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GOVERNMENT

Gazette

1041



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SPECIAL PUBLICATION NOTICE GOVERNMENT GAZETTE—EASTER 1994

Advertisers are advised to note the following changes to publication dates for Government Gazette over the Easter period 1994.

There will be no edition for TUESDAY 5 APRIL.

EASTER ISSUES:

THURSDAY 31 MARCH (Copy closes Tuesday 29 March at 3.00 pm)

FRIDAY 8 APRIL (Copy closes Wednesday 6 April at 3.00 pm)

Any enquiries should be directed to The Editor, Phone 383 8851

FISHERIES

FI101

PRINTERS CORRECTION

FISHERIES ACT 1905

ABROLHOS ISLANDS AND MID WEST TRAWL LIMITED ENTRY FISHERY
AMENDMENT NOTICE 1994

Notice No. 638

FD 749/86.

An error occurred in the notice published under the above heading on page 716 of *Government Gazette* No. 24 dated 22 February 1994 and is corrected as follows.

Under the heading **Clause 10 amended** delete "35 boats units" and insert " 375 boats units ".

JUSTICE

JM301

LEGAL PRACTITIONERS ACT 1893

BARRISTERS' BOARD AMENDMENT RULES 1994

Made by The Legal Practice Board under section 6.

Citation

1. These rules may be cited as the *Barristers' Board Amendment Rules 1994*.

Principal rules

2. In these rules the *Barristers' Board Rules 1949** are referred to as the principal rules.

[* *Reprinted in the Gazette on 6 May 1987.*
For amendments to 8 March 1994 see 1992 Index to Legislation of Western Australia, Table 4, p. 153.]

Rule 1 amended

3. Rule 1 of the principal rules is amended by deleting "*Barristers'*" and substituting the following —

" *Legal Practice* ".

Rule 78 amended

4. Rule 78 of the principal rules is amended —

- (a) by deleting the definition of "Judge";
- (b) by deleting the fullstop at the end of the definition of "Library" and substituting a semicolon; and
- (c) by inserting after the definition of "Library" the following definition —

"

"Library Committee" means the committee of the Board designated by the Board as the Library Committee.

".

Rule 79 repealed and rules 79 to 79E substituted

5. Rule 79 of the principal rules is repealed and the following rules are substituted —

“

Persons who are entitled to use the Library

79. (1) Subject to these rules, the following persons are entitled to use the Library free of charge —

- (a) the Judiciary and the Magistracy;
- (b) other members or officers of the Courts, Tribunals and Boards of the State or the Commonwealth, practitioners in the employ of the Crown, certificated practitioners, and members and officers of the Legislature;
- (c) clerks or officers employed by or acting on the directions of any such person;
- (d) public service officers and statutory officers of the State and members of the police force of the State.

(2) The Librarian may require persons described in subrule (1) (b), (c) and (d) to register as users of the Library before they use the Library.

Entitlement may be suspended by Librarian

79A. (1) The Librarian may summarily suspend the entitlement of a person to use the Library for such period as the Librarian thinks fit.

(2) Where the entitlement of a person is suspended under subrule (1) the Librarian may exclude the person from the Library or cause the person to be removed from the Library.

(3) The Librarian is to promptly report any suspension imposed under subrule (1) to the Library Committee which may —

- (a) withdraw the suspension;
- (b) confirm the suspension as imposed; or
- (c) confirm the suspension but alter its terms.

(4) The Board may review a suspension imposed under this rule, or the terms of such a suspension, and may —

- (a) withdraw the suspension;
- (b) confirm the suspension as imposed; or
- (c) confirm the suspension but alter its terms.

Entitlement may be cancelled or suspended by the Board

79B. Whether or not a suspension has been imposed under rule 79A the Board may, for any cause it regards as sufficient —

- (a) suspend the entitlement of a person to use the Library for such period as the Board thinks fit; or
- (b) cancel that entitlement.

Other persons may be permitted to use the Library

79C. (1) The Library Committee or the Librarian may permit a law student to use the Library free of charge at such times and on such terms as the Library Committee or the Librarian determines and the Librarian may require a law student to register as a user of the Library before he or she so uses the Library.

(2) The Library Committee or the Librarian may permit persons or classes of persons other than those referred to in rule 79 and subrule (1), including litigants in person, to register as users of the Library and to use the Library at such times and on such terms (including terms as to payment for use of the Library) as the Library Committee or the Librarian determines.

(3) In deciding whether to allow a person to register as a user under subrule (2) and on the times at which, terms on which or extent to which a person is permitted to use the Library, the Library Committee and the Librarian may have regard to the resources available in other libraries.

Permission may be withdrawn

79D. With the approval of the Library Committee the Librarian may withdraw any registration, permission or privilege that has effect under or for the purposes of rule 79C.

Times during which Library can be used

79E. (1) The Library is to be open during such hours as the Board may from time to time direct.

(2) The Librarian may make arrangements for the use of the Library at times other than when the Library is open.

Rule 81 amended

6. (1) Rule 81 (1) of the principal rules is amended by deleting "Judge" and substituting the following —

" member of the Judiciary or the Magistracy "

(2) Rule 81 (6) of the principal rules is amended by deleting "authorized".

Rule 82 amended

7. Rule 82 of the principal rules is amended by inserting after "Board" the following —

" and the Library Committee "

Rule 82A inserted

8. After rule 82 of the principal rules the following rule is inserted —

"

Directions to Librarian

82A. (1) The Board or the Library Committee may give the Librarian a direction, either generally or in a particular case, in respect of the Librarian's functions under this Part.

(2) A direction given by the Library Committee does not preclude the Board from giving a different direction in the same matter, but if that should occur the Librarian is to comply with the direction of the Board.

"

Rule 89B repealed

9. Rule 89B of the principal rules is repealed.

Schedule of Forms amended

10. The Schedule to the principal rules is amended —

- (a) in Forms I, Q, R, Ra, S, U, V, W, X, Y and Z by deleting "the Barristers'" and "the Barristers", wherever they occur, and substituting, in each case, the following —

" The Legal Practice "; and

- (b) in Form AA by deleting —

"THE BARRISTERS' BOARD
SUPREME COURT BUILDINGS"

and substituting the following —

"
THE LEGAL PRACTICE BOARD
5TH FLOOR, 533 HAY ST
"

R. CHAPPELL, Chairman.
R. H. B. PRINGLE, Member.
N. P. HASLUCK, Member.
R. K. O'CONNOR, Member.

JM401**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has:

Approved of the following appointment to the Office of Justice of the Peace for the State of Western Australia—

Mr Gary John Cosgrove of "Depot Hill" Farm, Depot Hill Road, Mingenew.

Mr Morgan David Kitts of Lot 83 Francis Street, Marble Bar.

Mr Michael Francis Kennedy Pearse of "Yarragadee", Mingenew.

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

JM402**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT (No. 2) 1988**

It is hereby notified for public information that His Excellency the Governor in Executive Council has:

Approved of the appointment of the following person as a Member of the Children's Court of Western Australia—

Gary John Cosgrove of "Depot Hill" Farm, Depot Hill Road, Mingenew.

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

JM403**COMMISSIONER FOR DECLARATIONS****Notice**

It is hereby notified for public information that Maria Gabriella Borbas of Wembley Downs whose appointment as a Commissioner for Declarations was notified in the *Government Gazette* of 14 December 1973 on page 4539 is to be known as Maria Gabriella Ingram.

WILL ROWE, Executive Director,
Courts Development and Management.

JM404

CHILD WELFARE ACT 1947

Detention Centre

I, Cheryl Lynn Edwardes, Attorney General, the Minister administering section 13A of the Child Welfare Act 1947, under that section declare the following to be a detention centre on and from 26 March 1994:

The buildings and enclosures situated on Murdoch Location 3075 and known as the Rangeview Remand Centre.

C. L. EDWARDES, Attorney General.

LAND ADMINISTRATION

LA101

**CORRECTION
TOWN OF ALBANY
(ROAD CLOSURE)**

Department of Land Administration,
Midland, 15 March, 1994.

DOLA File Ref: 584/988

On page 5786 of the *Government Gazette* dated 22 October, 1993 after delineated and read—

“shown bordered blue and pink ”

in lieu of—

“hatched blue”

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

LA401

LAND ACT 1993**DEPARTMENT OF LAND ADMINISTRATION**

Declaration That Part 1A Does Not Apply

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
Declaration of Public Street—Section 288 of the Local Government Act	Howie Road (Road No. 12386). All that area of land coloured dark brown and marked 218m ² as shown on Crown Survey Diagram 90599	223/961
Declaration of Public Street—Section 288 of the Local Government Act	Celebration Road (Road No. 9688). All those portions of Vacant Crown Land marked 765m ² and 369m ² the subject of Office of Titles Plan 18480	2373/990
Vesting for the purpose of “Dune Vegetation Control”	Gascoyne Location 453 (Reserve 42814)	1352/958V2
Reservation for “Public Recreation” with vesting	Canning Locations 2079, 2679 and 2680 (Reserve 28630)	2706/966
Reservation for “Protection and Use of Geodetic Survey Mark”	Avon Location 28929	1841/993
Reservation for “Protection and Use of Geodetic Survey Mark”	Avon Location 28928	1840/993
Reservation for “Conservation of Flora and Fauna” with vesting	Melbourne Location 1873 (Reserve 16471)	1745/916
Sale—Section 118A(3)	Portion of closed public Right-of-Way (51m ²) adjoining Lot 3 as shown on Crown Survey Plan 18044 for inclusion into Certificate of Title Volume 451 Folio 127A	1656/1992

Proposal	Land	DOLA File
Sale—Section 118A(2)	Portion of closed road as shown coloured green in the First Schedule at page 113 for the inclusion into Certificate of Title Volume 1582 Folio 797	3329/899
Sale—Section 118A(2)	The area shown coloured green in the First Schedule at page 66 for inclusion into Certificate of Title Volume 69 Folio 100A	1193/991
Sale—Section 118A(3)	The area shown coloured green on the Schedule at page 89 to be included into Certificate of Title Volume 1625 Folio 548	1832/978
Sale—Section 118A(2)	Portion of closed road as shown coloured green in the First Schedule at page 112 for the inclusion into Certificate of Title Volume 1765 Folio 790	3329/899
Sale—Section 118A(2)	The area shown coloured green in the First Schedule at page 101 for inclusion into Certificate of Title Volume 1133 Folio 839	3392/989
Sale—Section 118A(3)	Portion of closed public Right-of-Way as shown coloured green on Schedule at page 27 for inclusion into Certificate of Title Volume 1381 Folio 634	1648/992
Sale—Section 118A(3)	Portion of closed public Right-of-Way as shown coloured green on Schedule at page 27 for inclusion into Certificate of Title Volume 1238 Folio 795	1659/992
Sale—Sections 118A(3) and 118B	Portion of closed road and former Rabbit Proof Fence Reserve as shown coloured green in the Schedule at page 190 for inclusion into Certificate of Title Volume 1841 Folio 322	3054/979 V2
Sale—Section 118A(2)	The area shown coloured green in the First Schedule at page 230 for inclusion into Certificate of Title Volume 1968 Folio 967	1914/985
Sale—Sections 118A(3) and 118D	The area shown coloured green on the Schedule at page 55 for inclusion into Certificate of Title Volume 1778 Folio 478	1606/993
Sale—Section 118A(2)	The area shown coloured green in the First Schedule at page 100 for inclusion into Certificate of Title Volume 1750 Folio 666	3392/989
Freehold (Section 45A)	Eucla Lot 203	827/990
Freehold (Section 45A)	Boulder Lot 4154	2034/992
Freehold (Section 45)	Boulder Lot 4274	2627/988
Freehold (Section 45B)	Broome Lot 2402	4184/989
Freehold (Section 45B)	Broome Lot 2591	4252/989
Freehold (Section 38)	Exmouth Lot 1373	2258/993
Freehold (Section 38)	Swan Location 11450	2386/991
Freehold (Section 38)	Swan Location 11475	2411/991
Freehold (Section 38)	Swan Location 11489	2423/991
Freehold (Section 38)	Kalgoorlie Lot 1402	1092/992
Lease (Section 116) for "Grazing"	Fitzroy Locations 209 & 268	1770/984
Lease (Section 117) for "Parking & Storage"	Wyndham Lot 902	1095/973
Lease (Section 117) for "Noxious Industry"	Gledhow Lot 136	2667/992
Lease (Section 117) for "Residential Subdivision and Development"	Walpole Lot 650	1907/993

Proposal	Land	DOLA File
Lease (Section 116) for "Equestrian Centre"	Hampton Location 270	2438/988
Sale (Section 38)	Port Hedland Lot 5701	2690/987
Sale (Section 38)	Karratha Lot 3513	2697/985
Sale—Section 117AA	Leonora Lot 986	2558/981
Sale—Section 117AA	Leonora Lot 987	534/984
Sale (Section 45B)	Jurien Lot 1129	1926/989
Sale (Section 45B)	Jurien Lot 1158	1931/989
Reservation for Family Centre, with vesting and power to lease for 21 years	Cockburn Sound Location 4001	683/991
Reservation for Fire Brigade Station, with vesting	Collie AA Lot 67	2291/946
Reservation for Telecommunications Site, with vesting	De Witt Location 312	1189/992
Reservation for Use and Requirements of Aboriginal Inhabitants with vesting and power to lease	Reserve 23163	2904/950
Reservation for "Common" with vesting and power to lease (21 years)	Vacant Crown Land (Closed Roads)	2345/886
Sale (Section 47)	Roe Location 2789	4297/974
Sale (Section 47)	Roe Location 2794	2935/966
Sale (Section 47)	Fitzgerald Location 1644	2492/980
Sale (Section 117AA)	Boulder Lot 2359	1233/934
Sale (Section 117AA)	Norseman Lot 1049	281/940
Sale (Section 117AA)	Kalgoorlie Lot R465	2264/938
Sale (Section 117AA)	Kalgoorlie Lot 1579	7439/905
Sale (Section 117AA)	Kalgoorlie Lot 859	2113/932
Sale (Section 117AA)	Jaurdi Location 54	1330/986
Sale (Section 117AA)	King Location 528	3516/982
Sale (Section 117AA)	Boulder Lot 2421	3237/908
Sale (Section 117AA)	Denmark Lot 973	1630/982
Sale (Section 117AA)	Boulder Lot 2410	3245/908
Sale (Section 41A)	Swan Location 9053	492/989
Freehold (Section 45B)	Collie Lot 2525	1012/986
Freehold (Section 45B)	Karratha Lot 4485	669/989
Freehold (Section 45B)	Karratha Lot 4486	670/989
Freehold (Section 45B)	Karratha Lot 4487	671/989
Freehold (Section 45B)	Wongan Hills Lot 685	1209/992
Freehold (Section 45B)	Karratha Lot 3939	2831/986
Freehold (Section 45B)	Broome Lot 2519	2680/989
Freehold (Section 45B)	Broome Lot 2072	2825/985
Freehold (Section 45B)	Beverley Lot 380	2545/992
Freehold (Section 45B)	Beverley Lot 379	2546/992
Freehold (Section 45B)	Kalgoorlie Lot 4781	1329/990
Freehold (Section 45B)	Kalgoorlie Lot 4803	1350/990
Freehold (Section 45B)	Kalgoorlie Lot 4708	1258/990
Freehold (Section 45B)	Kalgoorlie Lot 4759	1293/990
Freehold (Section 45B)	Kalgoorlie Lot 4807	1354/990
Freehold (Section 45B)	Kalgoorlie Lot 4776	1324/990

LA402

**LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands

Under Section 288A

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

SCHEDULE

1. City of Bunbury (DOLA File No. 408/993; Closure No. B1343).
All that portion of Koombana Drive (Road No. 17985) now comprised in Bunbury Lots 748 (Reserve No. 33620) and 749 the subject of Crown Survey Plan 18454.
Public Plan: BG30(2) 1.32, 1.33, 2.32 and 2.33.
2. Shire of Bridgetown-Greenbushes (DOLA File No. 616/1993; Closure No. 1342).
All that portion of Williams Street the subject of Crown Survey Plan 18452 now comprised in Bridgetown Lots 914 and 915.
Public Plan: BG29(2) 30.03.
3. Shire of Busselton (DOLA File No. 1606/993; Closure No. B1341).
All that portion of land marked road widening as shown on Office of Titles Diagram 41826.
Public Plan: BF29(2) 24.35.

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

LB401

**LOCAL GOVERNMENT ACT 1960
DECLARATION OF PUBLIC STREETS
ORDERS OF THE MINISTER FOR LANDS**

Made under Section 288

At the request of the local government nominated, the portions of land specified in the Schedule are now declared to be absolutely dedicated as a public street.

SCHEDULE

1. City of Kalgoorlie-Boulder (DOLA File No. 2373/990).
Road No. 9688 (Celebration Road). All those portions of Vacant Crown Land marked 765m² and 369m² the subject of Office of Titles Plan 18480.
Public Plan: Widgiemooltha 1:250,000.
2. Shire of West Arthur (DOLA File No. 223/961).
Road No. 12386 (Howie Road). All that area of land coloured dark brown and marked 218m² as shown on Crown Survey Diagram 90599.
Public Plan: 2331-III NW East Arthur.

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

LOCAL GOVERNMENT

LG301

**LOCAL GOVERNMENT ACT 1960
LOCAL GOVERNMENT (APPEALS TO BUILDING REFEREES)
AMENDMENT REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government (Appeals to Building Referees) Amendment Regulations 1994*.

Principal regulations

2. In these regulations the *Local Government (Appeals to Building Referees) Regulations 1961** are referred to as the principal regulations.

[* *Published in the Gazette of 29 June 1961 at page 2064.*
For amendments to 6 January 1994 see 1992 Index to Legislation of Western Australia, Table 4, page 162.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended, in the form set out in that regulation, by deleting "£10 10s." and substituting the following —

" \$100.00 "

Regulation 5 amended

4. Regulation 5 of the principal regulations is amended by deleting "£5 5s." and substituting the following —

" \$50.00 "

(Sgd.) PAUL OMODEI.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

LG302

LOCAL GOVERNMENT ACT 1960**SHIRE OF CARNARVON****By-Laws Relating to Advertising Devices**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 26th day of July, 1989 to repeal the Signs, Hoardings and Bill Postings By-laws as published in the Government Gazette of 14th January, 1969, and as amended by notice in the Government Gazette of 28th October, 1971; 18th April, 1975 and 1st April, 1977; and to make and submit for confirmation by the Governor the following By-laws:—

A. Repealing the Signs, Hoardings and Bill Posting By-Laws as published in the *Government Gazette* of 14th January, 1969 and as amended by notices in the *Government Gazettes* of 28th October, 1971, 18th April, 1975 and 1st April, 1977.

B. Submitting for confirmation the following By-Laws.

1. Citation

These By-Laws may be cited as the Shire of Carnarvon By-Laws Relating to Advertising Devices.

2. Interpretation

In these By-Laws, unless the context otherwise requires,

"Act" means the Local Government Act 1960 (as amended)

"Advertising Device" means any object on which words, motifs or numerals are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product, or undertaking and includes any sign, hoarding, bills, placards and other devices, structures or things as prescribed in the Act or these By-Laws.

"Animated Sign" means any sign which moves or is capable thereof or contains moving parts or which changes or alters its messages, flashes on and off, chases, scintillates or has a moving flashing or scintillating border or emblem and includes an advertisement light display but does not include a flashing beacon sign.

"Authorised Officer" means an Officer authorised by the Council to administer these by-laws.

- "Bill Posting" means the sticking or posting of any bill, or painting, stencilling, placing, or affixing of any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and bill post has a like meaning.
- "Building Surveyor" means the Building Surveyor appointed by the Council from time to time and includes any acting Building Surveyor or Deputy Building Surveyor.
- "Council" means the Council of the Municipality of the Shire of Carnarvon being a Local Authority in and for the meaning of the Act.
- "Development Sign" means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s).
- "Direction Sign" means a sign erected in a street or public place to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Traffic Act.
- "Display Home Sign" means a sign erected on a lot on which a display home is erected.
- "Election Sign" means a sign erected in a street, public place or on private property for a limited period and for the sole purpose of an election of candidates in Commonwealth, State or Local Government elections.
- "Fly Posting" without limiting the generality of the provisions in these By-Laws relating to bill posting means advertising by means of more than one poster placed on fences, walls, trees, rocks, and any like places, or things without authority and fly post has a like meaning.
- "Hoarding" means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the Act; but shall include a poster panel, wall panel or an illuminated panel.
- "Horizontal Sign" means an advertising device fixed parallel to the wall of a building to which it is attached with its largest dimension horizontal.
- "Illuminated Panel" means a posted or painted advertisement externally illuminated by an artificial source of light.
- "Illuminated Sign" means an advertising device that is so arranged as to be capable of being lighted either from within or without the advertising device by artificial light provided, or mainly provided for that purpose.
- "Information Panel" means a panel used for displaying Government and Local Authority notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising.
- "Institutional Sign" means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature.
- "Licence" means a licence issued by the Local Authority in accordance with the requirements of these By-Laws.
- "Other Sign" means any other type of advertisement not specifically defined in these By-laws.
- "Portable Sign" is an advertising device and means an unfixd free standing sign.
- "Projection Sign" means a sign that is made by the projection of light on a wall or similar structure.
- "Pylon Sign" means an advertising device supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added.
- "Roof Sign" means an advertising device erected on the roof of a building.
- "Roster Sign" means a sign erected by a Service Station for the time they are on roster as published in the Government Gazette and which complies with the requirements for portable signs.
- "Rural Producer's Sign" means a sign erected on land zoned for horticultural purposes and which advertise goods or products produced, grown or lawfully manufactured upon the land within the boundaries of which the sign is located and includes the property owners name.
- "Sale Sign" means a sign indicating that the premises whereon it is affixed are for sale, for letting or to be auctioned.

"Sandwich Board Sign" means a free standing double sided sign forming an "A" frame shape being of a portable type.

"Semaphore Sign" means an advertising device affixed and supported at, or by one of its ends only.

"Sign" includes a signboard, portable sign, horizontal sign, illuminated sign, institutional sign, pylon sign, roof sign, sale sign or any other sign or advertising device as prescribed in the Act or these By-Laws.

"Sign Infill" means a panel which can be fitted into a pylon sign framework.

"Tower Sign" means an advertising device affixed to or placed on a chimney stack or an open structural mast or tower.

"Verandah" for the purpose of these By-Laws, includes cantilever awnings, cantilever verandahs and balconies whether over public streets and ways or over private land.

"Verandah Sign" means an advertising device above, on, or under verandahs.

"Vertical Sign" means an advertising device attached to a building in which the vertical dimension exceeds the horizontal dimension exclusive of the back projection.

"Wall Panel" means a panel used for displaying a posted or painted advertisement; it is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises.

"Wall Sign" is an advertising device and means a sign painted on or directly affixed to the fabric of a wall.

3. Exemptions

3.1 The following are exempt from the requirements of these by-laws:—

- 3.1.1 an advertising device erected or maintained pursuant to any Act having operation within the State;
- 3.1.2 a for sale sign not exceeding 1 sq/m in area for the sale of that property upon which the sign is erected;
- 3.1.3 a plate not exceeding 1 sq/m in area erected or affixed between the street alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- 3.1.4 advertising devices for use solely for the direction and/or control of people, animals and/or vehicles or to indicate the name and/or street number of the premises, providing the area of any such sign does not exceed 1 sq/m in area;
- 3.1.5 advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- 3.1.6 advertising devices within a building unless such signs are deemed to be objectionable by the Council;
- 3.1.7 advertising devices not larger than 1 sq/m in area on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;
- 3.1.8 building name signs on residential flats or home units not exceeding 1 sq/m in area; and
- 3.1.9 for businesses selling newspapers, advertising devices of the newspaper headline type, provided such advertising devices are secured flat against the wall of the premises.

4. Requirements for the Erection, Display and Maintenance of Advertising Devices

An advertising device shall not be erected, displayed or maintained excepting as prescribed in the First Schedule to these By-laws and:—

4.1 In general:—

- 4.1.1 so as to obstruct the view, from a street or public place, of traffic, in any street or public place;
- 4.1.2 where it would detract from the aesthetic environment of a public park or pleasure ground;
- 4.1.3 on any road reserve for any purpose other than as a direction sign, except as otherwise approved by Council pursuant to these By-laws;
- 4.1.4 on any natural feature, including a rock or tree, or any bridge or the structural approaches to a bridge or viaduct;
- 4.1.5 where it would be likely to interfere with or cause risk or damage to, road traffic by virtue of the fact that it:
 - 4.1.5.1 may be mistaken or confused with or obstruct or obscure or otherwise reduce the clarity of effectiveness of any traffic control device;

- 4.1.5.2 would invite traffic to turn and would be sited so close to the turning point that there would not be reasonable time for a person to signal and turn safely;
- 4.1.5.3 would invite traffic to move contrary to any traffic control device or turn where there is fast moving traffic; and
- 4.1.5.4 may obscure the vision of a person driving a vehicle.
- 4.1.6 on any building or structure of which the stability is, in the opinion of the Building Surveyor, likely to be affected by the advertising device;
- 4.1.7 on a light, power or street pole without the approval of the relevant authority responsible for the erection of that pole;
- 4.1.8 in any position where it obstructs or obscures or may obstruct or obscure a person's view from a dwelling of a river, the sea or any other natural feature of beauty.
- 4.1.9 on a vehicle left standing or parked on a road reserve primarily for the purpose of displaying or exhibiting such advertisements or for the soliciting of business or sale of goods to which such advertisements refer; and
- 4.1.10 as a movable or portable sign in a street or public place, unaffixed to a building.
- 4.2 in the instance of a development sign:—
 - 4.2.1 excepting where more than 10 subdivisional lots are to be produced in the development or the stage of development being advertised;
 - 4.2.2 excepting in the ratio of one square metre of area per hectare up to a maximum of 50 square metres with no individual sign exceeding 20 square metres in area; and
 - 4.2.3 unless the developer agrees in writing to remove the sign within two years of its erection or when 80 percent of the lots in the subdivision land have been sold, whichever is the sooner.
- 4.3 in the instance of an election sign which is erected upon a road reserve so that it is:—
 - 4.3.1 a minimum distance of 100 metres from any intersection, including traffic island turnaround accessways,
 - 4.3.2 free standing and not affixed to any existing signpost, light, power or street pole or similar structure,
 - 4.3.3 located so as not to interfere with pedestrian, cycle or automotive access within the road reserve, and
 - 4.3.4 located so as not to imply or compromise the political following of any adjacent landowner.
- 4.4 in the instance of a fence sign:—
 - 4.4.1 excepting where it is painted on a side or rear fence of the property to which it applies; and
 - 4.4.2 in any event so that such a sign shall not be nearer to a street than a distance equal to its height above the ground;
- 4.5 in the instance of a Fly Posting:—
 - 4.5.1 at any place or location, except on the inside of shop window, and then only with the approval of the shop owner or occupier;
- 4.6 in the instance of a hoarding:—
 - 4.6.1 be erected in a residential area, and
 - 4.6.2 excepting where permitted in the First Schedule to these By-laws closer than its own height to a street or public place;
- 4.7 in the instance of a horizontal sign:—
 - 4.7.1 unless it is fixed parallel to the wall of the building to which it is to be attached; and
 - 4.7.2 so as to project from the wall of the building to which it is attached greater than the distance specified in the First Schedule to these By-laws;
- 4.8 in the instance of an illuminated advertising device:—
 - 4.8.1 where such advertising device is internally illuminated in such a manner of its display as to cause glare, or dazzle or otherwise distract, the driver of any vehicle, or affect the amenity of the area;
 - 4.8.2 where such advertising device is externally illuminated in such a manner that the light would not be directed solely onto the device and its structural surround, and the light source is not so shielded that glare would not occur or extend beyond the advertising device and cause the driver of any vehicle to be distracted, or affect the amenity of the area;
 - 4.8.3 where such advertising device may be confused with or mistaken for the stop or tail lights of a vehicle or vehicles;

- 4.8.4 where such advertising device includes animation which incorporates more than four changes per minute, or, in the case of chasing globes, more than one globe in four would chase;
- 4.8.5 where such advertising device includes rotation and the rotation would exceed four equal changes per minute for a two-faced, three equal changes per minute of a three faced, or two equal changes per minute for a four faced advertising device; and
- 4.8.6 where such advertising device would operate at a time when it might cause a traffic hazard.
- 4.9 in the instance of an information panel:—
 - 4.9.1 unless such panel is located within a structure provided by; and for a period of time stipulated by the Council.
- 4.10 in the instance of a portable sign unless:—
 - 4.10.1 it can be located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
 - 4.10.2 only advertises a product or service available within the boundaries of the land upon which the sign is erected, or
 - 4.10.3 it can in the opinion of the Council or an Authorised Officer be placed so as not to cause interference or hazard to, or impede pedestrian or vehicular traffic, and
 - 4.10.4 it can be secured to prevent movement by wind;
- 4.11 in the instance of a projection sign:—
 - 4.11.1 without the written consent of the owner or occupier of the building or structure, upon to which it is proposed to project the advertisement, and
 - 4.11.2 unless the building screen or structure onto which it is proposed to project such sign is specified in the application,
- 4.12 in the instance of a pylon sign:—
 - 4.12.1 so as to project into or over any street,
 - 4.12.2 unless its structure and construction are certified by a practising structural engineer as to its adequacy to support the proposed advertising device, and
 - 4.12.3 without the consent of Council, at any less distance from the side boundaries as prescribed in the First Schedule to these By-laws, where the lot abuts on an intersecting street or right-of-way and then at a distance of not less than 10 metres;
- 4.13 in the instance of a roof sign:—
 - 4.13.1 so as to extend beyond the external walls of a building upon which it is erected, and
 - 4.13.2 unless it and its supporting structures have been certified adequate by a practising structural engineer;
- 4.14 in the instance of a rural producers sign:—
 - 4.14.1 other than to advertise for sale that produce which is produced, grown or manufactured on the land upon which the sign is erected, and
 - 4.14.2 unless such sign is erected within the boundaries of the rural holding upon which the produce is offered for sale;
- 4.15 in the instance of a sale sign:—
 - 4.15.1 where it is erected in respect of the sale of subdivisional land so as to remain on the property for a period exceeding 6 months,
 - 4.15.2 where it is erected in relation to an auction sale it is erected for a period not more than 28 days before or 7 days after the date of the auction sale, and
 - 4.15.3 where it is erected to advertise the fact that flats or dwelling units in a building erected or to be erected, on the land upon which the sale sign is erected are, or will be, available for letting or for purchase unless approval for a building licence has been obtained and then for a period not exceeding 3 months from the date of completion of such building;
- 4.16 in the instance of a sandwich board sign:—
 - 4.16.1 to only advertise the business activity of the advertiser and in such instance may indicate that the premises being advertised is open for business,
 - 4.16.2 only being located on a street or public place adjoining and within the prolongation of the property lines of the premises to which the sign relates.
 - 4.16.3 only being erected during the hours of business and shall be removed at the close of business each day and shall not be erected until the commencement of business on the following or any subsequent day;

- 4.17 in the instance of a semaphore sign:—
 - 4.17.1 unless it is fixed at right angles to the wall to which it is attached, and
 - 4.17.2 unless it is fixed over or adjacent to the entrance to a building;
- 4.18 in the instance of a verandah sign:—
 - 4.18.1 where that sign is fixed to the outer or return fascia of a verandah so as to project beyond the outer metal frame or surround of the fascia, and
 - 4.18.2 where that sign is a sign under a verandah unless it is fixed at right angles to the front wall of the building upon which it is erected excepting that where such sign is to be erected on the corner of a building abutting the intersection of a street then such sign may be placed so as to be visible from both streets;
- 4.19 in the instance of a vertical sign:—
 - 4.19.1 on a corner of a building, excepting at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets, and
 - 4.19.2 the application for the issue of a licence shall be accompanied by a certificate from a structural engineer certifying that the sign itself or is of a structurally sound design;
- 4.20 in the instance of a wall panel (notice board):—
 - 4.20.1 unless it comprises a framework surround with a lockable cover behind which a separate notice may be pinned or affixed or painted with the written approval of the property owner, and
 - 4.20.2 that an individual pinned, affixed or painted notice shall not be displayed for periods in excess of 30 days duration without renewal.
- 5. Notwithstanding the requirements of By-law 4 to these By-laws:—
 - 5.1 Council may refuse to allow or licence an advertising device where:—
 - 5.1.1 the advertising device in its opinion, would increase the number or variety of signs so as to become too numerous or various to be acceptable in the area or be injurious to the amenity or natural beauty or safety of the area; or
 - 5.1.2 the advertising device advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land near where the advertising device is located;
 - 5.1.3 the instance of an illuminated, or an animated sign operated by an electric power source, unless its electric installation is constructed and maintained in accordance with the conditions and requirements of the State Energy Commission;
 - 5.2 where any advertising device is not maintained in good order and repair, or where it becomes dilapidated then Council or its authorised officer may by notice require the device to be maintained in compliance with these by-laws;
 - 5.3 an animated sign:—
 - 5.3.1 shall be located in such a position so that there is no conflict with any person or vehicle and shall not be incorporated in a portable type system on any site;
 - 5.3.2 with moving parts shall be secured when high wind speeds occur;
 - 5.4 any advertising device erected for electioneering purposes shall be removed within 24 hours of the close of polls on the day of voting;
 - 5.5 in the instance of a projection sign:—
 - 5.5.1 where it is proposed to project projection signs onto a building, screen or structure in a series Council may issue one licence in respect of all the projection signs in that series provided that no projection sign(s) other than that or those in respect of which a licence has been issued shall be projected, or
 - 5.5.2 where a licence has been issued by Council pursuant to this By-law the projection sign(s) in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence,
 - 5.5.3 no owner or occupier of any building screen or structure shall permit such building, screen or structures to be utilised for the purpose of projection signs without the consent and licensing of Council,
 - 5.6 Council may permit the construction of a pylon sign infill at a lesser height than as stated at Column 6 of the First Schedule where the pylon sign is located wholly within the lot boundaries and within a landscape area to which the sign applies;

- 5.7 where more than one pylon sign is proposed to be erected on a lot which unit factories or small shops are erected or are to be erected Council may require all the pylon signs to be incorporated into one pylon sign complying with the following:
- 5.7.1 initial approval is to be given to the pylon sign framework together with one or more sign infills,
 - 5.7.2 an application is to be submitted and approval given for each additional infill,
 - 5.7.3 all infills to be of an equal size and space is to be provided for an infill for each shop or unit on the lot,
excepting that in such instances the total area of the infill pylon signs specified in the First Schedule to these By-laws may be increased by up to 50%.
- 5.8 no sale sign shall be allowed to remain on any premises or property for longer than seven days after the date of sale of the premises or property or the event or purpose for which the sign was erected has occurred;
- 5.9 a person shall not erect display or maintain more than one sandwich board sign per premises; and
- 5.10 not more than one semaphore sign shall be fixed over or adjacent to any one entrance to a building.
6. Fixing of Advertising Devices
- 6.1 Every advertising device shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be safely maintained.
7. Headroom
- 7.1 Every advertising device shall be so fixed as to provide a clear headway thereunder of not less than 2.4m unless otherwise approved by the Council.
8. Obstruction to Door, etc.
- 8.1 An advertising device shall not be erected so as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.
9. Materials
- 9.1 Glass or readily combustible materials or other materials, likely to be a risk to public safety shall not be used in the construction of advertising devices licensed pursuant to these By-laws.
10. Advertising Devices to be Kept Clean
- 10.1 Every advertising device shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.
11. Inscription on Advertising Devices
- 11.1 Except in the case of a hoarding, sandwich board or direction sign, advertising devices generally shall only display the following:
- 11.1.1 the name of one or more of the occupiers of the premises, and/or
 - 11.1.2 details of the business carried on in the premises; and/or
 - 11.1.3 details of the goods sold in the premises to which it is affixed; and/or
 - 11.1.4 any other matter approved by Council.
12. Licensing Requirements and Conditions of Approval
- 12.1 General
- 12.1.1 Subject to the provisions of these By-laws no person shall erect, make or maintain an advertising device and the owner or occupier of premises shall not suffer or permit an advertising device to be erected, or made or remain on those premises so as to be visible from a street, reserve or other public place, except pursuant to the requirements and conditions of a licence issued under these By-laws.
- 12.1.2 Every licence that is granted for the erection, making, displaying or otherwise of an advertising device shall subsist subject only to the provisions of these By-laws.

Application for a Licence

- 12.2 An application for a licence under these By-laws shall:—

- 12.2.1 be made in duplicate in the form of the Second Schedule hereto;
- 12.2.2 be accompanied by the fee as prescribed in Part One of the Fourth Schedule hereto;

- 12.2.3 where being made for the first issue of a licence, be accompanied by a plan with structural details of the advertising device drawn to a scale of not less than 1 to 50 showing the size, position, design and inscription to appear thereon, and a block plan of a scale 1:500 showing the location on the property where the advertising device is to be erected, the method of construction and fixing of the advertising device for which the licence is sought;
- 12.2.4 where being made for the first issue of a licence in respect to a hoarding, pylon sign, roof sign, semaphore, vertical sign or where otherwise required by the local authority be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the advertising device is in all respects of sufficient strength to support the advertising device under all conditions, and that the advertising device is itself of structurally sound design; and
- 12.2.5 where being made for the first issue of a licence in respect to an illuminated advertising device shall be accompanied by a letter of consent to the erection of the advertising device, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district of the Shire of Carnarvon.
- 12.2.6 contain, in writing such further particulars as may be required by the Council.

License Fees

- 12.3 License fees, as prescribed in the Fourth Schedule to these By-laws shall:—
- 12.3.1 be paid at the time of application and the license issued in accordance with the Fourth Schedule to these By-laws shall be of force until the 30th day of September of the year next after the first approval.

License Renewal

- 12.4 Advertising device licenses shall be renewed annually on or before the 1st day of October of any one year and shall be in force until the 30th day of September of the year next after that date subject to the payment of the fees prescribed in the Fourth Schedule to these By-laws:

Alterations to or Removal of Signs

- 12.5 Notwithstanding the requirements and conditions contained in sub-by-law 5.3:—
- 12.5.1 where a person proposes to alter, amend, relocate, or otherwise modify any advertising device in respect of which a license has been issued such person shall make application for a new license in accordance with the requirements of these By-laws.
- 12.5.2 in the event that a person proposes to take down and remove an advertising device such person shall notify the Local Authority no later than seven (7) days after the removal of such device in order that the license may be cancelled.

Special Permits

- 12.6 Notwithstanding anything contained in these By-laws the Shire Clerk may, by permit allow the display of advertising devices at churches, theatres and other places of public entertainment, election signs or advertisements of meetings or other matters of public interest upon such terms and for such period as the Shire Clerk may in each case decide.

Revocation of Licenses

- 12.7 Where anything purporting to be done pursuant to a license issued under these By-laws is not done in conformity with the licence or any conditions placed thereon or with these By-laws or where the Licensee is convicted of an offence against these By-laws the Council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the license, excepting where a license has been issued under a Special Permit the Council may revoke any such permit at any time without assigning any reason for such action.

Licenses to be Produced

- 12.8 A Licensee shall, on demand by an authorised officer of the Council, produce any license issued under these By-Laws for inspection.

13. Removal of Advertising Devices

- 13.1 A person shall:—
- 13.1.1 when receiving a written direction to do so, remove any existing advertising device which fails to conform or cannot be made to conform with these By-laws within seven days of receiving that direction,

13.1.2 upon expiration, cancelling or revocation of a permit issued under these By-laws, forthwith remove the advertising device to which it relates, or

13.1.3 upon the revocation or cancelling of a licence for an advertising device or expiration of a licence for an advertising device for which such person no longer has a requirement remove such advertising device within seven days of revocation or expiration of the licence.

13.2 An authorised officer, acting on behalf of Council, may take down and remove any advertising device, placed or erected on any street, way, footpath or other public place being land under the care, control or management of the Council if such advertising device is placed, erected or maintained contrary to the requirements of these By-laws.

In addition, and without being liable for damages or otherwise an authorised person may dispose of any advertising device taken down or removed under this by-law and reinstate the street, way, footpath or public place at the expense of the person or persons responsible for the placing or erecting of the advertising device thereon and recover any costs incurred in a Court of competent jurisdiction.

14. Offences

14.1 Every person who erects or permits the erection of an advertising device which does not comply with or erects or permits to be erected an advertising device in a manner contrary to the provisions of these By-laws commits an offence.

14.2 Every person who maintains an advertising device without a licence or in respect to which a licence has expired or has been cancelled commits an offence.

14.3 Without prejudice to the proceeding provisions of this By-law the Council or its authorised officer may serve on the owner or occupier of any premises on which an advertising device is erected, fixed or maintained, contrary to these By-laws, notice to remove such advertising device within such a time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice pursuant to this sub-By-law commits an offence.

15. Rebate of Fees

15.1 Council in instances where licences are or have been cancelled by the Council or surrendered by the owner of the sign, shall not be liable or require to make, offer or allow any refund of licence fees paid in accordance with these By-laws.

16. Penalties

16.1 Any person who commits an offence against these By-laws is liable to:—

16.1.1 a penalty not exceeding \$500.00, and

16.1.2 a daily penalty, during the breach, not exceeding \$50.00.

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Carnarvon

By-Laws Relating to Advertising Devices

First Schedule

Dimensions and Particulars

To be read in conjunction with By-law 4 to these By-laws

Column 1 Advertising Device Type	Column 2 Max Height Dev. MM	Column 3 Max Lgth/ Width MM	Column 4 Max Area Sq. M	Column 5 Min Headroom M	Column 6 Max Height Above Ground	Column 7 Projection Max MM	Column 8 Setbacks Front MM	Column 9 Setbacks Side MM	Column 10 Other M	Column 11 Location
Animated Signs	1500	1000	3	2.4	6.0					
Bill Posting	1000	3000	3		3.0					Within Shops
Building Name	1200	5000	1	3.0	6.0	100				On Fascade
Development Sign	4000	5000	20		5.0		15000	10000	15	
Direction Sign	200	1500	1	2.4	3.0					On Street Pole
Election Sign	1200	2000	2		3.0		3000	5000		
Fence Sign	1000						2 x height			
Fly Posting	500	200	1		2.5					Within Shops
Hoarding	100000	15000	20		10.0		15000	10000	15	Non Resi- dential
Horizontal Signs	1200	3000				600				Fixed on Wall
Illuminated Signs				2.4						
Information Panel				2.4						
Institutional Sign	1200	1500	2	2.4	6.0		3000	1500		
Other signs		60	2.4							
Portable Sign	1200	1000			11.2					

Column 1 Advertising Device Type	Column 2 Max Height Dev. MM	Column 3 Max Lgth/ Width MM	Column 4 Max Area Sq. M	Column 5 Min Headroom M	Column 6 Max Height Above Ground	Column 7 Projection Max MM	Column 8 Setbacks Front MM	Column 9 Setbacks Side MM	Column 10 Other M	Column 11 Location
Projection Sign	12000	12000	60		12.0					
Pylon Sign	5000	3000	4	2.4	7.5			2000	6	Min. 6m clear of another sign On roof
Roof Sign	3000	5000	6							
Rural Producers Sign	2000		4	2.4	3.0	900 over street				
Sale Sign	3000		5							
Sandwich Board Sign	1200		1							
Semaphore Sign	1000			2.4		900				
Sign Infill				2.4						
Tower Sign	15% mast tower or chimney st.	width mast tower or chimney st.		2.4						
Verandah Sign										
Above Fascia	400		2							Not to be within 2m of any other sign not to be within 2m of another sign
On Fascia	600	3000								
Below Fascia	600	2400		2.4						
Vertical Sign				2.4		1500 from face of building, 2500 above top of wall, 1000 retain back from wall				
Wall Panel	1500	1500	2			100				On Wall
Wall Sign	3000	8000				50				On Wall

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Carnarvon

By-Laws Relating to Advertising Devices

Second Schedule

Application for Licence

Advertising Devices

I hereby apply for a licence for an advertising device to be erected, subject to the By-laws of the Shire of Carnarvon.

Applicant: Name

Address

Telephone No.

Location of Advertising Device: Lot No.

Street No. & Street Name

Position of Advertising Device

Dimensions of Advertising Device X X

Materials and Construction of Sign & Supports

Inscription or Device on Advertising Device (wording, motifs)

Signature of Applicant

Date

1. Application form in duplicate to be attached to two (2) copies of:

(i) Block plan with all site details.

(ii) Plans and elevations of Advertising Device proposed including all dimensions and structural information.

2. Also enclose copies of any additional information.

LOCAL GOVERNMENT ACT 1960
The Municipality of the Shire of Carnarvon
 By-Laws Relating to Advertising Devices
 Third Schedule
 Licence for Advertising Device

Licence No.:

This licence is granted to:—

.....
 of
 in respect of
 on premises known as
 in accordance with:—

Application No:

and subject to the By-laws of the Shire of Carnarvon.

Issued on the day of 199 .

.....
 Shire Clerk

1. This licence shall be renewed annually and remain valid unless any alteration is made to the advertising device, then in such event, a new licence is required.
2. This licence is not valid unless accompanied by a receipt issued by the Shire of Carnarvon and current for that year.
3. This licence is to be displayed on the premises to which the advertising device relates at all times.

LOCAL GOVERNMENT ACT 1960
Shire of Carnarvon
 By-Laws Relating to Advertising Devices
 Fourth Schedule
 Part I—Licence Fees

By-law No.	Type of Sign	Fee per annum \$
5.3	Animated Sign	20.00
	Building Sign	10.00
4.2	Development Sign	20.00
	Direction Sign	10.00
4.4	Fence Sign	20.00
4.6	Hoarding	50.00
4.7	Horizontal Sign	10.00
4.8	Illuminated Sign—on roof	25.00
4.18.2	Illuminated Sign—under verandah	20.00
	Illuminated Sign—other	25.00
	Infill Panel	10.00
4.9	Information Panel	10.00
	Other Signs	10.00
4.16	Portable Sign—sandwich board	50.00
4.10	Portable Sign—other	25.00
4.11	Projection Sign	10.00
4.12	Pylon Sign	25.00
4.13	Roof Sign	25.00
4.14	Rural Producers Sign	10.00
4.17	Semaphore Sign	10.00
	Tower Sign	25.00
4.18	Verandah Sign—above fascia	10.00
4.18	Verandah Sign—on fascia	10.00
4.18	Verandah Sign—below fascia	10.00
4.19	Vertical Sign	10.00
4.20	Wall Panel	10.00
	Wall Sign	10.00

Dated this 8th day of February 1994.

The Common Seal of the Shire of Carnarvon was hereunto affixed in the presence of

T. A. DAY, Shire President.
 B. G. WALKER, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

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

D. G. BLIGHT, Clerk of the Council.

LG303

LOCAL GOVERNMENT ACT 1960*Shire of Capel***Extractive Industries By-law**

Under the powers conferred upon it by the Local Government Act 1960, the Council of the Shire of Capel resolved on 30th July, 1993, to make and submit for confirmation by the Governor the following By-law.

Repeal of Previous By-Laws

1. The By-laws of the Shire of Capel relating to Extractive Industries published in the *Government Gazette* on 16th April, 1964, as amended, are repealed.

Citation

2. This By-law may be cited as the Shire of Capel Extractive Industries By-law.

Definitions

3. In this By-law, unless the context otherwise requires—

“Act” means the Local Government Act 1960 as amended;

“carrying on an extractive industry” has the meaning given to it in section 235 of the Act;

[Note—s.235 of the Act defines “carrying on an extractive industry” to mean quarrying and excavating for stone, gravel and other material.]

“Council” means the Council of the Shire;

“district” means the municipal district of the Shire;

“excavation” includes quarry;

“licence” means a licence issued under this By-law;

“licensee” means the person named in the licence as the licensee;

“secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 13;

“Shire” means the municipality of the Shire of Capel;

“Shire Clerk” means the Shire Clerk of the Shire and includes an Acting Shire Clerk; and

“site” means the land specified by the Council in a licence.

Application

4. This By-law—

(a) subject to paragraphs (b) and (c)—

(i) applies and has force and effect throughout the whole of the district; and

(ii) applies to every excavation whether commenced prior to or following the coming into operation of this By-law;

(b) does not apply to the extraction of minerals (as defined in the Mining Act 1978)—

(i) pursuant to the Mining Act 1978; or

(ii) from land alienated in fee simple from the Crown before 1st January, 1899; and

(c) does not apply to the carrying on of an extractive industry on Crown land.

