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JOHN A. STRIJK,
Government Printer.

ENERGY

EC301*

GAS CORPORATION ACT 1994

GAS TRANSMISSION (EXEMPTED CONTRACT) ORDER 1998

Made by the Minister under clause 6 (1) of Schedule 5.

Citation

1. This order may be cited as the *Gas Transmission (Exempted Contract) Order 1998*.

Commencement

2. This order comes into operation on the day on which it is published in the *Government Gazette*.

Schedule 5 does not apply to amended Alcoa contract

3. Schedule 5 to the *Gas Corporation Act 1994* does not apply to the contract described in the Table to this clause.

Table

The contract between the corporation and Alcoa of Australia Limited (ACN 004 879 298) ("Alcoa") resulting from the contract dated 7 February 1983 between the body then known as The State Energy Commission of Western Australia and Alcoa and amendments made by—

- a Memorandum of Agreement on Capital Cost dated 3 March 1988;
- a Revised Index Deed dated 2 June 1987;
- a Deed of Amendment dated 29 September 1988;
- a Deed of Amendment No. 2 dated 26 July 1991;
- a Deed of Compromise and Settlement dated 26 July 1991;
- a Supplemental Deed dated 24 October 1991;
- a Letter Agreement dated 29 June 1993;
- a Letter Agreement dated 16 December 1993;
- a Letter Agreement dated 31 March 1994;
- a Letter Agreement dated 10 May 1994;
- a Letter Agreement dated 10 June 1994;
- a Letter Agreement dated 28 July 1994;
- a Letter Agreement dated 18 August 1994;
- a Letter Agreement dated 22 September 1994;
- a Letter Agreement dated 25 October 1994;
- a Letter Agreement dated 21 November 1994;
- the Alcoa Sale Gas Cessation Deed dated 23 December 1994; and
- a Deed of Amendment No. 3 dated 30 December 1997 made between the corporation and Alcoa.

C. J. BARNETT, Minister for Energy.

FISHERIES

FI101*PRINTERS CORRECTION*

FISH RESOURCES MANAGEMENT ACT 1994

FISH RESOURCES MANAGEMENT REGULATIONS (No. 8) 1997

An error occurred in the notice published under the above heading on page 25 of *Government Gazette* No. 2 dated 2 January 1998 and is corrected as follows.

At page 28 delete the line:

“ 12.50129` A”.

and insert:

“ 12.50129` ”.

FI401**FISH RESOURCES MANAGEMENT ACT 1994**

ABALONE MANAGEMENT PLAN 1992

Clause 16—Notice of Prohibition of Fishing

FD [289/71]

The Prohibition

1. In accordance with clause 16 of the Abalone Management Plan 1992, I hereby prohibit all persons who are nominated divers from fishing for abalone in all WA Waters between Cape Bouvard and Cape Leeuwin from the date of commencement of this notice until 30 September 1998.

Commencement

2. This notice shall take effect on publication of the *Gazette*.

7 January 1998.

JOHN NICHOLLS, Executive Director.

HEALTH**HE401*****POISONS ACT 1964**

POISONS (AUTHORIZED POSSESSION OF SUBSTANCES) ORDER (NO.5) 1997

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Order (No.5) 1997*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Interpretation

3. In this order—

“specified place” means the premises occupied by the SEE Corporation at Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley;

“specified substance” means the amount of the substance included in Schedule 9 to the Act, possession of which is authorized under clause 4.

Possession of certain substance authorized

4. Subject to clause 5, the people listed in the table to this clause are authorized to together possess at the specified place, for research purposes, not more than 100g of heroin.

Table

Steve Keesing, Group Intelligence Officer, SEE Corporation, Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley.

David Ellement, Research Scientist, SEE Corporation, Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley.

Alan Taylor, Aviation Technical Manager, SEE Corporation, Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley.

Ron Fisher, Laboratory Supervisor, SEE Corporation, Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley.

Dr John Flexman, Research Assistant, SEE Corporation, Suite 2, Enterprise Unit 3, De-Laeter Way Technology Park, Bentley.

Conditions of authorized possession

5. The possession authorized under clause 4 is subject to the conditions that—

- (a) the specified substance, when not required for the purposes referred to in clause 4, is stored at the specified place in a secure manner, as directed by the Commissioner of Health;
- (b) written records relating to the specified substance are maintained by the people listed in the table to clause 4 at the specified place, as directed by the Commissioner; and
- (c) if requested by the Commissioner, any oral information or written report relating to the specified substance is given by the people listed in the table to clause 4 to the Commissioner.

Expiry

6. This order expires on 1 January 1999.

By Command of the Lieutenant-Governor and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.

HE402***POISONS ACT 1964**

POISONS ACT (SECTION 52A) NOTICE 1997

Made by the Minister under section 52A.

Citation

1. This notice may be cited as the *Poisons Act (Section 52A) Notice 1997*.

Authorized officers

2. The persons specified in the table to this notice are declared to be authorized officers for the purposes of the Act.

Table

Ross Atkinson, Pharmaceutical Services, Health Department of Western Australia;
 Gregory Bell, Pharmaceutical Services, Health Department of Western Australia;
 Lesley Fry, Pharmaceutical Services, Health Department of Western Australia;
 Robert Moyle, Pharmaceutical Services, Health Department of Western Australia;
 Murray Patterson, Pharmaceutical Services, Health Department of Western Australia;
 and

Lisa Stewart, Chemical Services, Agriculture Western Australia.

Dated this 23rd day of December 1997.

KEVIN PRINCE LL B MLA, Minister for Health.

HE403***HOSPITALS & HEALTH SERVICES ACT 1927**

HOSPITAL AND HEALTH SERVICES (APPOINTMENT OF MEMBERS) (No. 27) NOTICE 1997

Made by His Excellency the Governor under section 15 of the Act.

1. Citation

This notice may be cited as the *Hospital and Health Services (Appointment of Members) (No. 27) Notice 1997*.

2. Appointments of Members

The board of a public hospital or health service the name of which is specified in the 'Hospital / Health Service' Column of the Schedule is to include the persons whose names are specified in the 'Nominees' Column opposite and corresponding to the name of the hospital in the Schedule each of whom is appointed to hold office as member for the period ending at the close of business on the date specified opposite and corresponding to his or her name in the 'Expiry Date' Column of the Schedule.

HOSPITAL/HEALTH SERVICE BOARD	NOMINEES	OCCUPATION	Expiry Date
Ashburton Health Service Board	Ivan DAVIE	Police Sergeant	30/9/00
	Keith CAMPBELL	Shire Councillor	30/9/00
	Gregory EMMS	Specialist Analyst, Hamersley Iron	30/9/00
Mullewa Health Services Board	Julie FREEMAN	High School Administrator	30/9/00
	Grant ASTBURY	Shire Carpenter and Joiner	30/9/00
	Jillianne FREEMAN	Home Duties	30/9/00
	Marlene STEWART	High Sch Coord Aboriginal Studies	30/9/98
Pemberton District Hospital Board	Joan FOX	Retired District Nurse	30/9/00
	Pamela MAJOR	Retired Teacher	30/9/00
	Michael BENDOTTI	Farmer, Manager, Director	30/9/00
	Sharon McBRIDE	Mother; Contractor, Public Health	30/9/98
Tambellup Hospital Board	Martin SADLER	Farm Manager	30/9/00
	Hazel WILLIAMS	Education Worker	30/9/00
	Joan OLDEN	Farmer and Mother	30/9/00
Warren District Hospital Board	Tracey EAST	Grower/Intl Exporter of vegetables	30/9/00
	Norman EATON	Branch Manager	30/9/00
Yalgoo Nursing Post Board	Phillip Leslie HEATH	Sheep Station Manager	30/9/00
	Lorna MORRISSEY	Home Tutor, tourist coordinator	30/9/00

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE404***HOSPITALS & HEALTH SERVICES ACT 1927****JERRAMUNGUP HOSPITAL BOARD**

HOSPITALS & HEALTH SERVICE (APPOINTMENT OF MEMBERS) NOTICE (No. 29) 1997

Made by the Governor under section 15 of the Act.

