment shall be valid and continue to be valid for the time stipulated in the consent even if it would be invalid or illegal under the Scheme as amended.

#### 2.4.2 Restrictions on Non-Conforming Uses

2.4.2.1 If at the Gazettal date or the date any relevant amendment to the Scheme is published in the *Government Gazette* ("the relevant date") the use of any land or building is a non-conforming use, that use may continue, subject to the following restrictions:

- (a) the non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which it was carried on at the relevant date;
- (b) if after the relevant date a lot or lots upon which a non-conforming use was carried on prior to the relevant date is or are subdivided, then after the relevant date the non-conforming use shall not be extended to any subdivisional lot comprising land on which the non-conforming use was not previously carried on;
- (c) if the buildings in which the non-conforming use is carried on are wholly within one lot only, then such buildings shall not be extended beyond the limits of that lot; and
- (d) if the building or buildings in which the non-conforming use is carried on are on more than one lot, such non-conforming use shall be restricted to the land on which the building stands or the buildings stand and such land which is adjacent to the building or buildings and not being used for any other purpose authorized by the Scheme as is reasonably required for the purpose for which the building or buildings is or are being used.

2.4.2.2 Nothing in this subclause shall be taken to excuse any person from complying with the provisions in other clauses of this Part relating to applications for and approvals of uses and proposals to commence development of any land.

2.4.2.3 An application for Development Approval involving the extension of a non-conforming use shall, without affecting the generality of the provisions in this clause, be dealt with by the Council as if it involved an "AA" use, and in accordance with the provisions of the Scheme relating to determination of applications for "AA" uses.

#### 2.4.3 Non-Conforming Uses and Reserved Lands

Notwithstanding that a non-conforming use exists on land reserved by this Scheme, nevertheless any person wishing to extend vary or add to the existing use or seeking to commence or carry out any development on the land shall comply with the provisions of this Part relating to use of and development on Local Authority Reservations.

#### 2.4.4 Extension to Buildings

2.4.4.1 Where on land zoned by the Scheme a non-conforming use exists or was authorized as described in subclause 2.4.1, and provided that all necessary Development Approvals and a building licence are first obtained, buildings may be extended to the limits prescribed by the Building Code or by any other regulation or bylaw under the Act or the *Local Government Act 1960*, or by the Act or by the Scheme, for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the coming into force of the Scheme.

2.4.4.2 In dealing with an application for approval of or to commence a development involving a building extension authorized under the preceding paragraph, the Council shall apply the provisions of subclause 2.3.8. The Council shall not be liable to pay compensation for injurious affection by reason of the fact that it refuses an application for reasons related to orderly and proper planning and preservation of amenity.

2.4.4.3 Nothing in this subclause shall be taken to excuse any person from complying with the provisions in other clauses of this Part relating to applications for and approvals of uses and proposals to commence development of any land.

#### 2.4.5 Change of Non-Conforming Uses

2.4.5.1 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 which would not otherwise be permissible if the proposed use is less detrimental to the amenity of the neighbourhood than the existing use and is closer to the intended uses of the zone.

2.4.5.2 The decisions of the Council as to:

- (a) whether a proposed use is less detrimental to the amenity of the neighbourhood than the existing use; and

(b) whether the proposed use is closer to the intended uses of the zone than the existing use; are factual decisions to be made upon the Council's assessment of the circumstances of the case and are not intended to circumvent the rezoning process.

#### 2.4.6 Discontinuance of Non-Conforming Uses

2.4.6.1 Notwithstanding the preceding provisions of this clause except where a change of non-conforming use has been permitted by the Council under subclause 2.4.5, when a non-conforming use of any land or building has been discontinued for a period exceeding six months such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

2.4.6.2 Where the building or land affected by the provisions of this paragraph is a strata unit or lot in a strata scheme and any other strata unit or lot in the strata scheme continues to be used for the same or another approved non-conforming purpose, then the provisions of this paragraph shall not apply to the building or land.

2.4.6.3 Notwithstanding the provisions of subclause 2.4.1, should any building in or on which a non-conforming use has been carried on, be so damaged or destroyed that the cost of restoration or replacement is greater than 75 per cent of the value of such building immediately prior to the damage to or destruction thereof, then the land shall be used only in conformity with the provisions of the Scheme.

2.4.6.4. The Council may, for the purpose of discontinuing any particular non-conforming use, subject to the Act 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.

#### 2.4.7 Conditions of Approval

When the Council grants its approval to change the use of any land from one non-conforming use to another use which would not otherwise be permissible it may grant such approval with or without conditions and may limit the time for which the approval remains valid prior to completion or substantial commencement of the development.

#### 2.4.8 Register of Non-Conforming Uses

2.4.8.1 Any person carrying on a non-conforming use who wishes to establish his non-conforming use right shall within six calendar months of the Gazettal date, or within such extended time as the Council may allow, give to the Council in writing full information of the nature, extent and duration of the non-conforming use.

2.4.8.2 The Council shall establish and maintain a Register of such non-conforming uses. If a particular non-conforming use is not entered in the Register within six months of the Gazettal date, the Council may at a later time enter that use in the Register upon application being made to it and upon the applicant demonstrating to the satisfaction of the Council that:

- (a) the use was a lawful conforming or non-conforming use under the Council's Town Planning Scheme No. 16 immediately prior to the revocation of that scheme; and
- (b) there is a reasonable explanation for the failure to record the non-conforming use in the Register within six months of the Gazettal date.

2.4.8.3 The Council shall note in the Register any change to or discontinuance of a non-conforming use.

2.4.8.4 For the purpose of the registration of a non-conforming use in the Register the Council shall determine the nature of the use and the appropriate use class as a factual decision based upon the Council's assessment of the evidence before it at the time of making the determination.

## 2.5 CONTROL OF ADVERTISEMENTS

### 2.5.1 Objectives

The objectives of the provisions for control of advertisements are:

- (a) To ensure that the visual quality and character of particular localities and transport corridors are not eroded;
- (b) To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;
- (c) To minimize the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (d) To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- (e) To reduce and minimize clutter; and
- (f) To promote a high standard of design and presentation in outdoor advertising.

## 2.5.2 Power to Control Advertisements

2.5.2.1 For the purpose of this Scheme and subject to subclause 2.5.5, the erection for that purpose and placement or display of any advertisement and the use of any land or building or the continuance of any advertisement is development requiring, except as otherwise provided, the prior Development Approval of the Council. Such Development Approval is required in addition to any licence pursuant to Council's Signs, Hoardings and Bill Posting By-laws.

2.5.2.2 Applications for Council's Development Approval shall be submitted in accordance with the provisions of this Scheme and shall be accompanied by a completed Additional Information Sheet in the form specified by Advice Note No. 2 of 1990 as contained in Appendix 8 giving details of the advertisement(s) to be erected, placed or displayed on the land.

## 2.5.3 Existing Advertisements

Advertisements which:

- (a) Were lawfully erected, placed or displayed prior to the Gazettal date of this Scheme; or
- (b) Are erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the Gazettal date (hereinafter in this Part referred to as "existing advertisements") may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

## 2.5.4 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for Development Approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of this clause and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and effect on traffic safety.

## 2.5.5 Exemptions from the Requirement to Obtain Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of subclause 2.5.2, the Council's prior Development Approval is not required in respect of any advertisement other than those proposed on properties within the Canning Regional Centre, signs referred to in subclause 2.5.6 or signs associated with any place of environmental or cultural significance declared pursuant to clause 2.6 of the Scheme.

## 2.5.6 Advertising Signs Located along Albany Highway

2.5.6.1 Where a sign is proposed to be erected on land having a frontage to Albany Highway, development approval by the Council is required if:

- (a) the erection of the sign would result in there being more than one free-standing sign on any lot, or more than one free-standing sign for every forty metres of highway frontage on any lot; or
- (b) the total area of signage exceeds 1 square metre for every 1 metre of highway frontage.

2.5.6.2 When considering an application referred to in the preceding paragraph, the Council may permit the increase of signage area to not more than 1.5 square metres for every metre of frontage to Albany Highway, but any such increase shall be determined on the application of the criteria identified in any relevant Council policy relating to signs.

## 2.5.7 Discontinuance

Notwithstanding the objectives of this clause and the provisions of subclause 2.5.6, where in the opinion of the Council an exempted or existing advertisement seriously conflicts with the objectives of this clause, it may by notice in writing require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

## 2.5.8 Derelict or Poorly-Maintained Signs

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of this clause or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing, require the advertiser to:

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- (b) remove the advertisement.

## 2.5.9 Notices

2.5.9.1 The "advertiser" shall be interpreted as any one person or any group comprised of the owner, occupier, licensee or other person having interest in or drawing benefit from the display of the advertisement concerned.

2.5.9.2 Any notice served pursuant to subclauses 2.5.7 and 2.5.8 shall be served upon the advertiser and shall specify:

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser.

2.5.9.3 Any person upon whom a notice is served pursuant to this clause may within a period of 28 days from the date of the notice appeal to the Minister or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 2.5.10 Scheme to Prevail

Where the provisions of this clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-laws, the provisions of the Scheme shall prevail.

#### 2.5.11 Enforcement and Penalties

The offences and penalties provisions referred to in subclause 2.7.9 of the Scheme apply to the advertiser in this clause.

### 2.6 CONSERVATION AND PRESERVATION

#### 2.6.1 Appendix 4 Places and Objects

##### 2.6.1.1 Appendix 4 contains details of:

- (a) those places and objects within the City which the Council has classified as deserving preservation by reason of their cultural heritage significance or other scientific interest;
- (b) natural beauties of the area which ought to be considered, including places of the kind referred to in cl.11 of the First Schedule of the Act;
- (c) particular trees, trees of a particular species, trees of a particular height or girth or both, or trees belonging to a particular group of trees which the Council considers ought to be preserved, and for the purpose of these provisions the word "trees" includes shrubs or other perennial plants of the species specified in the decision or declaration of the Council.

##### 2.6.1.2 If the Council considers at any time that:

- (a) a place or object has cultural heritage significance or other scientific interest such that it ought to be preserved; or
- (b) a natural beauty of the area ought to be conserved; or
- (c) a particular tree or trees, trees of a particular species, trees of a particular height or girth or both, or trees belonging to a particular group of trees, ought to be preserved;

the Council may classify the place or object, or the natural beauty, or the tree or trees accordingly, and shall add details thereof to Appendix 4 by amendment to the Scheme.

2.6.1.3 If the Council at any time considers that any Appendix 4 place or object (including any natural beauty or any tree or trees) should no longer be subject to the provisions of this clause the Council may initiate an amendment to the Scheme for the deletion of the place or object from Appendix 4.

#### 2.6.2 Written Consent of the Council

2.6.2.1 Notwithstanding any other provisions of the Scheme to the contrary, the approval of the Council is required for the following development on or in relation to any Appendix 4 place or object, namely:

- (a) the clearing, excavation or filling of any land;
- (b) the felling, removal, killing or causing of irreparable damage to any tree;
- (c) the erection of any fence;
- (d) the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building; or
- (e) the alteration or removal of any building or object or part thereof.

2.6.2.2 In any event the Council shall not give Development Approval for any land classified in Appendix 4 or any other place to which the *Heritage of Western Australia Act 1990* applies (other than a place already entered into the Register under that Act) unless advice is sought from the Heritage Council and a response is either not forthcoming within 30 days from the date of the Council's request or a confirmation received that Development Approval may be given without the need for the additional assessment procedures under the *Heritage of Western Australia Act 1990* being imposed.

#### 2.6.3 Purchase or Resumption

The Council may purchase or, subject to the Act, compulsorily acquire all or part of any parcel of land on which any Appendix 4 place or object is situated, as in the opinion of the Council is necessary for its preservation, or which the Council considers necessary for the conservation of the natural beauties of an area, for the preservation of any particular tree or trees and without limiting the generality of the foregoing for the preservation of any place or object of cultural heritage significance or other scientific interest.

#### 2.6.4 Agreements

The Council may:

- (a) enter into agreements with the owners or occupiers of land on which any Appendix 4 place or object is situated for the purpose of ensuring its preservation or conservation; or
- (b) enter into agreements with the Heritage Council, the National Trust of Australia (Western Australia), the Royal Western Australian Historical Society (Incorporated) or any State or Commonwealth government authority or other body in Western Australia, for the preservation or conservation of any Appendix 4 place or object.

### 2.7 GENERAL AND ADMINISTRATIVE PROVISIONS

#### 2.7.1 General Obligations

Subject to the provisions of the Act and all regulations made thereunder and to clause 2.4 of the Scheme, no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or commence or permit the commencement of any other development which—

- (a) does not conform with the Scheme; or
- (b) being a use or other development which requires the approval of the Council, or the Commission and/or the Swan River Trust, does not have such approval or approvals; or
- (c) does not comply with the terms of any approval or any condition attached thereto.

#### 2.7.2 Acquisition of Land

The Council may acquire by purchase or compulsory acquisition any land or buildings within the Scheme Area and for such purpose may enter into agreements and arrangements with any owner of land within the Scheme Area and the Council may at any time exercise its powers conferred upon it by Section 13 of the Act.

#### 2.7.3 Disposal of Land

The Council may deal with or dispose of any land 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 thinks fit, and for such purpose may make such agreements with other owners and parties as it thinks fit.

#### 2.7.4 Entry to Premises

The Council, by an authorized officer, may enter at all reasonable times any building or land within the Scheme Area for the purpose of ascertaining whether the provisions of the Scheme are being observed.

#### 2.7.5 Notices

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 liquidated demand or debt in such Court of civil jurisdiction as is competent to deal with the amount of the claim.

#### 2.7.6 Agreements

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

#### 2.7.7 Compensation

Unless otherwise provided in the Scheme claims pursuant to Section 11 of the Act for compensation for injurious affection by reason of the Scheme shall be made not later than 6 months from the date on which notice of approval of the Scheme is published in the *Government Gazette*.

#### 2.7.8 Rights of Appeal

Should an applicant or an owner of land the subject of an application be aggrieved by a decision of the Council exercising a discretionary power under the Scheme the applicant or the owner may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

#### 2.7.9 Arbitration

Council may agree to any dispute or difference or other matter arising out of the Scheme to be referred to and determined by arbitration, notwithstanding any other method of resolution of the dispute, difference or matter may be available.

### 2.7.10 Offences

Subject to the Act and to any Regulations made thereunder and to the provisions of the Scheme a person who:

- (a) uses for a purpose a building which does not conform with a standard or requirement of the Scheme relating to buildings used for such purpose and that use is not carried on pursuant to any non-conforming use right under this Scheme; or
- (b) erects, alters or adds to any building or carries out any other development or uses any land contrary to the provisions of the Scheme or contrary to the terms of any approval issued by the Council, Commission or Swan River Trust or conditions attached to such approval; or
- (c) does or omits to do any act and in so doing contravenes the Scheme; or
- (d) permits or causes any such erection, alteration, addition, development, use, act or omission to be made or done;

shall be considered to have contravened or failed to comply with the provisions of the Scheme for the purpose of the proceedings for an offence under Section 10(4) of the Act, or any other proceedings in respect of that contravention or failure to comply.

### 2.7.11 Delegation

2.7.11.1 The Council may, either generally or in a particular case by resolution passed by an absolute majority of the Council, delegate to an officer or officers of the Council the authority to deal with an application for Development Approval made under this Scheme.

2.7.11.2 The delegation of authority made by the Council pursuant to the preceding paragraph hereof shall have effect for the period of 12 months following the resolution, unless the Council stipulates a lesser or greater period in the resolution.

2.7.11.3 A delegation of authority pursuant to the provisions of this subclause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power. The performance of a function by a delegate under paragraph 2.7.11.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

2.7.11.4 Without affecting the generality of the provisions of this paragraph where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider or have due regard to any matter, then that requirement shall be satisfied if a Committee or person exercising delegated authority in respect of that power performs the function.

2.7.11.5 A resolution to revoke or amend a delegation under this subclause does not require an absolute majority.

2.7.11.6 The relevant officer or officers exercising the power delegated pursuant to the provisions of this subclause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

### 2.7.12 Power to Make Policies

2.7.12.1 In order to achieve the objectives of the Scheme, the Council may make planning policies relating to the whole or any part of the Scheme area and relating to one or more of the aspects of the control of development.

2.7.12.2 A planning policy shall become operative only after the following procedures have been completed:

- (a) The Council having prepared and having resolved to adopt a draft planning policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council concerning the policy.
- (b) The Council shall review its draft planning policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.
- (c) Following final adoption of a planning policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

2.7.12.3 A planning policy may only be altered or rescinded by:

- (a) Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.



(b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

2.7.12.4 A planning policy shall not bind the Council in respect of any application for development approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

2.7.12.5 If prior to the coming into operation of this Scheme the Council has adopted a policy by procedures substantially complying with the provisions of this subclause, then the Council after the coming into operation of this Scheme may by resolution adopt that policy and without further formality that policy shall apply according to its tenor as if it was adopted pursuant to the power provided in the preceding paragraphs of this subclause.

2.7.13 Advisory Committees

2.7.13.1 The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme subject to such terms of reference, procedures and conditions of office as it thinks fit.

2.7.13.2 An Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

2.7.13.3 In the event that a member of an Advisory Committee is also a Councillor, that member shall not discuss or vote on any matter before the Committee in which that member has pecuniary interest.

2.7.13.4 When dealing with any matter involving an application for Development Approval or when considering a Structure Plan or when dealing with any other matter involving a development proposal, the Council shall have due regard to any relevant recommendation of any Advisory Committee.

ZONING TABLE—TABLE 3

- |                               |                        |                                    |
|-------------------------------|------------------------|------------------------------------|
| 1. City Centre                | 6. Light Industry      | 11. Industrial Service             |
| 2. City Centre Deferred       | 7. General Industry    | 12. Service Station                |
| 3. Residential                | 8. Shopping            | 13. Rural                          |
| 4. Special Residential/Kennel | 9. Commercial          | 14. Special Rural                  |
| 5. Mixed Business             | 10. Highway Commercial | 15. Private Clubs and Institutions |

Use Classes	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Single House	AA	AA	P	P									P	P	
Grouped Dwelling	AA	AA	AA												
Multiple Dwelling	AA		AA												
Ancillary Accommodation	AA		P	P									P	P	
Single Bedroom Dwelling	AA	AA	AA												
Caretaker's Dwelling	IP				IP	IP	IP	IP	IP	IP	IP			IP	
Caravan Park								SA	SA	SA			AA		
Aged and Dependent Persons' Dwelling	AA		AA					AA					AA		AA
Retirement Village	AA		SA										SA		AA
Residential Building	AA		AA	SA									SA	SA	SA
Community Building	SA		SA										SA		SA
Home Occupation	AA		AA	AA									AA	AA	
Cottage Industry	AA		SA	SA									AA	SA	
Recreational Vehicle	AA		AA	AA									AA	AA	
Construction															
Display Home Centre	AA		AA											AA	
Home Store	AA		SA	SA									SA	SA	
Child Day Care Centre	AA		SA		SA			AA	SA				SA		AA
Educational Establishment	AA		SA		AA	AA	AA	AA	AA	AA		AA	SA	SA	
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	SA	P	P
Public Worship	AA		SA										SA		AA
Community Purpose	AA		SA	AA	AA	AA	AA	AA	AA	AA	AA		AA	SA	AA
Public Exhibition	AA		SA	SA	AA			AA	AA	SA			AA	SA	AA
Public Amusement	AA			SA	SA			AA	AA	SA	AA				AA
Club Premises	AA			SA	SA			AA	AA	SA	AA				AA
Mixed Development	AA	AA						AA	AA						
Office	AA				IP	IP	IP	P	AA	IP	AA				IP
Medical Consulting Rooms	AA		SA	SA									SA	SA	
Health Centre	AA				AA	AA	AA	AA	AA	AA	AA				AA
Veterinary Clinic	AA		SA	SA	AA	AA			AA	AA			AA	SA	
Veterinary Hospital	AA			SA		AA							AA	SA	
Funeral Parlour	AA				SA	SA			SA	SA					

ZONING TABLE—TABLE 3—continued

Use Classes	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Retail Establishment	AA								AA						
Shop	AA				IP	IP	IP	P	IP	IP	AA	IP			
Stall	AA	AA			AA	AA	AA	AA	AA	AA					
Market	AA				SA	SA	SA	SA	SA	SA	SA				
Auction Mart	AA				AA	AA	AA	AA	AA						
Restricted Premise	AA				SA	SA	SA	SA	SA	SA	SA				
Restaurant	AA				SA			P	AA	SA	AA				
Take-Away Food Outlet	AA				SA			AA	AA	SA	AA				
Lunch Bar	AA				AA	AA	AA	AA	AA		AA				
Canteen	IP				IP	IP	IP	IP	IP	IP					IP
Special Facilities	AA				SA	SA		AA	AA	SA	AA				AA
Reception Lodge	AA				SA			AA	AA	SA					AA
Night Club/Tavern	AA				SA	SA	SA								
Hotel	AA							SA	SA	SA					
Motel	AA							SA	SA	SA					
Showroom	AA				P	P	P	P	P	P	P				
Warehouse	AA				P	P	P	P	P	P	P				
Plant Nursery	AA				AA	AA	AA	P	AA	AA	AA		P		
Vehicle Sales Premises	AA				AA	AA	AA		AA	AA	AA				
Service Industry	AA				P	P	P	AA	AA	AA	P				
Light Industry					AA	P	P	IP	IP						
General Industry							P								
Noxious Industry							SA								
Hazardous Industry							SA								
Extractive Industry							SA						SA		
Factory Tenement Building	AA				AA	P	P								
Spray Painting (Non-Automotive)	AA				SA	SA	AA								
Trade Display	AA				AA	AA	AA	AA	AA	AA	AA	AA			
Open Air Display	AA				AA	AA	AA		AA	AA	AA				
Contractor's Yard	AA				AA	AA	P								
Storage Yard	AA				AA	AA	P		AA	AA					
Salvage Yard					SA	SA	AA								
Fuel Depot	AA				SA	SA	AA								
Milk Depot	AA				AA	AA	AA		AA	AA	AA		AA		
Transport Depot	AA				SA	SA	AA								
Vehicle Wrecking							AA								
Vehicle Workshop	AA				SA	SA	AA		IP	IP		SA			
Mechanical Repair Station	AA				AA	AA	AA		SA	SA		AA			
Service Station	AA											P			
Amenity Building	AA				IP	IP	IP	IP	IP	IP	IP	IP		IP	IP
Car Park	AA				AA	AA	AA	AA	AA	AA	AA				AA
Radio & TV Installation	AA		AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
Rural Industry														AA	
Rural Pursuit														AA	
Stable					IP									P	P
Stock Holding and Saleyards														AA	
Cattery					IP										
Kennels					IP										
Occasional Uses	AA				AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA

### PART III—GENERAL BUILDING AND DEVELOPMENT STANDARDS AND GENERAL OFF-STREET PARKING REQUIREMENTS

#### 3.1 GENERAL BUILDING AND DEVELOPMENT STANDARDS

##### 3.1.1 Specific Application to City

Subject to the provisions of this Scheme, no person shall develop any land or use any building for any purpose within the City unless such development or building is in accordance with the provisions of the Scheme and the requirements and standards set out in this Text.

##### 3.1.2 Requirements Not Readily Determined by Text

Where in the circumstances of a particular case a requirement or standard cannot readily be determined from a consideration of this Text and there is no applicable requirement or standard in the Building Code of Australia or the Building Regulations 1989, the Local Government (Buildings) Order 1989, the Town Planning (Buildings) Uniform General By-laws 1989 or any other

by-laws or local laws, such requirement or standard shall be determined by the Council. In making such a determination the Council shall have regard to any study or policy relevant to the area or the development in question and may have regard to any other matter relevant to amenity and orderly and proper planning.

### 3.1.3 Traffic Entrances

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

### 3.1.4 Connection to Reticulated Sewerage System

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

3.1.4.2 If no sewer is available, development in excess of a single house is not permitted unless such development complies with the requirements of the Government Sewerage Policy.

3.1.4.3 The Council may refuse to permit the erection of any grouped or multiple dwelling units in any zone unless such dwelling units are connected to a reticulated sewerage system.