Extractive Industries Prohibited Without Licence

5. A person shall not carry on an extractive industry—

(a) unless the person is the holder of a valid and current licence; and

(b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Applicant to Advertise Proposal

6. (1) Unless the Council approves otherwise, a person seeking the issue of a licence shall, before applying to the Council for a licence—

(a) forward by certified mail a notice in the form set out in Schedule 1 to—

(i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate; and

(ii) every authority or person having control or jurisdiction over any of the things referred to in clause 7(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land or within an area determined by the Council as likely to be affected by the granting of a licence; and

(b) as soon as practicable after complying with the requirements of paragraph (a)—

(i) forward a copy of the notice to the Shire Clerk; and

- (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The Council may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—
 - (a) in the form set out in Schedule 2;
 - (b) the content, size and construction of which have been approved by the Shire Clerk;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments within 21 days from the placement of the notice.

Application for Licence

7. (1) A person seeking the issue of a licence in respect of any land shall apply in the form set out in Schedule 3 and shall forward the application duly completed and signed by both the applicant and the owner of the land to the Shire Clerk together with—

- (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed roads or other means of vehicle access to and egress from the land and to public roads in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.
- (b) 3 copies of a works and excavation programme containing—
 - (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation, and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of roads to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise noise and dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;

- (xiii) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
 - (xiv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby roads or other areas.
 - (c) 3 copies of a rehabilitation and decommissioning programme indicating—
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) the method by which topsoil is to be replaced and revegetated;
 - (iv) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (v) how rehabilitated areas are to be maintained and irrigated; and
 - (vi) the programme for the removal of buildings, plant, waste and final site clean up.
 - (d) evidence that a datum peg has been established on the land related to a point approved by the Council on the surface of a constructed public road or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor certifying the correctness of—
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and the related point referred to in paragraph (d).
 - (f) evidence that the requirements of clause 6(1) and (2) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) the consent in writing to the application from the owner of the excavation site;
 - (i) any other information that the Council may require; and
 - (j) the licence application fee specified in Schedule 5.
- (2) All survey data supplied by an applicant for the purposes of sub-clause (1) must comply with Australian Height Datum and Australian Map Grid standards.

Determination of Application

8. (1) The Council may refuse to consider an application for a licence that does not comply with the requirements of clause 7.

(2) The Council may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application—
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the Council approves an application for a licence, it shall—
 - (a) determine the licence period, not exceeding 21 years from the date of issue; and
 - (b) approve the issue of a licence in the form set out in Schedule 4.
- (4) Where the Council approves the issue of a licence, the Shire Clerk upon receipt by the Shire of—
 - (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 31st December next, calculated in accordance with Schedule 5; and
 - (b) payment of the secured sum, if any, imposed under clause 13; and
 - (c) the documents, if any, executed to the satisfaction of the Shire Clerk, under clause 13,

shall issue the licence to the applicant.

(5) Without limiting subclause (2), the Council may impose conditions in respect of the following matters—

- (a) the orientation of the excavation to reduce visibility from other land;
- (b) the appropriate siting of access roads, buildings and plant;
- (c) the stockpiling of material;
- (d) the hours during which excavation work may be carried out;
- (e) the hours during which any processing plant associated with, or located on, the site may be operated;
- (f) the depths below which a person shall not excavate;

- (g) distances from adjoining land or streets within which a person shall not excavate;
- (h) the safety of persons employed at or visiting the excavation site;
- (i) the control of dust and wind-blown material;
- (j) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- (k) the prevention of the spread of dieback disease;
- (l) the drainage of the excavation site and the disposal of water;
- (m) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- (n) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (o) requiring the licensee to furnish to the Council a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- (p) requiring the licensee to enter into an agreement with the Council in respect of any condition or conditions imposed under this By-law; and
- (q) any other matter for properly regulating the carrying on of an extractive industry.

Payment of Annual Licence Fee

9. On or before 31st December in each year, a licensee shall pay to the Shire the annual licence fee calculated in accordance with Schedule 5.

Transfer of Licence

10. (1) An application for the transfer of a licence shall—
- (a) be made in writing;
 - (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) contain the consent in writing from the owner of the excavation site;
 - (e) include any information that the Council may reasonably require; and
 - (f) be forwarded to the Shire Clerk together with the fee set out in Schedule 5.
- (2) Upon receipt of any application for the transfer of a licence, the Council may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the Council approves an application for transfer of a licence, the Council shall transfer the licence by an endorsement on the licence to that effect signed by the Shire Clerk.
- (4) Where the Council approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

Cancellation of Licence

11. (1) The Council may cancel a licence where the licensee has—
- (a) been convicted of an offence against—
 - (i) this By-law; or
 - (ii) any other law relating to carrying on an extractive industry; or
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the Council;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this By-law; or
 - (d) failed to pay the annual licence fee under clause 9.
- (2) Where the Council cancels a licence under this clause—
- (a) the Council shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the Council shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

Renewal of Licence

12. (1) A licensee who wishes to renew a licence shall apply in writing to the Council at least 45 days before the date of expiry of the licence and shall submit with the application for renewal—

- (a) the fee prescribed in Schedule 5;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 7(1)(b) and (c); and
 - (e) any other things referred to in clauses 7 and 8.
- (2) The Council may waive any of the requirements specified in clause 12(1)(d) or (e).
- (3) If—
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application, then the applicant shall not be obliged, unless otherwise required by Council to submit details of any of the things referred to in clauses 7 and 8.
- (4) Upon receipt of an application for the renewal of a licence, the Council may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Security for Restoration and Reinstatement

13. (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the Council may require that—

- (a) as a condition of a licence; or
- (b) before the issue of a licence,

the licensee shall give to the Shire a bond, bank guarantee or other security, of a kind and in a form acceptable to the Council, in or for a sum determined by the Council in accordance with Schedule 5.

(2) A bond required under subclause (1) is to be paid into a fund established by the Shire for the purposes of this clause.

Use by the Council of Secured Sum

14. (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—

- (a) within the time specified in those conditions; or
- (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,

then—

- (c) the Shire may carry out the required restoration and reinstatement work or so much of that work as remains undone; and
- (d) the licensee shall pay to the Shire on demand all costs incurred by the Shire or which the Shire may be required to pay under this clause.

(2) The Shire may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 13 towards its costs under this clause.

(3) The liability of a licensee to pay the Shire's costs under this clause is not limited to the amount, if any, secured under clause 13.

Limits on Excavation Near Boundary

15. Subject to any licence conditions imposed by the Council, a person shall not, without the written approval of the Council, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any road; or
- (d) 40 metres of any watercourse.

Prohibitions**16. A licensee shall—**

- (a) not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the Council) of the boundary of any road reserve on land in respect of which a licence has been granted, except for the purpose of constructing access roads, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the Council and subject to any conditions which the Council may impose in accordance with clause 8;
- (b) where the Council so requires, securely fence the excavation to a standard determined by Council and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (c) erect and maintain warning signs along each of the boundaries of the site to which the licence applies so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words 'DANGER EXCAVATIONS KEEP OUT';
- (d) except where the Council approves otherwise, drain and keep drained to the Council's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (e) not store, or permit to be stored, any explosives or explosive device on the site to which the licence applies;
- (f) not fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;
- (g) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;
- (h) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (i) otherwise comply with the conditions imposed by the Council in accordance with clause 8.

Blasting**17. (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—**

- (a) the Council has otherwise given approval in respect of blasting generally or in the case of each blast;
- (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the Council, on Mondays to Fridays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Regulation Act 1946 and all relevant By-laws of the Council; and
- (d) in compliance with any other conditions imposed by the Council concerning—
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used;
 - (iii) the methods of detonation and blasting;
 - (iv) the types of explosives to be used; and
 - (v) such other matters as the Council may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

(2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the Council.

Public Liability

18. A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the Shire indemnifying the licensee and the Shire for a sum of not less than \$5,000,000 in respect of any one claim relating to any of the excavation operations.

Mines Regulation Act

19. (1) In any case where the Mines Regulation Act 1946 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall—

- (a) comply with all applicable provisions of that Act; and
- (b) provide to the Council within 14 days full particulars, of any inspection or report made under that Act.

(2) In this clause, the Mines Regulation Act 1946 includes all subsidiary legislation made under that Act.

Notice of Cessation of Operations

20. (1) Where a licensee intends to cease carrying on an extractive industry—

- (a) temporarily for a period in excess of 12 months; or
- (b) permanently,

the licensee shall, as well as complying with clause 21, give the Council written notice of the cessation not later than 1 week after those operations have ceased.

(2) Where a licensee has given written notice to the Council of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.

(3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

Works to be Carried out on Cessation of Operations

21. Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 20—

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the Council or in such other manner as the Council may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is—
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the Council, would enable the site to be left in a stable condition;
- (c) ensure that the agreed floor level of the excavation site is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the Council;
- (d) ensure that all stockpiles or dumps of stone, sand or other material are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this By-law.

Appeal to Minister

22. Where a person applies to the Council for a licence and the Council does not grant the licence within 28 days of service of the application, the person may appeal to the Minister in accordance with section 235 of the Act.

Penalties

23. A person who contravenes or fails to comply with any of the provisions of this By-law commits an offence and upon conviction is liable to—

- (a) a penalty not exceeding \$500; and
- (b) a daily penalty not exceeding \$50 for every day or part of a day during which the offence continues.

SCHEDULE 1

(Form of Newspaper Notice)

Clause 6(1)(a)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRIES LICENCE

Take notice that ⁽¹⁾intends to apply to the Shire of Capel for an extractive industries licence to excavate ⁽²⁾on land situated at ⁽³⁾being ⁽⁴⁾

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Shire Clerk, Shire of Capel, PO Box 369, Capel, 6271, not later than ⁽⁵⁾

⁽¹⁾ Insert the name of applicant⁽²⁾ Insert the material(s) proposed to be excavated⁽³⁾ Insert the postal address of the land subject of the application⁽⁴⁾ Insert the title description of the land subject of the application⁽⁵⁾ Insert the date which should not be less than 3 weeks after the date when the advertisement first appears in the newspaper.

SCHEDULE 2

(Form of Site Notice)

Clause 6(2)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRIES LICENCE

Take notice that ⁽¹⁾intends to apply to the Shire of Capel for an extractive industries licence to excavate ⁽²⁾on land situated at ⁽³⁾being ⁽⁴⁾

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Shire Clerk, Shire of Capel, PO Box 369, Capel, 627, not later than ⁽⁵⁾

⁽¹⁾ Insert the name of applicant⁽²⁾ Insert the material(s) to be excavated⁽³⁾ Insert the postal address of the land subject of the application⁽⁴⁾ Insert the title description of the land subject of the application⁽⁵⁾ Insert the date which is to be 21 days after the date on which the notice is placed on the land.

SCHEDULE 3

SHIRE OF CAPEL

Clause 7

APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

1. Name(the "applicant")
2. Address
3. TelephoneFax:
4. Address and locality of proposed excavation site
5. Lot No
6. Location No.
7. Plan or Diagram No.
8. Certificate of Title Volume:Folio:
9. Owner of the land
10. Address of owner of the land
11. Material to be excavated

12. If the application covers land that is the subject of an existing licence:
 Date of issue of that licence
 Date of expiration of that licence
 Conditions applicable to that licence
13. Term of licence sought
14. Submitted with this application are:
 (a) 3 copies of excavation site plans (cl.7(1)(a))
 (b) 3 copies of works and excavation programme (cl.7(1)(b))
 (c) 3 copies of rehabilitation and decommissioning programme (cl.7(1)(c))
 (d) datum peg evidence (cl.7(1)(d))
 (e) licensed surveyor's certificate (cl.7(1)(e))
 (f) evidence of compliance with cl.6(1) and (2) (cl.7(1)(f))
 (g) copies of all land use planning approvals (cl.7(1)(g))
 (h) written consent of the owner of the excavation site (cl.7(1)(h))
 (i) any other information that the Council has required (cl.7(1)(i))
 (j) licence application fee of \$250 (cl.7(1)(j)).

The applicant applies for a licence in respect of the proposed excavation site in accordance with and subject to the Shire of Capel Extractive Industries By-law.

Dated thisday of19.....

Signature of Applicant

Signature of Owner of the land

Signature of existing licensee
 (if applicable)

SCHEDULE 4
 SHIRE OF CAPEL
 EXTRACTIVE INDUSTRIES LICENCE

Clause 8(3)(b)

Licensee
 Address

Land Description

Material to be Excavated

Term of Licence

Date of Expiry

This licence is issued in accordance with the Shire of Capel Extractive Industries By-law subject to the following conditions:

Dated thisday of19.....

Shire Clerk

TRANSFER ENDORSEMENT

Clause 9(3)(b)

This licence is transferred to
 of

from the date of the endorsement until

subject to each of the above conditions and the following additional conditions—

Dated this day of 19.....

Shire Clerk
 Shire of Capel

SCHEDULE 5

SHIRE OF CAPEL Clause 7(j), 9, 10(1)(f), 12, 13

1. Licence Application Fees
The initial licence fee shall be:\$250
2. Annual Licence & Renewal Fees
Where the overall area of excavation is less than 1 hectare, payable annually:\$125
Where the overall area of excavation is greater than 1 hectare but less than 5 hectares, payable annually:\$250
Where the overall area of excavation is 5 hectares or greater, payable annually:\$375
3. Secured Sum (clause 13)
Calculation of amount of guarantee (or other form of acceptable security)—
 - (a) Where it is proposed to excavate clay, sand or similar fine grained material—
The rehabilitation bond shall be calculated at a rate up to but not exceeding \$5,000 per hectare or part thereof of the excavation site to be rehabilitated.
 - (b) Where it is proposed to excavate stone, gravel or other aggregate—
The rehabilitation bond shall be calculated at a rate up to but not exceeding \$17,500 per hectare or part thereof of the excavation site to be rehabilitated.
4. Licence Transfer Fee\$50

SHIRE OF CAPEL

The Common Seal of the Shire of Capel was affixed this 30th day of September 1993 in the presence of—

W. C. SCOTT, President.
R. G. BONE, Shire Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by the Governor in Executive Council on 15th day March 1994.

D. G. BLIGHT, Clerk of the Council.

LG304

LOCAL GOVERNMENT ACT, 1960

Municipality of the Shire of Collie

By-law Relating to Parking and Parking Facilities

In pursuance of the powers 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 24th September, 1991 to make and submit for confirmation by His Excellency the Governor, the following By-law.

PART 1—CITATION AND APPLICATION OF BY-LAWS AND REVOCATIONS

Citation

1. This By-law may be cited as Shire of Collie Parking By-Law and shall come into operation upon publication in the *Government Gazette* and shall apply and operate within the part of the district referred to in the First Schedule.

Repeal

2. The following By-laws are hereby revoked—

- (a) the Removal and Disposal of Obstructing Animals and Vehicles By-Law published in the *Government Gazette* on 29 November 1962;
- (b) the By-Law Relating to Parking Facilities published in the *Government Gazette* on 30 July 1982; and

Interpretation

3. (1) In this By-law, unless the context otherwise requires—

“Act” means the Local Government Act, 1960;

“animal” means any animal other than a dog;

“Authorised Officer” means in respect of any Part of this By-law the clerk or a ranger or other officer of the Shire of Collie authorised by the Council to administer that Part;

“Authorised Person” means the clerk or an Authorised Officer, or any other person appointed in writing by the clerk as an Authorised Person under this By-law;

“built-up area” means the territory continuous to and including any road—

- (a) on which there is provision for lighting by means of street lamps; or
- (b) which is built up with structures devoted to business, industry or dwelling houses at intervals of less than 100 metres for a distance of one half kilometre or more; or
- (c) beyond a sign indicating “BUILT-UP AREA” erected at the roadside to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

“bicycle” means any two wheeled or three wheeled vehicle that is designed to be propelled solely by human power;

“carriageway” means every part of a street used or intended for use by vehicles and includes kerbs;

“clerk” means the Shire Clerk for the time being of the Shire of Collie and includes, in the absence of the Shire Clerk, the Deputy or Acting Shire Clerk of the Council;

“commercial vehicle” has the same meaning as the term “Motor Wagon” in the first Schedule of the Road Traffic Act, 1974;

“Council” means the council of the Shire of Collie;

“District” means the municipal district of the Shire of Collie;

“footpath” means a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;

“gardens” means any part of a street planted developed or treated, otherwise than as a lawn, with any tree, plant or shrub;

“intersection” means the area contained within the prolongation or connection of a lateral boundaries of two streets that meet one another at, or approximately at, right angles, or the area within which vehicles, travelling by, on or from different streets that meet at any other angle, may come into conflict;

“junction” means that part of a street comprised within imaginary straight lines at right angles to the abutted street commencing from the points of transection of the street alignments of the street with the street alignments of the land which abuts thereon. If the street alignments are curved at any corner then the point of transection is the point at which those street alignments would meet if straight;

“kerb” means and includes the constructed border or edge of the portion of a road paved for the use of vehicular traffic where any constructed border exists at the edge of the paved road whether any footpath has been constructed or not;

“lawn” means any part of a street which is planted only with grass and with any tree or shrub planted by the Council;

“member of the Police Force” means a member of the Police Force of Western Australia;

“Minister” means the Minister for Local Government;

“Municipality” means the municipality of the Shire of Collie;

“No Parking Area” means a portion of a carriageway that lies—

- (a) between two consecutive white signs inscribed with the words, “No Parking”, in red lettering, and each with an arrow pointing generally towards the other of them; or

- (b) between a white sign, inscribed with the words "No Parking", in red lettering, and a dead end or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"No Standing Area" means a portion of a carriageway—

- (a) between two consecutive white signs inscribed with the words, "No Standing", in red lettering, and each with an arrow pointing generally towards the other of them; or
- (b) between a white sign inscribed with the words, "No Standing", in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"obstruct" means to interfere with or impede or hinder the passing of any vehicle or person and "obstruction" has a corresponding meaning;

"omnibus" means a motor vehicle equipped to carry more than eight (8) adult passengers;

"owner" where used in relation to a vehicle has the meaning given to the term in the Road Traffic Act 1974 and where used in relation to land has the meaning given to the term in the Act;

"park" means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law, or of immediately taking up or setting down persons or goods;

"parking area" means a portion of a carriageway—

- (a) between two consecutive white signs, inscribed with the words 'parking' in green lettering, each with an arrow pointing generally towards the other of them; or
- (b) extending from a white sign inscribed with the word "Parking" in green lettering in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing", in red lettering, or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the road nearest to the sign;

"parking facilities" includes land, buildings, shelters, metered zones, metered spaces, signs, notices, and other facilities open to the public, generally, for the parking of vehicles with or without charge;

"parking region" means the portion of the District constituted a parking region for the purpose of this By-law as referred to in the First Schedule.

"parking stall" means a section or part of a street or parking station which is marked or defined by painted lines or by metallic studs or means similar to those, for the purpose of indicating where a vehicle may stand or be parked, whether on payment of a fee or charge or otherwise, but does not include a metered space;

"person" and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons;

"property lines" means a lateral boundary of the road reserve of a street;

"public place" includes a street, way and place which the public are allowed to use whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the Shire of Collie;

"reserve" means a public reserve as defined in the Act;

"sign" means a traffic sign, mark, structure or device under the care control or management of the Council placed or erected on or near a street or within a parking station or reserve for the purpose of prohibiting, regulating, guiding or directing the standing or parking of vehicles;

"specified place" means a yard or other piece of land set aside or used by the Council as a place to which obstructing trespassing or offending vehicles may be removed;

"stand" in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law;

"street" includes—
a highway, and
a thoroughfare;

which—
the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

"street verge" means every part of a street other than the carriageway thereof;

"vehicle" includes every conveyance, not being a train, boat, aircraft, or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means.

(2) Unless otherwise defined herein the terms and expressions used in this By-law shall have the meanings given to them in the Act including, without limiting the generality of the foregoing, s.231 of the Act, and if any term or expressions is not defined in the Act, it shall have the meaning given to it in the Road Traffic Act, 1974 the First Schedule thereof or the Road Traffic Code 1975.

(3) In this By-law a reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any authorised person or committee to whom the Council has delegated the power or the doing of the thing exercising such discretion or forming such opinion.

PART 2—ACTIVITIES ON STREETS AND PUBLIC PLACES

Street Verges

4. (1) A person shall not—

- (a) stand a vehicle or permit a vehicle to stand so that any part of the vehicle is on the verge of any part of a street, provided that the prohibition in this paragraph shall not apply to the occupier of premises on land adjacent to the relevant part of the street verge or to a person authorised by the occupier of those premises to stand a vehicle on that verge unless by a sign adjacent or referable to that verge the standing of vehicles on that verge is prohibited. Nothing in this paragraph shall authorise any person to stand any portion of a vehicle on or over a footpath;
- (b) (i) park a commercial vehicle having a tare weight or load capacity three (3) tonnes or more or a caravan, omnibus or trailer designed adapted or used for industrial or commercial purposes on a street verge for more than four (4) hours consecutively or for more than four (4) hours in a day unless in between each period that the commercial vehicle or caravan, omnibus or trailer is parked on the street verge it has been removed from the street verge for at least two (2) hours;
- (ii) the prohibition in this paragraph shall only apply to verge parking within a built-up area;
- (iii) the prohibition in this paragraph shall not apply to a builder or contractor, parking a commercial vehicle or trailer on the street verge where he is currently engaged in building work on land abutting that street verge.
- (c) on a street verge, service or clean any vehicle;
- (d) expose a vehicle for sale on a street verge or carriageway;
- (e) on a street verge repair any vehicle other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the street;
- (f) notwithstanding the generality of paragraph (a) drive or stand a vehicle or animal for any purpose on any lawn or garden in a street verge unless with the consent of the owner or occupier of the land abutting that part of the street verge. Such consent shall not authorise standing of a vehicle on the street verge if the standing of vehicles on that verge is prohibited by a sign adjacent or referable to the verge;
- (g) stand a vehicle or permit a vehicle to stand on a street verge or carriageway so that any portion of the vehicle is within 6 metres of the projection of the nearer property line of a second street intersecting the first mentioned street on the side on which the vehicle is standing.

(2) For the purposes of this clause, the verge of any part of a street in relation to an occupier of premises on land adjacent to that verge means that part of the street which lies between the boundaries of those premises and nearest edge of the carriageway of that street.

Activities needing permission

5. (1) A person shall not, without the permission of the Council in writing commit any of the following acts—

- (a) leave a vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place;
- (b) cause any obstruction to or prevent vehicles or persons having the free unhindered use of any street, way or footpath;
- (c) park a vehicle on a public reserve for the purpose of conducting a business.

(2) A vehicle parked in any portion of a public place wherein that vehicle may not lawfully be parked is deemed by that fact alone to be causing an obstruction.

Discretion

6. (1) The Council may under this Part in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit.

(2) Where permission has been granted by the Council under this Part subject to conditions, the person to whom the permission has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against this By-law and the Council may by written notice cancel the permission.

Infringement Notice

7. An infringement notice in respect of an offence under clauses 4(1) and 5(1) may be given under section 669D in accordance with Part 7 of this By-law.

PART 3—SHOPPING TROLLEYS

Seizure

8. Subject to the provisions of the Act, the Council may seize any shopping trolley which has been left unattended for a period in excess of 30 minutes in any street or way or other public place so as to obstruct any portion thereof.

Recovery of Shopping Trolley

9. (1) The owner or owner's representative may recover a seized shopping trolley from custody by paying to the clerk—

- (a) the cost incurred by the Council in removing the shopping trolley to the place where it is stored; or
- (b) the sum specified in Schedule 5, whichever is the greater.

(2) Where the owner of the shopping trolley is known the clerk shall cause written notification of the seizure of the same to be forwarded to the owner or the owner's representative in or nearest to the District and the owner or representative shall be given not less than fourteen (14) days' notice within which to recover the trolley.

(3) If the owner of the shopping trolley is not known the clerk shall exhibit on a notice board at the Council Chambers a notice describing the shopping trolley and the place at which it was seized and the place at which it is being kept, and unless the shopping trolley is sooner recovered shall keep the notification exhibited for a period of not less than fourteen (14) days.

Disposal

10. A shopping trolley seized by Council under clause 9 which is not recovered by the owner or any other person lawfully entitled thereto within fourteen (14) days after the notice referred to in the preceding clause has been exhibited, may be disposed of in such manner and under such conditions as the Council may deem fit.

Application of Proceeds of Sale

11. The proceeds of sale of any such shopping trolley shall be dealt with in the manner provided in clause 36.

PART 4—STANDING AND PARKING GENERALLY

Erection of Signs to Regulate Parking

12. (1) Subject to section 231 (3) of the Act, a discretionary authority is conferred on the Council by resolution to constitute, determine and vary and also indicate by sign, from time to time—

prohibitions, and
regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts of streets or reserves at all times or specified times,

but that discretionary authority shall not be exercised in a manner inconsistent with the provisions of this By-law.

(2) Where under this By-law the standing or parking of vehicles in a street is prohibited, regulated or restricted by a sign erected by or under the care control and management of the Council then the sign shall for the purposes of this By-law apply to that part of the street which—

- (a) lies beyond the sign or in the position or direction indicated by it; or
- (b) lies between the sign and the next sign beyond it; and
- (c) is that side of the carriageway of the street nearest the sign.

- (3) A person shall not—
- (a) without the authority of the Council mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of this By-law;
 - (b) remove, deface or misuse a sign or property erected or provided under this By-law or any part thereof, or attempt to do any such act; or
 - (c) without the permission of the Council affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign erected under this By-law.
- (4) An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under this By-law.
- (5) A sign marked, erected, established or displayed on or near a road and purporting to be a parking control sign is, in the absence of evidence to the contrary presumed to be a sign marked, erected, established or displayed under the authority of this By-law.
- (6) The first three letters of any day of the week when used on a sign indicate that day of the week.
- (7) A sign associated with a no parking area, no standing area or parking area or a sign of a kind referred to in this By-law is limited in its operations and effect in respect of days, periods of the day, classes of persons, classes of vehicles, or circumstances to the extent, if any, shown on the sign.

Parking Stalls and Parking Stations

13. (1) A person shall not stand a vehicle in a parking stall in a street otherwise than—

- (a) parallel to the kerb and as close thereto as practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the street on which the stall is situated, but where a parking stall is set out otherwise than parallel to the kerb the provisions of this subclause, other than paragraph (b), do not apply.
- (2) Unless otherwise directed by an Authorised Person a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

(3)(a) A person shall not—

- (i) stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within a parking station or beyond the limits of any defined parking stall within a parking station;
 - (ii) stand a vehicle except with the permission of the Council or an Authorised Person on any part of a parking station, whether or not that part is marked as a parking stall, if a sign is exhibited prohibiting the standing of vehicles thereon;
 - (iii) stand or permit a vehicle to continue standing on any part of a parking station, whether or not that part is marked as a parking stall, if an Authorised Person directs the driver of such vehicle to move the vehicle from that part of the parking station;
 - (iv) stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing but this paragraph does not prevent the parking of a motor cycle and a bicycle together in a stall marked "M/C";
 - (v) stand or permit a vehicle to continue standing in a parking stall which is at the time set aside for use by commercial vehicles unless the vehicle is a commercial vehicle and a person is actively engaged in loading or unloading goods to or from that vehicle;
 - (vi) stand a vehicle in a parking stall which is set aside for use by buses except for the purpose of taking up or setting down passengers to or from the vehicle.
- (b) In subparagraph (v) of paragraph (a) of clause 13 (3) "goods" means an article, or collection of articles, weighing at least 14kg and having a volume of at least 0.2 cubic metres.
- (c) A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent thereto marked "Loading Zone".

Standing and Parking Conduct Generally

14. (1) Subject to clause 13 (3) (a) (vi) a person shall not stand a vehicle in a street or part of a street or part of a parking station—

- (a) which is by a sign thereon or adjacent or referable thereto set apart for the standing of vehicles of a different class; or
- (b) if by such a sign the standing of vehicles is prohibited or restricted during a period or periods, during that period or periods; or
- (c) if by such a sign the standing of vehicles is permitted for specified time, for longer than that time.

- (2) A person shall not stand a vehicle—
 - (a) in a no standing area;
 - (b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area;
 - (c) in a parking area, or a parking station contrary to any limitation in respect of time, days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area;
 - (d) in a parking stall except as provided in this By-law with reference to parking stalls; or
 - (e) in a defined area marked "M/C", unless it is a bicycle or a motor cycle without a sidecar;
 - (f) in a stall or area associated with a hospital, medical centre or consulting rooms and set aside and marked as an area for emergency vehicles, unless the standing of the vehicle in that stall or area is for emergency purposes used in connection with those premises.
- (3) A person shall not park a vehicle in a no parking area.
- (4) A person shall not park a vehicle on any portion of a street—
 - (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street; or
 - (b) if the vehicle is exposed for sale.

In regard to commercial vehicles the provisions of paragraph (a) of this subclause are subject to the provisions of paragraph (b) of clause 18.

(5) A person shall not stand a motor cycle without a sidecar or a bicycle in a parking stall unless the traffic sign "M/C" is marked on that stall.

(6) A person shall not, without the permission of the Council, clerk or an Authorised Person, stand a vehicle in an area designated by signs "Authorised Vehicles Only".

Standing and Parking in Carriageways Generally

15. Subject to the provisions of clause 16 a person standing a vehicle on a carriageway shall stand it—

- (a) on a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (b) on a one-way carriageway, so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic;
- (c) so that at least three metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with this Part of this By-law;
- (e) so that it does not cause undue obstruction on the carriageway;
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

Parking Areas

16. (1) A person shall not stand a vehicle partly within and partly outside a parking area.

(2) Where the traffic sign or signs associated with a parking area are not inscribed with the words "Angle Parking", then

- (i) where the parking area is in a street reserve and abutting the boundary of a carriageway a person standing a vehicle in the parking area shall stand it as near as practicable to and parallel with that boundary; and
- (ii) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles are to stand in a different position.

(3) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicles at an angle of approximately 45 degrees to the centre of the carriageways unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.

(4) In clause 16 (3) "vehicle" means a car or motor wagon (utility type up to 3 tonne gross).

(5) Clause 16 (3) does not apply to a person standing a motor cycle or bicycle in a parking area.

Standing of Vehicles on Carriageway

17. (1) A person shall not stand a vehicle on a carriageway—

- (a) so that any portion of the vehicle is—
 - (i) between any other standing vehicle and the centre of the carriageway;
 - (ii) adjacent to a median strip except where parking is permitted under clause 16 (2);
 - (iii) obstructing a right of way, passage or private drive or carriageway or a cross-over or so close thereto as to deny vehicles reasonable access to or egress from the right of way, passage or private drive, carriageway, or cross-over;
 - (iv) alongside, or opposite, any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
 - (v) on, or within 9 metres of, any portion of a carriageway bounded on one or both sides by a traffic island;
 - (vi) on any pedestrian crossing;
 - (vii) on any bridge or other elevated structure;
 - (viii) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicles and the double longitudinal line;
 - (ix) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (b) so that any portion of the vehicle is—
 - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (ii) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.
- (c) so that any portion of the vehicle is within 6 metres of the projection of the nearer property line of any street intersecting the street on the side on which the vehicle is standing.
- (d) so that any portion of the vehicle is within 9 metres of the departure side of—
 - (i) a sign inscribed with the words "Bus Stop", unless the vehicle is a bus stopped to take up or set down passengers; or
 - (ii) a children's crossing established on a two-way carriageway.
- (e) so that any portion of the vehicle is within 18 metres of—
 - (i) the approach side of a sign inscribed with the words "Bus Stop", unless the vehicle is a bus stopped to take up or set down passengers;
 - (ii) the approach side of a pedestrian crossing or children's crossing; or
 - (iii) the nearest rail of a railway level crossing.
- (f) notwithstanding the generality of clause 4 (1) so that any portion of that vehicle is on a street verge if a sign on, adjacent or referable thereto, prohibits parking or standing of vehicles on the street verge.

(2) A person shall not park a vehicle or any combination of vehicles that together with any projection on, or load carried by the vehicle or combination of vehicles is more than eight (8) metres in length, on a carriageway for a period exceeding one (1) hour.

(3) Nothing in this By-law mitigates the limitations or conditions imposed by any other provision in this By-law or by any traffic sign relating to the parking or standing of vehicles.

Commercial Vehicles

18. A person shall not on a carriageway—

- (a) park a commercial vehicle having tare weight or load capacity of three (3) tonnes or more for more than two (2) hours in any built-up area except in a designated area set aside for commercial vehicles; or
- (b) repair, service or clean a commercial vehicle.

Inspection and Directions by Authorised Persons

19. (1) A person shall not stand or permit a vehicle to remain standing in any part of a street if an Authorised Person or member of the Police Force directs the driver of the vehicle to move it.

(2) An Authorised Person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for a purpose connected with or arising out of that person's duties and powers.

(3) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such mark is defeated or likely to be defeated.

Moving a Vehicle to Defeat Time Limit

20. (1) A vehicle having been parked in an area where by a sign the standing or parking of vehicles is permitted for a limited time a person shall not move it to any position within the same parking area so that the total time of parking exceeds the maximum time allowed for parking in the space first occupied by the vehicle.

(2) A vehicle having been parked in a street where parking is restricted as to time a person shall not park the vehicle again in the street on that day unless it has first been removed from the street for at least two hours.

Parking on Private Land

21. (1) A person shall not stand or park a vehicle within the parking region on land that is not a street or a parking facility without the consent of the owner or occupier of the land on which the vehicle is parked or stood.

For the purposes of clause 21 (1) where the owner or occupier of the land has erected signs on portion of the land set aside for the parking of vehicles displaying restrictions concerning the classes of persons who may stand or park vehicles or the time within which vehicles may be stood or parked on that portion of land a person who stands or parks a vehicle otherwise than in compliance with the sign shall be deemed not to have the consent of the owner or occupier of the land so to stand or park the vehicle.

Parking on Reserves

22. (1) A person except an employee of the Council in the course of that person's duties shall not drive or park a vehicle upon or over any portion of a reserve other than a paved area specifically set aside for that purpose.

(2) A person shall not park a vehicle on any part of a reserve, including any paved areas, for the purposes of conducting a business except with the permission of the Council in writing.

Special Permit

23. (1) The Council, clerk, or an Authorised Person may by a permit in writing allow a person to occupy a space with a vehicle for an urgent essential or official purpose where the standing or parking of that vehicle is indicated by a sign or the provisions of this By-law to be otherwise unlawful.

(2) A person authorised by a permit under clause 23(1) shall produce the permit when requested to do so by an Authorised Person and shall leave the permit in a conspicuous position behind the front windscreen when the vehicle is left unattended.

(3) The Council, clerk or an Authorised Person may by the permit given under clause 23 (1) or by other means prohibit the use for any other purpose of a space the subject of a permit.

PART 5—REMOVAL OF OBSTRUCTING VEHICLES

Removal

24. (1) Where an Authorised Person or a member of the Police Force finds a vehicle stood or parked contrary to the provisions of clauses 5, 13, 14, 15, 16, 17, or 18 of this By-law so as to obstruct portion of a street way or other public place or trespassing on privately owned land or (without limiting the generality of the foregoing) causing an obstruction to traffic, the Authorised Person or a member of the Police Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

(2) A vehicle removed pursuant to clause 24 (1) shall be dealt with in accordance with the provisions of Part 6 Division 2 of this By-law.

PART 6—ENFORCEMENT OF BY-LAW

Division 1—Authorised Persons

Identification

25. An Authorised Person exercising any power or authority under this Part shall be furnished with a certificate of appointment or an identification card in a form determined by the Council from time to time and shall on demand present the same by way of identification.

Impersonation

26. A person who is not an Authorised Person shall not in any way assume the duties of an Authorised Person.

hindering

27. A person shall not in any way obstruct or hinder an Authorised Person in the execution of the Authorised Person's duty.

Provision of Name and Place of Abode

28. (1) An Authorised Person or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of this By-law, may demand from the person that person's name and place of abode.

(2) A person who refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence.

Authority

29. An Authorised Person appointed by the Council from time to time is hereby authorised by the Council to—

- (a) carry into effect the provisions of this By-law;
- (b) report to the Council on the working effectiveness and functioning of this By-law;
- (c) recommend to the Council the institution of prosecutions; and
- (d) institute and conduct prosecutions as directed by the Council or the clerk from time to time

Division 2—Impounding**Application**

The provisions of this Part relating to animals shall not affect the operation of Part XX of the Act.

Dealing According to the Law

Where an Authorised Person places an animal or vehicle in a public pound or specified place respectively, the animal or vehicle shall thereafter be dealt with according to law.

Entry in Register

Where any vehicle or animal is seized under this By-law there shall be entered in a register, provided by the Council for that purpose, details of the time and date, a description of the vehicle or animal, and of the place from which it was removed and the clerk shall be notified accordingly.

Notification

The Clerk shall exhibit on a notice board at the Council Chambers notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than fourteen (14) days in the case of a vehicle and seven (7) days in the case of an animal.

34. A person may recover a seized vehicle or animal from custody by paying to the clerk—

- (a) the cost incurred by the Council in removing the vehicle or animal to the specified place or pound; and
- (b) the sum specified in Schedule 5 per day for each part of a day that the vehicle or animal has remained in that place, and upon payment of that cost and charge the clerk, if satisfied that the person is the owner of the vehicle or animal or is a person entitled to possession of the vehicle or animal, shall permit that person to remove it.

Sale Destruction or Disposal of Vehicle or Animal

35. (1) Where a vehicle or animal, taken into custody has not been recovered by the owner or a person entitled thereto within one (1) month in the case of a vehicle or seven (7) days in the case of an animal from the day upon which it was taken into custody the Council may cause the vehicle or animal to be offered for sale by public auction or by public tender and thereupon accept the best offer made, and where no offer is made for the purchase of the vehicle or animal the Council may cause it to be destroyed or otherwise disposed of to the best possible advantage. The disposal of a shopping trolley shall be dealt with under the provisions of Part 3.

(2) The provisions of Part XX of the Act shall apply to the sale of impounded cattle and in the case of any inconsistency with the provisions of this By-law the provisions of the Act shall prevail.

Application of Proceeds of Sale of Vehicle or Animal

36. (1) The proceeds of the sale of a vehicle or animal under the provisions of clause 35 shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the cost of taking and maintaining the vehicle or animal in custody, and the sum specified in Schedule 5 per day for each day or part of a day that the vehicle or animal remains in that place.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid within ten (10) years to any person who claims and establishes to the satisfaction of the Council the right of that person to the payment.

(3) Any surplus of the proceeds of sale may, if not paid to the owner within ten (10) years, be transferred to such fund as the Council thinks proper on condition that the Council shall repay it from that fund to a person claiming and establishing his right to the payment.

Protection from Claims

37. A person is not entitled to any claim, by way of damages or otherwise against the Authorised Person, member of the Police Force, the Council or the Municipality in respect of any vehicle or animal seized and dealt with under the provisions of this By-law or against any person who purchases a vehicle or animal sold by the Council under the provisions of clause 35.

Division 3—Infringement Notices

38. An infringement notice in respect of an offence—

- (a) may be given under Section 669C of the Act and shall be in or to the effect of Form 2 in Schedule 2;
- (b) may be given under Section 669D of the Act and shall be in or to the effect of Form 1 in Schedule 2;
- (c) may be given under Section 669D of the Act and shall be in or to the effect of Form 3 in Schedule 2;

Withdrawal

39. A notice sent under Section 669D (5) withdrawing an infringement notice shall be in or to the effect of Form 4 in Schedule 2.

Removal from Vehicle

40. A person, other than the driver of the vehicle, shall not remove from the vehicle any notice attached thereto or left therein or thereon by an Authorised Person or a member of the Police Force.

Division 4—General Offence and Penalty Provisions**General Penalty Provision**

41. (1) Any person failing to do any act directed to be done, or doing any act forbidden to be done by this By-law, or any notice or order under this By-law commits an offence.

(2) Any person who commits an offence under this By-law shall be liable upon conviction, if no other penalty is imposed, to—

- (a) in relation to offences involving the use of a parking station or parking facility or on private property, a maximum penalty of \$80;
- (b) in relation to any offence not dealt with in (a) a maximum penalty of \$500; and
- (c) in relation to any offence dealt with under paragraph (b), a maximum daily penalty of \$50 per day.

42. The amount appearing in the final column of the Third Schedule directly opposite an offence described in that Schedule in the modified penalty for that offence if dealt with under section 669D of the Act.

43. A penalty for an offence against this By-law (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

44. The Council shall cause adequate records to be kept of all infringement notices serviced and modified penalties received under section 669D of the Act in respect of offences against this By-law.

Consistency with Laws

45. The imposition of any penalty pursuant to this By-law shall not be inconsistent with or repugnant to any of the provisions of the Act or any other law in force.

Shire of Collie

First Schedule

By-Law Relating to Parking and Parking Facilities

Local Government Act 1960

The whole of the district of the Municipality as constituted at the date of the coming into operation of this By-law and as altered from time to time pursuant to the provisions in that behalf contained in the Local Government Act 1960 and its amendments, excluding the following portions of the district—

- (a) Any road which may, from time to time, come under the control of the Commissioner of Main Roads and the Commissioner of Police;
- (b) The approach and departure prohibition areas of all existing and future traffic control signal installations; and
- (c) Prohibition areas applicable to all existing and future bridges and subways.

Shire of Collie

Second Schedule

Form 1

By-law Relating to Parking and Parking Facilities

Local Government Act 1960

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Serial No

..... Date

the owner of vehicle make Type

Plate No

You are hereby notified that it is alleged that on the day of 19.....

at about the driver or person in charge of the above vehicle did

.....

.....

.....

in contravention of the provisions of clause No of the Shire of Collie Parking Facilities By-law.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within twenty-one (21) days after the date of the service of this notice you—

- (a) inform the Shire clerk of the Shire of Collie as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence, or
- (b) satisfy the Shire Clerk of the Shire of Collie that the above vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time of the above offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Signature of authorised officer

Designation

Shire of Collie

Second Schedule

Form 2

By-law Relating to Parking and Parking Facilities

Local Government Act 1960

INFRINGEMENT NOTICE

To Serial No

..... Date

You are hereby notified that it is alleged that on the day of 19.....
 at about you did

.....
 in contravention of the provisions of clause No of the Shire of Collie Parking
 Facilities By-law.

The modified penalty prescribed for this offence is \$

If you do not wish to have a complaint of the above offence heard and determined by
 a Court you may pay the modified penalty within twenty-one (21) days after the date
 of the service of this notice.

Unless payment is made within twenty-one (21) days of the date of the service of this
 notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$
 mentioned above, to the Shire Clerk of the Shire of Collie or by delivering this form and
 paying that amount at the Municipal Offices between the hours of 8.00am and 5.00pm
 on Mondays to Fridays.

Signature of authorised officer

Designation

Shire of Collie

Second Schedule

Form 3

By-law Relating to Parking and Parking Facilities

Local Government Act 1960

INFRINGEMENT NOTICE

To Serial No
 (not to be completed where notice is attached to or
 left in or on vehicle)

..... Date

the owner of vehicle make Type

Plate No

You are hereby notified that it is alleged that on the day of 19.....
 you did

.....
 in contravention of the provisions of clause No of the Shire of Collie Parking
 Facilities By-law.

The modified penalty prescribed for this offence is \$

If you do not wish to have a complaint of the above offence heard and determined by
 a Court you may pay the modified penalty within twenty-one (21) days after the date
 of the service of this notice.

Unless within twenty-one (21) days after the date of the service of this notice—

(a) the modified penalty is paid; or

(b) you—

(i) inform the Shire Clerk of the Shire of Collie as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or

(ii) satisfy the Shire Clerk of the Shire of Collie that the above vehicle had been stolen or was being unlawfully used at the time of the above offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ mentioned above, to the Shire Clerk of the Shire of Collie or by delivering this form and paying that amount at the Municipal Offices between the hours of 8.00am and 5.00pm on Mondays to Fridays.

Signature of authorised officer

Designation

Name

Address

Post Code

If your name and address do not appear in this notice please complete above to enable a receipt to be forwarded.

Shire of Collie

Second Schedule

Form 4

By-law Relating to Parking and Parking Facilities

Local Government Act 1960

WITHDRAWAL OF INFRINGEMENT NOTICE

To

Date

Infringement Notice No

Date

for the alleged offence of

..... modified penalty \$

is hereby withdrawn.

Signature of authorised officer

Designation

Shire of Collie

Second Schedule

Form 5

By-law Relating to Parking and Parking Facilities

Local Government Act 1960

RECEIPT

Received the amount printed below. This document is not a receipt until the amount paid is printed by the cash register.

Shire of Collie
Third Schedule
By-law Relating to Parking and Parking Facilities
Local Government Act 1960

Item No.	Clause	Nature of Offence	Modified Penalty \$
1	4 (1) (b) (i)	Commercial Vehicle (Tare over 3 tonnes) parked on verge exceeding 4 hours	50
2	4 (1) (f)	Verge parking in a prohibited area	25
3	5 (1) (b)	Obstruction of footpath	30
4	13 (3) (a) (i)	Obstruction of parking station	25
5	13 (3) (a) (v)	Loading zone, commercial vehicle only	30
6	14 (1) (a)	Parked in an area reserved for vehicles of a different class	25
7	14 (1) (b)	Restricted parking by time	25
8	14 (1) (c)	Parked longer than permitted	25
9	14 (2) (a)	No Standing Area	40
10	14 (2) (e)	Vehicle other than a motor cycle parked in an area marked for motor cycles	25
11	14 (3)	No Parking area	30
12	15 (a)	Not close and parallel, facing wrong way, two way carriageway	25
13	15 (b)	Not close and parallel, facing wrong way, one way carriageway	25
14	15 (e)	Obstruction of carriageway	25
15	17 (1) (a) (i)	Double Parked	40
16	17 (1) (a) (iii)	Obstruction of entry or public place, etc	30
17	17 (1) (a) (ix)	Parked on an intersection	40
18	17 (1) (c)	Within 6m of property line at an intersection	25
19	17 (1) (d) or (e)	Standing within a specified distance of a bus stop	25
20	18 (a)	Commercial vehicle (tare over 3 tonne) parked over 2 hours on carriageway	30
21	20 (1)	Moving vehicle to defeat time limit	25
22	21	Parked on private property	30
23	22 (1)	Standing on public reserve	25
24	28 (2)	Refusal of name and address	25
25		All other offences not specified	25

Shire of Collie
Fourth Schedule
By-law Relating to Parking and Parking Facilities
Local Government Act 1960

VEHICLE SEIZURE/IMPOUNDING FEES

For the seizure and/or impounding of	
* a shopping trolley	\$20.00
* any other vehicle	\$50.00
For the recovery of a seized/impounded vehicle from an appointed place (with the exception of shopping trolleys)	
	\$5.00 per day each day or part thereof

Dated this 13th day of January 1993.

The common Seal of the Shire of Collie was hereto affixed by authority of a resolution of the Council in the presence of—

R. B. PIMM, President.
I. H. MIFFLING, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

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

D. G. BLIGHT, Clerk of the Council.

LG305

LOCAL GOVERNMENT ACT 1960

Shire of Jerramungup

By-laws to Regulate Hawkers

In pursuance of the powers 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 May 1992, to make and submit for the confirmation by the Governor the following By-laws.

1. In these By-laws—

“Council” means the Jerramungup Shire Council;

“district” means the Shire of Jerramungup district;

“hawker” means a person as defined in Section 217 (1) of the Local Government Act, 1960;

“licensee” means a person to whom a licence is granted under these By-laws;

“licence” means a hawker’s licence issued pursuant to these By-laws;

“authorised officer” means any officer employed by Council who is authorised by Council to enforce these By-laws.

2. No person shall hawk any goods, wares or merchandise within the district unless he/she holds a current licence.

3. Subject to these by-laws the Council may issue licences, and may, at its discretion, issue a licence for a period less than one year but not less than one month.

4. (1) A licence shall be in the form set out in Schedule “A” to these By-laws and the licence fees shall be the fees set out in Schedule “B” to these By-laws and such fees shall be paid by the licensee to the Council forthwith upon the issue to him/her of the licence.

(2) No licence shall be transferable.

(3) A licence shall be valid for the hawking of the goods, wares or merchandise therein described only, and in the case of a licence limited to a part of the district shall be valid for that part of the district only.

5. (1) A person seeking to obtain a licence shall make application to the Council.

(2) An application for a licence shall be made in writing and shall specify—

(a) the kind of goods, wares or merchandise which the applicant requires to hawk;

(b) the type of vehicle, conveyance or means of carriage to be employed in hawking;

(c) the period for which the licence is required; and

(d) if the licence requires to be limited to a part of a district, the part of the district to which it is to be limited.

6. (1) The Council shall refuse to issue a licence if the aggregate number of licences authorised by these By-laws has already been issued and shall refuse to issue a licence for the hawking of any class of goods if the aggregate number of licences authorised by these By-laws for that class of goods has already been issued.

(2) The Council may refuse to issue a licence or may cancel a licence in the event that the applicant or licensee (as the case may be)—

(a) is an undischarged bankrupt or becomes bankrupt;

(b) has been convicted or is convicted of an indictable offence;

(c) has been twice convicted during the preceding five years or is twice convicted in the space of five years of an offence against the By-laws of any local authority relating to hawkers;

(d) is unable to produce a certificate of his/her good character signed by two Justices of the Peace, or;

(e) does not conform with the requirements of the Health Act, 1911.

