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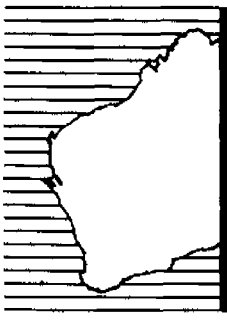

WESTERN AUSTRALIAN GOVERNMENT Gazette

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Periodically notices are published indicating a variation in normal publishing arrangements:

- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Print.

G. L. DUFFIELD, Director.

CONSERVATION AND LAND MANAGEMENT

CM401

CONSERVATION AND LAND MANAGEMENT ACT 1984

ORDER TO EXCISE A PORTION OF STATE FOREST No. 25

CALM File 029975F2709; DOLA File 2508/1991.

Made by His Excellency the Governor under section 9 (2).

Whereas both Houses of Parliament passed a resolution that a proposal from His Excellency the Governor dated the Twentieth day of July 1993, for the partial revocation of State Forest Nos. 7, 13, 17, 22, 24, 25, 31, 37, 38 and 65, should be carried out. Now, His Excellency the Governor, with the advice and consent of the Executive Council, declares that the dedication of Crown land as State Forest No. 25 in partially revoked by excision of the area described in the schedule.

Schedule

All that portion of land being the whole of the area, excluding Wellington Location 5630, as surveyed and shown on Department of Land Administration Diagram 91093.

Area: 8.1370 hectares; Public Plan: Wilga NW 1:25 000.

Dated 30 August 1994.

D. G. BLIGHT, Clerk of the Council.

FAIR TRADING

FT301

MOTOR VEHICLE DEALERS ACT 1973

MOTOR VEHICLE DEALERS (LICENSING) AMENDMENT REGULATIONS 1994

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Motor Vehicle Dealers (Licensing) Amendment Regulations 1994.*

Principal regulations

2. In these regulations the *Motor Vehicle Dealers (Licensing) Regulations 1974** are referred to as the principal regulations.

[* *Reprinted in the Gazette of 8 December 1986 at pp. 4523-56. For amendments to 21 July 1994 see 1993 Index to Legislation of Western Australia, Table 4, p. 188.*]

Regulation 7 repealed and a regulation substituted

3. Regulation 7 of the principal regulations is repealed and the following regulation substituted —

"

Fees

7. (1) The fee to be paid for an application for the grant of a dealer's licence is $197, and a further $197 in respect of each premises to be registered in the dealer's name under section 21 in relation to the licence.

(2) The fee to be paid for an application for the renewal of a dealer's licence is $197, and a further $197 in respect of each premises registered in the dealer's name under section 21 in relation to the licence.

(3) The further fees set out in the Third Schedule are the fees to be paid in respect of the matters to which they are applicable.

".

Second Schedule amended

4. The Second Schedule to the principal regulations is amended —

(a) in Form 1 by deleting "hereby apply for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973* and tender herewith the required fee of $ . . . . . for the licence together with fees totalling $ . . . . . for . . . . . certificate(s) of registered premises at which I propose to carry on business under the authority of the licence." and substituting the following —

"

apply for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973* and tender the application fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . premises to be registered in my name in relation to this licence and at which I propose to carry on business under the authority of this licence.

";

(b) in Form 2 by deleting "hereby apply for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973* and tender herewith the required fee of $ . . . . . for the licence, together with fees totalling $ . . . . . for . . . . . certificate(s) of registered premises at which we propose to carry on business." and substituting the following —

"

apply for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973* and tender the application fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . premises to be registered in our names in relation to this licence and at which we propose to carry on business under the authority of this licence.

";

(c) in Form 3 by deleting "hereby applies for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973*, and tenders the required fee $ . . . . . for the licence together with fees totalling $ . . . . . for . . . . . certificate(s) of registered premises at which it proposes to carry on business. " and substituting the following —

"

applies for a Vehicle Dealers Licence under the *Motor Vehicle Dealers Act 1973* and tenders the application fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . premises to be registered in its name in relation to this licence and at which it proposes to carry on business under the authority of this licence.

";

(d) in Form 5C by deleting "herewith the required fee of $ . . . . . for the licence together with fees totalling $ . . . . . for . . . . . certificate(s) of" and substituting the following —

"

the renewal fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . .

";

(d) in Form 5D by deleting "herewith the required fee of $ . . . . . for the licence, together with fees totalling $ . . . . . for . . . . . certificate(s) of" and substituting the following —

"

the renewal fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . ";

and

(e) in Form 5E by deleting "the required fee of $ . . . . . for the licence together with fees totalling $ . . . . . for . . . . . certificate(s) of" and substituting the following —

"

the renewal fee of $ . . . . . for the licence, together with $ . . . . . for . . . . . ".

Third Schedule amended

5. The Third Schedule to the principal regulations is amended by deleting items (1), (2), (3) and (14).

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

LAND ADMINISTRATION

LA201

COMMONWEALTH OF AUSTRALIA
TERRITORY OF CHRISTMAS ISLAND

LAND ACT 1933 (WA)(CI)

ORDERS IN COUNCIL

(Vesting of Reserves)

By the direction of The Honourable the Minister for Lands under Section 33(2), the following reserves have been vested.

DOLA File 1147/993.

Reserve No. 43174 (Christmas Locations 186 and 187) vested in the Shire of Christmas Island for the designated purpose of "Recreation—Golf Course" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding fifty (50) years from the date of the lease.

DOLA File 1145/993.

Reserve No. 43175 (Christmas Location 139) vested in the Shire of Christmas Island for the designated purpose of "Golf Clubhouse" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding fifty (50) years from the date of the lease.

A. A. SKINNER, Chief Executive.

LA401

LAND ACT 1933

PUBLIC WORKS ACT 1902

DECLARATION THAT PARTS 1A OF THE LAND ACT AND 11A OF THE PUBLIC WORKS ACT DO NOT APPLY

Department of Land Administration.

I declare under Section 27H of the Land Act and Section 33L of the Public Works Act that Parts 1A and 11A of the respective Acts do not apply to the following proposals affecting the land specified.

Proposal	Land	DOLA File
Reservation, disposal and taking for the purposes of implementing the Subiaco Redevelopment Project	All Crown land within the Project Area and detailed in the attached schedule	1934/994

Schedule of Affected Land

Land within the Redevelopment Area as defined in Schedule 1 of the Subiaco Redevelopment Act 1994 (yet to be proclaimed) and comprising—

Reserve 9397 Municipal Endowment
Reserve 22473 Municipal Endowment
Reserve 23115 Municipal Endowment
Reserve 24768 Technical and Further Education
Reserve 9396 Municipal Endowment (Part only)
Reserve 3491 Use and Requirements of the Minister for Works
Reserve 22730 Public Buildings
Reserve 20380 Municipal Purposes
Reserve 40459 Technical School Site
Reserve A 18039 Recreation
Reserve 13544 Railway Purposes
Reserve 17326 Municipal Purposes
Reserve 41874 Sporting Grounds, Telecommunications Facility, Entertainment and Ancillary and beneficial uses (part only)
Railway Reserve (un-numbered)
Road Reserves (various)
Swan Location 11526 Certificate of Title Vol. 1898 Fol. 640

GEORGE CASH, Minister for Lands.

LA701

COMMONWEALTH OF AUSTRALIA
TERRITORY OF CHRISTMAS ISLAND

LAND ACT 1933 (WA) (CI)

RESERVATION NOTICES

Made by The Honourable Minister for Lands under Section 29.

The Crown Land described below has been set apart as a public reserve.

DOLA File 1147/993.

Reserve No. 43174 comprising Christmas Locations 186 and 197 with an area of 16.9700 hectares on Land Administration Plan 18128 for the designated purpose of "Recreation—Golf Course".

Public Plans: ZK (2) 8.08, 9.07 and 9.08. Local Authority—Shire of Christmas Island.

DOLA File 1145/993.

Reserve No. 43175 comprising Christmas Location 139 with an area of 3580 square metres on Land Administration Plan 18118 for the designated purpose of "Golf Clubhouse".

Public Plan: ZK94 (2) 8.08. Golf Course Road. Local Authority—Shire of Christmas Island.

A. A. SKINNER, Chief Executive.

LB301

PUBLIC WORKS ACT 1902

SALE OF LAND

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

Land

File No. 1299/994.

Portion of Wellington Location 1 and being lots 34 and 35 as shown on deposited plan 2564 being the land held in Certificate of Title Volume 351 Folio 7.

File No. 3602/990.

Fremantle Town Lot 419 and portion of Fremantle Town Lot 420 together being part of the land on Diagram 2705, and portion of Fremantle Town Lot 430 and being part of the land on Diagram 692, being the land held in Certificate of Title Volume 510 Folio 49A.

Dated this fifth day of September 1994.

A. A. SKINNER, Chief Executive.

LB701

File No. 4422/1927.
Ex. Co. No. 1231.

LOCAL GOVERNMENT ACT 1960

PUBLIC WORKS ACT 1902

LAND RESUMPTION

Widening of Bin Road—Road No. 18388—Shire of Victoria Plains

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Victoria Plains passed at a meeting of the Council held on or about 18 November 1991, the pieces or parcels of land described in the Schedule hereto, being in the Melbourne District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 2nd day of August 1994, been set apart, taken or resumed for the purpose of the following public work, namely—Widening of Bin Road—Road No. 18388—Shire of Victoria Plains.

And further notice is hereby given that the said piece or parcel of land so set apart, taken, or resumed is marked off and more particularly described on Department of Land Administration Diagram 90788 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said land shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	Crown	Portion of Railway Reserve	68 m^2

Certified correct this 25th day of July 1994.

GEORGE CASH, Minister for Lands.

Dated this 2nd day of August 1994.

MICHAEL JEFFERY, Governor in Executive Council.

File No. 4422/1927.
Ex. Co. No. 1231.

LOCAL GOVERNMENT ACT 1960

PUBLIC WORKS ACT 1902

LAND RESUMPTION

Widening of Bin Road—Road No. 18388—Shire of Victoria Plains

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Victoria Plains passed at a meeting of the Council held on or about 18 November 1991, the pieces or parcels of land described in the Schedule hereto, being in the Melbourne District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 2nd day of August 1994, been set apart, taken or resumed for the purpose of the following public work, namely—Widening of Bin Road—Road No. 18388—Shire of Victoria Plains.

And further notice is hereby given that the said piece or parcel of land so set apart, taken, or resumed is marked off and more particularly described on Department of Land Administration Diagram 90788 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said land shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Irwin Prescott Barrett-Lennard and Berwine Ruth Barrett-Lennard	I. R. and B. R. Barrett-Lennard	Portion of Melbourne Location 1580 being part of the land contained in Certificate of Title Volume 1757 Folio 602.	1 045 m^2

Certified correct this 25th day of July 1994.

GEORGE CASH, Minister for Lands.

Dated this 2nd day of August 1994.

MICHAEL JEFFERY, Governor in Executive Council.

File No. 2826/1992.
Ex. Co. No. 1237.

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Road Widening—Corner Campbell Road (Road No. 15020) and Middleton Road—Town of Albany

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Town of Albany passed at a meeting of the Council held on or about 27 October 1992, the piece or parcel of land described in the Schedule hereto, being in the Plantagenet District has, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 2nd day of August 1994, been set apart, taken or resumed for the purpose of the following public work, namely—Road Widening—Corner Campbell Road (Road No. 15020) and Middleton Road—Town of Albany.

And further notice is hereby given that the said piece or parcel of land so set apart, taken, or resumed is marked off and more particularly described on Department of Land Administration Diagram 91630 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said land shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	Crown	Portion of Albany Lot 1148 being part of the land set aside as Reserve 27069 for the Purpose of "High School Site".	82 m^2

Certified correct this 25th day of July 1994.

GEORGE CASH, Minister for Lands.

Dated this 2nd day of August 1994.

MICHAEL JEFFERY, Governor in Executive Council.

File No. 413/1906/2.
Ex. Co. No. 1344.

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Widening of Third Road (Road No. 3037) City of Armadale

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the City of Armadale passed at a meeting of the Council held on or about 4 July 1994, the piece or parcel of land described in the Schedule hereto, being in the Canning District has, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 16th day of August 1994, been set apart, taken or resumed for the purpose of the following public work, namely—Widening of Third Road (Road No. 3037) City of Armadale.

And further notice is hereby given that the said piece or parcel of land so set apart, taken, or resumed is marked off and more particularly described on Department of Land Administration Diagram 91509 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said land shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	City of Armadale as Vestee	Portion of Canning Location 956 set aside as Reserve 21403 for "Hallsite" Purposes	130 m^2

Certified correct this 9th day of August 1994.

GEORGE CASH, Minister for Lands.

Dated this 16th day of August 1994.

MICHAEL JEFFERY, Governor in Executive Council.

Road Dedication

It is hereby notified that the Minister for Lands has approved, pursuant to section 288 of the Local Government Act, the dedication as public street the roads in the various Municipalities as described in the abovementioned resumption notices.

By Order of the Minister for Lands.

Dated this 13th day of September 1994.

A. A. SKINNER, Chief Executive.

LB702

File No. 1280/1985.
Ex. Co. No. 1244.

PUBLIC WORKS ACT 1902

LAND RESUMPTION

Westrail Radio Mast Site—Keysbrook

Notice is hereby given, and it is hereby declared, that piece or parcel of land described in the Schedule hereto, being in the Murray District has, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 2nd day of August 1994, been set apart, taken or resumed for the purpose of the following public work, namely—Westrail Radio Mast Site—Keysbrook.

And further notice is hereby given that the said piece or parcel of land so set apart, taken, or resumed is marked off and more particularly described on Department of Land Administration Diagram 89767 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land description is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said land shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	Vacant	Portion of Unmade Public Road	2 809 m^2

Certified correct this 14th day of July 1994.

GEORGE CASH, Minister for Lands.

Dated this 2nd day of August 1994.

MICHAEL JEFFERY, Governor in Executive Council.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1960

Town of Bassendean

Appointment of Rangers

It is hereby noted for public information that Paul Di Girolami and Aaron Bowers have been appointed as authorised officers to exercise powers contained in the following, effective from 27 July and 4 August 1994, respectively.

1. Dog Act;
2. Control of Vehicles (Off Road Areas) Act 1978;
3. Local Government Act 1960 and related By-laws;
4. Litter Act 1979;
5. Bush Fires Act 1954;
6. Justices Act 1902,

and as an authorised person for the purpose of administering Council's by-laws relating to parking facilities.

S. SMITH, General Manager/Town Clerk.

LG601

BUSH FIRES ACT 1954

Shire of Boddington

Fire Order

Important information relating to your responsibility as a landholder in the Boddington Shire.

With reference to section 33 of the Bush Fires Act 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provision of this order.

An inspection of firebreaks will be carried out in all areas of the shire by an authorised officer.

Persons who fail to comply with the requirements of this order may be issued with an infringement notice (penalty $40) or prosecuted. Additional Council may carry out the required work at a cost to the owner or occupier.

If it is considered for any reason to be impractical to clear firebreaks or remove flammable materials as required by this notice, or if natural features render firebreaks unnecessary, you may apply to the Council in writing not later than the fifteenth day of October, 1994 for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council, you shall comply with the requirements of this notice.

Rural Lands

(a) This work must be carried out by 15th November, 1994 and kept maintained throughout the summer months until 15th April 1995.

(b) A firebreak not less than 2.5 metres wide must be constructed along and within 100 metres of the external boundary of each property (i.e. cleared or part cleared land) and where the boundary is adjacent to or adjoins a used gazetted road.

(c) In the interest of protection from soil erosion, firebreaks may be constructed on the land contours but only with prior approval of the Council or its duly authorised officer.

(d) An area 10 metres wide cleared of all flammable material shall be established immediately around the perimeter of all homesteads, buildings, haystacks and fuel storage areas.

(e) In such positions as is necessary to divide land in excess of 200 hectares into areas not exceeding 200 hectares each completely surrounded by a firebreak.

(f) A fire fighting unit with a minimum capacity of 450 litres is to be kept available at or adjacent to harvesting operations.

(g) Where there is agreement between adjoining land owners for one or the other to provide a firebreak on their boundary, this firebreak will be deemed the boundary of the adjoining property, subject to insurance company approval. Please contact your fire control officer if any uncertainty exists.

Pine and Eucalyptus Plantations

Any pines or eucalyptus planted for commercial purposes constitutes a pine or eucalyptus plantation and you are hereby required to clear of all flammable material firebreaks not less than 10 metres wide around the perimeter of each plantation, and any plantation exceeding 29 hectares will also require a subdivisional firebreak 6 metres in width to each 30 hectares, and bush surrounding planted areas is to be kept in a low fuel condition.

Small Lot Holders or Hobby Farms 20 Hectares or Less

(a) On or before 15th October, 1994 a firebreak not less than 2.5 metres wide must be constructed along and within 100 metres of the external boundary of each property (i.e. cleared or part-cleared land) and where the boundary is adjacent to or adjoins a used gazetted road.

(b) An area 10 metres wide cleared of all flammable material shall be established immediately around the perimeter of all homesteads, buildings, haystacks and fuel storage areas.

Townsites of Boddington and Ranford

On or before 15th October, 1994 all town lots under 4 000 square metres in area and all fuel depots within the shire are required to be cleared of all debris and flammable material. Lots 4 000 square metres and over are to have a minimum 2.5 metres firebreak installed immediately inside all external boundaries.

Special Note to Land Owners and Occupiers

The requirements of this order are considered to be the minimum standard of fire prevention work to protect not only individual properties but the district generally.

In addition to the requirements of this order Council may issue separate special orders on owners or occupiers if hazard removal is considered necessary in specific areas.

By Order of the Council.

M. J. FITZPATRICK, Shire Clerk.

PLANNING AND URBAN DEVELOPMENT

PD401

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION

City of Kalgoorlie-Boulder

City Planning Scheme No. 1

Ref: 853/11/3/6.