### 3.1.5 General Appearance of Building and Preservation of Amenity

The Council may refuse to approve the commencement or carrying out of any development involving any building or other work if, in its opinion, the proposed building or other work would have an adverse effect on the amenity of the locality. In exercising its discretion under this clause, the Council shall apply the provisions of subclause 2.3.8 insofar as they are applicable, and in addition shall have regard to:

- (a) the external appearance of the building and any associated structures and landscaping;
- (b) the design of all sides of the building where applicable, particularly those visible from a public road;
- (c) the dimensions and proportions of the building or structure;
- (d) the use of compatible building and landscape materials, taking into consideration tone, texture, scale, shape and colour;
- (e) the effect on existing or future buildings on nearby properties, and on the occupants of these buildings;
- (f) the environment resulting from the building itself and the effect of that environment on the occupants of the building and the Council's intentions for the development of the surrounding locality;
- (g) the effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;
- (h) the effect on the landscape and environment generally; and
- (i) any other matter which in the opinion of the Council is relevant to the amenity of the locality.

### 3.1.6 Setbacks to Roads to be Widened

Subject to any requirement of the Commission, in the case of a development on land abutting a road reserved under the Metropolitan Region Scheme which is proposed to be widened, where a proposed development has a frontage to that road, any building comprised in such development shall be set back from the street alignment of the road as if the road had been widened as proposed unless determined otherwise by the Council or the Commission as appropriate.

### 3.1.7 Requirements under Development Schemes

Where land contained in the Scheme area of one of the City's gazetted Development Schemes is:

- (a) given dual residential coding; or
- (b) rezoned

under this Scheme, and the provisions of the Development Scheme impose a requirement of payment of a money contribution or performance of some other obligation, the land shall not be developed under the new zoning otherwise than for residential development in accordance with the standards applicable to the lower coding under this Scheme, unless and until arrangements satisfactory to the Council have been made to comply with the requirements for payment of the money contribution or to comply with any other obligation under the Development Scheme.

## 3.2 GENERAL OFF-STREET PARKING REQUIREMENTS

### 3.2.1 Application of Clause

This clause shall apply to all developments within the City with the exception of developments to which the Residential Planning Codes apply.

### 3.2.2 Consideration of Applications Requiring Off-Street Parking

In considering any application for approval to commence development to which this clause applies, the Council shall ensure that the standards and requirements set out in the ensuing subclauses of this clause are complied with and where there is any variation from those standards and requirements subject to subclause 3.1.2 the Council shall either refuse to approve the development or shall impose conditions on its approval requiring compliance with the standards and requirements.

### 3.2.3 Parking Spaces to be Off-Street

For the purposes of this clause and subject to the provisions of subclause 3.2.8 parking spaces required by the Scheme to be provided in relation to any development shall be off-street and subject further to the provisions of subclause 3.2.5 shall be provided on the land on which the development is proposed.

### 3.2.4 General Requirements for Off-Street Parking

The following general requirements shall apply when off-street parking is required:

- (a) no building or land the subject of an application for approval to commence development shall be occupied until all required parking and loading facilities have been provided to the satisfaction of the Council;
- (b) when the use of any land or building is changed to a use which under the Scheme requires a greater number of parking spaces, additional parking spaces shall, unless otherwise approved by the Council, be provided to meet the new requirements;
- (c) when a development on any land is enlarged, additional parking spaces to meet the requirements of this clause shall be provided in respect of the enlarged portion only;
- (d) any off-street parking or loading facility which is permitted but not required by this Scheme, shall comply with the standards herein governing the location, design, improvement and operation of such facilities;
- (e) all permitted or required parking and loading facilities shall be provided on the same site as the building or use served, except where Council considers off-site location to be appropriate due to varying physical and economic conditions;
- (f) parking facilities shall not be used for the storage of:
  - (i) vehicles for sale;
  - (ii) recreational vehicles; or
  - (iii) commercial vehicles, trucks or trailers (unless the parking facilities used to store such commercial vehicles, trucks or trailers are in excess of the minimum requirement);nor shall parking facilities be used for the repair of vehicles;
- (g) if the Scheme does not specify the number of parking spaces required in respect of any particular use, then the number of parking spaces to be provided shall be fixed by the Council having regard to other relevant uses, if any;
- (h) where land is set aside as an off-street parking area no buildings or structures shall be erected, placed or allowed to remain on such land unless they are solely to accommodate parked vehicles. If part of a parking area is not immediately required for parking the Council may approve its use temporarily for open storage, lawns and gardens or trade display provided that such use does not contravene any other provision of this Scheme.

### 3.2.5 Joint Use of Parking Facilities

3.2.5.1 Parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this subclause.

3.2.5.2 If there is a deficiency in the number of parking spaces provided to serve any building or use, the Council may permit the parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces provided that the peak hours of operation of the buildings or uses so sharing are different and do not substantially overlap.

3.2.5.3 The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the Council, such arrangements are deemed necessary to improve design or amenity.

3.2.5.4 The following requirements shall be complied with by any person seeking to take advantage of the provisions of this subclause:

- (a) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
- (b) the number of parking spaces which may be credited from one building or use to another building or use shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first building or use during its off-peak hours of operation; and

- (c) the Council may require an agreement to be prepared by a solicitor at the expense of the person seeking to take advantage of the provisions of this subclause, detailing the relevant issues of the joint usage, and executed by all parties concerned. Any such agreement shall be capable of operating as an easement, an easement in gross and/or a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that where the easement or restriction is made expressly in favour of an adjacent landowner other than the City, that the restraint cannot be removed without the consent of the Council upon the Council being satisfied that the joint use of parking facilities is no longer required.

### 3.2.6 Design Requirements for Off-Street Parking

The design requirements for off-street parking areas are set out in Appendix 2.

### 3.2.7 Units of Measurement

The units of measurement for calculating the number of required parking spaces shall be interpreted as follows:

- (a) when the unit of measurement is based on the number of employees, the shift or employment period during which the greatest number of employees are present at the building or use shall be used in the computation;
- (b) when the unit of measurement is based on Gross Floor Area the definition for Gross Floor Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces; and
- (c) when the unit of measurement is based on Gross Leasable Area the definition for Gross Leasable Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces.

### 3.2.8 Cash or Land Payment in Lieu of Providing Parking Spaces

3.2.8.1 The Council may require an applicant for Development Approval to provide, or may otherwise agree to accept from an applicant a cash payment in lieu of the provision of all or any of the number of paved car parking spaces required under the Scheme but subject to the following requirements of this paragraph:

- (a) A cash-in-lieu payment shall be not less than the sum of:
- (i) the estimated cost of providing and constructing the number of parking spaces required by the Scheme; and
- (ii) the value as estimated by a licensed valuer appointed by the Council of that area of the applicant's land which would have been occupied by the parking spaces, access ways, manoeuvring areas, and landscape areas determined in accordance with the provisions of the Scheme.
- (b) The cost of providing and constructing paved car parking spaces shall include inter alia the cost of construction, sealing, draining and curbing to the Council's specifications and requirements and unless otherwise determined by the Council shall also include line marking, landscaping, fencing, signage, elimination and footpath construction and may in any case include other matters relevant to parking in the locality as determined by the Council.
- (c) The moneys received by the Council under this paragraph shall be paid into a trust fund and shall only be used for the acquisition and/or development of land as a public car park in the locality of the land the subject of the development proposal or to reimburse the Council any expenses it has incurred in respect thereof including loan repayments.
- (d) The Council shall prior to accepting cash in lieu of parking prepare and adopt a programme to acquire and develop land as a public carpark in accordance with (c) above.
- (e) The Council shall in accordance with the provisions of subclause 2.7.12 but prior to accepting cash-in-lieu of parking adopt a policy defining the areas within which it will give consideration to not requiring the physical provision of car parking on site and to requiring or accepting a cash payment in lieu.
- (f) All costs incurred in obtaining the valuation referred to in (a) above shall be borne by the applicant for Development Approval.

3.2.8.2 The Council may require an application for Development Approval to provide, or may otherwise agree to accept from an applicant a land transfer in lieu of the provisions of all or any of the number of paved car parking spaces subject to the following requirements of this paragraph:

- (a) The area of the land so transferred shall not be less than the area required to accommodate the determined number of car parking spaces designed in accordance with Appendix 2 and including access ways, manoeuvring areas and landscape areas determined in accordance with the provisions of the Scheme.
- (b) Where the Council agrees to the transfer of land in lieu of the provision of all or any of the required number of car parking spaces the land shall be situated in a position suitable to Council and shall be subsequently transferred to Council free of cost for an unencumbered estate in fee simple.

- (c) In addition to the land transferred to it, the Council shall require the payment to it of the cost or estimated cost of construction on the land transferred of the substituted number of car parking spaces, the cost being calculated or estimated in accordance with the provisions of Item (b) in paragraph 3.2.8.1.
- (d) The Council shall prior to accepting land in lieu of parking prepare and adopt a programme to develop land as a public car park within a prescribed period.
- (e) Notwithstanding the preceding provisions of this paragraph, the Council may, in determining the land area required in lieu of the provision of car parking spaces require that such area shall be of the size and value which includes both the area required to accommodate the number of bays required plus the estimated cost to Council of constructing the number of parking spaces required on the land.
- (f) The Council shall in accordance with the provisions of subclause 2.7.12, prior to accepting any land in lieu of parking, adopt a policy defining the areas within which consideration will be given to accepting the transfer of land in lieu of the provision of car parking spaces.
- (g) Notwithstanding the provisions of Item (f), the Council shall not accept land in lieu of parking unless it is situated in the locality of the land the subject of the development proposal.
- (h) Any land received by the Council under this paragraph shall only be used for public car park purposes and any money obtained from the disposal of such land will be used to acquire and develop land as a public carpark in accordance with paragraph 3.2.8.2(d).

### 3.2.9 Variation of Standards for Existing Buildings

#### 3.2.9.1 Where a building in existence at the time of coming into operation of this Scheme:

- (a) does not conform with any standard or requirement of the Scheme; or
- (b) as a result of the taking of land for a road or road widening, or as a result of any other public work ceases to conform with any standard or requirement of the Scheme, the Council when dealing with any application for Development Approval for any extension or alteration of such building, may vary the standard or requirement in its application to the building if the Council is satisfied that the carrying out of the development in accordance with the varied standard or requirement would not cause any significant detriment to orderly and proper planning or any significant loss of amenity.

3.2.9.2 Where subdivision occurs in areas of industrial and commercial development and such subdivision will result in existing buildings not complying with setback, facade or any other requirement under the provisions of this Scheme, Council may relax such requirements provided it is satisfied that it will be in the interest of proper and orderly planning of the area.

3.2.9.3 Before varying any requirement or standard in accordance with the preceding paragraph or as a condition of Development Approval involving such a relaxation the Council may require the owner and/or developer to enter into an agreement with the Council to use or develop the building in a particular manner. In the case of a breach of any such agreement or of any condition imposed by the Council, in relation to any other remedy open to the Council in respect of such breach, the Council may enforce the requirements and standards of the Scheme without being restricted to the requirements or standards as varied. The provisions of this subclause shall not limit the discretion of the Council as to conditions which might be imposed on any relevant Development Approval.

## PART IV—CANNING CITY CENTRE DEVELOPMENT

### 4.1 APPLICATION

The provisions of this Part apply to the City Centre zones. Without affecting the generality of the provisions of Part III of this Scheme, and in the case of conflict with any such provisions in the case of land within the City Centre Zone or the City Centre Deferred Zone, the provisions of this Part shall prevail.

### 4.2 OBJECTIVE FOR CANNING CITY CENTRE DEVELOPMENT

The general objective of this Part is:

To encourage the development of the Canning City Centre as a major source of employment and a vibrant centre for the community incorporating a wide range of residential, retail, recreational, community and civic facilities.

### 4.3 PURPOSE AND INTENT OF ZONES

#### 4.3.1 City Centre

The purpose and intent of the City Centre Zone is:

To provide for a range of retail, commercial, institutional and residential activities within the area designated as the Canning City Centre, generally in accordance with the proposals contained in the Canning Regional Centre Structure Plan.

#### 4.3.2 City Centre Deferred

The purpose and intent of the City Centre Deferred Zone is:

To limit the development of land in specific areas of the Canning City Centre until comprehensive planning has taken place and adequate mechanisms are in place to provide for infrastructure to facilitate development generally in accordance with the proposals contained in the Canning Regional Centre Structure Plan.

#### 4.4 CANNING REGIONAL CENTRE STRUCTURE PLAN

##### 4.4.1 Canning City Centre Policies

Without affecting the generality of subclause 2.7.12, the Council may make Planning Policies specific to the City Centre zones for the purpose of controlling development and assisting generally in the development of the City Centre.

##### 4.4.2 Canning Regional Centre Structure Plan

Development within the City Centre shall generally be consistent with the provisions of the Canning Regional Centre Structure Plan as amended from time to time and adopted as a Planning Policy of the Council.

#### 4.5 CANNING CITY CENTRE DEVELOPMENT STANDARDS

##### 4.5.1 Minimum Development Standards

Subject to the provisions of the Scheme, the requirements and standards set out in this clause including those set against land uses in Tables 4A and 4B shall apply to every use or other development within the City Centre zones.

##### 4.5.2 Setback Requirements

The setback requirements for developments in the City Centre zones shall be in accordance with the requirements of Table 4A.

###### 4.5.2.1 Two Street Frontages

Where a lot has a frontage to two streets, the setback to the secondary street may be reduced to 3m.

###### 4.5.2.2 Use of Setbacks

No person shall within the City Centre zones use the area of land between the building setback line and the street alignment for any purpose other than one or more of the following:

- (a) a means of access;
- (b) the loading and unloading of vehicles;
- (c) landscaping;
- (d) the daily parking of vehicles used by employees and customers or clients but subject to the requirements of the Scheme as to off-street parking;
- (e) with the permission of the Council for Trade Display, provided that no more than 20% of the area shall be used for Trade Display purposes;
- (f) with the permission of the Council, display of vehicles associated with Vehicle Sales Premises; or
- (g) the erection of transformer compounds and/or canopies for service stations.

No such areas shall be used for the parking of vehicles which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, or products or by-products or waste of manufacture.

##### 4.5.3 Off-Street Parking

In any application for Development Approval in the City Centre zones, provision shall be made for the off-street parking of motor vehicles in accordance with the requirements in Table 4B.

##### 4.5.4 Landscaping Requirements

4.5.4.1 In connection with any application for Development Approval on land in the City Centre zones, the Council shall if it appears to be in the interest of amenity and orderly and proper planning to do so, require that such landscaping be provided as the Council sees fit, applying the principles and standards set out in paragraph 4.5.4.2 or 4.5.4.3.

4.5.4.2 Any landscaping provided for shopping developments pursuant to the provisions of paragraph 4.5.4.1 shall be provided in accordance with the provisions set out hereunder:

- (a) the required landscaping shall cover a minimum of 10% of the total site area in the forms approved by the Council. The area shall include any area required as boundary landscaping and open parking facilities landscaping where off-street parking is required in accordance with Table 4B;
- (b) landscaped areas shall not average in width less than 1.5 metres, and shall not be continuous for more than 10 metres without a properly designed pedestrian crossing point, except where such landscaped area is adjacent to a permanent fence, or a wall of a building;
- (c) the part of the area of the site required to be provided as landscaping shall not include areas which would normally be set aside for pedestrian movement;
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the premises as determined by the Council or at such later time as may be agreed in writing by the Council.

- (e) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces.

4.5.4.3 The Council in prescribing landscaping requirements for all commercial development other than shopping shall pursuant to the provisions of paragraph 4.5.4.1 apply the following guidelines:

- (a) the required landscaping should cover a minimum of 25% of the designated setback area for each site with a minimum provision of a 2 metre strip of landscaping adjoining any street to which the lot has frontage;
- (b) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas shall be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site as determined by the Council, or at such later time as may be agreed in writing by the Council.

#### 4.5.5 Service Access

Provision shall be made for efficient service access to the rear of any commercial use in any development within the City Centre zones, for the purpose of loading and unloading of goods, unless in the opinion of the Council, the interests of amenity and orderly and proper planning do not warrant the provision of such access.

#### 4.5.6 Refuse and Storage Areas

Adequate provision shall be made for the storage of cartons, containers or refuse in any commercial development within the City Centre zones, and such areas shall be suitably screened from public view.

#### 4.5.7 Disabled Access

All development in the City Centre zones shall accommodate the access requirements of disabled persons as required in the appropriate Australian Standard and as may be further required under any Policy adopted by Council.

### 4.6 VARIATION OF REQUIREMENTS AND STANDARDS

4.6.1 If the Council is satisfied that a requirement or standard specified in the Scheme is unreasonable or undesirable in the circumstances of a particular case, the Council may at its discretion having regard to the interests of orderly and proper planning and the preservation of amenity permit a variation from that requirement or standard in respect of any development within the City Centre zones, subject to such conditions as it thinks fit.

4.6.2 Before permitting a variation from any requirement or standard in accordance with subclause 4.6.1, the Council may require the owner and/or developer to enter into an agreement with the Council to use or develop the building or land in a particular manner. In case of a breach of any such agreement or of any conditions imposed by the Council, in addition to any other remedies open to the Council in respect to such breach, the Council may enforce the requirements of the Scheme instead of the requirement or standard as varied.

4.6.3 Where the Council considers that variation to a requirement or standard may adversely affect an adjoining property, the Council may deal with the application in accordance with the procedures set out in subclause 2.3.7.

TABLE 4A  
CANNING CITY CENTRE ZONE REQUIREMENTS

Zone	Minimum Setback From Boundary in Metres		Other Development Requirements
	Front	Rear/Side	
City Centre	15	As per BCA	Refer Clauses 4.4 and 4.5 relating to: —City Centre Policies —Landscaping —Service Access —Refuse and Storage Areas —Disabled Access
City Centre Deferred			All residential development to be in accordance with the requirements of the Residential Planning Codes with a minimum R-Code density of R30. All residential development to be in accordance with the requirements of the Residential Planning Codes with a maximum R-Code density of R30.



TABLE 4B  
CANNING CITY CENTRE LAND USE PARKING REQUIREMENTS

Land Use/Use Class	Minimum Parking Provision
Single House	As per R-Codes
Grouped Dwelling	
Multiple Dwelling	
Additional Accommodation	
Aged & Dependent Persons' Dwelling	
Display Home Centre	5 Spaces per Display Home
Residential Building	Parking to be negotiated with Council
Community Building	Parking to be negotiated with Council
Retirement Village	0.5 Spaces per residential unit plus 1 space per employee
Medical Consulting Rooms	6 spaces in addition to residential requirements
Family Day Care Centre	A paved pick-up area to satisfaction of Council in addition to residential requirements
Restaurant	1 space per 2.5m <sup>2</sup> of area available for seating
Take-away Food Outlet	1 space per 2.5m <sup>2</sup> of area available for seating plus 10 spaces (car queuing areas to be included as parking spaces)
Homestore	5 spaces in addition to residential requirement
Hotel/Motel	1 space per 2m <sup>2</sup> public drinking area 1 space per 7m <sup>2</sup> restaurant 1 space per bedroom 1 space per 4m <sup>2</sup> other public areas
Nightclub/Tavern	1 space per 2m <sup>2</sup> public drinking area 1 space per 7m <sup>2</sup> restaurants 1 space per 4m <sup>2</sup> other public areas
Caravan Park	1 space per unit of accommodation plus 1 space per employee
Reception Lodge	1 space per 4m <sup>2</sup> GFA
Educational Establishment	1 space per employee plus parking spaces for students to be negotiated with Council
Auction Mart	Parking to be negotiated with Council with a minimum provision of 1 space per 15m <sup>2</sup> of areas of land and buildings used for auction purposes
Public Worship	1 space per 4 persons the building is designed to accommodate
Public Amusement	1 space per 4 persons the building is designed to accommodate
Community Purpose	To be negotiated with Council
Special Facilities	1 space per 4 persons the building is designed to accommodate
Public Exhibition	1 space per 4 persons the building is designed to accommodate
Child Day Care Centre	1 space per employee plus a paved pick-up area to satisfaction of Council
Health Centre	6 spaces for 1 practitioner plus 4 spaces for each subsequent practitioner
Funeral Parlour	6 spaces plus additional parking spaces to be negotiated with Council where a chapel is included
Office	1 space per 30m <sup>2</sup> GFA
Service Station	1 space per working bay plus 1 space per employee
Showroom	1 space per 40m <sup>2</sup> for area open to the public plus 1 space per 100m <sup>2</sup> of GFA
Warehouse	1 space per 100m <sup>2</sup> GFA
Market	3 spaces per stall or 1 space per 10m <sup>2</sup> whichever is the greater
Vehicle Sales Premises	1 space per 100m <sup>2</sup> open display area

TABLE 4B—*continued*  
CANNING CITY CENTRE LAND USE PARKING REQUIREMENTS—*continued*

Land Use/Use Class	Minimum Parking Provision
Open Air Display	1 space per 100m <sup>2</sup> display area
Shop	1 space per 15m <sup>2</sup> of GLA provided that where aggregate GLA is less than 1500m <sup>2</sup> Council may reduce parking provision to 1 space per 20m <sup>2</sup> of GLA
Lunch Bar	1 space per 2.5m <sup>2</sup> of area available for customer seating plus 10 bays (car queuing areas to be included as parking spaces)
Plant Nursery	1 space per 50m <sup>2</sup> display and sales area
Service Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Milk Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Contractor's Yard	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Storage Yard	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Fuel Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Mechanical Repair Station	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Transport Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Vehicle Workshop	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Cottage Industry	1 space per employee in addition to residential requirement
Factory Tenement Building	4 spaces per factory unit or 1 space per 30m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Spray Painting (Non-Automotive)	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Veterinary Clinic	4 spaces per practitioner
Veterinary Hospital	4 spaces per practitioner
Club Premises	1 space per 4 persons the building is designed to accommodate
Restricted Premises	As per shop
All other uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table.

## PART V—RESIDENTIAL DEVELOPMENT

### 5.1 APPLICATION

The provisions of this Part apply to all Residential zones being those listed in Table 2 of subclause 2.2.1 and residential developments proposed within the City Centre zones. Without affecting the generality of the provisions in Part III of the Scheme, in the case of conflict with any such provisions, the provisions of this Part shall prevail.

### 5.2 OBJECTIVES FOR RESIDENTIAL DEVELOPMENT

The general objectives of this Part are:

- (a) To provide for a range of residential densities to encourage the provision of a wide choice of residential accommodation within the City; and
- (b) To promote the establishment of attractive residential neighbourhoods and to ensure that acceptable levels of safety, privacy and amenity are provided through the application of basic design controls.

### 5.3 PURPOSE AND INTENT OF ZONES

#### 5.3.1 Residential Zone

The purpose and intent of the Residential zone is to provide for a wide range of residential accommodation for the needs of the present and future population within an attractive and safe residential environment.

#### 5.3.2 Special Residential/Kennel Zone

The intent and purpose of this zone is to provide specifically for residential accommodation together with kennel activities.

#### 5.3.3 Areas Subject to Structure Plans

5.3.3.1 The Council may adopt a Structure Plan subject to the approval of the Commission in relation to any land with or without modifications:

- (a) as the basis for the preparation of a Town Planning Scheme involving the land; or
- (b) as the basis for determining its attitude to the subdivision of or for dealing with any other development of the land.

After adoption of a Structure Plan, the Council shall initiate an amendment to the Scheme so as to incorporate in Appendix 6 a diagram or other description sufficient to identify the subject land.

5.3.3.2 If the Council adopts a structure plan as the basis for determining its attitude to the subdivision or for dealing with any other development of the land but not as the basis for the preparation of the Town Planning Scheme, then the following provisions shall apply:

- (a) the Council shall notify in writing each owner of the land affected by the plan of the existence of the plan and invite each owner to make submission to the Council regarding any aspect of the plan of interest to or affecting that owner;
- (b) the Council shall specify time within which submissions will be received, but that time shall not be less than 28 days from the date of the notification referred to in sub-paragraph (a) above;
- (c) the Council shall consider any submission made under sub-paragraphs (a) and (b) hereof and may amend the structure plan after consideration of each submission;
- (d) the Council shall, following the procedures herein before contained, forward the structure plan to the Commission together with a precis of, and the Council's decision in relation to, each submission received in respect of the plan, and shall request the Commission to adopt the plan submitted as the basis for approval of subdivision applications within the area covered by the plan; and
- (e) any departures from or alterations to the structure plan may, subject to the approval of the Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of the plan.

5.3.3.3 The Council shall keep a copy of every approved Structure Plan at the Council administration office, and shall make the Plan available for inspection by any person who requests it.

5.3.3.4 Any subdivision or other development of land within an approved Structure Plan, subject to the next succeeding paragraph, shall be in accordance with the Structure Plan.