1. CitationThis instrument may be cited as the Jerramungup Hospital Board *Hospitals and Health Service (Appointment of Members) (No. 29) Notice 1997*.**2. Appointment of Member**

Mrs Vicki Elizabeth Edwards is appointed to the Jerramungup Hospital Board for the period ending 30 September 1998 to fill the vacancy created by the resignation of Mrs Michele Williams.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE405***NURSES ACT 1992**

NURSES BOARD OF WESTERN AUSTRALIA (APPOINTMENT OF MEMBERS)

(NO. 4) NOTICE 1997

Made by the Minister for Health under section 6(1)h of the Act.

1. CitationThis instrument may be cited as the *Nurses Board of Western Australia (Appointment of Members) Notice (No. 4) 1997*.**2. Appointments of Members**

Appoint Professor Linda Kristjanson for the period ending 28 October 2000.

Dated 25th November 1997.

KEVIN PRINCE, Minister for Health.

HE406***OPTOMETRISTS ACT 1940**

OPTOMETRISTS REGISTRATION BOARD (APPOINTMENT OF MEMBERS)

NOTICE (NO. 2) 1997

Made by the Lieutenant-Governor and deputy of the Governor under section 5(3) of the Act.

1. CitationThis instrument may be cited as the *Optometrists Registration Board (Appointment of Members) Notice (No. 2) 1997*.**2. Appointments of Members**

The following members are appointed to the Optometrists Registration Board for the periods ending as shown—

Section	Member	Deputy	Nominated by	Expiry Date
5(3)(b)	Mr Luke CAHILL	No deputy	Optometrists Registration Board	30/11/00
5(3)(b)	Mr Garry FITZPATRICK	No deputy	Optometrists Registration Board	30/11/00
5(3)(b)	Mr Paul LEVI	No deputy	Optometrists Registration Board	30/11/00
5(3)(c)	Dr Nicholas WARRINGTON	Dr Ronald BURMAN	Physics Dept, Science Faculty, University of Western Australia	30/11/00
5(3)(d)	Dr Douglas Blair STARLING	No deputy	Australian Medical Association	30/11/99
5(3)(a)	Ms Ailsa SMITH	No deputy	Minister for Health, recommended by the Australian Optometrical Association	30/11/98

By Lieutenant-Governor and deputy of the Governor's Command,

ROD SPENCER, Clerk of the Executive Council.

HE407***MENTAL HEALTH ACT 1996**

MENTAL HEALTH REVIEW BOARD (APPOINTMENT OF MEMBERS) NOTICE 1997

Made by the Governor under section 126(2) of the Act.

1. Citation

This notice may be cited as *Mental Health Review Board (Appointment of Members) Notice 1997*.

2. Appointments of Members

The following members are appointed to the Mental Health Review Board for the periods ending as shown—

Name	Occupation	Expiry Date
Dr John Charles Edward POUGHIER	psychiatrist	12/11/00
Dr Prudence Mary STONE	psychiatrist	12/11/99
Dr John McAlpine PENMAN	psychiatrist	12/11/99
Dr Martin Kirby SAWDAY	psychiatrist	12/11/98
Mr Fredrick John CASSON	community member	12/11/99
Ms Kerri BOASE-JELINEK	community member	12/11/98

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE408***HOSPITALS & HEALTH SERVICES ACT 1927**

BRIDGETOWN DISTRICT HOSPITAL BOARD

HOSPITALS & HEALTH SERVICE (APPOINTMENT OF MEMBERS) NOTICE (No. 30) 1997

Appointed by the Governor under section 15 of the Act.

1. Citation

This Notice may be cited as the Bridgetown District Hospital Board *Hospitals and Health Service (Appointment of Members) (No. 30) Notice 1997*.

2. Appointments of Members

The following persons are appointed to the Bridgetown District Hospital Board for the period ending 30 September 2000—

Member	Occupation
Mr Robert James DALTON	Manager, Commonwealth Bank
Mrs Audrey Ann TUSTIAN	Retired Registered Nurse

Dated 25th November 1997.

KEVIN PRINCE, Minister for Health.

HERITAGE COUNCIL

HR401***HERITAGE OF WESTERN AUSTRALIA ACT 1990**

NOTICE OF ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Notice is hereby given in accordance with Section 51(2) of the Heritage of Western Australia Act 1990 that, pursuant to directions from the Minister for Heritage, the places described in Schedule 1 have been entered in the Register of Heritage Places on a permanent basis with effect from today.

Schedule 1

Name	Location	Description of Place
Guildford Primary School	Cnr Helena and Johnson Streets, Guildford	Guildford Lots E, 222, 223 and 225, being Crown Reserve 7400 and being the whole of the land comprised in Crown Land Record Volume 3041 Folio 210.

Schedule 1—*continued*

Name	Location	Description of Place
Katanning Post Office	Cnr Clive & Richardson Streets, Katanning	Lot 2 on Diagram 73134, being the whole of the land comprised in Certificate of Title Volume 1796 Folio 212.
Belvedere	12 Rosendo Street, Cottesloe	Lots 25 on Diagram 58320 being the whole of the land comprised in Certificate of Title 1559 Folio 637, and Lot 26 on Diagram 58320, being the whole of the land comprised in Certificate of Title Volume 1559 Folio 638.

Pursuant to directions from the Minister for Heritage, notice is hereby given in accordance with Section 49(1) of the Heritage of Western Australia Act 1990 that it is proposed that the places described in Schedule 2 be entered in the Register of Heritage Places. The Heritage Council invites submissions on the proposal; submissions must be in writing and should be forwarded to the following address not later than 20th February 1998.

The Director, Office of the Heritage Council
108 Adelaide Terrace, East Perth WA 6004

The places will be entered in the Register on an interim basis with effect from today.