Notice is hereby given that the City of Kalgoorlie-Boulder has prepared the abovementioned town planning scheme for the purpose of ensuring and promoting the orderly and proper development of land while securing the amenity of and the best living and working environment for the residents of the City of Kalgoorlie-Boulder, and directing and controlling the development of the Scheme Area in such a way as shall promote and safeguard the health, safety and convenience and economic and general welfare of its inhabitants and the amenities of every part of the Municipality.

Plans and documents setting out and explaining the town planning scheme have been deposited at Council Offices, Davidson Street, Kalgoorlie, and at the State Planning Commission/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 December 13, 1994.

Submissions on the town planning scheme should be made in writing on Form No. 4 and lodged with the undersigned on or before December 13, 1994.

L. P. STRUGNELL, Town Clerk.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Melville

Town Planning Scheme No. 3—Amendment No. 120

Ref: 853/2/17/10, Pt. 120.

Notice is hereby given that the City of Melville has prepared the abovementioned scheme amendment for the purpose of amending scheme maps one and three by recoding the area bounded by Point Walter Road, Braunton Street, Malsbury Street and Beach Street within the Bicton 2 Precinct to R17.5.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Almondbury Road, Melville, and at the State Planning Commission/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 October 25, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 25, 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.

J. McNALLY, A/Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Esperance

Town Planning Scheme No. 22—Amendment No. 13

Ref: 853/11/6/21, Pt. 13.

Notice is hereby given that the Shire of Esperance has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 271 on the corner of Brazier and Jehu Streets from Private Clubs and Institutions to Residential R30.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Windich Street, Esperance and at the State Planning Commission/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 25 October 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 25 October 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. F. SHEEDY, A/Shire Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION

Shire of Harvey

District Planning Scheme No. 1

Ref: 853/6/12/17.

Notice is hereby given that the Shire of Harvey has prepared the abovementioned town planning scheme for the following purposes—

(a) to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community;

(b) to ensure that the existing standard of roads, water supply, effluent disposal, electricity supply and other community services are sufficient for the additional demands proposed development would create;

(c) to promote economic development and tourism within the Shire and increase local employment opportunities;

(d) to provide opportunities for a wide range of lifestyles providing areas for urban and rural living;

(e) to retain the pre-eminence of agriculture, and restrict development that detracts from the potential of significant agricultural land;

(f) to preserve and enhance places of natural beauty particularly along the coast, the rivers and inlets and the scarp, and to preserve historic buildings and objects of historical and scientific interest; and

(g) to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation on the principle that the extent and manner of use of these areas should be kept within their capabilities of being sustained without degradation in the long term.

Plans and documents setting out and explaining the town planning scheme have been deposited at Council Offices, 102 Uduc Road, Harvey and at the State Planning Commission/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 13 December 1994.

Submissions on the town planning scheme should be made in writing on Form No. 4 and lodged with the undersigned on or before 13 December 1994.

K. J. LEECE, Shire Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Kalamunda

District Planning Scheme No. 2—Amendment No. 147

Ref: 853/2/24/16, Pt. 147.

Notice is hereby given that the Shire of Kalamunda has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 500 Canning Location 12 Victoria Road, Wattle Grove from "Rural" to "Special Rural" and including appropriate provisions in the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2 Railway Road, Kalamunda, and at the State Planning Commission/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 October 25, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 25, 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.

E. H. KELLY, Shire Clerk.

PD712

TOWN PLANNING AND DEVELOPMENT ACT 1928

Approved Town Planning Scheme

Shire of Dundas

Town Planning Scheme No. 2—District Scheme

Ref: 853/11/5/2

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 Dundas Town Planning Scheme No. 2—District Scheme on 7 August 1994—the Scheme Text of which is published as a Schedule annexed hereto.

P. W. BROWN, President.
E. A. GIBLETT, Shire Clerk.

Schedule

TOWN PLANNING AND DEVELOPMENT ACT 1928

Town Planning Scheme No. 2

Shire of Dundas

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

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PART I—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Dundas Scheme No. 2 hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the Shire of Dundas hereinafter called 'the Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the Shire of Dundas.

1.4 REVOCATION

The Shire of Dundas—Norseman Town Planning Scheme No. 1 published in the *Government Gazette* on April 25, 1983 and all the amendments thereto is hereby revoked.

1.5 CONTENTS OF SCHEME

The Scheme comprises:

(a) The Scheme Text

(b) The Scheme Maps

1.6 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:—

PART I—PRELIMINARY
PART II—RESERVES
PART III—ZONES
PART IV—NON-CONFORMING USES
PART V—POLICIES AND DEVELOPMENT REQUIREMENTS
PART VI—CONTROL OF ADVERTISEMENTS
PART VII—PLANNING CONSENT
PART VIII—ADMINISTRATION

1.7 SCHEME OBJECTIVES

The objectives of the Scheme are:-

(a) to set aside land and adopt development controls for the purpose of maintaining and improving the quality of the Norseman and Eucla Town environments;

(b) to formulate and adopt a policy to guide the development of tourist accommodation and facilities within the Shire;

(c) to facilitate the preparation and implementation of management plans for the purpose of controlling coastal areas and other areas of environmental importance;

(d) to set aside land and adopt development controls for the purpose of maintaining the quality of the rural environment.

1.8 INTERPRETATIONS

1.8.1 Except as provided in Clause 1.8.2 the words and expressions of the Scheme have their normal and common meaning.

1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1.

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

PART II—RESERVES

2.1 SCHEME RESERVES

The lands shown as Scheme Reserves on the Scheme Map, hereinafter called 'Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map.

There are 6 categories of reserves as listed hereunder—

Parks and Recreation
Public Purposes (as marked)
Major Highway
Important Local Road
Railway
Nature (as marked)

2.2 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for Planning Consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

2.3 COMPENSATION

2.3.1 Where the Council refuses Planning Consent for the development of a Reserve on the grounds that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

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

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

PART III—ZONES

3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

Residential
Town Centre
Industrial
Rural
Special Purpose (as marked)

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.

3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones such uses being determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Consent;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 7.2;

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

3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

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

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:

(a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted, or

(b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the Zone and thereafter follow the advertising procedures of Clause 7.2 in considering an application for Planning Consent.

3.3 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 4 may, subject to compliance with any condition specified in the schedule with respect to the land, be used for the purpose 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	Zone: Residential	Town Centre	Industrial	Rural	Special Purpose
Commercial	Amusement facility	IP	AA			As per Appendix 5
	Car Park	IP	P	P	IP	
	Dry Cleaning Premises		AA	P		
	Fish Shop		AA			
	Fast Food Outlet		P			
	Funeral Parlour	SA	AA	P		
	Health Studio	SA	AA	AA		
	Home Occupation	AA	AA		AA	
	Hotel	SA	SA			
	Motel	SA	AA			
	Night Club		P			
	Motor Vehicle Marine Sales Premises		AA	P		
	Motor Vehicle Hire		AA	P		
	Office	AA	P	IP		
	Office—Professional	AA	P			
	Reception Centre	SA	AA			
	Restaurant	SA	P			
	Service Station		AA	P		
	Shop	SA	P	IP		
	Showroom		AA	P		
	Tavern		AA			
	Warehouse		AA	P		
Residential	Single House	P	AA		P	
	Attached House	AA	AA			
	Grouped Dwelling	AA	AA			
	Multiple Dwelling	SA	AA			
	Aged and Dependent Persons Dwelling	AA				
	Boarding House	SA	AA			
	Caretaker's Dwelling	IP	AA	IP		
	Hostel	SA	SA			
Community	Ambulance Depot	AA	AA	P	AA	
	Civic Building	AA	P	AA	AA	
	Club Premises	SA	AA			
	Consulting Rooms	IP	P		IP	
	Day Care Centre	SA	AA			
	Dog Kennels, Cattery			AA	AA	
	Educational Establishment	SA	AA		AA	
	Fire Brigade Depot	AA	AA	P	AA	
	Kindergarten	SA	AA	AA	AA	
	Medical Centre	SA	AA			
	Public Utility	P	P	P	P	
	Public Worship	SA	AA			
	Radio and TV Installation	SA	AA	AA	P	
	Veterinary Hospital			AA	P	
	Veterinary Consulting Rooms	SA	AA	AA	AA	
Industrial	Fuel Depot		SA	P	IP	
	Industry					
	General			P		
	Light			P		
	Service		AA	P		
	Extractive			AA	SA	
	Hazardous			SA	SA	
	Noxious				SA	
	Mining Development			AA	SA	
	Motor Vehicle					
	Repair		AA	P		
	Wrecking			AA		
	Salvage Yard			P		
	Transport Depot		SA	P	SA	

Table 1: Zoning Table—*continued*

	Use Class	Zone: Residential	Town Centre	Industrial	Rural	Special Purpose
Recreation	Private Recreation	SA	P		P	
	Public Amusement	SA	AA		SA	
	Public Recreation	P	P	P	P	
Special Use	Camping Area	SA			AA	
	Caravan Park	SA			SA	
	Holiday Accommodation	SA			SA	
	Rural Pursuit	SA			P	

PART IV—NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

(a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or

(b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Planning Consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its Planning Consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

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

4.6 REGISTER OF NON-CONFORMING USES

The Council shall prepare a register of non-conforming uses in existence at the time of the gazettal of the Scheme. Alterations and discontinuance of non-conforming uses shall be recorded on the register.

PART V—POLICIES AND DEVELOPMENT REQUIREMENTS

5.1 BROAD POLICIES

5.1.1 In accordance with the Scheme Objectives set out in Clause 1.7, Council has adopted the following policies:

(a) To maintain and develop the Norseman Townsite as the administrative and service centre for the Shire and the rural hinterland.

(b) To provide for the social and economic needs of permanent residents and holiday makers or temporary residents, whilst maintaining and protecting the quality of the environment.

(c) To maintain and develop community facilities in the Eucla Townsite to support a permanent residential community, with limited provision for temporary stay accommodation and facilities.

(d) To ensure the continuation of the basic rural use within the Shire, encouraging where appropriate the retention and expansion of present agricultural activities.

(e) To encourage mineral exploration and mining within the Shire.

5.2 DEVELOPMENT OF LAND

5.2.1 Subject to Clause 5.2.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the Planning Consent of the Council under the Scheme.

5.2.2 The Planning Consent of the Council is not required for the following development of land:

(a) The use of land in a local reserve, where such land is held by the Council or vested in a Public Authority;

(i) for the purpose for which the land is reserved under the Scheme; or

(ii) in the case of land vested in a Public Authority, for any purpose for which such land may be lawfully used by that authority.

(b) the erection of a boundary fence except as otherwise required by the Scheme;

(c) the erection on a lot of a single 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;

(d) carrying out of any works on in over or under a street or road by a Public Authority acting pursuant to the provisions of any act;

(e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which does not materially affect the external appearance of the building;

(f) the 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.

5.2.3 Unless otherwise specifically directed by the Council, Planning Consent and associated approvals for the development, use of land and construction of dwellings and farm buildings will not be required where such is directly related to rural agricultural pursuits and the building site is situated at least 30 kilometres from the Norseman townsite.

5.3 AMENITY

5.3.1 Notwithstanding that a building including a dwelling house conforms in all other respects with any provision of the Scheme or any by-law in force, Council may refuse to issue a building permit if it considers that such building by its construction or materials would detrimentally affect the amenity of the locality.

5.3.2 In considering the granting of Planning Consent to a development Council may require as a condition of such Consent that the building be of an acceptable standard and that the facade shall meet a standard not less than that of the general area.

5.4 HEIGHT AND APPEARANCE OF BUILDINGS

5.4.1 With the exceptions of buildings approved by Council pursuant to the provisions of the following paragraphs and buildings and structures required for agricultural use in the Rural Zone or buildings associated with mining activities, no building in excess of two storeys or a height of 8 metres above natural ground level shall be erected within the Scheme Area.

5.4.2 Notwithstanding the provisions of Clause 5.4.1, the Council may, after following the procedure set out for uses and developments under Category "SA" in Clause 3.2.2, approve buildings which exceed the height limits specified or are proposed to be constructed of particular materials, finishes or colours after considering the information provided pursuant to Clauses 7.1 and 5.3 and any submissions made by persons owning or having an interest in land affected directly or indirectly by the proposal. The Council shall satisfy itself that the proposed building;

(a) will be in harmony with the general character of buildings in the locality, and

(b) will not be detrimental to the amenity or character of the locality or the quality of environment of the townscape, and

(c) will observe the required setbacks from the boundaries of the lot on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots, and

(d) will not impair the potential for development of other vacant blocks in the vicinity with particular regard to amenity, aspect and views, and

(e) has been designed in harmony with the natural land form of the site,

before granting any approval and any such decision may only be made by an absolute majority of Council.

5.4.3 Pursuant to the provision of paragraph 5.4.2 the Council may impose conditions relating to:

(a) colour and types of building materials;

(b) size, height, bulk and roof pitch;

(c) setback and location of its lot;

(d) architectural style and design details;

(e) site layout and accessibility;

(f) relationship to surrounding development;

(g) other characteristics as considered relevant.

5.4.4 Landscaping shall be of a nature that would complement the appearance of the proposed development and the immediate locality and Council encourages the use of native plants wherever possible.

5.4.5 Design of car parking layout shall have regard to existing car parking areas in terms of traffic circulation, ground levels and shall be integrated with existing car parks to the satisfaction of the Council.

5.4.6 As a minimum standard the facades of commercial buildings shall be constructed of masonry stone, concrete, glass or a combination of these materials as approved by the Council.

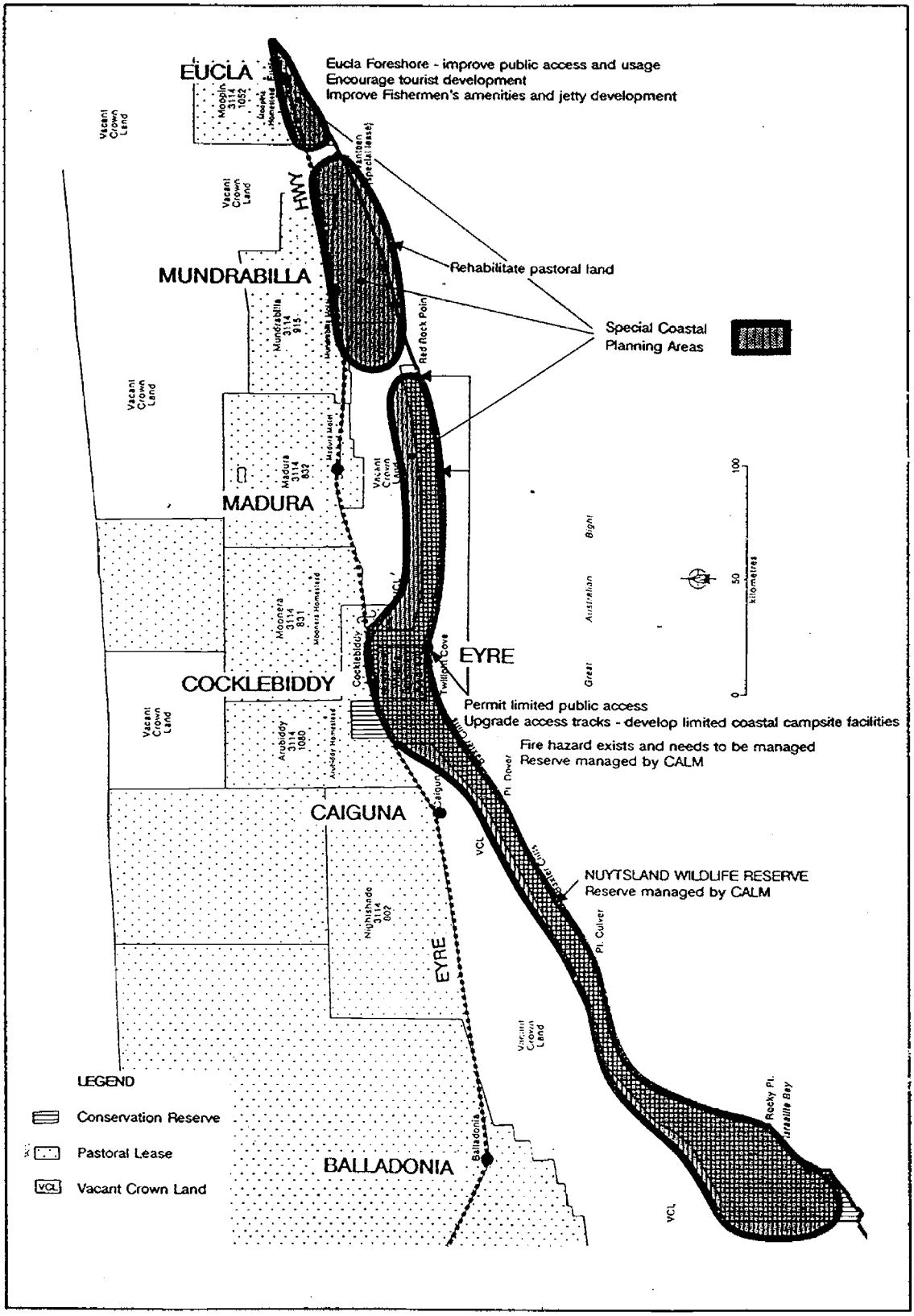
5.4.7 The Council will not permit the use and placement of "skid" and "mining camp" type transportable buildings within the Norseman and Eucla townsites which are proposed to be used for residential, tourist or commercial purposes except and where extenuating circumstances exist and in such cases the building must be removed at the expiry of 12 months from the date planning consent was given by the Council.

5.4.8 The Council is opposed to the transportation and placement of old dwellings that are either brought into or moved from one to another location within the District. The Council will only consider proposals of this nature under extenuating circumstances and approval will be at Council's discretion. An applicant will be required to lodge a suitable bond or a bank guarantee with the Council to cover the value of the works required prior to the issue of the building licence. Such bond or bank guarantee shall only be returned to the applicant once all works to the satisfaction of the Council have been completed.