5.3.3.5 Any departure from or alteration to an approved Structure Plan may, subject to the approval of the Commission, be permitted by the Council if the Council considers that the proposed departure or alteration will not prejudice progressive development of the area, the subject of the Structure Plan. In considering any departure from or alteration of an approved Structure Plan, the Council may notify any owner of land it considers is affected by the proposed departure from or alteration to the Plan and may invite each owner to make a submission to the Council regarding the proposal.

### 5.4 RESIDENTIAL DEVELOPMENT STANDARDS

#### 5.4.1 Residential Development : Residential Planning Codes

5.4.1.1 A copy of the Residential Planning Codes as amended shall be kept and made available for public inspection at the offices of the Council.

5.4.1.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

5.4.1.3 For the purpose of the Scheme, "Residential Planning Codes" means the Residential Planning Codes as defined in Appendix 1 of the Scheme.

5.4.1.4 The Residential Planning Code density applicable to the land shall be determined by reference to the Residential Planning Code density number(s) superimposed on the particular areas shown on the Scheme Map as being contained within the brown-striped areas and brown borders.

5.4.1.5 Where a Residential Planning Code density is identified as a multiple number on the Scheme Map, the lower code shall prevail as the maximum permissible residential density for any land within the Residential zones unless reticulated sewerage is or becomes available to any land within the zone or subject to the provisions of the Government Sewerage Policy. At that time the maximum permissible residential density for the land serviced by reticulated sewer shall become that represented by the higher code for the purpose of the zone.

5.4.1.6 Multiple dwelling development is not permitted on land zoned for residential purpose where the Residential Planning Code Density is less than R40.

#### 5.4.2 Residential Design Guidelines

Where a dual coding is designated over land and development is proposed at a density exceeding that applicable to the R17.5 code, then in dealing with the proposed development the Council shall have regard to the Residential Design Guidelines in Appendix 7.

#### 5.4.3 Minimum Development Standards

The erection or use of a building or land in a Residential zone for any purpose other than a residential purpose shall comply with the minimum development standards as set out in the Residential Planning Codes and development is also to be generally in accordance with the following performance standards:

- (a) The proposed development will not detract from the safety and amenity of the residential area by overshadowing, overlooking and visual intrusion;
- (b) The scale and intensity of uses and buildings should be compatible with the proposed uses and buildings permitted under the maximum residential density in that locality, and be compatible with surrounding development in terms of streetscape and screening; and
- (c) Adequate and conveniently situated off-street car parking areas are provided for any development permitted in residential areas.

#### 5.4.4 Off-Street Parking

In any application for Development Approval in a Residential zone, provision shall be made for the off-street parking of motor vehicles in accordance with the parking requirements of Table 5 for all developments other than residential developments.

#### 5.4.5 Commercial Vehicle Parking in Residential Zones

Parking of licensed and unlicensed commercial vehicles in the Residential and Special Residential/Kennel zones shall be permitted subject to the following provisions:

5.4.5.1 A person shall not park, or permit to be parked, more than one Commercial Vehicle on any lot in the Residential zones.

5.4.5.2 A person may only park or permit to be parked one Commercial Vehicle on any lot in the Residential zones if:

- (a) The lot on which the vehicle is parked contains only a single detached dwelling and associated outbuildings but no other building improvements;
- (b) The vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front building line, or alternatively the vehicle is parked within a garage;
- (c) The vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon that lot does not contravene the Scheme;
- (d) The vehicle does not exceed 3 metres in height, 2.5 metres in width or 8 metres in length;
- (e) The vehicle is not started or manoeuvred on site between the hours of 12:00 midnight and 6:00 am.;
- (f) While on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of 5 minutes;
- (g) Any noise created by the vehicle does not exceed the standards for the relevant area set out in the Noise Abatement (Neighbourhood Annoyance) Regulations, 1979;
- (h) Only minor servicing or cleaning of the vehicle is carried out on the lot and then provided that work is carried out behind the front building line; and
- (i) Storage of liquid fuels on the lot is to comply with the *Explosives and Dangerous Goods Act, 1961*.

5.4.5.3 The Council may in writing approve a variation to any of the requirements of items (b) and (d) in paragraph 5.4.5.2 provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding land owners and occupants may be invited to comment on the proposed variation.

5.4.5.4 An approval of the Council granted under paragraph 5.4.5.3 is personal to the person to whom it was granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted.

5.4.5.5 A vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than one hour in aggregate over any period of twenty-four hours unless the vehicle is being used *bona fide* in connection with ongoing construction work legally being carried out on the lot, the burden of proving which shall lie upon the person asserting it.

#### 5.4.6 Display Home Centres

The Council may approve the development of a Display Home Centre in any Residential zone provided that:

- (a) Any application for the approval of Council for the development of a Display Home Centre shall be dealt with in every way under the provisions of the Scheme as an application for Development Approval; and
- (b) The Council may refuse to grant its approval or may grant its approval with or without conditions and such approval shall be limited to a period of twelve (12) months from the date of Council's approval, or such further period as may be approved by Council.

#### 5.4.7 Home Occupation

Subject to the provisions of the Scheme, where the Council grants approval to carry on a Home Occupation, the following provisions shall apply:

- (a) The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) The approval shall not run with the land in respect of which it was granted;
- (c) The person to whom approval is given by the Council to carry on a Home Occupation shall not before or after the granting of that approval carry on that Home Occupation at any premises other than the land in respect of which the Council's approval was granted; and
- (d) 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 subject land carry on a Home Occupation unless a further approval to do so is granted by the Council.

#### 5.4.8 Construction of Boats or Recreation Vehicles in Residential Zones

The exercising of Council's discretion to approve or refuse an application under this clause shall be governed by the following provisions:

- (a) The construction and/or major repair of boats or recreation vehicles within the Residential zones shall not be commenced or undertaken without the written consent of Council, such application to be made in the form set out in Appendix 3.
- (b) Before granting Development Approval, the Council shall seek the written opinions of owners of residential lots which are in close proximity to the subject land, and shall consider these written opinions when reaching a decision on the application for permission to construct or make major repairs to a boat or recreation vehicle, in addition to the following matters:
  - (i) the purpose of construction and the length of time during which construction is to take place;
  - (ii) the siting of the craft or recreational vehicle with regard to visual impact on the street and adjoining properties;
  - (iii) the hours during which the work shall be carried out; and
  - (iv) the effect of such activity on the amenity of the neighbourhood.
- (c) Approval to construct and/or make major repairs to a boat or recreation vehicle shall not be construed as a right to construct and/or make major repairs to more than one such craft or vehicle; and Council's approval shall not be granted where construction and/or major repairs are being undertaken for the purpose of sale and/or resale.
- (d) At its discretion, the Council may order operations to be discontinued if complaints are received and substantiated, or if in the opinion of the Council the amenity of the area is prejudiced by the aforesaid operations.

#### 5.4.9 Home Store

Notwithstanding any other provision of the Scheme to the contrary, the Council shall not grant Development Approval involving the construction of a Home Store within the Residential zone unless:

- (a) The shop is an integral part of a single, grouped or multiple dwelling unit development;
- (b) The gross leasable area of the shop does not exceed 100m<sup>2</sup>; and
- (c) Off-street parking for the shop is provided in accordance with the requirements of Table 5.

TABLE 5  
RESIDENTIAL LAND USE PARKING REQUIREMENTS

Land Use/Use Class	Minimum Parking Provision
Single House	As per R-Codes
Grouped Dwelling	
Multiple Dwelling	
Ancillary Accommodation	
Aged & Dependent Persons' Dwelling	
Display Home Centre	5 spaces per Display Home
Residential Building	To be negotiated with Council
Retirement Village	0.5 spaces per residential unit plus 1 space per employee
Medical Consulting Rooms	6 spaces in addition to residential requirement
Homestore	5 spaces in addition to residential requirement
Child Day Care Centre	1 space per employee plus a paved pick-up area to satisfaction of Council
Family Day Care Centre	A paved pick up area to satisfaction of Council in addition to residential requirement.
Cottage Industry	1 space per employee in addition to residential requirement
Veterinary Clinic	4 spaces per practitioner
Educational Establishment	1 space per employee plus parking for students to be negotiated with Council
Public Worship	1 space per 4 persons the building is designed to accommodate
Public Exhibition	1 space per 4 persons the building is designed to accommodate
Community Purpose	To be negotiated with Council
All other uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table.

## PART VI—INDUSTRIAL DEVELOPMENT

### 6.1 APPLICATION

The provisions of this Part apply to all Industrial zones being those listed in Table 2 of subclause 2.2.1. Without affecting the generality of the provisions in Part III of the Scheme, in the case of conflict with any such provisions in the case of land within any of the Industrial zones, the provisions of this Part shall prevail as to the Industrial zones.

### 6.2 OBJECTIVES FOR INDUSTRIAL DEVELOPMENT

The general objectives of this Part are:

- (a) To provide for a range of industrial and associated development appropriate to the service and employment needs of the community and so located as to provide for the safe and efficient movement of goods and materials.
- (b) To encourage the establishment of attractive and efficient industrial estates and mixed industrial/commercial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of basic design and landscaping controls.

### 6.3 PURPOSE AND INTENT OF ZONES

#### 6.3.1 General Industry Zone

The purpose and intent of the General Industry zone is to provide adequate and suitably located land for the establishment of manufacturing and wholesale industrial enterprises together with a range of compatible service industries.

### 6.3.2 Light Industry Zone

The purpose and intent of the Light Industry zone is to provide predominantly for industrial uses and service industries located in close proximity to residential areas which are environmentally compatible with those residential areas.

### 6.3.3 Mixed Business Zone

The purpose and intent of the Mixed Business zone is to provide a suitable planned environment to accommodate a wide range of light industrial and service commercial uses together with small-scale enterprises which are not readily accommodated in existing Commercial Centres.

## 6.4 INDUSTRIAL DEVELOPMENT STANDARDS

### 6.4.1 Minimum Development Standards

Subject to the provisions of the Scheme, the requirements and standards set out in this clause including those set against zones in Table 6A shall apply to every use or other development in an Industrial zone to which this Part applies.

### 6.4.2 Setback Requirements

Setback requirements for all developments in Industrial zones to which this Part applies shall be in accordance with the provisions of Table 6A.

#### 6.4.2.1 Two Street Frontages

Where a lot has a frontage to two or more streets, the setback to the secondary street may be reduced to 9 metres provided that the Council may permit a further reduction to not less than 6 metres in respect of corner lots with one frontage of less than 21 metres, where it is satisfied that:

- (a) there will be no significant reduction in amenities beyond the immediate vicinity of the site; and
- (b) there will be no reduction in amenities of any highways or major through traffic routes.

Further, in instances where lots abut a road reserved under the Metropolitan Region Scheme, Council may vary the setback requirements to that road below 9 metres.

#### 6.4.2.2 Use of Setbacks

No person shall within an Industrial zone, use the area of land between a building setback line and a street alignment for any purpose other than one or more of the following:

- (a) a means of access;
- (b) the loading and unloading of vehicles;
- (c) landscaping;
- (d) the daily parking of vehicles by employees and customers or clients but subject to the requirements of the Scheme as to off-street parking;
- (e) with the permission of the Council for Trade Display, provided that no more than 20% of the area shall be used for trade display purposes;
- (f) with the permission of the Council, display of vehicles associated with Vehicle Sales Premises; and
- (g) the erection of transformer compounds.

No such areas shall be used for the parking of vehicles which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products or wastes of manufacture.

### 6.4.3 Off-Street Parking

In any application for Development Approval in an Industrial zone to which this Part applies, provision shall be made for the off-street parking of motor vehicles in accordance with the requirements of Table 6B.

### 6.4.4 Landscaping Requirements

6.4.4.1 In connection with any application for Development Approval in an Industrial zone, Council shall if it appears to be in the interest of amenity and orderly and proper planning to do so, require that such landscaping be provided as the Council sees fit applying the principles and standards set out in paragraph 6.4.4.2.

6.4.4.2 The Council in prescribing landscaping requirements pursuant to the provisions of paragraph 6.4.4.1 shall apply the following guidelines:

- (a) the required landscaping should cover a minimum of 25% of the designated setback area for each site with a minimum provision of a 2 metre strip of landscaping adjoining any street to which the lot has frontage;

- (b) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas shall be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site, as determined by the Council or at such later time as may be agreed in writing by the Council.

#### 6.4.5 Facades

6.4.5.1 Any building erected within an Industrial zone to which this Part applies shall comply with the following requirements as to facades:

- (a) Each facade of the building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar material as approved by the Council; and
- (b) Panel filling of other building materials to a design approved by the Council may be permitted on external walls above 2 metres from the level of the ground floor.

#### 6.4.5.2 The Council may:

- (a) In cases where the facade of a building is set back not less than 21 metres from the street alignment which it faces or otherwise which is nearest to it, permit the walls in the facade to be constructed of materials other than those required by paragraph 6.4.5.1, provided that the materials proposed to be used are structurally and aesthetically acceptable to the Council; and
- (b) In the case of a corner lot with an area not less than 1 hectare and with a frontage of not less than 60 metres to each of the abutting streets, permit the walls in the facade of a building erected on that lot to be constructed of a material other than that required by paragraph 6.4.5.1 provided that the material proposed to be used is structurally and aesthetically acceptable to the Council.

#### 6.4.6 Service Access

6.4.6.1 Provision shall be made for service access to the rear or the side of a showroom, warehouse, restaurant or other use in any Industrial zone outside the City Centre zones, for the purpose of loading and unloading of goods unless, in the opinion of the Council, the interests of amenity and orderly and proper planning do not warrant the provision of such access.

6.4.6.2 Any service access provided pursuant to paragraph 6.4.6.1 shall be provided in accordance with the following requirements:

- (a) the accessway 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 subject lot or lots, an area shall be paved on the lot or lots so that vehicles when loading or unloading do not need to remain in the right-of-way. Such paved area shall be of such a size that if no alternative route exists, vehicles may turn so as to return to the right-of-way and the street in forward gear;
- (c) except as herein before mentioned in this paragraph, the width of the accessway shall be in accordance with Appendix 2 to the Scheme or as described in Australian Standard AS28902-1989—Off Street Parking—Part 2: Commercial Vehicle facilities.
- (d) the accessway shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and accessways provided for customer parking;
- (e) where alternative access is provided and such access is considered acceptable by the Council, the Council may waive the requirements herein before set out in this paragraph.

#### 6.4.7 Refuse and Storage Areas

6.4.7.1 Notwithstanding the provisions of subclause 6.4.8, provision shall be made for the storage of cartons, containers or refuse in any industrial development within the Scheme.

6.4.7.2 A refuse and storage area provided pursuant to paragraph 6.4.7.1 shall be:

- (a) screened from view from any public street or from within the site, and enclosed by a wall of masonry or other approved building material not less than 1.8m in height;
- (b) located not less than 15m from any residential building or an adjoining lot having a common property boundary unless it is fully enclosed;
- (c) accessible to service vehicles; and
- (d) not less than 9m<sup>2</sup> of Gross Floor Area.



#### 6.4.8 Factory Tenement Building and Factory Units

The owner of land within an Industrial zone to which this Part applies shall ensure that no factory tenement building or any part thereof is occupied or used unless the requirements set out in the following paragraphs of this subclause are complied with.

6.4.8.1 No factory unit shall have a floor area of less than 100m<sup>2</sup>, nor shall it be so constructed that either its width or its length is less than 6 metres.

6.4.8.2 Paved parking spaces shall be provided on the scale provided in this Scheme for industrial uses, but in any case not less than 4 spaces per factory unit.

6.4.8.3 Each factory unit shall have direct access onto a paved service road and the width of the service road shall comply with car parking and manoeuvre specifications contained in Appendix 2 or as described in Australian Standard AS28902-1989—Off Street Parking—Part 2: Commercial Vehicle Facilities.

6.4.8.4 Adequate provision shall be made for the disposal of all trade waste from every factory unit with such provision to be in accordance with the requirements of the Scheme.

6.4.8.5 A factory unit shall be separated from each other factory unit in the same development by an internal wall or walls constructed in brick, stone or concrete or other material of equal or greater fire rating approved by Council.

6.4.8.6 Without affecting the generality of the provisions of this Scheme relating to the approval of developments, no internal partition within a factory tenement building shall be altered or removed without the approval of the Council.

6.4.8.7 Notwithstanding any provision in this clause to the contrary, where a factory owned and occupied by one person or company is established on a lot exceeding 8,000m<sup>2</sup> in area, and 4,000m<sup>2</sup> of that area is vacant and is not being used or is not required for the provision of parking areas in accordance with the Scheme requirements for the established factory, if by reason of the position of the established factory subdivision of the lot is not feasible, the Council may permit the owner to use the vacant area for the development of factory units without requiring that the provisions of the Scheme relating to factory units are complied with in respect of the established factory, provided that:

- (a) an unrestricted accessway or not less than 10 metres in width or two unrestricted accessways totalling 10 metres in width with one not less than 5 metres in width can be set aside leading from a public street to the area to be developed with factory units;
- (b) the accessway or ways and the area to be used for factory unit development is clearly marked on a site plan as such; and
- (c) the factory unit development meets the requirements of the Scheme in all other respects as if the land used as such was in fact a separate lot.

6.4.8.8 All vehicle and service access roads shall be paved or sealed to the satisfaction of the Council and maintained in good condition.

6.4.8.9 The Council may approve the conversion of an existing factory into factory units provided that the changes proposed to be made to the premises render the premises in all respects in compliance with the requirements of the Scheme for factory tenement buildings and factory units, and provided the provisions of this Scheme for development approval have been complied with in respect of the proposed changes.

6.4.8.10 For the purpose of this clause, the owner of the parcel of land upon which a factory tenement building is situated shall be deemed to be the occupier thereof.

#### 6.4.9 Vehicle Wrecking

On any land where motor vehicle wrecking is proposed, the owner of that land shall ensure that no disused motor vehicles, old motor vehicles or old machinery or any part thereof is stored on or allowed to remain on the land unless:

- (a) the Council has expressly given its approval thereto;
- (b) the area of the land exceeds 2,000m<sup>2</sup>; and
- (c) the vehicles are stacked in neat rows and screened from view from any public street by a close wall or screen of not less than 1.8 metres in height.

#### 6.4.10 Storage of Goods and Materials

In any Industrial zone where the open storage of goods or materials is permitted and the goods and materials stored are, in the opinion of the Council, of an untidy nature and likely to give offence to adjoining owners or have an adverse affect upon the general appearance of the area, the Council may require the owner or occupier to restrict the height to which goods and materials may be stored and to screen effectively the open storage area by a closed fence and the planting of trees and/or shrubs as may be considered desirable. The height to which storage is to be restricted, the height, design and specifications of the fence and the nature and extent of the planting shall be determined by the Council in respect of each case taking into consideration any matters it considers relevant including the physical characteristics and the zoning classification of surrounding land.

A front fence erected pursuant to this clause shall not be erected in front of the setback line unless approved otherwise by the Council. Unless some other distance is specified by the Scheme for a particular zone, no goods, materials or merchandise shall be stacked or placed within 1.5 metres of either side or rear boundaries of this site, or nearer to the street or way than the building setback line.

TABLE 6A  
INDUSTRIAL DEVELOPMENT SITE REQUIREMENTS

Zone	Minimum Frontage in Metres	Minimum Setback from Boundaries in Metres		Other Requirements
		Front	Rear/Side	
General In- dustry	20	15	As per BCA	Provision of a parking reserve on site estimated at 8 parking space per 1000m <sup>2</sup> of land area.
Light Indus- try		15	As per BCA	Refer Clause 6.4 for require- ments relating to:
Mixed Busi- ness		15	As per BCA	—Setbacks —Landscaping —Refuse and Storage Areas —Facades —Service Access —Factory Tenement Buildings and Factory Units —Vehicle Wrecking —Storage of Goods and Materials

TABLE 6B  
INDUSTRIAL LAND USE PARKING REQUIREMENTS

Land Use/Use Class	Minimum Parking Provision
Factory Tenement Building	4 Spaces per factory unit or 1 space per 30m <sup>2</sup> GFA or 1 space per employee whichever is the greater
General Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Light Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Service Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Noxious Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Hazardous Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Extractive Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Stockholding and Sale	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Spray Painting (Non-Automotive)	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Milk Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Storage Yard	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Contractor's Yard	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Salvage Yard	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Fuel Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Mechanical Repair Station	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Transport Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Vehicle Wrecking	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater

TABLE 6B—*continued*  
INDUSTRIAL LAND USE PARKING REQUIREMENTS—*continued*

Land Use/Use Class	Minimum Parking Provision
Vehicle Workshop	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Lunch Bar	1 space per 2.5m <sup>2</sup> of area available for customer seating plus 10 spaces (car queuing areas to be included as parking spaces)
Auction Mart	Parking to be negotiated with Council with a minimum provision of 1 space per 15m <sup>2</sup> of area of land and buildings used for auction purposes
Public Amusement	1 space per 4 persons the building is designed to accommodate
Health Centre	6 spaces for 1 practitioner plus 4 spaces for each subsequent practitioner
Funeral Parlour	6 spaces plus additional parking spaces to be negotiated with Council where a chapel is included
Office	1 space per 30m <sup>2</sup> GFA
Showroom	1 space per 40m <sup>2</sup> for area open to the public plus 1 space per 100m <sup>2</sup> of GFA
Warehouse	1 space per 100m <sup>2</sup> GFA
Market	3 spaces per stall or 1 space per 10m <sup>2</sup> whichever is the greater
Vehicle Sales Premises	1 space per 100m <sup>2</sup> open display area.
Open Air Display	1 space per 100m <sup>2</sup> open display area
Shop	1 space per 15m <sup>2</sup> GLA provided that where aggregate GLA is less than 1500m <sup>2</sup> Council may reduce parking provision to 1 space per 20m <sup>2</sup> of GLA
Plant Nursery	1 space per 50m <sup>2</sup> display and sales area
Club Premises	1 space per 4 persons the building is designed to accommodate
All other uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table

## PART VII—COMMERCIAL DEVELOPMENT

### 7.1 APPLICATION

The provisions of this Part apply to all Commercial zones being those listed in Table 2 of subclause 2.2.1. Without affecting the generality of the provisions in Part III of this Scheme, in the case of conflict with any such provisions, the provisions of this Part shall prevail.

### 7.2 OBJECTIVES FOR COMMERCIAL DEVELOPMENT

The general objectives of this Part are:

- (a) To provide for a variety of other Commercial Centres within the City which are appropriate to the needs of the community and so located as to afford efficient and convenient distribution of goods and services.
- (b) To ensure that the development of commercial uses takes into account minimisation of conflict with traffic, provision of safe convenient pedestrian access and provision for adequate parking on the site, and generally seeks to establish a high standard of safety convenience and amenity for all members of the community.

### 7.3 PURPOSE AND INTENT OF ZONES

#### 7.3.1 Shopping Zone

The purpose and intent of the Shopping zone is to provide for a range of retail shopping facilities to serve the community in accordance with the adopted policy for such development as prescribed by the Commission and the Council.

### 7.3.2 Highway Commercial Zone

The purpose and intent of the Highway Commercial zone is to provide for the development of low intensity uses along and in the vicinity of Albany Highway which are unlikely to result in further undesirable commercial ribbon development or to undermine the proposed development within the City Centre zones.

### 7.3.3 Commercial Zone

The purpose and intent of the Commercial zone is to provide for the development of low intensity uses, including offices, which are unlikely to result in commercial ribbon development but will serve the demand for such services by local catchments.

### 7.3.4 Industrial Service Zone

The purpose and intent of the Industrial Service zone is to provide for the development of uses which provide commercial support and servicing facilities predominantly for the industrial workforce within established industrial areas.

### 7.3.5 Service Station Zone

The purpose and intent of the Service Station zone is to provide specifically for the development of Service Stations and ancillary facilities.

## 7.4 COMMERCIAL DEVELOPMENT STANDARDS

### 7.4.1 Minimum Development Standards

Subject to the provisions of the Scheme, the requirements and standards set out in this clause including those set against land uses in Tables 7A and 7B shall apply to every use or other development in a Commercial zone to which this Part applies.

### 7.4.2 Setback Requirements

The setback requirements for all developments in a Commercial zone shall be in accordance with the provisions of Table 7A.

#### 7.4.2.1 Two Street Frontages

Where a lot has a frontage of two streets, the setback to the secondary street may be reduced to 3 metres.