(3) Upon the cancellation of a licence the holder thereof shall forthwith return the licence to an authorised officer, and shall forfeit all fees paid in respect of the licence.

7. (1) The Council shall issue to every licensee a badge with the particular set out in Schedule "C" to these By-laws and the licensee shall pay for such badge a fee of five dollars.

(2) A licensee shall display his/her badge while hawking.

(3) No person shall display a hawker's badge unless he/she is the holder of a current licence.

(4) Upon cancellation of a licence the holder shall forthwith return his/her badge to an authorised Officer and shall forfeit the fee paid in respect thereof.

8. (1) The Council shall not in any financial year concurrently issue more than eight licences and shall not concurrently issue licences for hawking special classes of goods in excess of the following—

(a) Clothing, clothing materials and Manchester goods—Two

(b) Electrical Goods—Two

(c) Other merchandise—Four

(2) The Council shall issue licences in the order of priority of application and in case of apparent equality of priority of any applications shall determine which application shall have greater priority.

9. A hawker while hawking shall—

(a) carry with him/her his/her licence and shall produce the same to any officer of the Council or to a Police Officer on demand;

(b) have his/her name and the words "Licensed Hawker" legibly and conspicuously displayed on his vehicle, barrow, bag or tray; and

(c) when selling goods, wares or merchandise by weight, carry and use for that purpose scales tested and certified in accordance with the provisions of the Lights and Measures Act 1915.

10. No hawker shall—

(a) hawk between the hours of sunset and the next sunrise or on any Sunday, or on Christmas Day or Good Friday, without the consent of the Council;

(b) offer his/her wares within a distance of two hundred metres of any shop or permanent place of business which has for sale any goods, wares or merchandise of the kind being hawked by the hawker;

(c) call his wares or make or cause to be made any outcry, noise or disturbance likely to be a nuisance or annoyance to any person in that vicinity;

(d) remain stationary in any street or public place for any period longer than shall be necessary for the purpose of serving or treating with any customer or intending customer then offering to buy or to treat.

11. Any person committing a breach of these By-laws shall upon conviction be liable to a penalty not exceeding two hundred dollars.

Schedule "A"

SHIRE OF JERRAMUNGUP

HAWKER'S LICENCE

No.....

..... of
is hereby licenced to hawk..... by the
means described in his application dated the
within the Shire of Jerramungup or, the following portion of the Shire of Jerramungup
.....during the
month of19....., the year ending on the
day ofsubject to the By-laws relating to
hawkers from time to time in force in the said district.

Dated thisday of19.....

.....
Authorised Officer.

Schedule "B"
FEES FOR HAWKER'S LICENCES

Class of Licence	Fee (per annum)
(a) Clothing, clothing material and manchester	\$40.00
(b) Electrical Goods	\$40.00
(c) Other Merchandise	\$40.00

Schedule "C"
SHIRE OF JERRAMUNGUP
HAWKER'S BADGE

No.....
 Issued to
 Year of Issue19.....
 Authorised Officer.

Made and passed by the Shire of Jerramungup on the 15th day of September, 1993.
 G. L. HOUSTON, President.
 F. J. PECZKA, Shire Clerk.

Recommended—
 PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 15th day of March 1994.
 D. G. BLIGHT, Clerk of the Council.

LG306

DOG ACT 1976
The Municipality of the City of Cockburn
 By-law Relating to Dogs

In pursuance of the powers conferred by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 2nd November 1993, to amend its By-law Relating to Dogs published in the *Government Gazette* of 21st March 1986, to make and submit for confirmation by the Governor the following amendment.

1. The Second Schedule is amended by deleting the amount "\$25.00" being the modified penalty for "Failure to Remove dog excreta" and substitute therefor the amount "\$40.00".

Dated this 1st day of December 1993.

The Common Seal of the City of Cockburn was hereunto affixed in the presence of:

R. A. LEES, Mayor.
 R. W. BROWN, Town Clerk.

Recommended—
 PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 15th day of March 1994.
 D. G. BLIGHT, Clerk of the Council.

LG307

LOCAL GOVERNMENT ACT 1960*The Municipality of the City of South Perth***Parking Facilities By-law**

The Council of the City of South Perth under the powers conferred upon it by the Local Government Act 1960 resolved on 23rd February 1994, to make and submit for confirmation by the Governor the following By-Law—

Arrangement

- Part 1—Preliminary (cls. 1 - 6)
- Part 2—Metered and Ticket Zones (cls. 7 - 16)
- Part 3—Parking Stations (cls. 17 - 30)
- Part 4—Parking on Roads (cls. 31 - 44)
- Part 5—Standing and Parking Generally (cls. 45 - 51)
- Part 6—Residential Parking (cls. 52 - 55)
- Part 7—Removal of Vehicles Causing Obstructions (cls. 56 - 66)
- Part 8—Miscellaneous (cls. 67 - 82)
- Schedules 1 - 5

Part 1—Preliminary.**Citation**

1. This By-law may be cited as the City of South Perth Parking Facilities By-law.

Repeal

2. The City of South Perth Parking Facilities By-law No. 5 as published in the *Government Gazette* of 3 September 1982 as amended and all other Parking Facilities By-laws are hereby repealed.

Definitions

3. In this By-law unless the context requires otherwise—

“Act” means the Local Government Act 1960;

“appointed place” means a place appointed by the Council to which vehicles causing an obstruction may be removed;

“AS” means Australian Standard published by the Standards Association of Australia;

“authorised person” means a person appointed by Council to administer the By-law;

“authorised vehicle” means a vehicle authorised by the Council or an authorised person to stand or park on a road or in a parking station, which is designated by signs to be used for parking by authorised vehicles only;

“carriageway” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;

“coin” means any coin which is legal tender pursuant to the Currency Act 1965 (Commonwealth);

“Council” means the Council of the City of South Perth;

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“driver” means any person driving, or in control of, a vehicle or animal;

“expired meter indicator” means a plate, digital display, indicator or device on a parking meter which appears on the face thereof indicating that the time during which a vehicle may occupy the metered space to which it relates has expired;

“footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;

“median strip” means—

- (a) any physical provision, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two (2) one-way carriageways for vehicles proceeding in opposing directions in parking stations;
- (b) any physical provision, including a traffic island, designed to separate parked cars from vehicle movement areas;

“meter hood” means a cover designed to fit over a parking meter to indicate a temporary parking prohibition, restriction or reservation of the adjacent parking space or spaces;

“metered space” means a parking space in a metered zone, in or adjacent to which a parking meter is installed;

“metered zone” means streets or reserves or parts of streets or reserves in which parking meters are installed;

"motorcycle" means a motor vehicle designed to travel on two wheels and does not include a motorcycle to which a side-car is attached;

"Municipality" means the Municipality of the City of South Perth;

"Notice" means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 75 to 77 inclusive of this By-law;

"omnibus" means a passenger vehicle equipped to carry more than 8 adult persons and used to carry passengers for separate fares;

"owner" of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

"park" means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law or of immediately picking up or setting down persons or goods, and 'parking' has a correlative meaning;

"parking facilities" includes land, buildings, shelters metered zones, metered spaces, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things;

"parking meter" means a machine either manually or electronically operated by the insertion of coins to measure and display the initial period of time purchased and decreasing time available until expired, for a vehicle to occupy the adjacent parking bay and includes the stand on which the meter is erected;

"parking region" means the whole of the Municipality of the City of South Perth excluding the following portions of the Municipality—

(a) the Kwinana Freeway and its associated ramps which comes under the control of the Commissioner of Main Roads; and

(b) prohibition areas applicable to all bridges and subways;

"parking space" means a section or part of a road, reserve or a parking station which is marked or defined by painted lines or by similar devices for the purpose of indicating where vehicles may stand or park whether on payment of a fee or charge or otherwise;

"parking station" means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge but does not include metered zone or metered space or private garage;

"property line" means the boundary between the land comprising a street and the land that abuts thereon;

"public reserve" includes parklands, squares, reserves, beaches and other lands, included in or adjoining a district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control or management of the Council;

"road" means any road, street, land, thoroughfare or similar place within the parking region, and includes all of the land lying between the property lines, including the street verge and footpath;

"Road Traffic Act" means the Road Traffic Act 1974;

"service vehicle" means a vehicle specifically designed, constructed and used primarily for the conveyance of goods but does not include service type vehicles being used for private purposes;

"sign" means a traffic sign, mark, structure, symbol or device placed or erected on or near a road or within a parking station or a reserve for the purpose of regulating, guiding or directing the parking of vehicles;

"stand" in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and standing has a correlative meaning;

"street" has the same meaning as road;

"street verge" means that portion of a street which lies between the portion of a street that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line;

"taxi" means a vehicle licensed under the Taxi-Car Control Act 1985;

"ticket issuing machine" means a machine which—

(a) is operated by the insertion of coins;

(b) issues a ticket to indicate the period of parking; and

(c) is installed by the Council at any place;

"ticket parking space" means a parking space in a ticket zone;

"ticket zone" means a place where ticket issuing machines are installed on-street to control a number of parking spaces, but does not include a parking station;

"tour coach" means any vehicle licensed as a tour coach which is hired or chartered for the specific purpose of sightseeing or tourism;

"unexpired parking ticket" means a ticket on which a date and expiry time is printed and that time has not expired;

"vehicle" includes—

(a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and

(b) where the context permits, an animal being driven or ridden.

Application of By-law

4. This By-law shall apply to all parking stations, metered zones, and parking facilities in the parking region. However, the provisions of this By-law shall not apply to any parking facility or parking station—

(a) which is neither owned, controlled, nor occupied by the Municipality; or

(b) which although owned by the Municipality is leased to another person.

Vehicle Classification

5. For the purpose of this By-law vehicles are divided into classes as follows—

(a) omnibuses;

(b) service vehicles;

(c) motorcycles;

(d) taxis;

(e) tour coaches; and

(f) all other vehicles not otherwise classified.

Application of Signs

6. (1) Where the standing or parking of vehicles in a street is regulated by a sign then the sign shall for the purposes of this By-law apply to that part of the street which—

(a) lies beyond the sign;

(b) lies between the sign and the next sign; and

(c) is that side of the carriageway of the street nearest to the sign.

(2) For the purposes of this By-law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

Part 2—Metered and Ticket Zones.

Establishing Metered Zones, Metered Spaces and Ticket Zones

7. (1) The Council may, subject to the provisions of section 231(3) of the Act, by resolution—

(a) constitute;

(b) vary from time to time; and

(c) indicate by signs,

metered zones, metered spaces and ticket zones.

(2) In relation to metered zones, metered spaces and ticket zones, the Council may prescribe—

(a) permitted times and conditions of parking;

(b) classes of vehicles permitted to park; and

(c) the manner of parking,

but this discretionary authority shall not be exercised in a manner inconsistent with the provisions of the By-law.

Fees in Metered Zones and Ticket Zones

8. (1) The fees payable for the standing and parking of vehicles, excluding motorcycles, in metered zones and ticket zones are as set out in Schedule 1—Part 1.

(2) The fees payable for the standing and parking of motorcycles in metered zones and ticket zones are as set out in Schedule 1—Part 2.

Parking Within Parking Spaces

9. A person shall not park a vehicle in a metered zone or ticket zone, other than within a parking space.

Expired Meters and Parking Limits in Metered Spaces.

10. (1) A person shall not stand or park a vehicle in a metered space during the prescribed times—

- (a) unless the appropriate fee has been inserted in the parking meter adjacent to that space; or
- (b) if that parking meter has expired.

(2) In this clause—

- (a) "appropriate fee" is the fee specified in the Schedule 1; and
- (b) "prescribed times" means any day or period stated on signs referring to the metered zone or metered space during which day or period parking meters are in use.

(3) For the purposes of this clause a parking meter has expired if the meter displays an expired meter indicator.

(4) The Council may, by resolution, declare that the provisions of this clause shall not apply during the periods or days specified in that resolution.

Parking Next to Hooded Meter

11. Notwithstanding any other provision of this By-law and any sign or notice, a person without the permission of the Council or an authorised person, shall not stand or park a vehicle in a metered space if the parking meter adjacent to that metered space is covered with a meter hood.

Fees for Meter Hood

12. The fees payable for permission to park in a metered space with a hooded meter are set out in Schedule 1—Part 3.

Restrictions and Time Limits

13. (1) A person shall not stand a vehicle in a metered space or ticket parking space during a period in which the standing of vehicles in that space is prohibited by a sign.

(2) A person shall not park a vehicle in a metered space or ticket parking space—

- (a) during a period in which the parking of vehicles in that space is prohibited by a sign; or
- (b) if a sign, on or adjacent to the space, sets that space apart for the parking of vehicles of a different class.

(3) A person shall not park a vehicle in a metered zone or ticket zone for more than the maximum time specified by a sign as the maximum time for which the continuous parking of a vehicle in the zone is permitted.

Display of Tickets in Ticket Zones

14. A person shall not stand or park a vehicle in a ticket zone during any permitted period unless—

- (a) an unexpired ticket; and
- (b) the date, expiry time and the number (if any) printed on the ticket,

are displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains standing or parked in the zone.

Reserved Parking for Ticket Zones

15. (1) Notwithstanding any other provision of this By-law or any sign or notice, a person shall not without permission of the Council or an authorised person stand or park a vehicle in a reserved section of a ticket zone, unless the vehicle has a reserved parking permit clearly displayed inside the vehicle.

(2) In this clause—

- (a) "reserved section" means a space or spaces within the ticket zone being reserved for a fee; and
- (b) "reserved parking permit" means a permit issued to allow vehicles to park in the reserved section on payment of a fee.

(3) The fees payable for a reserved parking permit are set out in Schedule 1—Part 4.

Carrying out Works in a Metered Zones and Ticket Zones

16. The Council or an authorised person may permit a person carrying out urgent or essential work or services to stand or park a specified vehicle or vehicles in a metered zone or ticket zone without charge for as long as the Council or authorised person considers is necessary for the performance of that work or those services.

Part 3—Parking Stations.**Establishing Parking Stations**

17. (1) Subject to the provisions of section 231(3) of the Act, parking stations may be—

- (a) constituted;
- (b) varied from time to time; and

- (c) indicated by signs,
by resolution of the Council.
- (2) In relation to parking stations, the Council may prescribe—

- (a) permitted times and conditions of parking or standing;
- (b) classes of vehicles permitted to park or stand; and
- (c) the manner of parking or standing.

but such discretionary authority shall not be exercised in a manner inconsistent with the provisions of this By-law.

Fees for Parking Stations

18. The fees payable for the standing and parking of vehicles in parking stations are as set out in Schedule 2—Part 2.

Conditions of Parking in a Parking Station

19. (1) A person shall not park or stand a vehicle or permit a vehicle to remain parked in any of the parking stations specified in Schedule 2—Part 2, between the hours specified in that Schedule unless—

- (a) in the case of a parking station having an attendant on duty, the appropriate fee prescribed in that Schedule is paid when demanded; or
- (b) in the case of a parking station being equipped with meters, the appropriate fee is inserted in the meter.

(2) The Council may by resolution declare that the provision of this clause shall not apply during periods or on particular days specified in that resolution.

Display of Tickets

20. (1) A person shall not stand or park a vehicle in a parking station equipped with a ticket issuing machine during any permitted period unless—

- (a) an unexpired parking ticket applicable to that parking station; and
- (b) the date, expiry time and the number (if any) printed on the ticket,

are displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains standing or parked in the parking station.

(2) In this clause “permitted period” means the period stated on the ticket issuing machine during which the parking of a vehicle is permitted only upon the purchase of a parking ticket.

Lost Tickets and Parking Stations

21. In any parking station if provision is made for payment of fees on the departure of vehicles, and the ticket issued when a vehicle entered the parking station is not produced on departure, the fees stated in Schedule 2 - Part 2 shall be calculated and payable from the time the parking station was opened on that day to the time of departure.

Removal of Vehicles

22. (1) A person shall not remove a vehicle which has been parked in a parking station, until there has been a fee paid appropriate to the period for which the vehicle has been parked.

(2) A person shall not remove a vehicle which has been parked in a parking station and left there after opening hours, until there has been paid the fee appropriate to the period for which the vehicle has been parked, plus a special opening fee if the parking station has to be opened for the purpose of the removal of the vehicle.

(3) The fees payable for the opening of a parking station under Clause 22(2), are set out in Schedule 2—Part 1.

Obstruction of Parking Stations

23. A person shall not stand or park a vehicle in a parking station, other than within a parking space.

Restrictions and Time Limits in Parking Stations

24. (1) A person shall not stand a vehicle on any part of a parking station—

- (a) if the standing of a vehicle on that part is prohibited by a sign; or
- (b) during a period in which the standing of vehicles on that part is prohibited by a sign.

(2) A person shall not park a vehicle on any part of a parking station—

- (a) if the parking of vehicles on that part is prohibited by a sign;
- (b) during a period in which the parking of vehicles on that part is prohibited by a sign; or
- (c) if a sign on or adjacent to a parking space, sets that space apart for the standing or parking of vehicles of a different class.

(3) A person shall not park a vehicle on any part of a parking station for more than the maximum time specified by a sign.

Special Event Parking

25. (1) The Council may by use of signs set aside, for any period specified on the signs, any parking station for the parking of vehicles by persons attending a special event.
- (2) A person shall not park or stand a vehicle in a parking station set aside under sub-clause (1) of this clause during the period for which it is set aside unless a ticket purchased from the Council with respect to the special event is clearly visible to and readable by an authorised person from outside the vehicle.
- (3) For the purpose of this clause, "special event" means any event or occurrence considered by the Council to be special or likely to attract a substantial number of persons driving vehicles.
- (4) During the period referred to in sub-clause (1) of this clause the provisions of clauses 24(1)(b), 24(2)(b) and 24(3) shall not apply to the parking station.

Behaviour in Parking Stations

26. (1) A person shall not remain in or on a parking station after having been directed to leave that parking station by an authorised person or a Police Officer.
- (2) A person shall not drive in a parking station in a direction other than the direction indicated by arrows.

Council May Lock Parking Stations

27. (1) At the expiration of the hours of operation of a parking station the Council may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.
- (2) Where a vehicle is locked in a parking station, the Council is not responsible for any loss of or damage to that vehicle or its accessories or contents or for any other loss, claim or liability.

Selling and Hiring in Parking Stations

28. No person shall at or on any part of a parking station sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the written permission of the Council to do so.

Authorised Spaces in Parking Stations

29. (1) The Council may by use of signs set aside any parking station or any space in a parking station for the parking of vehicles by persons authorised by the Council.
- (2) Where the Council authorises a person pursuant to sub-clause (1) of this clause the Council—
- (a) shall issue a written permit to the person; and
 - (b) may revoke the permit at any time.

- (3) A person shall not park or stand a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.

Damage to Parking Stations

30. A person shall not remove, damage, deface or misuse any or any part of a parking meter or parking station or attempt to do so.

Part 4—Parking on Roads.**Establishing and Amending the Parking Scheme**

31. The Council may by resolution constitute, determine, vary and indicate by signs—
- (a) prohibitions;
 - (b) regulations; and
 - (c) restrictions,

on the parking and standing of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this discretionary authority shall not be exercised in a manner inconsistent with the provisions of this By-law.

Parking Contrary to Signs

32. (1) A person shall not stand a vehicle on a road or part of a road—
- (a) if that road or part of the road is set apart for the standing of vehicles of a different class;
 - (b) upon which the standing of vehicles is prohibited at all times by a sign; or
 - (c) upon which the standing of vehicles at that time is prohibited by a sign.
- (2) A person shall not park a vehicle on a road or part of a road—
- (a) if that road or part of the road is set apart for the parking of vehicles of a different class;
 - (b) upon which the parking of vehicles is prohibited at all times by a sign; or
 - (c) upon which the parking of vehicles at that time is prohibited by a sign.

(3) A person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

Occupied Parking Spaces

33. A person shall not stand or park or attempt to stand or park a vehicle in a parking space in which another vehicle is standing or parking.

Median Strips and Traffic Islands

34. A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

- (a) on a median strip;
- (b) adjacent to a median strip otherwise than in a parking space or metered space; or
- (c) on, or within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic island.

Parking Position on Road

35. (1) A person shall not stand or park a vehicle or permit a vehicle to stand or park on any road otherwise than—

- (a) parallel to the kerb and as close to the kerb as practical;
- (b) headed in the direction of the movement of traffic on the part of the road on which the vehicle is parked;
- (c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

Parking Near Fire Hydrant and Post Box

36. (1) A person shall not stand or park a vehicle on a road so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug.

(2) A person shall not stand or park a vehicle within 3 metres of a public post box, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

Traffic Obstructions

37. A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) in front of a right of way, passage or private drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;
- (b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersecting carriageway;
- (c) within six metres of the nearest property line of any road intersecting the road on the side on which the vehicle is standing or parked;
- (d) alongside any hoarding, scaffolding, obstacle or impediment to traffic; or
- (e) on or over a footpath or a place of refuge for pedestrians.

Double Parking

38. A person shall not stand or park a vehicle on a road so that portion of the vehicle is between any vehicle which is parked or standing on a carriageway of that road and the centre of that road.

Verge Parking

39. (1) A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge.

(2) A person, not being the occupier of the land abutting on to a street verge, shall not without consent of that occupier, drive, park or stand a vehicle upon that verge.

Bus Stops, Pedestrian and Children's Crossings

40. (1) A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) a pedestrian or children's crossing established on a road.

(2) A person shall not stand a vehicle on a road so that any portion of the vehicle is within eighteen metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) a pedestrian or children's crossing.

(3) A person shall not permit a vehicle to stand or park in a parking space which is set aside for use by omnibuses except for the purpose of taking up or setting down passengers to or from such vehicle.

No Parking Within One Hour

41. A person having parked a vehicle in a road where parking is restricted as to time, shall not park such vehicle again in such road on that day unless it has first been removed from such road for at least 1 hour.

Direction to Move Vehicle

42. A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Force directs the driver of such vehicle to move it.

Loading Zones

43. (1) A person shall not permit a vehicle to stand or park in a parking space which is at that time set aside for use by service vehicles carrying commercial goods unless some person is actively engaged in loading or unloading commercial goods to or from the vehicle, and in any case not for a period longer than 15 minutes.

(2) In this clause, "commercial goods" means an article or collection of articles weighting at least 10kg of which the content is at least 0.3 cubic metres.

(3) A parking space may be set aside for use by service vehicles by a sign marked "Loading Zone" or by other means.

Repairs to Vehicles

44. A person shall not park a vehicle on any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road; or
- (b) if the vehicle is exposed for sale.

Part 5—Standing and Parking Generally.**Cycle Parking and Standing**

45. A person shall not park or stand any cycle in a parking space.

Authorised Parking

46. A person shall not, without the permission of the Council or an authorised person, stand or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

Private Property

47. A person shall not stand or park or permit a vehicle to stand or park on land which is not a road or parking facility without the consent of the owner or person in occupation of such land.

Service Vehicle Parking

48. A person shall not park a service vehicle—

- (a) on a street verge for more than four hours consecutively; or
- (b) on a street verge for the purpose of repairing, servicing or cleaning that vehicle.

Overlength Vehicle Parking

49. A person shall not stand a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles is more than 8 metres in length on a carriageway for any period exceeding 1 hour during any 24 hour period.

Chalking of Tyres

50. (1) An authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of that authorised person's duties and powers.

(2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such mark is defeated or likely to be defeated.

Parking on Reserves

51. A person shall not stand or park a vehicle in a public reserve, other than within a parking facility on that reserve, without the permission of the Council or an authorised person.

Part 6—Residential Parking.**Issue of Residential Parking Permits**

52. (1) The Council may, on written application, issue a residential parking permit in respect of a particular vehicle to a person who is—

- (a) the owner or occupier of a single tenement dwelling house fronting a road within the Municipality and who lives in that house;
- (b) unable to obtain vehicular access to such house from a street or a right-of-way; and
- (c) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.

- (2) There are two types of residential parking permit—
- (a) annual residential parking permits, issued for a period not in excess of 1 year and expiring on the 31st day of December in the year of issue; and
 - (b) temporary residential parking permits, issued for a period less than 6 months.
- (3) Every residential parking permit shall specify—
- (a) a permit number;
 - (b) the registration number of the vehicle in respect of which the permit was issued;
 - (c) the name of the road(s) or parking stations to which the exemption granted by clause 53(a) applies; and
 - (d) the date on which the permit expires.

Conditions of Exemption for Residential Parking Permits

53. Where the standing or parking of a vehicle on any part of a road within the Municipality, whether such part be marked as a parking space or not, is prohibited for more than a specified time, the holder of a residential parking permit is exempted from such prohibition provided that such exemption shall apply only—

- (a) to the road, roads or parking station specified in the permit, but excluding areas of road adjacent to retail premises, where parking of all classes of vehicles is subject to time restriction;
- (b) if the permit is affixed to the windscreen or a window of the vehicle in a prominent position;
- (c) if the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still lives in the premises in respect of which the permit was granted.

Removal of Residential Parking Permit from Vehicle

54. The holder of a residential parking permit who changes residence shall remove the permit from the vehicle to which it is affixed.

Fees for Residential Parking Permits

55. Fees payable for residential parking permits are specified in the Schedule 3.

Part 7—Removal of Vehicles Causing Obstructions.

Lawfully Parked Vehicles

56. A vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked does not cause an obstruction, unless—

- (a) the vehicle is so parked for any period exceeding 24 hours, without the consent in writing of the Town Clerk or authorised person; or
- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

Unlawfully Parked Vehicles

57. A vehicle which is parked in a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction.

Obstruction of Public Places

58. A person shall not park a vehicle in a public place so as to cause an obstruction.

Removal of Vehicles

59. Where an authorised person or Police Officer finds a vehicle causing an obstruction that person or Officer—

- (a) may remove the vehicle;
- (b) may use such force as is necessary to enter the vehicle for the purpose of so removing it; and
- (c) if that person or Officer removes the vehicle, shall take it to an appointed place.

Recording of Vehicles in Appointed Places

60. Where an authorised person or Police Officer places a vehicle in an appointed place, that person or Officer shall enter in a register to be provided by the Council for that purpose—

- (a) details of the time and date;
- (b) a description of the vehicle; and
- (c) the place from which it was removed,

and shall notify the Town Clerk of the Council.

Notification to Owner

61. The Town Clerk of the Council shall notify, in writing, the last known owner of a vehicle removed to an appointed place of the removal of that vehicle.

Recovery of Removed Vehicles

62. (1) A person may recover a vehicle from an appointed place, after paying to the Town Clerk of the Council—

- (a) the cost incurred by the Council in removing the vehicle to the appointed place; and
- (b) the sum of \$10 per day or part of a day that the vehicle has remained in the appointed place.

(2) A person who removes a vehicle from an appointed place without complying with the provisions of this clause commits an offence.

Sale of Removed Vehicles

63. Where a vehicle placed in an appointed place has not been recovered by the owner or person entitled to it within one month from the day upon which it was placed there, the Council may—

- (a) cause the vehicle to be offered for sale by public auction or by public tender;
- (b) accept the best offer made; and
- (c) where no offer is made for the purchase of the vehicle, cause the vehicle to be destroyed.

Indemnity

64. A person is not entitled to any claim, by way of damages or otherwise, against an authorised person, member of the Police Force, or the Council in respect of any vehicle seized and dealt with under this Part or against any person who purchases a vehicle sold by Council under clause 63.

Application of Sale Proceeds

65. (1) The proceeds of the sale of a vehicle sold under the provisions of clause 63 shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the costs referred to in clause 62(1),

and these sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within ten years, to any person who satisfies the Council that they were the owner of the vehicle at the time of its sale by the Council.

(3) Any amounts under clause 65(2) may, if not paid to the owner within ten years, be paid into the Municipal Fund, on the condition that the Council shall repay it from that fund to a person claiming and establishing their right to that repayment.

Recovery of Costs Where Sale Proceeds Insufficient

66. Where the proceeds of the sale of any vehicle sold under clause 63, after deduction of the monies authorised to be applied by the Council by clause 65(1), do not cover the costs of the removal, custody and sale or disposal of that vehicle, the Council may recover the balance of these costs from the owner of that vehicle in a court of competent jurisdiction.

Part 8—Miscellaneous.**Use of Coins in Parking Meters and Ticket Issuing Machines**

67. A person shall not insert or cause to be inserted or attempt to insert into the coin slot of a parking meter or a ticket issuing machine anything other than the coin appropriate to that slot.

Operating Parking Meters and Ticket Issuing Machines

68. A person shall not operate or attempt to operate a parking meter or a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.

Damage to Parking Meters and Ticket Issuing Machines

69. A person shall not remove, damage, deface, misuse or interfere with any parking meter or ticket issuing machine or attempt to do any such act.

Defacing a Parking Ticket

70. A person shall not display in a vehicle a ticket purchased from a ticket issuing machine or from any place authorised by the Council if that ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the prescribed fee.

Affixing Signs And Notices

71. A person shall not without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of, a parking meter, ticket issuing machine or parking station.

Appointment of Authorised Persons

72. The Council may appoint a person as an authorised person for the purposes of this By-law.

Impersonation of Authorised Person

73. A person who is not an authorised person shall not in any way assume the duties of an authorised person.

Obstruction of Authorised Person

74. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this By-law.

Form 1—Original Notice

75. An infringement notice served under subsection (2) of section 669D of the Act in respect of an offence against this By-law shall be in or to the effect of either Form 1 or Form 2 of Schedule 4 of this By-law.

Form 2—Notice to Owner to Identify Driver

76. A notice served under subsection (2) of section 669C of the Act in respect of an offence alleged to have been committed against this By-law shall be in or to the effect of Form 2 of Schedule 4 of this By-law.

Form 3—Withdrawal Notice

77. A notice sent under subsection (5) of section 669D of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against this By-law shall be in or to the effect of Form 3 of Schedule 4 of this By-law.

Removal of Notice

78. A person other than the driver of a vehicle shall not remove from that vehicle any Notice affixed to or on it by an authorised person or a member of the Police Force.

Offence

79. Any person who contravenes or fails to comply with the provisions of this By-law commits an offence and is liable upon conviction to a penalty not exceeding \$80.

Modified Penalties

80. The amount appearing in column 4 of Schedule 5 is the modified penalty for an offence if the offence is dealt with under section 669D of the Act.

Recovery of Penalties

81. A penalty, other than a modified penalty, for an offence against this By-law, may be recovered from the alleged offender by the Council in proceedings in a Court of Petty Sessions.

Schedule 1**The Municipality of the City of South Perth****METERED ZONES**

Part 1	Fees for vehicles (excluding motorcycles)	Nil
Part 2	Fees for motorcycles	Nil
Part 3	Hooded Meter	Nil
Part 4	Reserved Parking—Ticket Issuing Machine Zone	Nil

Schedule 2**The Municipality of the City of South Perth****PARKING STATIONS**

Part 1	Fees for opening Parking Stations after hours	Nil
Part 2	Parking Stations, Hours of Operation and Fees—	
	Parking Station No. 1	
	Being Lot 114 on Diagram 67744 being the land more particularly described in Certificate of Title Volume 1639 Folio 741.	
	Parking Station No. 2	
	Being part of Lots 1 and 2 on Diagram 3575 being the land more particularly described in Certificates of Title Volume 628 Folio 16 and Volume 635 Folio 114. Off Angelo Street.	

Parking Station No. 3

Being Lot 19 on Diagram 13427 being that land more particularly described in Certificate of Title Volume 1220 Folio 786. Off Anstey Street.

Parking Station No. 4

Being part of Lot 1 on Plan 14563 being that land more particularly described in Certificate of Title Volume 1748 Folio 106.

Parking Station No. 5

Portion of Reserve No. 35276 bounded by Downey Drive and Ley Street.

Parking Station No. 6

Being Lot 191 on Plan 2833 being the land more particularly described in Certificate of Title Volume 855 Folio 50.

Parking Station No. 7

Being part of each of Perth Suburban Lots 385 and 286 and being Lot 3 on Plan 14563 being the land more particularly described in Certificate of Title Volume 1748 Folio 108.

Parking Station No. 8

Portion of Perth Suburban Lot 354 and being Lot 101 on Diagram 69919, the land more particularly described in Certificate of Title Volume 1730 Folio 188.

Parking Station No. 9

Portion of South Perth Lot 645 and being Lot 2 on Diagram 10050, the land more particularly described in Certificate of Title Volume 1741 Folio 646.

Hours of Operation and Fees

Nil

Schedule 3

The Municipality of the City of South Perth

RESIDENTIAL PARKING PERMITS

Fees for Residential Parking Permits

Nil

Schedule 4

The Municipality of the City of South Perth

Form 1	Parking Infringement Notice.
Form 2	Notice Requiring Owner to Identify Driver/Parking Infringement Notice.
Form 3	Notice of Withdrawal.

Form 1

LOCAL GOVERNMENT ACT 1960

City of South Perth Parking Facilities By-Law

INFRINGEMENT NOTICE UNDER SECTION 669D (2)

To Serial No.

 Date

the owner of the vehicle make Type

Plate No.

You are hereby notified that it is alleged that on

..... 19 at about

you did commit a breach of the City of South Perth Parking Facilities By-Law 1988 as
as indicated by a cross or crosses in a box or boxes below:

Nature of Offence	Modified Penalty
* Standing in a No Standing Area (Clause 13(1)—Metered and ticket zone) (Clause 32(1)(b)—Roads)	\$40
* Parking in a No Parking Area (Clause 9 Metered ticket zones) (Clause 32(2)(b)—Roads)	\$35
* Parking on a Footpath (Clause 37(e))	\$35
* Parking a Vehicle Longer than Time Allowed (Clause 13(3)—Metered and Ticket Zones) (Clause 32(3)—Roads)	\$30
* Parking in a Loading Zone other than for the purposes of that zone (Clause 43(1))	\$40
* Parking facing oncoming traffic (Clause 35(1)(b))	
* Parking on a Street Verge without Permission (Clause 35(2))	\$30
* Parking across a Right-of-Way or Private Driveway (Clause 37(a))	\$30
* Parking on a Public Reserve (Clause 51)	\$35

If you do not wish to have a complaint of the above offence heard and determined by
a court you may pay the modified penalty within 21 days after the day of service of this
notice.

Unless within 21 days after the day of service of this notice—

- (a) the modified penalty is paid; or
- (b) you—

- (i) inform the Chief Executive of the City of South Perth as to the identity and
address of the person who was the driver or person in charge of the above
vehicle at the time of the above offence; or

- (ii) satisfy the Chief Executive of the City of South Perth that the above vehicle
had been stolen or was being unlawfully used at the time of the above
offence,

you will, in the absence of proof to the contrary, be deemed to have committed
the above offence and court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of
\$..... to the Chief Executive of the City of South Perth or by delivering this form
and paying the amount at the Municipal Offices between the hours of
..... a.m. and p.m. on Mondays to Fridays.

Signature of authorized officer

Designation

Name

Address

Post Code

If your name and address do not appear in this notice please complete the above to
enable a receipt to be forwarded.

Form 2

LOCAL GOVERNMENT ACT 1960

City of South Perth Parking Facilities By-law

To

You are hereby notified that it is alleged that the driver or person in charge of the vehicle did in contravention of the City of South Perth Parking Facilities By-law, commit the offence shown below on the date and time shown below.

Infringement Number

Date

Time

Code

Licence No.

Vehicle No.

In accordance with Sections 669C and D of the Local Government Act 1960 you will, in the absence of proof to the contrary, be deemed to have committed the offence detailed hereunder and Court proceedings may be instituted against you unless, within twenty one (21) days after the date of service of this notice you:

- (A) Finalise the Infringement Notice through payment of the amount;
- (B) Inform the Chief Executive of the City of South Perth or authorised officer IN WRITING as to the identity and address of the person who was the person or driver in charge of the above vehicle at the time of the alleged offence;
- (C) Satisfy the Chief Executive of the City of South Perth in writing that the above vehicle had been stolen or was being unlawfully used at the time of the alleged offence.

Infringement Details—

Description:

Place; Street:

Penalty: \$ Amount Due: \$

Signature of authorised officer: Date Due:

Form 3

LOCAL GOVERNMENT ACT 1960

City of South Perth Parking Facilities By-law

NOTICE OF WITHDRAWAL

Name

Address

Dear Sir/Madam

Notice of Withdrawal of proceedings under Part VI BA—

Infringement Number

Date

Time

Code

Description

Take notice that I, being authorised to do so, hereby withdrawal proceedings in relation to the infringement notice issued for the above offence.

Authorised Person Date

SCHEDULE 5
THE MUNICIPALITY OF THE CITY OF SOUTH PERTH
MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty \$
1.	9	Parking in metered/ticketed zone outside a parking space	30
2.	10(1)(b)	Standing or parking against an expired meter in a metered space	25
3.	11	Standing or parking adjacent to a hooded meter	30
4.	13(1)	Standing during a prohibited period in a metered or ticket parking space	25
5.	13(2)(a)	Parking during a prohibited period in a metered or ticket parking space	25
6.	13(2)(b)	Parking in a metered or ticket parking space set apart for vehicles of a different class	30
7.	13(3)	Parking longer than time allowed in a metered or ticket space	25
8.	14	Failing to display an unexpired parking ticket in a ticket zone	25
9.	15(1)	Standing or parking in the reserved section of a ticket zone without a permit	30
10.	19(1)(b)	Parking in a parking station equipped with meters without paying appropriate fee	35
11.	20(1)	Failing to display unexpired parking ticket in a parking station	25
12.	23	Parking outside a parking space in a parking station	30
13.	24(1)(a)	Standing in a no standing area in a parking station	40
14.	24(1)(b)	Standing during a prohibited period on part of a parking station	35
15.	24(2)(a)	Parking in a no parking area in a parking station	30
16.	24(2)(b)	Parking during a prohibited period on part of a parking station	35
17.	24(2)(c)	Parking in a parking station space set aside for a different class of vehicle	30
18.	24(3)	Parking for more than the maximum period in a parking station	35
19.	25(2)	Parking without a permit in parking spaces set aside for special events	30
20.	29(3)	Parking in an authorised space in a parking station without a permit	30
21.	32(1)(a)	Standing on part of a road set aside for vehicles of a different class	30
22.	32(1)(b)	Standing in a no standing area	40
23.	32(1)(c)	Standing on a road during a prohibited period	30
24.	32(1)(a)	Parking on part of a road set aside for vehicles of a different class	35
25.	32(2)(b)	Parking in a no parking area	35
26.	32(2)(c)	Parking on a road during a prohibited period	35
27.	32(3)	Parking on a road for more than maximum period	35
28.	33	Standing or parking in an occupied parking space	25
29.	34	Standing or parking on or adjacent to a median strip	30
30.	35(1)(a)	Parking too far from kerb	30
31.	35(1)(b)	Parking facing oncoming traffic	40
32.	35(1)(c)	Parking outside parking space marked on road	30
	35(2)		
33.	36(1)	Standing or parking within 1 metre of a fire hydrant	30
34.	36(2)	Standing or parking within 3 metres of a public post box	30
35.	37(a)	Parking in front of a driveway	30
36.	37(b)	Parking on an intersection	30
37.	37(c)	Parking within 6 metres of intersection	30
38.	37(d)	Parking next to a traffic obstruction	30
39.	37(e)	Parking on a footpath	35

Schedule 5—*continued*

Item No.	Clause	Nature of Offence	Modified Penalty \$
40.	38	Double parking	35
41.	39	Standing or parking on a verge contrary to signs or without consent	35
42.	40(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings	30
43.	40(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings	30
44.	40(3)	Standing or parking in an omnibus stand	30
45.	41	Parking within 1 hour	30
46.	42	Failing to move vehicle after direction	35
47.	43(1)	Standing or parking in a loading zone without loading/unloading	40
48.	44	Parking on street to repair or sell	30
49.	46	Unauthorised parking	30
50.	47	Standing or parking on private property without consent	50
51.	48	Parking a service vehicle on the street verge for more than 4 hours or to repair it	30
52.	49	Overlength vehicle parking	30
53.	50(2)	Removing a chalk mark	30
54.	51	Parking on a reserve	30
55.	58	Parking so as to cause an obstruction	35
56.	68	Inserting anything other than the appropriate coin into a parking metre or ticket issuing machine	30
57.	71	Altering or defacing a parking ticket	50
58.		All other offences not classified	30

Dated this 25th day of February 1994.

The Common Seal of the City of South Perth was hereunto affixed in the presence of—

P. CAMPBELL, Mayor.
L. L. METCALF, Chief Executive.

Recommended—

PAUL OMODEI, Minister for Local Government.

Date 15 March 1994.

Approved by His Excellency the Governor the 15 day of March 1994.

D. G. BLIGHT, Clerk of the Council.

LG308

LOCAL GOVERNMENT ACT 1960

Municipality of the City of Kalgoorlie-Boulder

Adoption of Draft Model By-laws (Signs, Hoardings and Billposting) Number 13

In pursuance of the powers conferred upon it by the abovementioned Act the Council of the abovementioned Municipality hereby records having resolved on the 20th day of December 1993, to revoke the By-Laws set out hereunder and to adopt the Draft Model

By-Laws (Signs, Hoardings and Billposting) Number 13 published in the *Government Gazette* of the 11th June 1963 and amended by notices published in the *Government Gazette* of the 10th December, 1964, and 21st June, 1974, with the following alterations:—

Revocation

1. From the date of coming into operation of this By-law the By-laws made by virtue of the resolutions of the Councils of the Municipalities of the Town of Kalgoorlie and the Shire of Boulder adopted Draft Model By-Laws (Signs, Hoardings and Billposting) Number 13, notice of which appeared in the *Government Gazette* of the 7th November, 1963 and the 6th October, 1970, are hereby revoked.

Alteration to Draft Model By-Laws

2. (a) Clause 1 is deleted and the following substituted:
"1. These By-Laws may be cited as the City of Kalgoorlie-Boulder By-Laws relating to Signs, Hoardings and Billposting."
(b) Clause 37 is amended by deleting the amount of "50" and substituting the amount "\$500"; and
(c) Clause 38 is deleted.

Second Schedule—Fees

3. Delete fees 1 to 4 and substitute with:

- "1. Pylon or Town sign \$50.00.
2. Illuminated Sign on a roof \$5.00 per square metre with minimum of \$50.00.
Illuminated Sign under verandah \$25.00.
Any other Illuminated Sign \$50.00.
3. A Sign other than Pylon or Illuminated \$25.00.
4. A Hoarding—per annum \$50.00".

The Common Seal of the City of Kalgoorlie-Boulder was hereunto affixed by authority of a resolution of the Council in the presence of—

R. S. YURYEVICH, Mayor.
L. P. STRUGNELL, Town Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

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

D. G. BLIGHT, Clerk of the Council.

LG309

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Waroona

By-laws Relating to Hawkers, Stallholders and Trading in Public Places.

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 14th September 1993, to repeal the whole of the By-laws relating to Hawkers published in the *Government Gazette* on the 5th September 1947, as amended and published in the *Government Gazette* on the 7th May 1954 and as amended and published in the *Government Gazette* on the 17th September 1954 and to make and submit for confirmation by the Governor the following By-laws.

Division 1—Preliminary

1.1 CITATION

These By-laws may be cited as Shire of Waroona Hawkers, Stallholders and Trading in Public Places By-laws.

1.2 APPLICATION

These By-laws shall apply and have force and effect throughout the whole of the district.

1.3 INTERPRETATION

In this By-law unless the context otherwise requires—

1.3.1 "Act" means the *Local Government Act 1960*, as amended, and any Regulations or By-laws made thereunder.

"authorised person" means the Clerk of the Council or any Environmental Health Officer or Ranger employed by the Council or any other person appointed by the Council as an authorised person for the purposes of the By-laws.

"Community association" has the meaning given to it in s.242 of the Act.

"Council" means the Council of the Municipality of the Shire of Waroona.

"district" means the municipal district of the Shire of Waroona.

"footpath" includes a path used by or set aside or intended for use by both pedestrians and cyclists.

"hawker" has the meaning given to it in s.217 of the Act.

"licence" means a licence issued under these By-laws to hawk, conduct a stall, or carry out trading in a public place as the case may be.

"public place" includes a street, way and place which the public are allowed to use, whether the street, way or place is or is not on private property.

"street" includes a highway and thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare and other things including bridges and culverts appurtenant to it.

"stall" means a movable or temporarily fixed structure, stand or table and including but without limiting the generality of the foregoing a vehicle, on or from which goods, wares, merchandise or services are sold, hired or offered for sale or hire.

"stallholder" means a person in charge of a stall.

"trading" means selling or hiring of goods, wares, merchandise or services, or offering goods, wares, merchandise or services for sale or hire, in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out any other transaction therein; but does not include the setting up of a stall, or the conducting of a business at a stall under the authority of a Stallholder's Licence issued under these By-laws.

"Vehicle" includes every conveyance, not being a train, boat, aircraft, or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means.

1.3.2 Unless otherwise defined herein, the terms and expressions used in these By-laws shall have the meanings given to them in the Act.

1.3.3 In these By-laws a reference to the Council having the power to do something at its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any officer or committee to whom the Council has delegated the power of doing the thing or exercising such discretion or forming such opinion.

Division 2—Licences

2.1 HAWKERS

2.1.1 A person shall not hawk any goods, wares or merchandise within the district unless that person holds a current Hawker's Licence issued pursuant to these By-laws.

2.1.2 APPLICATIONS (HAWKERS)

Every application for a Hawker's Licence shall be in the form provided in Schedule 1 and shall specify—

- (a) the name and address of the applicant who seeks the licence;
- (b) the kind of goods, wares or merchandise which the applicant requires to hawk;
- (c) the type of vehicle, conveyance or means of carriage to be employed in hawking;
- (d) the period for which the licence is required;
- (e) where the licence is required for a part of the district, the part of the district to which it will apply.

2.1.3 Every application for a Hawker's Licence (other than a renewal) must be accompanied by a certificate signed by two Justices of the Peace certifying that the applicant is of good character and reputation, and is a fit person to exercise the trade of a hawker.

2.2 STALLHOLDERS

2.2.1 A person shall not conduct a stall for the sale of goods, wares or merchandise within the district unless that person holds a current Stallholder's Licence issued pursuant to these By-laws.

2.2.2 APPLICATIONS (STALLHOLDERS)

Every application for a Stallholder's Licence shall be in the form provided in Schedule 2 and shall specify—

- (a) the name and address of the applicant who seeks the licence;
- (b) the kind of goods, wares or merchandise which the applicant desires to sell;
- (c) the location of the stall;
- (d) the period for which the licence is required.

2.3 TRADERS

2.3.1 A person shall not carry on trading in any street or public place within the district unless that person is the holder of a current Trader's Licence or is an assistant specified in a current Trader's Licence.

2.3.2 APPLICATIONS (TRADERS)

Every application for a Trader's Licence shall be in the form provided in Schedule 3 and shall specify—

- (a) the full name and address of the applicant;
- (b) the proposed number and the names and addresses of assistants to be engaged by the applicant in trading pursuant to the licence;
- (c) specify the location for which the licence is sought;
- (d) be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;
- (e) specify the proposed days and hours of trading;
- (f) specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on.

2.4 SELLING OF NEWSPAPERS

The requirements for a valid Trader's Licence to be held shall not apply to the selling or offering for sale of newspapers.

2.5 DISCRETION

2.5.1 The Council may in its discretion under this Division grant a licence or refuse to grant a licence or grant a licence subject to such conditions as it thinks fit and for a period of twelve (12) months or a lesser period as approved by Council.

2.5.2 The Council may refuse to issue a licence and may cancel a licence if the applicant or licensee is twice convicted in the space of five (5) years of an offence against these By-laws.

2.5.3 The Council may refuse to issue a licence if—

- (a) in its opinion the needs of the district or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been issued;
- (b) the proposed activity or place of trading is in the opinion of Council undesirable;
- (c) the proposed stand, table, structure or vehicle is in the opinion of Council unsuitable in any respect to the location for which the licence is sought;
- (d) the gathering of customers would impede pedestrian or vehicle movements, or cause conflict with other activities;
- (e) the trading location is not provided with sufficient off-road parking so as to prevent a traffic hazard or danger to the public.

2.5.4 Notwithstanding the provisions of By-law 3.2(d) the Council may, at its discretion, allow any shop or business premises to display goods, wares or merchandise on any portion of a footpath adjoining the front of the shop or premises provided that all other requirements of By-law 3.2 are met, and subject to such fees as specified by Council under By-law 2.11.

2.5.5 The occupier of any shop or business premises seeking Council's approval to exercise its power of discretion under By-law 2.5.4 must apply in writing to the Council giving full details of the goods, wares or merchandise to be sold or displayed and the proposed methods of storage, including the size and dimensions of the area to be used.

2.5.6 Notwithstanding any other provisions of these By-laws, no licence shall be issued to trade in a public place that is located in any part of a controlled access highway, major highway or important regional road as shown on the maps forming part of the Shire of Waroona Town Planning Scheme No 7.