Schedule 2

Name	Location	Description of Place
Broome Bowling Club	Cnr Louis & Herbert Streets, Broome	Broome Lots 541, 542 and 1223, being Crown Reserve 32655 and being the whole of the land comprised in Crown Land Record Volume 3002 Folio 273.
House, 25 Meadow Street, Guildford	25 Meadow Street, Guildford	Portion of Guildford Town Lot 56, being part of the land on Plan 431 and being the whole of the land comprised in Certificate of Title Volume 1200 Folio 651.
Beagle Bay Mission Church	Beagle Bay, Dampier Peninsula	That part of Lot 1 on Plan 12362, being part of the land comprised in Certificate of Title Volume 1635 Folio 756 as is defined in HCWA survey drawing No. 3630 prepared by Landinfo Pty Ltd.
Old Halls Creek Post Office Ruins	Connor Street, Old Halls Creek Townsite	Halls Creek Lots 38 and 39, being the whole of the land comprised in Certificate of Title Volume 1199 Folio 750.
Victoria Hall	179 High Street, Fremantle	Lot 1 on Plan 1471, being the whole of the land comprised in Certificate of Title Volume 2091 Folio 973.
Newspaper House Group & Perth Technical College	123-137 St Georges Terrace, Perth	That part of Lot 13 on Diagram 77245, being part of the land comprised in Certificate of Title Volume 1863 Folio 207 as is defined in HCWA survey drawing No 2112 prepared by Steffanoni Ewing & Cruickshank Pty. Ltd.
Thomas Little Memorial Hall	Ferguson Road, Dardanup	That part of Lot 2 on Plan 17554, being part of the land comprised in Certificate of Title Volume 1907 Folio 679 as is defined in HCWA survey drawing No 3011 prepared by Steffanoni Ewing & Cruickshank Pty Ltd.
Subiaco Theatre Centre	Hamersley Road, Subiaco	Perth Sub Lots 235, 236, 496 and 636, being Crown Reserve 5183 and being the whole of the land comprised in Crown Land Record Volume 3060 Folio 347.
Wyening Mission Group (fmr)	Behanging Road, Wyening (approx 14 km north of Bolgart)	Those portions of; Lot M660 on Plan 3055 and Lot M664 on Plan 3056, being part of the land comprised in Certificate of Title Volume 847 Folio 43, Avon Location 233, being part of the land comprised in Certificate of Title Volume 258 Folio 188, Avon Location 2050, being part of the land comprised in Certificate of Title Volume 74 Folio 200, Avon Location 757, being part of the land comprised in Certificate of Title Volume 8 Folio 151, as are defined in HCWA survey drawings No 2968A & B prepared by Steffanoni Ewing & Cruickshank Pty Ltd.

Schedule 2—*continued*

Name	Location	Description of Place
St Charles' Seminary	Meadow Street, Guildford	That part of Lot 28 on plan 2315, as is contained in Certificate of Title Volume 1151 Folio 900, being part of the land comprised therein. Lots 25 and 26 on plan 2315, being part of the land comprised in Certificate of Title Volume 1081 Folio 929.

NOTICE OF ADVICE REGARDING REGISTRATION OF CROWN PROPERTY

In accordance with the requirements of Section 47 (5) of the Heritage of Western Australia Act, the Heritage Council hereby gives notice that it has advised the Minister for Heritage that the places listed in Schedule 3 should be entered in the Register of Heritage Places on an interim basis. The Heritage Council hereby gives notice of the interim registration and invites submissions on the matter; submissions must be in writing and should be forwarded to the following address not later than 20th February 1998.

The Director, Office of the Heritage Council
108 Adelaide Terrace East Perth WA 6004

The places listed in Schedule 3 are vested in the Crown, or in a person on behalf of the Crown, in right of the State.

Schedule 3

Name	Location	Description of Place
Mogumber Mission (fmr) & Cemetery	Mogumber Road West, Mogumber	Swan Location 3023, being Crown Reserve 17702 and being the whole of the land comprised in Crown Land Record Volume 3044 Folio 474; and Swan Location 11373, being part of Crown Reserve 16833 and being part of the land comprised in Crown Land Record Volume 3101 Folio 253.
Osborne Primary School	155 Albert Street, Osborne Park	Swan Location 5615, being Crown Reserve 8816 and being the whole of the land comprised in Crown Land Record Volume 3044 Folio 988.
Victoria Park Police Station	Albany Highway, Victoria Park	That part of Swan Location 5580, being part of the land comprised in Crown Land Record Volume 3044 Folio 973 as is defined in HCWA survey drawing No. 2219 prepared by Allistair Millar, consulting surveyor.
Original Railway Station (1878-93), Geraldton	Marine Terrace, Geraldton	Geraldton Lot 2842, being Crown Reserve 38455 and being the whole of the land comprised in Crown Land Record Volume 3039 Folio 312.
Geraldton Residency	Cnr Marine Terrace and Cunningham Street, Geraldton	Geraldton Lots 85, 86 and 93, being Crown Reserve 18800 and being the whole of the land comprised in Crown Land Record Volume 3037 Folio 300.

Dated this 9th day of January 1998.

STEPHEN CARRICK, Acting Director,
Office of the Heritage Council.

INDUSTRIAL RELATIONS

IR301

LONG SERVICE LEAVE ACT 1958

LONG SERVICE LEAVE REGULATIONS 1997

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Long Service Leave Regulations 1997*.

Commencement

2. These regulations come into operation on the 21st day after the day on which they are published in the *Gazette*.

Prescribed rate for cash value of board and lodging

3. (1) For the purpose of section 4 (2) (d) of the Act, the prescribed rate for the cash value of board provided for an employee is \$77.21 per week or, if full board is not provided, an amount calculated on a pro rata basis.

(2) For the purpose of section 4 (2) (d) of the Act, the prescribed rate for the cash value of lodging provided for an employee is \$19.30 per week or, if full lodging is not provided, an amount calculated on a pro rata basis.

(3) For the purpose of section 4 (2) (d) of the Act, where both board and lodging are provided for an employee the prescribed rate for the cash value of the board and lodging is the sum of the amounts provided in or calculated under subregulations (1) and (2).

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

JUSTICE**JM301**

FAMILY COURT (ORDERS OF REGISTRARS) ACT 1997
FAMILY COURT (ORDERS OF REGISTRARS) ORDER 1997

Made by the Attorney General.

Citation

1. This order may be cited as the *Family Court (Orders of Registrars) Order 1997*.

Declaration of corresponding law

2. The *Family Court of Western Australia (Orders of Registrars) Act 1997* of the Commonwealth is declared to be a corresponding law for the purposes of the *Family Court (Orders of Registrars) Act 1997*.

PETER FOSS, Attorney General.

LAND ADMINISTRATION**LA101****CORRECTION*

DOLA File No. 2131/1996

In the resumption notice appearing on pages 5518 and 5519 of the *Government Gazette* dated 3 October 1997 and under the respective headings 'Owner or Reputed Owner', and 'Description of Land' for item 2 in the schedule (page 5519), please delete the existing 'Owner...' and 'Description...' stated (second land description), i.e. "Crown" and "Portion of unnumbered railway reserve" and substitute the following—

"Edward the Seventh" and "Portion of Kojonup Location 3 on Plan 2952 (sheet 4) being part of the land contained in Certificate of Title Volume 425 Folio 163".

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

LA102**CORRECTION*

MRWA File No. 42-614-5

DOLA File No. 2324/1996

In the resumption notice appearing on pages 3627 and 3628 of the *Government Gazette* dated 11 July 1997 and under the heading 'Area' for item 'Plan MR No. 96-35, 96-36, 96-42, 96-43, 96-44, 96-45 and 96-46' in the schedule (page 3628), please delete the area stated and substitute "6.0574 ha".

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

LA103**CORRECTION*

MRWA File No. 42-33-I & 42-33-H

DOLA File No. 547/1995

In the resumption notice appearing on page 6593 of the *Government Gazette* dated 21 November 1997 and under the heading 'Area' for item 'Plan MR No. 95-141', please delete the area stated (597m²) and substitute "557m²".

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

LA104*CORRECTION*

DOLA File No. 2602/1997

In the Notice of Intention to Take or Resume land appearing on page 5 of the *Government Gazette* published on 2 January 1998 the name "Marie-Louise Michelides" should read "Marie-Louise Michelides Leroy".

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

LA401**TRANSFER OF LAND ACT 1893**

APPLICATION G577644

Take notice that the Commissioner of Main Roads of Waterloo Crescent, East Perth has made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land situated at Middle Swan being Portion of Swan Location 12 and being the land described in Memorial Book 28 Number 460.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 2nd February 1998 a caveat forbidding the land being brought under the operation of the Act.

JOHN GLADSTONE, Registrar of Titles.