#### 7.4.2.2 Use of Setbacks

No person shall within a Commercial zone use the area of land between a building setback line and a street alignment for any purpose other than one or more of the following:

- (a) a means of access;
- (b) the loading and unloading of vehicles;
- (c) landscaping;
- (d) the daily parking of vehicles used by employees and customers or clients but subject to the requirements of the Scheme as to off-street parking;
- (e) with the permission of the Council for Trade Display, provided that no more than 20% of the area shall be used for trade display purposes;
- (f) with the permission of the Council, display of vehicles associated with Vehicle Sales Premises; and
- (g) the erection of transformer compounds and/or canopies for service stations.

No such area shall be used for the parking of vehicles which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products or wastes of manufacture.

### 7.4.3 Off-Street Parking

In any application for Development Approval in a Commercial zone to which this Part applies, provision shall be made for the off-street parking of motor vehicles in accordance with the requirements of Table 7B.

### 7.4.4 Landscaping Requirements

7.4.4.1 In connection with any application for Development Approval in a Commercial zone, the Council shall, if it appears to be in the interest of amenity and orderly and proper planning to do so, require that such landscaping be provided as the Council sees fit by applying the principles and standards set out in paragraph 7.4.4.2.

7.4.4.2 Any landscaping provided for shopping developments pursuant to the provisions of paragraph 7.4.4.1 shall be provided in accordance with the provisions set out hereunder:

- (a) the required landscaping shall cover a minimum of 10% of the total site area in the forms approved by the Council. The area shall include any area required as boundary landscaping and open parking facilities landscaping where off-street parking is required in accordance with Table 7B;
- (b) landscaped areas shall not average in width less than 1.5 metres, and shall not be continuous for more than 10 metres without a properly designed pedestrian crossing point, except where such landscaped area is adjacent to a permanent fence, or a wall of a building;

- (c) the part of the area of the site required to be provided as landscaping shall not include areas which would normally be set aside for pedestrian movement;
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site as determined by the Council or at such later time as may be agreed in writing by the Council; and
- (e) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces.

7.4.4.3 The Council in prescribing landscaping requirements for all commercial development other than shopping pursuant to the provisions of paragraph 7.4.4.1 shall apply the following guidelines:

- (a) the required landscaping should cover a minimum of 25% of the designated setback area for each site with a minimum provision of a 2 metre strip of landscaping adjoining any street to which the lot has frontage;
- (b) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas shall be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site as determined by the Council, or at such later time as may be agreed in writing by the Council.

#### 7.4.5 Facades

7.4.5.1 Any building erected within a Commercial Zone to which this Part applies shall comply with the following requirements as to facades:

- (a) Each facade of the building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar material as approved by the Council; and
- (b) Panel filling of other building materials to a design approved by the Council may be permitted on external walls above 2 metres from the level of the ground floor.

7.4.5.2 The Council may:

- (a) In cases where the facade of a building is set back not less than 21 metres from the street alignment which it faces or otherwise which is nearest to it, permit the walls in the facade to be constructed of materials other than those required by paragraph 7.4.5.1, provided that the materials proposed to be used are structurally and aesthetically acceptable to the Council; and
- (b) In the case of a corner lot with an area not less than 1 hectare and with a frontage of not less than 20 metres to each of the abutting streets, permit the walls in the facade of a building erected on that lot to be constructed of a material other than that required by paragraph 7.4.5.1 provided that the material proposed to be used is structurally and aesthetically acceptable to the Council.

#### 7.4.6 Service Access

7.4.6.1 Provision shall be made for service access to the rear or side of a tavern, hotel, motel, shop, showroom, warehouse, restaurant or other commercial use in any Commercial zone outside the City Centre zones for the purpose of loading and unloading of goods unless, in the opinion of the Council, the interests of amenity and orderly and proper planning do not warrant the provision of such access.

7.4.6.2 Any service access provided pursuant to paragraph 7.4.6.1 shall be provided in accordance with the following requirements:

- (a) the accessway shall be so constructed that vehicles using it may return to the street in forward gear;
- (b) if there exists a right-of-way to the rear or side of the subject lot or lots, an area shall be paved on the lot or lots so that vehicles when loading or unloading do not need to remain in the right-of-way. Such paved area shall be of such a size that if no alternative route exists, vehicles may turn so as to return to the right-of-way and the street in forward gear;
- (c) except as herein before mentioned in this paragraph, the width of the accessway shall be in accordance with Appendix 2 to the Scheme or as described in Australian Standard AS28902-1989—Off Street Parking—Part 2: Commercial Vehicle Facilities.
- (d) the accessway shall be designed so as to segregate services vehicles, both moving and stationary, from parking areas and accessways provided for customer parking; and
- (e) where alternative access is provided and such access is considered acceptable by the Council, the Council may waive the requirements herein before set out in this paragraph.

#### 7.4.7 Refuse and Storage Areas

7.4.7.1 Provision shall be made for one or more areas for the storage of cartons, containers, or refuse associated with any commercial use outside the Canning City Centre zones.

7.4.7.2 A refuse or storage area provided pursuant to paragraph 7.4.7.1 shall be:

- (a) screened from view from any public street or from within the site, and enclosed by a wall of masonry or other approved building material of not less than 1.8 metres in height;
- (b) located not less than 15 metres from any residential building or an adjoining lot having a common property boundary unless it is fully enclosed;
- (c) accessible to service vehicles; and
- (d) not less than 9m<sup>2</sup> of Gross Floor Area.

#### 7.4.8 Disabled Access

Provision shall be made within shop developments to adequately accommodate the access requirements of disabled persons.

All development in the Commercial zones shall accommodate the access requirements of disabled persons as required in the appropriate Australian Standard and as may be further required under any Policy adopted by the Council.

#### 7.4.9 Mixed Use Development

Where commercial and residential uses are combined within a development, the standards applicable under Table 7A will generally apply for the commercial component and the residential component shall comply with the requirements of the Residential Planning Codes with a maximum density code of R40, provided that such requirements may be varied at the discretion of Council in the interests of proper and orderly planning.

TABLE 7A  
COMMERCIAL ZONE REQUIREMENTS

Zone	Minimum Lot Size m <sup>2</sup>	Minimum Frontage in Metres	Minimum Setback from Boundary in Metres		Other Requirements
			Front	Rear/Side	
Shopping			12	As per BCA	Mixed Residential and commercial development to comply with subclause 7.4.9.
Commercial			15	As per BCA	Refer Clause 7.4 for requirements relating to:
Highway Commercial			15	As per BCA	—Off-Street Parking
Industrial Service			12	As per BCA	—Setbacks
Service Station	2 500	50	15	As per BCA	—Landscaping
					—Facades
					—Service Access
					—Refuse and Storage Area
					—Disabled Access

TABLE 7B  
COMMERCIAL LAND USE PARKING REQUIREMENTS

Land Use/Use Class	Minimum Parking Provision
Multiple Dwelling	As per R-Codes
Veterinary Clinic	4 spaces per practitioner
Restricted Premises	As per shop Light Industry 1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Service Industry	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Milk Depot	1 space per 75m <sup>2</sup> GFA or 1 space per employee whichever is the greater
Restaurant	1 space per 2.5m <sup>2</sup> of area available for seating

TABLE 7B—*continued*  
 COMMERCIAL LAND USE PARKING REQUIREMENTS—*continued*

Land Use/Use Class	Minimum Parking Provision
Take-Away Food Outlet	1 space per 2.5m <sup>2</sup> of area available for seating plus 10 spaces (car queuing areas to be included as parking spaces)
Lunch Bar	1 space per 2.5m <sup>2</sup> of area available for customer seating plus 10 spaces (car queuing areas to be included as parking spaces)
Reception Lodge	1 space per 4m <sup>2</sup> GFA
Educational Establishment	1 space per employee plus parking spaces for students to be negotiated with Council
Auction Mart	Parking to be negotiated with Council with a minimum provision of 1 space per 15m <sup>2</sup> of areas of land and building used for auction purpose
Public Amusement	1 space per 4 persons the building is designed to accommodate
Special Facilities	1 space per 4 persons the building is designed to accommodate
Public Exhibition	1 space per 4 persons the building is designed to accommodate
Health Centre	6 spaces for 1 Practitioner plus 4 spaces for each subsequent practitioner
Community Purpose	Parking to be negotiated with Council
Service Station	1 space per working bays plus 1 space per employee
Funeral Parlour	6 spaces plus additional parking spaces to be negotiated with Council where a chapel is included
Office	1 space per 30m <sup>2</sup> GFA
Showroom	1 space per 40m <sup>2</sup> for area open to the public plus 1 space per 100m <sup>2</sup> of GFA
Warehouse	1 space per 100m <sup>2</sup> GFA
Market	3 spaces per stall or 1 space per 10m <sup>2</sup> whichever is the greater
Vehicle Sales Premises	1 space per 100m <sup>2</sup> open display area
Open Air Display	1 space per 100m <sup>2</sup> open display area
Shop	1 space per 15m <sup>2</sup> of GLA provided that where aggregate GLA is less than 1500m <sup>2</sup> Council may reduce parking provision to 1 space per 20m <sup>2</sup> of GLA
Caravan Park	1 space per unit of accommodation plus 1 space per employee
Plant Nursery	1 space per 50m <sup>2</sup> display and sales area
Club Premises	1 space per 4 persons the building is designed to accommodate
Hotel/Motel	1 space per 2m <sup>2</sup> public drinking area 1 space per 7m <sup>2</sup> restaurants 1 space per bedroom 1 space per 4m <sup>2</sup> other public areas
Nightclub/Tavern	1 space per 2m <sup>2</sup> public drinking area 1 space per 7m <sup>2</sup> restaurants 1 space per 4m <sup>2</sup> other public area
All other uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table

## PART VIII—RURAL DEVELOPMENT

## 8.1 APPLICATION

The provisions of this Part apply to all Rural zones being those listed in Table 2 of subsection 2.2.1. Without affecting the generality of the provisions of Part III of the Scheme, in the case of conflict with any such provisions the provisions, of this Part shall prevail as to the Rural zones within the City.

## 8.2 OBJECTIVES FOR RURAL DEVELOPMENT

The general objectives of this Part are:

- (a) To provide for a range of rural and associated activities including rural residential development so limited as to ensure the preservation of an attractive and functional rural environment; and
- (b) To promote the establishment of an attractive rural residential environment by the application of basic design controls which ensure preservation of attractive and amenable rural environments and acceptable levels of safety, privacy and amenity.

## 8.3 PURPOSE AND INTENT OF ZONES

## 8.3.1 Special Rural Zone

The purpose and intent of the Special Rural zone is to provide for the establishment of rural residential land uses and to make provision for the retention of the rural landscape.

## 8.3.2 Rural Zone

The purpose and intent of the Rural zone is to select areas wherein development may be permitted for uses compatible with rural living and other land uses directly associated with rural activity.

## 8.4 RURAL DEVELOPMENT STANDARDS

## 8.4.1 General Development Conditions Applicable to Special Rural and Rural Zones

- (a) So far as practicable where development occurs the rural character and landscape of the area shall be maintained and native trees retained, and no building shall be constructed within the zone of materials the nature and colour or texture of which in the opinion of the Council is undesirable for the locality.
- (b) Notwithstanding any provision in the Building Code of Australia to the contrary, not more than one dwelling house shall be erected upon any lot.
- (c) Except with the approval of the Council, no boundary fence within a Special Rural zone shall be constructed of the following materials:
  - (1) Asbestos;
  - (2) Metal Sheeting; or
  - (3) Wooden pickets.Any approval of Council to use any of the materials referred to in this item for a boundary fence shall not be regarded as satisfying the requirements of this item unless the approval refers in express terms to the request for the use of those materials.
- (d) No lot shall display a sign, hoarding or bill board without the prior consent of the Council and in any event the Council shall not give approval to the display on any lot of a sign, hoarding or bill board other than a single sign advertising activities conducted on site, and any such sign shall not exceed 0.2m<sup>2</sup> in area.
- (e) All development of buildings shall comply with the requirements of Table 8A and in a particular case the Council may, if it considers it desirable, increase setback distances or indicate an area of the lot in which buildings may be constructed, and if it does so, a person shall not construct a building otherwise and in accordance with the increased distances or otherwise in that area.
- (f) The front setback requirement may be averaged as provided for under the Residential Planning Codes.
- (g) Unless the Council approves otherwise, a person shall not graze or keep any animals unless the Council is satisfied that the grazing or keeping of any animal will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.
- (h) No indigenous vegetation or trees shall be destroyed or cleared unless and subject to the prior approval of the Council where such vegetation or trees are dead, diseased or where the clearing is required for the purpose of a fire break, dwelling, outbuilding, fence and/or house driveways.
- (i) Where in the opinion of the Council additional tree planting on a lot will assist in the control of soil erosion, the Council may direct the landowner(s) to plant on the lot indigenous and native trees and shrubs of a species and at a density, distribution and at a time to be determined by the Council.
- (j) The landowner(s) of a lot shall be responsible for the maintenance and the replacement, if and where necessary, of trees and vegetation on the lot to the satisfaction of the Council.



- (k) Within the Rural zones, land uses other than a single house that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application, the clearing of the land or adversely affect the amenity and character of the specific zone.
- (l) A portion of land within the Special Rural zone has been constituted and declared to be a part of the Jandakot Pollution Control Area under the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and is subject to the provisions of that Act and By-laws made thereunder including the licensing of wells and bores.

#### 8.4.2 Off-Street Parking

In any application for Development Approval in a Rural zone, provision shall be made for the off-street parking of motor vehicles in accordance with the requirements stipulated in the Residential Planning Codes for all residential developments, and in accordance with the requirements of Table 8B for all developments other than residential developments.

#### 8.4.3 Commercial Vehicle Parking in Rural Zones

Parking of licensed and unlicensed Commercial Vehicles in the Rural zones shall be permitted subject to the following provisions:

8.4.3.1 A person shall not park, or permit to be parked, more than one Commercial Vehicle on any lot in the rural zones.

8.4.3.2 A person may only park or permit to be parked one Commercial Vehicle on any lot in the rural zones if:

- (a) The lot on which the vehicle is parked contains only a single detached dwelling and associated outbuildings but no other building improvements;
- (b) The vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front building line, or alternatively the vehicle is parked within a garage;
- (c) The vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon that lot does not contravene the Scheme;
- (d) The vehicle does not exceed 3 metres in height, 2.5 metres in width or 8 metres in length;
- (e) The vehicle is not started or manoeuvred on site between the hours of 12:00 midnight and 6:00 am;
- (f) While on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five minutes;
- (g) Any noise created by the vehicle does not exceed the standards for the relevant area set out in the Noise Abatement (Neighbourhood Annoyance) Regulations, 1979;
- (h) Only minor servicing or cleaning of the vehicle is carried out on the lot and then provided that work is carried out behind the front building line; and
- (i) Storage of liquid fuels on the lot is to comply with the *Explosives and Dangerous Goods Act, 1961*.

8.4.3.3 The Council may in writing approve a variation to any of the requirements of items (b) and (d) of paragraph 8.4.3.2 in any case provided that Council is satisfied in the circumstances of that case that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding land owners and occupants may be invited to comment on the proposed variation.

8.4.3.4 An approval of the Council granted under paragraph 8.4.3.3 is personal to the person to whom it was granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted.

8.4.3.5 A vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than one hour in aggregate over any period of twenty four hours unless the vehicle is being used *bona fide* in connection with ongoing construction work legally being carried out on the lot, the burden of proving which shall lie upon the person asserting it.

TABLE 8A  
RURAL ZONE REQUIREMENTS

Zone	Minimum Setback from Boundaries in Metres			Other Requirements
	Front	Side	Rear	
Special Rural	15	5	7.5	Refer clause 8.4 for Rural development standards applicable to Special Rural and Rural Zones
Rural	15	5	7.5	

**TABLE 8B  
RURAL LAND USE PARKING REQUIREMENTS**

Land Use/Use Class	Minimum Parking Provision
Single House	As Per R-Codes
Display Home Centre	5 spaces per Display Home
Residential Building	To be negotiated with Council
Retirement Village	0.5 spaces per residential unit plus 1 space per employee
Medical Consulting Rooms	6 spaces in addition to residential requirement
Homestore	5 spaces in addition to residential requirement
Child Day Care Centre	1 space per employee plus a paved pick up area to satisfaction of Council
Cottage Industry	1 space per employee in addition to residential requirement
Veterinary Hospital	4 spaces per practitioner
Veterinary Clinic	4 spaces per practitioner
Milk Depot	1 space per 75m <sup>2</sup> or 1 space per employee whichever is the greater
Plant Nursery	1 space per 50m <sup>2</sup> display and sales area
All other uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table

## PART IX—OTHER DEVELOPMENT

### 9.1 APPLICATION

The provisions of this Part apply to all Other Zones being those listed in Table 2 of subclause 2.2.1. Without affecting the generality of the provisions in Part III of this Scheme, in the case of conflict with any such provisions, the provisions of this Part shall prevail.

### 9.2 OBJECTIVES FOR OTHER DEVELOPMENT

The general objective of this Part is:

To provide for a specific use or combination of uses on particular land which is not provided for under the Canning City Centre, residential, industrial, commercial and rural forms of development.

### 9.3 PURPOSE AND INTENT OF ZONE

#### 9.3.1 Private Clubs and Institutions

The purpose and intent of the Private Clubs and Institutions zone is to provide for the accommodation of a variety of educational, institutional and related uses within the City.

### 9.4 DEVELOPMENT STANDARDS

#### 9.4.1 Minimum Development Standards

9.4.1.1 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

9.4.1.2 The erection or use of a building or land in a zone to which this Part applies for any purpose other than a residential purpose shall comply with the minimum development standards as set out in the Residential Planning Codes and such development is also to be generally in accordance with the following performance standards:

- (a) The proposed development will not detract from the safety and amenity of the residential area by overshadowing, overlooking and visual intrusion;
- (b) The scale and intensity of uses and buildings should be compatible with the proposed uses and buildings permitted under the maximum residential density in that locality, and be compatible with surrounding development in terms of streetscape and screening; and
- (c) Adequate and conveniently situated off-street car parking areas are provided for any development permitted in residential areas.

**9.4.2 Setback Requirements**

The setback requirements for all developments in a zone to which this Part applies shall be in accordance with the provisions of the Residential Planning Codes and requirements specified in Section 9.4.1.

**9.4.3 Off-Street Parking**

In any application for approval to commence development in a rural zone to which this Part applies, provision shall be made for the off-street parking of motor vehicles in accordance with the provisions of Table 9.

**9.4.4 Landscaping Requirements**

9.4.4.1 In connection with any application for Development Approval in a zone to which this Part applies, the Council shall if it appears to be in the interest of amenity and orderly and proper planning to do so, require that such landscaping be provided as the Council sees fit, applying the principles and standards set out in paragraph 9.4.4.2.

9.4.4.2 The Council in prescribing landscaping requirements pursuant to the provisions of paragraph 9.4.4.1 shall apply the following guidelines:

- (a) the required landscaping should cover a minimum of 25% of the designated setback area for each site with a minimum provision of a 2 metre strip of landscaping adjoining any street to which the lot has frontage;
- (b) the planting of shade trees within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas shall be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) Landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site, or at such later time as may be agreed in writing by the Council.

**TABLE 9  
OTHER LAND USE PARKING REQUIREMENTS**

Land Use/Use Class	Minimum Parking Provision
Single House	As per R-Codes
Grouped Dwelling	As per R-Codes
Multiple Dwelling	As per R-Codes
Ancillary Accommodation	As per R-Codes
Aged & Dependent Persons' Dwelling	As per R-Codes
Display Home Centre	5 spaces per Display Home
Residential Building	To be negotiated with Council
Retirement Village	0.5 spaces per residential unit plus 1 space per employee
Medical Consulting Rooms	6 spaces in addition to residential requirement
Child Day Care Centre	1 space per employee plus a paved pick-up area to satisfaction of Council
Community Building	Parking to be negotiated with Council
Reception Lodge	1 space per 4m <sup>2</sup> GFA
Education Establishment	1 space per employee plus parking for students to be negotiated with Council
Public Amusement	1 space per 4 persons the building is designed to accommodate
Public Exhibition	1 space per 4 persons the building is designed to accommodate
Health Centre	6 spaces for 1 practitioner plus 4 spaces for each subsequent practitioner
Club Premises	1 space per 4 persons the building is designed to accommodate
All other Uses	To be negotiated with the Council provided that the parking requirements for the use proposed are not found in any other land use parking requirement table in the Scheme. Where the parking requirements for any other use not listed in this table are described in any other table in the Scheme, then the Council shall impose the requirement of that table

Adopted by authority of the Council of the City of Canning at the Ordinary Meeting of the Council held on the 27th day of April 1993.

M. S. LEKIAS, Mayor.  
I. F. KINNER, Town Clerk.

Adopted for Final Approval by Resolution of the Council of the City of Canning at the Ordinary Meeting of the Council held on the 21st Day of December 1993, and the Common Seal of the Municipality was, pursuant to that Resolution, hereunto affixed in the presence of:

M. S. LEKIAS, Mayor.  
I. F. KINNER, Town Clerk.

Recommended/Submitted for Final Approval—

JOHN F. FORBES, for Chairman, State Planning Commission.

Date: 17th January 1994.

Final Approval Granted—

RICHARD LEWIS, Hon Minister for Planning.

Date: 15th February 1994.

#### APPENDIX 1 DEFINITIONS

In the Scheme, unless the context otherwise requires, the following terms shall have the meanings assigned to them hereunder:

- “absolute majority” means a majority of the total number of members for the time being of the Council whether present at the meeting or not;
- “the Act” means the *Town Planning and Development Act, 1928*;
- “advertisement” includes any sign or advertising device, and the term “advertising sign” has a corresponding meaning;
- “advertising” means the publication, display or presentation of any advertisement;
- “advertising device” means any object or structure on which any word, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever;
- “aged or dependent person” has the same meaning as is given to that term in the Residential Planning Codes;
- “Albany Highway (Canning) Policy Plan” means the draft plan prepared jointly in 1985 by the Main Roads Department, the State Planning Commission and the City of Canning and any further variations or amendment;
- “amenity” means the quality and the conditions and characteristics of the locality which contribute to its pleasantness and harmony and its better enjoyment;
- “amenity building” means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business;
- “ancillary accommodation” has the same meaning as is given to that term in the Residential Planning Codes;
- “Appendix” means an Appendix to the Scheme;
- “auction mart” means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock;
- “authorized officer” means an officer of the City, authorized by the Council to exercise all or some of the powers of the Council under this Scheme;
- “building” has the same meaning given to that term in the Residential Planning Codes;
- “Building Code of Australia” means the uniform set of technical requirements and standards for the design and construction of buildings and other structures throughout Australia as referred in the Building Regulations 1989 and the abbreviated term “BCA” shall have the same meaning.