2.5.7 Where a licensee by reason of illness, accident or other cause is unable to comply with these By-laws, Council may at the request of that licensee issue a permit in writing authorising a person named in the permit to be a nominee to occupy the period of the licensee's inability to comply with the licence or until the expiration of the term of the licence whichever is the earlier.

2.6 CONDITIONS

Where a licence has been granted by the Council under this Division subject to conditions, the person to whom the licence has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these By-laws and the Council additionally or in the alternative to any Court action it undertakes in respect of such offence may exercise the power in clause 2.14 to cancel the licence.

2.7 LICENCE CERTIFICATE

The Council shall issue to every licensee a Licence Certificate in the form set out in Schedules 1, 2 or 3 respectively which shall be displayed by the Licensee while that person is the holder of the appropriate licence for which the sum set out in Schedule 4 has been paid but not otherwise.

2.8 TRANSFER OF LICENCE

Subject to subclause 2.5.7 a licence issued under these By-laws shall not be transferable to another person.

2.9 LENGTH OF LICENCE

A licence under these By-laws shall be valid until the 30th day of June next after it is granted or such lesser period as specified in the licence except where the licence is granted in the months of May or June of any year when it shall extend to the 30th day of June in the year following or such lesser period as specified.

2.10 ANNUAL RENEWAL

Every application for the renewal of a licence for twelve (12) months shall be made annually during the month of June and every application for renewal of a licence for a period of less than twelve (12) months shall be made two weeks prior to the expiration date and shall be in writing accompanied by the licence then in force.

2.11 FEES

2.11.1 The fees to be imposed for a licence and for every renewal thereof shall be those set out in Schedule 4. No licence is valid until the fees have been paid.

2.11.2 The Council may, at its discretion, reduce the fee payable for a Trader's Licence issued to the proprietor of any shop or business premises, or to any person selling goods, wares or other merchandise produced by that person on his premises and displayed for sale outside those premises.

2.12 EXEMPTION FROM FEES

Notwithstanding By-law 2.10 the Council may grant without fee or charge a licence to trade or conduct a stall in any street or way or on any land for any period specified in such licence if the stall is conducted by a community association.

2.13 LIMITATION OF LICENCE

A licence granted to a hawker, stallholder or trader is valid for the hawking, conducting a stall or trading of goods, wares, merchandise or services therein described only, and in the case of a licence limited to a part of the district, is valid for that part of the district only.

2.14 CANCELLATION

2.14.1 The Council may by written notice cancel any licence issued under these By-laws for the reason set out in subclause 2.5.2 or on the grounds—

- (a) that the licensee is not conducting the business the subject of the licence in a respectable or sober manner;
- (b) that the licensee has assigned the licence or no longer carries on the business the subject of the licence;
- (c) that the licensee is not regularly carrying on the business for which the licence was granted;
- (d) that the licensee has breached a condition of the licence.

2.14.2 Upon cancellation of a licence the holder thereof shall forthwith return the Licence Certificate issued pursuant to By-law 2.7 to the Clerk and shall forfeit fees paid in respect of the licence.

Division 3—Conduct

3.1 A hawker while hawking, a stallholder while conducting a stall or a person carrying out trading shall—

- (a) display the Licence Certificate in a conspicuous place on the vehicle or temporary structure (in the case of a hawker or trader) or on the stall (in the case of a stallholder);
- (b) have the name of the trader (or assistant where appropriate), hawker or stallholder displayed on the vehicle or stall;
- (c) when selling goods, wares or merchandise by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act, 1915*;
- (d) in the case of a stallholder, maintain the stall in good order and condition.

3.2 A hawker, stallholder or trader shall not—

- (a) hawk, conduct a stall or carry on trading between the hours of sunset and sunrise the next day, or on any Sunday, Christmas Day or Good Friday without obtaining the written consent of Council;
- (b) attempt to conduct business within a distance of 200 metres of any shop or permanent place of business that is open for business and has for sale any goods, wares, merchandise or services of the kind being hawked or offered for sale by the stallholder or trader except by a community association stallholder;
- (c) call the licensee's wares or cause to make any outcry, noise or disturbance likely to be a nuisance or cause annoyance to any person in that vicinity;
- (d) deposit or store any box or basket containing goods, wares or merchandise under the vehicle of the licensee or upon the roadway or footpath;
- (e) obstruct the free passage of pedestrians or vehicles on any footpath or roadway;
- (f) act in an offensive manner;
- (g) in the case of a stall holder, conduct a stall on private property without the written permission of the proprietor of the property and unless there is adequate provision to the satisfaction of Council for the parking of customer's vehicles.

3.3 A person shall not display a Licence Certificate without being the holder of a valid licence under these By-laws.

Division 4—Offences and Penalties

4.1 PENALTY PROVISIONS

4.1.1 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these By-laws, or comply with any notice under these By-laws commits an offence.

4.1.2 Any person who commits an offence under these By-laws, shall be liable to—

- (a) a maximum penalty of \$500.00; and
- (b) a maximum penalty of \$50.00 per day for each day the offence continues.

Schedule 1

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawker's, Stallholders and Trading in Public Places

APPLICATION FOR HAWKER'S LICENCE

1. Full name and address of applicant—

.....

2. Kind of goods, wares or merchandise which the applicant requires to hawk—

.....

3. Type of vehicle, conveyance or means of carriage to be employed in hawking—

.....

4. Proposed days and hours of trade—

.....

5. Certificate signed by two Justices of Peace.

Signature of Applicant

Schedule 1

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawker's, Stallholders and Trading in Public Places

LICENCE FOR HAWKERS

1. Full name and address of Licensee—

.....

2. Date of issue of Licence—

.....

3. Date of expiration of Licence—

4. Requirements, Terms and Conditions—

- (a) Area to which Licence applies.....
- (b) Description of vehicle to be used by the Licencee—
- (c) Particulars of the goods, wares, merchandise or services in respect of which hawking may be carried on—
- (d) The permitted days and hours when trading may be carried on—
- (e) Other Requirements, Terms or Conditions applicable to this Licence—

Shire Clerk

Schedule 2

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawker's, Stallholders and Trading in Public Places

APPLICATION FOR STALLHOLDER'S LICENCE

1. Full name and address of applicant—

Community Association under Section 242 of the Local Government Act Fee exemption
Yes..... No.....

2. Location of proposed site for which Licence is sought—

To be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used.

3. Proposed days and hours of trade—

4. Nature of proposed goods, wares or merchandise to be sold—

Signature of Applicant

Schedule 2

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawker's, Stallholders and Trading in Public Places

LICENCE FOR STALL

1. Full name and address of Licencee—

2. Date of issue of Licence—

3. Date of expiration of Licence—

4. Requirements, Terms and Conditions—

- (a) Place to which Licence applies.....
- (b) Description of stand, structure or vehicle to be used by the Licencee:.....
- (c) Particulars of the goods, wares, merchandise or services in respect of which trading may be carried on—

(d) Community Association
Yes..... No.....

(e) The permitted days and hours when trading may be carried on—

(f) Other Requirements, Terms or Conditions applicable to this Licence—

.....
 Shire Clerk

Schedule 3

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawkers, Stallholders and Trading in Public Places

APPLICATION FOR TRADING IN PUBLIC PLACES

1. Full name and address of applicant—

2. Proposed number, names and addresses of assistants—

3. Location of proposed site for which Licence is sought—

To be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading.

4. Proposed days and hours of trade—

5. Nature of goods, wares or merchandise to be sold—

.....
 Signature of Applicant

Schedule 3

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawkers, Stallholders and Trading in Public Places

LICENCE FOR TRADING IN PUBLIC PLACES

1. Full name and address Licencee—

2. Date of issue of Licence—

3. Date of expiration of Licence—

4. Requirements, Terms and Conditions—

(a) Place to which Licence applies:

(b) Description of stand, structure or vehicle to be used by the Licencee—

(c) Particulars of the goods, wares, merchandise or services in respect of which trading may be carried on—

(d) Full name/s and address/es of assistant/s who may be engaged at any one time in trading—

(e) The permitted days and hours when trading may be carried on—

(f) Other Requirements, Terms or Conditions applicable to this Licence—

.....
 Shire Clerk

Schedule 4

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Waroona

By-laws Relating to Hawker's, Stallholders and Trading in Public Places

FEES AND CHARGES

Fees and charges will be assessed in accordance with the table below—

1. HAWKERS

Licence Fee \$40.00 per annum on initial issue and renewal.

2. STALLHOLDERS

Licence Fee \$50.00 per annum on initial issue and renewal.

CHARGES—

PER DAY	PER WEEK	PER MONTH	PER ANNUM
\$5.00	\$15.00	\$20.00	\$100.00

3. TRADERS

Licence Fee \$50.00 per annum on initial issue and renewal.

CHARGES—

PER DAY	PER WEEK	PER MONTH	PER ANNUM
\$5.00	\$15.00	\$20.00	\$100.00

Dated this 10th day of November 1993.

The common seal of the Municipality of the Shire of Waroona was hereunto affixed in the presence of—

G. R. STYLES, Shire President.
 R. T. GOLDING, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

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

D. G. BLIGHT, Clerk of the Council.

LG310

LOCAL GOVERNMENT ACT 1960

The Municipality of the Town of Mosman Park

By-laws Relating to Parking Facilities

In pursuance of the powers confirmed upon it by the above mentioned Act and of all other powers enabling it, the Council of the above mentioned municipality hereby records having resolved on the 23rd day of November 1993 to make and submit for confirmation by the Governor the following by-laws—

1. In these By-laws the Local Government Model By-laws (Parking Facilities) No. 19 published in the *Government Gazette* on 31st December 1969 and adopted by the Town of Mosman Park on 25th September 1970 as amended from time to time, are referred to as the Principal By-laws.

2. The Principal By-laws are amended by adding a new By-law as follows—

“ 39B A person, except an employee of the Council in the course of his/her duties, or a person authorised by Council or directed by an authorised person, shall not drive, ride or park a vehicle upon or over any portion of a Reserve other than a paved area specifically set aside for this purpose. ”

3. The Principal By-laws are amended by adding after 39 (6) (b) of Clause 3 of By-law 53 the following—

“ 39B Driving, riding or parking a vehicle on a Reserve \$35.00 ”

Dated this 25th day of January 1994.

The common seal of the Town of Mosman Park was affixed hereto in the presence of—

T. J. HARKEN, Town Clerk.

B. H. MOORE, Mayor.

Recommended—

PAUL OMODEI, Minister for Local Government.

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

D. G. BLIGHT, Clerk of the Council.

LG401

DOG ACT 1976

Shire of Harvey

It is hereby notified for public information that Miss C. Talbot has been appointed under the provisions of the Dog Act 1976, as a Registration Officer for the Municipality of the Shire of Harvey. The appointment of Mr K. Carosella as a Dog Registration Officer is hereby cancelled.

KEITH LEECE, Shire Clerk.

LG402

CITY OF BUNBURY

Sportsground Charges Levied

It is hereby listed for public information the Sportsground Charges levied by the City of Bunbury for the use of Sporting Grounds for the 1992-93 playing year to be levied in 1993-94.

Sport	
	\$
Archery	120.75
Athletics Amateur	241.50
Athletics Little	690.00
Cricket	2 208.00
Dog Club	586.50
Junior Football	2 242.50
Hockey Men's	5 589.00
Hockey Men Training Only	442.75
Hockey Women's	2 558.75
Hockey Women Training Only	308.00
Netball	4 910.50
Soccer Junior	1 776.75
Soccer Dynamos	506.00
Bunbury United	253.00
Bunbury United Training Only	126.50
Hay Park United	230.00
Women's Soccer	345.00
Rugby Training Only	86.25
Softball Training Only	1 118.75
Teeball	2 380.50
Touch Football	402.50
	\$27 123.50

E. C. MANEA, Mayor.

GARY P. BRENNAN, Town Clerk/City Manager.

LG403

DOG ACT 1976*Shire of Trayning*

It is hereby notified for public information that the following persons have been appointed pursuant to the Dog Act 1976 for the municipality of the Shire of Trayning.

Authorised Persons	Registration Officers
Geoff Peddie	Geoff Peddie
Graham Lee	Graham Lee
Barry Dack	Tina Hooper
	Cathy Prosser

G. M. PEDDIE, Shire Clerk.

LG404

DOG ACT 1976*City of Bunbury*

It is hereby noted for public information that Cheryl Ann Liddelow has been appointed as a Registration Officer pursuant to section 29 of the Dog Act 1976.

GARY P. BRENNAN, City Manager/Town Clerk.

LG901

LOCAL GOVERNMENT ACT 1960*City of Mandurah***NOTICE OF INTENTION TO BORROW**

Proposed Loan (No. 230) of \$300 000

Pursuant to section 610 of the Local Government Act, the City of Mandurah hereby gives notice that it proposes to borrow by sale of debentures on the following terms and conditions:

Term—Loan to be for a term of 10 years with interest at ruling Treasury rates renegotiable after 2 years at the office of the Council in twenty half yearly instalments of principal and interest.

Purpose: Bortolo Park Pavilion.

Specifications and estimates of costs thereof and statement as required under section 609 of the Act to be open for inspection at the Council Offices, Mandurah, during office hours for a period of 35 days after publication of the Notice of Intention to Borrow.

G. N. SALAMON, Mayor.

S. K. GOODE, Chief Executive Officer.

LG902

LOCAL GOVERNMENT ACT, 1960*Shire of Yilgarn***LOAN**

Department of Local Government,
Perth 15th March 1994.

LG: YL 3-8.

It is hereby notified for public information that the Governor has, under section 598(5) of the Local Government Act 1960 declared the construction and purchase of waterworks and the procuring of a water supply at the Mt Hampton Dam to be a "Work and Undertaking" for which money may be borrowed under the provisions of Part XXVI of the Local Government Act, 1960, by the Shire of Yilgarn.

JOHN LYNCH, Executive Director,
Local Government Department.

MINERALS AND ENERGY**MN101****CORRECTION****PETROLEUM ACT 1967**

In the Notice at page 966 *Government Gazette* dated 11 March 1994 after the words "block numbers 6961, 6962" change "7032" to "7033".

KEITH GAMMIE, Acting Director, Petroleum Division.

MN401**MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,
Carnarvon.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provision of section 96 (1) (a) for breach of covenant, viz. non payment of rent.

S. A. HEATH, Warden.

To be heard in the Warden's Court, Carnarvon on 6 April 1994.

GASCOYNE MINERAL FIELD**Prospecting Licence**

09/315 Bellotti, Barry John
Bellotti, Rodney Lawrence
Bellotti, Roy James
Bellotti (Jnr), Roy James
Johnson, Lincoln.

MN402**MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,
Southern Cross.

In accordance with Regulation 49 (2) (c) of the Mining Regulations 1981, notice is hereby given that the licences are liable to forfeiture under the provision of section 96 (1) (a) of the Mining Act 1978 for breach of covenant, viz. non-payment of rent.

P. MALONE, Warden.

To be heard in the Warden's Court, Southern Cross on 13 April, 1994.

YILGARN MINERAL FIELD**Prospecting Licences**

77/1564 Salokin Nominees Pty Ltd
77/1565 Salokin Nominees Pty Ltd
77/1566 Salokin Nominees Pty Ltd
77/2469 Broken Hill Metals NL
77/2687 Golden Valley Mines NL

MN403

MINING ACT 1978**NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, viz. non-payment of rent.

C. D. ROBERTS, Warden.

To be heard in the Warden's Court, Kununurra on the 14th April, 1994.

KIMBERLEY MINERAL FIELD

P80/1224 Millor Trading (Australia) Pty Ltd
P80/1226 Millor Trading (Australia) Pty Ltd
P80/1227 Millor Trading (Australia) Pty Ltd
P80/1228 Millor Trading (Australia) Pty Ltd
P80/1229 Millor Trading (Australia) Pty Ltd
P80/1230 Millor Trading (Australia) Pty Ltd
P80/1219A George Hremeviuc.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

OA401

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984**OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATION 1988****EXEMPTION CERTIFICATE PURSUANT TO REGULATION 213**

(No. 5 of 1994)

I, NEIL BARTHOLOMAEUS, Commissioner for Occupational Health, Safety and Welfare, hereby grant an exemption to Ramsay Health Care Pty Limited from the requirements of Regulation 505 of the Occupational Health, Safety and Welfare Regulations 1988 as they apply to boilers in the attendance category "attended operation" in relation to the operation of three boilers (DOHSA registration numbers 29749, 29755 and 30497) at Hollywood Private Hospital, subject to the boilers complying with AS2593 and the attendance, testing, checking and maintenance complying with Schedule 8 of the Occupational Health, Safety and Welfare Regulations as they apply to boilers in the attendance category "unattended operation", type (a) boilers.

This exemption valid until 5pm on 31 May 1994.

Dated this 8th day of March 1994.

NEIL BARTHOLOMAEUS, Commissioner for Occupational
Health, Safety and Welfare.

PLANNING AND URBAN DEVELOPMENT

PD401

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**METROPOLITAN REGION SCHEME***North East Corridor—Shire of Swan*

Notice of Major Amendment

File No. 809-2-1-24, Amendment No. 950/33.

1. It is hereby notified for public information that the State Planning Commission at its meeting on 2 February 1994 and 22 February 1994, resolved in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act 1959 to propose an amendment to the Metropolitan Region Scheme and the Hon Minister for Planning has consented to public submissions being sought in respect of the proposed amendment outlined in the First Schedule hereunder.

2. Copies of the maps that form part of the Metropolitan Region Scheme that are proposed to be amended will be available from Monday, 21 March 1994 to Friday, 24 June 1994 for public inspection free of charge during normal office hours, at each of the places mentioned in the Second Schedule hereunder.

3. Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on the prescribed Form 6A. Submission forms are available on request from the display locations and must be lodged with the Secretary, State Planning Commission, c/- Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000, on or before 4.30 pm Friday, 24 June 1994.

GORDON G. SMITH, Secretary.

First Schedule

The Metropolitan Region Scheme is amended pursuant to Section 33 of the Metropolitan Region Town Planning Scheme Act 1959 by substituting Amendment Map Sheet Numbers 8/5 m, 12/51 m and 16/140 m for those parts of Map Sheet Numbers 8, 12 and 16.

The amendment proposes to transfer land in the Shire of Swan between the Rural Zone, the Urban Zone, the Urban Deferred Zone, the State Forests Reservation, the Parks and Recreation Reservation, the Parks and Recreation Reservation (Restricted), the Important Regional Roads Reservation, the Controlled Access Highways Reservation, the Other Major Highways Reservation, the Waterways Reservation and the Public Purposes Reservation (CG, H and SU).

The purpose of the amendment is to give statutory effect in the Metropolitan Region Scheme to planning proposals for the North Eastern Corridor as proposed in the North East Corridor Structure Plan.

The amendment is depicted on State Planning Commission Plan Number SP 434/3 and in more detail on Plan Numbers 3.0750, 2.0729, 2.0730, 1.3041/1, 1.3042/1, 1.3043, 1.3044/1, 1.3048, 1.3049/1, 1.3016-1.3021, 1.3030-1.3037, 1.3061/1, 1.3062-1.3064, 1.3065/1, 1.1282/1, 1.1283/2, 1.1284/2, 1.1285/1, 1.3050-1.3052, 1.3066, 1.3067, 1.3102 and 2.0731.

Second Schedule

Public Inspection (during normal office hours)

The amendment Plan Number SP434/3 and detail Plan Numbers 3.0750, 2.0729, 2.0730, 1.3041/1, 1.3042/1, 1.3043, 1.3044/1, 1.3048, 1.3049/1, 1.3016-1.3021, 1.3030-1.3037, 1.3061/1, 1.3062-1.3064, 1.3065/1, 1.1282/1, 1.1283/2, 1.1284/2, 1.1285/1, 1.3050-1.3052, 1.3066, 1.3067, 1.3102 and 2.0731 will be available for inspection from Monday, 21 March 1994 to Friday, 24 June 1994 at each of the following places:

- (a) Department of Planning and Urban Development
1st Floor Albert Facey House
469-489 Wellington Street
Perth WA 6000
- (b) Council Offices of the municipalities of—
 - (i) City of Perth
Westralia Square
141 St George's Terrace
Perth WA 6000
 - (ii) City of Fremantle
Corner Newman and William Street
Fremantle WA 6160
 - (iii) Shire of Swan
Corner Great Northern Highway and Bishop Road
Middle Swan WA 6065
 - (iv) Town of Bassendean
48 Old Perth Road
Bassendean WA 6056
- (c) J. S. Battye Library
Alexander Library Building
Cultural Centre
Francis Street
Northbridge WA 6003

PD402**STATE PLANNING COMMISSION ACT 1895****METROPOLITAN PLANNING COUNCIL****Appointment of Member and Deputy Member**

File: 806-2-1-182V4

The Minister for Planning, in accordance with provisions contained in sections 25 and 30 of the *State Planning Commission Act*, has appointed the following persons as a Member and Deputy Member on the Metropolitan Planning Council, for the term expiring June 30, 1994.

As Appointed Member—

In accordance with section 25 (1) (c)—

* Commissioner Humphrey Park of "Yarrimbah", Lage Street, Bullsbrook WA 6084.

As Deputy to Appointed Member—

* Commissioner Tony Ednie-Brown of 9 Beagle Street, Mosman Park WA 6012.

Please note that the deputy of an appointed member has at any meeting of the Metropolitan Planning Council at which the member is not present, all of the functions and entitlements of that member.

GORDON G. SMITH, Secretary
March 15, 1994.

PD403**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME****THE SOUTH EAST CORRIDOR**

Amendment No. 927/33.

File: 809-2-25-2 V4.

1. It is hereby notified for public information that the Metropolitan Planning Council, for and on behalf of the State Planning Commission and acting under delegated powers, having considered all submissions received in respect of the Amendment to the Metropolitan Region Scheme No. 927/33, first published in the *Government Gazette* on August 6, 1993, has determined that the Amendment be modified as detailed in the First Schedule hereto.

2. The Amendment, as modified, has been approved by His Excellency, the Governor, in accordance with the provisions of the Metropolitan Region Town Planning Scheme Act 1959.

3. The Minister for Planning has determined that copies of the modified Amendment and the accompanying report be made available for public inspection as from Monday March 21, 1994 to Friday May 13, 1994 during normal office hours at places mentioned in the Second Schedule hereto.

GORDON G. SMITH, Secretary, State Planning Commission.

First Schedule

Metropolitan Region Scheme Map Sheet Numbers 20 and 24 are amended by substituting the proposed zones and reservations as shown on amendment Map Sheet Numbers 20/91m and 24/56m. The purpose of Amendment is to transfer land between the Rural, Urban and Urban Deferred Zones and the Public Purposes, Parks and Recreation and Important Regional Roads Reservations in the Cities of Gosnells, Canning and Armadale and the Shire of Serpentine-Jarrahdale to give statutory effect to the planning proposals for the Canning Vale and Southern River localities contained in METROPLAN and the Urban Expansion Strategy.

The modified Amendment is depicted on State Planning Commission Plan Number 1.2830/3 and for information of the public on detailed Plan No's. 1.2831/1, 1.2832-1.2844 and 1.2852/1.

Second Schedule

The Modified Plans can be viewed at:

1. Department of Planning and Urban Development, 469-489 Wellington Street, Perth 6000.
2. The Offices of the Municipalities of:
 - (i) City of Perth,
Westralia Square,
141 St George's Terrace,
Perth 6000.
 - (ii) City of Fremantle,
William Street,
Fremantle 6160.

- (iii) City of Gosnells,
2120 Albany Highway,
Gosnells 6110.
 - (iv) City of Armadale,
7 Orchard Avenue,
Armadale 6112.
 - (v) City of Canning,
1317 Albany Highway,
Cannington 6107.
 - (vi) Shire of Serpentine-Jarrahdale,
Paterson Street,
Mundijong 6202.
3. J. S. Battye Library, Alexander Library Building,
Cultural Centre,
Francis Street,
Northbridge 6000.

PD404

STATE PLANNING COMMISSION ACT 1985

Cancellation of Delegation

File No: 970-1-1-3.

Notice is hereby given that the State Planning Commission ("the Commission") has resolved to cancel the delegation of powers and functions of the Commission to the eligible persons which were published in Schedules 9 and 10 of the *Government Gazette* (No. 104 of 1993) on July 27, 1993.

GORDON G. SMITH, Secretary,
State Planning Commission.

STATE PLANNING COMMISSION ACT 1985

Notice of Delegation

File No: 970-1-1-3.

Notice is hereby given that the State Planning Commission ("the Commission") acting pursuant to the provisions of section 20 of the State Planning Commission Act 1985 ("the Act") has resolved to delegate its powers and functions set out in Schedule 9 to those eligible persons and bodies set out in Schedule 10 as replacement for Schedules by those numbers the subject of the foregoing cancellation of delegation in the Notice of Delegation published in the *Government Gazette* (No. 104 of 1993) on July 27, 1993.

Schedule 9—Powers Delegated

1. Such of the powers and functions set out:—

- (i) paragraphs (i), (ii), (iv) and (v) of subsection (1) (e) of section 18 of the Act;
- (ii) the Metropolitan Region Town Planning Scheme Act 1959 (as amended); and
- (iii) the Metropolitan Region Scheme,

as may be necessary for:—

- (a) the acquisition, management and, in accordance with the provisions of the Metropolitan Region Town Planning Scheme Act, the sale, return, lease, exchange or disposal of land for the purposes of the Metropolitan Region Scheme,
- (b) the implementation of any Improvement Plan approved by the Governor under S37A of the Metropolitan Region Town Planning Scheme Act, and
- (c) any action required to safeguard situations for which a Planning Control Area has with the approval of the Minister, been declared pursuant to Part IVA of the Metropolitan Region Town Planning Scheme Act,

subject to a limitation of \$500,000 on any individual transaction.

2. Power to undertake the following administrative and financial obligations and functions of the Commission:—

- (i) Arrangements for the leasing of Commission property including the determination of rents in accordance with established Commission practice, and the signature of appropriate documentation;
- (ii) Arrangements for the management, maintenance, repair, insurance, valuation and other related incidental functions with respect to Commission property subject to a \$50,000 maximum figure of expenditure per property in any one financial year;
- (iii) Determination of rate payments due to the Water Authority and Local Government Authorities;
- (iv) Appointment of incurring and certifying officers and issue corporate cards to relevant persons;
- (v) Monitor the budgets with respect to the SPC Account and the Metropolitan Region Improvement Fund and to approve all expenditures within budget subject to a limitation of \$500,000 on any one transaction and to compliance with procedures set out in Commission Practice Notes;
- (vi) Appoint consultants pursuant to section 41 of the Act within budget subject to a maximum figure in any one contract of \$50,000;
- (vii) Prescribing charges for and special conditions surrounding the sale and/or release of Commission publications;
- (viii) Authorise membership of associations;
- (ix) Write off bad debts for sums not exceeding \$5,000.00 and make recommendations to the Commission for writing off bad debts in excess of that figure.

Schedule 10—Application of Delegation

1. The powers and functions set out in Schedule 9 apply to the State Planning Commission Finance & Property Committee being a Committee by that name established by the Commission under Section 19 of the Act.

2. The powers and functions in

- (a) paragraphs 2 (i), (ii), (iv);
- (b) paragraph 2 (vi) but subject to a limitation of \$5,000; and
- (c) paragraph 2 (ix) but subject to a limitation of \$500 of Schedule 9 apply to the officer for the time being occupying the position of Chief Executive Officer in the Department of Planning and Urban Development.

GORDON G. SMITH, Secretary State Planning Commission.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
NOTICE OF REVOCATION OF A TOWN PLANNING SCHEME

City of Canning Town Planning Scheme No. 31
(Canning Vale Special Rural Guided Development Scheme)

Ref: 853/2/16/32, Vol. 3.

Notice is hereby given that the Council of the City of Canning, in pursuance of its powers under the Town Planning and Development Act 1928 and the Metropolitan Region Scheme Act 1928, resolved at the Ordinary Meeting of the Council held on the 18th day of January 1994 to revoke Town Planning Scheme No. 31, and the 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 Approval

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

Date: 9th March 1994.

Approval Granted

RICHARD LEWIS, Minister for Planning.

Date: 13th March 1994.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Armadale

Town Planning Scheme No. 2—Amendment No. 94

Ref: 853/2/22/4 Pt 94

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 Armadale Town Planning Scheme Amendment on March 13, 1994 for the purpose of rezoning:

- (a) portion of Lots 12 and 161 Wungong Road from "Residential R15" to "Residential Development Area"; and
 - (b) portion of Lots 12 and 161, Lot 100, Pt Lots 1 and 31 Wungong Road, Pt Lot 4 and Lots 2 and 3 Ninth Road from "General Rural" to "Residential Development Area";
- as shown on the rezoning plan.

R. C. STUBBS, Mayor.

J. W. FLATOW, City Manager/Town Clerk.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Belmont

Town Planning Scheme No. 11—Amendment No. 45

Ref: 853/2/15/10 Pt 45

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 Belmont Town Planning Scheme Amendment on March 13, 1994 for the purpose of:

by the inclusion of the following clauses:

5.18.1 Tree Preservation Orders and Planting of Trees

- 5.18.1 (a) The Council may resolve that an Order ("Tree Preservation Order") be served upon the owner of any land requiring the preservation of a tree or group of trees growing wholly or partly on that land.
- (b) If portion of the canopy of a tree, the subject of a Tree Preservation Order, overhangs property adjoining that on which the tree is growing, the Council may also resolve that a Tree Preservation Order be served upon the owner of that adjoining property and the order with any necessary modification shall have the same effect in respect of that owner as the order referred to in paragraph (a).
- (c) If the owner of land on which any tree affected by a Tree Preservation Order is situated or the owner of land which any such tree overhangs is not also the occupier of that land the Council may additionally or alternatively serve a copy of the order on the occupier of such land, and the order shall have the same effect in respect of the occupier as the orders referred to in paragraphs (a) and (b) in relation to owners.
- (d) No person served with an order or a copy of an order in accordance with this subclause, and no person who has knowledge of such an order may remove or otherwise destroy, or cut, break or otherwise damage any part of a tree affected by the order, or cause or permit such removal, destruction, cutting, breaking or damaging except with the prior approval in writing of the Council.

5.18.2 An owner of land affected by a Tree Preservation Order within 28 days of the service of the order on that owner may by a request in writing to the Council require the Council to reconsider the Tree Preservation Order and to revoke or to modify it in a manner specified in the request. If the Council within 60 days of receipt of such a request fails or refuses to revoke or modify the order as requested the owner may appeal against that refusal in accordance with the provisions of part V of the Act.

- 5.18.3 (a) The Council may at any time reconsider a Tree Preservation Order and either as a result of a request by an owner or of its own motion, may resolve to revoke or modify the order.
- (b) A revocation or modification under the preceding paragraph may be in relation to any one or more of all the lands affected by the original Tree Preservation Order.
- (c) The fact of a Tree Preservation Order being revoked or modified shall be notified to any owner and occupier of land affected by the original Tree Preservation Order.

- 5.18.4 The Council may keep and maintain a register of trees which includes the description and location of any tree or group of trees the subject of a Tree Preservation Order, and the name and address of the landowner or occupier on whom any order has been served in accordance with this clause. The register shall be kept available for public inspection at the administrative office of the Council.
- 5.18.5 When the Council resolves to serve a Tree Preservation Order on the owner or occupier of any land the Council may without any further resolution deliver a copy of the Tree Preservation Order.
- (i) In the case of an order relating to land which is under the operation of the Transfer of Land Act 1893, to the Registrar of Titles;
 - (ii) In the case of an order relating to land which is alienated from the Crown but which is not under the Transfer of Land Act 1893, to the Registrar of Deeds and Transfers; or
 - (iii) In the case of an order relating to land which is under the operation of the Land Act 1933, to the Under Secretary for Lands.
- 5.18.6 Upon the revocation or modification of a Tree Preservation Order which has the effect that any land is no longer affected by the Order, the Council shall deliver a notification of the fact that the land is no longer affected in the same way and to the same officers as a copy of an order is delivered under the preceding subclause. Such notification shall specify the date on which the revocation or modification took place and the land to which it relates.
- 5.18.7 (a) On receiving a copy of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles, the Registrar of Deeds and Transfers or the Under Secretary for Lands, as the case requires, shall register the order and endorse or note accordingly the appropriate register book or register or record in respect of the land stipulated in the order as the land to which it relates.
- (b) On receiving a notification of revocation or modification of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles, the Registrar of Deeds and Transfers or the Under Secretary for Lands, as the case requires, shall cancel or modify (as the notification requires) the registration of the Tree Preservation Order in relation to the land specified and endorse or note accordingly the appropriate register books register or record in respect of the land so specified.
- 5.18.8 In this clause:
- "Registrar of Titles" has the meaning given by the Transfer of Land Act 1893;
 - "Registrar of Deeds" has the meaning given by the Registration of Deeds Act 1856;
 - "Under Secretary for Lands" means permanent head of the department within the meaning of the Land Act 1933.

P. P. PARKIN, Mayor.
B. R. GENONI, Town Clerk.

PD408

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

Town Planning Scheme No. 6—Amendment No. 158

Ref: 853/6/2/9 Pt 158

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

1. Rezoning Leschenault Location 26, Part Lot 11 Pelican Point from "Special Use—Resort Development" to "Residential R20";
2. Amending the Scheme Map accordingly.

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 29, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 29, 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.

PD409**TOWN PLANNING AND DEVELOPMENT ACT 1928**
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Mandurah

Town Planning Scheme No. 1A—Amendment No. 184

Ref: 853/6/13/9 Pt 184

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 Mandurah Town Planning Scheme Amendment on March 10, 1994 for the purpose of:

1. Including approximately 3286m² of the road reserve of Arnold Street, Mandurah within the Commercial Zone.
2. Rezoning Lots 9, 10 and 13 Arnold Street, Mandurah and portion of Pt Lot 6 Dower Street, Mandurah from the Showrooms Zone to the Commercial Zone.

As depicted on the amending plan adopted by Council on the 14th day of April 1992.

G. N. SALAMON, Mayor.
S. K. GOODE, Town Clerk.

PD410**TOWN PLANNING AND DEVELOPMENT ACT, 1928**
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Rockingham

Town Planning Scheme No. 1—Amendment No. 245

Ref: 853/2/28/1 Pt 245

Notice is hereby given that the City of Rockingham has prepared the abovementioned scheme amendment for the purpose of amending the scheme to allow aged persons dwellings to a maximum density of R40 on the western moiety of Lot 2 Benjamin Way, Rockingham and modifying the relevant clause to accurately depict existing land uses and lot numbers.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Council Avenue, Rockingham 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 29, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 29, 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. G. HOLLAND, Town Clerk.

PD411**TOWN PLANNING AND DEVELOPMENT ACT, 1928**
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Stirling

District Planning Scheme No. 2—Amendment No. 138

Ref: 853/2/20/34 Pt 138

Notice is hereby given that the City of Stirling has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 7, H.N. 443 Scarborough Beach Road, Osborne Park from "General Industrial" to "Special Use Zone—Industrial Showrooms and General Industrial".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Place, Stirling 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 8, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 8, 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. S. BRAY, Town Clerk.

PD412

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Stirling

District Planning Scheme No. 2—Amendment No. 204

Ref: 853/2/20/34, Pt. 204.

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 Stirling Town Planning Scheme Amendment on March 13, 1994 for the purpose of:

1. Rezoning Lot 5, H.N. 501 Wanneroo Road, Balcatta from "Hotel" to "Special Use Zone—Special Garden Industrial and Industrial Showrooms".
2. Altering Schedule II of the Scheme by the addition thereto of the following:

Wanneroo Road Balcatta	Portion of Swan Location K1 and being Lot 5 on Diagram 25588	Special Garden Industrial—Industrial Showrooms
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A. A. SPAGNOLO, Mayor.
G. S. BRAY, Town Clerk.

PD413

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENTS
City of Wanneroo

Town Planning Scheme No. 1—Amendment Nos 654 and 666

Ref: 853/2/30/1 Pts 654 and 666.

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 Wanneroo Town Planning Scheme Amendments on March 13, 1994 for the purpose of:

Amendment No. 654

1. Amending the Development Guide Plan for Special Rural Zone No. 4 to accommodate the proposed subdivision of Lot 43 Dempster Place, Mariginiup.

Amendment No. 666

1. Deleting the existing Market Garden Sales interpretation in Section 1.8;
2. inserting a new Market Garden Sales interpretation in Section 1.8 as follows:
 "Market Garden Sales" means the sale or offering for sale of fresh fruit and vegetables from a lot which is predominantly used as a market garden and includes as a minor, incidental use, the sale of cool drinks and prepackaged ice cream to visitors to the premises.

G. A. MAJOR, Mayor.
R. F. COFFEY, Town Clerk.

PD414

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Wanneroo

Town Planning Scheme No. 1—Amendment No. 674

Ref: 853/2/30/1 Pt 674

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 Wanneroo Town Planning Scheme Amendment on March 8, 1994 for the purpose of:

Adding the following clause and schedule to Part 3 of the Scheme Text:

" 3.34 Delegation of Development Control Powers

- 3.34.1 The Council may either generally, or in a particular case or a particular class of cases by resolution passed by an absolute majority of the Council delegate to the persons referred to in the schedule to this clause the authority to deal with an application for development approval made under this Scheme.

- 3.34.2 The delegation of authority made by the Council pursuant to the preceding subclause hereof shall have effect for the period of twelve (12) months following the resolution, unless the Council stipulates a lesser period in the resolution.
- 3.34.3 A delegation of authority pursuant to the provisions of this clause 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 the function by delegate under subclause 3.34.1 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.
- 3.34.4 Without affecting the generality of the provisions of this clause, 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.
- 3.34.5 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.
- 3.34.6 The person or persons exercising power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, in so far as such provisions are reasonably applicable.

Schedule

The Council may delegate its powers under the provisions of this clause to any of the following:

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for development approval within the district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer or those officers of the authority, holding or eligible to hold a Municipal Town Planner's Certificate appointed to the position of Town Planner for the purposes of the Local Government Act with overall responsibility for the planning function of the Council or appointed by the Council to supervise the development control functions of the Council;

or those persons who from time to time occupy any of the positions referred to above. "

G. A. MAJOR, Mayor.
R. F. COFFEY, Town Clerk.

PD415

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Bridgetown-Greenbushes
Town Planning Scheme No. 3—Amendment No. 27

Ref: 853/6/5/3 Pt 27

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 Bridgetown-Greenbushes Town Planning Scheme Amendment on March 13, 1994 for the purpose of rezoning portion of the Railway Reserve (as indicated on the scheme Amendment Map) from Railway Reserve to Residential.

S. GRANT, President.
R. I. STEWART, A/Shire Clerk.

PD416

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
Shire of Chittering
Town Planning Scheme No. 5—Amendment No. 29

Ref: 853/3/4/5 Pt 29

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

1. Rezoning Swan Location 1352: Lots 7, 9, 10, 11 and 14 Wandena Road from "Rural 1" Zone to "Special Rural" Zone.

2. Including in Schedule 2 of the scheme text the proposed landfill site and clay excavation areas as special uses within the Rural 1 Zone.
3. Including in Schedule 5 specific development standards relating to the proposed Special Rural Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway, Bindoon 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 29, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 29, 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.

P. L. FITZGERALD, Shire Clerk.

PD417

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

Shire of Derby-West Kimberley

Town Planning Scheme No. 2—Amendment No. 18

Ref: 853/7/4/2 Pt 18

Notice is hereby given that the Shire of Derby-West Kimberley has prepared the abovementioned scheme amendment for the purpose of:

1. Adding to Schedule 2 "Eating House (Devonshire Tea Garden) and Nursery" as an Additional Use on Lot 635 Derby Highway, Derby.
2. Inserting the definitions of "Eating House" and "Nursery" within Clause 1.6 of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Loch Street, Derby 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 29, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before April 29, 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.

P. ANDREW, Shire Clerk.

PD418

**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT**

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 47

Ref: 853/6/16/7 Pt 47

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on March 13, 1994 for the purpose of:

1. rezoning part of Lot 68 North Yunderup Road, North Yunderup from 'Commercial' to 'Residential R35';
2. amending the Scheme Maps accordingly.

N. H. NANCARROW, President.

D. A. McCLEMENTS, Shire Clerk.

PD419

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Roebourne

Town Planning Scheme No. 6—Amendment No. 33

Ref: 853/8/5/4 Pt 33

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 Roebourne Town Planning Scheme Amendment on March 13, 1994 for the purpose of:

1. Introducing a new Zone to the Scheme and amending the Scheme Text by inserting a new Clause 3.8 (as follows) by renumbering existing Clause 3.8 as 3.9 and by renumbering existing Clauses 3.8 to 3.10 as 3.9 to 3.11 respectively. Table of Contents to be amended accordingly:

“ 3.8 Rural Residential Zone Development Requirements.

3.8.1 Rural Residential Zone Provisions.

The following provisions shall apply specifically to all land included in the Rural Residential Zone in addition to the Site Specific Requirements outlined in Schedule 7 and any provisions which are more generally applicable to such land under the Scheme:

- (a) The objective of the Rural Residential Zone is to select areas within the rural areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, rural/residential retreats, including market gardens and viticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such an area.
- (b) The provisions for controlling subdivision, land uses and development relating to specific Rural Residential Zones will be as laid down in Schedule 7 to the scheme and future subdivision will accord with the Plan of Subdivision for the specified area referred to in the Schedule and such plan of subdivision shall form part of the Scheme.

Before making provisions for a Rural Residential Zone, Council will prepare, or require the owner(s) of the land to prepare, a submission supporting the creation of the Rural Residential Zone and such submissions shall include:

- (i) A statement as to the purpose or intent for which the zone is being created;
 - (ii) The reasons for selecting the particular area the subject of the proposed zone;
 - (iii) A plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, groups of trees, rivers, creeks, swamps, wells and significant improvements;
 - (iv) Information regarding the method whereby it is proposed to provide a potable water supply to each lot;
 - (v) The proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented.
- (c) The Scheme provisions for a specific Rural Residential Zone shall include a Plan of Subdivision showing:
- (i) The proposed ultimate subdivision including approximate lot sizes and dimensions;
 - (ii) Building envelopes and areas nominated for revegetation;
 - (iii) Areas to be set aside for Public Open Space, pedestrian access ways, horse trails, community facilities, etcetera, as may be considered appropriate;
 - (iv) Those physical features it is intended to conserve;
 - (v) The proposed staging of the subdivision where relevant.
- (d) In addition to the Plan of Subdivision, the Scheme provisions for a specific Rural Residential Zone shall specify:
- (i) The facilities which the purchasers of the lots will be required to provide (for example, their own potable water supply, liquid and solid waste disposal systems, etcetera);
 - (ii) Proposals for the control of land uses and development which will ensure that the purpose of intent of the Zone and the rural environment and amenity are not impaired;
 - (iii) Any special provisions appropriate to secure the objectives of the Zone.

- (e) In addition to a Building Licence, the Council's planning approval is required for all development including a private dwelling house and such application shall be made in the form of Schedule 3 to the Scheme and be subject to the provisions of Part II of the Scheme.
- (f) Notwithstanding the provisions of the Building Code of Australia, not more than one private dwelling house per lot shall be erected.
- (g) The Council may, by notice served upon individual landowners or upon a subdivider of land within this Zone, require the preservation of specified groups of trees and thereafter no landowner or subdivider shall cut, remove or otherwise destroy any group of trees so specified unless the Council rescinds the notice or order.
- (h) In addition to such other provisions of the Scheme as may affect it, any land which is included in a "Rural Residential Zone" shall be subject to those provisions as may be specifically set out against it in Schedule 7 entitled "Rural Residential Zones: Provisions Relating to Specified Areas".
- (i) Notwithstanding the provisions of the Scheme and what may be shown in the Plan of Subdivision specified in Schedule 7 the Department of Planning and Urban Development may approve a minor variation to the subdivisional design but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.

3.8.2 Subdivision Requirements General.

- (a) Each small rural holding lot shall be provided with frontage to a fully-constructed and sealed road connected to a fully-constructed and sealed road system in the district.
- (b) Except as may be provided in Schedule 7, no small holding lot to be created pursuant to this Scheme shall have an area of less than 1.0 hectare.
- (c) In making recommendations to the Department of Planning and Urban Development on applications for approval to subdivide, the Council may take into account:
 - the number of similar lots already available for development both within and outside the particular Rural Residential Zone;
 - the rate of development of lots existing at the time when the application is current;
 - any other factors relevant to the subdivision of the land for its zoned purpose.

3.8.3 Development Requirements General.

- (a) Each dwelling shall be provided with a supply of potable water either from a reticulated system or an underground bore, to the satisfaction of the Council.
- (b) In addition to dwellings which may be approved by Council pursuant to the foregoing sub-clauses, Council may also approve the erection of such outbuildings that would reasonably be associated with residential or agricultural use or other use as may be approved by Council.
- (c) No lot shall be cleared of more than 30 per centum of its area including the area of buildings on the lot unless Council is satisfied upon receipt of a submission that clearing of land to an extent greater than 30 per centum will not adversely affect the amenity, character and landscape qualities of the area, then it may approve such land to be cleared subject to conditions if necessary.
- (d) All applications for planning approval made pursuant to Clause 3.8.1 (e) and Part II for development within a Rural Residential Zone shall indicate the entire lot, the areas of natural vegetation, the site contours, the extent of any earthworks, the siting, setbacks, design and external appearance of all new buildings nominating the reason for the choice of the materials and the manner in which these will assist the integration of the buildings into the natural landscape.
- (e) All applications for planning approval shall embody the basic premise that development and the provision of associated services are secondary to the natural features of the site and therefore shall show the extent of any earthworks and/or clearing.
- (f) The siting and erection of any building, outbuilding, or fence shall not be approved by Council unless such improvement is within a designated building envelope, or until it is satisfied that the design, construction, materials and position will be in harmony with the rural character of the land within the zone and the area generally.
- (g) So far as is practicable, the rural character of the area shall be maintained and native trees shall be retained.

3.8.4 Land Use.

- (a) No person shall use or permit to be used any lot or any part of a lot for any purpose which would:
- detract from the rural/residential amenity of adjoining lots;
 - detract from the rural character of the area generally;
 - adversely affect the land by exceeding usual stocking rates with the resultant prospect of soil erosion;
 - adversely affect the established vegetation on the land.
- (b) In granting planning approval, the Council may require each lot owner to undertake a programme of tree planting related to the degree to which the land or buildings are exposed to view and such a programme may be in addition to that carried out as a part of the subdivision of the land. For the purpose of this clause a proposal to allow land to revert to its former natural condition may be acceptable to the Council.
- (c) No lot within a Rural Residential Zone shall be used for any other purpose than for residential purposes (rural retreat) or for agricultural purposes (small building or hobby farm) or for such other use as the Council may approve pursuant to this Scheme. "

2. Amending the Scheme Text by:

- (a) Adding the "Rural Residential Zone" to Subclause 2.2.2 as a new Sub-subclause (g) and by redesignating existing Sub-subclause (g) as (h).
- (b) Adding the "Rural Residential Zone" to Subclause 2.2.3, Table 3—Zoning Table, by adding a column between the Pastoral Zone and the Special Uses Zone.
- (c) Amending Table 3—Zoning Table, by applying Permissibility Designations to use Classes in the "Rural Residential Zone" as follows:
- "P Uses" : Single House
 - "AA Uses" : Home Occupation, Horse Stable, Kennels, Rural Industry, Pastoral Activity, Plant Nursery.
 - "—" : All Other Uses Not Permitted.

3. Adding a new Schedule to the Scheme "Schedule 7—Provisions Relating to Specified Areas", the Schedule having column headings as follows:

AREA	ADDITIONAL PROVISIONS TO CLAUSE 3.8 & THE ZONING TABLE
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4. Introducing provisions to Schedule 7—Provisions Relating to Specified Areas relating to Area 1—Stove Hill as follows:

" 1. Stove Hill:

Lot 1485 and Adjacent Lot North of Switch Road as shown on the Scheme Map.

- (a) Minimum lot size shall be 1 hectare with an average lot size within any subdivision of 2 hectares.
- (b) As this zone comprises of an area with high landscape value, all buildings on any one lot shall be erected within 25 metres of the outer walls of the dwelling.
- (c) Notwithstanding (b), where by reason of the nature of materials to be stored in a building, Council is satisfied that it would be undesirable that buildings be clustered it may allow buildings to be separated by such distance as determined by Council.
- (d) No building or structure with a height exceeding 8 metres above the natural grounds surface shall be permitted.
- (e) Revegetation of area as designated on approved Plan of Subdivision shall be planted and maintained to the satisfaction of Council.