5.5 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development the subject of an application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;



COASTAL POLICY **Figure 1**

SPECIAL COASTAL PLANNING AREAS

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and

(c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.6 COASTAL POLICY

5.6.1 A Special Coastal Planning Area is a coastal area identified by Council as:

- Land which is presently subject to coastal processes such as the migration of sand dunes, inundation by storm surge and flooding, exposure to on-shore winds and wave activity.
- Land containing landforms of special interest because of their scientific, visual or cultural significance requiring protection and maintenance.
- Land used or likely to be required in the future for coastal orientated public purposes, particularly recreation.
- Land required for development that is dependent on a coastal location. This includes land for essential services.
- Land requiring special consideration for management as a result of potential coastal use.

5.6.2 The Council shall prepare detailed policy statements for each of the three special coastal planning areas as shown in Figure 1 of the Text, in accordance with the format and content outlined in Appendix 9.

5.6.3 Council may resolve to adopt management strategies in conformity with the recommendations of the policies and will thereafter determine development in accordance with the strategy.

5.6.4 In the event of there being no policy or strategy for any part of a special coastal planning area, Council will:

(a) have due regard to the Commission's Country Coastal Planning Policy DC 6.1; and

(b) consult with the Coastal Co-ordinating Committee regarding any development proposal, including local authority roadworks other than routine maintenance.

5.6.5 After receipt of the advice or recommendations from the State Planning Commission, Council may use the advice or recommendations to either:

(i) approve the development proposal;

(ii) refuse the proposal;

(iii) grant approval subject to conditions which may include a requirement to prepare a foreshore and reserve management plan.

5.7 RESIDENTIAL PLANNING CODES

5.7.1 For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.

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

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

5.8 RESIDENTIAL ZONE

5.8.1 Policies:

(a) Norseman Townsite:

- To retain the predominant low density character of the existing residential area except in selected localities where Council may approve medium density development on the merits of the particular application. Council is prepared to consider a range of activities within the zone to satisfy the needs of and to promote tourist and related activities within the Norseman Townsite.

(b) Eucla Townsite:

- To generally retain the low density residential character of the existing residential area.
- To provide for the requirements of residents wishing to carry out activities associated with their usual form of employment by making provision for:

(i) the storage of fishing boats and associated equipment;

(ii) the processing and storage of fish as approved specifically by the Council.

- To provide services as appropriate to meet the needs of tourists and the travelling public.

5.8.2 Additional Residential Zone Policies:

Council within this zone shall:

(i) Control the development of all forms of tourist accommodation where advantage by means of location and accessibility may eventuate and where adjoining land uses will not be adversely affected.

(ii) Encourage the diversification of tourist accommodation and ensure that development proposals:

- are of a high standard commensurate to the existing development and appropriate to the natural setting of the area,
- provide on-site areas for recreation, maintenance and servicing,
- provide pedestrian walkways for protection of children and adults from traffic routes.

(iii) Not support the strata titling of caravan parks.

5.8.3 Development Standards:

(a) The provisions of the R10 Code shall apply to all residential development within the zone.

(b) The Council may approve:

(i) Aged and Retirement Homes, and

(ii) Grouped Housing development

to an equivalent density not exceeding the R30 Residential Planning Code within the Residential Zone, where the Council is satisfied that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis. In considering applications for Planning consent under the paragraph, the Council shall have regard to advice received from the Health Department of WA where on-site effluent disposal is proposed to service the development.

5.8.4 Site Requirements:

The site requirements specified in Table 2 shall apply to those uses as listed.

TABLE 2: SITE REQUIREMENTS

Land Use	Min. Lot size	Min. Effective Frontage	Setbacks Front Side Rear	Min. Number On-Site Car Parking Spaces
Hotel	0.5ha	50m	10m 10m 10m	1 bay/3m^2 net bar space and/or 1 bay/4 seats of dining area and 1 bay/unit of accommodation, 1 per staff member
Caravan Parks	0.5ha	30m	As per Local Government Model By-Laws relating to Caravan Parks, Camping Grounds and Holiday Accommodation	1.5 bays/unit, bay or site plus 1 bay/4 such units, bays or sites for visitor parking
Camping Ground	0.5ha	30m		
Holiday Accom. Units	0.5ha	30m		
Motel	0.5ha	30m	10m 10m 10m	1 per unit, 1 per staff member, 1 bay per 4 seats of dining area

5.8.5 Home Occupations

The Council may permit, under annual registration, Home Occupations as defined in Appendix 1 of the Scheme subject to an application being made in accordance with the provisions of Part VII.

5.9 TOWN CENTRE

5.9.1 Policies

(a) Norseman Townsite:

- To encourage a high standard of development of commercial facilities in the commercial zone to service the requirements of the town, the rural hinterland and the travelling public.

5.9.2 Additional Town Centre Zone Policies:

- To provide for the development of residential premises incidental to the commercial use.
- To encourage the development of commercial facilities associated with the tourist industry.
- To encourage a better standard of building development.

5.9.3 Development Standards:

(a) Minimum lot area and frontage

$800m^2$ and 10 metres

(b) Plot Ratio

Council shall permit a building in the Commercial Zone to have a plot ratio of 1.0 and may permit an increase of 50 per cent providing that Council is satisfied on matters relating to access, car parking servicing, loading and unloading and any other matter the Council by its absolute majority may take into consideration.

(c) Upper Floors

Where the ground floor of a two-storey building is used for the purposes of shops or offices, the upper floors of such buildings may be used for the purposes of shops, offices or residential accommodation providing that:

(i) the residential use is confined to the upper floor;

(ii) the residential use is used only by the owner/occupier of the shop or office within the same building.

(d) Car Parking Requirements

(i) Where an application is made for development and the purpose for which the land or building is to be used is not specified in Table 3 the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention or obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenity.

(ii) Notwithstanding the provisions of Table 3, Council may waive a requirement for parking on a site if it is satisfied that adequate constructed car parking is available in close proximity to the proposed development, and where this is not available, Council may accept a cash payment in lieu of provisions of parking to be applied in accordance with the following sub-clause.

(iii) Any payment made under the provisions of the preceding sub-clause shall be not less than the estimated cost of providing and constructing the parking spaces required by the Scheme plus the value of the area of land which might have been occupied by the parking spaces and be paid by Council into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities within the Zone.

(iv) The dimensions of car parking spaces parking angle, driveway widths and landscaping detail specified in Appendix 7 shall be used by Council in determining the layout of car parking areas. Council may vary the dimensions specified by up to 10 percent where obstructions site dimensions or topography result in the loss of a car parking space in any run of car parking spaces. This provision shall be used in order to obtain one additional space in a run of spaces and shall not be used to modify landscaping, shade tree or driveway access requirements.

(v) Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods or commodities to or from premises are to be provided the same shall be provided and maintained in accordance with the approved plan relating thereto.

(vi) Bin Areas

Council will require adequate provision for bin storage to be made readily accessible by truck for refuse disposal purposes.

TABLE 3: CAR PARKING REQUIREMENTS

Use	Parking Requirements
Shop	1 for every 15m^2 retail floorspace
Office	1 for every 40m^2 leasable floorspace
Warehouse/Showroom	1 for every 100m^2 floor area
Private Lodging House or Boarding House	1 for every bedroom
Eating House/Restaurant	1 for every 4 seats
Private Club	1 for every 4 persons accommodated
Health Clinic/Consulting Rooms	3 for every consulting room
Squash Court	3 for every court
Library/Museum	1 for every 35m^2 floor area
Take-Away Food Outlet	1 for every 10m^2 retail floor area
TAB	1 for every 10m^2 floor area

5.10 INDUSTRIAL ZONE

5.10.1 Policies

(a) Norseman Townsite:

- To provide land to cater for the industrial requirements of the townsite, the surrounding rural hinterland and mining operations in the Shire.

5.10.2 Development Standards:

(a) The Council shall adopt the following development standards to achieve:

(i) efficient and pleasant industrial facilities;

(ii) safe movement of vehicular and pedestrian traffic;

(iii) adequate room for expansion without detrimental effects to adjoining land uses.

(b) Building Setbacks:

(i) Front setbacks shall be 10 metres from any front boundary;

(ii) Side and rear setbacks on any lots of 1000m2 or more, shall have a minimum side setback of 5 metres unless a masonry parapet wall is to be built on the boundary. In the case of factoryette development, buildings may be permitted to the side boundary.

(c) Minimum Lot Area and Frontage:

1500m^2 and 25 metres respectively.

(d) Building Construction:

All buildings and development shall meet the requirements of the Building Code of Australia as adopted by the Local Authority.

(e) Site Cover:

No more than 50 percent of any lot shall be built upon without the express permission of the Council. In such cases where an applicant wishes to exceed this cover, the applicant shall provide to the Council all valid reasons why such an extension is sought.

(f) Landscape Treatment:

An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained in accordance with an approved plan relating thereto.

(g) Open Air Display:

A person may display finished goods for sale up to the front boundary of the lot. Advertising signs shall be in accordance with the requirements of Part VI of the Scheme and the Shire By-Laws.

(h) Stock Piling and Storage of Materials:

No dumping or storage of waste materials, or raw materials for use on premises or construction, servicing or maintenance shall be permitted between the building line and the street frontage without the approval of the Council.

(i) Waste Disposal:

No person shall permit any solid or liquid waste product from leaving the site unless in a container or bin or any satisfactory receptacle. Such waste products as oil, greases, chemicals (either pure or diluted) shall be contained upon the site and prevented from discharging into any drain, watercourse or pit outside of the lot.

(j) Car Parking:

On site car parking shall be provided in accordance with the following schedule:

Warehouse	—1 bay for each 100m^2 floor area.
Showroom	—1 bay for each 50m^2 floor area.
Service Industry	—1 bay for each 15m^2 retail floorspace; 1 bay for each 50m^2 service area.
Factoryette	—3 bays for each unit.
Motor Repair Station	—2 bays for every working bay and 1 bay for each employee.
Light and General Industry	—1 bay for each 50m^2 floor space.

5.11 RURAL ZONE

5.11.1 Policies:

(a) To ensure the continuation of the basic rural use within the district, encouraging where appropriate, the retention and expansion of present agricultural activities.

(b) To consider granting Planning Consent to non-rural uses where these can be demonstrated to be of benefit to the district and not detrimental to the areas natural resources and environment generally.

(c) To permit, subject to Planning Consent, development providing facilities for tourists, travellers and for recreational usage.

(d) The Council when considering tourist related development shall be satisfied if connection to reticulated sewers is not practical, that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis.

(e) For uses within the definitions of Tourist Accommodation, Caravan Parks, Camping Grounds and Chalet Development, Council shall have regard for the Local Government Model By-Laws relating to Caravan Park, Camping Ground and Holiday Accommodation, 1978, and the Health Act (Caravan Parks and Camping Grounds) Regulations, 1974.

5.11.2 Development Standards:

The following building setbacks shall apply:

TABLE 4: RURAL ZONE—BUILDING SETBACKS

Front	20m minimum
Rear	30m minimum
Side	20m minimum

5.12 SPECIAL PURPOSE ZONE

5.12.1 No person shall use any land or buildings or structures in a Special Purpose zone except for the purpose specified in Appendix 5 of this Scheme.

In addition, no person shall commence or carry out any such use except in accordance with such conditions or special provisions as are set out against the description of the land in Appendix 5 and such other conditions as are imposed by the Council in its approval of the use or development.

5.13 BUILDING CONSTRUCTIONS AND USE OF LAND IN THE NORSEMAN TOWNSITE

5.13.1 Active and disused mine shafts exist at various levels under the Norseman Townsite, details of which can be obtained from the Mines Department of WA. Prior to the grant of planning consent or the issue of a Building Licence, the Council may require the applicant to provide detailed site survey information and/or require an Engineer's Certificate confirming that the proposal can be safely constructed or operated having regard to the load bearing capacity of the subject land.

5.13.2 The Council reserves the right to apply whatever conditions it believes appropriate to protect the safety and integrity of the development, its occupants and users.

PART VI—CONTROL OF ADVERTISEMENTS

6.1 POWER TO CONTROL ADVERTISEMENTS

6.1.1 For the purpose of this Scheme, the erection, placement, display and the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such an approval to planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting By-Laws.

6.1.2 Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part VII of the Scheme.

6.2 CONSIDERATION OF APPLICATIONS

6.2.1 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme 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 traffic safety, and the amenity of adjacent areas which may be affected.

6.3 EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN CONSENT

6.3.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 6.1.1, the Council's prior consent is not required in respect of those advertisements listed in Appendix 8 which for the purpose of this Part are referred to as 'exempted advertisements.' The exemptions listed in Appendix 8 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

(i) listed by the National Trust;

(ii) listed on the register of the National Estate;

(iii) included in local authority town planning schemes because of their heritage or landscape value.

6.4 DERELICT OR POORLY MAINTAINED SIGNS

6.4.1 Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme 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:

(i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or

(ii) remove the advertisement.

6.5 NOTICES

6.5.1 'The Advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.

6.5.2 Any notice served in exceptional circumstances pursuant to Clause 6.4 shall be served upon the advertiser and shall specify:

(i) the advertisement(s) the subject of the notice;

(ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;

(iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

6.5.3 Any person upon whom a notice is served pursuant to this Part may within a period of 60 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.

6.6 SCHEME TO PREVAIL

6.6.1 Where the provisions of this part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

PART VII PLANNING CONSENT

7.1 APPLICATION FOR PLANNING CONSENT

7.1.1 Every application for Planning Consent shall be made in the form prescribed in Appendix 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

7.1.2 Unless Council waives any particular requirement every application for Planning Consent shall be accompanied by:—

(a) A plan or plans to a scale of not less than 1:500 showing:

(i) street names, lot number(s), north point and the dimensions of the site;

(ii) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;

(iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;

(iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;

(v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;

(vi) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;

(vii) the location of any underground services lines.

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

(c) any other plan or information that the Council may reasonably require to enable the application to be determined.

7.2 ADVERTISING OF APPLICATIONS

7.2.1 Where an application is made for Planning Consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.

7.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

7.2.3 Where the Council is required or decides to give notice of an application for Planning Consent the Council shall cause one or more of the following to be carried out:

(a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the Planning Consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;

(b) notice of the proposed development to be published in a newspaper circulated in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof;

(c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

7.2.4 The notice referred to in Clause 7.2.3 (a) and (b) shall be in the form contained in Appendix 6 with such modifications as circumstances required.

7.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

7.3 DETERMINATION OF APPLICATIONS

7.3.1 In determining an application for Planning Consent the Council may consult with any authority which, in the circumstances it thinks appropriate.

7.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for Planning Consent or may grant its approval unconditionally or so subject to such conditions as it thinks fit.

7.3.3 The Council shall issue its decision in respect of an application for Planning Consent in the form prescribed in Appendix 3 to the Scheme.

7.3.4 Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.

7.4 DEEMED REFUSAL

7.4.1 Where the Council has not within sixty days of the receipt by it of an application for Planning Consent either conveyed its decision to the applicant or given notice of the application in accordance with clause 7.2 the application may be deemed to have been refused.

7.4.2 Where the Council has given notice of an application for Planning Consent in accordance with clause 7.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

7.4.3 Notwithstanding that an application for Planning Consent may be deemed to have been refused under clauses 7.4.1 or 7.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

PART VIII—ADMINISTRATION

8.1 POWERS OF THE SCHEME

The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

(a) the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;

(b) the Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreement with other owners as it considers fit;

(c) an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land, for the purpose of ascertaining whether the provisions of the Scheme are being served.

8.2 OFFENCES

8.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

(a) otherwise than in accordance with the provisions of the Scheme;

(b) unless all consents required by the Scheme have been granted and issued;

(c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with;

(d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

8.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

8.3 NOTICES

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

8.3.2 The Council may recover expenses under Section 10 (2) of the Act in a court of competent jurisdiction.

8.4 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11 (1) of the Act is six (6) months after the date of publication of the Scheme in the *Government Gazette*.

8.5 APPEALS

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

8.6 POWER TO MAKE POLICIES

8.6.1 In order to achieve the objectives of the Scheme, the Council may make town planning scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

8.6.2 A town planning scheme policy shall become operative only after the following procedures have been completed:

(a) The Council having prepared and having resolved to adopt a draft town planning scheme policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.

(b) The Council shall review its draft town planning scheme policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.

(c) Following final adoption of a town planning scheme policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

8.6.3 A town planning scheme policy may only be altered or rescinded by:

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

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

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

APPENDIX 1

INTERPRETATIONS

Abattoir: means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

Absolute: shall have the same meaning as is given to it in and for the purposes of the *Local Government Act 1960* (as amended).

Act: means the *Town Planning and Development Act, 1928* (as amended).

Advertisement: means any word, letter, model, sign, placard, board, notice, device or representation whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and Advertising Sign shall be construed accordingly but does not include exempted items as listed in Appendix 8.

Ambulance Depot: means land and buildings used for the storage, repair and maintenance of ambulance vehicles and may include a first aid facility.

Amusement Facility: means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Amusement Machine: means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.

Amusement Parlour: means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

Battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

Betting Agency: means a building operated in accordance with the *Totalisator Agency Board Betting Act 1960* (as amended).

Boarding House: means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:

(a) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Act 1970* (as amended).

(b) premises used as a boarding school approved under the *Education Act, 1928* (as amended).

(c) a single dwelling, attached, group or multiple dwelling unit;

(d) any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act, 1985* (as amended).

Builder's Storage Yard: means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building: shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.

Building Envelope: means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

Building Line: means the line between which any public place or public reserve a building may not be erected except by or under the authority of an Act.

Building Setback: means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

Camping Area: means land used for the lodging of persons in tents or other temporary shelter.

Caravan Park: means land and buildings used for the parking of caravans under the By-Laws of the Council or the Caravan Parks and Camping Grounds Regulations, 1974 (as amended) made pursuant to the provisions of the *Health Act, 1911-1979* (as amended).

Caretaker's Dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Car Park: means land and buildings used primarily for parking private cars or taxis whether open to the public or not, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings or in which cars are displayed for sale.

Cattery: means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Building: means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council, as offices or for administrative, recreational or other like purpose.