- “Canning Regional Centre” is the area situated between the Canning River and the Perth/Armadale Railway Line bounded by Station Street and River Road to the south; Wharf Street, Albany Highway, George Street and Fleming Avenue to the north which is designated as a Strategic Regional Centre in Metroplan 1990, the adopted strategy for the growth of Metropolitan Perth.
- “canteen” means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75m<sup>2</sup> including any storage and food preparation areas;
- “caravan park” means the use of land for the parking of caravans and/or the erection, placement and the use of cabins, holiday cottages and tents for the purpose of providing accommodation either on a permanent basis or for holiday purposes to members of the public as a commercial enterprise;
- “caretaker’s dwelling” means a building, used as a residence by the proprietor or manager of an industry, business, office building or recreation area carried on or existing on the same site, or by a person having the care of the building plant, equipment or grounds thereof;
- “car park” means any land or building used primarily for the parking of private vehicles or taxis whether open to the public or not but does not include any part of a public road which is used for the through movement of traffic or any land or building on or in which vehicles are displayed for sale or any land or buildings set aside to meet a specific parking requirement under the Scheme;
- “cattery” means the use of an approved outbuilding constructed in accordance with the Health Act Model By-laws Series ‘A’ Part One—General Sanitary Provisions for the purpose of keeping cats for remuneration;
- “child day care centre” means any land or building used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 but does not include an institutional home;
- “City” means the municipal district of the City of Canning;
- “civic use” means the use of land or buildings by Government Departments, statutory bodies representing the Crown or the Council alone or in combination with other bodies as offices or for administrative or other like purposes;
- “club premises” means any land or building used by a club or association or other body approved by the Council as a meeting place for formal and/or informal activity, including entertainment within limitations approved by the Council, and includes any land appurtenant thereto used for recreation and includes a residential club;
- “commercial vehicle” means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self-propelled or not but shall not include a passenger car, a derivative as defined by the Motor Vehicle Dealers (Sales) Regulations 1974, a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes;
- “Commission” means the State Planning Commission or such other body, authority or person as from time to time exercises the powers conferred on the State Planning Commission by the *State Planning Commission Act 1985*;
- “communal open space” has the same meaning as is given to that term in the Residential Planning Codes;
- “community building” means a building used or designed for use wholly or principally for the purpose of:
- (a) a hospital;
  - (b) a sanatorium for the treatment of infectious or contagious diseases;
  - (c) a home or other institution for care of persons who are physically or mentally handicapped; or
  - (d) 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;
- “community purpose” means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organizations involved in activities for community benefit;
- “contractor’s yard” means any land or buildings used for the storage of contractor’s plant and equipment, including prefabricated or transportable buildings and materials;
- “corner lot” means a lot in which the internal angle between any two boundaries on the street is less than 135 but excludes a through lot;
- “cottage industry” means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a “home occupation” and that:
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affections, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products;

- (b) where operated in a residential zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
  - (c) is conducted in an outbuilding which is compatible with the zone and its amenity, and does not occupy an area in excess of 55m<sup>2</sup>; provided that the Council may increase this area if it considers that the nature and scale of activity will not prejudicially affect the amenity of the area;
  - (d) does not require the provision of any essential services main of a greater capacity than normally required in the zone in which it is located; and
  - (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- "Council" means the executive body of the City;
- "cultural use" means any use aimed at the improvement or refinement of people by entertainment and/or education;
- "curtilage" in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for the purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings;
- "development" has the meaning given to that term in S2 of the Act.
- "development application" means an application for Development Approval for any development on land;
- "Development Site" means land the subject of an application for Development Approval for a single integrated development proposal;
- "display home centre" means one or a group of dwelling units which are intended to be open for public inspection;
- "educational establishment" means a school, college, university, technical institute, academy or other educational centre, or a lecture hall or any land or building used for the purpose of instruction, but does not include a reformatory or an institutional building or a child or family day care centre or a place of public worship;
- "extractive industry" means an industry involving the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substances from land, and includes the manufacture of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- "facade" means the exposed faces of a building toward roads or open space or the frontal outward appearance of the building;
- "factory tenement building" means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries not owned or managed by the same person;
- "factory unit" means a portion of a factory tenement building which is the subject of a separate occupancy;
- "family day care centre" means a child minding centre conducted in a private dwelling and in which children are received for care in a family environment;
- "frontage" means the width of a lot at the average permissible front setback line provided that in the case of battleaxe or other irregular shaped lots, it shall be as determined by the Council;
- "fuel depot" means any land or building used for the storage, preparation, distribution and/or bulk sale of solid, liquid or gaseous fuel, but does not include a service station;
- "funeral parlour" means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation and includes a funeral chapel associated therewith;
- "Gazettal date" means the date on which notice of the Minister's approval of the Scheme is published in the *Government Gazette*;
- "general industry" means an industry other than extractive, hazardous, noxious, rural or service for the carrying out of any process in the course of trade or business for gain, for and incidental to:
- (a) the winning, processing or treatment of minerals;
  - (b) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
  - (c) the generation of electricity or the production of gas; and
  - (d) the manufacture of edible goods for human or animal consumption;
- and includes, when carried out on land upon which the said process is carried out and in connection with that process, the storage of goods, any work or administration or accounting, or the wholesaling 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) in the case of edible goods the preparation of food for retail sale from the premises;

- “Gross Floor Area (GFA)” has the same meaning as “Floor Area” in the Building Codes of Australia;
- “Gross Leasable Area (GLA)” means the area in square metres derived from measuring all floors occupied by a tenant for exclusive use from the centre line of inter-tenancy walls or partitions and from the outside faces of external walls of the building alignment including shop fronts;
- “grouped dwelling” has the same meaning as is given to that term in the Residential Planning Codes;
- “habitable room” has the same meaning as is given to that term in the Residential Planning Codes;
- “hazardous industry” means an industry which by reason of any process or method of manufacture it involves, or the nature of any materials used or produced in or by it, requires isolation from other buildings.
- “health centre” means any building used as a maternal or x-ray centre, a district clinic, a masseur’s establishment, or a medical clinic and includes ancillary services such as pathologists, radiologists and paramedicals;
- “height” when used in relation to a building that is used for:
- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
  - (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest;
- “home occupation” means a business or trade carried on with the permission of the Council within a house or curtilage of a house that:
- (a) entails the conduct of a business, office or workshop only, but does not entail the retail sale or display of goods of any nature;
  - (b) does not create injury 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, grit, oil, waste water, or other waste products, whether solid, liquid or gaseous;
  - (c) does not entail the employment of any person not a member of the occupier’s family, normally resident in the house;
  - (d) does not require the provision of any essential service of a greater capacity than normally required in the zone in which it is located;
  - (e) does not occupy an area greater than 20 square metres, including office accommodation, which in the case of the workshop or trade, shall not be less than 5 metres from the nearest part of a habitable room within an adjacent or adjoining residence other than that within the curtilage of the lot upon which the workshop is erected;
  - (f) for which there is not more than one advertisement sign and that sign not exceeding 0.2 square metres in area;
  - (g) 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; and
  - (h) does not entail the presence, parking or garaging of vehicles of more than four (4) tonnes tare weight;
- “home store” means a shop as defined hereunder, but which is attached to a residence, and which is used predominantly for the sale of groceries and other food stuffs, and does not include the sale or offering for sale of liquor;
- “hotel” means land and buildings providing accommodation for the public, the subject of an hotel licence granted under the provisions of the *Liquor Licensing Act 1988* and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act 1960*, but does not include a motel, tavern, or a boarding house the subject of a limited hotel licence or other licence granted under that Act;
- “industry” means the carrying out of any process for and incidental to:
- (a) the production or manufacture whether or not a finished article results therefrom;
  - (b) the dismantling (and separating into parts) of any article, machinery or vehicle;
  - (c) the breaking up of any article, machinery or vehicle;
  - (d) the treatment of waste material;
  - (e) the mining of sand, gravel, clay, turf, soil, rock, stone or similar substances;
  - (f) repairing, laundering and servicing of articles including vehicles, machinery and buildings, but not including on-site work on buildings;
  - (g) packaging of any goods or machinery;
  - (h) any process of testing or analysis of any articles, goods or materials;
  - (i) the storage of goods, equipment or vehicles outdoors not in association with any other activity on the site, but not including a vehicle sales yard;

(j) if on the same land as any of the above operations:

- (i) the storage of goods used in connection with or resulting from any of the above operations;
- (ii) the provision of amenities for persons engaged in such operation;
- (iii) the sale of goods resulting from such operation; and
- (iv) any work of administration or accounting in connection with the undertaking;

and includes any industry or class or industry particularly described or defined in this Scheme, but does not include a home occupation or vehicle workshop;

“kennel” means any land or building where the owner or occupier thereof keeps, breeds, buys, sells, cares for or boards more than two dogs over the age of 18 weeks.

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

“light industry” means an industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise, but does not include car wrecking;

“lot” shall have the same meaning as is given to it in and for the purposes of the Act and “allotment” has the same meaning;

“lunch bar” means premises used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9 am. and 4 pm. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet;

“major opening” has the same meaning as is given to that term in the Residential Planning Codes;

“market” means the occasional use of a building or place by a number of vendors for the sale of goods, foods, produce or livestock by retail, wholesale or auction, but does not include a shop or warehouse;

“mechanical repair station” means land and buildings used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include retreading or recapping of tyres, spray painting or panel beating.

“medical consulting rooms” means a room or suite of rooms forming part of, attached to or within the curtilage of a dwelling and which is used by not more than one medical practitioner or physiotherapist or dentist or person ordinarily associated with health care, who practises therein his or her profession and who employs not more than two employees in connection with the practice, but does not include a hospital or a health centre;

“Metropolitan Region Scheme” means the Metropolitan Region Scheme made pursuant to the *Metropolitan Region Town Planning Scheme Act 1959* published in the *Government Gazette* on 9 August, 1963 and as amended from time to time thereafter;

“milk depot” means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;

“Minister” means the Minister for Planning or the Minister in the Western Australian Government responsible for town planning;

“mixed development” means development which incorporates both residential and commercial uses.

“motel” means land and buildings used or intended to be used to accommodate patrons in a manner similar to an hotel but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the provisions of the *Liquor Licensing Act 1988* has been granted;

“multiple dwelling” has the same meaning as is given to that term in the Residential Planning Codes;

“night club” means any land or buildings used for entertainment and/or eating facilities and to which a licence under the provisions of the *Liquor Licensing Act 1988* has been granted;

“non-conforming use” means any land or building which was lawful under the provisions of an earlier town planning scheme affecting the land and/or enjoyed non-conforming use rights under that scheme;

“noxious industry” means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911*;

“occasional use” means the use of any land or building on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the Council prejudice the orderly and proper planning or the preservation of the amenity of the locality in which the land or building is situated. The term includes a swap-meet, market or fair, the profits of which (if any) are to be employed for charitable or community purposes;



- “office” means the conduct of administration, the practise of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking;
- “open air display” means the use of land as a site for the display and/or sale of goods and equipment;
- “open space” has the same meaning as is given to that term in the Residential Planning Codes;
- “Outline Development Concept Plan” is an Indicative Development Plan for a superblock or sub-precinct within the City which aims to show the possibilities for redevelopment of all lots in that superblock or sub-precinct in accordance with the requirements of the Scheme.
- “owner” in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:
- (a) is entitled to the land for any estate in fee simple in possession; or
  - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
  - (c) is a lessee or licensee from the Crown; or
  - (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise;
- “parking space” means that area of a lot which is required for the parking of a stationary motor vehicle to the minimum dimensions specified by the Scheme, constructed and paved to the specifications set down by the Council and includes an area considered appropriate by the Council for access and manoeuvring on the site but does not include cross-overs, service areas and landscaping;
- “Part” means one of the IX Parts of the Scheme;
- “paved car parking space” or “paved parking space” means a parking space which is finished with an impervious surface approved by the Council which is capable of:
- (a) withstanding the pressure and wear of regular and prolonged use by vehicles of the kind for which it is provided;
  - (b) avoiding the collection of ponding of water on the surface of the discharge of water onto other land; and
  - (c) eliminating dust.
- “plot ratio” when used in relation to a building that is used for:
- (a) residential purposes, has the same meaning given to it for the purposes of the Residential Planning Codes; or
  - (b) purposes other than residential purposes, means the ratio of the gross floor area to the area of the land within the site boundary;
- “plant nursery” means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor but does not include:
- (a) the use of any rural pursuit other than horticulture;
  - (b) a business selling predominantly cut flowers;
  - (c) the sale, storage or handling of any manure other than in packages approved by the Council; or
  - (d) the sale, storage or handling of any manure in bulk;
- “private open space” has the same meaning as is given to that term in the Residential Planning Codes;
- “public amusement” means the use of land and buildings as a theatre, a cinema, a dance hall, a skating rink, a swimming pool, or a gymnasium or otherwise for games or for the recreation or entertainment requirements of the public with or without charge;
- “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 exhibition” means any building or land use for the display of materials, for promotion of artistic, cultural or educational purposes;
- “public parking station” means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose;
- “public utility” means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services;
- “public worship—place of” or “place of public worship” includes buildings used primarily for the religious activities of a church but does not include an institution for primary, secondary or higher education or a residential training institution;

- "radio and TV installation—private" means masts, aerials and other associated equipment used for the transmission and reception of radio or television signals for hobby purposes only, and where such installations include the construction of a mast not exceeding 12m, then such use is deemed to fall under the use class of "single house" but does not include similar equipment used for business purposes or for gain.
- "reception lodge" means a building available for the use of parties on formal or ceremonial occasions, but not for unhosted use on general occasions for entertainment purposes;
- "recreational vehicle" means a vehicle designed or used primarily for recreational or sporting activities or purposes, but also includes all types of caravans, trailers, camping vehicles, motorcycles, horse floats, and vehicles of a type known as "beach buggies";
- "Regional Centre" means those parts of the City which are zoned "City Centre" and "City Centre Deferred";
- "Regulations" means the Town Planning Regulations 1967;
- "reserve" means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, shading, hatching or edging and classified in the Scheme for the purpose of indicating that the land is affected by a public purpose requirement;
- "residential building" means a building or portion of a building, together with rooms and outbuilding separate from such building but ancillary thereto, the building being used or intended, adapted, or designed to be used for the purpose of human habitation:
- temporarily by two or more persons; or
  - permanently by seven or more persons,
- who do not comprise a single family, but the term does not include a hospital, a sanatorium, a prison, an hotel, a motel, a community building or a residential school;
- "Residential Planning Codes" or "R-Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 adopted as a Statement of Planning Policy of the Commission pursuant to s.5AA of the Act and published in the *Government Gazette* on 30th January 1985 together with all amendments or additions thereto, or any code, by-laws or regulations replacing them and applying or being applicable within the City;
- "restaurant" means a building wherein food is prepared solely for sale and consumption within the building or portion thereof. The expression 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 the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;
- "restricted premises" means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or for the exhibition, display or delivery of:
- (a) publications that are classified as restricted publications pursuant to the *Indecent Publications and Articles Act 1902*; or
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
- "retail" means the sale or hire of products, goods or services to the public generally in small quantities and via a shop;
- "retail establishment" means any building where goods of a bulky or non-bulky character, not normally purchased on daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 200m<sup>2</sup>.
- "retirement village" means a development containing accommodation for aged persons together with ancillary facilities;
- "rural industry" means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality;
- "rural pursuit" means and includes agriculture, horticulture, forestry, pasture and poultry farming;
- "salvage yard" means land used for the storage, dismantling or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;
- "schedule" means a schedule to the Scheme;
- "service industry" means a light industry carried out on land or in buildings having a retail shop front and used as a depot for receiving goods to be serviced or for servicing industrial or commercial premises.

"service station" means land and buildings used for the supply of petroleum products, compressed natural gas, LP gas and automotive accessories and may include:

- (a) the washing and greasing of motor vehicles;
- (b) the installation of accessories in motor vehicles;
- (c) the repairing and servicing of motor vehicles but does not include motor body works; or
- (d) subject to Council approval a shop or catering business incidental to the predominant use;

"setback line" means the horizontal distance between a wall at any point and the adjacent lot boundary measured at right angles (90°) to the wall;

"shop" means any building wherein goods are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:

shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and second-hand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers, cafes, restaurants, fast food outlets and liquor stores unless incorporated in an hotel or tavern;

but shall not include a service office, a general office, a professional office or a market;

"showroom" means a building or part of a building wherein goods are displayed and offered for sale by wholesale or by retail, excluding the sale of foodstuffs, liquor or beverages; items of clothing or apparel, fabrics, footwear, magazines, newspapers, books and paper products; medicinal or pharmaceutical products; china, glassware or domestic hardware; items of personal adornment, small electrical goods of a domestic nature; toys and generally items of a cash and carry nature related to daily household and recreation needs and consumption;

"sign" means a notice, message or display by means of a freestanding or fixed sign or hoarding;

"single bedroom dwelling" has the same meaning as is given to that term in the Residential Planning Codes;

"single house" has the same meaning as is given to that term in the Residential Planning Codes;

"special facility" means a facility established for purposes in subsection (5) of s.46 of the *Liquor Licensing Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Specific Purpose Licence within the meaning of the *Liquor Licensing Act*.

"spray painting—non automotive" means the use of any land or building for painting or coating by spray process of items other than motor vehicles;

"stable" means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities;

"stockyards" means any land, building or other structure used for the holding and/or sale of animal stock;

"storage yard" means any land used for the storage of goods;

"street alignment" has the same meaning as is given to that term in the Residential Planning Codes;

"Structure Plan" is a plan which indicates broad land use options for the development and subdivision of an area and provides a Policy framework for such future subdivision or development.

"take-away food outlet" means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises;

"tavern" means land and buildings the subject of a tavern licence, granted under the provisions of the *Liquor Licensing Act 1988*;

"trade display" means the use of any land or building for the moderate and controlled display of trade goods and equipment for advertisement as approved by the Council;

"transport depot" means land or buildings which are designed and used or adapted for use for one or more of the following purposes:

- (a) for the parking or garaging of commercial or industrial vehicles used or intended for use by the carriage of goods, for hire or reward;
- (b) for the transfer of goods or passengers from one vehicle to another vehicle;
- (c) for the maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.

The above uses (a) to (c) inclusive, singularly or collectively may, as an incidental use or uses, and with specific Council approval include overnight accommodation for patrons of the facilities;

"vehicle sales premises" means any land or building used for the display, hire or sale of motor vehicles, caravans or any other vehicles whether new or second-hand but does not include a workshop or a car sales showroom;

"vehicle workshop" means any land or building used for or in connection with mechanical repairs and overhauls including where incidental to such repairs and overhauls tyre recapping, retreading, panel beating, spray painting and chassis reshaping;

"vehicle wrecking" means the use of any land or building for dismantling of motor vehicles and the sale of spare parts derived from such dismantling;

"veterinary clinic" means a building in which a veterinary surgeon(s) or veterinarian(s) treat the minor ailments of domestic animals and household pets as out-patients, provided that where the veterinary clinic is established in a residential zone the following shall apply:

- (a) only one veterinary surgeon or veterinarian may practise at any one time;
- (b) a residence shall be established adjacent to the clinic and occupied by the veterinarian or veterinary surgeon or by such other person as may be approved by Council and authorized by the Veterinary Surgeons Act; and
- (c) the keeping of animals overnight for the purpose of post-operative recovery is permitted only with Council's prior approval;

"veterinary hospital" means any 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. A crematorium for the disposal of animal carcasses or remains may be included with the written consent of the Council;

"warehouse" means a building or enclosed land or part of a building or enclosed land used for the storage and/or wholesale sale of goods and can include a bulk store or depot;

"zone" means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, shading, hatching or edging and classified in the Scheme for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include land reserved pursuant to the Scheme.

## APPENDIX 2

### CAR PARKING AND MANOEUVRE SPECIFICATIONS

Parking Angle	Width of Bay	Depth of Bay	Aisle Width		Distance Along Kerb	Kerb Overhang	Total Depth	
			1 Way	2 Way			1 Way	2 Way
90°	2.5m	5.4m	6.2m	6.2m	2.5m	0.7m	11.6m	11.6m
	2.7m	5.4m	5.8m	5.8m	2.7m	0.7m	11.2m	11.2m
	2.9m	5.4m	5.4m	5.8m	2.9m	0.7m	10.8m	11.2m
60°	2.5m	5.7m	4.6m	5.8m	2.9m	0.6m	10.3m	11.5m
	2.7m	5.7m	4.2m	5.8m	3.1m	0.6m	9.9m	11.5m
	2.9m	5.7m	4.0m	5.8m	3.3m	0.6m	9.7m	11.5m
45°	2.5m	5.3m	3.7m	5.8m	3.5m	0.5m	9.0m	11.1m
	2.7m	5.3m	3.3m	5.8m	3.8m	0.5m	8.6m	11.1m
	2.9m	5.3m	2.9m	5.8m	4.1m	0.5m	8.2m	11.1m
30°	2.5m	4.4m	2.9m	5.8m	5.0m	0.3m	7.3m	10.2m
	2.7m	4.4m	2.9m	5.8m	5.4m	0.3m	7.3m	10.2m
	2.9m	4.4m	2.9m	5.8m	5.8m	0.3m	7.3m	10.2m
0°	2.5m	2.5m	3.0m	5.8m	6.3m	0.0m	5.4m	8.3m
	2.5m	2.5m	3.3m	5.8m	6.1m	0.0m	5.8m	8.3m
	2.5m	2.5m	3.6m	5.8m	5.9m	0.0m	6.1m	8.3m

#### Requirements:

1. Bays situated adjacent to walls or other obstructions which affect door opening, shall be increased in width by 0.3m on the side of the obstruction.
2. The length of parallel parking bays may be reduced to 5.4m for end bays where free access is available.
3. For blind aisles, an aisle extension of 2m shall be provided to facilitate access.
4. Where access aisles intersect, adequate truncations shall be provided to facilitate the simultaneous movement of vehicles to and from the access aisles (Refer AS 2890.1—85 per cent to vehicle swept path with 300mm clearances each side).

APPENDIX 3

ORIGINAL

City of Canning

TOWN PLANNING SCHEME No.40  
CITY ZONING SCHEME



APPLICATION FOR COUNCIL'S PLANNING CONSENT TO COMMENCE DEVELOPMENT

Owner of land  
on which  
development is  
proposed

SURNAME: .....  
OTHER NAME(S): .....  
ADDRESS: .....  
.....

Submitted by: .....

Address for correspondence:.....

Phone: .....

Postal Locality of Development: No: ..... Street: ..... Suburb: .....

Titles Office description of land:

Lot No. .... Plan/Diagram No. .... Cert. of Title Vol: ..... Folio: .....

Type of Building and/or Development Proposed:

Purpose for which Site will be used:

Approximate Cost of Development: ..... Estimated Completion Time: .....

Three/four copies of the site layout plan and other necessary plans of the proposal are submitted with this application.

TOGETHER WITH FEE OF \$

Signed: .....  
Owner of the Land

Paid \$ ..... Date .....

Receipt No. .... Date:.....

NOTES:

1. This application can only be signed by the owner, or purchaser under option, of the land.
2. This is not an application for a building licence. Separate application forms and plans are to be submitted (if required) after planning consent has been obtained.
3. This application is to be submitted in triplicate, together with copies of the plans requested, to the Canning City Council Office, 1317 Albany Highway, Cannington, W.A. 6107.

FOR OFFICE USE ONLY

SERIAL NO .....	DATE RECEIVED .....
LOT AREA .....	EFFECTIVE FRONTAGE .....
ZONE .....	USE CLASS .....
ZONING TABLE SYMBOL .....	BASE MAP NO. ....
GROSS FLOOR AREA .....	PLOT RATIO .....
	SITE COVER .....

APPENDIX 4  
SCHEDULE OF OBJECTS AND PLACES WORTHY  
OF CONSERVATION OR PRESERVATION

Serial	Lot No.	Address	Description of Object or Place
1	15	39 Woodloes Street, Cannington	Woodloes Homestead
2	24, Pt 25, 100	Chapman/York Street, Bentley	Eucalyptus Trees (Lemon Scented Gums and White Gums) in public open space area declared to be a South-East Corridor area of natural beauty.