- (f) No removal of any remnant native vegetation is permitted without prior special approval of Council.
 - (g) No development or land use activity shall impede in any way the natural water flow along any creek line or water course. "
5. Amending the Scheme Map by rezoning Area 1 Stove Hill (Lot 1485 and Adjacent Lot) to "Rural Residential Zone", and rezoning Portion Reserve 36991 to "Communications Reserve—Local Road".
 6. Adding a new Zone to the Legend on the Scheme Maps. The new Zone shall be called "Rural Residential" and be placed between the "Pastoral" and "Special Uses" Zone categories. The Zone shall be designated by Olive Green colouring (as for the Pastoral Zone) with a Brown Border on the Scheme Map.

R. MUNDY, President.

F. GOW, Shire Clerk.

PD420

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Swan

Town Planning Scheme No. 9—Amendment No. 211

Ref: 853/21/10 Pt 211

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 Swan Town Planning Scheme Amendment on March 13, 1994 for the purpose of:

1. Altering the Subdivisional Guide Plan for Special Rural Zone No. 9—Chittering Road/Smith Road/Taylor Road East Bullsbrook Locality to enable the subdivision of Lot 250 Meadowbrook Ramble into 2 lots of 2.124 hectares, as depicted on Plan 3.
2. Amending the Scheme Text by deleting in Appendix 7—Special Rural Zones—Provisions Relating to Specified Area—Special Rural Zone No. 9—Chittering Road/Smith Road/Taylor Road, East Bullsbrook Locality, provision 1) a), which states:
 - (1) (a) Average lot size shall be 3.5 ha
 and replacing it with a new clause (1) (a) as follows:
 - (1) (a) Average lot size shall be 3.3 ha

M. C. KIDSON, President.
 E. W. LUMSDEN, Shire Clerk.

PD704

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME
Shire of Mundaring

Town Planning Scheme No. 3

Ref: 853/2/27/3 Vol. 5

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 Mundaring Town Planning Scheme No. 3 on February 24, 1994—the Scheme Text of which is published as a Schedule annexed hereto.

R. P. DULLARD, President.
 K. F. BENTLEY, Shire Clerk.

SCHEDULE
TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME
Shire of Mundaring
Town Planning Scheme No. 3—District Zoning Scheme

SCHEME TEXT

ADOPTION

(Council Resolution No. R 21678)

Adopted by Resolution of the Council of the Shire of Mundaring at the meeting of the Council on the 23rd day of December 1992.

R. DULLARD, President.
K. F. BENTLEY, Shire Clerk.

FINAL ADOPTION

(Council Resolution No. 22203)

Adopted for final approval by Resolution of the Council of the Shire of Mundaring at the meeting of the Council on the 25th day of January 1994.

R. DULLARD, President.
K. F. BENTLEY, Shire Clerk.

RECOMMENDED FOR FINAL APPROVAL—

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

Date 23 February 1994.

FINAL APPROVAL GRANTED—

HON. RICHARD LEWIS, Minister for Planning.

Date 24 February 1994.

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME
Shire of Mundaring
Town Planning Scheme No. 3
District Zoning Scheme

The Shire of Mundaring 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.

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PART I—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Mundaring Town Planning Scheme No. 3—District Zoning Scheme (hereinafter called “the Scheme”) and shall come into operation on the publication of the Scheme and the notice of the Minister’s final approval thereof in the *Government Gazette*.

1.2 REVOCATION

The Shire of Mundaring Town Planning Scheme No. 1 (District Zoning Scheme), as amended, published in the *Government Gazette* on 6th April, 1973 is hereby revoked.

1.3 RESPONSIBLE AUTHORITY

The authority responsible for enforcing the observance of the Scheme is the Shire of Mundaring (hereinafter referred to as “the Council”).

1.4 SCHEME AREA

The Scheme shall apply to the whole of the municipal district of the Council as set out in the maps forming part of the Scheme.

1.5 SCHEME DOCUMENTS

- (1) The Scheme comprises the following documents:
 - (a) Scheme Text
 - (b) Scheme Maps
- (2) The Scheme Maps are intended to be read with the Text but are not published in the *Government Gazette*.

1.6 ARRANGEMENT OF THE SCHEME TEXT

The Scheme Text is divided into the following parts:

- PART I Preliminary
- PART II Reserved Land
- PART III Zones and Objectives
- PART IV General Development Requirements
- PART V Special Controls
- PART VI Use and Development of Land
- PART VII Non-Conforming Uses
- PART VIII Administration

1.7 RELATIONSHIP TO THE METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme. The provisions of the Metropolitan Region Scheme, shall continue to have effect within the District.

1.8 RELATIONSHIP OF SCHEME TO BY-LAWS

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

1.9 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.

1.10 SCHEDULES

Any Schedule hereto forms part of the Scheme.

1.11 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.

1.12 GENERAL OBJECTIVES

The general objectives of the Scheme are:

- (a) to zone land within the District for the purposes described in the Scheme so as to promote the orderly and proper planning and the preservation and enhancement of amenity within the District;
- (b) to set aside land as reservation for public purposes;
- (c) to ensure the orderly and proper use and development of land within the District;
- (d) to protect and enhance the quality of the urban and rural living environments characteristic of the District, and to provide for such expansion as is consistent with the maintenance of the amenities of the District;
- (e) to promote the health, safety, convenience and the economic and general welfare of the District;
- (f) to ensure the use and development of land does not result in significant adverse impacts on the physical environment;
- (g) to assist in the protection of regional forest, water catchment, recreational and other land resources;
- (h) to maintain the separate identities of the settlements in the District by preventing their coalescence;
- (i) to encourage the continued use of land for rural pursuits in appropriate areas within the District;
- (j) to protect objects and places of outstanding natural, (eg landform, water courses) historic, architectural, scientific and cultural significance; and
- (k) to make provision within the District for such of those matters set out in Section 6 and the First Schedule of the Act as are necessary or incidental to the effective operation of a district zoning scheme.

1.13 INTERPRETATION

(1) Words and expressions used in this Scheme and defined in subclause 1.13(4) have the meanings assigned to them in that subclause.

(2) Words and expressions used in this Scheme, but not defined in subclause 1.13(4) have the meanings assigned to them in and for the purposes of the Town Planning and Development Act or the Residential Planning Codes unless the context requires otherwise, or unless it is otherwise provided herein.

(3) In the case of any inconsistency between the definition of any word or expression in subclause 1.13(4) and in the Residential Planning Codes the definition in subclause 1.13(4) of the Scheme shall prevail unless the context requires otherwise.

(4) Unless the context requires otherwise, the words and expressions used in the Scheme shall have the following meanings:

“Act” means the Town Planning and Development Act 1928 (as amended).

“advertisement” means the publication, display or presentation of any sign or advertising device and the terms “advertising” and “advertising sign” have corresponding meanings.

“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 given to it in and for the purposes of the residential planning codes.

“aged or dependent person’s dwelling” means a dwelling designed or adapted for the accommodation of aged or dependent persons.

“amenity” in the case of a residential locality means the quality and the conditions and characteristics of the locality which contribute to its pleasantness and harmony and its better enjoyment.

"amusement machine" means a machine designed and constructed for the purpose of enabling a person or persons to participate in a game or an amusement, involving the activation of the machine by insertion into that machine of a coin or token but does not include a lottery ticket dispensing machine.

"amusement centre" includes:—

- (a) any premises open for public use which contain one or more amusement machines, irrespective of whether those premises are also used for other purposes; and
- (b) a billiard saloon; but does not include an indoor recreation establishment.

"ancillary accommodation" has the same meaning given to it in and for the purposes of the residential planning codes.

"art gallery" means a building or artist's workroom which may include the making, displaying and sale of handmade art works or items adapted by hand but does not involve the use of machinery normally associated with a light industry or home industry.

"building" has the same meaning given to that term in the Residential Codes but for the purposes of the Scheme shall also include a stall, wall, fence, barrier, hoarding, outbuildings, tent, caravan and a swimming pool, but excludes a boundary fence or other like structure less than 1.8 metres in height.

"building envelope" means an area of land defined on a lot diagrammatically on a plan or defined by measurement to the boundaries of the lot or by other means acceptable to the Council and within which area all buildings on the lot are to be contained.

"caravan" means any vehicle whether currently equipped with wheels or not, together with attachments, designed or adapted for human habitation.

"caravan park" means the use of land for the parking of caravans and/or the erection, placement and the use of tents for the purpose of providing accommodation to members of the public as a commercial enterprise.

"carparking space" means an individually accessible space set aside or designated for the parking of one motor vehicle.

"catering business" means a business other than a restaurant, hotel, tavern or club preparing or providing food for consumption on the premises or elsewhere and includes a cafe, snack bar, takeaway food bar, kiosk or the like.

"caretaker's dwelling" means a building or portion of a building used as a dwelling by the proprietor or manager of any industry or business carried on upon the same allotment or by a person having the care of the building, plant or site of such industry or business.

"cattery" means land or buildings where more than three (3) cats over the age of three (3) months are kept.

"child day care centre" means any land or buildings used for the daily or occasional care of children but does not include a child family care centre.

"child family care centre" means a child minding centre conducted in a private dwelling and in which children are received for care in a family environment.

"civic use" means the use of any land or building by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

"cluster rural living dwelling" means a dwelling which is one of a group of two or more dwellings on the same lot in a rural zone.

"commercial car park" means any land or building used for the purpose of providing parking for motor vehicles and where a parking fee is charged.

"commercial vehicle" means a vehicle, whether licensed or not, which is used or designed or intended for use in conjunction with a profession, trade or business and, without limiting the generality of the foregoing, 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 Vehicle Sales Regulations 1976 (as amended)], or 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.

"comparison shopping" means the purchase of durable or higher priced goods which are commonly chosen by comparing individual articles of a similar type.

"community club" means any land or building used by a club or association or other like body 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.

"communications installation—private" means masts, aerials and associated equipment or other equipment of a like kind considered by the Council to be visually unobtrusive, used for the transmission and reception of communication as electronic signals for hobby purposes only by residents in the District and does not include similar equipment used for business purposes for gain.

"communications installation—small scale commercial" means masts, aerials and associated equipment or other equipment of a like kind considered by the Council to be visually unobtrusive, used by commercial enterprises for the transmission or reception of communications or electronic signals but does not include any other type of building or equipment requiring frequent servicing.

"communications installation—large scale commercial" means buildings, masts, aerials and equipment used by commercial enterprises for broadcasting, filming and the transmission or reception of communication or electronic signals.

"convenience shopping" means the purchase of goods to satisfy short term essential needs. Without limiting the generality of the foregoing, the term includes the regular purchase of food, cleaning materials, other small household goods and other goods of a like kind.

"convenience store" means land and buildings used for retail sale of convenience goods other than liquor and includes the sale of petrol, and operated during the hours which include, but which may extend beyond, normal trading hours and providing associated parking.

"convention centre" means a building or part of a building, used for conventions, conferences or the like and including, for such purposes, a bar, a restaurant and offices.

"Council" means the Council of the Shire of Mundaring.

"cultural heritage significance" when applied to a place or object within the District has the meaning given to it by clause 5.18.

"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 purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and a 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 Section 2 of the Act, but without limiting the generality of that meaning, for the purpose of this Scheme, the term includes the following:

- (a) the use of land and the commencement or any change in the use of land;
- (b) the subdivision of land;
- (c) the carrying out of roadworks and other like works or services on or in relation to land;
- (d) the erection, extension or alteration of any building;
- (e) the deposit of fill of any kind or any other material on land;
- (f) the demolition or destruction of any building structure or other work on land;
- (g) the excavation or removal of any material, substance or thing from land; or
- (h) the construction of a farm dam.

"development application" means an application for planning approval for any development on land.

"development strategy bargraph" means a time framed design and construction schedule showing the intended stages of development and the timing of major activities associated with each stage.

"display home" means a dwelling or dwellings intended to be open to the public for inspection for the purpose of marketing services and/or dwellings for a particular builder or building company.

"District" means the Municipal District of the Shire of Mundaring.

"dwelling or dwelling unit" means a building or portion of a building containing at least one living room and includes rooms, outbuildings, and other structures attached to or separate from such building but ancillary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- (a) a single person;
- (b) a family; or
- (c) no more than six persons who do not comprise a single family but share the accommodation on an interdependent basis.

"educational establishment" means a school, college, university, technical institute, academy or other educational centre whether or not residential accommodation is provided for students, but does not include a residential building, a child day care centre or a place of public worship.

"effective frontage" means the length of the lot boundary which is on the street alignment or the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, whichever is the greater and shall be calculated as follows:

- (a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting each side boundary at a point being one third of the mean depth of the lot measured from the street frontage;

- (c) where the lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by Council.

"environment" has the same meaning as is given to that term in the Environmental Protection Act 1986 and inflections of the term have a corresponding meaning.

"environmental significance" when applied to a place or object within the District has the meaning given by clause 5.18.

"explanatory document" in relation to a town planning scheme code as described in clause 8.15 means a document setting out—

- (a) the aims and objectives sought to be achieved through the code;
- (b) the codes which have been or are proposed to be adopted to achieve those aims and objectives; and
- (c) the manner in which those codes will be implemented to achieve those aims and objectives.

"facade" means the face of a building exposed toward a road or open space or the frontal outward appearance of the building.

"factory unit" means a portion of a factory tenement building that is the subject of a separate occupancy but each of which has its own storage yard appurtenant to the building and to which there is a direct vehicle access for loading and unloading.

"frontage" means the boundary line or lines between the land and street or streets upon which that land abuts, except when referring to residential developments where the definition of the term in the residential planning code shall prevail.

"fuel depot" means a depot for the storage or sale in bulk of solid, liquid or gaseous fuel, but does not include a service station.

"funeral parlour" means a building used for the storage or preparation for burial or cremation of bodies, and includes a funeral chapel associated therewith.

"garden centre" means any land or building used for the sale and display of garden products, (in bulk or otherwise), fittings and implements, motorised domestic garden implements and the display but not manufacture of prefabricated garden buildings and swimming pools, but does not include a nursery.

"gazetted date" means the date on which notice of the approval of the Minister to the Scheme was published in the *Government Gazette*.

"gross floor area (GFA)" in relation to a building means the aggregate of the total floor area of each level of the building including the thickness of external walls but excluding the space set aside for carparking or access thereto.

"gross leasable area (GLA)" means the area of all floor space capable of being occupied by a tenant for exclusive use, and is measured from the centre lines of joining partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

"grouped dwelling" has the same meaning given to it in and for the purposes of the residential planning codes.

"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 permanent footpath level immediately in front of the centre of the face of the building to the level of the top of the eaves, parapet or flat roof, whichever is the highest.

"holiday accommodation" means accommodation comprising two or more cabins, apartments, part of a residence, or chalets which, by way of trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than by the proprietor.

"home occupation" means an occupation or profession which is carried on in a dwelling or within the curtilage of a dwelling by a person resident therein, and which does not detrimentally affect the amenity of the locality, but does not include a child day care centre.

"hospital" means any building or part thereof, whether permanent or otherwise, in which persons are received and lodged for medical or surgical treatment or care and (without limiting the generality of the foregoing) includes a "C" class hospital and a convalescent home but does not include a medical clinic.

"hotel" means premises the subject of an hotel licence granted under the Liquor Licensing Act 1988, whether or not accommodation is provided for the public and whether or not meals are served, and includes a motel the subject of such licence.

"incidental use" means a subordinate use of a site which, in the opinion of Council, is a necessary or ordinary adjunct to the primary use of the site.

"indoor recreation centre" means a building or part of a building used for recreation purposes for which a charge is made by the owner or occupier and includes squash courts, a gymnasium, indoor bowling centre, martial arts centre and any other similar place, but does not include recreational uses on the site of a dwelling intended for exclusive use by occupiers of the dwelling.

"industry" means the carrying out of any process for or incidental to:

- (a) 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 materials;
- (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) the packaging of any goods or machinery;
- (h) any process of testing or analysis of any article, 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 operations;
 - (iii) the sale of goods resulting from such operations; and
 - (iv) any work of administration or accounting in connection with the undertaking; and includes any industry or any class of industry particularly described or defined in this Scheme, but does not include a home occupation or motor body works.

"industry—extractive or extractive industry" means the excavation of land for the purpose of obtaining sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, but excluding domestic and building earthworks, earthworks for a rural industry, rural pursuit, and any other exclusion as decided by the Council.

"industry—hazardous or hazardous industry" means an industry which by reason or 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.

"industry—home or home industry" means a business, a commercial activity, or arts and craft activity to serve local needs, carried out at the place of ordinary residence of the applicant/landowner, which cannot be carried out under the provisions relating to the "Home Occupation" classification.

"industry—light or light industry" means an industry in which the processes carried on, the machinery used and the carriage of goods and commodities 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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; and does not include any of the uses or activities carried on in a wrecker's yard or a motor body works.

"industry—noxious or noxious industry" means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended) but does not include wet fish shops or piggeries or a waste disposal process operation carried out by or under the direct management and supervision of the Council.

"industry—rural or rural industry" means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, or such other areas as the Council considers appropriate, and a workshop, servicing plant or equipment used for rural purposes in the locality.

"industry—service or service industry" means a light industry carried out on land or in buildings which may or may not have a retail shop front and in which the goods manufactured are sold primarily on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced. Without limiting the generality of the foregoing the term includes the following:

- * Bread, cake or pottery manufacturing;
- * Cycle repairing;
- * Dressmaking;
- * Dry cleaning;
- * Duplicating and copying services;
- * Electrical appliance repair and maintenance workshop;
- * Film developing and printing;
- * A laundry;
- * Millinery manufacturing;
- * Parcel delivery and service depot;
- * Photographic studio;
- * Printing;

- * Radio/Television repairing and servicing;
- * Shoe repairing;
- * Tailoring;
- * Watch-making

and any other similar industry as determined by Council.

"kennel" means any land or building used for the purpose of keeping, breeding, or temporary care of dogs where such premises are registered or required to be registered under the Dog Act 1976 and any By-laws made under that Act.

"land sales office" means a temporary office to deal with inquiries regarding the sales of land in the estate or development area in or near to which the land sales office is located, and which will not continue in use as an office after the lots in the estate or development area have been sold.

"licensed club" means premises used as club rooms and the subject of a Club licence under the Liquor Licensing Act 1988.

"lot feeding" means the use of a building or land for the restraining and rearing of livestock by importing most feed from outside the enclosure, rather than by free range grazing and includes ancillary works or buildings approved by Council, but does not include temporary feeding of stock normally supported by free range grazing.

"market" means the occasional use of land or buildings by a number of vendors for a fair or the sale of produce, livestock, wares and provisions from temporary stalls within a building or outdoors in defined areas.

"medical clinic" means a building used by one or more medical practitioners, physiotherapists, dentists, or persons ordinarily associated with health care, or their employees and may also include ancillary services such as chemists, but does not include a hospital.

"Minister" means the Minister responsible for Planning.

"motor body works" means premises for repairing damaged motor vehicle bodies and associated mechanical work and includes body building, panel beating and/or spray painting of such vehicles.

"motor repair station" means a building or place used for the carrying out of repairs to motor vehicles but does not include motor body building, panel beating or spray painting of vehicles.

"multiple dwelling" means a dwelling in a group of more than one where any part of the dwelling is vertically above or below part of any other.

"natural vegetation" means native trees and plants growing naturally and the term shall not extend to include planted vegetation whether of native species or otherwise.

"net lettable area (NLA)" means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:

all stairs, toilets, cleaners' cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;

lobbies between lifts facing other lifts serving the same floor;

areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

"nursery" means a building or place primarily used for the propagation growth or display of plants of all kinds and includes sale by retail, whether or not seeds, equipment, soil, sand, rocks or the like, or other associated products are also produced, displayed or sold therein, but does not include:

(a) the carrying on 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.

(e) a use falling more appropriately within the definition of the term "garden centre".

"objectives" means the aims or intent to which the provisions of the Scheme are designed to achieve.

"office" means a building or part of a building used for the conduct of administration whether public or otherwise, the practice of a profession, the carrying on of typist or secretarial services or agencies and without limiting the generality of the foregoing includes an estate agency, insurance office, travel agency, bank, building society, post office and any other similar agency as determined by Council.

"outbuilding" means a building appurtenant to and detached from a residential dwelling but does not include a pergola, patio or carport.

"outdoor entertainment" means the provision of recreation, entertainment or amusement to members of the public outdoors or grounds or facilities therefor, whether or not food is provided on the premises. The term includes a building used for a community club.

"parking area" means an area set aside or designated for the parking of not less than three motor vehicles.

"passenger terminal" means a building or place used as a railway or bus station, shipping passenger terminal, airline passenger terminal or heliport.

"piggery" means a rural holding or part thereof including buildings which is set aside for the keeping, breeding or rearing of pigs.

"place of worship" means a building or place used primarily for religious activities of a church, chapel, synagogue, temple or for religious instruction or worship for the purpose of religious training, but does not include an institutional establishment or educational establishment.

"planning precinct" means an area defined within a zone diagrammatically on a plan or by other means acceptable to Council for the purpose of indicating special criteria on the use and development of land.

"plot ratio" 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 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 boundaries.

"public recreation" means the use of land for passive recreation purposes and includes public parks, public gardens, foreshore reserves, or grounds for recreation which are normally open to the public without charge.

"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, holiday accommodation or an educational establishment.

"residential planning codes", "residential codes", and "R codes" in each case means the Residential Planning Codes in force from time to time as set out in the appropriate Statement of Planning Policy of the State Planning Commission as prepared and adopted under the provisions of Section 5AA of the Town Planning and Development Act.

"restaurant" means a building or place (other than a shop as part of an hotel or motel), where meals which are intended for consumption on the premises, are served to the public whether or not the premises are licensed under the Liquor Licensing Act 1988, but does not include a catering business unless approved by Council.

"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 (as amended); 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 of products, goods or services to the public generally in small quantities and via a shop.

"rural pursuit" means the use of land and associated buildings for the purposes of agriculture, horticulture, viticulture, orchards, grazing, afforestation, free-range poultry, aquaculture, but does not include:

- (a) piggeries;
- (b) battery poultry production;
- (c) the processing, treatment or packing of produce;
- (d) the sale by retail of produce grown solely on the lot, except as approved by Council.

"sale" includes hire or rental.

"service station" means land and buildings used for the sale by retail 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 a motor body works; or
- (d) subject to Council approval a shop or catering business incidental to the predominant use.

"setback" 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 land and buildings used for the purpose of selling, exposing or offering for sale by retail or hire goods, merchandise or material but does not include a specialty shop, a market, service station, showroom, restaurant or land and buildings used for vehicle sales or industrial activities.

"showroom" means a building wherein goods of a bulky character are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

"single house" means an independently constructed dwelling standing wholly on its own lot, other than a strata lot.

"specialty shop" means an establishment which sells a limited class of goods, such as high fashion clothing, liquor, antique furniture, paintings, art and craft supplies, and sporting goods in an endeavour to achieve a reputation for quality merchandise in this restricted field and includes barbers, hairdressers and beauticians premises but does not include goods that fall within the scope of the term "convenience shopping".

"stable" means any land or building used for the housing, boarding or keeping of any horse, ass or mule.

"storey" 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 purposes of the residential planning codes; or

(b) purposes other than residential purposes shall mean that portion of a building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

"streetscape" means the visual impression gained from any one location within a street or row of buildings, spaces and appendages thereto. The composition of a streetscape is made up of the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving material for roads and footpaths and landscaping.

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

"technical guidelines" means a set of precise statements of performance and quantitative design criteria and procedures for development that includes aspects of planning, roadworks, stormwater drainage, soil stability, erosion, water, power and sewerage reticulation, on-site effluent disposal, building design, tree preservation, environmental protection and such other matters as are considered desirable by 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 for 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 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:

(1) overnight accommodation for patrons of the facility;

(2) a catering business, restaurant, or shop for the use and convenience of patrons of the facility.

"tree preservation" means the requirement to retain certain trees or vegetation in accordance with criteria laid down in the Scheme and includes the prevention of damage to any such trees or vegetation.

"vehicle sales" means land or buildings used principally for the display for sale by retail or for hire of motor vehicles, caravans, trailers and agricultural or earthmoving machines but does not include non-motorised bicycles.

"veterinary clinic" means land and buildings used for the treatment of sick or injured animals, whether or not those animals are also boarded there as part of the treatment.

"warehouse" means any building or enclosed land or part of a building or enclosed land used for the storage of goods with or without the carrying out of commercial transactions involving the sale of such goods by wholesale.

"wayside stall" means any building, whether permanently fixed, or movable, situated on private land, which offers for sale to the general public, produce or any commodity, which is produced on the land upon which the stall is erected.

"watercourse" means a natural stream of water, a river or an artificial aqueduct for the conveyance of water or any body of water appurtenant to the above, whether permanent or not.

"wholesale" means the sale of any product, goods or services in bulk or otherwise than to the ultimate consumer.

"wreckers yard" means any land or buildings used for the collection, storage, abandonment or sale of scrap metals, second hand timber and building materials, waste paper, bottles or other scrap material or goods, or used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery whether or not parts thereof are also for sale.

"zone" means a portion of the Scheme area shown on the map by distinctive colouring, hatching or edging for the purpose of indicating the restrictions imposed by the Planning Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

PART II—RESERVED LAND

2.1 RESERVATIONS

The reservations within the District shall be as set out in the Tables in this clause.

TABLE 1A REGIONAL RESERVATIONS

Parks and Recreation
Controlled Access Highways
Other Major Highways
Railways
State Forests
Water Catchment
Public Purposes

TABLE 1B LOCAL AUTHORITY RESERVATIONS

Public Open Space
Local Road
Public Purposes

2.2 REGIONAL RESERVATIONS

Any land shown as "Metropolitan Region Scheme Reservation" or "Regional Reservation" on the Scheme Map is reserved pursuant to the Metropolitan Region Scheme and shown on the Scheme Maps in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. Unless specifically indicated to the contrary, 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.

2.3 DEVELOPMENT AND USE OF REGIONAL RESERVATIONS

(1) The Council may not approve the commencement or carrying out of any development on a Regional Reservation within the District but shall refer any application for such approval to the Commission for determination.

(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 duplicate 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 from time to time prescribes.

(3) Where, subsequent to the coming into operation of the Scheme, the Metropolitan Region Scheme is amended to zone land shown as "Regional Reservation" on the Scheme Maps, the Council shall treat any application for planning approval on such land as though the use proposed or involved was designated "SA" in the Zoning Table until such time as the Council resolves to zone the land under the Scheme, whereupon the permissibility of any use on the land shall be in accordance with that zoning.

(4) Where land the subject of an application for Planning Approval is shown on the Scheme Maps partly as Regional Reservation and partly as zoned land, the provisions of subclause 6.6 (18) shall apply.

2.4 LOCAL AUTHORITY RESERVATIONS

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

2.5 USES OF LOCAL AUTHORITY RESERVATIONS

Any Local Authority Reservation until vested in the Council or other public authority may be used:

- (a) for the purpose for which the land is reserved under this Scheme;
- (b) where such land is 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 become 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.

2.6 DEVELOPMENT OF LOCAL AUTHORITY RESERVATIONS

Except as otherwise provided in this Part, 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 of 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 clause shall not in any way limit or affect the interpretation of other provisions of the Scheme relating to developments and applications for Planning Approval insofar as they affect land partly zoned under the Scheme, and where any land is partly zoned under the Scheme and partly included in a Local Authority Reservation, then the other provisions of the Scheme shall apply to the part which is zoned.

2.7 RIGHT TO GRANT APPROVAL OR REFUSE

(1) Any application for Planning Approval on any land or the portion of any land included in a Local Authority Reservation shall be made in the form prescribed in Schedule 3.

(2) The Council may on an application for Planning 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.

(3) Where an application for Planning 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.

2.8 DEALING WITH APPLICATIONS

Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall insofar as they are not inconsistent with the provisions of this Part, apply to Local Authority Reservations.

2.9 REGARD FOR ULTIMATE PURPOSE

In considering whether or not to give its approval of 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.

2.10 COMPENSATION

(1) If the Council refuses to give its approval for the commencement or carrying out of any development on a Local Authority Reservation and the fact of the land being reserved is the reason or one of the reasons for such refusal, or if the Council grants approval subject to a condition unacceptable to the applicant being a condition imposed only by reason of the land being reserved, and the applicant having exhausted all rights of appeal in respect of the refusal or imposition of the unacceptable condition (and subject to the next succeeding subclause of this clause), the owner of the land may claim compensation from the Council for injurious affection. The amount of compensation payable by the Council shall not exceed the difference between:

- (a) the value of the land as affected by the refusal of approval, or by the imposition of the unacceptable condition as the case may be; and
- (b) the value of the land as not so affected.

Each of the values referred to in items (a) and (b) of this subclause shall be market value and shall be assessed as at the date of the claim for compensation.

If the claimant and the Council cannot agree upon the amount of compensation payable, it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985.

(2) No claim shall be made for compensation for injurious affection pursuant to the provisions of the preceding subclause of this clause unless and until the applicant first has pursued all avenues for appeal against the Council's decision, and unless on such appeal the Council's refusal is upheld for the reason that, or for reasons including the fact that the land is reserved under the Scheme, and no claim for compensation for injurious affection in respect of the imposition of an unacceptable condition shall be made unless upon appeal a condition unacceptable to the applicant is upheld which relates to the land the subject of the appeal being reserved under the Scheme.

(3) A claim for compensation pursuant to the provisions of this clause shall be made within six months of the decision by the Council refusing approval or imposing an unacceptable condition, or within six months of the determination of an appeal against the refusal or imposition of the unacceptable condition.

(4) Any claim for compensation shall be subject to the following procedures:

- (a) Where compensation for injurious affection is claimed as a result of the operation of this clause, the Council may at its option elect to acquire the land so affected instead of paying compensation;
- (b) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three months of the claim for compensation being made;
- (c) Where the Council elects to acquire land as provided in this paragraph, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with item (d) of this subclause;
- (d) The value of the land referred to in the preceding item of this subclause shall be the value thereof on the date that the Council elects to acquire the land under this subclause and that value shall be determined:
 - by arbitration in accordance with the Commercial Arbitration Act 1985;
 - by some other method agreed upon by the Council and the owner of the land;

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

2.11 RIGHT OF DISPOSAL

The Council may deal with or dispose of land acquired for a Local Authority Reservation or pursuant to the preceding clause upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

PART III—ZONES AND OBJECTIVES

3.0 ARRANGEMENT OF ZONES

(1) The land to which this Scheme applies other than land reserved under Part II is classified into zones as set out hereunder:

- District Shopping
- District Business
- Local Centre
- Service Commercial
- Light Industrial
- Residential
- Rural Landscape Living
- General Rural
- Special Purpose

(2) The zones are delineated and depicted on the Scheme Map according to the legend appended thereto.

3.1 OBJECTIVES

(1) GENERAL

Where in this Part the objectives of a zone are identified, the intent is for the Council to apply those objectives to:

- (a) determine the appropriateness in a particular zone of discretionary uses (AA, SA and IP) or those uses not listed in the Zoning Table; and
- (b) set appropriate conditions on applications for Planning Approval.

(2) DISTRICT SHOPPING ZONE

The objectives of the District Shopping Zone are:

- (a) to promote, facilitate and strengthen the district shopping zone as the principal shopping focus of the District;
- (b) to accommodate a diversity of retail facilities ranging from large supermarkets to small specialty shops to meet the major weekly and comparison needs of the District;
- (c) to reinforce the retailing function by limited professional, administration and other commercial functions such as service stations to facilitate the concept of one-stop shopping;
- (d) to encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure facilities, as well as to retain the opportunity for any future expansion of the area as a whole;

- (e) to achieve a compact and accessible shopping complex;
- (f) to achieve safety and efficiency in traffic circulation;
- (g) to ensure that buildings, ancillary structures and advertising are of high quality and achieve a unified architectural theme for the shopping complex;
- (h) to provide sheltered places for pedestrians and shade to car parking areas;
- (i) to preclude the storage of bulky and unsightly goods from public view;
- (j) to provide car parking and landscaping appropriate to the scale of development;
- (k) to ensure that development conforms to the principles of any Precinct Plan or any other Code adopted by the Council; and
- (l) to ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

(3) DISTRICT BUSINESS ZONE

The objectives of the District Business Zone are:

- (a) to promote and facilitate a diversity of functions including administrative, professional, office, entertainment, cultural and other business activities and a limited number of specialty shops;
- (b) to encourage some residential accommodation, particularly in the form of hotels, motels, group housing and aged persons' housing whilst recognising that business activities should predominate;
- (c) to ensure that buildings, ancillary structures and advertising are of high quality and achieve an architectural theme contributing to a townscape unique to the District;
- (d) to achieve safety and efficiency in traffic circulation;
- (e) to provide sheltered places for pedestrians and shade to car parking areas;
- (f) to preclude the storage of bulky and unsightly goods from public view;
- (g) to provide landscaping appropriate to the scale of development; and
- (h) to ensure that development conforms to the principles of any Precinct Plan and any other Code adopted by the Council.

(4) LOCAL CENTRE ZONE

The objectives of the Local Centre Zone are:

- (a) to provide businesses of a limited size within a local population catchment to serve the immediate needs of that catchment;
- (b) to exclude activities which generate large volumes of traffic, and those that may detrimentally affect residential amenity;
- (c) to implement and maintain a level of retail floorspace in the Local Centres as stated in Council's Local Commercial Strategy as follows:
 - LC 3—Neighbourhood Commercial Centre
 - LC 2—Local Commercial Centre
 - LC 1—Convenience Store;
- (d) to maintain retail floor space in existing Local Centres largely at current levels;
- (e) to ensure that retail floor space in new Local Centres is commensurate to the needs of the population to be served;
- (f) to encourage multiple use of infrastructure facilities by locating shops, child minding centres, medical clinics, offices, aged persons homes and other community facilities in convenient nodes to serve the local population catchment;
- (g) to achieve safety and efficiency in traffic circulation;
- (h) to provide sheltered places for pedestrians and shade to car parking areas;
- (i) to ensure that buildings, ancillary structures and advertising are of high quality and achieve a unified architectural theme for the Centre;
- (j) to provide car parking and landscaping appropriate to the scale of development;
- (k) to preclude the storage of bulky and unsightly goods from public view;
- (l) to ensure that development conforms to the principles of any Precinct Plan and any other Code adopted by the Council; and
- (m) to ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

(5) SERVICE COMMERCIAL ZONE

The objectives of the Service Commercial Zone are:

- (a) to accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. Industrial activities and residences that are not associated with businesses are not considered appropriate to this zone, subject to any non-conforming use rights;

- (b) to ensure that buildings in the zone are sited and designed to complement one another;
- (c) to achieve safety and efficiency in traffic circulation;
- (d) to provide car parking and landscaping appropriate to the scale of development;
- (e) to preclude the storage of unsightly goods from public view;
- (f) to ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity; and
- (g) to ensure that development conforms to the principles of any Precinct Plan and any other Code adopted by the Council.

(6) LIGHT INDUSTRY ZONE

The objectives of the Light Industry Zone are:

- (a) to accommodate a range of manufacturing and associated service activities which will not, by the nature of their operations, detrimentally affect the amenity of the adjoining or nearby land;
- (b) to reduce the visual impact of the development within the zone and on adjacent zones;
- (c) to achieve safety and efficiency in traffic circulation;
- (d) to provide car parking and landscaping appropriate to the development;
- (e) to preclude the storage of unsightly goods from public view;
- (f) to ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity; and
- (g) to ensure that development conforms to the principles of any Precinct Plan or any other Code adopted by the Council.

(7) RESIDENTIAL ZONE

The objectives of the Residential Zone are:

- (a) to accommodate primarily detached dwellings at low densities on individual allotments;
- (b) to allow aged or dependent persons' dwellings and grouped dwellings if proper servicing is present and the amenity of the locality not eroded;
- (c) to limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;
- (d) to ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and
- (e) to ensure that subdivision and development comply with a Local Subdivision and Infrastructure Plan and the principles of any Precinct Plan or any other Code adopted by the Council.

(8) RURAL LANDSCAPE LIVING ZONE

The objectives of the Rural Landscape Living Zone are:

- (a) to protect the rural environment and landscape;
- (b) to ensure that land use and development do not adversely affect the landscape quality and scenic values;
- (c) to limit the visual impact of development and conserve and enhance the existing landscape quality and scenic values;
- (d) To restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- (e) to protect sensitive areas, especially the natural valley and watercourse systems from damage; to sustain and enhance the buffer areas between urban cells; to reduce the incidence of salinity, stream turbidity and nutrient enrichment and other pollution; and to minimise any other ecological or environmental damage;
- (f) to encourage land use and management practices compatible with landscape conservation;
- (g) to limit hobby farm activities to land which is already cleared and which does not have a slope of greater than 20% and where livestock does not have unrestricted access to watercourses;
- (h) to prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by domestic or feral pets and by the grazing of livestock;
- (i) to support closer subdivision and development in coded areas for rural landscape living purposes;
- (j) to ensure that subdivision and development comply with a Local Subdivision and Infrastructure Plan, the Local Rural Strategy and the principles of any Precinct Plan or any other Code adopted by the Council; and
- (k) to minimise bush fire hazard.

(9) GENERAL RURAL ZONE

The objectives of the General Rural Zone are:

- (a) to maintain and enhance the environmental qualities of the landscape, vegetation, soils and water resources, and to protect sensitive areas especially the natural valley and water-course systems from damage;
- (b) to limit subdivision of land to ensure that any single lot will support rural pursuits where potential for subdivision in this zone is identified;
- (c) to encourage sensitive placement, design and landscaping of buildings so that the visual environment of the area is not detrimentally affected;
- (d) to manage land use changes so that the broadacre rural character of the zone is maintained or enhanced;
- (e) to encourage broad scale agricultural activities such as grazing as a primary use with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;
- (f) to ensure that subdivision when supported and development comply with a Local Subdivision and Infrastructure Plan, the Local Rural Strategy and the principles of any Precinct Plan or any other Code adopted by the Council; and
- (g) to minimise bush fire hazard.

(10) SPECIAL PURPOSE ZONE

The objectives of a Special Purpose Zone are:

- (a) to make special provisions for a specific use or combination of uses on particular land where provisions of the Zoning Table are restricted;
- (b) to ensure that any use or other development of land which is considered to be liable to have significant impact, takes place only after rezoning in accordance with a detailed development proposal for the use or other development; and
- (c) to prescribe the permissibility of uses and any special standards, controls or requirements applicable to the carrying out of such uses or any other development on the land to prevent any detriment to the locality.

(11) ADDITIONAL USES

The objectives of Additional Uses are:

- (a) to permit specific uses in addition to other uses permissible in the zone for particular land where such nominated uses are complementary or incidental to the proper functioning of the predominant uses already established on that land or surrounding land; and
- (b) to ensure that specific uses have regard to the objectives set out in this Scheme for the zone or zones wherein such nominated uses are to be included.

3.2 PERMISSIBILITY OF USES

(1) The permissibility of uses in the various zones is indicated in the Zoning Table.

(2) Subject to subclause 6.6 (7), the symbols used in the cross references in the Zoning Table have the following meanings:—

“P” means that the use is permitted by the Scheme;

“AA” means that the use is not permitted unless special permission is granted by the Council;

“SA” means that the use is not permitted unless special approval is granted by the Council and the Council has followed the procedures required by Clause 6.6;

“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; and

“X” means a use that is not permitted.

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

(4) If a particular use or purpose is not mentioned in the list of use classes in the Zoning Table and is not included in the general terms of any use class in the Zoning Table, the Council in dealing with an application for Planning Approval involving that use may:

- (a) determine that the use is not consistent with the objectives of the relevant zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use is consistent with the objectives of the relevant zone and thereafter cause the application to be exhibited for public comment in accordance with the procedure set out in clause 6.6.

(5) Special Purpose Zones—No land in a special purpose zone shall be used or developed, except for the purpose and in accordance with the standards specified against the description of such land in Schedule 1 to the Scheme.

(6) Additional Uses—Notwithstanding anything contained within the Zoning Table, the land specified in Schedule 2 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purposes set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that Schedule.

TABLE 1 ZONING TABLE

USE CLASS	ZONES							
	District Shopping	District Business	Local Centre	Service Commercial	Light Industry	Residential	Rural Landscape Living	General Rural
1 Advertisement	AA	AA	AA	AA	AA	AA	AA	AA
2 Aged or Dependent Persons Dwelling	X	AA	AA	X	X	AA	SA	SA
3 Amusement Centre	AA	AA	AA	AA	AA	X	X	X
4 Ancillary Accommodation	X	X	X	X	X	AA	AA	AA
5 Art Gallery	P	P	P	AA	AA	IP	IP	IP
6 Caravan Park	X	X	X	X	X	X	X	X
7 Caretaker's Dwelling	IP	IP	IP	IP	IP	IP	X	X
8 Catering Business	P	AA	AA	AA	AA	IP	IP	IP
9 Cattery	X	X	X	AA	P	SA	SA	AA
10 Child Day Care Centre	AA	P	P	SA	SA	SA	SA	AA
11 Child Family Care Centre	X	IP	IP	X	X	IP	IP	IP
12 Civic Use	AA	P	SA	SA	SA	X	SA	SA
13 Cluster Rural Living Dwelling	X	X	X	X	X	X	SA	SA
14 Commercial Car Park	AA	AA	X	AA	AA	X	X	X
15 Communications installation—private	P	P	P	P	P	IP	IP	P
16 Communications installation—small scale commercial	P	P	P	P	P	AA	AA	AA
17 Communications installation—large scale commercial	SA	SA	SA	SA	AA	X	X	AA
18 Community Club	AA	AA	SA	AA	AA	X	SA	SA
19 Convenience Store	SA	X	P	X	X	SA	SA	SA
20 Convention Centre	SA	P	X	SA	X	X	X	SA
21 Display Home	X	X	X	SA	AA	AA	AA	AA
22 Educational Establishment	SA	AA	AA	AA	AA	SA	SA	AA
23 Fuel Depot	X	X	X	X	AA	X	X	X
24 Funeral Parlour	X	X	X	AA	AA	X	X	X
25 Garden Centre	AA	X	AA	AA	AA	X	X	X
26 Grouped Dwelling	X	AA	AA	X	X	SA/ AA	X	X
27 Holiday Accommodation	SA	SA	X	X	X	X	SA	AA
28 Home Occupation	X	P	X	X	X	AA	AA	AA
29 Hospital	X	AA	X	X	X	X	X	SA
30 Hotel	SA	SA	X	X	X	X	X	X
31 Indoor Recreation Centre	SA	AA	AA	AA	AA	X	X	X
32 Industry—Extrative	X	X	X	X	X	X	X	AA
33 Industry—Hazardous	X	X	X	X	X	X	X	X
34 Industry—Home	X	X	X	X	X	X	IP	AA
35 Industry—Light	X	X	X	SA	P	X	X	X
36 Industry—Noxious	X	X	X	X	X	X	X	X
37 Industry—Service	AA	AA	AA	P	P	X	X	X
38 Industry—Rural	X	X	X	X	AA	X	X	AA
39 Kennel	X	X	X	X	X	X	X	X
40 Licensed Club	AA	AA	SA	X	AA	X	X	SA
41 Market	AA	X	AA	AA	AA	X	SA	AA
42 Medical Clinic	AA	AA	AA	SA	X	SA	IP	SA
43 Motor Repair Station	X	X	X	SA	P	X	X	X
44 Motor Body Works	X	X	X	X	AA	X	X	X
45 Multiple Dwelling	AA	AA	X	X	X	X	X	X
46 Nursery	AA	X	AA	AA	AA	X	SA	AA
47 Office	AA	P	AA	AA	IP	IP	IP	IP
48 Outdoor Entertainment	SA	SA	SA	X	AA	X	X	SA
49 Parking Area	IP	IP	IP	IP	IP	IP	IP	IP
50 Piggery	X	X	X	X	X	X	X	SA
51 Place of Worship	SA	SA	SA	X	X	SA	SA	SA
52 Public Recreation	P	P	P	P	P	P	P	P
53 Residential Building	X	AA	X	X	X	AA	SA	AA

Table 1 Zoning Table—continued

USE CLASS	ZONES							
	District Shopping	District Business	Local Centre	Service Commercial	Light Industry	Residential	Rural Landscape Living	General Rural
54 Restaurant	P	P	AA	AA	X	SA	SA	SA
55 Restricted Premises	SA	SA	X	SA	AA	X	X	X
56 Rural Pursuit	X	X	X	X	X	X	AA	P
57 Service Station	SA	SA	SA	AA	AA	X	X	X
58 Shop	P	X	AA	SA	X	X	X	X
59 Showroom	IP	IP	X	P	AA	X	X	X
60 Single House	X	P	X	X	X	P	P	P
61 Specialty Shop	P	AA	SA	SA	X	X	X	X
62 Stable	X	X	X	X	X	IP	IP	AA
63 Tavern	SA	SA	SA	X	X	X	X	X
64 Transport Depot	X	X	X	SA	AA	SA	SA	SA
65 Vehicle Sales	SA	SA	X	SA	AA	X	X	X
66 Veterinary Clinic	AA	AA	AA	AA	P	IP	SA	SA
67 Warehouse	IP	IP	IP	P	P	X	X	IP
68 Wreckers Yard	X	X	X	X	AA	X	X	X

3.3 AGED OR DEPENDENT PERSONS' DWELLINGS

Where land is annotated "Aged or Dependent Persons' Dwellings" on the Scheme Maps, that land shall only be used for the development of Aged or Dependent Persons' Dwellings to a density to be determined by Council unless the density is indicated thereon.

3.4 GROUPED DWELLINGS

Where the permissibility of a grouped dwelling is shown in the Zoning Table AA/SA for a particular zone, the development of two grouped dwellings shall be classified AA and more than two grouped dwellings shall be classified SA.

3.5 RURAL LANDSCAPE LIVING ZONE FRONTING GREAT EASTERN HIGHWAY

Notwithstanding the permissibility of uses shown in the Zoning Table for a Rural Landscape Living Zone as "IP", "AA" or "SA", Council shall not permit the following uses fronting Great Eastern Highway:

Art Gallery, Catering Business, Child Day Care Centre, Convenience Store, Educational Establishment, Home Industry, Market Medical Clinic, Nursery, Place of Worship, Restaurant, Transport Depot.

PART IV—GENERAL DEVELOPMENT REQUIREMENTS

4.1 GENERAL

(1) Where the Development Standards in this Part identify objectives, the intent is for the Council to apply those objectives to encourage better design, siting of buildings and land management. Where minimum spatial requirements have been specified, the intent is to ensure that at least minimal standards are maintained.

(2) In assessing applications for Planning Approval, the Council shall apply the general objective of encouraging quality development and good design. The Council may relax any minimum standard or requirement to achieve that general objective, if in the opinion of the Council the proposed development satisfies the objectives stated in the relevant clauses of this Part.

DIVISION 1—RESIDENTIAL DEVELOPMENT STANDARDS

4.2 RESIDENTIAL PLANNING CODES

(1) For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1, together with any amendments thereto.

- (2) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- (3) Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes and the Schedules to those Codes.
- (4) The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Maps as being contained within the outer edges of the solid black line borders or, where such an area abuts another area having a Residential Planning Code density, as being contained within the centre lines of those borders.