LB701***LAND ACQUISITION AND PUBLIC WORKS ACT 1902****NATIVE TITLE ACT 1993 (COMMONWEALTH)**

NOTICE OF INTENTION

To Take Land to Grant Estates, Interests and Rights Under Written Law

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act 1902* and section 29 of the *Native Title Act 1993 (Cth)* that it is intended to compulsorily to take under section 17(1) of the *Land Acquisition and Public Works Act 1902* the land described in the Schedule ("Description of land affected") to grant estates, interests and rights under written law. The intended action is authorised by an order of the Governor under section 33C of the *Land Acquisition and Public Works Act 1902*.

SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
Ashburton (Shire)	1. Portions of Gregory Location 77 and Windell Location 106—Pastoral Lease 3114/1166 (Crown Lease 16/1983) Rocklea Station (about 22074 hectares). 2. Windell Location 96—Pastoral Lease 3114/1191 (Crown Lease 223/1984) Juna Downs Station (about 5376 hectares).	1. Crown—Rocklea Station Pty Ltd as lessee. 2. Crown—Juna Station Pty Ltd as lessee 3. Bunjima, Niapaili and Innawonga people (WC96/61).	Grant of leases in perpetuity to the Gumala Aboriginal Corporation for the benefit of Aboriginal people.	Misc Diagram 704	971899 1274/1997

SCHEDULE—*continued*

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
Broome (Shire)	Portion of Dampier Location 270—Pastoral Lease 3114/499 (Crown Lease 241/1988) Roebuck Plains Station (about 105 hectares).	Crown—Roebuck Plains Holdings Pty Ltd as lessee.	Grant of a special lease for a term up to 21 years (with the right to apply for freehold) for the purpose of "Cattle holding Yard and Sale Yard".	Misc Diagram 714	950259 2755/1990

The plan(s) listed may be inspected at the Department of Land Administration, Midland Square, Midland 6936, telephone (08) 9273 7089.

NATURE OF ACT: The compulsory taking of the land to grant estates, interests and rights under written law for the purpose specified in the Schedule (and ancillary purposes).

COMMENCEMENT OF ACT: The taking of the land is subject to the procedural requirements of Part 2, Division 3, Subdivision B of the *Native Title Act 1993 (Cth)* and Section 17(2) of the *Land Acquisition and Public Works Act 1902*. The taking of the land will proceed if:

- (1) there is no "native title party" (as defined by the *Native Title Act 1993 (Cth)*) in relation to the taking of the land or, if there is a native title party, the taking may validly proceed under the *Native Title Act 1993 (Cth)*; and
- (2) the Minister for Works decides to proceed with the taking upon completion of the procedures provided by section 17(2) of the *Land Acquisition and Public Works Act 1902*.

Native title parties—Any person who is a native title party in relation to the taking of the land or who becomes a native title party within two months of when notice of intention to take the land is given, is entitled to the negotiation and procedural rights provided in Part 2, Division 3, Subdivision B of the *Native Title Act 1993 (Cth)*.

The two months within which persons must become a native title party will close on 16 March 1998.

The expression "native title party" is defined in sections 29, 30 and 253 of the *Native Title Act 1993 (Cth)*. Enquiries regarding becoming a native title party should be directed to the National Native Title Tribunal, 1 Victoria Avenue, Perth or GPO Box 9973, Perth 6001 (telephone (08) 9268 7272).

Other interest holders—Persons having or claiming other interests in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act 1902*, lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland 6936, no later than 16 March 1998. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration telephone (08) 9273 7089 or (08) 9273 7279.

TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE—Following the taking of the land estates or interests to accommodate the use/purpose (as more particularly described in the schedule) will be granted in relation to the land either by public auction, invitation of applications or tenders, private treaty or some other process.

KIND OF DISTURBANCE TO LAND—Disturbance to the land may thereafter be caused by the use and/or construction on the land consistent with the purpose(s) specified in the Schedule by the persons receiving the grants.

Enquiries relating to the proposed taking of the land may be directed to the Native Title Unit, Department of Land Administration, PO Box 2222, Midland 6936 (telephone (08) 9273 7089 or (08) 9273 7279).

Dated this 2nd day of January 1998.

DOUG SHAVE, Minister for Lands.

LB702*

SCHEDULE NO: A62/1997
ExCo. No. : 1406
DOLA File: 70/1997

WATER AGENCIES (POWERS) ACT 1984
LAND ACQUISITION AND PUBLIC WORKS ACT 1902
NOTICE OF RESUMPTION OF LAND

For the purposes of the public work described in the Schedule, the land described in the Schedule ("the resumed land") has been set apart, taken or resumed. A plan and a more particular description of the resumed land may be inspected between 8.00 a.m. and 5.00 p.m. on working days at: Department of Land Administration, Midland Square, Midland.

The resumed land shall, by force of the Land Acquisition and Public Works Act 1902 and Water Agencies (Powers) Act 1984, be vested in Her Majesty for an estate in fee simple (except those lands being under the Land Act or dedicated or reserved for a public purpose, which will be vested in Her Majesty absolutely) for the public work, freed and discharged of all trusts, mortgages, charges, obligations, estates, interest, right-of-way, or other easements whatsoever.

SCHEDULE

1. Public Work: Water Supply

Land District: Wellington

Plan/Diagram No. showing Land resumed: Diagram 93181

DOLA Ref: 2809/1954

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Kimberley Peter Buller	Water Corporation by virtue of Caveat G294252	That part of Wellington Location 3792 now shown as part of Donnybrook Lot 546 on Crown Survey Diagram 93181 being part of the land contained in Certificate of Title Volume 1303 Folio 373.	1260m ²

9 December 1997.

DOUG SHAVE, Minister for Lands.

16 December 1997.

MICHAEL JEFFERY, Governor in Executive Council.

LB703*

SCHEDULE NO: A53/1997
ExCo No. : 1404
DOLA 70/1997

LAND ACQUISITION AND PUBLIC WORKS ACT 1902

NOTICE OF RESUMPTION OF LAND

For the purposes of the public work described in the Schedule, the land described in the Schedule ("the resumed land") has been set apart, taken or resumed. A plan and a more particular description of the resumed land may be inspected between 8.00 a.m. and 5.00 p.m. on working days at: Department of Land Administration, Midland Square, Midland.

The resumed land shall, by force of the Land Acquisition and Public Works Act 1902, be vested in Her Majesty for an estate in fee simple (except those lands being under the Land Act or dedicated or reserved for a public purpose, which will be vested in Her Majesty absolutely) for the public work, freed and discharged of all trusts, mortgages, charges, obligations, estates, interest, right-of-way, or other easements whatsoever.

SCHEDULE

1. Public Work: Creation of public road, Racecourse Road (Road No.19009).

Local Authority: Shire of Laverton

Plan/Diagram No. showing Land resumed: Diagram 89569

Council Resolution Date: 17 December, 1987.

DOLA Ref: 809/1984

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Crown	Crown	Portion of unnumbered Weld Location set aside as Reserve 9507 for the purpose of "Railway Water Supply & Pipeline".	302m ²
Crown	Shire of Laverton as controller	Portion of Weld Location 26 set aside as part of Reserve 6884 for the purpose of "Common".	1.0253ha

2. Public Work: Extension of Eden Road (Road No. 5600).

Local Authority: Shire of Albany

Plan/Diagram No. showing Land resumed: Plan 18677

Council Resolution Date: 19 September, 1995.

DOLA Ref: 1605/1981

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Crown	Crown	Portion of Plantagenet Location 7607 set aside as part of Reserve 13825 for the purpose of "Government Requirements".	2.009ha
Victor Leslie Bail	V L Bail	Portion of Plantagenet Location 2541 being part of the land contained in Certificate of Title Volume 1983 Folio 776.	1165m ²

9 December 1997.

DOUG SHAVE, Minister for Lands.