APPENDIX 5  
SCHEDULE OF ADDITIONAL USES

No.	Lot No.	Address	Additional Purpose for which the Premises May be Used	Additional Development Requirements
1	226	167-169 High Road Riverton	Service Station	
2	1	564 Metcalfe Road Ferndale	Chemist Shop and Dispensary with a maximum Gross Floor Area of 70m <sup>2</sup>	
3	2	560 Metcalfe Road (cnr Ferndale Crescent) Ferndale	Delicatessen with a maximum Gross Floor Area of 92m <sup>2</sup>	
4	197	185 High Road Riverton	Video Outlet	
5	934	134-140 Tribute Street (Cnr Marjorie Avenue) Shelley	Hall for Social, Community and Recreational Purposes	
6	603	13 Glenmoy Avenue (Cnr Rentney Way) Willetton	Church Meeting Room	
7	37	108-110 Pinetree Gully Road (Cnr Burrendah Boulevard) Willetton	Health Centre	
8	20	339 Wharf Street Queens Park	Health Centre for 3 Practitioners	
9	2 & 3	1123-1124 Albany Highway (Cnr Coolgardie Street) Bentley	Physiotherapy Rooms and Hydrotherapy Facility	
10	61	30 Dumond Street Bentley	Medical Centre for maximum of 3 Health, Medical	
11	52	Collins Road, Willetton	Service Station	
12	6	113-115 Kurnall Road Welshpool	Service Station	
13	1002	280 Bannister Road (Cnr Ranford Road) Canning Vale	Service Station and with Council approval those uses which Council has the discretion to approve in the "Industrial Service" zone. Tavern with a Maximum Gross Floor area of 900m <sup>2</sup> .	Total floorspace limitation of 7,000m <sup>2</sup> GFA.
14	1 & 3	87-91 and 95 Catalano Road Canning Vale	Offices with a Maximum Gross Floor Area of 668m <sup>2</sup>	
15	72 & 73	3-5 Rangeview Place Canning Vale	Public Worship, Day Care Centre associated with Place of Public Worship	
16	109	19-21 Tribute Street Shelley	Service Station	
17	Ptn 480	Jandakot AA Lot 480 Nicholson Road/Acourt Road Canning Vale	Kennels (associated with Greyhound Training Centre)	

APPENDIX 5—continued  
SCHEDULE OF ADDITIONAL USES—continued

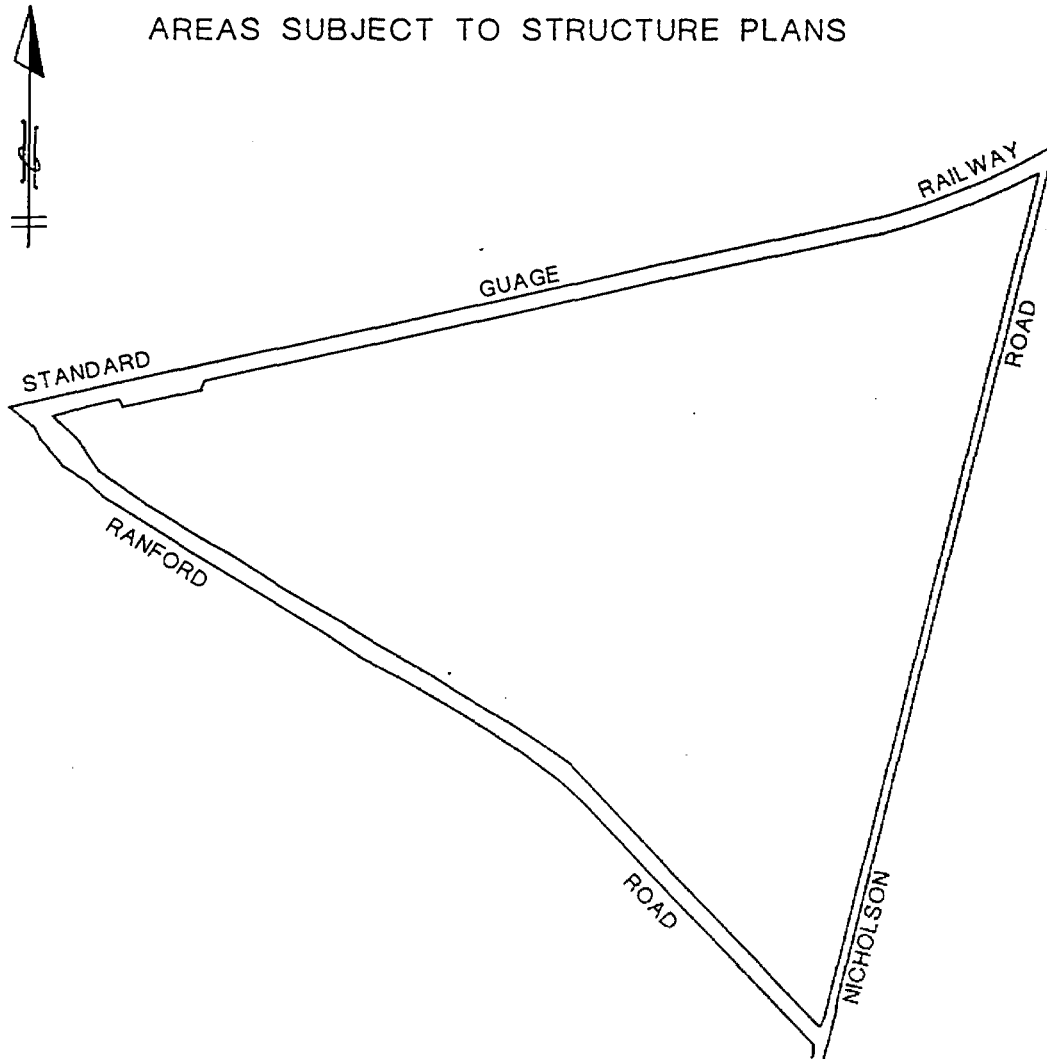
No.	Lot No.	Address	Additional Purpose for which the Premises May be Used	Additional Development Requirements
18	2	93 Catalano Road Canning Vale	Offices with a maximum Gross Floor Area of 700m <sup>2</sup>	
19	104	65-75 Kurnall Road Welshpool	Service Station	
20	699	23-39 Kewdale Road Welshpool	Service Station to include Restaurant and Take-Away Food Outlet	
21	210	12 Robbins Place Shelley	Health Centre for 1 Practitioner	
22	500	124-126 Welshpool Road Welshpool	Service Station	
23	16	227-299 Welshpool Road Welshpool	Caravan Park	
24	91	625-631 Metcalfe Road (Cnr Nicholson Road) Lynwood	Health Centre for four Practitioners.	
25	Pt Jandakot AA 21	Jandakot AA Lot 21 Junction Ranford Road/Nicholson Road Canning Vale	Service Station	
26	Pt 76	1120-1124 Albany Highway (Cnr Tate Street) Bentley	Hotel	
27	2	233-247 Ferndale Crescent (Cnr Metcalfe Road) Ferndale	Hotel	
28	2	353-363 High Road Riverton	Hotel, Motel	
29	4	36 Marjorie Avenue (Cnr Barbican Street) Riverton	Health Centre for 4 Practitioners	
30	35	178 Corinthian Road (Cnr Heracles Avenue) Riverton	Milk Depot	
31	6, 7 and 580	1098-1100 Albany Highway/Norman Street, Bentley	Health Centre including Dispensary	Maximum Gross Floor Area of Dispensary to be 130m <sup>2</sup> .
32	1	23 Tribute Street, Shelley	Health Centre for two Practitioners	
33	476 & Pt Lot 532	58 Burrendah Boulevard, Willetton	Health Centre for three Practitioners	
34	101	38 Granville Way, Willetton	Health Centre for four General Practitioners and two Specialists associated with a Residence to be occupied by one of the General Practitioners	
35	Portion of Lots 80 & 81	Ranford Road, Canning Vale	Club Premises and Recreational Buildings subject to Council approval and in accordance with an approved Outline Development Plan for the area, designated as "Special Purpose" site on the Structure Plans Nos. 87/8/6 and 87/8/7 approved for the area.	
36	1	1/244 Railway Parade, East Cannington	Shop for Convenience Goods	Maximum Gross Floor Area of 140m <sup>2</sup>
37	Pt Lots 80 and 81	Ranford Road, Canning Vale	Plant Nursery and other uses which Council has discretion to approve within the "Shopping" zone, provided.	Net leasable area of Retail floorspace is limited to 2,600m <sup>2</sup>
38	Pt Lot 320	33-37 Murray Road, Welshpool	Light Industry	
39	500-502	1128-1132 Albany Highway, Bentley	Service Station, Car Wash facility and Offices.	Maximum Gross Floor Area of Offices—220m <sup>2</sup>

APPENDIX 5—*continued*  
SCHEDULE OF ADDITIONAL USES—*continued*

No.	Lot No.	Address	Additional Purpose for which the Premises May be Used	Additional Development Requirements
40	Pt Lot 14 Canning Loc 21	Catalano Road/Zanni Road, Canning Vale	Indoor Sports Centre	Maximum Gross Floor Area of 3,000m <sup>2</sup>
41	500	25 Mills Street, Cannington	Health Centre	
42	Pt Lot 56, Lot 63, 62, 27, 61, 25, 28, 29 and 21	1223-1239 Albany Highway, 5-39 Burton Street, Cannington	Residential	Maximum density of R60 and subject to approval by Council of an Outline Development Concept Plan
43	Reserve 31860 Loc 3004	2-16 Mills Street, Cannington (Cnr Albany Highway)	Delicatessen and/or Florist's Shop and Health Centre	Maximum Gross Floor Area of Delicatessen/Florist's Shop is 150m <sup>2</sup>

APPENDIX 6

AREAS SUBJECT TO STRUCTURE PLANS



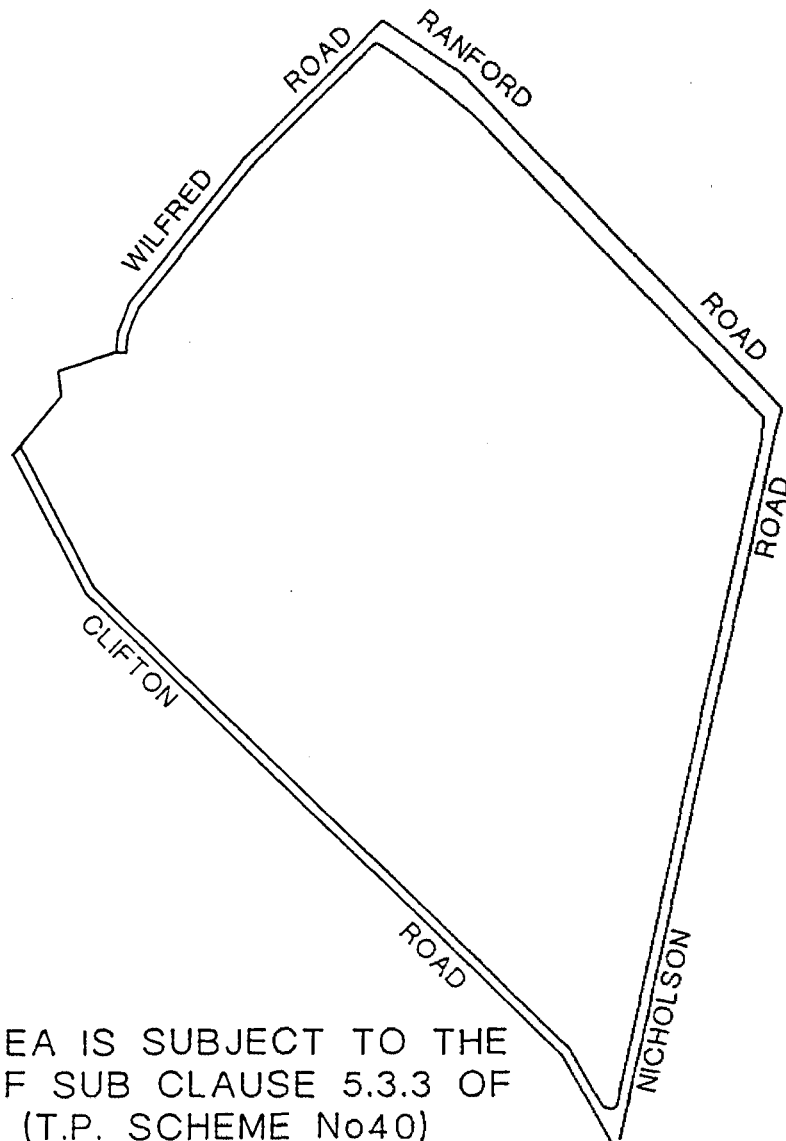
THIS LAND AREA IS SUBJECT TO THE PROVISIONS OF SUB CLAUSE 5.3.3 OF SCHEME TEXT (T.P. SCHEME No40)

SCALE 1:15000  
CAD716



## APPENDIX 6—continued

## AREAS SUBJECT TO STRUCTURE PLANS



SCALE 1:15000  
CAD716

THIS LAND AREA IS SUBJECT TO THE PROVISIONS OF SUB CLAUSE 5.3.3 OF SCHEME TEXT (T.P. SCHEME No40)

## APPENDIX 7

## RESIDENTIAL DESIGN GUIDELINES

## PURPOSE OF THE GUIDELINES

Many of the residential areas of the City are likely to undergo a good deal of change over the next decade or so. This will occur as older housing is redeveloped, sewerage and drainage extended to previously under-serviced land, and vacant and underdeveloped sites utilised more effectively.

Inevitably urban consolidation and infill, particularly where it involves medium density housing, creates concerns about the quality of the resulting development. Existing residents, in particular, also worry about the possible effect of new and more intensive housing on their street appearance, property values, privacy, and so on—what town planners call the amenities of their locality.

The purpose of the Guidelines is to assist owners, residents, designers and developers by providing guidance on how development can be built in ways which protect and even improve the quality of the environment.

They will also assist Council's staff in discussing development proposals with owners and developers, and in assessing applications for the Council's approval.

### SCOPE OF THE GUIDELINES

These Guidelines are to be applied to all grouped and multiple dwelling development above the R17.5 Code in Precincts or on sites the subject of split coding (such as R17.5/R30).

However, they are also relevant to other residential unit developments and the development of single houses, especially those on smaller lots which result from subdivision of older residential lots.

### RELATIONSHIP WITH R-CODES

All residential development is required to comply with provisions of the Residential Planning Codes which form part of this Scheme and these Guidelines are intended to supplement, not replace the requirements of the R-Codes and the Scheme.

### OBJECTIVES FOR DESIGN OF RESIDENTIAL DEVELOPMENT

- to fit in with the desired future character of the locality as outlined in Council's Local Housing Strategy;
- to create a pleasant living environment for all occupants of the development; and
- to ensure that the quality of life of neighbours is not adversely affected.

The test of acceptability of any development will be whether it meets these objectives.

In order to achieve these objectives, the following guidelines are to be taken into account when submitting applications for new residential development above the R17.5 Code in Canning:

#### 1. Sympathy with Streetscapes

New development will be required to respect existing streetscapes.

The design of grouped and multiple dwelling development should acknowledge any existing development on site and desirable features of the streetscape with respect to building type or scale, roof pitches, setbacks, tree cover and landscaping, garages and driveways, front fences, adjoining and surrounding houses.

#### 2. Retention of Existing Dwelling

Consideration should be given to retention of the existing dwelling if it is in reasonable condition and likely to offer a design benefit to the new development. Integration of the proposed development with existing house should include attention to aspects such as roof design, roof colour, wall colour, texture and specific design features such as the use of special building materials and fixtures.

#### 3. Relationship to Street

Wherever possible the dwelling should be designed to face public streets in the traditional manner and front entrances to all rear units should be clearly visible from a street.

In the case of grouped and multiple dwellings with an internal access way the entrances to dwellings should be visible from the internal or communal street and the space should be semi-private and transitional.

A good view of the proposed development from the road should be encouraged by staggering dwellings, avoiding long driveways, breaking up of roof expanses and integrating with site landscaping.

Where a Right-of-Way exists adjoining the lot consideration should be given to using it for access to the development.

#### 4. Fencing

Fences on street boundaries or within a setback area should not interrupt the streetscape.

If a front fence or wall is desired to define the boundary of public place or provide security to the garden, it should normally allow clear sight through it or over it to the house behind. Solid panels should only be permitted to a height of 750mm and the overall height should not exceed 1.8 metres.

Front walls with solid panels between 750mm and 1800mm height will be considered for approval by Council only where homes face noisy roads, adjoin incompatible land uses, or for other reasons relating to general amenity.

Front walls should be compatible in both materials and style with the existing buildings on site or with structures within the streetscape.

Fibro cement should not be considered an acceptable material for any fence within the front setback or on the front boundary.

#### 5. Landscaping

Existing vegetation and trees should be retained wherever desirable and reinforced by additional planting. Each development proposal is to indicate what is to be retained and details of new plantings.

#### 6. Advantages of a Private House

In order to provide for the advantages of single house accommodation the extent of each unit should be clearly defined and there should also be a clear distinction between public space, community space and private space within the development.

All site services should be conveniently located and adequate space available for household amenities such as garbage, mail and clothes drying.

#### 7. Privacy and Overlooking

It is recognised that the degree of privacy that might be enjoyed with single houses on large lots can not always be enjoyed with medium density development.

However, windows to habitable rooms, living rooms, bedrooms or kitchens should be positioned so that they avoid a direct view into a neighbour's garden or of a neighbour's window or can be adequately screened from view.

#### 8. Living with the Climate

North facing private gardens for all occupants of dwelling units should be encouraged and the orientation of main windows of living areas to the north.

The number of windows facing west should be limited but windows may be located to catch advantage of breezes from the south-west in the summer.

Landscaping and planting should be used effectively to achieve passive solar benefit.

### PREFERRED FORMS OF REDEVELOPMENT

In areas the subject of split coding where redevelopment results in more intensive development the types of development which will be favoured by Council are:

- Single houses with each lot fronting a street (corner lots).
- Grouped dwellings with each dwelling facing a street (eg corner lots).
- Single houses on narrow frontages based on resubdivision of existing lots.
- Single houses, grouped dwellings or multiple dwellings which make use of rear Rights-of-Way as well as public street access.
- Grouped or multiple dwelling developments with a central communal street with dwellings on each side.
- Single houses on battleaxe lots where two such are adjoining with a common access way and reciprocal rights-of-way.

### REQUIREMENT FOR AN OUTLINE DEVELOPMENT CONCEPT PLAN

In areas covered by Development Schemes, Town Planning Scheme No. 17 (Cannington Lakes Scheme) and Town Planning Scheme No. 21 (Queens Park/East Cannington Guided Development Scheme), covering the areas of East Cannington, Queens Park and Cannington, any residential development above the R17.5 Code should be in accordance with an Outline Development Concept Plan for each super block (generally a block of land surrounded by streets) defined on the Development Guide Map for that Scheme. Council may vary an approved Outline Development Concept Plan if it is satisfied that the variation will not prejudice other owners in the vicinity and will be in the interest of proper and orderly planning of the area. The preparation and variation of Outline Development Concept Plans shall involve consultation with all affected landowners in the super block and be the responsibility of the Council.

Council may require that development proposals on other blocks within the City be assessed within the framework of an Outline Development Concept Plan where:

- Existing size and shape of lots in that block is considered to provide a significant constraint to the achievement of the objectives outlined in this Appendix.
- Where it is considered that a comprehensive approach to the redevelopment of the total block will be in the interests of the landowners, the community and the appearance of the area in general.

Such areas may be determined by Council Resolution after precinct evaluation or after consultation with owners of land in any area and are to be included in a Council Policy pursuant to Clause 2.7.12 (Power to Make Policies).

### APPENDIX 8 CONTROL OF ADVERTISEMENTS

#### ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Council's Development Approval—refer Appendix 3)

1. Name of Advertiser (if different from owner):

\_\_\_\_\_

2. Address in full:

\_\_\_\_\_

3. Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 4. Details of Proposed Sign:

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Depth: \_\_\_\_\_

Colours to be used: \_\_\_\_\_

Height above ground level (to top of Advertisement): \_\_\_\_\_

(to Underside): \_\_\_\_\_

Materials to be used: \_\_\_\_\_

Illuminated: Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc: \_\_\_\_\_

If yes, state intensity of light source: \_\_\_\_\_

## 5. State period of time for which advertisement is required:

\_\_\_\_\_

## 6. Details of signs, if any, to be removed if this application is approved:

\_\_\_\_\_

\_\_\_\_\_

NB: Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s): \_\_\_\_\_

(if different from land owners)

Date: \_\_\_\_\_

PD703

## TOWN PLANNING AND DEVELOPMENT ACT 1928

## APPROVED TOWN PLANNING SCHEME

*City of Cuballing*

Town Planning Scheme No. 1

Ref: 853/4/9/1.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Cuballing Town Planning Scheme No. 1 on 22 January 1994—the Scheme Text of which is published as a Schedule annexed hereto.

I. L. WATTS, President.  
G. W. FOSTER, Shire Clerk.

## Schedule

*Shire of Cuballing*

Town Planning Scheme No. 1

The Cuballing Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

## SCHEME TEXT

## ARRANGEMENT

## Part 1—Preliminary

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Scheme Objectives
- 1.7 Interpretation

**Part 2—Reserves**

- 2.1 Scheme Reserves
- 2.2 Matters to be Considered by the Council
- 2.3 Compensation

**Part 3—Zones**

- 3.1 Zones
- 3.2 Zoning Table

**Part 4—Non-conforming Uses**

- 4.1 Non-conforming Use Rights
- 4.2 Extension of Non-conforming Use
- 4.3 Change of Non-conforming Use
- 4.4 Discontinuance of Non-conforming Use
- 4.5 Destruction of Buildings

**Part 5—Development Requirements**

- 5.1 Development of Land
- 5.2 Discretion to Modify Development Standards
- 5.3 Residential Development: Residential Planning Codes
- 5.4 Site Requirements
- 5.5 Relocated Second-hand Buildings
- 5.6 Development of Lots Abutting Unconstructed Roads
- 5.7 Home Occupation
- 5.8 Rural Townsite Zone
- 5.9 Rural Residential Zone
- 5.10 Farming Zone

**Part 6—Planning Consent**

- 6.1 Application for Planning Consent
- 6.2 Advertising of Application
- 6.3 Determination of Application
- 6.4 Deemed Refusal
- 6.5 Preservation of Heritage Places

**Part 7—Administration**

- 7.1 Powers of the Scheme
- 7.2 Offences
- 7.3 Act—Removal of Certain Buildings etc
- 7.4 Claims for Compensation
- 7.5 Appeals
- 7.6 Power to make Policies

**SCHEDULES**

- 1. Interpretation
- 2. Rural Residential Zone

**PART 1—PRELIMINARY**

1.1 Citation: This Town Planning Scheme may be cited as the Shire of Cuballing Town Planning Scheme No 1 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 Responsible Authority: The Authority responsible for implementing the Scheme is the Council of the Shire of Cuballing hereinafter called "the Council".

1.3 Scheme Area: The Scheme applies to the whole of the land within the Municipal District of the Shire of Cuballing hereinafter called "the Scheme Area".

1.4 Contents of Scheme: The Scheme comprises:

- (a) this Scheme Text
- (b) the Scheme Map (sheets numbers 1 to 10 inclusive)

1.5 Arrangement of Scheme Text: The Scheme Text is divided into the following parts:

PART 1—PRELIMINARY

PART 2—RESERVES

PART 3—ZONES

PART 4—NON-CONFORMING USES

PART 5—DEVELOPMENT REQUIREMENTS

PART 6—PLANNING CONSENT

PART 7—ADMINISTRATION

1.6 Scheme Objectives: The objectives of the Scheme are:

- (a) to zone the Scheme Area for the purposes described in the Scheme;
- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- (e) to make provision for other matters necessary or incidental to Town Planning and housing.

1.7 Interpretation

1.7.1 Except as provided in Clauses 1.7.2 and 1.7.3 the words and expressions of the Scheme have their normal and common meaning.

1.7.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Schedule 1 and the Residential Planning Codes.

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

## PART 2—RESERVES

2.1 Scheme Reserves: The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map.

2.2 Matters to be Considered by the Council: Where an application for planning consent is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

2.3 Compensation

2.3.1 Where the Council refuses planning consent for the development of a reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, or grants consent 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.

2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.

2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

## PART 3—ZONES

## 3.1 Zones

3.1.1 There are hereby created the several zones set out hereunder:

RURAL TOWNSITE  
RURAL RESIDENTIAL  
FARMING

3.1.2 The zones are delineated and depicted in the Scheme Map according to the legend thereon.

## 3.2 Zoning Table

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:

“P” means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

“AA” means that the Council may, at its discretion, permit the use.

3.2.3 Where no symbol appears in the cross reference of a use against a zone in the Zoning Table that use is not permitted in that zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use.

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent.

3.2.6 Notwithstanding that the use of land is not permitted in the Rural Townsite zone in the Zoning Table the Council may, subject to following the advertising procedures of Clause 6.2, approve of the use of the land for that purpose if the Council is satisfied by absolute majority that:

- (a) the proposed development will be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- (b) the use of the land for that purpose will not have any adverse effect upon the occupiers or users of the development or upon property in or the inhabitants of the locality or the likely future development of the locality.

TABLE 1  
ZONING TABLE

USES	Rural Townsite	Rural Residential	Farming
1 abattoir .....			AA
2 aged or dependent persons dwelling .....	AA	AA	
3 caretaker's dwelling .....	AA	AA	AA
4 civic building .....	AA		
5 consulting rooms .....	AA		
6 education establishment .....	AA		
7 fuel depot .....	AA		AA
8 grouped dwelling .....	AA		
9 home occupation .....	AA	AA	AA
10 hotel .....	AA		
11 industry—cottage .....	AA	AA	AA
12 industry—extractive .....			AA
13 industry—general .....	AA		
14 industry—light .....	AA		
15 industry—noxious .....			AA
16 motel .....	AA		

USES	Rural Townsite	Rural Residential	Farming
17 office .....	AA		
18 public recreation .....	P	P	AA
19 residential building .....	AA		
20 rural pursuit .....		AA	P
21 service station .....	AA		
22 shop .....	AA		
23 single house .....	P	P	P
24 transport depot .....	AA	AA	AA

#### PART 4—NON-CONFORMING USES

4.1 Non-conforming Use Rights: No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorize the development to be carried out, were duly obtained and are current.