4.3 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

The following provisions for the special application of the Residential Planning Codes shall apply:

- (1) Grouped Dwellings: In the case of any proposal to develop grouped dwellings, the following provisions shall apply:
- (a) Notwithstanding the minimum area per dwelling stipulated in Table 1 of the Residential Planning Codes, in respect of R Codes R5 and R10, two grouped dwellings shall be permitted on one lot subject to compliance with the following provisions:
 - (i) the size of the lot shall not be less than 1000m² for a sewered lot and 2000m² for an unsewered lot;
 - (ii) an unsewered lot must be suitable for the provision of an on-site effluent disposal system;
 - (iii) grouped dwelling lots on the same street frontage shall be at least 200 metres apart, except where in the opinion of Council the views from the street of the grouped dwellings would be obscured due to street curvature, or where their visual impact is reduced due to the location of street intersections or public open space adjacent to such sites. Additionally, no more than one grouped dwelling lot may be located within a radius of 35 metres of any other grouped dwelling lot;
 - (iv) the external character of the two grouped dwellings in terms of appearance, building finishes, scale, dimensions and proportions shall be in harmony with the surrounding single house development; and
 - (v) the existing character of a single residential street shall be maintained by the provision of a landscaped area between the street and the building.
 - (b) Grouped dwellings shall not be given planning approval in circumstances where a lot abuts a primary distributor road unless an alternate access to a local road is provided.
 - (c) Where a lot is not specifically identified on the Scheme Maps as a grouped dwelling site, in considering an application for planning approval for more than two grouped dwellings, Council shall have regard to the adequacy of community facilities in the locality to cater for increased demand created by such development and impose such conditions it deems appropriate to provide or improve such facilities.
- (2) Dual Coding: Within areas coded R5/R12.5, R5/R20 and R12.5/R20 on the Scheme Map development in accordance with the higher code shall only be permitted if such development:
- (a) is to be provided with reticulated sewerage or the Health Department of Western Australia forms the view that there are exceptional circumstances to warrant a variation to the requirement for reticulated sewerage;
 - (b) involves the amalgamation of two or more lots to ensure an integrated development, or the subject lot is large enough to accommodate an integrated development;
 - (c) retains any existing house which the Council considers is worthy of retention; and
 - (d) in all other respects is consistent with the provisions of the Scheme.
- (3) Aged or Dependent Persons Dwellings: Where an area is designated with Low Density Codes, R2 to R20, the Council may approve Aged or Dependent Persons Dwellings to an R30 Code. In exercising such discretion the Council shall have regard to and may impose conditions relating to such of the following as the Council seems fit:
- (a) aged or dependent persons dwellings do not occupy a lot area greater than one-tenth of the area of all lots within the area bounded by four streets or other natural or constructed boundaries defining a similar area;
 - (b) the number of dwellings on any one lot do not exceed six;
 - (c) aged or dependent persons dwellings are separated from any other such dwellings or grouped dwellings by not less than 200 metres in the same street frontage;
 - (d) aged or dependent persons dwellings are located in urban areas within 400 metres of a stop or terminal providing public transport;
 - (e) a continuous accessible path of travel by a walkway within the site and along the road is available to the facilities referred to in the previous subclause and such walkway is generally in accordance with the provisions in the Building Code of Australia dealing with access for people with disabilities;

- (f) the external character of the aged or dependent persons dwellings in terms of appearance, building finishes, scale, dimensions and proportions are in harmony with the surrounding single house development;
- (g) the low density residential character of the street is maintained by the provision of a landscaped area between the street and the building;
- (h) unsewered lots are suitable for the provision of an on-site effluent disposal system;
- (i) the owner of the lot entering into a written agreement with Council embodying covenants satisfactory to Council restricting the sale and occupation of the dwellings to aged persons, unless such dwellings are controlled by an approved aged persons/retirement association;
- (j) a need for aged accommodation in the area is demonstrated;
- (k) Council is satisfied that the topography of the site is conducive to aged persons housing; and
- (l) such developments do not exceed a density of R30.

Notwithstanding that clause 5.1.4 of the R Codes empowers the Council to vary any other provisions of such Codes in order to achieve the density increase of 50% for Aged or Dependent Persons' Dwellings, the Council shall not permit any such increase where it considers an increase in the density to be out of character with, or detrimental to, the amenity of the locality.

DIVISION 2—SITE BUILDING REQUIREMENTS

4.4 GENERAL

- (1) The site building requirements for various land uses shall be as set out in Table 2.
- (2) Requirements for land uses not listed in Table 2 shall be determined by Council.
- (3) The Council may permit a departure from the requirements as set out in Table 2 if the physical characteristics of a parcel of land render compliance impractical. An application for any departure from the stated requirements must be accompanied by full substantiating evidence to justify the departure.

4.5 OBJECTIVES FOR BUILDING SETBACKS

The objectives of the building setbacks provided herein are:

- (a) to ensure that a sufficient buffer between buildings and traffic noise is provided;
- (b) to protect adjoining properties from invasion of privacy;
- (c) to provide natural light and cross-ventilation to dwellings;
- (d) to protect sight lines for traffic safety and at intersections of streets;
- (e) to reduce the visual impact of development as seen from the roads or other vantage points in the landscape;
- (f) to enhance the particular characteristics of an area or street by emphasising the scale or importance of buildings, or by providing for a landscaped area between street and buildings;
- (g) to assist in the provision of emergency access and minimise the risk of fire spreading to adjoining properties; and
- (h) to accommodate clearances for services where necessary.

4.6 OBJECTIVES FOR SITE COVERAGE AND PLOT RATIO

The objectives of the site coverage and plot ratio standards herein are:

- (a) to ensure that the height, bulk, form, siting and character of development in a zone are compatible with other developments and uses in the zone;
- (b) to maintain a comfortable and pleasant living environment;
- (c) to provide for adequate privacy;
- (d) to ensure that services are matched as closely as possible to the population to be served; and
- (e) to ensure that there is no overcrowding or over building on any site.

TABLE 2 SITE REQUIREMENTS

(For additional requirements or variations, refer to notes given below).

SITE DESCRIPTION		Setback from Main Street Frontage (metres)	Setback from Minor Street Frontage (metres)	Setback from Side Boundaries (metres)	Setback from Rear Boundaries (metres)	Site Coverage	Plot Ratio	Minimum Effective Frontage (metres)
(i) As per Residential Planning Code, indicated on Scheme Map.								
1 Single House, Grouped Dwelling, Aged or Dependent Persons' Dwelling	(ii)	20	20	20	20	—	—	20
2 Catering Business and Restaurant		9	4.5	3	6	50%	0.5	20
3 Child Day Care Centre	(i)	7.5	4.5	3	7.5	—	—	20
	(ii)	20	20	20	20	—	—	80
4 Civic Use	(i)	9	4.5	3	7.5	—	—	30
	(ii)	20	20	20	20	—	—	—
5 Community Club/Licensed Club		15	15	4.5	7.5	50%	0.5	20
6 Convenience Store		10	6	6	6	30%	0.3	30
7 Educational Establishment		15	7.5	10	7.5	—	—	30
8 Hotel/Holiday Accommodation/Tavern		15	15	4.5	7.5	25%	0.6	30
9 Hospital	(i)	15	15	7.5	7.5	—	—	—
	(ii)	20	20	20	20	—	—	—
10 Indoor Recreation Centre		9	4.5	3	6	—	—	—
11 Medical/Veterinary Clinics	(i)	7.5	6	3	7.5	50%	0.5	—
	(ii)	20	20	20	20	—	—	—
12 Office		9	4.5	3	3	—	—	20
13 Vehicle Sales		9	4.5	3	3	—	—	20
14 Shop/Specialty or Shop/Convenience Store		9	4.5	3	6	—	—	20
15 District Shopping Centre		20	10	6	15	—	—	60

Notes:

- Where more than one set of requirements are stated for a particular land use, the set numbered (i) refers to a residential zone and that numbered (ii) refers to Rural Landscape Living and General Rural zones.
- Notwithstanding the setback requirements stated in the Table, all buildings shall be set back a minimum of 15 metres from the Great Eastern Highway road reserve.
- The setbacks from the side boundaries may be increased by Council if a building contains more than one storey.
- Where there is a use of land referred to in the Zoning Table for which no provision is made for site requirements, the site requirements for that use of land shall be as determined by Council.

DIVISION 3—SPECIFIC STANDARDS FOR SERVICE COMMERCIAL ZONE**4.7 BUILDING SETBACKS**

The building setbacks in the Service Commercial Zone shall comply with the following requirements:

- Front boundary: minimum 3.0 metres with any lots on the corners of intersecting roads with Farrall Road being set back a minimum 5.0 metres from Farrall Road;
- Rear boundary: minimum 5.0 metres;

- (c) Side boundary: a nil setback is allowed if the materials used in building construction are brick, masonry or concrete and appropriate arrangements are made for emergency access to vehicles. Where a wall of a building is of unprotected metal or timber framed construction, the setback distance shall be such that it complies with the fire resistance levels for the relevant building elements specified in the Building Code of Australia;
- (d) Two street frontages: minimum 5 metres from the primary road and 3 metres from the secondary road as nominated by Council; and
- (e) Great Eastern Highway: minimum 15 metres.

4.8 BUILDING MATERIALS

Each facade or wall of a building facing any street or public place shall be constructed of brick, stone, concrete or glass or combinations of two or more of these materials or similar material as approved by Council to the wall height of the building or to a minimum height of 3 metres.

DIVISION 4—SPECIFIC STANDARDS FOR LIGHT INDUSTRY ZONE

4.9 FLOOR AREA

A factory or factory unit shall have a floor area of not less than 75m² and each the length and width shall not be less than 8 metres clear between the internal wall surfaces.

4.10 FACTORY UNITS

Multiple factory units on one lot shall not be permitted unless the following requirements are complied with:

- (a) Each factory unit shall have a visually screened service yard of not less than 16m² with a minimum depth of 2m adjoining and having connecting access to each unit; and
- (b) The internal partition walls between factory units shall be constructed of brick, stone or concrete or other material approved by Council.

4.11 BUILDING SETBACKS

The building setbacks in a light industry zone shall comply with the following requirements:

- (a) Front boundary: minimum 9.0 metres;
- (b) Rear boundary: minimum 5.0 metres;
- (c) Side boundary: a nil setback is allowed if the materials used in building construction are brick, masonry or concrete and appropriate arrangements are made for emergency access to vehicles. Where a wall of a building is of unprotected metal or timber framed construction, the setback distance shall be such that it complies with the fire resistance levels for the relevant building elements specified in the Building Code of Australia;
- (d) Two street frontage: minimum 9 metres from the primary road and 6 metres from the secondary road as nominated by Council; and
- (e) Great Eastern Highway: minimum 15 metres.

4.12 BUILDING MATERIALS

(1) Each facade or wall of a building facing any street shall be constructed of brick, stone, concrete or glass or combinations of two or more of these materials or similar material as approved by Council to the wall height of the building or to a minimum height of 3 metres.

(2) Other materials of a type and to a design approved by the Council may be permitted on a facade, no part of which is less than 2.1m from the ground floor level of the building, provided that no part of the facade extends more than 6.6m above the ground level.

DIVISION 5—SPECIFIC PROVISIONS FOR LOCAL CENTRE ZONES

4.13 RETAIL FLOORSPEACE

The retail floorspace for shops within each local centre shall be commensurate with the needs of the population catchment to be served, and shall be assessed in accordance with the Local Commercial Strategy for the District. No further retail shopping floor space within the confines of existing local centres shall be permitted unless an economic impact statement providing an assessment of local need and demand for expansion, together with a statement on the likely impact on existing shops is submitted by the person seeking Planning Approval and Council is satisfied that such expansion is justified and would preserve the existing level of service available to the local community.

DIVISION 6—SPECIFIC STANDARDS FOR VARIOUS ZONES

The provisions of clauses 4.14 to 4.17 inclusive are supplemented by the provisions in clauses 4.51 to 4.55 inclusive and Schedule 7.

4.14 RURAL LANDSCAPE LIVING ZONE

The development provisions in clause 4.17 shall apply to development of land within the Rural Landscape Living Zone.

4.15 RESIDENTIAL ZONE

(1) The development provisions in clause 4.17 shall apply to development of land within a Residential Zone coded R2.5.

(2) For any Residential zone other than one coded R2.5, the development provisions in clause 4.17 subclauses (1), (4), (9), (10) and (11) (a), (b), (c) and (e) shall apply.

4.16 GENERAL RURAL ZONE

The development provisions in clause 4.17 subclauses (1), (4), (5), (6), (9) and (11) shall apply to development of land within a General Rural Zone.

4.17 GENERAL DEVELOPMENT PROVISIONS (FOR RURAL LANDSCAPE LIVING, RESIDENTIAL AND GENERAL RURAL ZONES)

Subject to clauses 4.15 (2) and 4.16, the following provisions apply to development of land within the Rural Landscape Living, Residential and General Rural Zones:

- (1) The Council will not approve any development of land where, in the opinion of Council, such development would detract from the rural or urban landscape and scenic value of the area.
- (2) When making a decision on any application for Planning Approval, Council shall in addition to any other matters which by this Scheme or otherwise it is required to consider, take into consideration and may impose conditions relating to such of the following design principles as are relevant to the application:
 - (a) All development (including access roads) shall be located so as to avoid prominent locations such as ridge lines, escarpments, hill tops or visually exposed sites.
 - (b) Where possible, development shall be located in such a way as to be screened with natural vegetation and the planting and maintenance of suitable trees and shrubs may be required to reinforce and enhance the landscape character of the site and locality.
 - (c) All development shall be designed with suitable materials and colours complementary to the location and compatible with the landscape character of the locality.
 - (d) The external materials of buildings shall have surfaces which are of a low light reflective nature and be of natural colours so as to be unobtrusive, blend in with the landscape quality of the site and locality and minimise any visual intrusion.
 - (e) Development shall maintain the visual amenity and quality along main roads and access routes.
 - (f) Ribbon development along roads shall not be permitted.
 - (g) Fences, if required, shall be located in such a way as to minimise their visual impact and shall be of post and wire or other materials which can be seen through.
 - (h) The removal of natural vegetation shall be minimised and replanting and new planting encouraged in appropriate circumstances.
 - (i) The excavation/filling of land shall be kept to a minimum in order to preserve the natural form of the land and the native vegetation.
 - (j) The coverage of individual lots by buildings shall not exceed 500m² on lots up to 1 hectare in area and 600m² on lots over 1 hectare in area, without the approval of the Council.
 - (k) Not more than one dwelling and one outbuilding shall be erected on one lot without the approval of the Council.
- (3) Intensive agricultural or rural pursuits, and the breeding and keeping of animals for commercial gain, shall not be permitted without the prior approval of Council. The Council will only grant approval after being satisfied that:
 - (a) the character and amenity of the site and locality will not be adversely affected; and
 - (b) the land is capable of supporting the number of animals proposed having regard to land management practices to be implemented by the applicant.

The Council may, in granting approval, impose limits on stocking or other such conditions as the Council sees fit to maintain the landscape character and amenity of the site or locality.

- (4) The approval of the Council is required for the clearing and removal of natural vegetation. In considering proposals for the removal of natural vegetation, the Council will seek to ensure:
- (a) the removal of natural vegetation is minimised; but in any case such removal should not exceed 30 per centum of the area of a lot, including the area of buildings on the lot; and
 - (b) such removal does not have adverse effects on the landscape values of the site or locality.
- (5) The setback requirement for all development in the zone shall be as follows:
- (a) setback from street frontage—20 metres unless varied by Council; and
 - (b) setback from side and rear boundaries—20 metres unless varied by Council.
- (6) The Council shall not approve more than one advertising sign on a lot, and any such sign shall be:
- (a) limited to activities conducted on the site; and
 - (b) sited and designed to complement and enhance the rural character of the site and locality.
- (7) The Council in considering a subdivision plan or an application for Planning Approval, shall require any proposed dwelling to be provided with a supply of potable water either from a reticulated system, an underground bore, or a rainwater storage system with a minimum capacity of 120,000 litres.
- (8) The Council in considering a subdivision plan or an application for Planning Approval or a building licence shall require a sandpad to any new house or outbuilding not to exceed 1.5 metres at its maximum depth and where a sandpad exceeds 1 metre in vertical height it shall be retained by a wall of material approved by Council. Any fill material imported to the site shall be from a dieback free source.
- (9) The Council in considering a subdivision plan shall require septic tanks, leach drains or other such installations for on-site disposal of effluent or wastes to be located such that there is:
- (i) a minimum 2m vertical separation between the base of the leach drain or soakwell and the highest known groundwater level or impervious layer;
 - (ii) a minimum 100m horizontal separation between the disposal system and nearest open waterbody, watercourse or major road drainage; and
 - (iii) appropriate soil permeability, nutrient retention characteristics and slope;
- unless the Environmental Protection Authority and Council are satisfied that a variation to the said criteria may be permitted and if it can be demonstrated that pollution of the watercourse and underground water supplies can be avoided.
- (10) Where any person keeps an animal or animals or uses any land for the exercise or training of any animal, the person shall be responsible to prevent damage to trees, dust pollution and soil erosion by an appropriate choice of measures, such as:
- (a) containing the animal(s) in yards;
 - (b) placing protecting guards around each tree;
 - (c) seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover;
 - (d) installation of sprinkler or ground water irrigation systems as appropriate to maintain soil moisture at a level that will prevent wind blown dust;
 - (e) providing lot feeding facilities; or
 - (f) adopting any other management system to ensure tree protection and the prevention of dust pollution or soil erosion to the satisfaction of Council.
- Where, in the opinion of Council, the continued presence of animals on any portion of the land is likely to cause or is causing damage to trees, dust pollution or soil erosion, notice shall be served on the registered owner, requiring the immediate removal of those animals specified in the notice.
- (11) All development and without limiting the generality of the foregoing, including subdivision along river valleys, creeks and watercourses, shall comply with the following requirements:
- (a) the *status quo* of the stream flow shall be maintained to ensure the protection of the biota and the aesthetic quality of the stream system;
 - (b) all existing vegetation along water courses shall be retained;
 - (c) sensitive development practices shall be employed to minimise run-off and erosion as follows:
 - (i) provision of contour banks to intercept stormwater run-off; and
 - (ii) planting of indigenous vegetation parallel to the stream to act as a barrier to seepage and run-off;

- (d) no buildings or earthworks shall be permitted within 100 metres from the bank of any river, creek or watercourse and no landfill shall be undertaken within such area or its associated flood plain area;
 - (e) no dam shall be constructed or the flow of water artificially retarded without the approval of the Water Authority of Western Australia (WAWA) and Council; and
 - (f) if, in the opinion of Council, any land within 100 metres from the nearest bank of a river, creek or water course is denuded of vegetation and contains disturbed surfaces, the Council may serve notice on the registered proprietor who shall, within the period specified in such notice, cause the land to be revegetated and the disturbed surfaces stabilised to minimise stormwater run-off and erosion.
- (12) Building and development on a lot, except for fences and firebreaks, must be contained within a building envelope defined on a plan adopted by Council. Such an envelope shall be capable of attaining maximum flexibility for the location of buildings and effluent disposal areas, be solar energy efficient and must be located so as to:
- (a) avoid areas which for reasons of location unduly impinge on the skylines or detrimentally affect areas of landscape importance;
 - (b) avoid areas where ground or soil conditions may inhibit the structural integrity of buildings or cause pollution, erosion or flooding; and
 - (c) conform to the setback requirements of the Scheme for buildings and effluent disposal areas.

Notwithstanding the above requirements, Council may at its discretion approve the construction of a building outside the building envelope, or at a lesser setback distance from the lot boundaries, if it is satisfied that the amenity of the area, the privacy of adjoining properties, and the landscape or environment of the area will not be detrimentally affected.

4.18 DEVELOPMENT STANDARDS FOR CLUSTER RURAL LIVING DWELLINGS IN RURAL ZONES

(1) Cluster Rural Dwellings shall not be given Planning Approval in Rural Landscape Living and General Rural zones in circumstances where:

- (a) in the opinion of Council community, transport and other infrastructure facilities in the locality are inadequate to cater for increased demand created by such development;
- (b) in the opinion of Council development would involve the undue clearing of natural vegetation; and
- (c) the Commission does not first approve a strata subdivision application for the land.

(2) The density of development for Cluster Rural Living Dwellings for individual lots in Rural Landscape Living and General Rural zones shall be determined by the Council having regard to such of the following principles as are relevant to a particular application for Planning Approval:

- (a) the subdivision potential for the subject land and surrounding land;
- (b) the objectives set out in this Scheme for the relevant zone where development is proposed to occur;
- (c) capability of the soils to:
 - (i) sustain efficient on-site disposal of effluent on a long term basis; and
 - (ii) prevent direct movement of waste water and nutrients from the locality of each effluent disposal system without detriment to existing or potential ground water resources;
- (d) the method of water supply and evidence of its availability, quality and potability;
- (e) the landscape quality of the land and surrounding land and the impact on the amenity of the locality of the clearing required for development; and
- (f) the effect of development on the drainage system in the locality and the impact on land and the environment in general.

(3) Cluster Rural Living Dwellings shall not be given Planning Approval in Rural Landscape Living and General Rural zones on any lot less than 20 hectares in area.

DIVISION 7—SCREENING, LANDSCAPING AND USE OF SETBACK AREAS

4.19 OBJECTIVES

The objectives of the screening, landscaping and the use of setback area provisions are:

- (a) to maintain a comfortable, pleasant and relaxing environment;
- (b) to maximise privacy within individual lots;
- (c) to minimise the effect of headlight glare, reflected heat and glare from parking areas; and
- (d) to encourage the retention and replanting of indigenous vegetation.

4.20 PARKING AREAS

A person shall not use or develop land within any Residential, Rural Landscape Living and General Rural Zone or on land adjacent to such a zone, for the purpose of a parking area, unless the parking area is adequately screened from the street and adjacent properties:

- (a) by a wall or closed fence not less than 1.8 metres high; or
- (b) by planting vegetation of such a nature that within two years after planting it will achieve a height along its whole length of not less than 1.8 metres.

4.21 SCREENING OF EXTERIOR STORAGE AREAS

A person shall not use or develop any land for the purpose of accommodating exterior storage areas unless such land is landscaped or fenced, so as to screen the exterior storage area from view from a public road or from adjacent properties by a screen of not less than 1.8 metres high.

4.22 LANDSCAPING REQUIREMENTS

(1) A person shall not commence the development of land for any purpose involving the provision of a parking area unless a landscaping plan aimed at screening the parking area has been submitted to the Council and approved.

(2) Where the Council has approved a landscaping plan in accordance with the preceding subclause, the land shall not be used for the purpose in connection with which the parking area was proposed unless the landscaping is provided and maintained in accordance with the approved landscaping plan.

(3) External paved areas accommodating car parking and pedestrian spaces shall be provided with trees suitable for the purpose of creating shade and providing relief to the paved surface. Such provision is optional in the Light Industrial and Service Commercial Zones.

(4) Unless occupied by access driveways, the perimeter of a site abutting any street shall be landscaped to an average depth of three metres and thereafter maintained to the satisfaction of Council.

(5) Where specified by Council in a Planning Approval, existing trees shall be retained, notwithstanding any other provision in this Scheme.

(6) Landscaped areas constructed, planted and maintained pursuant to this clause shall, in general, be located in such positions on the lot as to enhance the appearance of the bordering street and to screen from view or soften the impact of buildings and associated service areas for the benefit of the visual amenity of the locality.

4.23 USE OF SETBACK AREAS

No person shall use the building setback area from any street alignment in a District Shopping, District Business, Local Centre, Service Commercial or Light Industrial Zone for any purpose other than one or more of the following:

- (a) a means of access;
- (b) customer or employee parking; or
- (c) landscaping.

The setback area shall not be used for the parking of vehicles which are being repaired or dismantled, nor for storage purposes of any kind.

DIVISION 8—MOTOR VEHICLE PARKING, LOADING AND ACCESS

4.24 OBJECTIVES

The objectives of the motor vehicle parking, loading and access standards are:

- (a) to ensure that the provision for off street parking of vehicles is appropriate to the proposed use or development of land and to ensure that the land set aside for parking is utilised in an appropriate manner;
- (b) to minimise the impact of vehicle noise, headlight glare, and intrusion into the privacy of the occupants in surrounding properties;
- (c) to ensure that adequate provision is made on-site for the loading and unloading of goods by vehicles associated with the use of the land; and
- (d) to ensure that particular developments do not by reason of vehicle movements create a potential hazard to traffic on abutting roads.

4.25 PARKING AREA DESIGN

A parking area shall conform with the following requirements:

- (a) design shall be such as to provide adequate access to each parking space and to ensure safe and convenient pedestrian access to facilities;
- (b) pedestrian and vehicular entrances and exits shall be separated wherever possible;
- (c) design shall be such to allow access to a public road in forward gear and minimise traffic hazards;

- (d) parking spaces and accessways shall be constructed of hard standing, dust free surfaces, graded and drained to the requirements of Council;
- (e) each parking space shall be clearly identified by line marking, kerbed divisions or other materials or methods approved by Council;
- (f) suitable directions and sign posting shall be provided to indicate ingress and egress;
- (g) the parking area shall be included in an overall landscaping plan and provided with a suitable species of shade trees at regular intervals to the satisfaction of Council; and
- (h) where parking areas are located on land such that windows to habitable rooms face the car parking areas, they shall be suitably screened from those rooms to the satisfaction of Council.

4.26 LOCATION OF PARKING AREA

- (1) A parking area shall not be constructed except with Council approval, other than on the lot that the development is associated with.
- (2) The Council may approve of some or all of the car parking spaces prescribed for a development to be provided elsewhere than on the lot to be used for that development if the Council is satisfied that the car parking spaces to be provided elsewhere are:
 - (a) sufficiently close to the development; and
 - (b) available for the sole use of occupiers of or visitors to the development.

4.27 ALTERNATE PROVISION FOR ON-SITE PARKING

- (1) Where car parking spaces are required to be provided pursuant to this Scheme, the Council may accept a cash payment in lieu of the provision of some or all of those car parking spaces, if:
 - (a) the payment is not less than the amount the Council estimates to be the cost to the owner of providing and constructing those spaces together with the amount the Council estimates to be the value of the land which would have been occupied by those spaces; and
 - (b) payment is made prior to commencement of the development in respect of which those spaces are required to be provided or in accordance with the terms of an agreement made between the Council and the applicant for Planning Approval for that development.
- (2) Any amount paid to the Council under subclause (1), shall be held by the Council in a separate reserve account or trust account and shall be applied by the Council:
 - (a) in providing car parking spaces or car parking facilities capable of serving the needs of the development in respect of which the payment was made and in the locality of that development; or
 - (b) to the acquisition of land and the construction of buildings for the purpose referred to in paragraph (a) of this subclause.

4.28 PARKING PROVISION

- (1) Except with the consent of Council, a person shall not use or develop land for a purpose specified in Column 1 of Table 3 unless provision is made on the site for a number of car parking spaces not less than the number calculated in accordance with Column 2 of that Table shown opposite that purpose.
- (2) Where a calculation made in pursuance of subclause (1) results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.
- (3) Where there is a use of land referred to in the Zoning Table (Table 1) for which no provision is made in respect of car parking spaces in Table 3, the car parking spaces required for that use of land shall be as determined by Council.

4.29 VEHICLE ACCESS

Vehicle access to Great Eastern Highway from the District Shopping and District Business Zones or from individual properties accommodating commercial developments will be restricted or denied. Where restricted access is permitted, provision shall be made for safe ingress and egress from that road, including where necessary shared access arrangements between properties.

4.30 SIZE OF PARKING SPACES AND ACCESSWAY DRIVEWAYS

The size of car parking spaces and the driveways providing entry to, or exit from, a parking area shall be in accordance with Table 4 and the explanatory figure in Table 5.

TABLE 3—PARKING REQUIREMENTS

Column 1 Manner of use or development	Column 2 Minimum number of car parking spaces required
1. Amusement Machine Centre	1 for every 10m ² of gross leasable area.
2. Caravan Park	1.5 per camp site.
3. Catering Business/Restaurant	Minimum of 6 or 1 per 10m ² of gross floor area, whichever is the greater.
4. Child Day Care Centre	1 per employee or staff member, plus 1 per every 8 children allowed under maximum occupancy.
5. Display Homes/Land Sales Offices	Minimum of 8 spaces per display home or land sales office.
6. Dwellings: —Single house —Grouped —Multiple	As prescribed in the Residential Planning Codes.
7. Hospital	12 or 1 for every 2 beds plus 2 for emergency ambulances plus 1 for every 6m ² of gross leasable administration area, whichever is the greater.
8. Educational Establishment: (a) Primary School	1.5 for every classroom or a minimum of 10 whichever is the greater.
(b) Secondary	2 for every classroom or 1 for every 20 students whichever is the greater.
(c) Tertiary	1 for every 5 students.
9. Indoor Recreation Centre: (a) Racquet court games	4 for every court
(b) Cinema, theatre, community hall or such other indoor spectator facilities	1 for every 4 seats or 4 persons, based on maximum capacity of all facilities when used simultaneously.
(c) Health Studio	1 for every 15m ² of gross leasable area.
(d) Otherwise than as specified in Items (a), (b), or (c)	1 for every 10m ² of gross leasable area.
10. Industry—Light and Service, Factory Tenement Buildings and Industry—Rural	4 per unit or 1 per 45m ² gross leasable area or 1 per employee whichever is the greater.
11. Kennel and Cattery	1 for every 4 staff.
12. Medical Clinic	5 for every consulting room plus one per staff member.
13. Motor Body Works	1 for every 45m ² of gross floor area and 1 for every 100m ² of open storage or work areas.
14. Motel, Hotel, Tavern, Club, Holiday Accommodation	Where applicable to the particular use: 1 for every 2m ² of public drinking area other than lounge floor area 1 for every 4 seats which an eating area is designed to provide or 1 for every 4m ² of eating area or part thereof, whichever produces the greater number of car parking spaces; 1 for every bedroom plus 1 space per staff member 1 for every 6 seats provided or capable of being provided in assembly area or 1 for every 4.5m ² of assembly area, whichever produces the greater number of car parking spaces; 1 for every 4.5m ² of beer garden or outdoor drinking areas; 1 for every 3m ² of public lounge drinking areas.
15. Motor Repair Station and Service Station	Minimum of 4 or 1 for each lubrication and maintenance bay plus 1 for each person working on the site, whichever is the greater.
16. Nursery/Garden Centre	Minimum of 12 to be provided or 1 per 50m ² of display and sales area plus 1 per staff member, whichever is the greater.
17. Office	1 for every 35m ² of gross leasable area.
18. Outdoor Entertainment	1 for every 4 persons based on maximum capacity of all facilities when used simultaneously.
19. Place of Worship	1 for every 4 seats or 4 persons capable of being accommodated.
20. Residential Building	1 for every two occupants.
21. Shop	1 for every 12.5m ² of gross leasable area in the District Shopping and District Business zones and 1 for every 15m ² of gross leasable area in all other zones, plus 1 per 100 bays for disabled persons.
22. Showroom	1 per 50m ² of storage area plus 1 per 25m ² of sales or display area to which the public has access.
23. Transport Depot	1 per 100m ² gross floor area or 1 per 2 employees, whichever is the greater.

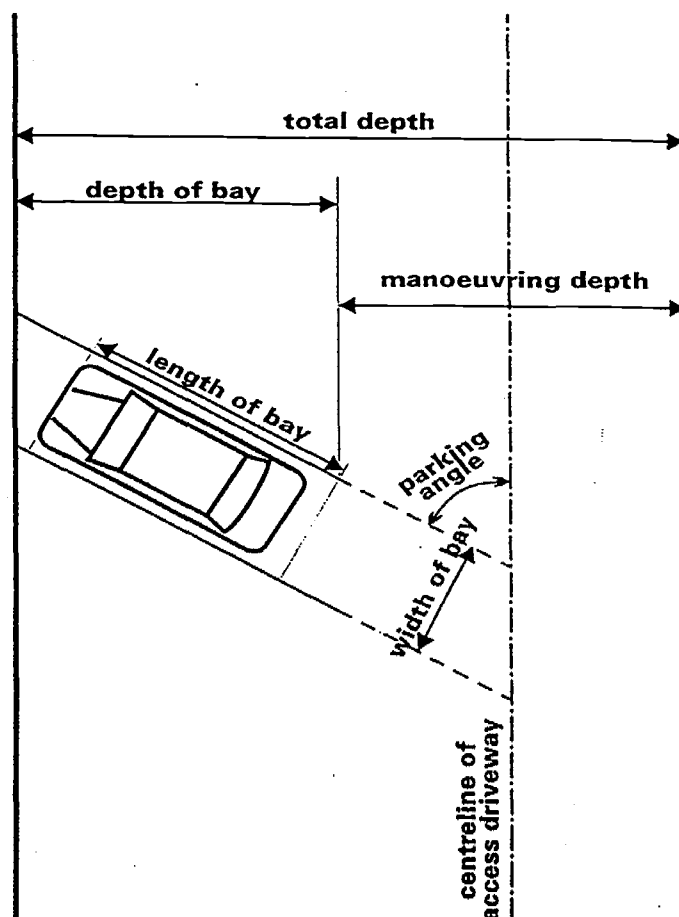
Table 3—Parking Requirements—*continued*

Column 1 Manner of use or development	Column 2 Minimum number of car parking spaces required
24. Vehicle Sales	1 for every 45m ² of gross floor area plus 1 for every 100m ² of open display area.
25. Veterinary Clinic	5 per consulting room plus 1 per staff member OR 1 for each 25m ² of gross leasable area, whichever is the greater.
26. Warehouse	1 per 100m ² gross floor area.

TABLE 4—PARKING DIMENSIONS

Parking Angle	Width of Bay (metres)	Length of Bay (metres)	Depth of Bay (metres)	Minimum Manoeuvring Depth (metres)	Minimum Total Depth (metres)
(a) ONE-WAY ACCESS					
90°	2.6	5.5	5.5	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) TWO-WAY ACCESS					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

TABLE 5—EXPLANATORY FIGURE



4.31 LOADING BAYS

(1) Land shall not be used for any industry (Service Industries excepted), hospital, shop, showroom, transport depot, warehouse or other use requiring separate access for service vehicles unless provision is made wholly within the site for the accommodation of vehicles whilst being loaded or unloaded. Such accommodation shall be provided at the ratio of:

- (a) 1 space for every 2,000m² of floor area or less in single occupation up to a total floor area of 10,000m²; plus
- (b) 1 space for every 5,000m² of floor area or part thereof in excess of 10,000m².

(2) A loading bay required under this clause shall have minimum dimensions of 8 metres long, 4 metres wide and a minimum height clearance of 4 metres. The space shall be so located that vehicles may manoeuvre wholly within the site.

4.32 SET-DOWN AREAS

(1) Land shall not be used for any child day care centre, educational establishment, hospital, hotel, residential building or similar public facility unless a set-down area designated and adapted for the picking up and setting down of passengers, is provided on the land or on land not being a public road adjoining that land.

(2) A set-down area referred to in sub-clause (1) shall permit vehicles to draw off and return to the public road in forward gear and provide adequate standing space appropriate to the use of the site.

4.33 DRIVE-IN TAKE-AWAY BUSINESS OUTLETS

A building shall not be used for a drive-in take-away business on a lot unless—

- (a) driveway storage for not less than 10 vehicles is provided on site between the point of entry from the public road and the point of sale; and
- (b) a vehicular crossing for such purposes over a footpath is not:
 - (i) less than 6 metres wide;
 - (ii) closer than 9 metres to another vehicular crossing; and
 - (iii) closer than 15 metres to a road intersection.

4.34 SERVICE STATIONS

A building shall not be used as a service station unless:

- (a) any vehicular crossing over a footpath is not more than nine metres wide, is not closer than nine metres to another vehicular crossing and is not closer than 15 metres to a road intersection;
- (b) inlets to bulk fuel storage tanks are so situated as to ensure that tankers, while discharging fuel into those tanks, shall stand wholly within the site; and
- (c) fuel pumps are within the site and not closer than 3 metres to the edge of a road reserve.

DIVISION 9—BUILDING HEIGHT**4.35 OBJECTIVES**

The objectives of the building height standards are:

- (a) to protect the use and enjoyment of existing properties from visual obstruction that may be caused by new buildings;
- (b) to achieve forms of development that enhance the existing character of the streetscape; and
- (c) to achieve building heights compatible with landforms in the subject area.

4.36 RESTRICTIONS

(1) No person shall construct a building of more than two storeys or of a roof height of more than nine metres on any land within the Scheme Area unless the Council considers the building will not disrupt the amenity of the surrounding area.

(2) The height of any point of a building shall be measured from ground level immediately below that point but shall also include the height of any mound or pad specifically provided or made for the purpose of or having the effect of elevating a building above the surrounding ground level.

DIVISION 10—HOME BASED ACTIVITIES**4.37 REQUIREMENTS FOR HOME OCCUPATION AND HOME INDUSTRY**

A home occupation or home industry shall not be approved by the Council, or having been approved shall not be carried on otherwise than in accordance with the requirements set out hereafter in this clause.

- (a) The approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person or property.
- (b) The use shall not entail the employment of any person not a permanent member of the occupier's household.
- (c) The use shall not in any way be detrimental to the amenity of the locality.

- (d) The use shall not require the provision of any service or utility additional to those normally required in the zone or neighbourhood in which it is located.
- (e) The use shall not give rise to car parking, vehicle movements, noise or other emissions or impacts significantly in excess of those reasonably expected of the zone in which the dwelling is located.
- (f) No goods other than goods manufactured or serviced on the premises shall be sold or exposed for sale within the dwelling or curtilage of the dwelling.
- (g) The use shall not involve the outdoor storage of material, supplies or other goods whatsoever unless Council is satisfied that such storage is not detrimental to the amenity and fire safety in the locality.
- (h) Any time limit on the duration of Council's approval and the requirement for the renewal of such approval shall be determined by Council.
- (i) There shall be no external indication that the dwelling or outbuilding where a home occupation or home industry is conducted is used for other than the primary residential use on the property.
- (j) The use shall not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) prejudice or injurious affection due to the emission of noise, vibration, light, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid waste or other waste products or due to the use of electrical equipment that interferes with radio or television reception.
- (k) Advertising shall be restricted to a single sign not exceeding:
 - (i) 0.2m² for a home occupation;
 - (ii) 0.7m² for a home industry.
- (l) The use shall not occupy an area of more than:
 - (i) 20m² for a home occupation;
 - (ii) 100m² for a home industry.
- (m) If, in the opinion of the Council, a Home Occupation or Home Industry approved by it is causing a nuisance or annoyance to the neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it. Where a determination is made by Council to rescind the approval, no person shall thereafter upon the subject land, carry on the Home Occupation or the Home Industry.

DIVISION 11—MISCELLANEOUS USES

4.38 WAYSIDE STALLS

- (1) No person shall erect or maintain a wayside stall on private land associated with a rural pursuit or otherwise unless the Council has granted approval to do so, and such stall shall not offer for sale any commodity that has not been grown or produced on the land on which the stall is situated.
- (2) In making its determination on an application for approval, Council shall take into consideration the following matters:
 - (a) the position and width of all points of vehicular access to the site and areas set aside for parking of vehicles are adequate and do not cause a hazard to the free flow of traffic;
 - (b) advertising signs associated with the stall do not detract from the landscape character of the locality or have an undesirable effect on the safety of vehicles or persons using the road;
 - (c) the appearance and design of the stall does not detract from the visual quality of the locality; and
 - (d) any other matter whether of the same kind as the foregoing or not which Council considers relevant.
- (3) Notwithstanding the provisions in subclause (2), no Planning Approval shall be issued for a wayside stall to be located in any part of a controlled access highway or other major highway (within the meanings of those terms under the Metropolitan Region Scheme).

4.39 OUTBUILDINGS

All outbuildings shall be ancillary to the primary use of the land and shall, except with the approval of Council, comply with the conditions set out hereafter in this clause.

- (a) Outbuildings on lots below 5000m² in area shall not:
 - (i) have a combined area of greater than 65 square metres; or
 - (ii) be located within 1.2 metres of a side or rear boundary, nor within 3.0 metres of a habitable room window of an existing dwelling on an adjoining allotment; or
 - (iii) have a height greater than 3.0 metres at wall height and 4.0 metres at the ridge line.
- (b) Outbuildings on lots over 5000m² in area shall not:
 - (i) have a combined area of greater than 250 square metres and no individual outbuilding shall have an area greater than 150 square metres;
 - (ii) be located closer than 20 metres to any lot boundary; or
 - (iii) have a height greater than 3.5 metres at wall height and 4.5 metres at the ridge line.

(c) All outbuildings shall:

- (i) where visible from any road, be screened from view from the road by planting or other landscape treatment approved by the Council, and the screening maintained to the satisfaction of the Council;
- (ii) not be built on any land which has a slope of greater than 20%;
- (iii) be so located on the land to minimise the visual impact from any road;
- (iv) be built no closer to the street alignment than the building line, if they are constructed of brick; and
- (v) be built no closer to the street alignment than the rear of the existing or proposed dwelling, if they are constructed of any type of material other than brick.

4.40 RELOCATION OF BUILDINGS

Any building or structure which has been partly or wholly erected on any lot, either within or outside the Shire, shall not be relocated to any premises in the Shire unless Council has granted approval to do so. In making its determination on an application for approval, Council shall take into consideration the following matters:

- (a) capability for movement with structural safety;
- (b) ability to comply with the provisions of this Scheme; and
- (c) whether the appearance and design would detract from the visual quality of the environment in the relocated position.

4.41 FLOODLIGHTING

No person shall erect, install or maintain any floodlight, spotlight or other forms of lighting for any purpose, unless the emission of light from such devices is oriented or controlled so as not to interfere with the amenity of any adjacent residential or rural zone nor cause traffic hazard in the nearby street system.

4.42 PUBLIC CONVENIENCES

In determining any application for development or redevelopment of land, Council shall have regard to the anticipated level of public use of such a development and require the provision of adequate public convenience facilities where appropriate.

4.43 HEIGHT OF OBSTRUCTIONS AT STREET CORNERS

No portion of a building in any Zone within this Scheme shall project into a 12-metre truncation of a corner lot unless otherwise prescribed or determined by Council. The visual truncation is the area created by the continuation, in a straight line of each of the lot boundaries, with road frontage, by measuring 12 metres from the point of intersection of the projected boundaries and by connection in a straight line of the two points determined by such measurement.

4.44 RUBBISH BIN STORAGE AREA

Bin storage areas shall be provided for all commercial and industrial developments in locations readily accessible to the users and service vehicles. Such areas shall be screened from public view by a wall of masonry, provided with self-closing lockable gates and shall be of a size sufficient to accommodate the number of bins necessary to contain all of the rubbish generated by the use of a particular property during the rubbish collection period.

4.45 PETROL PUMPS

With the approval of the Council, petrol pumps may be established on land zoned or used for industrial purposes and such other land as the Council designates, provided that:

- (a) such pumps are incidental to the predominant use on the property and are not used for the sale of petrol to the public or employees; and
- (b) no pump is situated within the building setbacks specified in this Scheme.

4.46 PARKING OF COMMERCIAL VEHICLES

(1) No person shall, on privately owned land within a Residential Zone:

- (a) park or allow to remain stationary for more than two hours consecutively—
 - (i) more than one commercial vehicle unless it is housed in a domestic garage or domestic outbuilding;
 - (ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of 46 square metres and in which no horizontal dimension is more than 7.5 metres; and
 - (iii) a vehicle which, together with the load thereon, exceeds 2.7m in height;
- unless:

A. the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation, if carried on upon the lot, does not contravene the provisions of the Scheme; and

B. the vehicle is not brought to or taken from the land between the hours of midnight and 6.00 a.m.; or

- (b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding provided, however, that such work does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing), injurious affection or prejudice due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or other waste products.

(2) No person shall, on privately owned land within a Rural Landscape Living or General Rural zone, park or allow to remain stationary for more than two hours consecutively more than one commercial vehicle other than such vehicles necessary for the care and management of the use on the lot. Any commercial vehicle not complying with these provisions must be housed within an outbuilding or screened from the street and adjoining properties by landscaping, to the satisfaction of Council.

(3) Notwithstanding the requirements in subclauses (1) and (2) above, if, in the opinion of Council, any commercial vehicle parked in a Residential, Rural Landscape Living or General Rural zone is causing nuisance or annoyance to owners or occupiers of land in the neighbourhood, notice may be served on the owner of the land on which such a vehicle is parked, who shall, within the period specified within such a notice, ensure that the offending commercial vehicle is not parked on the land.

4.47 DISPLAY HOMES AND LAND SALES OFFICES

(1) Notwithstanding any other provision in the Scheme, Council may grant temporary permission for a single house to be used as a display home on a lot in a Residential, Rural or Rural Landscape Living Zone if:

- (a) provision is made on or adjacent to the lot on which the display home is located to allow 8 vehicles to park at one time with paving to a standard approved by the Council;
- (b) the location of the display home will not prejudicially affect traffic movement or the amenity in the locality in the opinion of the Council; and
- (c) the Council obtains adequate assurance by agreement or otherwise that the use of the single house for that purpose will be discontinued at the expiration of the time set by Council, the parking area removed and the land used for parking restored to a standard compatible with the zone in which it is located.

(2) Notwithstanding any other provision in the Scheme, Council may grant temporary permission for a building to be used as a land sales office on a lot if:

- (a) provision is made on or adjacent to the lot on which the land sales office is located to allow 8 vehicles to park at one time with paving to a standard approved by the Council;
- (b) the location of the land sales office will not prejudicially affect traffic movement or the amenity of the locality in the opinion of Council; and
- (c) the Council obtains adequate assurance by agreement or otherwise that the use of the building for an office will be discontinued at the expiration of the time set by the Council, the area provided for parking removed if appropriate and the land restored to a standard compatible with the zone in which the land is located.

DIVISION 12—SUBDIVISION

4.48 OBJECTIVES

(1) It is the intention of the Council to ensure that subdivision development of land within the District should only take place after comprehensive planning has ensured high design standards and cost-effective servicing, which are sensitive to the environment.

(2) The Council in making recommendations to the Commission on any proposal for subdivision of land shall have regard to the requirements set out hereafter in this subclause.

- (a) The Council shall not support any application for subdivision of land within the Residential and Rural Landscape Living Zones unless exempted pursuant to clause 4.50, and where the subdivision of land within any other zone is of sufficient scale or character to warrant the preparation of a Local Subdivision and Infrastructure Plan and none such exist, unless the applicant prepares such a Plan in accordance with the requirements in Schedule 7.
- (b) Where a Local Subdivision and Infrastructure Plan has been prepared pursuant to subclause (a) and adopted by Council, pursuant to clause 4.49, subdivision and subsequent development shall not be supported by Council unless the criteria contained in these documents are complied with.
- (c) Where a subdivision application has been referred to the Council by the Commission, and the requirements in subclause (a) and (b) are not complied with to enable Council to respond to the Commission within the statutory time limit set by the Act, the Council may recommend to the Commission that the application be refused.

(3) Nothing in the above subclauses shall prevent Council from initiating an amendment to the Scheme to reflect a Local Subdivision and Infrastructure Plan.

4.49 ADOPTION PROCEDURE FOR A LOCAL SUBDIVISION AND INFRASTRUCTURE PLAN

(1) Where a Local Subdivision and Infrastructure Plan ("LSIP") has been prepared or received, the Council may:

- (a) Reject it stating the reasons for doing so; or
- (b) Adopt the procedures in subclause (2) with a view to possible approval of that Plan as the basis or guide for the subdivision and/or development of the subject land.

(2) If the Council does not reject the Local Subdivision and Infrastructure Plan, the following procedures shall apply:

The Council shall require the proponent of the Local Subdivision and Infrastructure Plan to give notice or may itself, at the expense of the proponent, give notice of the proposed Plan by any one or more of the following means:

- (i) written notice to such owners of land as the Council stipulates;
 - (ii) placing of such signs on the land and in such positions as the Council requires;
 - (iii) advertising such number of times in such newspaper or newspapers as the Council requires; and
 - (iv) such other means of notification as the Council specifies.
- (3) The form and contents of any such notice, sign or advertisement shall be as stipulated by the Council, and in any event the notice, sign or advertisement shall notify the existence of the Plan and land included in the Plan, and shall invite submissions to the Council regarding any aspect of the Plan of interest or concern to affected land owners.
- (4) Any notice, sign of advertisement referred to in subclause (2), shall specify a time within which submissions will be received, but that time shall not be less than 28 days from the date of the first notification nor less than 21 days from the date of the last notification.
- (5) The Council may give notice of the Local Subdivision and Infrastructure Plan to any authority it considers may be interested.
- (6) The Council shall consider any submission received within the specified time, and any response received in time from any interested authority.
- (7) The Council may, in regard to a Local Subdivision and Infrastructure Plan of which notification as aforesaid has been given, resolve:

- (i) to reject it; or
- (ii) to approve it without modifications; or
- (iii) to approve it subject to certain modifications; and
- (iv) in the case of an approval to stipulate conditions which the Council would impose on any development or would seek to have imposed on any subdivision in accordance with the Plan.

(8) Where the Council resolves to approve a Local Subdivision and Infrastructure Plan for land with potential for subdivision it shall as soon as practicable send to the Commission:

- (a) a copy of the Plan including any modifications;
- (b) details of any conditions;
- (c) a precis of any submissions or responses received within the stipulated time together with the Council's decision in respect thereof;

and the Council shall request the Commission to adopt the Plan and to apply the conditions in the approval of any subdivision within the area covered by the Plan.

(9) The Council may approve any development or recommend to the Commission approval of any subdivision which does not comply with any aspect of the approved Local Subdivision and Infrastructure Plan if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area subject of the Plan.

(10) A Local Subdivision and Infrastructure Plan may be amended by such means as to the Council seem appropriate, provided that any amendment which in the opinion of the Council is substantial shall be dealt with by procedures similar to those for the approval of the Plan.

(11) The Local Subdivision and Infrastructure Plan together with any modifications when adopted or approved by the Council shall be kept available at the office of the Council for inspection by any interested person to the same extent as the documents forming part of this Scheme.

(12) In the event that the Council and the landowner are unable to reach agreement on the content or requirements of a proposed LSIP or on an amendment of an approved LSIP which is not in the opinion of the Council substantial, the landowner may serve notice on the Council that, within a specified period being not less than 35 days, the Council is required to make a formal determination on the contents or requirements of the proposed LSIP or the amendment of the approved LSIP as the case may be, and where the Council thereafter:

- (a) rejects the proposed LSIP under subclause (1) or subclause (7) hereof, or refuses to approve the non-substantial amendment; or
- (b) approves the proposed LSIP or the amendment to an approved LSIP subject to conditions that are unacceptable to the landowner; or
- (c) fails to make a decision within the period specified in the notice given in accordance with this subclause,

the landowner may appeal in accordance with the provisions of Part V of the Act.