16 December 1997.

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 (Miscellaneous Provisions) 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 9th day of January 1998.

A. A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG401**BUSH FIRES ACT 1954***Shire of Plantagenet*

It is hereby notified for public information that the following have been appointed Fire Control Officers for the Shire of Plantagenet.

All previous appointments are hereby cancelled.

N. Handasyde	G. Smith	G. Jenkins	S. Grylls
V. Drage	M. McLean	L. Handasyde	B. Bailey
A. Drage	G. DePledge	D. Burcham	J. Wood
G. Roberts	S. Hall	K. Frost	P. Webb
G. Treeby	J. Hood	B. Bell	R. Sounness
N. Hill	M. Wallace	M. Gangell	C. Taylor
B. Sounness	K. Wilson	R. Sounness	K. Stothard
I. Martin	W. Forbes	J. Plowright	M. McLean
P. Wegner	R. O'Connor	J. Moir	T. Allison
M. Drage	N. Shepherd	D. Pennington	D. Townsend
S. Anning	J. Cluett	J. Russell	G. Clarke
B. Cluett	T. Widdison	P. McKenzie	G. Clarke
R. Higgins	S. Cameron	B. Counsel	T. St. Jack
C. Powell	G. Cooper	P. Trent	G. Jones
G. Stothard	S. Beech		

Chief Fire Control Officer—K. M. Forbes

Chief Fire Weather Officer—R. O. Sounness

Deputy Fire Weather Officer—G. Cooper

M. J. SCOTT, Acting Chief Executive Officer.

LG402**BUSH FIRES ACT 1954***Shire of Bridgetown-Greenbushes*

Ranger

It is hereby notified for public information that Reginald Warren Place has been appointed Ranger for the Shire of Bridgetown-Greenbushes effective from 18 December 1997, and is an Authorised Officer to enforce the Bush Fires Act 1954.

I. M. BODILL, Chief Executive Officer.

PLANNING**PD401*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF COCKBURN

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 181

Ref: 853/2/23/19 Pt 181

Notice is hereby given that the local government of the City of Cockburn has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 17, Number 266 Hamilton Road, Spearwood from Rural to Residential R30.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 9 Coleville Crescent, Spearwood and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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.

D. M. GREEN, for Chief Executive Officer.

PD402**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF KALGOORLIE-BOULDER

TOWN PLANNING SCHEME NO 1—AMENDMENT NO 2

Ref: 853/11/3/6 Pt 2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the City of Kalgoorlie-Boulder Town Planning Scheme Amendment on December 31, 1997 for the purpose of:

1. Rezoning portion of Pt Hampton Loc 176, Hampton Loc 4533, 47 & 48, Lots 740 to 743 and 748 to 753 Jordan Street, Lots 744 to 747 and 755 to 766 Longmore Parade and portion of Hampton Loc 97 from Special Residential with a coding of R5 and R2.5 to General Residential with an R12.5 code;
2. Amending the Scheme Text by inserting a new Clause 5.14 relating to Special Provisions as follows:

"5.14 Residential Land Affected by Aircraft Noise

Where it is considered by Council that land within the 'General Residential' zone is adversely affected by aircraft noise, the following provisions shall apply:

(A) Description of Land

Whole or portion of Pt Hampton Loc 176, Hampton Loc 4533, 47 & 48 and portion Hampton Loc 97 and 72

Lots 740 to 743 and 748 to 753 Jordan Street, Lots 744 to 747 and 755 to 766 Longmore Parade

Special Provisions to Refer to (A)

- (1) Noise abatement measures to be undertaken in the development of all residential dwellings to the satisfaction of Council and the Department of Environmental Protection.
- (2) Memorials to be incorporated on all titles advising landowners and successors thereof that the land is affected by aircraft noise.

3. Excluding portion of Hampton Loc 72 from Parks & Recreation Reserve and including it within the General Residential zone with an R12.5 code;
4. Rezoning portion of Loc 4532 from Special Residential to Public Purposes; and
5. Exclude portion of Loc 4533 from Public Purposes and including it within the Extensive Residential zone with an R2.5 code.

R. S. YURYEVICH, Mayor.
P. A. ROB, Chief Executive Officer.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF ALBANY

TOWN PLANNING SCHEME NO 3.2B—AMENDMENT NO 4

Ref: 853/5/4/12 Pt 4

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on December 31, 1997 for the purpose of:

- (1) amending the Scheme Area Map to enable Lot 49 Killini Road to be subdivided into three lots as depicted by the Proposed Scheme Area Map.
- (2) amending Part I of the Scheme Text by including within Clause 1.5 "Interpretations", the following:

Ancillary Accommodation: means self-contained living accommodation on the same site as the residential dwelling which:

- (i) may be attached or detached from the residential dwelling on the lot;
 - (ii) does not exceed 75m² internal floor area and contains only one purpose designed bedroom;
 - (iii) is to accommodate an aged, infirm or dependent relative of the immediate family of the owner of the land.
- (3) amending Table No. 1. of the Scheme to depict "Ancillary Accommodation" as an "A" use.
 - (4) amending Part V—General Provisions of the Scheme Text by:

- (i) deleting provision 5.2 and replacing it with the following provision:

5.2 Upon the coming into force of the Scheme, Council will recommend that the Western Australian Planning Commission ("the Commission") approve proposed subdivision/s within the area of the Scheme provided that the proposed subdivision/s generally accord with the layout shown on the Scheme Area Map.

Notwithstanding this, Council may recommend that the Commission approve subdivision/s proposing minor variations to the Scheme Area Map, but further breakdown of lots will not be supported by Council.

- (ii) deleting provision 5.5 and replacing it with the following provision:

5.5 VEGETATION, REVEGETATION & SITE WORKS

5.5.1 No clearing of vegetation shall occur except for:

- (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
- (b) clearing which may reasonably be required to construct an approved building and curtilage;
- (c) trees that are dead, diseased or dangerous;
- (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;
- (e) clearing required to establish a low fire fuel zone; and
- (f) clearing of invasive flora species.

5.5.2 Council may request the Commission to impose a condition at the time of subdivision for the revegetation of areas shown on the Scheme Area Map. Such revegetation areas shall be appropriately maintained for a minimum of three years.

5.5.3 Council may request the Commission to impose a condition at the time of subdivision for the fencing of remnant vegetation, revegetation and public open space areas.