Civic Use: means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

Club Premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Act, 1970* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the State Planning Commission constituted under the *State Planning Commission Act 1985*.

Community Home: means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown.

Consulting Rooms: means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

Consulting Rooms Group: means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

Convenience Store: means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200 sq.m gross leasable area.

Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

Development: shall have the same meaning given to it in and for the purpose of the Act.

Development Authority: means Homeswest, the Department of Land Administration or any other Government Department responsible for the planning, subdivision and release of the land concerned.

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

District: means the Municipal District of the Shire of Dundas.

Dog Kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Drive-In Theatre: means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

Dry-cleaning Premises: means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage: means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows:

(a) where the site 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 the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;

(c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Equestrian, Trotting or Training Facility: means land and equipment used or intended to be used for private or commercial purposes for the training or exercising of horses or the training of riders, drivers or jockeys in the art of horsemanship or in the care of horses.

Factory Unit Building: means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Family Care Centre: means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

Fast Food Outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fire Brigade Depot: means land and buildings used for the storage, repair and maintenance of Fire Brigade vehicles.

Fish Shop: means a building where wet fish and similar foods are displayed and offered for sale.

Floor Area: shall have the same meaning given to it and for the purpose of the Building Code of Australia—1988 (as amended).

Frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot: means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

Funeral Parlour: means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazettal Date: means the date of which this Scheme is published in the *Government Gazette*.

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

Harbour Installations: means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Holiday Accommodation: means buildings constructed in accordance with the provisions of Model By-Law No. 18 (Holiday accommodation) and used for the short term accommodation of tourists and holiday makers and includes convention centres, halls and other buildings for the amenity of the residents but does not include an Hotel or a Motel.

Home Occupation: means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on the land on which the business is conducted.

(b) does not entail employment of any person not a member of the occupier's family;

(c) does not occupy an area greater than twenty square metres;

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.

(e) does not display a sign exceeding 0.2 sq.m in area;

(f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;

(g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;

(h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.

(i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises); and

(j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

Hospital: means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

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

Hostel: means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations.

Hotel: means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the *Liquor Act, 1970* (as amended).

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

(a) the winning, processing or treatment of minerals;

(b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;

(c) the generation of electricity or the production of gas;

(d) the manufacture of edible goods, and includes, when carried out on land upon which the process is carried out in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process;

but does not include:

(i) the carrying out of agriculture,

(ii) site work on buildings, work or land,

(iii) in the case of edible goods the preparation of food for sale from the premises,

(iv) panel beating, spray painting or motor vehicle wrecking.

Industry-Cottage: means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a "home occupation" and that:

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products,

(b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land,

(c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of $55m^2$,

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and

(e) does not display a sign exceeding $0.2m^2$ in area.

Industry Extractive: means an industry which involves:

(a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials on the land from which any of those materials is extracted or on land adjacent thereto; or

(b) the production of salt by the evaporation of sea water.

Industry General: means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

Industry Hazardous: means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Light: means an industry:

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and

(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry Noxious: means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act, 1911-1979* (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Industry Rural: means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry Service: means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Kindergarten: means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

Land: shall have the same meaning given to it in and for the purposes of, the Act.

Laundromat: means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: means a building the subject of a Store Licence granted under the provisions of the *Liquor Act, 1970* (as amended).

Lodging House: shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911-1979* (as amended).

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

Marina: means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and store-rooms used in connection therewith.

Marine Collector's Yard: means land and buildings used for the storage of marine stores under the provisions of the *Marine Stores Act, 1902* (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.

Marine Filling Station: means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

Market: means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

Milk Depot: means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Mining Development: means any Industry-Extractive and includes associated accommodation and recreation facilities for workers.

Mobile Home: means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities;

Mobile Home Park: means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

Motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to an Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle and Marine Sales Premises: means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

Motor Vehicle Hire Station: means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Motor Vehicle Repair Station: means land and building used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash Station: means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

Motor Vehicle Wrecking Premises: means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Museum: means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

Night Club: means premises used for entertainment with eating or drinking facilities or both and may include a cabaret.

Non-conforming Use: means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Nursery: means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

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

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

(a) is entitled to the land for an estate in fee simple in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Petrol Filling Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery: shall have the same meaning given to it in and for the purpose of the *Health Act, 1911-1979* (as amended).

Plot Ratio: means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or private open balconies.

Potable Water: means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water—Third Edition, World Health Organisation—1971'.

Poultry Farm: means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911-1979* (as amended).

Produce Store: means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Prison: shall have the same meaning given to it in and for the purposes of the *Prisons Act, 1981* (as amended).

Private Hotel: means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Act 1970* (as amended).

Private Recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Professional Office: means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

Public Amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Authority: shall have the same meaning given to it in and for the purposes of the Act.

Public Mall: means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Recreation: means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

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

Public Worship—Place Of: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Radio and TV Installation: means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

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

Residential Planning Codes: means the Residential Planning Codes, set out in Appendix 2 and 3 to the Statement of Planning Policy No. 1 together with any amendments thereto as published in the *Government Gazette* on January 30, 1985.

Restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Roadhouse: means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

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

(a) the growing of vegetables, fruit, cereals or food crops;

(b) the rearing or agistment of goats, sheep, cattle or beasts of burden;

(c) the stabling, agistment or training of horses;

(d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;

(e) the sale of produce grown solely on the lot; but does not include the following except as approved by the Council:

(i) the keeping of pigs;

(ii) poultry farming;

(iii) the processing, treatment or packing of produce;

(iv) the breeding, rearing or boarding of domestic pets.

Salvage Yard: means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Schedule: means a schedule to the Scheme.

Service Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Shared Dwelling: means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such out-buildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

Shop: means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or 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.

Tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Act, 1970* (as amended).

Trade Display: means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

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

Truck Parking: means land and structures predominantly used for the temporary parking or "breakdown" of licensed trucks and articulated, passenger or other similar vehicles of an aggregate mass in excess of 4 350 kilograms as defined in the *Road Traffic Drivers Licence Regulations, 1975* (as amended).

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

Veterinary Hospital: means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

Warehouse: means a building wherein goods are stored and may be offered for sale by wholesale.

Wayside Stall: means a building 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 building(s) are located.

Wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of these goods by a person or his trustee, registered as a wholesale merchant for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No. 1 1930* (as amended).

Wine House: means land and buildings the subject of a Wine House Licence granted under the provisions of the *Liquor Act 1970* (as amended).

Zone: means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

APPENDIX 2

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF DUNDAS

FORM OF APPLICATION FOR PLANNING CONSENT

1. Surname of Applicant .....
   Given names .....
   Address .....
2. Surname of Landowner (if different from above) .....
   Given names .....
   Address .....
3. Submitted by .....
4. Address for correspondence .....
   .....
5. Locality of Development .....
6. Title Details of Land .....
7. Name of road serving Property .....
8. State Type of Development .....
   Nature and size of all Buildings proposed .....
   .....
   Materials to be used on external surfaces of Buildings .....
   .....
   General treatment of open portions of the site .....
   .....
   Details of car parking and landscaping proposals .....
   .....
   Approximate cost of Proposed Development .....
   Estimated time for construction .....

Signature of Owner Signature of Applicant or Agent

(Both signatures are required if applicant is not the owner).

Date ..... Date .....

Appendix 2—*continued*

NOTE:

This form should be completed and forwarded to the Dundas Shire Council together with two copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

All applications shall be accompanied by:

(a) a location plan showing the land the subject of the application and its relationship to surrounding lots and streets; and in the case of an application for the erection of new buildings;

(b) a site plan or plans showing:

(i) the position, type and use of all existing buildings and improvements on the land indicating those to be removed as part of the proposal;

(ii) the position, type and use of any new buildings and improvements proposed on the land;

(iii) the position of any trees on the site showing those to be removed and those to be retained;

(iv) areas to be landscaped, surfaced for parking or developed for any other purpose within the site;

(v) contours and any earthworks to be undertaken as a part of the development;

(vi) the location and description of any existing buildings;

(vii) location of water tanks and their capacity;

(viii) location of effluent disposal system;

or in the case of an application for a change in the use of land and/or buildings;

(c) a site plan and, where applicable, floor plan(s) of the existing building(s) indicating the uses to be made of the land and the respective building(s) or portions of the building(s).

APPENDIX 3

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF DUNDAS

DECISION ON APPLICATION FOR PLANNING CONSENT

The Council or its delegated officer having considered the application dated .....

Submitted by .....

on behalf of .....

.....

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT

subject to the conditions/for the following reasons:

.....

Shire Clerk

.....

Date

APPENDIX 4

SCHEDULE OF ADDITIONAL USES
(CLAUSE 3.3 APPLIES)

Street Permitted	Particulars of Land	Additional Uses

APPENDIX 5

SCHEDULE OF SPECIAL PURPOSE SITES

Locality	Street	Land Particulars	Permitted
Norseman	cnr Eyre Highway and Roberts St	Lot 3 of Location 195	Truck parking only
Norseman	cnr Eyre Highway Princep St	Lot 2 of Location 195	Service Station/Roadhouse
Norseman	Princep St	Lot 1 of Location 195	Motel
Norseman	Princep St	Lots 699-702 inclusive of Location 195	Service Station/Roadhouse
Norseman	Princep St	Lot 1174 of Location 195	Motel
Norseman	Princep St	Lot 1175 of Location 195	Caravan Park
Eucla	Eyre Highway	Portion of Location 6	Motel
Eucla	Eyre Highway	Portion of Location 7	Service Station/Roadhouse and Motel

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APPENDIX 6

SHIRE OF DUNDAS

TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

Land Description

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

Proposal .....

.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of ..... 19.....

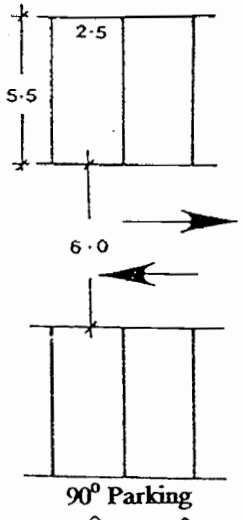
.....
Shire Clerk

.....
Date

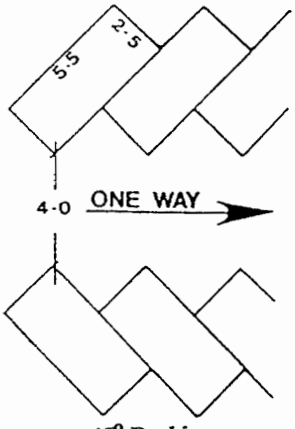
APPENDIX 7

CAR PARKING LAYOUTS

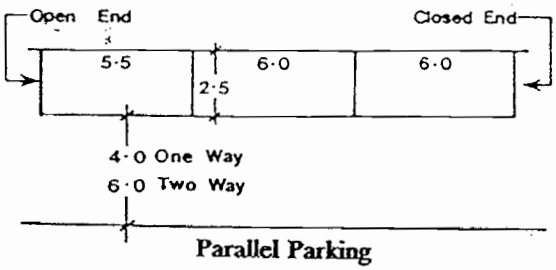
SHIRE OF DUNDAS



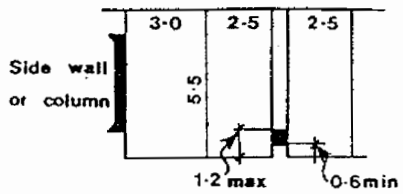
90° Parking



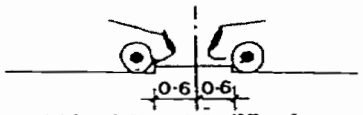
45° Parking



Parallel Parking

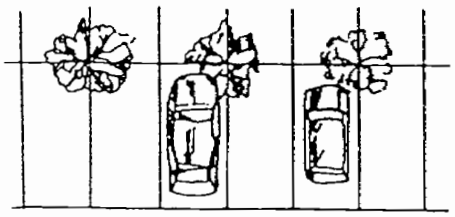


Obstructions



Wheel Stop Modifications

Not to affect drainage



Shade Tree Landscaping

Kerb ring not to exceed 900mm diam

90° & 45° Parking—5.5 m x 2.5 m

Parallel Parking—6.0 m x 2.5 m where Open Ended

Driveway Widths 90°—6.0 m access

45°—4.0 m one way access

Parallel—4.0 m one way access

6.0 m two way access

APPENDIX 8

EXEMPTED ADVERTISEMENTS (PURSUANT TO CLAUSE 6.3)

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	$0.2m^2$
Home Occupation	One advertisement describing the nature of the home occupation	$0.2m^2$
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	$0.2m^2$
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed $5m^2$
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws	Not applicable
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building	Total area of any such advertisements shall not exceed $15m^2$
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level	Maximum permissible total area shall not exceed $10m^2$ and individual advertisement signs shall not exceed $6m^2$
Showrooms, race courses, major racing tracks, sports stadiums, 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 land or from public places and streets	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council or a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and 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 discretion of a Government department, public authority or the Council of the municipality, and	N/A
	(c) Advertisement signs (illuminated and 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	N/A

Appendix 8—*continued*

Exempted Advertisements (Pursuant to Clause 6.3)—*continued*

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Sign
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 $2m^2$ in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building the purpose for which the building is used or the name and address of the managing agent thereof	$0.2m^2$

Temporary Signs	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Signs
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i)—Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work	$2m^2$
(ii)—Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (i) above	$5m^2$
(iii)—Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above	$10m^2$
	One additional sign showing the name of the project builder	$5m^2$
Sales of Goods and Livestock	One sign per lot displayed for a period not exceeding 3 months 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	$2m^2$
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property 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 $2m^2$
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of $5m^2$
(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 $10m^2$

Appendix 8—*continued*

Exempted Advertisements (Pursuant to Clause 6.3)—*continued*

Temporary Signs	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Signs
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	$2m^2$
	(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 details of the range of dwellings on display	$5m^2$

APPENDIX 9

FORMAT AND CONTENT OF DETAILED POLICY STATEMENTS

1. Detailed policy statements should include the following:
   (i) a title;
   (ii) a statement of the policy objectives expressed in performance terms;
   (iii) the policy text expressed in concise, clear, non-technical and non-legalistic language, incorporating objective criteria wherever possible.

2. A high level of prescriptiveness is acceptable and desirable in policy statements. This does not mean that the criterion so stated becomes an inflexible rule. The Council, having stated its standards as clearly as possible, should then be prepared to vary them in a responsible manner to suit particular and unforeseeable circumstances.

3. A list of matters addressable by policy statements cannot be exhaustive as there is virtually no limit to the matters about which a Council can formulate policy. However, a list is included here in order to illustrate the scope of planning policy-making:
   — statements about conservation areas or other special planning control areas;
   — designation of areas of scientific significance;
   — standards for determination of coastal setbacks;
   — declaration of hazard zones;
   — designation of areas for particular recreation purposes;
   — criteria for infill development;
   — design criteria for car parks, amenities and beach accessways;
   — design criteria for coastal subdivisions and developments.

ADOPTION

Adopted by Resolution of the Council of the Shire of Dundas at the meeting of the Council held on the ninth day of December 1991.

P. W. BROWN, President.

Dated 20 December 1991.

E. A. GILBERT, Shire Clerk.

Dated 20 December 1991.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Dundas at the Ordinary Meeting of the Council held on the 16th day of April 1993 and the seal of the Municipality was pursuant to that resolution hereunder affixed in the presence of:

P. W. BROWN, President.
E. A. GILBERT, Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

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2. Recommended/submitted for final approval by the State Planning Commission.

M. R. ALLEN, for Chairman,
State Planning Commission.

Dated 25 July 1994.

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3. Final approval granted.

RICHARD LEWIS, Hon Minister for Planning.

Dated 7 August 1994.

PD713

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME

Shire of Mingenew

Town Planning Scheme No. 2—District Zoning Scheme

Ref: 853/3/10/3.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning approved the Shire of Mingenew Town Planning Scheme No. 2—District Zoning Scheme on August 9, 1994—the Scheme Text of which is published as a Schedule annexed hereto.

T. WARD, President.
M. J. BATTILANA, Shire Clerk.

Schedule

TOWN PLANNING AND DEVELOPMENT ACT 1928

Shire of Mingenew

Town Planning Scheme No. 2

Mingenew Townsite—District Zoning Scheme

Scheme Text

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

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PART I—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Mingenew Scheme No. 2 hereinafter called "The Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the Shire of Mingenew hereinafter called "The Council".

1.3 SCHEME AREA

The Scheme applies to the whole of the land within the boundaries of the Shire of Mingenew and for administrative reasons all land not contained within the Scheme Boundary depicted on the Scheme map around Mingenew Townsite, is included within the Rural Zone of the Shire.

1.4 CONTENTS OF SCHEME

The Scheme comprises—

(a) This Scheme Text

(b) The Scheme Map

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:

Part I—Preliminary
Part II—Reserves
Part III—Zones and Development Requirements
Part IV—Non-Conforming Uses
Part V—General Provisions and Policies
Part VI—Planning Consent
Part VII—Administration

The Scheme is supported by the Data contained in the Scheme Report although this is not included as a Statutory Scheme document.

1.6 SCHEME OBJECTIVES

The general objects of the Scheme are:

(a) To zone the Scheme Area for the purposes described in the Scheme;

(b) To reserve land required for public purposes;

(c) To secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;

(d) To make provision as to the nature and location of buildings and the size of lots when used for certain purposes;

(e) To preserve, protect and enhance the Mingenew Townscape and the places of Natural Beauty of Historic Buildings and objects of historic and scientific interest which exist throughout the Shire.

(f) To make provision for other matters necessary and incidental to town planning and housing.

1.7 REVOCATION OF EXISTING SCHEME

The Shire of Mingenew Town Planning Scheme No. 1 as amended, which came into operation by publication in the *Government Gazette* on the 22nd May 1970 is hereby revoked.

1.8 INTERPRETATION

1.8.1 Except as provided in Clause 1.8.3 the words and expressions of the Scheme have their normal and common meaning.

1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Schedule 1 and the Residential Planning Codes.

1.8.3 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of Residential Development has the meaning given to it in the Residential Planning Codes.