4.50 EXEMPTIONS

(1) Notwithstanding the specified contents for a Local Subdivision and Infrastructure Plan in Schedule 7, Council accept partial compliance with all or any of the requirements specified therein, in the case of any proposed subdivision.

(2) Without affecting the generality of subclause (1), the requirement to prepare a Local Subdivision and Infrastructure Plan may be waived in the case of subdivisions resulting in the creation of not more than three lots, if in the opinion of Council, the proposal:

- (a) is unlikely to have any significant environmental impact;
- (b) is in an area where no further subdivision potential exists;
- (c) does not require and is unlikely to create the requirement for, additional services; and
- (d) does not prejudice the subsequent preparation and adoption of a Local Subdivision and Infrastructure Plan.

4.51 SUBDIVISION DESIGN CRITERIA

The provisions of this clause supplement the design criteria contained in clauses 4.14 to 4.17 inclusive and clauses 4.52 to 4.55 inclusive and notwithstanding any other provisions contained within this Scheme, it must be demonstrated to the Council that the design criteria contained in this clause and in clauses 4.14 to 4.17 inclusive and clauses 4.52 to 4.55 inclusive are satisfied prior to Council recommending to the Commission that any subdivision application be approved.

- (a) Not less than 40% of the total area of any lot created by a subdivision shall contain land which is not liable to flooding, and is not subject to land sliding unless such a lot is of sufficient size to minimise any detrimental effect on the topographical features of the land.
- (b) Where reticulated sewerage is not available, each lot shall contain suitable land for the installation of an on-site effluent disposal system to prevent any form of pollution taking cognisance of its proximity to water bodies, soil type and depth to ground water and slope of the land.
- (c) The environmental capacity of the soils in the area shall be capable of assimilating wastes.
- (d) The size, shape and layout of the proposed lots shall be compatible with the physical characteristics of the land including slope, soil types, natural vegetation and tree cover and do not detract from landscape vistas.
- (e) The road layout shall accord with an hierarchal system (eg. cul-de-sac/access, collectors, distributor) and provide for the quick visual identification of each level of the hierarchy, making the motorist aware of the changes in function at any transition between one level of the hierarchy and the other.
- (f) All roads shall be designed so to minimise earthworks, protect significant landscape and ensure compatibility between land use activities and the movement of vehicular traffic.
- (g) Drainage design shall aim to retain the natural storm run-off characteristics by attenuating the run-off within the development, preferably within individual lots to minimise likely downstream impact of flash floods, soil erosion and sedimentation and nutrient enrichment of water courses.
- (h) Adequate measures shall be taken to protect the natural features of the land such as water courses, rock outcrops and natural vegetation and to ensure minimum detriment to the landscape.
- (i) The subdivision design shall be compatible with the existing subdivision pattern or development within the locality.
- (j) The provision of land for the purpose of Public Open Space shall be suitable, having regard to the types of recreational opportunities and facilities which will be required in a particular area.
- (k) Removal of mature trees shall be kept to a minimum, commensurate with the need for tree preservation.
- (l) A revegetation programme shall be provided where appropriate.
- (m) The existing character and amenity of the area shall not be compromised.
- (n) The existing community, retail and public transport services shall be adequate to serve the proposed increase in population density.
- (o) Where the grazing of animals such as horses is intended or permitted an assessment of land suitability based on land capability criteria shall be provided.
- (p) An assessment of the erosion risk shall be made taking cognisance of proposed fire breaks where appropriate and such assessment shall be based on land capability criteria.
- (q) An assessment of fire risk shall be made taking into account the road and public accessway network, terrain characteristics, and water supply arrangements for fire control purposes.
- (r) Access roads and firebreaks shall be located so as to avoid slopes of 15% or greater or shall be designed to include drainage control features to prevent soil erosion.

4.52 PUBLIC OPEN SPACE

The following subclauses shall apply as guidelines under this Scheme for the provision of public open space on the subdivision of land.

(1) Objectives

- (a) The objective is to provide public open space areas or parks for a local population catchment in a neighbourhood and as shared recreation areas for the residents in the District in the form of bridle trails, walk trails and picnic areas.
- (b) Appropriately located high quality open space reserves incorporating landscape features will enhance the value of a subdivision as these areas will remain in public ownership. Open space areas should be usable, accessible, attractive and allow for ease of maintenance, rather than the remnant land, and where possible, should include stands of attractive vegetation, tracks along ridgelines reserved for walking or riding, an attractive valley or rocky area, scenic lookouts and other similar features.

(2) Sizes

Public open space provided in the form of local parks should not be less than 1ha (10000m²) in area and should where possible be linked via pedestrian accessways, bicycleways, local roads and bridle paths to make the space easily manageable, more functional and economic.

(3) Distribution

The distribution of local parks should have regard to proximity of such parks to open space areas in the vicinity and the distance from the population catchment being serviced. Ideally, such parks should be located within 400 metres of safe walking distance from residential areas.

4.53 ALLOTMENT SIZES

(1) The Council's recommendation to the Commission on subdivision applications will be made in accordance with the following standards unless a particular parcel of land is included in a Local Subdivision and Infrastructure Plan for a particular area adopted by Council pursuant to Clause 4.49.

(2) Notwithstanding the allotment sizes indicated herein, where a Local Subdivision and Infrastructure Plan has been adopted for a particular parcel of land in the District, the allotment sizes indicated on such a plan shall form the basis for the subdivision of any land within that parcel of land.

(3) Residential Zone (R)**Minimum Lot Size**

In the Residential Zone:

- (a) lot size shall be in accordance with Residential Planning Code densities indicated on the Scheme Map; and
- (b) each lot shall have a frontage to a road in accordance with the Residential Codes and shall be capable of accommodating a building envelope 20 metres in diameter, within its boundary.

(4) Rural Landscape Living Zone (RLL)

Lot sizes in a Rural Living Zone shall comply with the following standards:

Code	Minimum Lot Size
RLL1	1 hectare
RLL2	2 hectares
RLL4	4 hectares
RLL	No further subdivision will be supported.

(5) General Rural Zone (GR)

Lot sizes in a General Rural Zone shall comply with the following standards:

Code	Minimum Lot Size
GR1	10 hectares
GR	No further subdivision will be supported.

(6) Special Circumstances

Notwithstanding the allotment sizes specified in subclause (4) above, where a dual coding is indicated on the Scheme Maps (eg RLL1/2) lot size shall be in accordance with a Local Subdivision and Infrastructure Plan prepared in accordance with the requirements in Schedule 7 and adopted by Council.

(7) Service Commercial (SC)/Industrial Zone (II)

Lot sizes in a Service Commercial/Industrial Zone shall comply with the following standards:

Code	Min. Lot Size
SC	1 000 m ²
II	1 500 m ²

Each lot shall have a minimum 25 metre effective frontage to a road.

(8) The standards in the preceding subclauses of this clause shall not be departed from unless the Commission when making its determination on a subdivision application or the Minister or Town Planning Appeal Tribunal in determining an appeal are satisfied that sufficient grounds exist to occasion such departure.

4.54 ALLOTMENT DESIGN GUIDELINES

- (1) The depth to width ratio of any lots created by a subdivision shall not exceed 5:1.
- (2) Council may consent to battle-axe lots only if it is satisfied that battle-axe lots are part of the best planning solution for the particular circumstances provided:
 - (a) such lots below 4000m² in area have a common boundary with open space or comply with Commission policy; and
 - (b) such lots are provided with an access strip being part of such lots to widths ranging between 3.5 metres to 6.0 metres as determined by Council.

4.55 TREE PLANTING ALONG ROAD VERGES

Where a subdivision proposal involves the creation of more than 15 allotments, a subdivider of any such parcel of land shall plant trees along both verges of all roads within or abutting that subdivision at a density and of species approved by the Council, but in any case the Council shall not approve less than 10 trees per 100 metres and ground cover where appropriate, and the subdivider shall maintain such trees and if applicable such ground cover for a stipulated period and in accordance with criteria set by Council and at no cost to Council.

PART V—SPECIAL CONDITIONS

DIVISION 1—TREE PRESERVATION AND ENHANCEMENT

5.1 OBJECTIVES

The objectives of the tree preservation and planting provisions are:

- (a) To preserve the landscape attributes within the District and protect significant and sensitive areas from the negative effects of clearing of the natural vegetation;
- (b) To enhance the amenity, convenience and natural beauty of various parts of the District by facilitating:
 - (i) reduction in soil salinity;
 - (ii) prevention of erosion;
 - (iii) provision of habitats for native fauna;
 - (iv) provision for aesthetic pleasure; and
 - (v) retention of the landscape quality.
- (c) To encourage regular vegetation planting programmes making use of species indigenous to the area to:
 - (i) establish and retain a continuation of tree cover;
 - (ii) re-establish native shrubs and groundcovers;
 - (iii) rehabilitate degraded areas such as old gravel quarries;
 - (iv) rehabilitate areas of saline and/or water-logged land;
 - (v) re-establish corridors of native vegetation along water courses; and
 - (vi) revegetate river/stream catchment areas; and
- (d) To actively support co-operative programmes with community groups, and local, state and federal government bodies;
- (e) To provide for visual screening of buildings and ancillary development; and
- (f) To protect areas of land management importance including areas of actual or potential land degradation.

5.2 PRESCRIBED REQUIREMENTS FOR TREE PRESERVATION

- (1) The ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree having at least one well-defined stem of a minimum 150mm in diameter measured at a height of 1.2 metres above the natural ground level and the removal of substantial natural vegetation are prohibited within the District except with the approval of Council or unless the tree or vegetation is exempted from compliance with this provision pursuant to clause 5.3.
- (2) Trees shall not be removed, lopped, ringbarked or otherwise damaged, or substantial natural vegetation removed, except with the approval of Council, on land which is either within 100 metres of a water course, has a slope in excess of 20 per cent or has been shown on the Local Subdivision and Infrastructure Plan as a tree preservation area on any lot.

(3) Notwithstanding the provisions in subclauses (1) and (2), the Council may, by notice served upon the owner of the land, require the preservation of a particular tree or species of tree or group of trees, and thereafter no landowner shall cut, remove or otherwise destroy any tree the subject of such notice until Council rescinds or withdraws the notice or order.

5.3 EXEMPTIONS FROM TREE AND VEGETATION PRESERVATION

Notwithstanding the requirements contained in Clause 5.2, Council's approval is not required for the lopping, topping, ringbarking, destruction or removal of trees, or natural vegetation, in the following cases:

- (a) Any tree, shrub or other plant which is not indigenous (or native) to the District in the opinion of Council;
- (b) Any tree with a stem less than 150mm in diameter measured at a height of 1.2 metres above the natural ground level;
- (c) Trees and natural vegetation on lots less than 4000m² in area provided such lots do not contain land which is either within 100 metres of a watercourse, has a slope in excess of 20 per cent or has been shown on the Local Subdivision and Infrastructure Plan as a tree preservation area;
- (d) Any tree which is dead, diseased or constitutes an immediate threat to life or property;
- (e) Trees and vegetation within:
 - (i) three metres of any buildings;
 - (ii) a building envelope defined or accepted by Council;
 - (iii) the perimeter line of a proposed building for which a building licence has been issued;
 - (iv) a firebreak required by a Regulation or By-law;
 - (v) a one metre wide corridor for the purpose of erecting and maintaining a fence;
 - (vi) the area required for the construction of an effluent disposal system approved by Council; and
 - (vii) a vehicle access way to a property.
- (f) Any tree or natural vegetation within two metres of a sewer, water main, effluent disposal system, stormwater or power network where such a tree has caused or is likely to cause damage or blockage to that system or network;
- (g) Trees grown for commercial purposes;
- (h) Any tree within a State Forest; or
- (i) Trees being removed or disturbed as part of a verge/native tree replanting programme carried out with Council's approval.

5.4 CRITERIA FOR ASSESSING APPLICATIONS FOR TREE REMOVAL

In considering and making a determination on any application for the removal of any tree or vegetation Council shall take into consideration and may impose conditions relating to the following:

- (a) That there should be minimum disturbance to the landscape characteristics of the locality;
- (b) There is a demonstrated need for the removal of the tree or vegetation to facilitate development or agricultural use of the land;
- (c) The intrinsic value of the tree or vegetation in terms of physical state, rarity and variety;
- (d) A requirement that plans accompany the application for the removal of trees or vegetation identifying adequately, the specific areas to be cleared and species of the trees and natural vegetation to be removed;
- (e) The necessity to specify conditions relating to replanting and protection of trees;
- (f) The existing and future amenity of the adjoining land and the natural environment of the locality; and
- (g) The effect on the environment of removing trees and natural vegetation and the salination effects within water catchments.

5.5 TREE CORRIDORS

Tree and vegetation preservation buffers to the depth of 50 metres from the road reserve of Great Eastern Highway and 20 metres from the reserves of Seaborne Road, Roland Road, Stoneville Road, Sawyers Road, Alice Road, Bunning Road, Old Northam Road, Brooking Road, Helena Valley Road and such other roads as determined by Council, shall be retained unless Council is satisfied that a departure is warranted in specific circumstances.

DIVISION 2—ENVIRONMENTAL MANAGEMENT**5.6 AMENITY AND BUILDING FORM**

(1) Notwithstanding any other provisions in this Scheme, the Council may refuse to approve the construction of any building or appurtenances thereto if, in its opinion, the proposed building would have an adverse effect on the amenity of existing or future buildings in or landscape quality of the locality.

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

(3) Site planning and development on any land shall be carried out to a standard incorporating any or all of the following matters as determined by Council:

- (a) building forms shall relate to land forms;
- (b) buildings shall be of designs which are compatible with the designs of other buildings along a street in terms of scale, proportion, colour and texture, materials and roof shapes;
- (c) materials and colours used in buildings shall be neither bright nor reflective;
- (d) the height and prominence of development shall be compatible with the landscape quality of the area;
- (e) on lots accommodating shops, offices, civic buildings or such other uses generating public patronage, provision shall be made for:
 - (i) usable public spaces or elements of a pedestrian network such as plazas, malls and pedestrian links through and between lots with full accessibility for prams and wheelchairs.
 - (ii) sculpture, fountains, artworks, the exhibition and performance spaces, toilets, outdoor seating, cycle parking, public telephones and community information boards.
- (f) existing trees shall be retained where appropriate; and
- (g) any other matter Council considers relevant whether of the same kind as the foregoing or otherwise.

(4) Notwithstanding any other provisions in this Scheme, where in the opinion of Council any building or appurtenance thereto has been painted in a colour to a point where it conflicts with the visual amenity of a locality, Council may, by notice in writing, require the owner of the premises to repaint the offending building to a colour and standard specified by Council in the notice.

(5) If, in the opinion of the Council, any land within the Scheme area contains any articles, equipment, rubbish, materials or any other matter which affects the amenity of the locality, notice may be served on the owner of the land who shall, within the period specified in such notice, cause the offending items to be removed, stored, stacked or tidied.

(6) If, in the opinion of the Council, any livestock or bird on any land is found to cause adverse affects on the amenity of the locality through noise, dust, wind and/or soil erosion or effect on vegetation, notice may be served on the owner of the land who shall, within the period specified in such notice, cause the offending livestock or bird to be removed from the property.

DIVISION 3—CONTROL OF ADVERTISEMENTS**5.7 OBJECTIVES**

The objectives of the provisions for control of advertisements are to:

- (a) ensure that the visual quality and character of particular localities and transport corridors are not eroded;
- (b) achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;
- (c) minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (d) 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) reduce and minimise clutter;
- (f) promote a high standard of design and presentation in outdoor advertising; and
- (g) to ensure that the objectives set out in this Scheme for the zone where an advertisement is provided are not compromised.

5.8 POWER TO CONTROL ADVERTISEMENTS

(1) For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of clause 5.12, the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior Planning Approval of the Council. Such planning application for Planning Approval is required in addition to any licence pursuant to Council's Signs and Bill Posting By-laws.

(2) Applications for Council's Planning Approval shall be submitted in accordance with the provisions of Part VI of this Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.9 EXISTING ADVERTISEMENTS

Advertisements which:—

- (a) were lawfully erected, placed or displayed prior to the gazettal of this Scheme, or
- (b) were erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the gazettal of this Scheme, 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.

5.10 CONSIDERATION OF APPLICATIONS

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for Planning Approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of this Division 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 and the amenity of adjacent areas which may be affected.

5.11 EXEMPTIONS FROM REQUIREMENT TO OBTAIN PLANNING APPROVAL

(1) Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 5.8, the Council's prior Planning Approval is not required in respect of those advertisements listed in Schedule 6 which for the purpose of this Division are referred to as 'exempted advertisements'. The exemptions listed in Schedule 6 do not apply to any place or object of natural beauty or of cultural heritage significance or environmental significance declared pursuant to Clause 5.18 of the Scheme.

(2) In addition to the advertisements exempted under the preceding subclause, any other sign exempted by any by-law of the Shire from the obligation to obtain a sign licence shall also be exempted from the obligation to obtain planning approval under this Scheme.

5.12 DISCONTINUANCE

Notwithstanding the provisions of clause 5.11, where in the opinion of the Council an exempted or existing advertisement seriously conflicts with the objectives of this Division, the Council 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.

5.13 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 Division 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.

5.14 NOTICES

(1) 'The advertiser' shall be interpreted as any one 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) Any notice served pursuant to Clauses 5.12 and 5.13 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;
- (c) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser.

(3) Any person upon whom a notice is served pursuant to this Division may within a period of 28 days from the date of the notice appeal to the Hon. Minister for Planning 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.

5.15 OBLIGATION TO COMPLY WITH NOTICE

A person who fails to comply with a notice served pursuant to the provisions of this Division shall be in breach of this Scheme.

5.16 SCHEME TO PREVAIL

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

5.17 ENFORCEMENT AND PENALTIES

The offences and penalties provisions specified in Part VIII of the Scheme apply to the advertiser in this Division.

DIVISION 4—ENVIRONMENTAL PROTECTION AND CULTURAL HERITAGE CONSERVATION

5.18 EFFECT AND PROCEDURE FOR PRESERVATION ORDERS

(1) Notwithstanding any other provision in the Scheme and subject to any obligation arising under any other written law, Council may resolve that it will consider whether a place or object should be the subject of environmental protection or cultural heritage conservation.

(2) The Council may pass a resolution in respect of a place or object within the District for environmental protection if in the opinion of the Council development affecting that place or object might have a significant effect on the environment.

(3) The Council may pass a resolution in respect of a place or object within the District for cultural heritage conservation if in the opinion of the Council:

(a) that place or an object located in and fixed to the place:

(i) is of cultural heritage significance to the District; or

(ii) possesses special interest related to or associated with the cultural heritage of the District,

and is of value for the present community and future generations within the District; and

(b) that the protection afforded by this Scheme is appropriate notwithstanding that the place or object may be afforded protection by the operation of any other written law.

(4) If the Council passes a resolution pursuant to subclause (1), (hereinafter called "the preliminary resolution"), it shall give notice thereof to:

(a) the owner of the land on which the place or object is situated;

(b) any occupier of such land if it is known to the Council that part of the land is not occupied by the owner;

(c) all other persons whose names appear on the Certificate of Title to the land as having an interest therein;

(d) the Environmental Protection Authority;

(e) The Heritage Council of Western Australia; and

(f) Any other person or body who or which in the opinion of the Council might provide information which would assist the Council in arriving at a decision on the question.

(5) The notice issued pursuant to sub-clause (4) shall give the person to whom it is directed not less than 28 days during which time that person may make a written submission to Council.

(6) The Council shall cause a copy of the preliminary resolution to be published in a newspaper circulating throughout the State of Western Australia and in a newspaper circulating in the District.

(7) After the expiration of the notice period but not later than 60 days from the passing of the preliminary resolution, the matter shall be reconsidered by the Council.

(8) The Council upon the reconsideration shall consider all written submissions received and may resolve that the place or object should be classified either as a place or object of environmental protection or a place or object of cultural heritage conservation. Such a resolution shall hereinafter be called a "protection classification" or a "conservation classification" as the case may be.

(9) If the Council resolves to establish a protection classification or a conservation classification for an object or place related to any land it shall give notice to the owner of the land and to any occupier known to the Council, and to any other person or body who or which made a submission on the proposal.

(10) The Council may:

(a) enter into an agreement with the owner or occupier of land related to a place or object which in the opinion of the Council requires environmental protection or cultural heritage conservation whether or not the Council has resolved to establish protection or conservation classification in respect of it; and

(b) enter into an agreement with any other person or body for the protection or conservation of an object or place the subject of a Council classification, or if the owner thereof so agrees, notwithstanding that no classification has been resolved by the Council.

- (11) No person shall without the written consent of the Council:
- (a) within six months from the passing of a preliminary resolution; or
 - (b) after the resolution to establish a protection or conservation classification in respect of any object or place commence or continue or carry out any development on any land which would or might have the effect of removing, damaging or destroying that object or place.
- (12) Any owner of land or applicant for Planning Approval in respect of any land aggrieved by a resolution of the Council establishing protection or conservation classification in respect of any object or place on that land may within 60 days of the classification resolution appeal pursuant to the provisions of Part V of the Act against the resolution of the Council.

PART VI—USE AND DEVELOPMENT OF LAND

DIVISION 1—DEVELOPMENT APPLICATIONS

6.1 REQUIREMENT FOR PLANNING APPROVAL

Any person who desires to commence or carry out any development on or partly on any land zoned or reserved under the Scheme save for those referred to in clause 6.3, shall make application to Council for Planning Approval before applying for a building licence or commencement of usage.

6.2 APPLICATION FOR PLANNING APPROVAL

- (1) An application for Planning Approval shall be:

- (a) in the prescribed form in Schedule 3;
- (b) in accordance with the directions thereon; and
- (c) accompanied by the administration charge set by Council,

and is not made until it is lodged at the office of the Council.

- (2) The administration charge referred to in subclause (1)(c) is made by the Council for administration costs actually incurred in processing an application, and is directly related to that work.

6.3 EXCEPTIONS

Subject to compliance with other specific provisions in the Scheme, an application for Planning Approval is not required if the development consists of the:

- (a) erection of a boundary or other fence, except as otherwise required by the Scheme;
- (b) erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross-reference to that zone in the Zoning Table, except where otherwise provided by the Scheme;
- (c) 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;
- (d) 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;
- (e) carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (f) carrying out within the curtilage of a dwelling of any such use incidental solely for the domestic enjoyment by the occupants of the dwelling as such; or
- (g) use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building work, alterations to any existing building or other development work.

6.4 APPROVAL UNDER METROPOLITAN REGION SCHEME

- (1) Notwithstanding the exceptions detailed in Clause 6.3, an application for planning approval must be submitted to the Council for referral to the State Planning Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 (as amended) if the land the subject of the application is wholly or partly:

- (a) affected by a gazetted notice of a resolution under clause 32 of the Metropolitan Region Scheme requiring such applications to be referred to the Commission for determination; or
- (b) within an area duly declared by the State Planning Commission to be a Planning Control Area.

- (2) Nothing contained in this Scheme shall affect any obligation to make application for and obtain Approval to Commence Development under the Metropolitan Region Scheme.

(3) Where under the provisions of the Metropolitan Region Scheme:

- (a) approval of the responsible authority is required for development of land zoned under Part III of that Scheme; and
- (b) the Council has power delegated to it under the State Planning Commission Act 1985 to determine an application made under that Scheme;

an application for that approval in the form prescribed by the Metropolitan Region Scheme, if accompanied by the information and the administration charge referred to in clause 6.2, shall be deemed to be an application for Planning Approval under this Scheme.

6.5 CONSULTATION

The Council may refer any application for Planning Approval to any public authority or other body or person for advice prior to determining the application and shall advise the applicant immediately of any such referral.

6.6 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

(1) Objectives

- (a) Applications for Planning Approval shall be determined by the Council having regard to the permissibility of uses in the Zoning Table, the objectives of each of the zones, the general development requirements and the special controls as expressed in Parts III, IV and V of the Scheme respectively and any Town Planning Scheme Code adopted by the Council pursuant to clause 8.14.
- (b) Uses not listed or defined in the Scheme and those uses designated in the Zoning Table as "SA" uses shall only receive the consent of Council if the use proposed is considered in Council's opinion to be consistent with the stated Scheme objectives for the subject zone.

(2) Applications to be Notified

- (a) Where application is made for Planning Approval and a use involved in the proposal is designated "SA" or is not listed in the Zoning Table, the Council shall ensure that notice of the proposal is given in accordance with the provisions of this clause.
- (b) Where application is made for Planning Approval and a use involved in the proposal is designated "AA" in the Zoning Table, the Council may resolve that notice of the proposal be given in accordance with the provisions of this clause if for any reason it seems appropriate to the Council for it to do so.

(3) Method of Exhibition and Notification

- (a) Where it is required or the Council resolves under the preceding subclause that notice of a proposal be given, the application and supporting plans and other explanatory documents shall be exhibited at the public office of the Council and shall remain available for public inspection during any notice period.
- (b) Where the Council exhibits an application and supporting documents in accordance with the preceding paragraph, the Council shall, subject to the next following paragraph, ensure that a notice of sufficient size to be visible and readable from the street, has been erected in a prominent position on the subject land, explaining the development proposal and specifically drawing attention to the use proposed in the advertising. The notice shall be maintained on the land for a period of not less than three weeks and shall state that the application and associated documents have been exhibited at the office of the Council, and that submissions may be lodged with the Council before a specified date, being not less than three weeks after the erection of the notice.
- (c) The Council may in any case additionally or alternatively to the notice provided for in the preceding paragraph do any one or more of the following:
 - (i) cause to be advertised one or more times in a newspaper circulating in the District, notice of the Council's intention to consider the application and any such advertisement shall state that the application and associated documents have been exhibited at the office of the Council and 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;
 - (ii) use any other method or media to ensure widespread notice of the proposal; or
 - (iii) give notice to ratepayers and/or occupiers likely to be affected by an approval of the application. Such notice shall be in writing supplying at least the information referred to in item (i) of this paragraph, and allowing a like time after receipt of the notice for submissions to be lodged with the Council.
- (d) The Council may require an applicant to reimburse all or any costs incurred by the Council in the exhibition and notification of a proposal or require the applicant to undertake all or any of the procedures prescribed in this subclause at the expense of the applicant.

(4) Time of Exhibition

Where notice of a proposal is given in accordance with the preceding subclause the application and associated documents shall be exhibited during the whole of the period stipulated in any notice for the making of submissions, but in any event shall not be exhibited for less than three weeks. The Council may stipulate a longer period of exhibit, or may extend any period for exhibition previously stipulated.

(5) Submissions

Any person, in the period during which a proposal is exhibited, may make a written submission to the Council in relation to the proposal.

(6) Consideration by Council

After the expiration of the exhibition period, but in any event within 60 days after Council's receipt of the application or such longer period as the applicant and the Council agree, the Council shall consider the application and any submissions received.

(7) Dealing with "P", "AA", "SA", "IP" and "X" uses

- (a) "P" Uses—If an application for Planning 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 approval to commence or carry out the use, and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work shall exercise its discretion as to the approval or refusal and the conditions to be attached to any approval.
- (b) "AA" Uses—The Council in determining an application involving an "AA" use may require notification of the application in accordance with subclause (3).
- (c) "SA" Uses—The Council in determining an application involving an "SA" use shall exercise its discretion only after notification of the application in accordance with subclause (3).
- (d) "IP" Uses—The decision of the Council:
 - (i) identifying the predominant use of any land; and
 - (ii) as to whether any proposed use is incidental to the predominant useis a factual decision to be made upon the Council's assessment of the circumstances of the case. Having determined that the use involved in an application for Planning Approval is properly an "IP" use, the Council shall deal with the application in accordance with the provisions of the preceding paragraph as if the use involved was a "P" use.
- (e) "X" Uses—The Council shall refuse Planning Approval for so much of any proposed development which involves a use which is not permitted, but the Council may in its discretion, and insofar as it is reasonably practicable to do so, grant approval with or without conditions for so much of the development which does not involve a use which is not permitted.

(8) Power to Determine Applications for Planning Approval

- (a) The Council in determining an application for Planning Approval may:
 - (i) refuse to grant its approval;
 - (ii) grant approval without conditions;
 - (iii) grant approval subject to such conditions and requirements as it deems fit;
 - (iv) 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; or
 - (v) refuse the application but resolve to notify the applicant that it would be prepared to grant approval with or without conditions to the application amended in a stipulated manner.
- (b) Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a Planning Approval which:
 - (i) if not substantially commenced or if not completed (as the case may be) within a period of time specified in the approval shall cease to be valid; or
 - (ii) 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 approval was given, unless a further approval has been sought and obtained; or
 - (iii) stipulates that the approval shall be personal to the applicant and shall neither run with the land nor be transferable or assignable to any other person,and an approval accompanied by or containing any such stipulation shall have effect accordingly.
- (c) Any of the stipulations referred to in (b) above may be considered a condition or in the terms of the approval.
- (d) Notification of Decision

Council shall convey its decision to an applicant by way of the form in Schedule 4 hereto.

(9) Deemed Consideration

- (a) If the Council in exercising any discretion is required by the Scheme or by any other written law to have due regard to or to consider any matter or thing, it shall be deemed to have had due regard to or to have considered such matter or thing unless the contrary is expressly stated in the Minutes of the relevant Council Meeting or in other relevant Council records, or in the document communicating the determination to the applicant, or is otherwise proved.

- (b) In any event, due regard to or consideration of a matter or thing by the responsible Committee of the Council or a person delegated by the Council shall be sufficient compliance, and in that case the provisions of paragraph (a) shall apply to the Committee or person *mutatis mutandis*.

(10) Deemed Refusal

- (a) An application for Planning Approval shall be deemed to have been refused where a decision on 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 within that period of 60 days.
- (b) Notwithstanding that an application may be deemed to have been refused under the preceding paragraph, the Council may issue a decision in respect of the application at any time after the deemed refusal. The subsequent determination of the Council shall have full force and effect as if it had been made before the deemed refusal, unless prior to the determination of the Council the applicant has appealed against the deemed refusal.

(11) Compliance with Conditions

- (a) If the Council, or the Minister or the Town Planning Appeal Tribunal on appeal against a decision of the Council, grants approval of any development subject to conditions, no person shall commence or carry out the development or (without affecting the generality of the foregoing) any use associated with the development otherwise than in accordance with the conditions.
- (b) If the Council, or the Minister or the Town Planning Appeal Tribunal on appeal against a decision of the Council, grants approval of any development 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 reasonable notice to the applicant, the Council may in addition to any other remedy available to it, revoke its approval.
- (c) 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 days period.
- (d) The Council may on application by the owner of any land subject to a condition of Planning Approval revoke or vary that condition, but in considering the application, may resolve to give prior notice and an opportunity to make submission to any other person affected by the condition.

(12) Approvals on Appeal

In any case where an approval of a development is given by the Minister or the Town Planning Appeal Tribunal, then that approval and any condition attached to it 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.

(13) Agreements

Without affecting the generality of the power otherwise contained in this Scheme for the Council to enter into agreements, the Council may enter into agreement with an applicant and/or with the owner or occupier of any land or building involved in an application for Planning Approval to enforce Scheme compliance, or compliance with conditions, or to achieve any other proper planning objective. In any such agreement the applicant and/or the owner or occupier may covenant for himself, his transferees, assignees and successors to carry out and observe all or any of the conditions imposed by the Council and the agreement may deal with any other matter relevant to town planning and development of land.

(14) Informal Applications

An application for Planning Approval shall, for the purpose of computing time limits, be deemed not to have been received by the Council until such time as all requirements of the Council as to formalities have been complied with or have been received by the Council. If such requirements have not been complied with, the application shall be returned to the applicant within 21 days from the date of lodgement.

(15) "In Principle" Decisions

- (a) (i) If an applicant stipulates that his application for Planning Approval is made "in principle", or using other words indicates that intention and the Council makes a determination thereon, or
- (ii) if the Council upon receiving an informal application for Planning Approval makes a determination thereon, but issues its decision otherwise than by the form in Schedule 4,

then in either case the determination of the Council shall for all intents and purposes be an "in principle" decision, and shall not in any way be taken as an approval of or to commence any development.

- (b) An "In Principle" decision by the Council shall not in any way bind the Council or fetter its discretion when dealing substantively with an application concerning the same development.

(16) Approval of Existing Development

- (a) The Council may give approval of a development already commenced or carried out regardless of when the development 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, 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.
- (b) The application to the Council for approval under paragraph (a) shall be made on the form provided for an application for Planning Approval or on such other form as Council provides from time to time.
- (c) 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 subclause it is permissible.
- (d) 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 or carrying out of the development prior to the approval being given.

(17) Application for Approval of Use

- (a) For the purpose of this Scheme the commencement, carrying out or change of a use on land shall be a development notwithstanding it does not involve the carrying out of building or other works.
- (b) If an application for Planning Approval involves the carrying out of building or other works 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:
 - (i) which is specifically proposed and referred to in the application; or
 - (ii) which is normally associated with or follows as a normal consequence of the carrying out or completion of the building or other works.

(18) Application involving Land partly within a Regional Reservation

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

- (i) the Council shall retain one copy of the application and refer the other copy to the Commission for determination of the application pursuant to the Metropolitan Region Scheme;
- (ii) 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 the provisions of this Scheme, but where appropriate the Council may express any approval it gives to be subject to the approval of the Commission;
- (iii) 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 this Scheme, the Council may delay its determination of the application as to that part until the determination of the Commission is known to it. In those circumstances, the time for a deemed refusal shall not begin to run until the Council receives notice of the determination of the Commission.

6.7 MATTERS TO BE TAKEN INTO ACCOUNT

In addition to any other matter which under this Scheme or otherwise at law the Council is required or permitted to consider, when making a decision on any application for Planning Approval, the Council may take into consideration and may impose conditions relating to such of the following as are relevant to the application:

- (a) the provisions of any planning Scheme which applies to the land, the subject of the application;
- (b) the preservation of the amenity of the locality;
- (c) the orderly and proper planning of the area within which the land is situated;
- (d) whether the proposal will result in overtaxing of the existing services in the area or require the provision of any such services which to be an economic proposition would necessitate an increase in the intensity of land use;
- (e) whether the proposal would generate a significant increase in vehicular traffic and, if so, whether the site:
 - (i) has a frontage to a main or secondary road; and
 - (ii) is capable of providing safe vehicular ingress and egress;
- (f) the effect of the development on the landscape or scenic quality;
- (g) the availability of water to support the proposal;
- (h) the environmental capacity of the soils in the area to absorb wastes;
- (i) the impact of the proposal on air quality and noise levels;

- (j) the adequacy of a water supply, the location and design of the road network and the availability of other measures necessary to assist in fire prevention or supervision;
- (k) the impact of the proposal on the character and appearance of the area in terms of architectural, historic, or aesthetic beauty or interest or imposition;
- (l) whether the proposed development or works is appropriate to the bona fide use of the land;
- (m) the need to minimise the visual impact of all development and works by specifying, limiting or controlling any of the following:
 - (i) the height of any development or works;
 - (ii) the size and location of the proposed development and works;
 - (iii) the site cover of any development or works;
 - (iv) the material, colours, design of any development;
 - (v) the landscaping and screening of development;
- (n) the size of the lot and need to prevent over-development of that lot or locality;
- (o) the need to protect the water quality of the area and to minimise pollution, run-off and erosion;
- (p) the need to minimise the clearing of vegetation; and
- (q) such other matters as Council considers relevant.

6.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

- (1) Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.
- (2) Where the Council has granted approval subject to matters requiring the subsequent approval of the Council, application for approval of those matters shall be made not later than the expiration of two years beginning with the date of the first approval.
- (3) The Council shall not grant an approval subject to matters requiring subsequent approval if the first approval would result in the carrying out of substantial works or in other substantial expenditure.
- (4) The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit instead of approving subject to subsequent approval.

PART VII—NON-CONFORMING USES

7.1 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 used at the time of coming into force of the Scheme, if that use was lawful under the provisions of an earlier Scheme and/or enjoyed non-conforming use right under that Scheme; or
- (b) the carrying out on any land of any development in respect of which there was in existence immediately prior to the coming into operation of this Scheme a current planning approval authorising the development to be carried out.

7.2 CURRENT APPROVAL

Any development carried out pursuant to clause 7.1(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 permits. Any conditions stipulated in the approval shall be complied with and those conditions shall be enforced by the Council as if they had been imposed under this Scheme.

7.3 RESTRICTIONS ON NON-CONFORMING USES

(1) If at the gazettal 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 gazettal date;
- (b) if after the gazettal date a lot or lots upon which a non-conforming use was carried on prior to the gazettal date is or are subdivided, then after the gazettal 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 authorised by the Scheme as is reasonably required for the purpose for which the building or buildings is or are being used.

(2) Nothing in this clause shall be taken to excuse any person from complying with the other provisions in this or any other Part of this Scheme relating to applications for planning approval, and approvals of the use or development of any land.

7.4 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 Part II relating to use of and development on Local Reserves.

7.5 EXTENSIONS TO THE BUILDINGS OR USE

(1) Where on land zoned by the Scheme a non-conforming use exists or was authorised as mentioned in clause 7.1, the Council may grant Planning Approval for the extension of any building or use the subject of the non-conforming use right, subject to any limits prescribed by this Scheme or any other written law operating within the district, for the purpose of limiting the size, location and distance from boundaries or any other standard or requirement of a like kind. The Council shall not in any event permit the extension of any building or use beyond the boundary of the lot or lots on which the use was carried on or approved immediately prior to the coming into operation of this Scheme.

(2) In dealing with an application for Planning Approval involving a building extension or use which the Council may approve under the preceding subclause, the Council shall apply the provisions of the Scheme prescribing the procedures to be adopted and the matters to be considered by the Council when exercising its discretion on an application for Planning Approval involving a use, development or building work. The Council shall not be liable to pay compensation for injurious affection by reason of the fact that it refuses an application for planning reasons related to the proposed use, development or building work, not being the reason that the use is non-conforming.

(3) Nothing in this clause shall be taken to excuse any person from complying with any other provision of the Scheme relating to applications for Planning Approval and approvals of uses and development proposals.

(4) The Council may, in granting an approval under this clause impose conditions, and may prescribe a time limit on its approval, after the expiration of which no part of the land shall be used other than in conformity with the Scheme.

7.6 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its Planning Approval to the change of use of any land from one non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is, in the opinion of the Council, closer to the uses which are permitted or otherwise intended in the relevant zone.

7.7 DISCONTINUANCE OF NON-CONFORMING USE

(1) Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been approved by the Council under clause 7.6, 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 otherwise than in conformity with the provisions of the Scheme.

(2) Notwithstanding the provisions of clause 7.1, 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% 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, 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.

(3) The Council for the purpose of discontinuing any particular non-conforming use which is not discontinued pursuant to the provisions of subclauses (1) or (2), subject to the Act, may acquire the land and improvements (if any) on or in which the use is, or is permitted to be carried on, or make agreements relating to the payment or making of compensation to persons willing to discontinue a non-conforming use.

7.8 REGISTER OF NON-CONFORMING USES

(1) The Council may keep and maintain a register of non-conforming uses.

(2) A person carrying on a non-conforming use who wishes to establish that person's non-conforming use right shall within six calendar months of the gazettal date, or within 21 days after demand in writing by the Council, give to the Council in writing, full information of the nature and extent of the non-conforming use.

(3) The Council shall note in the register any change to or discontinuance of a non-conforming use.

(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 based upon the Council's assessment of the evidence before it at the time of making the determination.

PART VIII—ADMINISTRATION**8.1 EFFECT OF THIS SCHEME**

Subject to the provisions of the Act and to Part VII of the Scheme:

- (a) land within the District shall be used or otherwise developed only in accordance with this Scheme; and
- (b) if this Scheme allows land to be used for a particular purpose, it may be developed for that purpose only if requirements of the Scheme are met.

8.2 OFFENCES

Subject to the Act and to the provisions of the Scheme, a person who:

- (a) uses for a purpose a building or land which does not conform with a standard or requirement of the Scheme relating to buildings or land used for such purpose and does not enjoy non-conforming use rights in respect of the standard or requirement; 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 by the Council 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 proceedings for an offence under Section 10(4) of the Act, or any other proceedings in respect of that contravention or failure to comply.

8.3 NOTICES AND ENFORCEMENT (S.10(1))

(1) Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10(1) of the Act and such notice shall be under the hand of the Shire Clerk or the Shire Planner.

(2) In exercising the powers given in paragraphs (a) and (b) of Section 10(1) of the Act the Council may enter the subject land by its officers, servants or agents, or by any contractor engaged for the purpose, who may execute the work on behalf of the Council.

8.4 ACQUISITION AND DISPOSAL OF LAND

The Council may, for the purpose of the Scheme and in the name and on behalf of the Shire, acquire by purchase or compulsory acquisition any land or any estate or interest in land within the Scheme Area and for such purpose may enter into agreements and arrangements with any owners 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, and in respect of land acquired pursuant to the Scheme may at any time exercise its powers conferred by Section 14 of the Act.

8.5 ENTRY TO PREMISES

The Council, by any of its planning officers or any other officer authorised by the Shire Clerk, 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.

8.6 AGREEMENTS

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

8.7 DELEGATION

(1) The Council may either generally, or in a particular case or in a particular class of cases by resolution passed by an absolute majority of the Council, delegate to the Principal Planner of the Council (provided that Officer has a Municipal Town Planning Certificate) the authority to deal with an application for Planning Approval made under this Scheme.

(2) The delegation of authority made by the Council pursuant to the preceding sub-clause hereof shall be for a period specified in the delegation or for an indefinite period, as the case may be. The Council shall, at least once in each financial year, review every delegation made by it in accordance with these clauses.

(3) A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council, subject to subclause (1) and does not preclude the Council from exercising the power. The performance of a function by a delegate under subclause (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 power.

(4) Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state or 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.

(5) Any amendment or revocation of a delegation under this clause shall be by resolution passed by an absolute majority of the Council.

(6) The Council may in like manner delegate to the Principal Planner of the Council, any functions imposed on the Council in relation to a recommendation for subdivision of a property or amalgamation of a property. Any such delegation shall have the same effect as any delegation referred to in subclause (1) and maybe made, amended and revoked in the same manner.

(7) The Principal Planner exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of this Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

8.8 RIGHT OF APPEAL

Any applicant or owner of land, the subject of an application aggrieved by a decision of the Council exercising a discretionary power or by a deemed refusal involving a discretionary decision of the Council under the Scheme may appeal in accordance with Part V of the Act.

8.9 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme, the time limit for making claims for compensation pursuant to Section 11 of the Act is six (6) months after the date when notice of the approval of the Scheme is published in the *Government Gazette*.

8.10 VALUATIONS

Where it is necessary for the purpose of the Scheme for land to be valued, the following provisions shall apply:

- (a) The value of the land in any case shall be market value as at the relevant date;
- (b) Where the valuation relates to a claim for compensation for injurious affection by reason of the making of the Scheme or a Scheme Amendment, the relevant date for the valuation shall be the date when notice of the approval of the Scheme or Amendment is published in the *Government Gazette*;
- (c) If a claim for compensation arises by reason of the refusal of an application or the imposition of an unacceptable condition on an approval in any case where compensation is specifically provided for by this Scheme in those circumstances, then the relevant date for valuation shall be the date of lodgement of the application with the Council;
- (d) Any valuation of land for the purpose of this Scheme shall be undertaken by the Valuer General's Office if the Valuer General is prepared to assist but otherwise shall be undertaken by a licensed valuer whose appointment is agreed between the Council and the relevant owner of the subject land;
- (e) If any dispute arises as to the value of land or the appointment of a valuer then the dispute shall be determined by arbitration pursuant to the provisions of the Commercial Arbitration Act 1985.

8.11 CASH-IN-LIEU

(1) Where in this Scheme the expression "cash-in-lieu" is used, the Council may instead of insisting upon the requirements of the Scheme being fulfilled, accept a cash payment in lieu thereof.

(2) A cash-in-lieu payment shall not be more than the equivalent cost to the developer of complying with the relevant provision of the Scheme.

8.12 MONIES RECEIVED

Subject to the express provisions of clause 4.27:

- (a) All money received from cash-in-lieu payments under the provisions of the Scheme shall be paid into a special trust fund which shall be applied solely to provide or advance an amenity or service related to the purposes in respect of which the payment is made; and
- (b) All monies received by way of betterment shall be used by the Council to pay the costs of the works which establish the betterment, or works of that kind within the District, or to re-imburse the Municipal or other fund of the Council in respect of such costs already paid.

8.13 AMENDMENTS TO THE SCHEME

(1) The Council shall, prior to initiating an amendment to the Scheme, have regard to the physical, environmental, economic, cultural, social and business resources available in the locality to which the amendment relates and shall, so far as practicable, ensure that the use or development of land to be authorised by or under the amendment is the best method of using those resources.

(2) Where an amendment to the Scheme is aimed at promoting subdivision of land, the Amendment report shall include an assessment of the subdivision potential allowed under the proposed Amendment having regard to the provisions in Clause 4.51.

8.14 TOWN PLANNING SCHEME CODES

(1) The Council may make Town Planning Scheme Codes relating to the whole or any part of the Scheme Area which:

- (a) define planning principles for giving effect to the objectives of the Scheme and, in particular, setting standards for the maintenance and enhancement of the character of the District;
- (b) designate planning precincts and set out the detailed conditions of planning, design and development and the priorities in the carrying out of such planning design and development in those precincts; or
- (c) set out special requirements relating to one or more aspects of the control of development and land use.

In regard to (b) above, Council may establish Advisory Committees in accordance with provisions of the Local Government Act 1960 to advise Council on the administration of planning precincts.

(2) In determining any applications lodged pursuant to this Scheme for Planning Approval and setting appropriate conditions on such approval, the Council shall have regard to any relevant Town Planning Scheme Code.

(3) A Town Planning Scheme Code shall not be given the regard referred to in subclause (2) unless the following procedures have been complied with:

- (a) Council has endorsed the draft Code;
- (b) Copies of the draft Code together with an explanatory document have been made available to the affected ratepayers and, where appropriate, to the Commission and any other public authority likely to be directly affected by the Code;
- (c) Public notice of the Code has been given in a newspaper circulating in the Scheme Area, giving details where the Code shall be exhibited during the period stipulated in the notice for the making of submissions (which period shall not in any event be less than 28 days);
- (d) Council has considered all submissions received pursuant to the public notice of the Code following which the Council may reject the Code or may adopt it with or without modifications;
- (e) Where a Code has been adopted by Council in its original or modified form, the fact of its acceptance shall be published once in a newspaper circulating in the relevant area;
- (f) A copy of the Code shall be placed in a Code Manual and kept with the Scheme documents and shall be available to the public during business hours at the public office of the Council;
- (g) To the extent that it is possible similar procedures shall be followed for any substantial modifications to the content of a Code and for the revocation of any Code. Non-substantial modifications may be effected by such procedures as the Council considers appropriate.

8.15 DISCRETION TO MODIFY STANDARDS

(1) If a proposal, the subject of an application for Planning Approval, 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 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 proposal would be consistent with stated objectives and policies in the Scheme and the orderly and proper planning of the locality; and
- (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 existing and future amenity of the locality.

(2) If the Council contemplates the modification of any requirement or standard, before resolving to do so, and as a condition of so resolving, the Council may require any one or more of the applicant, owner or occupier to enter into an agreement aimed at minimising the effect of the modification, or of compensating for the non-compliance.

(3) Without affecting the generality of the foregoing, and for the purpose of clarification, this clause does not permit the Council to vary any of the permissibility designations in the Zoning Table (including such provisions in clauses 3.2 to 3.5 inclusive), or to permit a use or development which would be prohibited, or otherwise would not be permitted by reason of Part VI of the Scheme.