- 5.5.4 Additional tree planting may be required as a condition of development approval.
- 5.5.5 Further to provision 5.3, site works such as site drainage, filling, excavation and/or the construction of retaining walls shall require Planning Scheme Consent.
- (iii) deleting provision 5.9 and replacing it with the following provision:
- 5.9 BUILDING DESIGN, MATERIALS & COLOUR
- 5.9.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.
- 5.9.2 Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from Coombes and Hortin Roads and within the subdivision.
- 5.9.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.
- 5.9.4 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.
- (iv) incorporating a new provision to facilitate bushfire management in the following manner:
- 5.17 BUSHFIRE MANAGEMENT & CONTROL
- 5.17.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of the strategic firebreaks as shown on the Scheme Area Map.
- 5.17.2 The strategic firebreaks shall be constructed to a standard suitable for all year access by heavy duty fire appliances and two-wheel drive vehicles.
- 5.17.3 Where a lot is traversed by a strategic firebreak as shown on the Scheme Area Map, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and the Bush Fires Board.
- 5.17.4 All reasonable attempt shall be made to ensure that, where lot configuration permits, all buildings shall be sited to allow the establishment of a low fuel buffer not less than 20m wide around all buildings which does not encroach on revegetation areas. This low fuel buffer shall be established and maintained by the landowner to Council's satisfaction.
- 5.17.5 In cases where only part of the zone is developed, an interim firebreak system or strategic firebreak system shall be prepared and put in place, to the satisfaction of Council and the Bush Fires Board.
- 5.17.6 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the provision of fire fighting facilities in accordance with the Shire of Albany Strategic Bush Fire Plan 1995-2000 and Council's adopted policy.
- 5.17.7 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959—'Construction of Buildings in Bushfire Prone Areas'.
- (v) incorporating a new provision to facilitate the creation and construction of reciprocal access in the following manner:
- 5.18 RECIPROCAL ACCESS
- Council may request the Commission to impose a condition at the time of subdivision for the creation and construction of reciprocal access over adjoining battleaxe lot access legs where appropriate.
- (vi) adding a paragraph to the end of existing provision 5.7 to enable Council to request contributions toward the upgrading of existing roads, as follows:
- Council may request the Commission to impose a condition at the time of subdivision for a contribution toward the upgrading of roads utilised for access to proposed lots.

K. G. BEECK, President.

R. GERAGHTY, Chief Executive Officer.

PD404*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF BROOME
TOWN PLANNING SCHEME NO 2—AMENDMENT NO 141

Ref: 853/7/2/3 Pt 141

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

1. rezoning/recoding all land currently coded "Residential" R10/20 and situated within the "Old Broome" area bounded by Frederick Street, Herbert Street and Roebuck Bay from "Residential" R10/20 to "Residential" R10; and
2. reclassifying Lot 3, No 108 Robinson Street from "Local Reserve-Other Reserve" to "Residential" R10; and
3. reclassifying Lot 850, No 127 Robinson Street from "Local Reserve-Parks and Recreation" to "Residential" R10.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Weld and Barker Streets, Broome and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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

G. POWELL, Chief Executive Officer.

PD405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF CARNARVON
TOWN PLANNING SCHEME NO 10—AMENDMENT NO 34

Ref: 853/10/2/12 Pt 34

Notice is hereby given that the local government of the Shire of Carnarvon has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Lot 63 Robinson Street, Carnarvon, from "Special Rural" to "Tourist Accommodation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Francis Street, Carnarvon and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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

B. G. WALKER, Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF CHITTERING
TOWN PLANNING SCHEME NO 5—AMENDMENT NO 65

Ref: 853/3/4/5 Pt 65

Notice is hereby given that the local government of the Shire of Chittering has prepared the abovementioned scheme amendment for the purpose of adding to Schedule 2—Rural 1 Zone: Landscape Protection provisions for the use of Pt Lot 11 Wandena Road, Muchea, to include a Waste Material Composting Facility.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway, Bindoon and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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.

D. R. STEWART, A/Chief Executive Officer.

PD407*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF DENMARK

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 36

Ref: 853/5/7/3 Pt 36

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

1. Rezoning portion of Lot 1 Pt Location 2015 Harington Break from Special Rural and Parks and Recreation to Special Residential and Parks and Recreation.
2. Amending provisions applicable to the Harington Break Special Residential Zone.
3. Deleting the Harington Break Special Rural Zone and associated provisions from Appendix 6—Special Rural Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Strickland Street, Denmark and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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. DURTANOVICH, Chief Executive Officer.

PD408*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF DONNYBROOK-BALINGUP

TOWN PLANNING SCHEME NO 4—AMENDMENT NO 26

Ref: 853/6/4/4 Pt 26

Notice is hereby given that the local government of the Shire of Donnybrook-Balingup has prepared the abovementioned scheme amendment for the purpose of:

1. Deleting existing Clause 6.7.1 (a) and substituting it with a new clause.
2. Inserting a new Clause 6.7.4 to facilitate the development of Holiday Accommodation.
3. Introducing 'Holiday Accommodation' as an 'AA' use in the Rural Residential zone of the Zoning Table.
4. Introducing 'Caretakers Dwelling' as an 'IP' use in the Rural Residential zone of the zoning table.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Bentley Street, Donnybrook and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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. ATTWOOD, Chief Executive Officer.

PD409*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF MUNDARING
TOWN PLANNING SCHEME NO 3—AMENDMENT NO 19

Ref: 853/2/27/3 Pt 19

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

1. Amending clause 4.53(5) to include reference to the GR4 Code with a minimum lot size of 40 hectares.
2. Applying the GR4 code to the existing General Rural zone (uncoded) on Pt Swan Location 1317 Bailup Road, Wooroloo.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7000 Great Eastern Highway, Mundaring and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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.

K. BENTLEY, A/Chief Executive Officer.

PD410*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF MUNDARING
TOWN PLANNING SCHEME NO 3—AMENDMENT NO 20

Ref: 853/2/27/3 Pt 20

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

1. Amending Clause 4.53 (5) to include reference to the GR2 Code with a minimum lot size of 20 hectares.
2. Rezoning locations 1309, 1978 and 2262 Rahnie Road and Allen Road, Wooroloo from General Rural (uncoded) to General Rural 2 (GR2).

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7000 Great Eastern Highway, Mundaring and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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

M. N. WILLIAMS, Chief Executive Officer.

PD411*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENTS AVAILABLE FOR INSPECTION
SHIRE OF MURRAY
TOWN PLANNING SCHEME NO 4—AMENDMENT NOS 108 AND 109

Ref: 853/6/16/7 PTS 108 & 109

Notice is hereby given that the local government of the Shire of Murray has prepared the abovementioned scheme amendments for the purpose of:

AMENDMENT NO 108

1. Rezoning Lot 3 Fiegert Road, Barragup from "Rural" to "Special Rural" and "Public Recreation/Conservation" reserve.
2. Adding to Schedule 4 special provisions relating to the development and use of the land.

AMENDMENT NO 109

1. Rezoning Part Lot 201 Fiegert Road, Barragup from "Rural" to "Special Rural" zone and "Public Recreation/Conservation" reserve.
2. Adding to Schedule 4 special provisions relating to the development and use of the land.

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, Pinjarra Road, Pinjarra and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendments may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

These amendments are available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

D. A. McCLEMENTS, Chief Executive Officer.

PD412***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF ROEBOURNE

TOWN PLANNING SCHEME NO 6—AMENDMENT NO 51

Ref: 853/8/5/4 Pt 51

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

1. Amending schedule 5—"Additional Uses"—of the Scheme Text to permit the additional use of "Caretaker's Dwelling" on Lot 1524 Lambert Road, Karratha.
2. Amending the Scheme Map by adding an asterisk to Lot 1524 Lambert Road.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Welcome Road, Karratha and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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.

T. S. RULAND, Chief Executive Officer.

PD413***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

TOWN OF ALBANY

TOWN PLANNING SCHEME NO 1A—AMENDMENT NO 113

Ref: 853/5/2/15 Pt 113

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

1. Rezoning Lots 95, 94, 142, 143, 81, 80, 4 and 157 from 'Tourist-Residential R30' to 'Tourist-Residential R40/R80'.
2. Inserting new clause in the Town Planning Scheme Text—

"Within the area zoned 'Tourist Residential R40/R80' on the Scheme Map development to the R80 density shall only be permitted for Holiday Accommodation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 221 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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

M. A. JORGENSEN, Chief Executive Officer.

PD414*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
TOWN OF PORT HEDLAND
 TOWN PLANNING SCHEME NO 4—AMENDMENT NO 51

Ref: 853/8/4/5 Pt 51

Notice is hereby given that the local government of the Town of Port Hedland has prepared the abovementioned scheme amendment for the purpose of:

1. Rezoning part VCL Lot 203 off Leehey and Ridley Streets, Boodarie from "Rural" to "Industry 2".
2. Rezoning part of VCL adjoining Lots 5913 and 5834 Moorambine Street from "Port Installation" reserves to "Industry 2".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, McGregor Street, Port Hedland and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 20, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before February 20, 1998.