1.9 GENERAL OBLIGATIONS

Subject to the provisions of the Act and all Regulations made thereunder and to Part IV of this Scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake to permit any development if the use, development, reconstruction, alteration or modification, does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

1.10 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 inconsistent with the provisions of any By-Law, the provisions of the Scheme shall prevail.

PART II—RESERVES

2.1 SCHEME RESERVES

The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Reserves" are lands reserved under the Scheme for the purposes shown on the Scheme Map.

There are four (4) categories of Reserves, as listed hereunder:

*Parks and Recreation
*Public Use
*Communications
*Civic and Cultural

2.2 DEVELOPMENT ON RESERVED LAND

Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for and obtaining the planning consent of Council. Reservations located throughout the Shire which are zoned for rural purposes under this Scheme shall be used only for the purpose for which it is reserved or vested.

2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority prior to making its decision on the application.

2.4 EXISTING USE RIGHTS ON RESERVED LAND

No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or repair and maintenance of buildings or works lawfully existing on the land.

2.5 COMPENSATION

2.5.1 Where the Council refuses planning consent for the development of a Reserve on the ground that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

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

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

PART III—ZONES AND DEVELOPMENT REQUIREMENTS

3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

*Residential
*Town Centre
*General Industry
*Special Use
*Rural

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon. All land located within the Shire boundaries which is not depicted on the Scheme Map is zoned Rural under the provisions of the Scheme.

3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

'P' Means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;

'AA' Means that the Council may, at its discretion, permit the use;

'SA' Means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2;

'IP' Means a use that is not permitted, unless such use is incidental to the predominant use as decided and approved by Council.

3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table, a use of that class is not permitted in that zone.

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

TABLE No. 1—ZONING TABLE

Use Classes	Zones				
	Residential	Town Centre	General Industrial	Special Use	Rural
1. Added Accommodation Unit	AA	AA		Uses as determined by Council (See Schedule No. 2 and Scheme Map)	AA
2. Aged Persons Village	AA	AA			AA
3. Bed and Breakfast Accommodation	AA	AA			AA
4. Caravan Park	SA	SA			AA
5. Caretakers Dwelling		AA	AA		AA
6. Car Park	AA	P	P		AA
7. Civic Use	P	P	P		P
8. Consulting Rooms	AA	AA			AA
9. Day Care Centre	AA	AA			
10. Dog Kennels					AA
11. Dry Cleaning Premises		AA	AA		
12. Educational Establishment	AA	AA			AA
13. Fish Shop		AA	AA		
14. Fuel Depot			P		AA
15. Funeral Parlour		AA	AA		
16. Garden Centre		AA	P		AA
17. Health Studio		AA	AA		

Table No. 1—Zoning Table—*continued*

Use Classes	Zones				
	Residential	Town Centre	General Industrial	Special Use	Rural
18. Home Occupation	AA	AA			AA
19. Hospital	AA	AA			AA
20. Hotel		P			
21. Industry—Cottage	AA	AA			P
22. Industry—Extractive					SA
23. Industry—General			P		
24. Industry—Hazardous			SA		
25. Industry—Light			P		
26. Industry—Noxious			SA		SA
27. Industry—Rural		AA	P		AA
28. Industry—Service		AA	P		
29. Lodging House	AA	AA			AA
30. Market	SA	AA	AA		AA
31. Medical Centre	AA	AA			
32. Milk Depot		AA	P		AA
33. Motel		P			
34. Motor Vehicle Repair Station		AA	P		
35. Motor Vehicle Wrecking Premises			AA		
36. Nursery	SA	AA	P		P
37. Office	AA	P	P		AA
38. Petrol Filling Station		AA	P		
39. Produce Store		SA	P		AA
40. Public Amusement		AA			AA
41. Public Recreation	P	P	P		P
42. Public Utility	P	P	P		P
43. Public Worship, Place of		AA			AA
44. Radio and T.V. Installation		AA	AA		AA
45. Residential Building	P				
46. Residential—					
Single House	P	AA			P
Grouped Dwelling	SA	SA			
47. Special Residential	AA	AA			AA
48. Restricted Premises		SA			
49. Rural Pursuit					P
50. Service Station/Roadhouse		AA	AA		
51. Shop		P			
52. Showroom		P	P		
53. Stables	SA				P
54. Tavern		P			
55. Trade Display		AA	P		AA
56. Transport Depot			P		AA
57. Veterinary Hospital	SA	SA	AA		P

Uses as determined by Council (See Schedule No. 2 and Scheme Map)

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

(a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or

(b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent.

3.3 RESIDENTIAL ZONE—RESIDENTIAL PLANNING CODES

3.3.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.

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

3.3.3 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.

3.3.4 The Residential Planning Code density applicable to all residential zoned land within the Scheme is R12.5.

3.4 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

3.4.1 Notwithstanding the provisions of the Residential Planning Codes, Ancillary Accommodation as set out in Clause 2.3 of the codes has been replaced by the term Added Accommodation Unit as defined in Schedule No. 1. Council may approve an Added Accommodation Unit as per the provisions of the Zoning Table and subject to the following criteria—

(a) the lot on which the Unit is proposed is to have an area not less than $800m^2$;

(b) the total floor space of the Added Accommodation Unit does not exceed $60m^2$ in area;

(c) the Added Accommodation Unit contains no more than two habitable rooms;

(d) the Added Accommodation Unit will be occupied by an aged, elderly or disabled person related to the persons occupying the remainder of the dwelling, or such other person as approved by Council by the issue of an annual written permit; and

(e) the owner of any premises for which approval has been granted for use as an Added Accommodation Unit shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as Added Accommodation Unit without prior approval of the Council.

3.4.2 Notwithstanding the provisions of the Residential Planning Codes the building setbacks relating to outbuilding setback, size and construction criteria shall in a Residential Zone be as defined in the provisions of Section 5.1.7.

3.5 DEVELOPMENT REQUIREMENTS AND ZONE OBJECTIVES

3.5.1 DEVELOPMENT REQUIREMENTS

Subject to the provisions of the Scheme, a person shall not commence or carry out the development of any land:

(a) Within a Residential Zone, except in accordance with the provisions of the Residential Planning Codes;

(b) Within a zone other than a Residential Zone except in accordance with the provisions of the Scheme Text and the Standards laid down in the Zone/Use Development Table which is included within the Text as Schedule No. 4.

3.5.2 ZONE OBJECTIVES

(a) Residential Zone

The use of land in the Residential Zone shall be consistent with the following objectives:

*The zone shall be predominately residential in use.

*Non-Residential or Special Residential uses permitted under the provisions of the Scheme shall be of service to, compatible in character with and of a scale and operation which is not detrimental to the predominant residential use.

*Any Non-Residential or Special Residential use which Council may at its discretion permit in the Residential Zone, shall not detract from the amenity of the area or adversely affect the lifestyle expected in a predominately residential environment.

(b) Town Centre Zone

The use of land in the Town Centre Zone shall be consistent with the following objectives:

*To provide for the variety of predominately commercial, service, social and administrative uses required to service the needs of local resident and visitor alike.

*The maintenance and centralisation of commercial, service and other permitted uses in a compact accessible centre.

*To encourage development in general compliance with the Mingenew Townscape Plan.

*To provide for residential use generally where such is combined with a commercial use or where a residential use is proposed in a location where it is inappropriate or impractical to consider any other.

*To provide for pedestrian movement and sheltered spaces relating to the same.

*To provide for the safe and efficient flow of traffic and the adequate provision of car parking facilities.

*To encourage the development of new building or the modification/restoration of existing buildings in a manner which is compatible with the existing Streetscape in terms of scale, height, design, materials, location and facade design.

*To restrict the use of the Town Centre for any industrial activity, which is not of a low key or service nature and which does not provide for the storage of any unsightly goods from the public view.

(c) General Industrial Zone

The use of land in the General Industrial Zone shall be consistent with the following objective:

*To provide for industrial use on a location where it does not detract from the "Built Environment" of Mingenew Townsite.

(d) Special Use Zone

The use of land in any Special Use Zone shall be consistent with the following objective:

*To provide for special uses which provide a public "service" throughout the Scheme Area in locations and subject to development control which ensures that they do not adversely affect the amenity of the area in which they reside and;

(i) These portions of the Scheme Area which are depicted on the Scheme Map as being included in the Special Use Zone are specified in the Special Use Zone Table included in the Text as Schedule No. 2.

(ii) A person shall not use any land at any building, at any structure within a Special Use Zone except for the use as was set against the land in the Table.

(iii) The permitted use of the land is also subject to any conditions determined by Council and as set against the land in the Table.

(iv) Council will determine the development standards applicable in a Special Use Zone in accordance with the development standards for the predominant adjoining Zone.

(e) Rural Zone

The use of land in any Rural Zone shall be consistent with the following objectives:

*To ensure that a right of vehicular access unfettered as to time, place and circumstance exists to any land which is the subject of any application for planning consent.

*To ensure the preservation of the rural character and rural appearance of land within the zone.

*To protect the economic viability of rural zoned land via support only for subdivision or resubdivision which enables the retention or promotion of lot or location sizes, which relate to the general farming activity in any particular locality of the Shire.

*To preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any Planning Consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna.

PART IV—NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

(a) The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or

(b) The carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 DESTRUCTION OF BUILDINGS

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

PART V—GENERAL PROVISIONS AND POLICIES

5.1 GENERAL PROVISIONS

5.1.1 DEVELOPMENT OF LAND

5.1.1.1 Subject to Clause 5.1.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

5.1.1.2 The planning consent of the Council is not required for the following development of land:

(a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;

(i) For the purpose for which the land is reserved under the Scheme; or

(ii) In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

(b) The erection of a boundary fence except as otherwise required by the Scheme;

(c) The erection on a lot of a single 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 the dwelling house abuts a Reserve designated as a Scheme Reserve in Section 2.1;

(d) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any act;

(e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building, except in such cases where Council regards the building to be of historic significance;

(f) The 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.

5.1.2 COMPLIANCE WITH USE AND DEVELOPMENT REQUIREMENTS

Subject to the provisions of Clause 5.1.3 development within the Scheme Area, shall where applicable conform to the standards set out:

(a) In the Residential Zone with the Residential Planning Codes.

(b) In all other zones with Schedule No. 4.

(c) In this part.

Where no standard is prescribed, development shall be carried out in accordance with the requirements which Council may specify in each particular case.

5.1.3 POWER TO RELAX DEVELOPMENT STANDARDS AND REQUIREMENTS

Notwithstanding the provisions of Clause 5.1.1, if a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirements prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.The power conferred by this Clause may only be exercised if the Council is satisfied that:

(a) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;

(b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and

(c) The spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.

5.1.4 BUILDING HEIGHT AND PRIVACY

No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height. Council may however use its discretion and vary these requirements if it can be assured that any height variation proposed, will not affect the privacy enjoyed by neighbouring developments and is sympathetic with the scale and character of the surrounding built environment.

5.1.5 WASTE DISPOSAL AND UNTIDY SITES

Land within the Scheme Area:

(a) Shall not be used for the purposes of storage or the disposal of rubbish, refuse or industrial wastes (whether liquid or solid) without the prior written approval of Council.

(b) Shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and Council may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to Council.

5.1.6 HOME OCCUPATIONS/COTTAGE INDUSTRIES

Council shall not permit a Home Occupation or Cottage Industry unless Planning Consent is granted in accordance with Part VI of the Scheme.

(a) Any Planning Consent issued for either of these activities will be valid for a period of 12 months only and any extension of the Planning Consent for a further period of 12 months must be the subject of an application to Council for a renewal of the same.

(b) Any Planning Consent issued for either of these activities is not transferable.

5.1.7 OUTBUILDINGS—SETBACKS, SIZE AND CONSTRUCTION TYPE

Within all Residential, Town Centre or Special Use zoned land and on Rural zoned lots with an area of 2 ha or less, Planning Consent will be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following:

(a) In the Residential, Town Centre and Special Use Zones of the Shire Where the Lot Size is 1500 sqm or Less in Area

(i) Non-masonry construction, where the total non-masonry outbuilding area does not exceed $55m^2$ and the total outbuilding area does not exceed $75m^2$;

(ii) Masonry construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed $75m^2$ and no parapet wall is greater in length than 8m;

(iii) Wall height of any outbuildings not to exceed 3m, this height limitation also applies to parapet walls—in the case of gable roof construction the maximum building height is not to exceed 4m;

(iv) Prior to considering a parapet wall construction on any boundary, the applicant will present Council with written agreement to the same by any affected adjoining landowner;

(v) No planning consent will be granted for any outbuildings on any residential zoned lot which does not contain a residence;

(vi) The applicant providing the Shire with his written undertaking that the outbuilding constructed will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme;

(vii) Any development application which does not comply with the above shall be referred to Council for consideration.

(b) In the Residential, Town Centre and Special Use Zones Where the Lot Size is Over 1500 sqm and On Rural Zoned Lots with an Area of 2 ha or Less

(i) Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed $75m^2$ and the total outbuilding area does not exceed $200m^2$;

(ii) Non-masonry colourbond construction, where the total colourbond outbuilding area does not exceed $150m^2$ and the total outbuilding area does not exceed $200m^2$;

(iii) Masonry construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed $200m^2$;

(iv) Wall height of any outbuilding not to exceed 4m, this height limitation also applies to parapet walls—in the case of a gable roof construction the maximum building height is not to exceed 5m;

(v) Prior to considering a parapet wall construction the applicant will present Council with written agreement to the same by any affected adjoining landowner;

(vi) The applicant providing Council with his written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Scheme;

(vii) Any development application which does not comply with the above, shall be referred to Council for consideration.

(c) Outbuilding Setbacks from Boundaries in Residential, Town Centre, Special Use or Rural Zones

(i) Brick Construction—Garages, Patios, Pergolas, Sheds and all other outbuildings except Carports:

(a) In the Residential, Town Centre or Special Use Zones—

*If attached to a dwelling, 1.0m from side boundaries with eaves not closer than 0.75m to a side boundary, measured from the outer edge of the gutter. Setback to the rear boundary to be as specified for the dwelling under the R. Codes.

*If detached from a dwelling, the outbuilding shall be at least 1.8m clear of the dwelling, 1.0m from a side boundary, 1.2m from the rear boundary, with eaves not closer than 0.75m to a side boundary, measured from the outer edge of the gutter.

(b) In the Rural Zone—

*All boundary setbacks to be as specified in Schedule No. 4.

(ii) Metal or Wood Framed Construction—Garages, Patios, Pergolas, Sheds and all other outbuildings except Carports:

(a) In the Residential, Town Centre or Special Use Zones—

*Garages, Sheds and all other outbuildings except Patios and Pergolas are to be detached from and at least 1.8m clear of the dwelling and any leach drains. Clearance to side and rear boundaries and to any septic tanks on-site is to be at least 1.2m.

*Patios and Pergolas are to be setback at least 1.2m from any lot boundary unless otherwise approved by Council.

(b) In the Rural Zone—

*Garages, Sheds and all other outbuildings except Patios and Pergolas, are to be detached from and at least 1.8m clear of the dwelling and any leach drains and 1.2m clear of any septic tank.

*All boundary setbacks to be as specified in Schedule No. 4.

(iii) CARPORTS:

In the case of the Residential, Town Centre or Special Use Zones—

(a) Columns of brick or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 0.75m clear of the boundary. Beams shall be of steel where within 0.75m of a boundary and a dividing fence forming a side wall of the carport shall not be higher than 1.8m. Timber framed carports shall be sited 1200m clear of all boundaries.

(b) IN THE RURAL ZONE—

*All boundary setbacks are to be as specified in Schedule No. 4.

(iv) CORNER LOTS:

In the case of a Residential, Town Centre or Special Use zoned corner lot:

*Where an outbuilding is constructed in brick or clad in colourbond, Council may permit a setback of 3.75m to the minor street.

*Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street shall apply.

*In the case of a corner lot which is zoned other than Residential, Town Centre or Special Use the setback to the minor street shall be the same as the frontage setback laid down in Schedule No. 4.

(v) In all other zones of the Shire or for buildings not appurtenant to a building in the Town Centre, Special Use or General Industrial Zones refer to Schedule No. 4.

5.1.8 CAR PARKING

Car Parking requirements are set out in Schedule No. 4 for the Zones and/or land uses shown therein. In addition the following general requirements shall apply:

(a) The parking spaces required under the provisions of the Scheme, shall measure not less than the dimensions shown in Schedule 3 for the type of parking layout adopted.

(b) All car parking spaces, and all necessary access ways shall, unless the Council agrees otherwise and except as hereinafter provided, be paved.

(c) Where the maximum dimension of any open car parking area exceeds twenty metres in length or width, one car parking space in every ten shall be used for garden and tree planting to provide visual relief and, so long as the garden and tree planting areas shall be maintained to the satisfaction of Council, those car parking spaces shall be included in calculations as car parking and not as landscaping.

(d) Where the owner can demonstrate to the satisfaction of the Council that there is not the demand for the number of parking spaces specified, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the Council from time to time may require that additional parking spaces be provided by the owner up to the maximum number specified in Schedule No. 4.

(e) Where development of a commercial nature is proposed and where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site, the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this Clause:

(i) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value as estimated by the Valuer General, or by a licensed Valuer appointed by Council of that area of his land which would have been occupied by the parking spaces;

(ii) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment;

(iii) Payments made under this Clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the immediate vicinity.

(f) When considering an application to commence development the Council shall have regard to, and may impose conditions in respect of the location and design of the required car parking spaces, natural planting and pedestrian spaces on the lot.

(g) Where premises are to be used for any Commercial and/or General Industrial purpose, provision must be made for access from the street to the building for the purpose of loading and unloading vehicles. Such access is to be designed in association with any onsite car parking provision and in a manner which does not interfere with the operation of any car parking area and which permits vehicles using the same to return to the street in forward gear.

5.1.9 LANDSCAPING

The landscaping requirement shown in Schedule No. 6 or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of Council natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces and other open storage areas shall not be included. In considering the landscaping requirement of any application for planning consent, the following criteria shall apply:

(a) Access driveways between a street alignment and any building may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included.