4.2 Extension of Non-conforming Use: A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 Change of Non-conforming Use: Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

4.4 Discontinuance of Non-conforming Use

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

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

#### PART 5—DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to Clause 5.1.2 a person shall not commence or carry out development of any land zoned under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

5.1.2 The planning consent of the Council is not required for the following development of land:

- (a) the use of land in a reserve, where such land is held by the Council or vested in a public authority:
  - (i) for the purpose for which the land is reserved under the scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the erection on a lot of a single house, including ancillary outbuildings except:
  - (i) as provided in Clause 5.9.1(b); or
  - (ii) where the lot on which the single house is proposed does not have frontage to a constructed road in a dedicated road reserve;
 in either of which cases an application for planning consent is required.



- (d) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building; or
- (f) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

5.2 Discretion to Modify Development Standards: If a development, other than a residential development or development of a lot fronting an unconstructed road, and which is the subject of an application for planning consent does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this Clause may only be exercised if the Council is satisfied that:—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

### 5.3 Residential Development: Residential Planning Codes

5.3.1 For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").

5.3.2 A copy of the R Codes, as amended, shall be kept and made available for public inspection at the office of the Council.

5.3.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

5.3.4 The R Code density applicable to land within the residential zone shall be determined by reference to the R Code density numbers superimposed on the areas within that zone shown in the Scheme Map as being contained within the outer edges of the black borders or, where such an area abuts on another area having an R Code density, as being contained within the centrelines of those borders.

5.4 Site Requirements: The site building requirements for land in various zones shall be as set out in Table 2.

TABLE 2  
SITE REQUIREMENTS—MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET <sup>1</sup>	REAR	SIDE
Rural Townsite		As in the R Codes	
Rural Residential	15.0m	10.0m	10.0m
Farming	15.0m	10.0m	10.0m

NOTES: <sup>1</sup> Where a lot has frontage to two streets the Council may reduce the minimum setback from one only of those streets to not less than 50% of the distance specified in Table 2.

5.5 Relocated Second-hand Buildings: Notwithstanding anything elsewhere appearing in the Scheme the placement of a relocated second-hand dwelling or building shall not be permitted on any lot in the Cuballing, Yornaning, or Popanyinning townsites unless:

- (a) in the opinion of the Council such dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
- (b) an applicant for a building licence for such dwelling or building lodges a cash bond and enters into an agreement to the satisfaction of the Council to reinstate the dwelling or building to an acceptable standard of presentation as determined by the Council within 12 months of the issue of a building licence;

5.6 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or

- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

### 5.7 Home Occupation

5.7.1 The Council shall not grant planning consent to a home occupation unless it is satisfied that the use:

- (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
- (b) will not occupy an area greater than 20 square metres;
- (c) 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;
- (d) does not entail the sale of any goods not produced on the site;
- (e) is compatible with the principal uses to which the land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area; and
- (f) does not display a sign exceeding 0.2 sq. metres in area.

5.7.2 A planning consent to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which planning consent for a home occupation is issued the planning consent is cancelled.

5.7.3 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the planning consent.

### 5.8 Rural Townsite Zone

**Policy Statement:** This zone will apply within the Cuballing, Popanyinning, and Yornaning townsites.

It is the intention of the Council that a range of uses such as may be found in a small country town may be permitted in the zone.

In considering an application for planning consent the Council will have regard for the impact of the proposed use on local amenities.

The Council will generally not favour commercial or industrial uses in areas where the predominant established use is for residential purposes unless residential areas are buffered from any impacts.

#### 5.8.1 Clifford Street Area—Cuballing

On the lots designated with R2 density Code south of Rose Street and west of Clifford Street, Cuballing, the following shall apply:

- (a) In order to enhance the amenity of the land, in any area the Council considers deficient in tree cover it may require as a condition of any planning consent the planting of such trees and/or groups of trees and species as specified by the Council.
- (b) A building envelope with an area of at least 1000 square metres, but not exceeding 30% of each lot area, in a position to be agreed by the Council may be cleared. Trees or other vegetation outside the approved building envelope shall not be removed unless with the approval of the Council and then only for fences, firebreaks, access, servicing, or removal of dead or dangerous trees.

### 5.9 Rural Residential Zone

**Policy Statement:** It is the intention of the Council to consider only those proposals for Rural Residential development for land within a 10 kilometre radius of the Cuballing or Popanyinning townsites.

Each application for a Rural Residential Zone is to be accompanied by a Limited Rural Strategy prepared in accordance with Policy adopted by the Commission at the proponents' cost.

5.9.1 **General Provisions:** The provisions for controlling subdivision and development in a Rural Residential Zone shall comply with the requirements of Schedule 2 and with the following:

- (a) subdivision shall generally accord with the plan of subdivision for the specified area referred to in Schedule 2 and such plan of subdivision shall show the minimum lot size for subdivision;
- (b) in addition to a building licence, the Council's prior planning consent is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of Clause 6.1 of the Scheme.
- (c) not more than one dwelling per lot shall be erected; the Council may approve ancillary accommodation in accordance with the R Codes;
- (d) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.

- (e) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to noise, odour, or dust pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the period specified in the notice of those animals specified in the notice for a period specified in the notice.

5.9.2 In considering an application for planning consent for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the Council to be relevant.

#### 5.10 Farming Zone

**Policy Statement:** The Council intends the predominant form of rural activity in the Farming zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision.

The Council may recommend approval for subdivision in the Farming zone for use of the land for more intensive forms of rural production but only where the application as submitted to the Commission is accompanied by the following:

- (a) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land;
- (b) evidence of consultations by the proponent with the Department of Agriculture on the suitability of the proposed lot(s) and lot size for the intended land use;
- (c) the proponent entering into an Agreement with the Council to proceed with the intended land use;
- (d) details of stream protection where appropriate; and
- (e) such other matters as may be requested by the Council.

The Council does not recognize precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the Farming zone.

The Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.

5.10.1 Subdivision: There shall be a general presumption against subdivision in the Farming zone unless:

- (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- (b) the lots are for farm adjustment and the erection of dwellings is restricted by memorials on Titles;
- (c) the lots are for specific uses such as recreation facilities and public utilities; or
- (d) the lots are required for the establishment of uses ancillary to the rural use of the land.

5.10.2 Dwellings in the Farming Zone:

- (a) notwithstanding anything elsewhere appearing in the Scheme, within the Farming Zone the Council may permit the erection of not more than two dwellings per lot for private residential purposes associated with farm management of the lot.
- (b) where the Council is satisfied that justification exists for agricultural or farm management purposes the Council may permit more than two dwellings on one property.

5.10.3 Development: The Council shall not grant planning consent for any development that will in the opinion of the Council adversely affect the rural landscape or be contrary to the agricultural use of the land.

### PART 6—PLANNING CONSENT

6.1 Application for Planning Consent: Every application for planning consent shall be made in the form prescribed by the Council and in accordance with the directions thereon.

#### 6.2 Advertising of Application

6.2.1 Where an application is made for planning consent to commence or carry out development which involves an "AA" use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this Clause.

6.2.2 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out:—

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this Clause.

6.2.3 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

### 6.3 Determination of Application

6.3.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

6.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.

6.3.3 Where the Council approves an application for planning consent under the Scheme the Council may limit the time for which that consent remains valid.

### 6.4 Deemed Refusal

6.4.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.2 the application may be deemed to have been refused.

6.4.2 Where the Council has given notice of an application for planning consent in accordance with Clause 6.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

6.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 6.4.1 or 6.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those Clauses, as the case may be.

### 6.5 Preservation of Heritage Places

6.5.1 If the Council resolves that, in its opinion, a building, object, or place is of historical or architectural interest or of outstanding natural beauty then it shall be described and listed in the register of Heritage Places which shall be held with the Scheme but does not form part of the Scheme.

The Council may resolve its intention to declare any area to be a place of heritage value but the area shall not be included in the register of Heritage Places until the Council has notified all of the owners and occupiers in the area of its intentions in writing, advertised its intention for a period of 30 days calling for submissions, and considered any submissions received in response to its declaration.

The Council may at any time resolve that a heritage area should no longer be protected, or should be extended or otherwise amended but the register of Heritage Places shall not be amended until the Council has notified all owners and occupiers in the area of its intentions in writing, advertised its intention for a period of 30 days calling for submissions and considered any submissions.

6.5.2 No alteration or modification to any building, object or place which is included in the register of heritage places under Clause 6.5.1 shall be commenced or carried out, by any person, without having obtained planning consent.

In considering any application to commence development the Council shall have due regard for any policy statement of the Council and to the published views of the National Trust of Australia (WA), and the Western Australian Heritage Council or its successors; and to the views of these or any other relevant bodies, which views the Council may solicit.

6.5.3 Where a development the subject of an application for planning consent involves a material alteration to, a material modification of, or the destruction (total or partial) of any building, object, or place the subject of a resolution under Clause 6.5.1, the Council, having regard to the desirability of retaining that building, object, or place, may refuse the application or approve of it subject to such conditions as the Council deems necessary to protect or preserve the building, object, or place.

6.5.4 Where development is proposed which would incorporate or conserve the whole or part of an existing building which the Council considers worthy of preservation; or where new development is proposed that, in the view of the Council, enhances significant aspects of the built form of a heritage area and/or makes a significant contribution to the townscape, the Council may:

- permit an increase in the permissible floor area;
- permit setbacks consistent with the existing or neighbouring buildings;
- relax parking standards or any other matters which, in the opinion of the Council, would achieve the objectives of the Scheme without detriment to the amenity of the area, consistent with orderly and proper planning practice.

#### PART 7—ADMINISTRATION

7.1 Powers of the Scheme: In implementing the Scheme the Council has, in addition to all other powers vested in it, the following powers:

- (a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) the Council may acquire any land or buildings pursuant to the provisions of the Scheme or the Act.
- (c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- (d) an officer of the Council, authorized by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

#### 7.2 Offences

7.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

7.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

#### 7.3 Act—Removal of Certain Buildings etc.

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

7.3.2 The Council may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

7.4 Claims for Compensation: Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11 (1) of the Act is six (6) months after the gazettal date.

7.5 Appeals: An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with the rules and regulations made pursuant to the Act.

#### 7.6 Power to Make Policies

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme Area giving details of where the draft Policy may be inspected and where, in what form, and during what period (being not less than twenty-one days) representations may be made to the Council.

(b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or to not proceed with the draft Policy.

(c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme for inspection during normal office hours.

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:

(a) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.

(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the Scheme Area.

7.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but before making its decision the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve.

## SCHEDULE 1

### INTERPRETATION

**abattoir:** means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**Act:** means the Town Planning and Development Act, 1928 (as amended).

**building envelope:** means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

**caretaker's dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

**civic buildings:** means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

**club premises:** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises are licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

**Commission:** means the State Planning Commission constituted under the State Planning Commission Act 1985 (as amended).

**development:** shall have the same meaning given to it in and for the purposes of the Act.

**District:** means the Municipal District of the Shire of Cuballing.

**education establishment:** means a school or other educational centre, but does not include a reformatory or institutional home.

**fuel depot:** means a depot for the storage or bulk sale of solid or liquid or gaseous fuel, but does not include a service station or the sale by retail into the final users vehicle of such fuel from the premises.

**gazetted date:** means the date of which the Scheme is published in the *Government Gazette*.

**heritage:** In Burra Charter Terms, places of heritage value must have cultural significance—that have 'aesthetic, historic, scientific or social value for past, present or future generations'. Places of heritage can include buildings and other artefacts as well as gardens and landscapes and allows for both 'new' and 'old' heritage places.

**home occupation:** means a business or activity carried on with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.

**hotel:** means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

**industry:** 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, packing, or canning or adapting for sale, 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,

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling 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, work or land,

(iii) in the case of edible goods the preparation of food for sale from the premises,

(iv) panel beating, spray painting or motor vehicle wrecking.

**industry—cottage:** means an industry which produces goods within a dwelling or the curtilage of a dwelling and which cannot be carried out under the provisions relating to a "home occupation" and that:

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, stream, soot, ash, dust, grit, oil, liquid wastes or waste products;

(b) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;

(c) 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;

(d) does not display a sign exceeding 0.2m<sup>2</sup> in area.

**industry—extractive:** means an industry which involves the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**industry—general:** means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

**industry—hazardous:** means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

**industry—light:** means an industry:

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and

(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

**industry—noxious:** means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended), but does not include fish shops or dry cleaning establishments.

**industry—rural:** means an industry handling, treating, processing or packing primary products grown, reared, produced, or used in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**motel:** means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

**non-conforming use:** means a use of land which, though lawful immediately prior to the coming into operation of this scheme, is not in conformity with the scheme.

**office:** means a building 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 lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land 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.

**potable water:** means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organization—1971".

**private recreation:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

**public authority:** shall have the same meaning given to it in and for the purposes of the Act.

**public recreation:** means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.

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

**public worship:** means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

**residential building:** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—

- temporarily by two or more persons, or
- permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, an hotel, a motel, or a residential school.

**restaurant:** means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

**restoration:** means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

**rural pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of sheep, cattle, horses, goats or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of crops or pasture for grazing or seed production;
- (e) the sale of produce grown solely on the said land;

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

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

**schedule:** means a schedule to the Scheme.

**service station:** means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

**shop:** means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.

**tavern:** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

**transport depot:** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

**zone:** means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land but does not include reserved land.

## SCHEDULE 2

### RURAL RESIDENTIAL ZONE

#### PARTICULARS OF LAND

#### REQUIREMENTS OF THE ZONE

Cuballing and Popanyinning townsites	<ol style="list-style-type: none"> <li>1. The plan of subdivision referred to in Clause 5.9.1(a) of the Scheme shall be the existing cadastral plan for the townsites.</li> <li>2. The Council may recommend approval and the Commission may approve the amalgamation of lots, or the adjustment of boundaries between lots where the resultant lot(s) have a minimum area of 1.5 ha.</li> <li>3. All lots of less than 2 ha. shall be connected to a reticulated public water supply as a condition of subdivision.</li> </ol>
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**ADOPTION—**

Adopted by Resolution of the Council of the Shire of Cuballing at the meeting of the Council held on the 21st day of October 1993.

I. L. WATTS, President.  
G. W. FOSTER, Shire Clerk.

**FINAL APPROVAL—**

1. Adopted by Resolution of the Council of the Shire of Cuballing at the meeting of the Council held on the 21st day of October 1993 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

I. L. WATTS, President.  
G. W. FOSTER, Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

**2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL—**

M. R. ALLEN, for Chairman of the State Planning Commission.

Date: 19th January 1994.

**3. FINAL APPROVAL GRANTED—**

RICHARD LEWIS, Hon. Minister for Planning.

Date: 22nd January 1994.

**POLICE****PE401****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property will be sold by public auction at the Department of Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday March 22nd 1994, at 9.00 a.m.

Auction to be conducted by Mr K. Treloar, Government Auctioneer.

B. BULL, Commissioner of Police.

**PE402****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed stolen bicycles will be sold by public auction at the Department of State Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday April 12th 1994, at 9.00 a.m.

Auction to be conducted by Mr K. Treloar, Government Auctioneer.

B. BULL, Commissioner of Police.

**PE403****POLICE AUCTION**

Under the provisions of the Police Act 1982-1983, unclaimed and stolen property will be sold by Public Auction at the premises of Fuller Auctions of 95 Forrest Avenue, Bunbury on March 19, 1994 at 9.30 am.

B. BULL, Commissioner of Police.

**PORT AUTHORITIES****PH401****ALBANY PORT AUTHORITY ACT 1926****NOTICE****Application to Lease**

In accordance with the provision of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from Melan Pty Ltd for the lease of Lot 19 of Port land vested in the Albany Port Authority for a period exceeding three years for the purpose of storage of rural produce.

Dated this 3rd day of February 1994.

C. R. BERRY, Finance Manager.

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**PH402****ALBANY PORT AUTHORITY ACT 1926****NOTICE****Application to Lease**

In accordance with the provision of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from Co-operative Bulk Handling for the lease of Lot 41 of Port land vested in the Albany Port Authority for a period exceeding three years for the purpose of storage and handling of grain.

Dated this 4th day of February 1994.

C. R. BERRY, Finance Manager.

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**PH403****ALBANY PORT AUTHORITY ACT 1926****NOTICE****Application to Lease**

In accordance with the provision of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from Goddards Auto Electrics for the lease of Lot 14 of Port land vested in the Albany Port Authority for a period exceeding three years for the purpose of marine electrical repairs.

Dated this 4th day of February 1994.

C. R. BERRY, Finance Manager.

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**PH404****ALBANY PORT AUTHORITY ACT 1926****NOTICE****Application to Lease**

In accordance with the provision of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from Caltex Oil (Australia) Pty Ltd for the lease of Part Lot 647 of Port land vested in the Albany Port Authority for a period exceeding three years for the purpose of road access to Lot 5.

Dated this 3rd day of February 1994.

C. R. BERRY, Finance Manager.

**PH405****BUNBURY PORT AUTHORITY ACT 1909****NOTICE****Application for Lease**

In accordance with the provisions of section 25 of the Bunbury Port Authority Act 1909 it is hereby advertised that an application has been received from Dyno Industries (WA) Pty Ltd for the lease of an area of land within the Outer Harbour port area vested in the Bunbury Port Authority for a term exceeding 3 years for the purpose of storage of methanol in tanks.

Dated 11 February 1994.

D. FIGLIOMENI, General Manager.

**SALARIES AND ALLOWANCES****SA401****SALARIES AND ALLOWANCES ACT 1975****SALARIES AND ALLOWANCES TRIBUNAL****Determination—Second Schedule****Part 1**

S ENVIRONMENTAL PROTECTION—DEPARTMENT OF:  
Chief Executive Officer—(S2)

Dated at Perth this 10th day of February 1994.

B. J. COLLIER, Chairman.

R. H. C. TURNER, Member.

J. A. S. MEWS, Member, Salaries and Allowances Tribunal.

**TRANSPORT****TR401****GERALDTON PORT AUTHORITY ACT**

Office of the Minister for Transport,  
Perth.

It is hereby notified for general information that His Excellency the Governor in Executive Council, has approved the appointment of Mr Raj Mavath as Member of the Geraldton Port Authority for a term expiring on 31 December 1994, and the reappointment of Messrs Robert Gillam and Alan Sale as Members of the Geraldton Port Authority for terms expiring on 31 December 1995.

E. CHARLTON, Minister for Transport.

**TR402****ESPERANCE PORT AUTHORITY ACT 1968**

Office of the Minister for Transport,  
Perth.

It is hereby notified for your general information that His Excellency the Governor in Executive Council has approved the re-appointment of Mr Ian Burston as Member of the Esperance Port Authority for a further three-year period expiring on 31 December 1996.

This appointment is in accordance with sections 7 and 8 of the Esperance Port Authority Act.

E. CHARLTON, Minister for Transport.

**WORKERS COMPENSATION AND REHABILITATION**

WC301

**WORKERS' COMPENSATION AND REHABILITATION ACT 1981****WORKERS' COMPENSATION AND REHABILITATION AMENDMENT  
REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Workers' Compensation and Rehabilitation Amendment Regulations 1994*.

**Commencement**

2. These regulations come into operation on 1 March 1994.

**Principal regulations**

3. In these regulations the *Workers' Compensation and Rehabilitation Regulations 1982*\* are referred to as the principal regulations.

[\* Reprinted as at 30 April 1992.

For amendments to 13 January 1994 see 1992 Index to Legislation of Western Australia, Table 4, p. 324, and Gazette of 5 February, 17 September, 29 October and 24 December 1993.]

**Regulation 6 amended**

4. Regulation 6 of the principal regulations is amended by deleting "130 (1) (a)" and substituting the following —

" 84I (1) (a) "

**Regulation 6AA amended**

5. Regulation 6AA of the principal regulations is amended by deleting "130 (1) (b)" and substituting the following —

" 84I (1) (b) "

**Regulation 8A inserted**

6. After regulation 8 of the principal regulations the following regulation is inserted —

"

**Purposes for which lump sum redemption may be obtained**

8A. The purposes for which liability for the permanent total incapacity of a worker who has not attained the age of 55 years may, in accordance with section 67 (3) of the Act, be redeemed by the payment of a lump sum are —

- (a) making an investment to produce income for the worker;
- (b) enabling the worker to reside in a different area in a case where there are substantial economic or compassionate grounds for enabling the worker to do so; or

- (c) any purpose such that, because of the special circumstances of the case, use of the sum for that purpose will substantially assist in the rehabilitation of the worker.

#### **Regulation 10 amended**

7. Regulation 10 (2) of the principal regulations is amended by deleting "apply to the Board for a determination thereon" and substituting the following —

"

under section 84N of the Act, refer the dispute to the Director for conciliation

"

#### **Regulation 11 amended**

8. Regulation 11 of the principal regulations is amended by deleting "Registrar" in subregulations (1) and (3), and in both places where it occurs in subregulation (4), and substituting in each case the following —

" Director "

#### **Regulation 12 inserted**

9. After regulation 11 of the principal regulations the following regulation is inserted —

"

##### **Agreements**

12. (1) A memorandum of an agreement referred to in section 76 of the Act is sent to the Director in accordance with that section by sending it to the Director as soon as practicable after the agreement has been entered into, with enough copies for the memorandum to be kept in the Directorate and a copy to be given to each interested party.

(2) The memorandum is to include full particulars of matters for which the agreement provides and, in the case of an agreement as to the compensation that is to be paid under Schedule 2 of the Act, is to identify each item for which the compensation is to be paid and, for each item, the percentage loss of the full efficient use of a part or faculty of the body for which compensation is to be paid, and the amount of the compensation.

(3) The memorandum is to be signed by or on behalf of each party to the agreement and if the memorandum sent to the Director is not the original signed memorandum the original is to be produced for inspection by the Director.

(4) The notice despatched by the Director to each interested party, under section 76 (2) of the Act, is to be in the form of Form 15A in Appendix 1.

(5) If the Director records the memorandum, the Director is to notify each interested party accordingly in the form of Form 15B in Appendix 1.

"

**Regulation 13 repealed**

10. Regulation 13 of the principal regulations is repealed.

**Appendix I amended**

11. Appendix I to the principal regulations is amended —

(a) in Form 1 —

(i) by deleting “I elect to accept under Schedule 2 of the *Workers’ Compensation and Rehabilitation Act 1981*” and substituting the following —

“  
I elect to receive compensation under Schedule 2 of the *Workers’ Compensation and Rehabilitation Act 1981* which I anticipate should be  
”;

and

(ii) by deleting “at the Board or an award being made by the Board” and substituting the following —

“  
under Division 7 of Part 3 of the Act or an award being made by a dispute resolution body  
”;

(b) in Form 2A, by deleting “130 (1) (a)” and substituting the following —

“ 84I (1) (a) ”;

(c) in Form 2B, by deleting “130 (1) (b)” and substituting the following —

“ 84I (1) (b) ”;

(d) in Forms 3B, 3C, 3D and 3E, by inserting at the end of each Form the following —

“  
NOTE THAT if you wish you may, under section 84N of the Act, refer a dispute to the Director of Conciliation and Review for conciliation. You may obtain advice from the Workers’ Compensation and Rehabilitation Commission.  
”;

(e) in Forms 3C and 3E, by deleting “Registrar, Workers’ Compensation Board.” and substituting in each case the following —

“ Director of Conciliation and Review ”;

(f) in Form 4, under the heading “B. MEDICAL ASSESSMENT OF DISABILITY” —

(i) by deleting item 3 and substituting the following item —

“  
3. It is also my opinion that as from  
.... / ... /19.... the worker is —  
(a)  Fit.  
(b)  Fit for alternative duties with the following limitations: . . . .  
.....  
.....  
.....  
”;

and

(ii) in item 4 by deleting "item 2" and substituting the following —

" items 2 and 3 ";

(g) in Form 5 —

(i) in paragraph (2), by deleting "Workers' Compensation Board, by application in chambers," and substituting the following —

" Director of Conciliation and Review "; and

(ii) by deleting paragraphs (3) and (4) and substituting the following paragraph —

" (3) if you do not so apply, weekly payments may be lawfully discontinued or reduced; "

(h) in Form 6, under the heading "B. DOCTOR'S SECTION", by deleting item 2 and substituting the following item —

" 2. On .... / .... /19 ... I examined the above person and am of the opinion that he/she is —  
(a)  Fit.  
(b)  Fit for alternative duties with the following limitations: .....  
.....  
..... "

(i) by deleting Form 12; and

(j) by inserting after Form 15 the following Forms —

" Form 15A [Reg. 12 (4)]  
*Workers' Compensation and Rehabilitation Act 1981*  
**NOTICE OF MEMORANDUM HAVING BEEN RECEIVED**

Ref.