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. ROBERTS, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF KATANNING
 TOWN PLANNING SCHEME No. 4

Ref: 853/5/10/4.

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 Katanning Town Planning Scheme No. 4 on November 27, 1997—the Scheme Text of which is published as a Schedule annexed hereto.

I. BOLTO, President.
 M. S. ARCHER, Chief Executive Officer.

Schedule

SHIRE OF KATANNING
 Town Planning Scheme No. 4

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

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- 2 Special Use Zones
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PART 1—PRELIMINARY

1.1 **Citation:** This Town Planning Scheme may be cited as the Shire of Katanning Town Planning Scheme No. 4 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 Katanning hereinafter called "the Council".

1.3 **Scheme Area:** The Scheme applies to the whole of the land within the Municipal District of the Shire of Katanning hereinafter called "the Scheme Area".

1.4 **Revocation:** The Shire of Katanning Town Planning Scheme No. 3 published in the *Government Gazette* of 14 October 1988 and all amendments thereto is hereby revoked.

1.5 **Contents of Scheme:** The Scheme comprises:

- a) this Scheme Text
- b) the Scheme Map.

1.6 **Arrangement of Scheme Text:** The Scheme Text is divided into the following parts:

PART 1—PRELIMINARY
 PART 2—RESERVES
 PART 3—ZONES
 PART 4—NON-CONFORMING USES
 PART 5—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
 PART 6—ZONES—OBJECTIVES AND DEVELOPMENT REQUIREMENTS
 PART 7—GENERAL DEVELOPMENT REQUIREMENTS
 PART 8—PLANNING CONSENT
 PART 9—ADMINISTRATION
 SCHEDULES

1.7 **Scheme Objectives:** The objectives of the Scheme are:

- a) to zone the Scheme Area for the purposes described in the Scheme;
- b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- d) to make provisions for industrial development close to the town of Katanning;
- e) the preservation of heritage places;
- f) to make provision for the protection and management of the natural environment within the Scheme Area; and
- g) to make provision for other matters necessary or incidental to Town Planning and housing.

1.8 Interpretations

1.8.1 Except as provided in clauses 1.8.2 and 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.

PART 2—RESERVES

2.1 **Scheme Reserves:** The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE
 RECREATION AND OPEN SPACE
 RAILWAY
 ROAD

2.2 **Matters to be Considered by the Council:** Where an application for planning consent is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

2.3 Compensation

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

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

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

PART 3—ZONES**3.1 Zones**

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

RESIDENTIAL
SPECIAL RESIDENTIAL
TOWN CENTRE
COMMERCIAL
LIGHT INDUSTRIAL
GENERAL INDUSTRIAL
SPECIAL RURAL
RURAL
SPECIAL USE

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 uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

“P” means that the use is permitted by the Scheme.
“AA” means that the use is not permitted unless the Council has granted planning approval.
“SA” means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 8.3.1.

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

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

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

- a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 8.3.1 in considering an application for planning approval.

3.3 **Special Use Zones:** No person shall use any land or any building or structure in a Special Use Zone, except for the purpose specified against the description of such land in Schedule 2 to the Scheme.

TABLE 1—ZONING TABLE

USES	SPECIAL RESIDENTIAL		TOWN CENTRE	COMMERCIAL	LIGHT INDUSTRIAL	GENERAL INDUSTRIAL	SPECIAL RURAL	
	RESIDENTIAL	SPECIAL RESIDENTIAL					RURAL	RURAL
1 aged or dependent persons' dwelling	AA							
2 ancillary accommodation	AA	AA					AA	AA
3 caretaker's dwelling			AA	AA	AA	AA		AA
4 civic building	AA		AA	AA	AA			
5 club premises			AA	AA				AA
6 consulting rooms	SA		P	AA				
7 education establishment	SA		SA	AA				AA
8 feedlot								SA
9 fuel depot					AA	P		
10 grouped dwelling	AA		AA	AA				P
11 home occupation	AA	AA					AA	AA
12 hotel			AA	SA				

TABLE 1—ZONING TABLE—*continued*

USES	RESIDENTIAL	SPECIAL	TOWN CENTRE	COMMERCIAL	LIGHT INDUSTRIAL	GENERAL INDUSTRIAL	SPECIAL RURAL	RURAL
	L	L	E	L	L	L	L	L
13 industry—cottage	SA	AA					AA	AA
14 industry—extractive								AA
15 industry—general						AA		
16 industry—light					P	P		
17 industry—noxious						SA		SA
18 industry—rural						SA		
19 industry—service				AA	P	P		
20 intensive agriculture								AA
21 local shop	SA		P	AA	AA	AA		
22 motel	SA		AA	AA				
23 motor vehicle repair					P	P		
24 office			P	P	AA			
25 piggery								SA
26 plant nursery	SA			SA	P	AA	SA	SA
27 poultry farm								AA
28 public recreation	P	P	P	P	P	P	P	P
29 public utility	AA	AA	AA	AA	AA	AA	AA	AA
30 residential building	AA		AA	AA				SA
31 restaurant			P	AA				AA
32 restricted premises			SA		SA			
33 rural pursuit							SA	P
34 service station			SA	SA	P	AA		SA
35 shop			P	SA				
36 single house	P	P	AA	AA			P	P
37 take-away food outlet			AA	AA				
38 tavern			AA	SA				
39 transport depot					P	P		SA
40 veterinary hospital			SA	AA	P	AA	AA	AA

PART 4—NON-CONFORMING USES

4.1 **Non-conforming use Rights:** No provision of the Scheme shall prevent:

- the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- 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 approval 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 approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

4.4 **Discontinuance of Non-conforming Use**

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

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

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

PART 5—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

5.1 **Purpose and Intent:** The purpose and intent of the heritage provisions are:

- a) to facilitate the conservation of places of heritage value;
- b) to ensure as far as possible that development occurs with due regard to heritage values.

5.2 Heritage List

5.2.1 The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of heritage significance and worthy of conservation.

5.2.2 For the purposes of this part, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990 (as amended)*, or such parts thereof as described in the Heritage List.

5.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

5.3 Designation of Heritage Precincts

5.3.1 The Council may designate an area of land to be a Heritage Precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

5.3.2 The Council shall adopt for each Heritage Precinct a policy statement which shall comprise:

- a) a map showing the boundaries of the precinct;
- b) a list of any buildings, objects, structures or places of heritage significance; and
- c) objectives and guidelines for the conservation of the precinct.

5.3.3 The Council shall keep a copy of the policy statement for any designated Heritage Precinct with the Scheme documents for public inspection during normal office hours.

5.3.4 The procedure to be followed by the Council in designating a Heritage Precinct shall be as follows:

- a) the Council shall notify in writing each owner of land affected by the proposal;
- b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the proposal, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposal;
- c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraphs (a) and (b) above;
- d) the Council shall carry out such other consultations as it thinks fit;
- e) the Council shall consider any submissions made and resolve to designate the Heritage Precinct with or without modification or reject the proposal after consideration of submissions; and
- f) the Council shall forward notice of its decision to the Heritage Council of WA.

5.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in clause 5.3.4.

5.4 Applications for Planning Approval

5.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.

5.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.