SCHEDULE 1—SPECIAL PURPOSES ZONE
TOWN PLANNING SCHEME NUMBER 3

PREScribed USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
LOCALITY: CHIDLOW		
1. Holiday Accommodation	Loc. 2636 Rosedale Road, Chidlow	SA—Dormitory/motel type units with dining facilities for up to 24 persons; Number of horses permanently at pasture not to exceed six (6); Stables—max. area 96m ² ; Lunging area/horse yards—max. area 600m ² ; Environmental management and fencing controls to satisfaction of Council.
2. Private Recreation	Lot 13 Leschenaultia Place, Chidlow	SA—Camping, Private Recreation consisting of Amenities Hall (60m ²) and Ablution Block (25m ²).
3. Waste Transfer Site	Reserve 33253 Lots 141-143 Mathieson Road, Chidlow	AA—Waste Transfer Disposal Site, Recreation.
LOCALITY: DARLINGTON		
1. School	Lots 1, 2 and 11 Ryecroft Road, Darlington	AA—Private School and Incidental Uses.
2. School	Lots 10 and 11 Beenong Road, Darlington	AA—Private School and Incidental Uses.
3. Church	Lot 24 Darlington Road, Darlington	AA—Church and Incidental Uses as determined by Council.
LOCALITY: GLEN FORREST		
1. School	Lot 77 Bilgoman Road, Glen Forrest	AA—Private Secondary School; Caretaker's Residence and Incidental Uses.
2. Service Station	Lot 16 Great Eastern Highway, Glen Forrest	SA—Service Station and Incidental Uses.
3. Smash Repair Business	Lot 16 Great Eastern Highway, Glen Forrest	SA—Limited to 6 bays and 1 spray booth. No vehicles or parts of vehicles shall be worked upon or stored on any part of the lot other than within building or screened storage areas; Works such as hammering, grinding, spray painting shall be limited to 8.00 a.m. to 5.00 p.m. weekdays and 8.00 a.m. to 12.00 noon Saturdays. No work shall be undertaken on Sundays and public holidays; Compliance with EPA and DOSHEWA regulations; No further extensions or site development shall be permitted.
4. Aged Persons' Units	Lot 84 Strettle Road, Glen Forrest	SA—Aged or Dependent Persons' Dwellings and Incidental Uses; Compliance with provisions of Scheme; Density to be determined by Council.
LOCALITY: GREENMOUNT		
1. School	Pt Lot 200 Innamincka Road, Greenmount	AA—Private School, Church and Incidental Uses
2. Hospital	Lot 9 Coongan Avenue, Greenmount	SA—Hospital; Maternity Hospital; Nursing Home; Hospice; Aged or Dependent Persons' Dwellings; Aged Persons' Hostel.
3. Shops	Lot 13 Great Eastern Highway, Greenmount	SA—Butcher Shop; General Purpose Shop; Petrol Pump.

Schedule 1—Special Purposes Zone—*continued*

Town Planning Scheme Number 3

PRESCRIBED USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
LOCALITY: HOVEA		
1. Private Recreation	Lot 80 Falls and Richardson Roads, Parkerville	SA— Private Nudism; Sport and Recreation consisting of 24 single room chalets, 40 caravan sites, 2 tent sites, 2-storey club house, 1 pergola, Swimming pool, Store room, 3 ablution blocks, Office, Workshop, Sporting areas; Fencing to comply with the Scheme.
2. Camp	Lot 82 Falls Road, Parkerville	AA— Youth Camp comprising of Recreation Area, 4 blocks sleeping quarters, Cook's quarters, Recreation building, Ablution block, Craft/Recreation building.
3. Leisure Centre	Loc 1860 (western portion) Richardson Road, Hovea	AA— Recreation and Leisure Centre comprising: <ul style="list-style-type: none"> • Meeting/Dining Hall (Meeting & Dining Spaces, Kitchen, Kiosk, Toilets, Laundry, Office, Store)—510m² • 16 Cabins—800m² • Self-contained retreat building—200m² • Campers Hut (Kitchen/Dining/Meeting & Ablutions)—145m² • Chapel—120m² • Recreation Hall (Sports Hall and Toilets)—915m² • Manager's Residence & Outbuilding—250m² • 2 Tennis Courts • Swimming Pool (Approx. 25m x 13m) SA— Amphitheatre No more than 250 people to be permitted on site (including camping areas) at any one time.
LOCALITY: MAHOGANY CREEK		
1. Restaurant	Lot 1 Great Eastern Highway, Mahogany Creek	SA— Historic Restaurant, Reception Centre, Caretaker's dwelling unit, 13 Accommodation units, Limited display and sale of local arts and crafts, Car park.
LOCALITY: MIDVALE		
1. School	Lot 12 Victoria Parade, Midvale	AA— Private School with Incidental Uses.
LOCALITY: MT HELENA		
1. Hire Service	Lot 238 Binder Street, Mt Helena	SA— Rural service business involving hire service and contract work using agricultural machinery as approved by Council. Making and selling of chaff.
LOCALITY: PARKERVILLE		
1. Children's Home	Pt 1854 Roland Road, Parkerville	SA— Children's Home with Incidental Uses.
2. Tourism/Residential	Lot 81 Beacon Road, Parkerville	SA— Comprehensive Tourism/Residential Estate Development. (1) As a prerequisite to subdivision the following requirements shall be complied with: <ul style="list-style-type: none"> (a) Any land identified for residential purposes in the Local Subdivision and Infrastructure Plan (LSIP) shall first be rezoned from Rural to Urban in the Metropolitan Region Scheme.

Schedule 1—Special Purposes Zone—*continued*

Town Planning Scheme Number 3

PREScribed USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
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LOCALITY: PARKERVILLE—*continued*

- (b) A Local Subdivision and Infrastructure Plan (LSIP) and Technical Guidelines shall be submitted to and approved by the Council in accordance with the provisions and procedures in the Scheme.
- (c) Provision shall be made for rural living lots along the boundaries of the subject land abutting the Rural Landscape Living zone and the Regional Parks and Recreation Reservation. The size of such lots shall be determined by Council but in any case no lot shall be less than 2 hectares in area.
- (d) Provision shall be made for residential lots and such lots shall comply with the residential codes determined by Council.
- (e) Provision shall be made for tourist facilities and incidental uses in accordance with a plan and arrangements submitted to and approved by Council.
- (2) The provisions for the use and development of any lot shall be determined by the Council. Without limiting the generality of the foregoing the provisions in the Scheme for a:
 - (a) Rural Landscape Living zone shall apply to rural living lots of 1 hectare in area and above;
 - (b) Residential zone, including the special application of Residential Planning Codes, shall apply to residential lots below 1 hectare in area.

LOCALITY: SAWYER'S VALLEY

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| 1. Service Station | Loc 1877 Great Eastern Highway, Old Sawyers Road, Sawyers Valley | AA—Service Station with Incidental Uses. |
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| 2. Service Station/
Shops | Lot 2 Great Eastern Highway, Sawyers Valley | AA—Service Station, Shops, Restaurant. |
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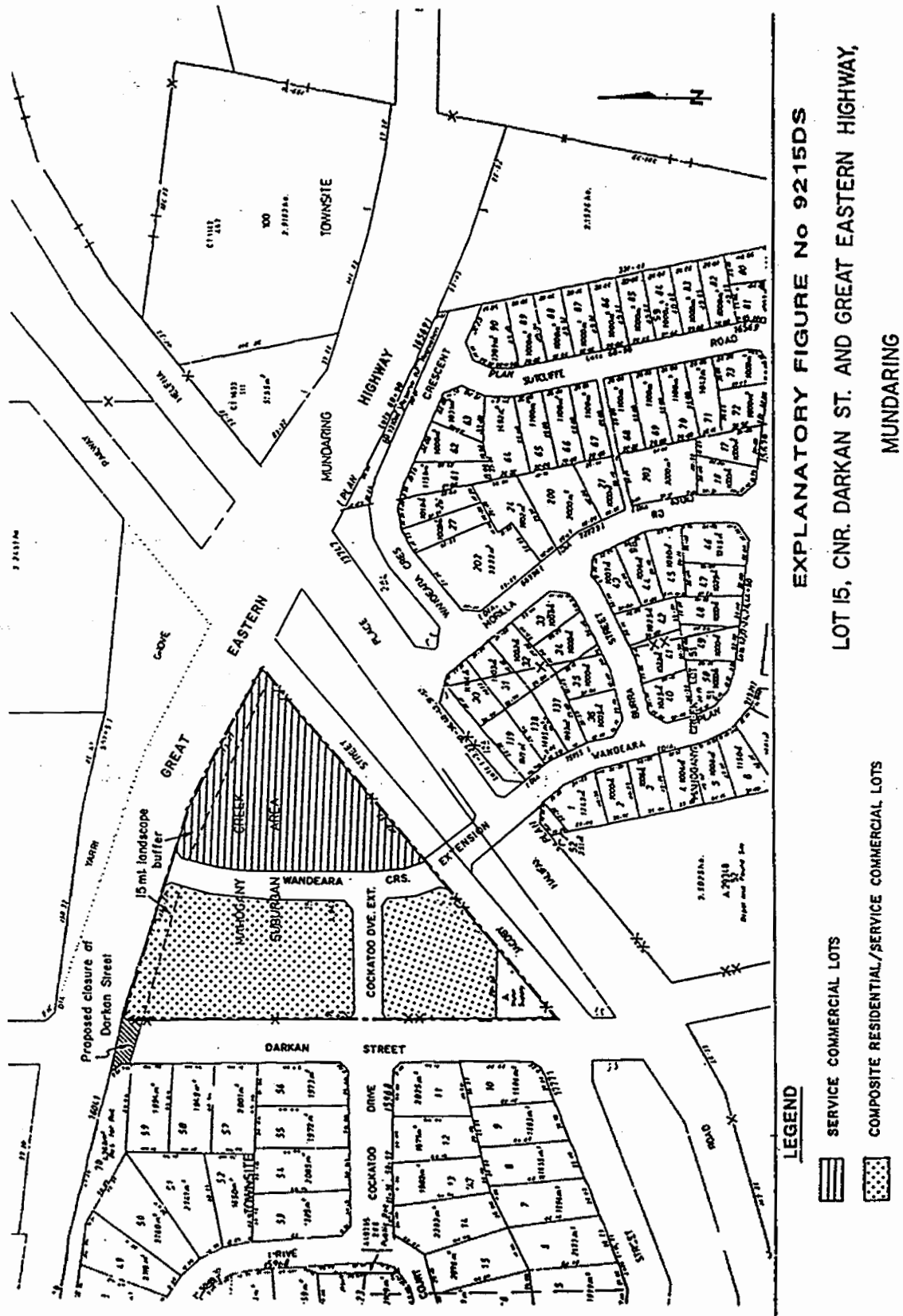
LOCALITY: MUNDARING

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| 1. Rest Home | Lot 77 Jacoby Street, Mundaring | AA—Aged and Dependent Persons' Home, Rest home, Retirement centre, Care-taker's residence, Manager's residence, Incidental admin. uses. |
| 2. Meditation Centre | Lot 78 Jacoby Street, Mundaring | AA—Meditation Centre, Meditation room building, Meeting room building, Kitchen/dining/store room building, Laundry/workshop building. |
| 3. Church/School | Lot 48 Coolgardie Street, Mundaring | SA—Church, private school, house, rectory, Pre-primary Centre. |
| 4. Service Station | Lot 87 Great Eastern Highway, Mundaring | SA—Service Station, auto electrician shop, Incidental Uses. |

Schedule 1—Special Purposes Zone—*continued*

Town Planning Scheme Number 3

PREScribed USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
LOCALITY: MUNDARING—<i>continued</i>		
5. Aged or Dependent Persons' Dwellings	Lots 267 and 274 Fenton Street, Mundaring	AA—Aged Persons' Units, Single and Double Bed Units, Frail aged hostel, Incidental Uses; Density to be determined by the Council.
6. Shop/Caravan Park	Lot 101 (HN 5235 & 5255) Great Eastern Highway, Mundaring	SA—Caravan park, 28 bays, Ablution block, Dwelling, Office (caravan park), Shop, (GLA 93m ² max.), 10 parking bays.
7. Shop/Fuel Station	Lot 23 Cnr Great Eastern Highway & Coppin Road, Mundaring	SA—Shop, Fuel Station, Fuel Station Shop.
8. Hotel	Lot 1037 Hall Road, Mundaring Weir	AA—Hotel, chalets, swimming pool.
9. Holiday Accommo- dation	Nth Pt Mundaring Lot 100 Great Eastern High- way	AA—Accommodation comprising 9 chalets (18 units), Camping area, Caretaker's dwelling.
10. Commune	Mundaring Weir Road Pt Sw Loc 928/929 being Lot 5 on Dia. 2	AA—"A" Frame therapy room, Residential quarters, Ablution block, Craft / workshop machinery shed, House, Shed, Swimming pool, Single bed cha- lets, 1 d/b chalet, Garage, Kiln shed, Meditation Room (max. 12 residents).
11. School/Church	Lot 293 Walker & Eagle Streets, Mundaring	SA—Church, Private School, Incidental Uses.
12. Composite Resi- dential/Service Com- mercial	Lot 15 Darkan Street & Great Eastern Highway, Mundaring	SA—As a prerequisite to seeking planning approval for any development, a Local Subdivision and Infrastructure Plan shall be submitted to and approved by the Council in accordance with provi- sions in the Scheme and the following additional requirements: Provision shall be made generally in accordance with the explanatory figure 9215 DS: (a) to extend Wandeara Crescent through Lot 15 to intersect with Great Eastern Highway and thereby provide access to the light industrial area to the south. This would require the closure of Darkan Street at its intersection with Great Eastern Highway; (b) to extend Cockatoo Drive through Lot 15 to intersect with Wandeara Crescent extension referred to in item (a); (c) for composite residential/service commercial lots between Darkan Street and the Wandeara Crescent extension with portions of such lots fronting Darkan Street being re- stricted to single houses; (d) for service commercial lot(s) on the balance of the land; (e) for a 15 metre wide landscape buffer strip along the Great Eastern High- way frontage of Lot 15.
13. Indoor Recreation Centre	Lot 100 Great Eastern Highway, Mundaring	SA—Squash Courts, Swimming pool, Gym- nasium, Health Studio, Car park, Hair- dresser and incidental uses as deter- mined by Council.



Schedule 1—Special Purposes Zone—*continued*

Town Planning Scheme Number 3

PRESCRIBED USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
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LOCALITY: STONEVILLE

1. Youth Camp	Lot 18 Traylen Road, Stoneville	SA— Camping, Incidental Uses, Compliance with provisions of Scheme.
2. Comprehensive Townsite Development	Pt 69 Stoneville Road, Stoneville	<p>SA— Rural Landscape Living, Residential and incidental commercial and community uses as determined by Council.</p> <p>(1) As a prerequisite to subdivision the following requirements shall be complied with:</p> <p>(a) The land identified for residential purposes in the Local Subdivision and Infrastructure Plan shall be rezoned first from Rural to Urban in the Metropolitan Region Scheme.</p> <p>(b) A Local Subdivision and Infrastructure Plan (LSIP) and Technical Guidelines shall be submitted to and approved by the Council in accordance with the provisions and procedures in the Scheme.</p> <p>(c) Provision shall be made for rural living lots along the boundaries of the subject land abutting the Rural Landscape Living zone. The size of the lots shall be determined by Council but in any case shall not be less than 2 hectares in area.</p> <p>(d) Provision shall be made for residential lots and such lots shall comply with the residential codes determined by Council.</p> <p>(e) Provision shall be made for a neighbourhood commercial centre, community facilities and schools in accordance with a plan and arrangements submitted to and approved by the Council.</p> <p>(2) The provisions for the use and development of any lot shall be determined by the Council. Without limiting the generality of the foregoing the provisions in the Scheme for a:</p> <p>(a) Rural Landscape Living zone shall apply to rural living lots of 1 hectare in area and above;</p> <p>(b) Residential zone, including the special applications of Residential Planning Codes shall apply to residential lots below 1 hectare in area; and</p> <p>(c) Local Centre zone shall apply to the neighbourhood Commercial Centre.</p>

LOCALITY: SWAN VIEW

1. Shop and Service Station	Pt Lot 4 Balfour Road, Swan View	SA— Shop, Service Station.
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Schedule 1—Special Purposes Zone—*continued*
Town Planning Scheme Number 3

PREScribed USE/ PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
LOCALITY: THE LAKES		
1. Caravan Park/Res- taurant/Service Sta- tion	Loc 1225 Great Eastern Highway, The Lakes	AA—Caravan park, Kiosk, Office, Restau- rant, Tavern, Service Station, Takea- way Foods, Motel, Incidental recrea- tional uses.

NOTE

Where special conditions are not stipulated, the use and development of land shall comply with relevant provisions of the Scheme.

**SCHEDULE 2—ADDITIONAL USES
TOWN PLANNING SCHEME NUMBER 3**

LAND PARTICULARS	USE CLASS	PERMISSIBILITY OF USE
Lots bounded by; A. Great Eastern Hwy, Gill, Hartung and Mann Streets, Mundaring; and B. Great Eastern Hwy, Stonev- ille Rd, Hartung and Chipper Streets, Mundaring	AA SA	Professional office for occupancy for the purpose of his profession by an accountant, barrister, chiropract, chiro- practor, consular officer, dentist, doctor, engineer, financial advisor, masseur, parliamentarian, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, tax consultant, town planner, or the like. Art gallery (including crafts). Photocopy/plan printing service (not involving machinery associated with a light industry). Restaurant Real Estate Office Private Employment Medical Laboratory Veterinary Clinic Medical Clinic Service Industry Holiday Accommodation.

SCHEDULE 3

**SHIRE OF MUNDARING
TOWN PLANNING SCHEME NO. 3**

FORM 1**APPLICATION FOR PLANNING APPROVAL TO COMMENCE DEVELOPMENT AND/OR USE**

The Shire Clerk
Shire of Mundaring
7000 Great Eastern Highway
MUNDARING 6073

Office Use:

Planning Dept.
Application No.

I
(Full name—block letters)

of

.....
(address—block letters)

Telephone No.:

apply to develop the following land:

Titles Office: Lot No. Loc No. Plan/Diagram No.

Description: Certificate of Title Vol. Folio

Land: Street No. Street

Description: Suburb

Frontage Depth Area

Existing Use of Land and/or Building

Type of Development:

Approximate Cost of Development:

Approximate Number of Persons to be Housed/Employed when Development is Complete:

I apply for consent to:

(i) use the land for the purpose of
(block letters)

and/or*

(ii) waive the requirement for
(car parking, setbacks, plot ratio, etc)

.....
(block letters)

I enclose:

- (a) Three (3) copies of locality plans at a scale not larger than 1:1000 and not smaller than 1:10000 showing the location of the subject land with respect to surrounding roads, land and buildings;
- (b) Three (3) copies of site plan at a scale of either 1:1000, 1:500, 1:200 or 1:100 showing:
 - (i) north point, boundary dimensions and site area by survey;
 - (ii) the position of existing and proposed buildings on the site and their distance from lot boundaries;
 - (iii) the location of any easements, and services (power lines, water lines, sewer lines, telephone cables etc);
 - (iv) vehicle entrance and exit points;
 - (v) the location, dimension and proposed surfacing of parking spaces, driveways, vehicle turning areas and loading/unloading areas;
 - (vi) the location and dimension of storage areas and garbage disposal areas;
 - (vii) the location and description of open space areas, landscaped areas and types of screening or fencing; and
 - (viii) the proximity of adjoining buildings and their uses;
- (c) Three (3) copies of floor layout plans at a scale of 1:200 or 1:100 showing:
 - (i) floor plans of existing and proposed buildings showing layout, partitioning, uses of each part of the buildings and room sizes;
 - (ii) a schedule stating the total area of each component use in a building area of each floor, the total floor area, the site area, the percentage of site cover and plot ratio; and
 - (iii) details and limits of occupations, if more than one use is proposed for a certain area;

- (d) Three (3) copies of elevations and sections at a scale of 1:200 or 1:100 showing:
- (i) all elevations of buildings, indicating finished floor levels, finished ground levels and external finishes; and
 - (ii) sufficient cross and longitudinal sections to show the relationship of structures and their respective heights; and
- (e) a fee of

I am the owner of this land/I attach an authorisation by the owner of this land.*

.....
Signature

Date:

* Delete if inapplicable.

SCHEDULE 4

SHIRE OF MUNDARING
TOWN PLANNING SCHEME NO. 3
FORM 2

DETERMINATION OF APPLICATION FOR PLANNING APPROVAL

Owner's Name:

Applicant's Name:

Address of Development:

Nature of Development and/or Use:

Date of Application:

Date of Council Resolution:

Your application for planning approval to commence development and/or use on the above lot has been:

Approved subject to the following conditions:

Refused for the following reasons:

This approval is valid for a period of only.

If development is not completed within this period, a fresh approval must be obtained.

Signed:
Shire Planner Date

FOOTNOTES:
(to be listed as appropriate)

SCHEDULE 5

SHIRE OF MUNDARING
TOWN PLANNING SCHEME No. 3

FORM 3

APPLICATION FORM FOR ADVERTISEMENT APPROVAL

Control of Advertisements

Additional Information Sheet for Advertisement Approval

(to be completed in addition to Application for Approval to Commence Development Form 1)

The Shire Clerk
Shire of Mundaring
PO Box 20
Mundaring 6073

Planning Dept
Application No.:

I
(Full name of Advertiser—Block Letters)

of
(address—block letters)

Telephone:

apply for the following advertisement:

.....

- (i) Description of Property upon which advertisement is to be displayed, including full details of its proposed position within that property:

.....
.....

- (ii) 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:

- (iii) State period of time for which advertisement is required:

.....
.....

- (iv) 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 (iv) above.

Signature of Advertiser(s):
(if different from land owners)

Date:

SCHEDULE 6—EXEMPTED ADVERTISEMENTS
TOWN PLANNING SCHEME NUMBER 3

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate	0.2 m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2 m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.2 m ²
Public Places and Reserves	(a) Advertisement signs (non-illuminated) relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not applicable
	(b) Advertisement signs (non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality, and	Not applicable
	(c) Advertisement signs (non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station	No sign shall exceed 2 m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	Not applicable
All classes of buildings other than single family dwelling	One advertisement sign containing the name, number and building is used or the name and address of the managing agent thereof	0.2 m ²
Cinemas, Theatres and Drive-in Theatres	Two signs detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertising sign not to exceed 5 m ²
Showroom, race courses, major racing tracks, sports stadium, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private lane or from public places and streets	Not applicable
Public Places and Reserves	(a) Advertisement signs relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not applicable

Schedule 6—Exempted Advertisements—*continued*
Town Planning Scheme Number 3

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Public Places and Reserves— <i>continued</i>	(b) Advertisement signs required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	Not applicable
	(c) Advertisement signs required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not applicable
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:)		
(i) Dwellings	One advertisement per street frontage for each lot containing details of the project and the contractors undertaking the construction work.	2 m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects	One sign as for (i) above	5 m ²
(iii) Large Development redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above	10 m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 1 month advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	1 m ²
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each lot relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2 m ²
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed 5 m ²
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10 m ²

Schedule 6—Exempted Advertisements—*continued*
Town Planning Scheme Number 3

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection	(i) One sign for each dwelling on display	2 m ²
	(ii) In addition to (i) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and de- tails of the range of dwellings on dis- play.	5 m ²

SCHEDULE 7

LOCAL SUBDIVISION AND INFRASTRUCTURE PLAN

A Local Subdivision and Infrastructure Plan shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, the provisions of clauses 4.14 to 4.17 and 4.51 to 4.55 both inclusive and be prepared to a scale of not less than 1:2500, on a contour base of 0.5 metre intervals. The following information shall form part of or accompany such a plan:

(1) Environmental Characteristics including:

- (a) Topography of the area showing contours with any ridgelines highlighted and slopes greater than 20% shaded;
- (b) An environmental survey within the area, including an assessment of the presence of Declared Rare Flora and Endangered Fauna as defined by the Department of Conservation and Land Management, percentage of vegetation cleared, vegetation type and condition and dominant landscape features;
- (c) Land holding adjacent to and included in the area, the subject of the application; and
- (d) Water courses and seepages, rock outcrops, swamps, orchards, wells, soil types.

(2) Land Uses including:

- (a) General layout of lots together with lot sizes, the anticipated population density, detailed subdivision standards and the location of appropriate Residential Planning Code densities where appropriate;
- (b) Approximate location of building envelope selected by on-site analysis of the physical characteristics of the land with particular emphasis on the location of effluent disposal systems in areas where reticulated sewerage is not available.

The building envelope shall be defined so as to conform with the building setback requirements in the Scheme and to attain the maximum flexibility for the location of buildings but subject to the avoidance of:

- significant landscape elements; and
- areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;
- (c) Vegetated areas and areas to be revegetated and/or landscaped;
- (d) Tree preservation areas and other physical features intended to be conserved;
- (e) Public open space areas;
- (f) Shopping, civic and public facilities existing or proposed to support the additional population generated;
- (g) Location of strategic firebreaks; and
- (h) Any other special characteristics.

(3) Servicing including:

- (a) Existing and proposed road network;
- (b) Footpath/bicycle way/bridle path system;
- (c) Layout of the sewerage system or details of other forms of effluent disposal proposed; and
- (d) The proposed stormwater disposal system.

(4) Assessment of Aboriginal Heritage Sites.

(5) Assessment of impact on water catchment areas (where applicable) including: Soil erosion effects such as sedimentation, tree decline, soil acidity and salinity, declining soil structure and fertility, turbidity and pollution.

(6) Notwithstanding the requirements in paragraphs (1), (2), (3), (4) and (5), Council may request that a Local Subdivision and Infrastructure Plan provide such of the following additional information it considers appropriate.

(a) Staging of Development

The proposed stages of the subdivision and development linked to a development strategy bar graph, together with the criteria to be met before successive stages are implemented, must accompany the Plan.

(b) Technical Guidelines

Technical guidelines are defined in the Scheme and shall document the description of the technical assessments of the attributes detailed in subclauses (1) to (5) inclusive as set out hereafter:

- (i) Technical Guidelines shall be complementary to the Local Subdivision and Infrastructure Plan and provide a prescription for development in the areas of planning, roadworks, effluent disposal, water, electrical services, bushfire control strategies, Telecom services, protection of the environment, landscaping, creating easements, controlling developments, or generally regulating or prescribing the use or development of the land included in the Plan, to overcome problems which would occur, should the land be developed. Likely impacts on water catchment areas and how these will be negated must also be addressed.
- (ii) The bushfire control strategies to be included in the Technical Guidelines are primarily for protection of human life and property, but should also take account of environmental considerations such as conservation of indigenous flora and fauna, preservation of landscape amenity and erosion of fire breaks. An overall fire management strategy that meets safety and environmental criteria for areas proposed to be subdivided without necessitating fire breaks around each lot shall be achieved by the provision of a system of fire breaks around the total subdivision where possible. Such a strategy shall indicate the location and proposed vesting of any land for strategic firebreaks, emergency exits, a description of any low fuel areas and the proposed water supply arrangements for fire control purposes.
- (iii) Planning and integration of service corridors shall be investigated in the technical guidelines. The selection of environmentally sensitive routes for services using one corridor such as a road reserve and trench sharing for underground services are some matters that shall form part of such investigation.

POLICE

PE301

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC CODE AMENDMENT REGULATIONS 1994

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic Code Amendment Regulations 1994*.

Commencement

2. These regulations come into operation on 19 March 1994.

Principal Regulations

3. In these regulations the *Road Traffic Code 1975** is referred to as the principal regulations.

[* Reprinted as at 19 October 1983.
For amendments to 9 March 1994 see 1992 Index to Legislation of
Western Australia, Table 4, pp. 224-6.]

Regulation 103 amended

4. Regulation 103 (1) of the principal regulations is amended in the definition of "speed zone" by deleting ", other than a length of carriageway in a local traffic area,".

Regulation 503 amended

5. Regulation 503 (1) of the principal regulations is amended in paragraph (b) of the definition of "fast travel carriageway" by inserting after "permitted is" the following —

" not less than ".

Regulation 1001 amended

6. Regulation 1001 (7) of the principal regulations is amended by deleting "80" and substituting the following —

" 90 ".

Regulation 1803A amended

7. Regulation 1803A of the principal regulations is amended by inserting before subregulation (1) the following subregulation —

"

(1a) In a freeway speed zone in which the maximum speed permitted is 100 kilometres per hour a person shall not drive a vehicle at less than 80 kilometres per hour unless —

- (a) traffic congestion prevents the person from driving the vehicle at 80 kilometres per hour; or
- (b) for any other reason, it is unsafe or imprudent for the person to drive the vehicle at 80 kilometres per hour.

".

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

PE401**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on July 24th 1994 between the hours of 0800 hours and 1000 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Millstream Road, Dampier Road, Balmoral Road, Warambie Road, Searipple Road, Mystery Road, Maitland Road, Millstream Road.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on June 19th 1994 between the hours of 0800 hours and 1000 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Warambie Road, Searipple Road, Mystery Road, Maitland Road, Millstream Road, Dampier Road, Balmoral Road Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on May 29th 1994 between the hours of 0800 hours and 1000 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Warambie Road, Searipple Road, Mystery Road, Maitland Road, Millstream Road, Dampier Road, Balmoral Road Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on May 1st 1994 between the hours of 0800 hours and 0930 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Dampier Road Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on June 19th 1994 between the hours of 0800 hours and 1300 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Millstream Road, Karratha Road North West Coastal Highway.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on May 15th 1994 between the hours of 0800 hours and 1000 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Millstream Road, Dampier Road, Warambie Road, Searipple Road, Mystery Road, Maitland Road Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Karratha Cycle Club on August 14th 1994 between the hours of 0800 hours and 1000 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Balmoral Road, Millstream Road, Warambie Road, Searipple Road, Mystery Road, Maitland Road Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE402**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Cross Triathlon Club on March 27th 1994 between the hours of 0800 hours and 1030 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Antares Street, Bullfinch Road, Railway Station Road, Cemetary Road, Southern Cross.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Nickol Bay Triathlon on April 10th 1994 between the hours of 0800 hours and 1030 hours do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Warambie, Millstream, Maitland, Mystery, Searipple, Welcome, Balmoral Roads, Karratha.

Dated at Perth this 14th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

RACING AND GAMING

RA401

SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (Telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Day for Objections
GRANT OF LICENCE			
369	Warnbro Swans Football Club Inc	Application for the grant of a club restricted licence in respect of premises known as Warnbro Swans Football Club Inc and situated in Warnbro	14/4/94
374	Ocean Ridge Tennis Club Inc	Application for the grant of a club restricted licence in respect of premises known as Ocean Ridge Tennis Club Inc and situated in Heathridge.	12/4/94
375	The Mandurah Terrace Restaurant	Application for the grant of a restaurant licence in respect of premises known as The Mandurah Terrace Restaurant and situated in Mandurah	7/4/94
376	Chichesters	Application for the grant of a restaurant licence in respect of premises known as Chichesters and situated in Paraburdo.	7/4/94
TRANSFER OF LICENCE			
556	Margaret Gunson and Peter Tredinnick	Application for the transfer of a tavern licence in respect of premises known as Woodanilling Tavern and situated in Woodanilling from Faircote Holdings Pty Ltd	29/3/94
557	Mark Young and Margaret Young	Application for the transfer of a liquor store licence in respect of premises known as Beverley Self Service and Liquor Store situated in Beverley from Graeme Parsons.	24/3/94
558	Ilija Ilijovski and Cvetanka Ilijovska	Application for the transfer of a tavern licence in respect of premises known as Pinecreek Tavern and situated in Forestfield from I & C Ilijovski and K & L Mukevsić.	29/3/94
559	Golden Town Chinese Restaurant	Application for the transfer of restaurant licence in respect of premises known as Golden Town Chinese Restaurant and situated in Albany from James Wong.	3/4/94
560	Commanders Table	Application for the transfer of restaurant licence in respect of premises known as Commanders Table and situated in Albany from Geoffrey Puls, Elissa Vinnicombe and Richard Fenny.	4/4/94
561	Axis Late Night Club	Application for the transfer of cabaret licence in respect of premises known as Axis Late Night Club and situated in Subiaco from Martin James Stamatis.	3/4/94

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

G. B. AVES, Director of Liquor Licensing.

TRANSPORT

TR401

NAVIGABLE WATERS REGULATIONS

Water Ski Areas

Department of Transport,
18 March 1994.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department of Transport by this notice defines and sets aside the following area of Navigable Waters for the purpose of water skiing:

Shire of Wyndham/East Kimberley-Ord River

All those waters of the Ord River situated downstream of the Lake Argyle Dam to the eastern boundary of Ski Beach providing however, that this area is set aside for bona fide competitors of the Dam to Dam Regatta and is only applicable on Sunday 17 April 1994 between the hours of Sunrise and Sunset.

STUART HICKS, Executive Director.

TENDERS

ZT201

MAIN ROADS

Tenders

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Supply Branch, Ground Floor, Don Aitken Centre Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1994
158/93	Sale of Lot 1 Bussell Highway, Capel	18 April.
93Q39	Supply and delivery of six surveyors levels and five construction levels with associated staves and tripods	7 April.
93Q40	Supply and delivery of one (1) only McFee Virus Scanner Software licence for a maximum of 800 personal computers	29 March.
161/93	Supply and delivery of three total station instrument sets and electronic levels	12 April.
162/93	Supply and delivery of seven only 45 kW Utility tractors	15 April.
163/93	Supply and delivery of one (1) only SAA Class 5WL 4WD loader	15 April.
164/93	Supply and delivery of two only SAA Class 5WL 4WD loaders	15 April.

ZT202

Acceptance of Tenders

Contract No.	Description	Successful Tenderer	Amount
			\$
93Q31	Supply and delivery of one (1) only Flat Top Truck	Major Motors Pty Ltd	78 883.00
93Q32	Supply and delivery of one (1) to three (3) Portable Traffic Light Sets	De Neefe Signs	108 780.00
146/93	Convert existing oil fired hot water boilers to gas fired	Flamtech Pty Ltd	7 538.00
147/93	Installation of converted hot water boilers	Lyons & Pierce	17 341.00

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
1994			1994
March 4	047A1994	Supply "New", Refurbished/Remanufactured Laser Printer Toner Cartridges	Mar. 24
March 4	445A1994	Supply, Delivery and Installation of IBM Compatible Computer Network for Willetton Senior High School—Ministry of Education	Mar. 24
February 25	450A1994	Supply, Installation, Maintenance and Management of a Computer System for the Ministry of Fair Trading ...	Mar. 24
Note: Prospective tenderers are advised that a pre-tender briefing will be held on Wednesday 9th March, 1994 at 10.00 am at: Amenities Room, 7th Flr., 251 Hay St., East Perth. For further information contact Mr David Finn on (09) 222 0622.			
March 4	454A1994	Supply and Delivery of One (1) only Forward Control Truck for the Ministry of Justice	Mar. 24
March 4	456A1994	Supply and Delivery of twenty-five (25) Personal Computers and twenty-five (25) Laser Printers for the Police Department	Mar. 24
March 11	059A1994	Supply, Delivery and Installation of Disposable Skin Staplers and Associated Products for the Health Department of WA	Mar. 31
March 11	464A1994	Supply and Delivery of one (1) only Diesel Powered Track Type Bulldozer for Department of Conservation and Land Management, Nannup	Mar. 31
March 18	064A1994	Herbicides, Pesticides & Wetting Agents for various Government Departments for a one (1) year period with an option to extend for a further twelve month period	Apr. 7
March 11	100A1994	Supply and delivery of Drugs, Disinfectants and Antiseptics and Nutritional Products	Apr. 14
March 18	471A1994	Fully Integrated Financial Management Information System for the Department of Minerals and Energy .	Apr. 14
A Briefing Session shall be held on March 30 1994, 9:30-11:30 am, Department of Minerals & Energy, Conference Room 3, 8th Floor, 100 Plain Street, East Perth. Please contact Mr Kevin Hall on (09) 222 3243.			
<i>Invitation to Register Interest</i>			
February 25	ITRI 6/94	Network (LAN) Management Support Services for the Department of Land Administration	Mar. 24
Prospective respondents are advised that a briefing will be held on Tuesday, 8th March, 1994 at 9.30 am at: DOLA Midland, Executive Conference Room, Information Systems Division. For further information contact Mr Ray Nayar on (09) 273 7214.			
<i>Request for Proposal</i>			
March 4	RFP 5/94	Request for Proposal for UNIX and Ingres Systems Administration and Support and Database Administration Services for the College Management Information System and People Management System for the Department of Training	Mar. 31
A briefing session will be held on March 14, 1994 at 9.30 to 11.30 am, at Seminar Room 2, Grd. Flr., East Perth Government Offices (Health Dept/Community Services) 189 Royal Street, East Perth. Please contact Marie Drury on (09) 235 6285 to confirm attendance.			

Tenders—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1994			1994
<i>Service</i>			
March 11	RFP 8/94	Request for Proposal for the Supply and Installation of Personal Computers, Local Area Network Associated Facilities and Software for the Great Southern Development Authority	Apr. 7
March 4	204A1994	Training Programmes—Ministry of Premier and Cabinet	Mar. 24
March 4	460A1994	Post-acute Domiciliary Care Services for Fremantle Hospital	Mar. 24
March 11	465A1994	Redevelopment of the Cervical Cytology Registry at the Womens Cancer Prevention Unit	Mar. 24
March 11	117A1994	Provision of a Client Personal Laundry Service for Disability Service Commission residents	Mar. 31
March 4	291A1994	Provision of Scanning Functions for the Image System—Land Registration Programme—Dept. of Land Administration	Extended Mar. 31
March 11	466A1994	Request for Proposal for the Provision of Consultancy for the Campion Health Study	Extended Mar. 31
March 11	467A1994	Provision of Chemical Analysers for the Menzies and Leonora Regions for the Department of Mineral and Energy's Regional Geochemical Mapping Program	Mar. 31
March 11	468A1994	Consultancy Service for Financial Services for the Health Department of WA	Mar. 31
March 18	293A1994	Software Development and Support Services for the TAFE Admissions System, Dept of Training for a one (1) year period with an option of a further twelve (12) months	Apr. 7
A Briefing Session shall be held on March 23, 1994, 9:30-11:00 am, Seminar Room 4, Ground Floor, East Perth Government Offices, 189 Royal St, East Perth. Please phone Marie Drury on 235 6285.			
March 18	472A1994	Consultancy of Resource Utilisation and Benchmarking Studies for Derby Regional Hospital	Apr. 7
<i>For Sale</i>			
March 4	458A1994	1991 Toyota Mechanics Van 4WD (MR C182) (7QE 937) (with Alternator Welder MR C540) for Main Roads WA, Bunbury	Mar. 24
March 4	459A1994	Two (2) only Toyota HJ75 Landcruiser Personnel Carriers (6QY 656)(6QY 142) for the Agriculture Protection Board of WA, Kununurra	Mar. 24
March 11	461A1994	Various vehicles (7QG 000) (6QU 560) and (6QU 564) for Department of Agriculture, Carnarvon	Mar. 31
March 11	462A1994	1991 Holden Commodore Sedan (6QN 910) for Kimberley Development Commission, Kununurra	Apr. 7
March 11	463A1994	1991 Holden Commodore Exec. Sedan (6QY 409) for Kimberley Development Commission, Derby	Apr. 7

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>			
481A1993	Portable Geophysical Logging System to the Dept. of Minerals and Energy	Century Geophysical Corp.	\$59 500.00
495A1993	Computer Hardware and Software (PC Based) for Police Licensing and Services	Various	Details on Request
<i>Service</i>			
172A1994	Photographic Services for the Dept of Land Administration	Various	Details on Request
256A1993	Schedule Air Charter Service in the Midwest and Gascoyne Health Region	Various	Details on Request
288A1993	Printing of a Full Four (4) Colour Quarterly Publication "Journal of Agriculture" for the Dept. of Agriculture	Muhlings Pty Ltd	Details on Request
<i>Purchase and Removal</i>			
404A1994	1983 Chamberlain Tractor (MR 6701) (XQY 068) for Main Roads, Welshpool	R. J. & B. R. Hogg	\$6 150.00
432A1994	20 000 Litre (approx.) Water Tanker (Trailer Type) for Main Roads, Welshpool	Soltoggio Bros	\$8 888.00
441A1994	1962 Mess Caravan (MR 1471) (UQV 491) for Main Roads, Welshpool	Soltoggio Bros	\$1 268.00
446A1994	Item 1: 1983 Mitsubishi Flat Top Truck (MR 6799) (XQY 101)	Soltoggio Bros	\$4 686.00
	Item 2: 1988 Toyota Dyna Flat Top Truck (MR 9905) (6QN 952) for Main Roads, Welshpool	Northam Toyota	\$11 080.00
447A1994	Item 2: 1992 Ford Falcon Stn. Sdn. (7QA 611)	W. Hodgson	\$17 511.00
	Item 3: 1991 Ford Falcon Sdn. (GN 19834) for the Geraldton Regional College of TAFE	Northtown Motors P/L ..	\$16 260.00

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 41008	Supply of DN800 Cast Iron Sluice Valve	12 April
AP 42002	Supply of Hardware for a twelve (12) month period	12 April
AP 42003	Supply of aluminium various shapes and forms for a twelve (12) month period	12 April
AP 42004	Supply of screw down fire hydrants for a twelve (12) month period	12 April

ZT402*Accepted Tenders*

Contract	Particulars	Contractor	Price
AM 40208	Supply of drilling and ancillary chemicals including fluids engineering service for the construction and development of deep artesian well Leederville L6	Australian Mud Company	Schedule of Rates
AM 40601	Construction of the water treatment and operation building at Victoria Dam	Centreline Constructions	\$342,940.00

W. COX, Managing Director.

ZT501MARINE AND HARBOURS
Tenders

Contract No.	Project	Closing Date	Tender Document from
E129	Geraldton-Batavia Coast Marina Reticulation—Supply and Installation	22 March 1994	Administrative Assistant.

Tender documents are available from Tuesday, 1 March 1994 on payment of a non-refundable deposit of \$15.00.

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 April 1994, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Albury, Henry, late of Mandurah Nursing Home, 1 Hungerford Avenue, Mandurah, died 13/2/94. (D 268096 TG4).

Every, Thomas Ernest, late of 106 Summers Street, East Perth, died 2/3/94. (D 268553 TP4).

Fisher, Frederick Peter, late of Mt Henry Hospital, Cloister Avenue, Como, died 19/2/94. (D 268118 TE2).

Gray, Lily, late of Craigwood Nursing Home, Gardner Street, Como, died 17/2/94. (D 268339 TD2).

McAlpine, Ian John, late of c/- St Patrick's Care Centre, 9 Parry Street, Fremantle, died 30/12/93. (D 267464 TA4).

McNaught, David Noel, late of 16 Hall Road, Roleystone, died 11/2/94. (D 268564 TP2).

Norton, Sheila Campbell, late of Carnarvon Regional Hospital, Cleaver Street, Carnarvon, died 8/10/93. (D 26593800 TA1).

Nyal, Ernest James, late of 136 Keymer Street, Belmont, died 27/12/93. (D 267243 TP4).

Pietrowicz, Margaret Florence, late of 52 Cobblers Road, Falcon, died 24/12/93. (D 267017 TD4).

Rann, Edward Charles, late of 18 Carey Street, South Perth, died 4/1/94. (D 266737 TE3).

Richardson, Frances Joyce, late of Belmont Community Lodge, 14 Clever Terrace, Rivervale, died 16/2/94. (D 268303 TG3).

Robinson, Kathleen Agnes, late of Homes of Peace, Warton Road, Huntingdale, died 12/2/94. (D 268116 TG2).

Wilson, Hector Percy, late of Lakeside Nursing Home, 68 Lyall Street, Redcliffe, died 12/1/94. (D 266966 TE4).

Dated this 18th day of March 1994.

K. E. BRADLEY, Public Trustee,
Public Trust Office, 565 Hay Street, Perth 6000.

ZZ201

TRUSTEES ACT 1962

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the Estate of the undermentioned deceased persons, are required by Perpetual Trustees W.A. Ltd of 89 St. George's Terrace Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Butterworth, Christopher Simon, late of Lot 14 Rosedale Road, Chidlow, Truck Driver, died 23/1/94.

Clarkson, Isabella Selina, late of Unit 29, Weeronga, 5-7 Howell Street, Willagee, Widow, died 14/2/94.

Donnes, Charles Edward Dave, late of 37 Baal Street, Palmyra, Waterside Worker, died 27/1/94.

Gillies, Nora, late of 3/24 Freshwater Parade, Claremont, Widow, died 29/1/94.

Goulou, Melpomennie, late of 27 Rowlands Street, Maylands, Widow, died 28/2/94.

Grubba, Theresa Agnes Monica, late of 2/23 North Beach Road, North Beach, Widow, died 28/2/94.

MacGregor, Ivy Dorothy Ambrosine, late of Riverview Residence Pendelton Street, Collie, Widow, died 19/2/94.

Middleton, Roland Frank, late of 88 Barnes Street, Innaloo, Public Servant, died 27/10/93.

Dated this 18th day of March 1994.

D. R. CLARK, Divisional Manager—Trustee & Financial Services.

ZZ301

INQUIRY AGENTS LICENSING ACT 1954**APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Perth, W.A.

I, Selby John Needs of 60 Lindsay Street, Perth W.A. Phone: (H) 459 9885; (W) 227 9266. Occupation Insurance Investigator having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at 60 Lindsay Street, Perth W.A.

Dated the 1st day of March 1994.

(Sgd.) S. J. NEEDS.

APPOINTMENT OF HEARING

I hereby appoint the 12th day of April 1994 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 1st day of March 1994.

T. WILLIAMSON, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ302

INQUIRY AGENTS LICENSING ACT 1954**APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Perth, W.A.

I, Anthony Ugo D'Ascenzo of 60 Lindsay Street, Perth. Phone: (H) 307 1537; (W) 227 9266. Occupation Insurance Investigator having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at 60 Lindsay Street, Perth W.A.

Dated the 23rd day of February 1994.

(Sgd.) A. D'ASCENZO.

APPOINTMENT OF HEARING

I hereby appoint the 5th day of April 1994 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 28th day of February 1994.

PETER NEEDHAM, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401**DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership between Bernard Ivan Keogh and Helen Mary Keogh, conducting the business of insurance agents for: Sun Alliance and Royal Insurance, New Zealand Insurance, Commercial Union and C I C Insurance is dissolved as of 31-12-93.

Dated 8th day of March 1994.

(Signed) BERNARD I. KEOGH.

ZZ402**CREDITORS NOTICE****T & C No. 7 TERMINATING BUILDING SOCIETY**

18th Floor, 37 St. George's Terrace, Perth

Notice is hereby given that at a special meeting held on 11th March, 1994 as special resolution 'That the Society be wound up' was duly passed.

Creditors should lodge claims against the Society at the registered office.

M. F. STEWART, Secretary.

ZZ403**NOTICE OF DISSOLUTION OF PARTNERSHIP**

Take notice that the partnership heretofore subsisting between Edward Charles Beldan, Harold Spencer, Heather Grace Spencer, and Simon John Murphy trading as "Noble Park Appaloosa Stud and Agistment Centre" has been dissolved pursuant to the provisions of the Deed of Dissolution of Partnership made the 1st day of December 1993 and the said business "Noble Park Appaloosa Stud and Agistment Centre" continues under the reconstructed partnership between Harold Spencer, Heather Grace Spencer and Simon John Murphy.

Dated the 1st day of December 1993.

HAROLD SPENCER
HEATHER GRACE SPENCER
SIMON JOHN MURPHY

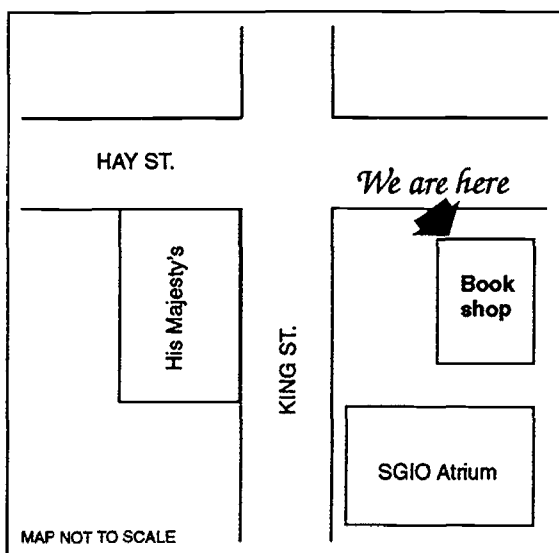
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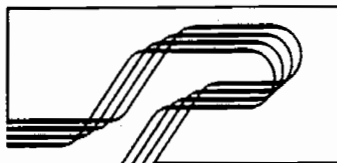


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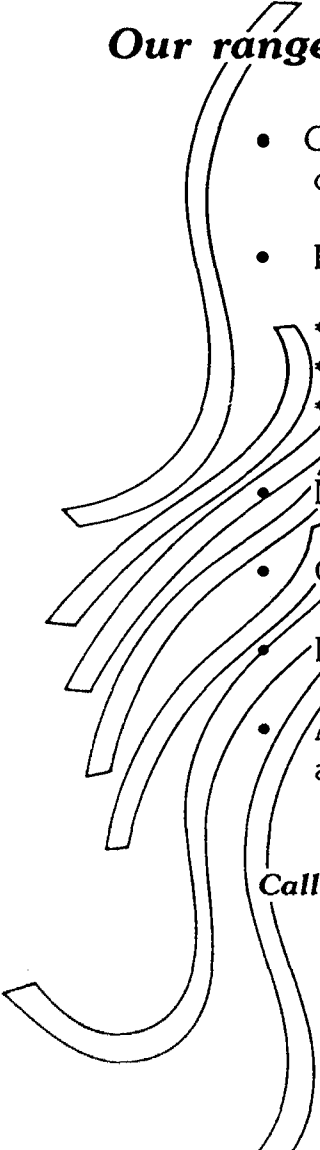
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