**TAKE NOTICE**

- 1. That a Memorandum, copy of which is hereto annexed, has been sent to me for registration. The Memorandum appears to affect you.
- 2. I therefore request you to inform me within 7 days from this date whether you admit the genuineness of the Memorandum, or whether you dispute it, and if so, in what particulars, or object to its being recorded, and if so, on what ground.
- 3. If the Memorandum is recorded it is enforceable as an award or order.
- 4. If you have any doubts as to the effect of the agreement, or your rights to compensation generally you should contact me immediately.

Dated this ..... day of ..... 19 .....

.....  
Director of Conciliation and Review

Form 15B

[Reg. 12 (5)]

*Workers' Compensation and Rehabilitation Act 1981*

**NOTICE OF RECORDING OF MEMORANDUM OF AGREEMENT**

Ref.

**YOU ARE NOTIFIED**

That a memorandum of the agreement entered into between

.....

and

.....

the abovenamed parties, and dated the ... day of ..... 19 ..... has now been recorded in the Register under section 76 of the *Workers' Compensation and Rehabilitation Act 1981*.

The Agreement has been numbered .....

You may, without fee, obtain a certificate of the memorandum and its recording.

Dated this ..... day of ..... 19 .....

.....  
Director of Conciliation and Review

”

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

**WC302**

**WORKERS' COMPENSATION AND REHABILITATION ACT 1981  
WORKERS' COMPENSATION (CONCILIATION AND REVIEW)  
RULES 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Workers' Compensation (Conciliation and Review) Rules 1994*.

**Commencement**

2. These regulations come into operation on 1 March 1994.



**Interpretation**

3. In these regulations, unless the contrary intention appears —  
“Form” refers to a form in Schedule 1.

**Proceedings generally not public**

4. (1) Unless the Director otherwise directs or, in particular proceedings, the conciliation officer or review officer dealing with the matter otherwise directs, a conciliation or review is not open to the public.
- (2) A direction is not to be given under subrule (1) without the consent of the parties.

**Procedural directions**

5. To the extent that these regulations make no provision as to a matter of procedure in a conciliation or review, the Director may give directions as to that matter.

**Form for seeking conciliation**

6. An application referring a dispute to the Director for conciliation is to be made in the form of Form 1, but the Director may accept an application that is in a form that does not comply with this rule.

**Copies to be given to other parties**

7. The Director is to acknowledge receipt of the application and cause a copy of the application to be given to each other party to the dispute.

**Devices needed to interpret documents produced at conciliation**

8. If a party wishes to produce to the conciliation officer a document that is not in a form that enables it to be understood by visual means alone, that party is to ensure that the means by which the contents of the document can be understood are available to the conciliation officer.

**Conciliation certificate to be given**

9. When a conciliation comes to an end (whether by referral of the dispute for review or for any other reason), the conciliation officer is to give the Director a certificate in the form of Form 2.

**Particulars from party requesting review**

10. A party on whose request a dispute is referred for review is to give the Director particulars relating to the review in writing in the form of Form 3.

**Director to be notified of representative**

11. (1) A party wishing to be represented in the review by a legal practitioner or other person is to notify the Director in writing giving the name of the representative and the address at which the representative will accept service of documents on behalf of the party.
- (2) The representative may represent the party in proceedings before the review officer if that is agreed to or allowed under section 84ZE of the Act.

**Preliminary hearing in review**

12. (1) The review officer may conduct a preliminary hearing for the purposes of identifying the issues in dispute and enabling an assessment to be made of the likely course of the review.

(2) At a preliminary hearing each of the parties is to be prepared to address —

- (a) what issues are in dispute and what are the prospects of resolving them, or any of them, by agreement;
- (b) whether the party has, or has access to, any document that is relevant to an issue in dispute and has not already been disclosed to the review officer and each other party;
- (c) whether there is anything that is likely to delay the continuation or completion of the review and, if so, what is the extent of the likely delay;
- (d) whether the review is likely to involve argument on the law and, if so, what is the area of law concerned;
- (e) which witnesses, if any, the party is likely to call in the proceedings and when they are likely to be unavailable to attend the review (having particular regard to medical witnesses); and
- (f) which times are likely to be suitable or unsuitable to the party for having the substantive hearing,

and throughout the proceedings each party is to keep the review officer informed as to those matters.

(3) So far as is reasonably practicable, even though a party may be represented at a preliminary hearing by another person the party is to attend and be prepared personally to answer or give instructions as to the matters mentioned in subrule (2).

**Devices needed to interpret documents produced at review**

13. (1) If a party wishes to use as evidence in a hearing a document that is not in a form that enables it to be understood by visual means alone, that party is to ensure that the means by which the contents of the document can be understood are available at the hearing.

(2) The time that will be required to produce the evidence is to be considered by the party wishing to use the evidence when fulfilling the obligation to keep the review officer informed as to the matters that are likely to delay the review being completed.

**Failure to attend in review**

14. If a party who has been notified of the time and place of a hearing in the review does not attend, the review officer may proceed with the hearing in the absence of the party failing to attend.

**Written reasons for decision in review may be requested**

15. (1) If, within 14 days after a decision is given by a review officer, a party requests the review officer to do so, the review officer is to reduce the reasons for the decision to writing.

(2) Each party is entitled to be provided by the review officer with a copy of written reasons for decision prepared under subrule (1).

**SCHEDULE 1 — FORMS**

Form 1

[Rule 6]

Workers' Compensation and Rehabilitation Act 1981

**APPLICATION REFERRING DISPUTE FOR CONCILIATION**

*Person referring dispute for conciliation*

Worker	<input type="checkbox"/>	Other (give details):	Name	<input type="text"/>	Title	<input type="text"/>
Employer	<input type="checkbox"/>		Organization	<input type="text"/>	Tel. No.	<input type="text"/>
Insurer	<input type="checkbox"/>					

*Worker's details*

Given name	<input type="text"/>	Address	<input type="text"/>
Family name	<input type="text"/>		
Date of birth	<input type="text"/>	Tel. No.	<input type="text"/>
Occupation	<input type="text"/>		

*Claim details*

Claim No.	<input type="text"/>	Description of disability	<input type="text"/>
		Date of disability	<input type="text"/>

*Employer's details*

Business name	<input type="text"/>	If self insurer:	<input type="checkbox"/>
Address	<input type="text"/>	Contact Person	<input type="text"/>
	<input type="text"/>	Title	<input type="text"/>
Tel. No.	<input type="text"/>	Tel. No.	<input type="text"/>

*Insurer's details*

Business name	<input type="text"/>	Contact Person	<input type="text"/>
Address	<input type="text"/>	Title	<input type="text"/>
	<input type="text"/>	Tel. No.	<input type="text"/>
Tel. No.	<input type="text"/>		

*Details of dispute*

Describe the matter in dispute and state briefly why you want conciliation. Attach a copy of any decision that led to the dispute. Also attach any additional information (such as medical reports) that may be relevant and has not already been given to the other party. Please provide a list of all attachments.

<input type="text"/>
<input type="text"/>
<input type="text"/>

Do you need an interpreter? Yes  No  If yes, what language/dialect?

Signature of person referring dispute for conciliation  Date

Keep your copy and send the rest to: Director of Conciliation and Review, [Here the Form is to set out the address of the Director]. You can expect written confirmation when your application has been received.

*Office use only*

Perth  Country  Referral No.

Form 2

[Rule 9]

Workers' Compensation and Rehabilitation Act 1981

CONCILIATION CERTIFICATE

Date:

Conciliation Officer:

Ref. No.:

Claim No.:

Dispute referred for conciliation by:

..... (Name) .....

Worker's details

Name:

Date of Birth:

Employer's details

Name:

Insurer:

Nature of dispute:

Outcome of conciliation:

Comments:

Signed: . . . (Conciliation officer) . . . . .

Date: . . . . .

Form 3

[Rule 10]

*Workers' Compensation and Rehabilitation Act 1981*

**PARTICULARS FROM PARTY REQUESTING REVIEW**

***Details of party requesting review***

Name :

Address:

Capacity in which involved (i.e. "worker", "employer", "insurer", or other specified capacity):

***Details of dispute***

Short description of dispute:

Short reasons for requesting a review:

***Other details***

Name of person, if any, representing you in the review:

If you require an interpreter give details:

Address where documents for you may be sent:

Signed: . . . . .

Date:

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

## TENDERS

**ZT201****MAIN ROADS***Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Supply Branch, Ground Floor, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1994
123/93 .....	Supply and delivery of crushed aggregate (includes quarrying), Pyramid Hill, Pilbara Division	9 March
128/93 .....	Realignment of Fremantle-Armadale Road, M044 between Bibra Drive and Elderberry Drive, South Lakes 3.95-5.08 slk	10 March

**ZT202***Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
			\$
105/93 .....	Supply and delivery of two (2) six wheel drive flat top trucks with hydraulic cranes.	Diesel Motors	393 070.00
121/93 .....	Supply and delivery of one (1) only 4.2 m <sup>3</sup> tip truck.	Major Motors Pty. Ltd.	66 988.00
93COM1 ..	Consultancy for Organisation Development of the Corporate Services Directorate, Main Roads.	Ernst & Young Consulting	35 000.00

D. R. WARNER, Director, Corporate Services.

**ZT301****STATE SUPPLY COMMISSION***Tenders Invited*

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 815 Hay Street, Perth, 6000.

TELEPHONE No. 222 8491

FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1993-1994			1994
January 1	012A1994	Certain Classes of Motor Vehicles to various Government Departments within W.A. ....	Feb. 24
January 21	130A1994	Supply of Diagnostic Medical Imaging Film and Processing Chemicals to meet a Whole of Health Requirement	Feb. 24
February 11	443A1994	Supply & Maintenance Support of Facsimile Machines for the WA Police Dept. ....	Feb. 24
February 4	431A1994	Manufacture, Supply and Delivery of Eighteen Thousand Five Hundred (18,500) Short Sleeved Shirts for the Western Australian Police Department ....	Mar. 3
February 11	436A1994	Supply and Delivery of a Centralised Automatic Daylight X-Ray Processing System for Northam Regional Hospital ....	Mar. 3
February 11	437A1994	Supply and Delivery of Screening Room X-Ray Equipment for Northam Regional Hospital ....	Mar. 3

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1993-1994			1994
February 11	438A1994	Supply, free delivery, installation and commissioning of Electrical Switchboards, associated final subcircuit diversion and ancillary works for the Dept. of State Services, Bureau Services .....	Mar. 3
February 11	439A1994	Supply, free delivery, installation and commissioning of Three Phase Static Uninterruptible Power Supply Equipment and Associated Ancillary Works for the Dept. of State Services, Bureau Services .....	Mar. 3
February 11	440A1994	Supply, free delivery, installation and commissioning of Two (2) Diesel Engine Driven AC Generating Sets and associated ancillary works for the Dept. of State Services, Bureau Services .....	Mar. 3
<p>Note: A pre-tender briefing will be held for Tenders 438A, 439A &amp; 440A on Friday, February 18, at 1.00 pm at 151 Royal Street, East Perth, 4th Floor; Conference Room 41. Please contact Mr T. Hooper on (09) 264 4775 for any enquiries.</p>			
February 11	444A1994	Supply & Construction of One (1)-Six (6) Four Wheel Drive Diesel Powered Single Cab 1500 litre Fire Appliances for the Bush Fires Board of WA .....	Mar. 3
December 17	504A1993	Supply, installation & implementation of Hardware and Software Solutions for a Comprehensive Library and Information System for the Library and Information Service of WA .....	Extended to Mar. 10
February 11	429A1994	Development Implementation Training & Support of Computerised Applications Management System (CAMS Stage 1) Software for the Dept. of the Registrar, Western Australian Industrial Relations Commission .....	Mar. 10
<p>Note: Prospective tenderers are advised that a pre-tender briefing will be held on Wednesday February 23, 1994, at 10.00am on the 3rd Floor (Conference Room C) in the Western Australian Industrial Relations Commission, 815 Hay Street, Perth. For further details contact Laurence McGonigle on (09) 483 4605.</p>			
February 18	442A1994	Free delivery, installation and commissioning of One (1) only EEG Machine for Princess Margaret Hospital ...	Mar. 10
February 18	448A1994	Computer Based Training for Homeswest .....	Mar. 17
<i>Invitation to Register Interest</i>			
February 11	ITRI 4/94	A Client Personal Laundry Service to various Disability Service Commission Hostels .....	Mar. 3
<i>Service</i>			
February 4	103A1994	Preventative Maintenance, Repairs & necessary Modifications of Medical Gas Systems & Equipment for a three (3) year period .....	Feb. 24
January 21	110A1994	Provision of Information Technology Services (Analyst/Programmer—Data Base Administrator) to Support the Department of Training's Labour Market Data System for a six (6) month period with an option of a further six (6) months .....	Feb. 24
February 4	426A1994	Hire of Light Aircraft for Aerial Baiting for a 2 year period for the Department of Conservation and Land Management .....	Feb. 24
<i>For Sale</i>			
February 4	432A1994	20 000 Litre (approx.) Water Tank (Trailer Type) for Main Roads, Welshpool .....	Feb. 24
February 4	433A1994	1990 Toyota Trayback (7QC 437) for the Department of Agriculture, Kununurra .....	Feb. 24
February 4	435A1994	1983 Case Backhoe (MR 6718) (XQS 987) for Main Roads, Bunbury .....	Feb. 24

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1993-1994			1994
		<i>For Sale—continued</i>	
February 11	441A1994	Recall—1962 Mess Caravan (MR 1471)(UQV 491) for Main Roads WA, Welshpool .....	Mar. 3
February 18	446A1994	1983 Mitsubishi F/Top Truck (XQY 101), 1988 Toyota F/Top Truck (6QN 952) for Main Roads, Welshpool ..	Mar. 10
February 18	447A1994	1984 Mazda T3000 Bus (6QS 041), 1992 Ford Falcon Station Sedan (7QA 611), 1991 Ford Falcon Sedan (GN 19834) for Geraldton Regional College of TAFE .....	Mar. 10

Tenders addressed to the Chairman, State Supply Commission, 815 Hay Street, Perth 6000 will be received for the abovementioned tenders until 10.00 am on the date of closing.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

L. W. GRAHAM, Chairman, State Supply Commission.

**ZT302***Accepted Tenders*

Schedule No.	Particulars	Contractor	Rate
			<i>Supply and Delivery</i>
244A1993	Video & Associated Equipment for Police Department	Various .....	Details on Request
410A1994	One only Ten Tonne Forward Control Tray Top Truck for Department of Agriculture	Skipper Trucks Belmont	\$71 516.00
			<i>Purchase and Removal</i>
498A1993	1984 Chamberlain Tractor (MR 7856) (6QC 891) for Main Roads WA, Welshpool	Ross Petricevich .....	\$7 200.00
405A1994	Various Sheds for the Building Management Authority	Various .....	Details on Request
406A1994	1992 Holden Rodeo Crew Cab Utility 4WD Diesel (MR D255) (7QH 078) for Main Roads WA, Bunbury	A. L. Grist .....	\$23 161.00
407A1994	1985 Mitsubishi Tip Truck (MR 8452) (6QC 460)	Raytone Motors .....	\$20 578.00

**ZT401**

## WATER AUTHORITY OF WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the projects listed below and will be accepted up to 2.30 pm on the closing date specified.

Tender documents are available from the Supply Services Branch, Level 1, Entry 4, John Tonkin Water Centre, 629 Newcastle Street, Leederville, WA 6007.

Tender documents must be completed in full, sealed in the envelope provided and placed in the Tender Box located at the above Leederville address.

The lowest or any tender may not necessarily be accepted.

Contract No.	Description	Closing Date
		1994
AM 40213	Construction of Gravity Sewers to serve Lots 54, 57 & 59 Eastern & George Roads, Geraldton	8 March



ZT402

WATER AUTHORITY OF WESTERN AUSTRALIA—*continued*  
Accepted Tenders

Contract	Particulars	Contractor	Price
AM 30231	Roadworks for East Cannington 4C Sewerage Reticulation Area, Streatham Street, Beckenham	Musgrave Contracting	Schedule of Rates
TM 30637	Woodlupine Brook Branch Drain from Cypress Road to Reynolds Road, Forrestfield	Island Drainage	\$223 990.00
AM 31054	Supply of a DN800 Sluice Valve for North Dandalup Dam New Regulating Valve Site	John Valves Pty. Ltd.	\$57 925.00
AP 32023	Supply of Cleaning Rags and Cloths for a Twelve Month Period	Trugrade WA Kimberly Clark Australia Windsor Wiper Sales Statewide Cleaning Supplies	Schedule of Prices
AS 33012	Supply and Removal of Dry Waste Disposal Bins, Perth Metro Area for a Twelve Month Period	Midwaste Pacific Waste Liquid Salvage	Schedule of Rates

W. COX, Managing Director.

## PUBLIC NOTICES

ZZ101

### TRUSTEES ACT 1962

#### NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 18th March 1994, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bolton, Albert Charles, late of U14/54 Casserley Avenue, Girrawheen, died 11/11/93. (D265512/TE4).

Bradley, John, late of Gordon Lodge, Bullcreek Drive, Bullcreek, died 9/1/94. (D266949/TP4).

Cope, Alice Margaret, late of Lefroy Hostel, Lefroy Road, Bullcreek, died 29/12/93. (D267545/TL4).

De Cinque, Giuseppina, late of 359 Main Street, Balcatta, died 15/12/93. (D266529/TE2).

Farley, Beatrice Elizabeth, formerly of 120 Basinghall Street, East Victoria Park, late of Bentley Hospital, Mills Street, Bentley, died 5/1/93. (D266907/TG4).

Frei, Evelyn May, late of Mandurah Nursing Home, Hungerford Avenue, Mandurah, died 10/1/94. (D267205/TL4).

Gathercole, John Bernard, formerly of 62 Watling Avenue, Lynwood, late of Salisbury Rest Home, 19 James Street, Guildford, died 1/1/94. (D266721/TG2).

Gaughan, Edward Joseph Peter, late of 12 Bronte Street, East Perth, died 13/10/93. (D264683/TE4).

George, Ellen Ada, formerly of 25 Holmesdale Road, West Midland, late of Annie Bryson McKeown Lodge, Angove Road, Albany, died 13/1/94. (D267337/TG3).

Grant, Annie Margaret, formerly of 52B Kensington Avenue, Dianella, late of Carramar Village, Redgum Way, Beechboro, died 28/12/93. (D267210/TG2).

Heanue, Vincent John, late of U7/446 Canning Highway, Melville, died 8/12/93. (D266416/TE4).

Hewitt, Mary, formerly of 92 Grand Promenade, Karrinyup, late of Chrystal Halliday Homes, Jeanes Road, Karrinyup, died 17/1/94. (D267448/TA2).

Hill, Peter John, late of Kalgoorlie Nursing Home, Dugan Street, Kalgoorlie, died 4/10/93. (D265433/TG4).

Mills, Delia Eileen, late of Craigmont Nursing Home, Third Avenue, Maylands, died 9/1/94. (D267282/TA3).

O'Donnell, Eric, late of Bassendean Nursing Home, 27 Hamilton Street, Bassendean, died 30/6/93. (D262850/TL4).

Przetocki, Jan Ignacy, late of 34 Stuart Street, Maylands, died 18/1/94. (D267146/TE2).

Riordan, Jean Marguerite, late of 99 East Street, Mount Hawthorn, died 1/2/94. (D267510/TG2).

Walshe, Olive Clemenger, late of 5/136 Roberts Street, Joondanna, died 15/1/94. (D267185/TP3).

Wilson, Raymond, late of 60 Rome Road, Melville, died 17/6/93. (D261169/TL4).

Young, Gweneth Stirling, late of Unit 11/119 Ninth Avenue, Maylands, died 14/12/93. (D266735/TA3).

Dated this 18th day of February 1994.

K. E. BRADLEY, Public Trustee,  
Public Trust Office, 565 Hay Street, Perth 6000.

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**ZZ201****TRUSTEES ACT 1962**

Claims against the estate of Ethel Eva Ramm, late of 76 Mermaid Avenue, Emu Point, who died on 27/10/93 should be lodged with the Executor, P.O. Box 485, Albany, before 15/3/94 after which date the assets will be distributed having regard only to the claims received.

HAYNES ROBINSON.

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**ZZ202****TRUSTEES ACT 1962****SECTION 63**

Estate of Wilfred Foster late of 128 Morley Drive, Nollamara in the State of Western Australia, retired Police Sergeant, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on the 27th day of February 1993 (and Probate of whose Will was granted by the Supreme Court of Western Australia on the 9th day of June 1993) are required by the Executor Kenneth William Foster of Bog A Duck Farm, East Bending in the said State and care of Preuss Mohen, Solicitors of Suite 22, 88 Broadway, Nedlands, Western Australia 6009, to send particulars of their claims to the Executor by the 18th day of March 1994 after which date the Trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

---

**ZZ401****PUBLIC NOTICE**

As of today, Wednesday 9th February 1994, I, John Malcolm of 9 Cassava Street, Holloways Beach, Cairns, will not be responsible for any debts or similar accrued by my wife, Kathrine Selmer Johansen Malcolm.

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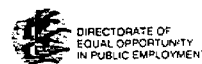
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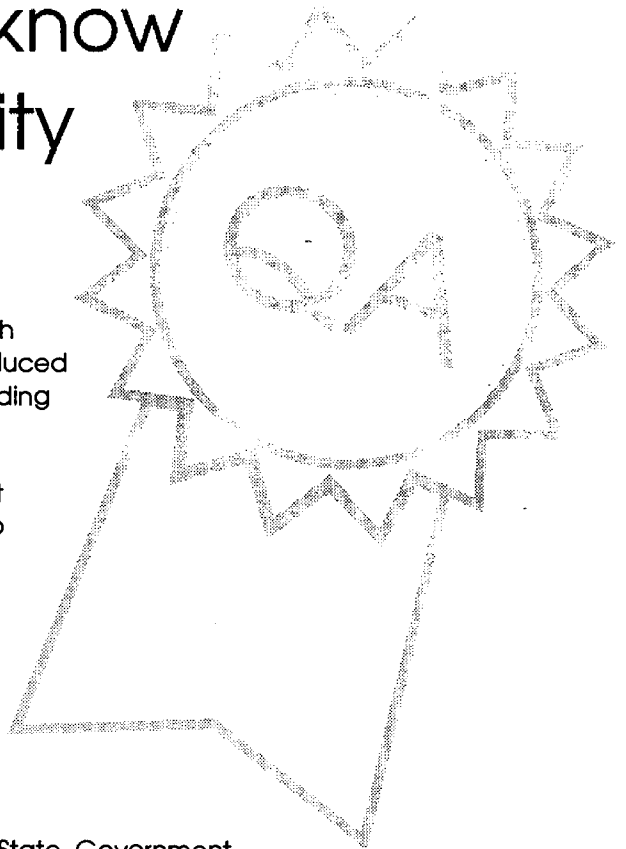
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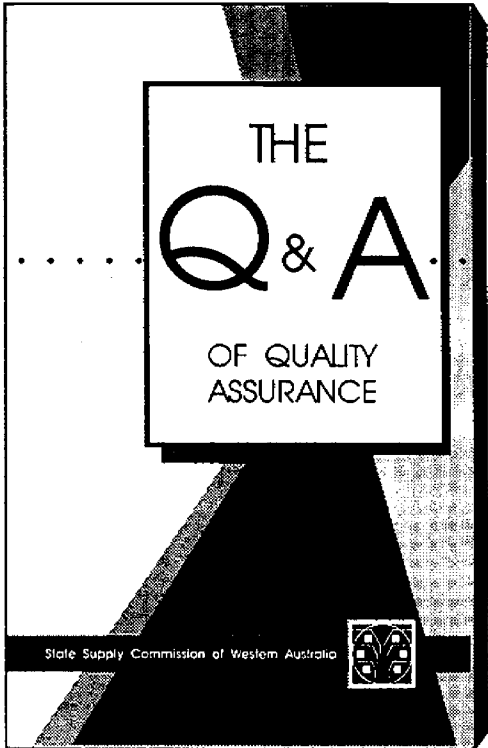
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