(b) The Council may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance.

(c) Where a proposed development utilises less than fifty percent of the allowable plot ratio, the Council may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.

(d) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five metres shall be planted for every ten square metres of landscape area. Council may relax this requirement in the case of residential land use.

(e) Landscaping required pursuant to this Scheme or pursuant to a conditional planning consent shall be carried out at the time of the development or at such other time as agreed in writing between the developer and the Council and shall thereafter be continually maintained to the satisfaction of Council.

5.1.10 LAND SUBJECT TO INUNDATION

In any zone laid down under the Scheme, Council will not issue a Planning Consent for any building located on land which is considered by Council as being liable to flooding or inundation.

5.1.11 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE

Where development is proposed on a lot which has more than one street frontage the Council shall decide which street (if any) is the street frontage for the purposes of the Zoning and Development Table and the other provisions of the Scheme.

5.1.12 USE OF LAND BETWEEN STREET ALIGNMENT AND FRONT BUILDING SETBACK

(a) In any zone other than the Residential Zone a person shall not use the land between the street alignment and the front building setback except for one or more of the purposes specified in Schedule No. 6.

(b) Within the Residential Zone a person shall not use the land between the street alignment and the front building setback except for one or more of the following purposes:

(i) Gardens and other landscaping including pools/pergolas etc;

(ii) Access driveways; and

(iii) The parking of motor cars, commercial vehicles or caravans for periods of not more than eight hours consecutively.

5.1.13 CONTROL OF ADVERTISEMENTS

(i)—POWER TO CONTROL ADVERTISEMENTS—

(a) For the purpose of this Scheme, the erection, replacement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council.

Such an approval to Consent is required in addition to any licence pursuant to any Council Signs and Hoarding and Bill Posting By-Laws.

(b) Applications for Council's consent to this Part shall be submitted in accordance with the provisions of Part VI of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule No. 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

(ii)—EXISTING ADVERTISEMENTS: ADVERTISEMENTS WHICH—

(a) Were lawfully erected, placed or displayed prior to the approval of this Scheme;

or

(b) May be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval 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.

(iii)—CONSIDERATION OF APPLICATION—

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme 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 traffic safety, and the amenity of adjacent areas which may be affected.

(iv)—EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN CONSENT—

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Sub Clause (i) (a) the Council's prior consent is not required in respect of those advertisements listed in Table No. 2 which for the purpose of this Part are referred to as "exempted advertisements". The exemptions listed in Table No. 2 do not apply to buildings, conservation areas or landscape protection zones which are either:

(a) Listed by the National Trust;

(b) Listed on the register of the National Estate.

(c) Included in Local Authority Town Planning Schemes because of their heritage or landscape value.

TABLE No. 2

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.1.13 (IV)

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	$0.2m^2$
Home Occupation/Cottage Industry	One advertisement describing the nature of the home occupation	$0.2m^2$
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	$0.2m^2$
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed $5m^2$
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws	Not applicable
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building	Total area of any such advertisements shall not exceed $15m^2$
	A maximum of two freestanding advertisement Signs not exceeding 5m in height above ground level	Maximum permissible total area shall not exceed $10m^2$ and individual advertisement signs shall not exceed $6m^2$
Showroom, race courses, major racing tracks, sports stadia, 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 land or from public places and streets	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and 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	N/A
	(b) Advertisement signs (illuminated and 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	N/A
	(c) Advertisement signs (illuminated and 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	N/A

Table No. 2—*continued*
Exempted Advertisements Pursuant to Clause 5.1.13 (IV)—*continued*

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Sign
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 $2m^2$ in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building the purpose for which the building is used or name and address of the managing agent thereof	$0.2m^2$

Temporary Signs	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Signs
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i)—Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work	$2m^2$
(ii)—Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (i) above	$5m^2$
(iii)—Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One additional sign showing the name of the project builder	$5m^2$
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months 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	$2m^2$
PROPERTY TRANSACTIONS— Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property 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 $2m^2$
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of $5m^2$
(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 in excess of $10m^2$

Table No. 2—*continued*

Exempted Advertisements Pursuant to Clause 5.1.13 (IV)—*continued*

Temporary Signs	Exempted Sign Type and Number (All Non-Illuminated Unless Otherwise Stated)	Maximum Area of Exempted Signs
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	$2m^2$
	(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 details of the range of dwellings on display	$5m^2$

(v)—DISCONTINUANCE

Notwithstanding the Scheme objectives and Sub Clause (iv) where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

(vi)—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 the Scheme 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.

(vii)—NOTICES

(a) "The Advertiser" shall be interpreted as any one or any group comprised of the owner, occupier, licensee.

(b) Any notice served in exceptional circumstances pursuant to Sub Clause (v) or pursuant to Sub Clause (vi) shall be served upon the advertiser and shall specify—

(i) the advertisement(s) the subject of the notice,

(ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,

(iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

(c) Any person upon whom a notice is served pursuant to this Part may, within a period of 60 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.

(viii)—SCHEME TO PREVAIL

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

(ix)—ENFORCEMENT AND PENALTIES

The offences and penalties provisions specified in Clause 7.2 of the Scheme apply to the advertiser in this part.

5.1.14 SPECIAL RESIDENTIAL DEVELOPMENT

In considering any Application for Planning Consent for a Special Residential Use, Council will pay regard to the following criteria—

(a) No Special Residential Development will be considered on a lot area of less than 2000 square metres.

(b) No Special Residential Development will be approved on any lot unless a single residence exists on the lot or is to be constructed as a first stage of development.

(c) All buildings to be constructed on any Special Residential lot shall be of a material approved by Council and all roof, and where approved wall, cladding will be finished in a coloured non-reflective material which blends with any abutting development.

(d) No person will be permitted to erect any building except a single residence and associated outbuildings nearer to any lot frontage than 20m.

(e) Any fencing of an industrial nature will be contained behind the 20m building line fencing of a residential nature only will be permitted in front of the 20m building line.

(f) In a case where a lot has a frontage to more than one street, Council may at its discretion permit the construction of buildings nearer to the street alignment of one or more (but not all) streets than would be the case if the lot had frontage to one street only, but not nearer than 10 metres from the lot frontage to such other street or streets.

(g) No person shall use or permit to be used the land within 20.0 metres from a lot frontage, except for one or more of the following purposes:

(i) The construction of a single residence and associated outbuildings;

(ii) A means of access and egress;

(iii) Landscaping;

(iv) If permission of Council is given in writing, advertising and trade display.

(h) All parking or loading and unloading of vehicles associated with any on-site activity other than those of a single residential nature, is to take place in the lot area contained behind the 20 metre building line from the lot frontage.

(i) No material or equipment, which is visually unsightly or which could detract from the amenity of the area in general or adjoining properties in particular, is to be stored on-site unless it is screened in a manner acceptable to Council.

(j) Council as a condition of development, will require the planting on-site of at least twenty (20) drought resistant native trees capable of growing to a height of at least 5 metres. In addition to this any developer must retain trees and shrubs existing on any lot and its associated street verges, unless approval is given in writing by Council to the removal of the same.

(k) Any advertising sign proposed on a lot will only be approved by Council, if it complies with Clause 5.1.14 (g) (iv), the provisions relating to a Home Occupation land use so laid down in Clause 5.1.13 and Schedule No. 1.

5.1.15 TREE PRESERVATION AND PLANTING

In order that Council can achieve the following objectives—

*Reduction in Soil Salinity

*Prevention of Erosion

*Provision of Habitats for Native Fauna

*Provision of Aesthetic Pleasure

*Reduction of Roadside Noise

*Visual Amenity of the Locality

tree planting and preservation will, where necessary, be imposed as a condition of planning consent for the purpose of conserving and enhancing natural beauty, convenience and amenity within each zone defined under the Scheme.

(a) In considering any rezoning or development proposal in any zone specified on the Scheme Map, Council may at its discretion unless otherwise specified in the provisions of the Scheme, require the preservation and/or planting of trees as a condition of planning consent or rezoning approval.

(b) Areas of Tree Preservation and Planting will be detailed in the minimum landscaping requirements for any development proposal submitted for Council consideration.

(c) Within any area approved for tree preservation purposes as a condition of planning consent, no indigenous tree may be felled without the consent of Council, except:

(i) where trees are dead, diseased or dangerous;

(ii) for the purpose of a firebreak required by a Regulation or By-Law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land.

(d) The Council may, by notice served upon individual landowners or upon a developer or subdivider of land within any zone of the Shire, require the preservation of groups of trees, and thereafter no landowner shall cut, remove or otherwise destroy any tree unless the Council rescinds the notice or orders.

(e) The Council may require any land developer or landowner to advise future landholders of the restriction in relation to the clearing of the land.

(f) No vegetation is to be cleared from any road reservation within the Shire without the written consent of Council.

5.1.16 PLACES OF HERITAGE VALUE

(a) DECLARATION OF PLACES

The Council may declare places of historic, architectural, scientific or other interest to be Places of Heritage Value and such places shall be listed in the Schedule No. 7.

(b) DEVELOPMENT APPROVAL

A person shall not without the approval of the Council at or on a Place of Heritage Value, carry out any development including, but without limiting the generality of the foregoing—

(i) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bore or troughs and minor drainage works ancillary to the general rural pursuits in the locality);

(ii) the removal of trees associated with Places of Heritage Value;

(iii) the erection of advertising signs; and

(iv) clearing of land.

(c) RESTORATION

The Council may give its approval to the restoration of a Building declared to be a Place of Heritage Value notwithstanding that the work involved does not comply with the Australian Building Codes or with the development provisions of this Scheme.

(d) ACQUISITION

Having regard to the desirability of preserving and retaining a Place of Heritage Value involved in an application to develop land the Council may effect the retention of the building, object or place by the purchase or resumption of the affected property or payment of an agreed sum in compensation to the owner and may enter into an agreement with the owner for that purpose.

5.2 POLICIES

5.2.1 TOWN PLANNING SCHEME POLICY

In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

5.2.2 OPERATIVE TOWN PLANNING SCHEME POLICY

A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

(a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;

(b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;

(c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.

5.2.3 ALTERATION OR RESCINDING OF A TOWN PLANNING SCHEME POLICY

A Town Planning Scheme Policy may only be altered or rescinded by:

(a) Preparation and final adoption of a New Policy pursuant to this Clause, specifically worded to supersede an existing Policy;

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

5.2.4 BINDING OF COUNCIL

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

5.2.5 CONFLICT BETWEEN POLICY/SCHEME

If there is any conflict between a Policy made or adopted by Council and the provisions of the Scheme, the Scheme prevails.

5.2.6 POLICY STATEMENTS RELATING TO INDIVIDUAL ZONES

In considering applications for planning consent under provisions of the Scheme, Council shall have regard to the General Policy detail referred to in the following Clause Nos—5.2.7, 5.2.8 and 5.2.9.

5.2.7 GENERAL TOWNSCAPE IMPROVEMENT AND DEVELOPMENT POLICY

Notwithstanding the specific provisions of this Scheme, Council shall have regard to the Mingenew Townscape Plan 1989 in considering any applications for subdivision/development and may impose conditons on any development which is considered within the sphere of influence of that plan, which relate to the following:

(a) The need for limitation of height or location of buildings, in order to preserve and/or enhance streetscape or views;

(b) The need for the preservation of existing trees and the planting of additional trees and other vegetation within all zones of the Shire, in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil and prevent erosion;

(c) The preservation of areas or buildings of architectural or historic interest and the development of land abutting the same;

(d) The choice of building materials, finishes and landscape detail where these relate to the preservation of local character and the amenity of the area generally;

(e) The location, orientation and bulk of buildings, in order to ensure the adequate protection of an adjoining land use or avoid the visual monotony of the street scene as a whole;

(f) The impact on the general amenity of the locality including times of activity, traffic generation, access, parking and pedestrian movement.

5.2.8 GENERAL LOCAL RURAL POLICY

In considering any support for the subdivision and/or development of Rural Zoned Land within the Shire, Council shall in addition to the provisions of the Scheme, have regard to:

(a) The objectives for the Rural Zone laid down in Clause 3.5.2 (e) of the Scheme Text;

(b) Inappropriate subdivision and/or development generating problems relating to drainage, water supply, bush fire safety and inadequate road access, which could result in additional cost to the community at large;

(c) Possible conflict between incompatible land uses as a result of subdivision and development within the Rural Zone.

5.2.9 POLICY FOR DEVELOPMENT OF A "SPECIAL RESIDENTIAL" NATURE

In considering an application for Special Residential development in any appropriate zone of the Scheme, Council shall have regard to Council's objective in considering such development, namely "to enable persons to work on land on which they reside, provided the location of any development proposal pays regard to the amenity of the zone in which it resides and of any neighbouring development which abuts the proposal" and will impose conditions relating to the criteria detailed in Clause 5.1.14.

PART VI—PLANNING CONSENT

6.1 APPLICATION FOR PLANNING CONSENT

6.1.1 Every application for planning consent shall be made in the form prescribed in Schedule No. 8 to the Scheme, and shall be accompanied by such plans and other information as is required by the Scheme.

6.1.2 Unless Council waives any particular requirement, every application for planning consent shall be accompanied by:

(a) A plan or plans to a scale of not less than 1:500 showing—

(i) street names, lot number(s), north point and the dimensions of the site;

(ii) the existing contours of the site and any alteration to these as a result of the proposed development;

(iii) the location and proposed use of any existing buildings to be retained, and the location and use of buildings proposed to be erected on the site;

(iv) the existing and proposed means of access for pedestrians and vehicles, to and from the site;

(v) the location, number, dimensions and layout of all car parking spaces intended to be provided;

(vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site, and the means of access to and from those areas;

(vii) the location, dimensions and design of any landscaped, open storage or trade display area, and particulars of the manner in which it is proposed to develop the same;

(viii) the location of all trees on-site and the position of these to be either retained or planted as part of the development proposal.

(b) Plans, elevations and sections of any building proposed to be erected or altered, and of any building it is intended to retain.

(c) Any other plan or information that the Council may reasonably require, to enable the application to be determined.

6.2 ADVERTISING OF APPLICATIONS

6.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of Clause 6.2.3.

6.2.2 Where an application is made for planning consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of Clause 6.2.3.

6.2.3 Where the Council is required or decides to give notice of an application for planning consent, pursuant to Clauses 6.2.1 and 6.2.2 of this Scheme, the Council shall cause one or more of the following to be carried out:

(a) Notice of the proposed development to be served on the owners or occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent, stating that submissions may be made to the Council within twenty one days of the service of such notice;

(b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty one days from the publication thereof;

(c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in paragraph (b) of this Clause.

6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule No. 9 with such modifications as circumstances require.

6.2.5 After expiration of twenty one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application as soon as possible after the expiration of the 21 days as the usual course of Council's business permits.

6.3 DETERMINATION OF APPLICATIONS

6.3.1 In determining an application for planning consent the Council may consult with any Authority which, in the circumstances, it thinks appropriate.

6.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.

6.3.3 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in Schedule No. 10 to the Scheme.

6.3.4 Where the Council approves an application for planning consent under this Scheme the time for which that consent remains valid, is two (2) years, unless otherwise stated on Council's decision on application for planning consent.

6.4 DEEMED REFUSAL

6.4.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent, either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.2, the application shall be deemed to have been refused.

6.4.2 Where the Council has given notice of an application for planning consent in accordance with Clause 6.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

6.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clause 6.4.1 and 6.4.2, the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those Clauses, as the case may be.

PART VII—ADMINISTRATION

7.1 POWERS OF THE SCHEME

The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

(a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.

(b) The Council may acquire any land or buildings within the District pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.

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

7.2 OFFENCES

7.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

(a) Otherwise than in accordance with the provisions of the Scheme;

(b) Unless all consents required by the Scheme have been granted;

(c) Unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with;

(d) Unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

7.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

7.3 ACT

7.3.1 Twenty eight days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

7.3.2 The Council may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

7.4 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme, the time limit for the making of Claims for Compensation pursuant to Section 11(1) of the Act is six (6) months after the date of publication of the Scheme in the *Government Gazette*.

7.5 VALUATIONS

7.5.1 Where it is necessary to ascertain the value of any land for the purpose of the Scheme, the value shall be determined by either the Valuer General or at the option of the Council by an independent and competent valuer appointed by the Council.

7.5.2 If an owner shall object to the value so determined he may give notice of such objection to the Council within twenty eight (28) days after having been informed of the said value or the revised value.If the valuer does not agree to change the value to a figure acceptable to the owner, that value shall be determined by arbitration in accordance with the provisions hereinafter contained, should that owner still wish to contest the valuation concerned.

7.6 ARBITRATION

Any dispute or difference in respect of any matter which by the terms of the Scheme may be determined by arbitration may be referred to the arbitration of a single arbitrator in the manner provided for by the Commercial Arbitration Act 1985 or any statutory modification thereof for the time being in force and if the parties fail to agree upon any one single arbitrator, he may be nominated by the President of the Law Society of Western Australia for the time being but if the dispute or difference relates to values only, the arbitrator shall be a valuer appointed by the President for the time being of the Western Australian Division of the Australian Institute of Valuers and Land Administrators (Inc.).

7.7 APPEALS

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme, may appeal in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.

7.8 DELEGATION

For the purpose of carrying out and completing the Scheme and to ensure its observance the Council may delegate to a standing committee of the Council or to officers of the Council any of the powers which it is entitled to exercise by virtue of the Scheme.

SCHEDULES

SCHEDULE No. 1

Interpretations

ABATTOIR Means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

ABSOLUTE MAJORITY Shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).

ACT Means the Town Planning and Development Act, 1928 (as amended).

ADDED ACCOMMODATION UNIT Means separate living accommodation attached to or within the curtilage of a dwelling house, constructed for and used exclusively by an aged, invalid or disabled relative of the owners of the dwelling house or such other person as may be approved by Council, in respect of which an annual written permit to occupy has been issued by Council and is current.

ADVERTISEMENT Means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure used or adapted for use for the display of advertisements.An advertising sign shall be construed accordingly but does not include;

(a) an advertising sign of less than $2m^2$ in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;

(b) an advertising sign of less than $2m^2$ in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;

(c) an advertising sign of less than $2m^2$ in area relating to the prospective sale or letting of the land or building on which it is displayed;

(d) an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station, and

(e) directional signs, street signs and other like signs erected by a Public Authority.

AGED PERSONS VILLAGE Means a building or group of buildings designed for residential occupation by aged persons and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

AMUSEMENT FACILITY Means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

AMUSEMENT MACHINE Means a machine, device or games table, mechanically or electronically powered that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues or electronic devices which are controlled or partly controlled by computer associated with the electronic screen(s) operated by one or more players for amusement or recreation.

AMUSEMENT PARLOUR Means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

BATTLE-AXE LOT Means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

BED AND BREAKFAST Means accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom.

BETTING AGENCY Means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

BUILDER'S STORAGE YARD Means land and buildings used for the storage of building material, pipes or other similar items related to any trade, and may include manufacture, assembly and dismantling processes incidental to the predominant use.

BUILDING Shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.

BUILDING CODE Means the Building Code of Australia (as amended).

BUILDING ENVELOPE Means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

BUILDING LINE Means the Line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

BUILDING SET BACK Means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

CAMPING AREA Means land used for the lodging of persons in tents or other temporary shelter.

CARAVAN PARK Means land and buildings used for parking of caravans under the By-Laws of the Council or the Caravan Parks and Camping Grounds Regulations 1974 (as amended) made pursuant to the provisions of the Health Act 1911-1979 (as amended).

CARETAKER'S DWELLING Means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

CAR PARK Means land and building used primarily for parking private cars or taxis whether open to the public or not, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

CATTERY Means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

CIVIC BUILDING Means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for the administrative or other like purpose.

CIVIC USE Means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other purpose.

COMMISSION Means the State Planning Commission constituted under the State Planning Commission Act 1985.

CLUB PREMISES Means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

CONSULTING ROOMS Means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments and the two practitioners may be of the one profession or any combination of professions or practices.

CONSULTING ROOMS GROUP Means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments and the practitioners may be of the one profession or any combination of professions or practices.

CONVENIENCE STORE Means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m^2 gross leasable area.

DAY CARE CENTRE Means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations 1968 (as amended).

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

DISPLAY HOME CENTRE Means a group of two or more dwellings which are intended to be open for public inspection.

DISTRICT Means the Municipal District of the Shire of Mingenew.

DOG KENNELS Means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council and may include the sale of dogs where such use is incidental to the predominant use.

DRIVE-IN THEATRE Means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

DRY-CLEANING PREMISES Means land and buildings used for cleaning of garments and other fabrics by chemical processes.

DWELLING 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 auxiliary thereto; such building or portion thereof being used or intended, or 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 (6) persons who do not comprise a single family.

EDUCATIONAL ESTABLISHMENT Means a school, college, university, technical institute, academy or other educational centre but does not include a reformatory or institutional home.

EFFECTIVE FRONTAGE Means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed 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 the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;

(c) where a 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 the Council.

FACTORY UNIT BUILDING Means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

FAMILY CARE CENTRE Means land and buildings used for the purpose of a family care centre as defined in Child Welfare (Care Centres) Regulations 1968 (as amended).

FAST FOOD OUTLET Means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

FISH SHOP Means a building where wet fish and similar foods are displayed and offered for sale.

FLOOR AREA Shall have the same meaning given to it in the Building Code of Australia.

FRONTAGE Means the boundary line or lines between a site and the street or streets upon which the site abuts.

FUEL DEPOT Means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

FUNERAL PARLOUR Means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

GARDEN CENTRE Means land and buildings used for the sale and display of garden products including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.

GAZETTAL DATE Means the date of which this Scheme is published in the *Government Gazette*.

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

HEALTH STUDIO Means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

HOME OCCUPATION Means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or on the land on which the business is conducted;

(b) does not entail employment of any person not a member of the occupier's family;

(c) does not occupy an area greater than twenty square metres;

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;

(e) does not display a sign exceeding $0.2m^2$ in area;

(f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;

(g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;

(h) does not entail the presence of more than one commercial vehicle and does not include provision for the fueling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;

(i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises);and

(j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

HOSPITAL Means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

HOSPITAL SPECIAL PURPOSES Means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

HOTEL Means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

INDUSTRY Means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

(a) the winning, processing or treatment of minerals;

(b) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;

(c) the generation of electricity or the production of gas;

(d) the manufacture of edible goods and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process and the use of land for the amenity of persons engaged in the process;

but does not include:

(i) the carrying out of agriculture,

(ii) site work on buildings, work or land,

(iii) in the case of edible goods the preparation of food for sale from the premises,

(iv) panel beating, spray painting or motor vehicle wrecking.

INDUSTRY—COTTAGE Means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;

(b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;

(c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of $55m^2$;

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;and

(e) does not display a sign exceeding $0.2m^2$.

INDUSTRY—EXTRACTIVE Means an industry which involves:

(a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, and also the storage, treatment or manufacture of products from those materials when carried out on the land from which any of these materials is extracted or on land adjacent thereto; or

(b) the production of salt by the evaporation of sea water.

INDUSTRY—GENERAL Means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

INDUSTRY—HAZARDOUS Means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

INDUSTRY—LIGHT Means an industry:

(a) in which the processes carried on, the machinery used and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and

(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.

INDUSTRY—NOXIOUS Means an industry in which the processes involved constitute an Offensive Trade within the meaning of the Health Act 1911-1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

INDUSTRY—RURAL Means an industry handling, treating, processing or packing primary products grown, reared or produced in the Region and a workshop servicing plant or equipment used for rural purposes in the Region.

INDUSTRY—SERVICE Means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

KINDERGARTEN Means land and buildings used as a School for developing the intelligence of young children by object lessons, toys, games, singing and similar methods.

LAND Shall have the same meaning given to it in and for the purposes of, the Act.

LAUNDROMAT Means a building, open to the public in which coin-operated or other washing machines, with or without provision for drying clothes are available for use.

LIQUOR STORE Means a building the subject of the Store Licence granted under the provisions of the Liquor Act 1970 (as amended).

LOT Shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

MARINE COLLECTORS YARD Means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act 1902 (as amended) and marine dealer's yard and marine store have the same meaning.

MARKET Means land and buildings used for a fair, a farmer's or producer's market, or a swapmeet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

MEDICAL CENTRE Means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms, but also for ancillary services such as chemists, pathologists and radiologists.

MILK DEPOT Means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

MOBILE HOME Means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

MOBILE HOME PARK Means land upon which two or more mobile homes, occupied for dwelling purposes are located regardless of whether or not a charge is made for such accommodation.

MOTEL Means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for accommodation of patrons with motor vehicles.

MOTOR VEHICLE AND MARINE SALES PREMISES Means land and buildings used for the display and sale of new or secondhand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

MOTOR VEHICLE HIRE STATION Means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

MOTOR VEHICLE REPAIR STATION Means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

MOTOR VEHICLE WASH STATION Means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

MOTOR VEHICLE WRECKING PREMISES Means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of secondhand motor vehicle accessories and spare parts.

MUSEUM Means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

NON-CONFORMING USE Means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

NURSERY Means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

OFFICE Means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services of a similar nature.

OPEN AIR DISPLAY Means the use of land for the display or sale of goods and equipment not within buildings.

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

(a) is entitled to the land for an estate in fee simple in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise.

PETROL FILLING STATION Means land and buildings used for the supply of petroleum products and motor vehicle accessories.

PIGGERY Shall have the same meaning given to it in and for the purpose of the Health Act 1911-1979 (as amended).

PLACES OF NATURAL BEAUTY Means the natural beauties of the area including rivers, lakes and other inland waters, banks of rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.

PLOT RATIO Means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air-conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles, at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth.

POTABLE WATER Means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standard for Drinking Water—Third Edition, World Health Organisation—1971'.

POULTRY FARM Means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an Offensive Trade within the meaning of the Health Act 1911-1979 (as amended).

PRISON Shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).

PRIVATE HOTEL Means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

PRIVATE RECREATION Means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

PRODUCE STORE Means land and buildings wherein fertilisers and grain are displayed and offered for sale.

PROFESSIONAL OFFICE Means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature and professional person has a corresponding interpretation.

PUBLIC AMUSEMENT Means land and buildings used for the amusement or entertainment of the public, with or without charge.

PUBLIC AUTHORITY Shall have the same meaning given to it in and for the purposes of the Act.

PUBLIC MALL Means any public street or right-of-way designed especially for pedestrians who shall have right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

PUBLIC RECREATION Means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

PUBLIC UTILITY Means any work or undertaking constructed or maintained by a Public Authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

PUBLIC WORSHIP PLACE OF Means land and buildings used for the religious activities of a Church but does not include an institution for primary, secondary or higher education or a residential training institution.

RADIO AND T.V. INSTALLATION Means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic but does not include domestic radio and television receivers.

RECEPTION CENTRE Means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

REFORMATORY Means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

RESIDENTIAL BUILDING Means a building or portion of a building, together with rooms and outbuildings separate from such building but auxiliary 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, a hotel, a motel or a residential school.

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 as published in the *Government Gazette* on December 13, 1991.

RESTAURANT Means a building wherein food is prepared for sale and consumption within a building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

RESTORATION Means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

RESTRICTED PREMISES Means any premises or part thereof, used or designed to be used for the sale by retail or for the exchange, hire, exhibition, loan, delivery or for the display and offer of:

(a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902-1983; or

(b) material compounds, preparations or devices which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activities;

but does not include a Newsagency, Pharmacy, Video Shop or any other Shop or Cinema.

RURAL PURSUIT Means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

(a) the growing of vegetables, fruit, cereals or food crops;

(b) the rearing or agistment of goats, sheep, cattle or beasts of burden;

(c) the stabling, agistment or training of horses;

(d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;

(e) the sale of produce grown solely on the lot;

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

(i) the keeping of pigs;

(ii) poultry farming;

(iii) the processing, treatment or packing of produce;

(iv) the breeding, rearing or boarding of domestic pets.

SALVAGE YARD Means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of/or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

SAWMILL Means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

SCHEDULE Means a Schedule to the Scheme.

SERVICE STATION Means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

SHOP Means any building wherein goods are kept exposed or offered for sale by retail and includes a cafe and a restaurant and receiving depot; but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor vehicles or for any purpose falling within the definition of Industry.

SHOWROOM Means a building wherein goods 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.

SPECIAL RESIDENTIAL Means the use of land or buildings for business, service or recreational purposes which can live in harmony with any adjoining residential development provided the owner, operator or a caretaker is resident in a single dwelling house constructed within the area located between the 7.5m and 20m setback line on any site. Uses of an industrial nature are not included within this use classification.

TAVERN Means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended).

TRADE DISPLAY Means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

TRANSPORT DEPOT Means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

VETERINARY CONSULTING ROOMS Means a building in which a Veterinary Surgeon or Veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

VETERINARY HOSPITAL Means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

WAREHOUSE Means a building wherein goods are stored and may be offered for sale by wholesale.

WAYSIDE STALL Means a building 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 buildings are located.

WHOLESALE Means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930 (as amended).

WINE HOUSE Means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act 1970 (as amended).

ZONE Means a portion of the Scheme Area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include reserved land.

ZOOLOGICAL GARDENS Means land and buildings used for the keeping, breeding or display of fauna and the term includes zoo but does not include kennels or keeping, breeding or showing of domestic pets.

SCHEDULE No. 2

Special Use Zones

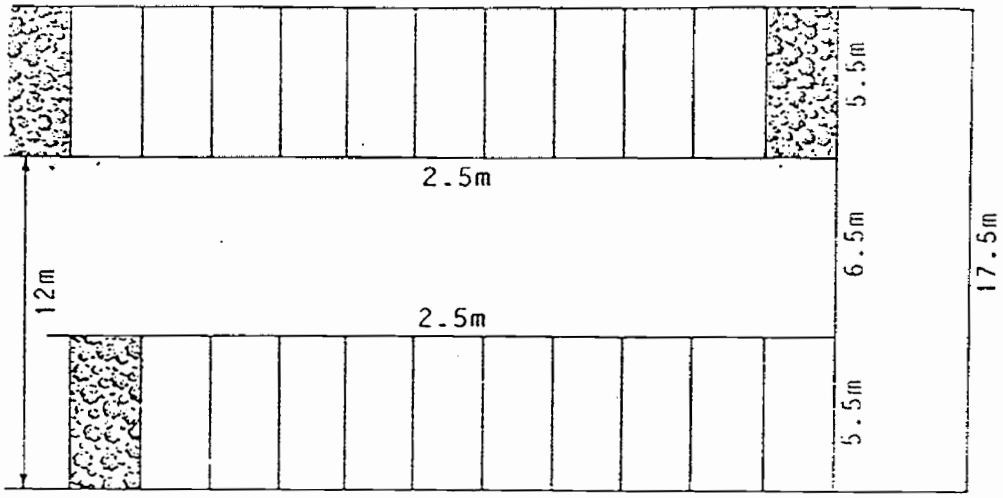
No.	Location	Land Particulars	Permitted Uses
1	Eleanor Street	Lot 1	Stock Saleyards
2	Midlands Road	Lot 72	Wildflower Demonstration Plot/Tourist Activities
3	Victoria Street	Lot 58	Place of Public Worship
4	William Street	Lots 2/92	Place of Public Worship
5	William Street	Lots 96/97/98/99/100	Private Education
6	Midlands Road/Lee Steere Street	Lots 267/268/1/Res 957	Caravan Park/Park Land

SCHEDULE No. 3

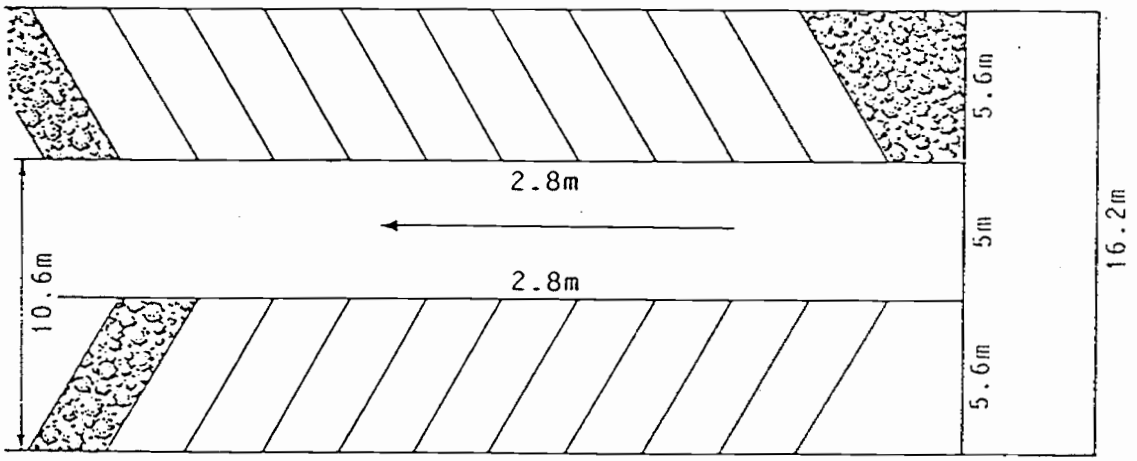
Car Parking Layouts—(Minimum Specifications)

Landscaping in accordance with Clause 5.1.8 and 5.1.9 of the Scheme Text

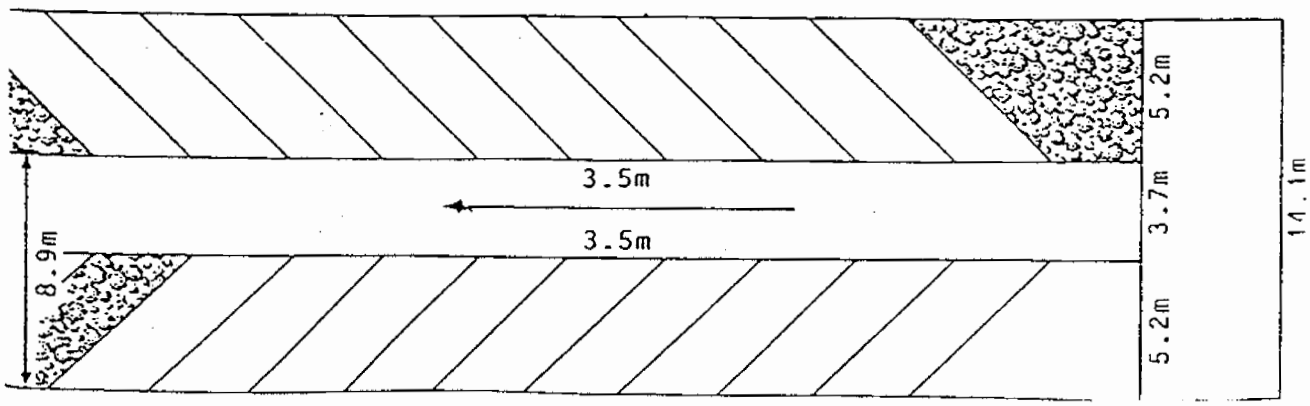
90° PARKING



60° PARKING



45° PARKING



SCHEDULE No. 4

Zone/Use Development Table

Zone	Use	Min Lot Area (m^2)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
1. Residential	Residential	See Residential Planning Codes							
	All Other Permited Uses	As Listed in this Schedule or as Determined by Council							
2. Town Centre	Residential	See Residential Planning Codes							
	Commercial	—	—	11 or 20	7.5	Nil or 2m if abutting a Residential Zone	1 per $10m^2$ of gross leasable area	—	Schedule No. 6 applies
	Shop	—	—	"	"	"	"	—	"
	Office	—	—	"	"	"	"	—	"
	Eating House	—	—	"	"	"	1 per $3m^2$ of Public Area	—	"
	Hotel	1 ha	80	20	15	10/Storey	1 per bedroom + 1 per $3m^2$ of Public Area	25	"
	Tavern	4 000	40	20	15	10/Storey	1 per $3m^2$ of Public Area	25	"
	Motel	4 000	80	20	15	10/Storey	1.5 per Accommodation Unit	20	"
	Educational Establishment	To be determined by Council	30m	20	10	5	As determined by Council	As determined by Council	As determined by Council
	Service Station	1 500 (Roadhouse 2 000)	25	11 or 20	7.5	5	20	As determined by Council	Boundary Setbacks apply to Pumps, Canopy, Buildings
	Public Worship, Place of	2 000	20	11 or 20	7.5	2	1 per 5 seats	50	Schedule No. 6 applies
	All other Permitted Uses	As listed in this Schedule or as determined by Council							
3. General Industrial	General Industrial	2 000	25	11 or 20	7.5	5m on one side	As determined by Council	As determined by Council	As determined by Council
	Light/ Service Industrial	1 000	25	11 or 20	7.5	"	"	"	"
	All other Permitted Uses	As listed in this Schedule or as determined by Council							
4. Special Use	Any Permitted Use	As required under this Schedule or by Council for the Predominant Use in the Locality in which the use is to be located.							
5. Rural	Rural	Based on Locally Acceptable Farm Units	200m	15	15	5	As determined by Council	As determined by Council	As determined by Council
	All other Permitted Uses	As listed in this Schedule or as determined by Council							

SCHEDULE No. 5

CONTROL OF ADVERTISEMENTS

SHIRE OF MINGENEW

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
(To be completed in addition to Application for Planning Consent)

1. Name of Advertiser (if different from owner)

.....

.....

2. Address in full .....

.....

.....

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

.....

.....

.....

.....

.....

.....

.....

4. Details of Proposed Sign: Height ..... Width .....

Depth ..... Colours to be Used .....

Height above ground level (to top of advertisement) .....

(to underside) .....

Materials to be used .....

Illuminated: Yes/No

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

.....

If yes, state intensity of light source .....

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

.....

.....

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

.....

.....

.....

.....

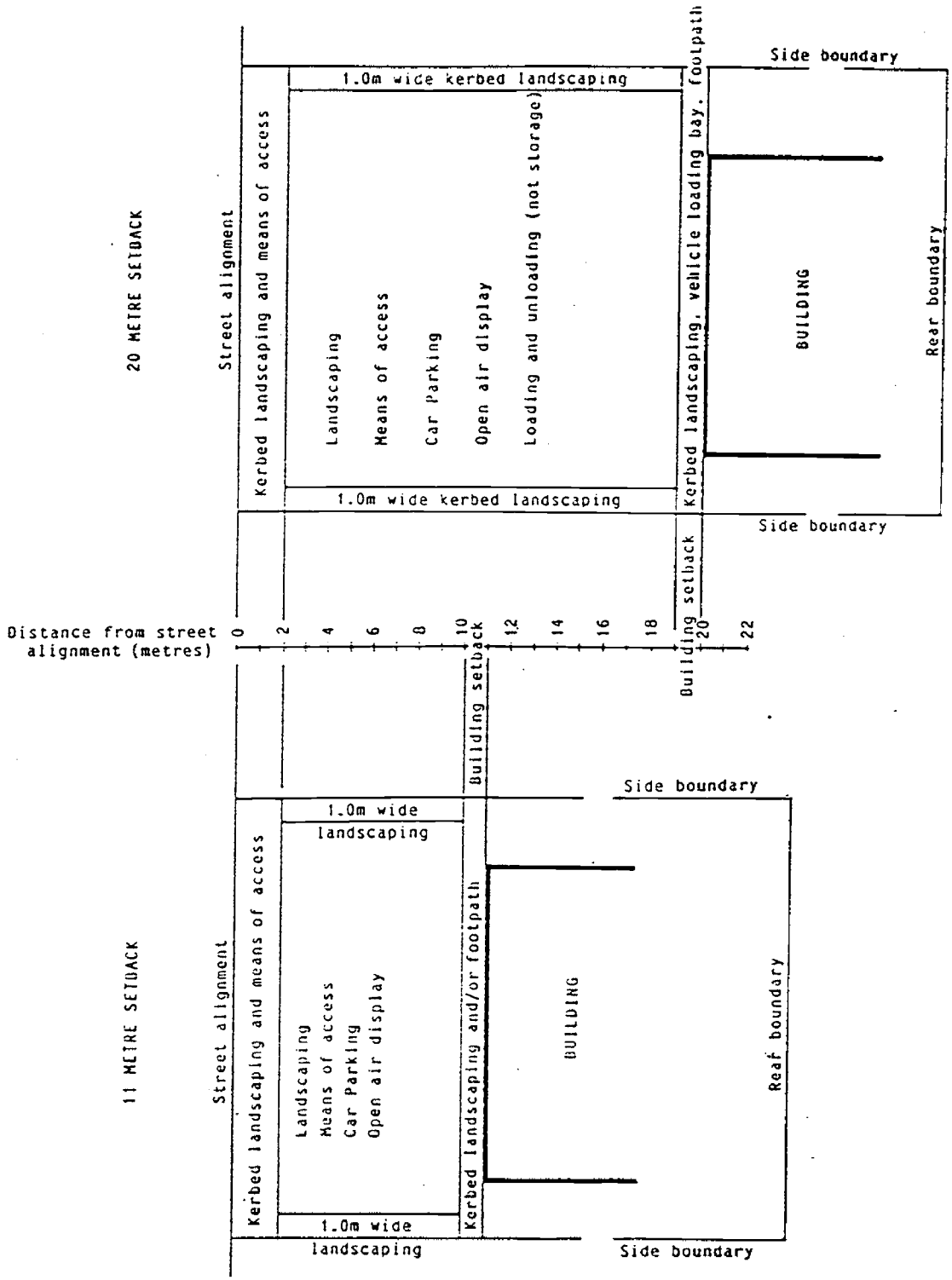
N.B. Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s) .....
(if different from landowners)

Date .....

SCHEDULE No. 6

Use of Setback Areas in Zones other than Residential



NOTE: Council may approve setbacks other than those detailed above where a development proposal is being undertaken in conformity with an adopted Townscape Improvement Plan.

SCHEDULE No. 7

Places of Heritage Value

Places of Natural Beauty and Historic Buildings and Objects of Historical Natural Scientific and Townscape Interest

No.	Place	Location	Condition / Integrity	Description	Date of Con'n
1	Railway Station	Midlands Road, Mingenew (Railway Reserve)	Good / Intact	Stone Walls, CGI Roof	1894
2	Hotel	Midlands Road, Mingenew (Lot 36)	Good / Intact	Brick Walls, CGI Roof, Two Storeys, Lost Verandah	After 1908
3	Post Office	Midlands Road, Mingenew (Lot 63)	Good / Intact	Stone/Brick Walls, CGI Roof	1894
4	Police Station Quarters	William Street, Mingenew (Lot 44)	Good / Intact	Stone Walls, CGI Roof	1898
5	Anglican Church	Victoria Street, Mingenew (Lot 58)	Good / Disturbed	Stone Walls, CGI Roof Replaced with Tiles in 1962	1903
6	Roads Board Office	Victoria Street, Mingenew (Lot 84)	Good / Intact	Stone Walls, CGI Roof	1906
7	House	Corner William Street and Irwin Street, Mingenew (Lot 94)	Good / Intact	Brick Walls, CGI Roof	c 1910
8	Bundanoon Farm House	Midlands Road, Yandanooka (Lot 106)	Good / Intact	Stone Walls, CGI Roof	c 1850
9	Community Sheep Dip	Midlands Road, Yandanooka (Lot 41)	Poor / Deteriorated	Concrete Dip, Timber and Wire Yards	Before 1930
10	Lesser Hall	Victoria Street, Mingenew	Good / Intact	Stone and Cement Rendered Walls, Modified 1917, 1935, 1973	1906
11	State School	Victoria Street, Mingenew (10409)	Good / Disturbed	Stone and Cement Rendered Walls, CGI Roof	1894

SCHEDULE No. 8

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF MINGENEW

APPLICATION FOR PLANNING CONSENT

1. SURNAME OF APPLICANT ..... GIVEN NAMES .....
   FULL ADDRESS .....
2. SURNAME OF LANDOWNER (If different from above) ..... GIVEN NAMES .....
3. SUBMITTED BY .....
4. ADDRESS FOR CORRESPONDENCE .....
5. LOCALITY OF DEVELOPMENT .....
6. TITLE DETAILS OF LAND .....
7. NAME OF ROAD SERVING PROPERTY .....

8. STATE TYPE OF DEVELOPMENT .....
NATURE & SIZE OF ALL BUILDINGS PROPOSED .....
.....
MATERIALS TO BE USED ON EXTERNAL SURFACES OF BUILDINGS .....
.....
GENERAL TREATMENT OF OPEN PORTIONS OF THE SITE .....
.....
DETAILS OF CAR PARKING AND LANDSCAPING PROPOSALS .....
.....
APPROXIMATE COST OF PROPOSED DEVELOPMENT .....
ESTIMATE TIME FOR CONSTRUCTION .....

....
SIGNATURE OF APPLICANT SIGNATURE OF APPLICANT OR AGENT
(Both signatures are required if Applicant is not the Owner)

NOTE: This form should be completed and forwarded to the Shire Council together with 2 COPIES of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

Particulars Required With Application

Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless specifically exempted by the Council—

(a) indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed;

(b) indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours;

(c) indicate the position, type and height of all existing trees on the site and indicate those to be retained and those to be removed;

(d) indicate the areas to be landscaped and the location and type of shrubs, trees and other treatment proposed;

(e) indicate site contours and details of any proposed alteration to the natural contour of the area;

(f) indicate car parking areas, their layout and accessways, dimensions and the position of existing and proposed crossovers;

(g) indicate site dimensions in metric scale.

SCHEDULE No. 9

SHIRE OF MINGENEW

TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT No. ..... STREET .....

PROPOSAL .....

.....

.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before

the day of 19

....
SHIRE CLERK DATE

SCHEDULE No. 10

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF MINGENEW

DECISION ON APPLICATION FOR PLANNING CONSENT

The Council having considered the application

Dated .....

Submitted By .....

On Behalf Of .....

.....

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT
—TO DISPLAY AN ADVERTISEMENT

subject to the conditions/for the following reasons:

SHIRE CLERK .....

DATE .....

Note:

1. Any Council decision to grant approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated on the decision.
2. Aboriginal sites are covered by the provisions of the Aboriginal Heritage Act 1972-80 regardless if they are known to the Department of Aboriginal Sites (DAS) or not. Under the Act it is an offence to alter an Aboriginal site without the written permission of the Minister of Aboriginal Affairs. It is the responsibility of the owner/developer to ensure that the provisions of the Act are complied with by contacting the Department of Aboriginal Sites, Western Australian Museum, prior to the commencement of any development.

ADOPTION

Adopted by Resolution of the Council of the Shire of Mingenew at the meeting of the Council held on the seventeenth day of February 1993.

T. WARD, President.

Dated 19 February 1993.

L. LOOKE, Shire Clerk.

Dated 19 February 1993.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Mingenew at the ordinary meeting of the Council held on the eighteenth day of May 1994 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

T. WARD, President.
M. BATTILANA, Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the State Planning Commission.

M. R. ALLEN, for Chairman, State Planning Commission.

Dated 4 August 1994.

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3. Final approval granted.

RICHARD LEWIS, Hon. Minister for Planning.

Dated 9 August 1994.

POLICE

PE401

ROAD TRAFFIC ACT 1974

I, Angelo Neville Scaini, A/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 Road Cycle Race by members/entrants of the West Coast Veterans Bicycle Club on 2 October 1994 between the hours of 0800 and 1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Wanneroo Road (Corner of Burns Beach Road) North to Guilderton Turn-off.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 1 October 1994 between the hours of 0800 and 1030 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Newstead Road, Bagg Street, Honner Street, Jones Street, Kojonup.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 2 October 1994 between the hours of 0930 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Yougenup Road, Aylmore Street, McDonald Street, Searle Street, Yougenup Road, Gnowangerup.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 2 October 1994 between the hours of 1130 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Bluff Knoll Road turn off to carpark and stage finish.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 2 October 1994 between the hours of 1315 to 1330 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Bluff Knoll carpark to Bluff Knoll Road turnoff.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 3 October 1994 between the hours of 1030 and 1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Gathorne Street, Gordon Street, Clive Street, Grantham Street, Cranbrook.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 1 October 1994 between the hours of 1230 and 1500 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Ivy Street, India Street, Janus Street, Jasper Street, Broomehill.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Central Great Southern Enterprise Agency on 3 October 1994 between the hours of 0900 and 1130 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Norrish Street, Owen Street, Taylor Street, North Terrace, Norrish Street, Tambellup.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of September 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 Cycle Multi-sport relay by members/entrants of Spokes Cycle Race on 2 October 1994 between the hours of 1400 and 1530 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Goulds Road, Rudds Gully Road, Brand Highway south for 5 km then turnaround to travel North, Greenough River Road, Greenough.

All participants to wear approved head protection at all times.

Dated at Perth this 7th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE403

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 Ross Squire Grt. Southern Cycle Race on 1 October 1994 between the hours of 1130 and 1230 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Clive Street, Beaufort Street, Clive Street, Albion Street, Beaufort Street, Clive Street, Katanning.

All participants to wear approved head protection at all times.

Dated at Perth this 7th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE404

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 Fun Run by members/entrants of the The Foothills Rotary Club on 6 November 1994 between the hours of 0800 and 1030 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Ridgehill Road, Zig-Zag Scenic Drive, Lascalles Parade, Williams Street, Railway Road, Lindsay Street, Stirk Park, Kalamunda.

Dated at Perth this 5th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE405

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 Esperance Triathlon Club on 23rd October, 6th and 11th November 1994 between the hours of 0900 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Black Street, Harbour Road, Esplanade, Norseman Road, Harbour Road, Black Street, Esperance.

Dated at Perth this 5th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE406

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 Fun-Run by members/entrants of the Canning Get Around Committee on 6th November 1994 between the hours of 0820 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to The Esplanade, Deep Water Point to Mt. Henry Bridge, North on Freeway Dual-use path and return to Deep Water Point.

Dated at Perth this 7th day of September 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 Community Fun-Run by members/entrants of the Roleystone Schools P & C on 6th November 1994 between the hours of 0800 and 0900 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Jarrah Road, Tyers Road, George Street, Raeburn Road, Roleystone.

Dated at Perth this 7th day of September 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 Fun-Run by members/entrants of the Rotary Club of Perth on 9th October 1994 between the hours of 0700 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Fremantle to Perth via Victoria Quay, Riverside Road, Blackwall Reach Parade, Burke Drive, Melville Beach Road, Canning Beach Road, Kwinana Freeway Dual-Use Path, Riverside Drive, Victoria Avenue, Terrace Road, Perth, Using Dual-Use paths where possible.

Dated at Perth this 7th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE407

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 Duathlon by members/entrants of the W.A. Triathlon on 2 October 1994 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Swan Brewery, Baile Road, Bannister Road, Canning Vale.

Dated at Perth this 7th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE408

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 Fun-Run by members/entrants of the Activ Foundation on 11 September 1994 between the hours of 0830 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to Foreshore Road, Stirling Terrace, York Street, Lockyer Avenue, Ulster Road, Troode Street, Golflinks Road, Emu Point Beach, Albany.

Dated at Perth this 5th day of September 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

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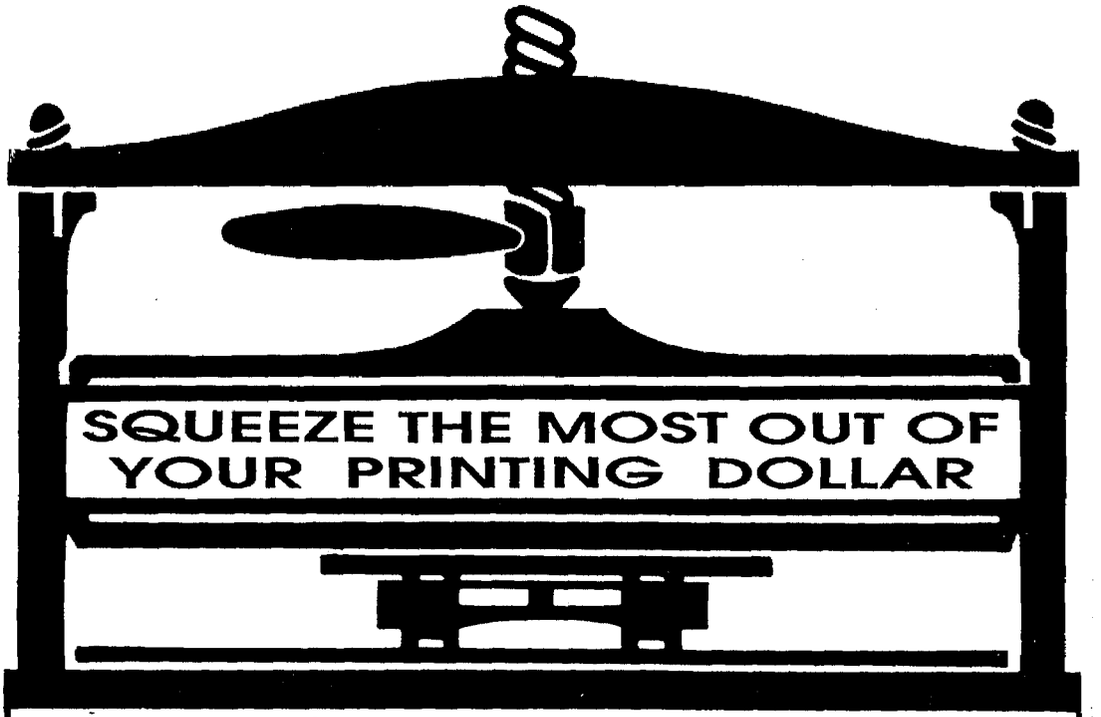

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