5.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

5.5 Formalities of Application

5.5.1 In addition to the application formalities prescribed in clause 5.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application:

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;

- c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- d) any other information which the Council indicates that it considers relevant.

5.6 Variations to Scheme Provisions

5.6.1 Where desirable to facilitate the conservation of a place, area, building, object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the opinion of the Council the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to clause 8.3.3; and
- b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.2 In granting variations under sub-clause 5.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990 (as amended)* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

PART 6—ZONES—OBJECTIVES AND REQUIREMENTS

6.1 Residential Zone

6.1.1 Objectives

- a) to retain the single house as the predominant form of residential development in the town.
- b) to provide for lifestyle choice in and around the town with a range of residential densities.
- c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.
- d) to achieve a high standard of residential development.

6.1.2 Residential Development: Residential Planning Codes

6.1.2.1 For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").

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

6.1.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

6.1.3 *Site Requirements:* In accordance with the R Codes.

6.1.4 *Development Requirements:* In areas shown on the Scheme Map with a density code of R12.5/25, the Council may permit a development density of up to R25 where:

- a) the development would be connected to the reticulated sewerage system; and
- b) the Council after following the advertising procedures in clause 8.3 is satisfied there will not be adverse impacts on local amenities.

6.2 Special Residential Zone

6.2.1 Objectives

- a) to provide for larger residential lots for lifestyle choice.
- b) to allow for the keeping of animals under stipulated conditions.
- c) to achieve a high standard of residential development on lots generally in the range of 2000 square metres to 9999 square metres.

6.2.2 *Site Requirements:* The following minimum building setbacks shall apply:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

6.2.3 Development Requirements

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing and be subject to the provisions of clause 8.2 of the Scheme.
- b) not more than one (1) dwelling per lot shall be erected but the Council may at its discretion, approve ancillary accommodation.
- c) in addition to other provisions of the Scheme that may affect it, any land that is included in a Special Residential zone shall be subject to those provisions as may be specifically set out against it in Schedule 3.
- d) except as may otherwise be provided for in Schedule 3, the minimum lot size should be no less than 2000m² or effective lot frontages not less than 20 metres; and building envelopes shall be confined to a maximum area of 20% of the lot area.

- e) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- f) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- g) keeping of stock is subject to approval of the Council and shall be prohibited on lots of less than 8000 square metres.
- h) any person who keeps stock or who uses any land for the exercise or training of stock shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, and any other practice detrimental to the amenity of a Special Residential zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

6.3 Town Centre Zone

6.3.1 Objectives

- a) to ensure the town centre remains the principal place for business and administration within the District.
- b) to encourage a high standard of development including buildings, landscaping, and car parking.
- c) to ensure adequate provision is made for car parking to service development in the town centre.

6.3.2 Site Requirements: At the discretion of the Council, which may be guided by the following:

- a) lot size and frontage should generally be consistent with existing lots in the vicinity and capable of supporting development which complies with provisions of the Scheme;
- b) setbacks are to comply with the Building Code of Australia, and the Council will encourage building to the front boundary where this will be consistent with existing development on adjoining lots fronting the same street.

6.3.3 Development Requirements

6.3.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

6.3.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:

- a) the colour and texture of external building materials; the Council may require the building facade and side walls to be constructed in masonry;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) function of the building;
- f) relationship to surrounding development; and
- g) other characteristics considered by the Council to be relevant.

6.3.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.

6.3.3.4 The layout of car parking provided in accordance with the provisions of clause 7.1 of the Scheme shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

6.4 Commercial Zone

6.4.1 Objectives

- a) to provide for a range of commercial uses which complement the town centre.
- b) to exclude retail shopping which should be located within the town centre.
- c) to achieve a high standard of development and presentation including buildings, landscaping, and car parking.

6.4.2 Site Requirements

6.4.2.1 At the discretion of the Council which may be guided by the following:

- a) lot size and frontage should generally be consistent with existing lots in the vicinity and capable of supporting development which complies with provisions of the Scheme;
- b) setbacks are to comply with the Building Code of Australia, and the Council will encourage building to the front boundary where this will be consistent with existing development on adjoining lots fronting the same street.

6.4.2.2 Notwithstanding the provisions of sub-clause 6.4.2.1, for a lot in the Commercial zone which abuts a lot in the Residential zone setbacks shall comply with the Residential Planning Code applicable to the abutting lot.

6.4.3 *Development Requirements*

6.4.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenities and will enhance the character of the locality.

6.4.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- a) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of three metres to be constructed in masonry;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) function of the building;
- f) relationship to surrounding development; and
- g) other characteristics considered by the Council to be relevant.

6.4.3.3 Landscaping shall be provided to complement the appearance of the proposed development and the locality.

6.4.3.4 The layout of car parking provided in accordance with the provisions of clause 7.1 of the Scheme shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

6.5 **Light Industrial Zone**

6.5.1 *Objectives*

- a) to encourage appropriate light industrial development with diverse employment opportunities.
- b) to provide for light industry to support development in the district.

6.5.2 *Site Requirements*: The following minimum building setbacks shall apply:

Front: 7.5m
Rear: 7.5m
Side: 5.0m on one side

6.5.3 *Development Requirements*: The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

6.6 **General Industrial Zone**

6.6.1 *Objectives*

- a) to make provision for industries which require larger sites, and by the nature of the industrial activity should be isolated from residential development.
- b) to encourage manufacture using produce from the district.
- c) to provide for employment opportunities for residents of the district.
- d) to take advantage of the attributes of location, availability of services, and transport facilities servicing the district.

6.6.2 *Site Requirements*: The following minimum building setbacks shall apply:

Front: 20.0m
Rear: 20.0m
Side: 15.0m on one side

6.6.3 *Development Requirements*

6.6.3.1 The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

6.6.3.2 Provision shall be made to the satisfaction of the Council for the control of emissions from the site. Without limiting the generality of this sub-clause, this shall include the control of liquid wastes, odour, dust, or smoke. The Council may seek advice from any public authority before determining an application for development on any site.

6.6.4 *Special Requirements for Windee Ridge General Industrial Zone*: The provisions of this sub-clause 6.6.4 shall apply only to Locations 6344, 341, 347, 383, and 4933 Illareen and Bushy Lane Roads, Katanning.

6.6.4.1 Prior to the issue of planning approval for an industry in the General Industrial Zone, the Council will ascertain the appropriate buffer for that industry, and such industry may only be granted consent if the relevant buffer can be accommodated wholly within the zone.

6.6.4.2 Prior to subdivision or development the Council shall require the preparation and adoption of a Development Guide Plan for the land. Without limiting the generality of this sub-clause the Development Guide Plan should show:

- a) graduating buffer distances from the perimeter of the zone;
- b) anticipated major roads;
- c) creek lines, wetlands and associated areas, remnant vegetation and other areas worthy of protection;

- d) the interface between the industrial and other land uses including the provision of landscaping;
- e) the "core" area where the Council shall require significant industries to locate and which is to be sited having regard to the existence of nearby residential properties and prevailing site conditions sufficient to ensure all buffer distances are contained wholly within the General Industrial zone in accordance with sub-clause 6.6.4.1.

6.6.4.3 Following receipt of a Development Guide Plan prepared in accordance with clause 6.6.4.2, the Council shall cause the plan to be advertised in accordance with the Scheme requirements.

6.6.4.4 A proposed Development Guide Plan shall be deemed refused by the Council where a decision on the proposal has not been determined by the Council within three (3) months of the Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

6.6.4.5 Where the Council rejects the Development Guide Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have a right of appeal pursuant to Part V of the Act.

6.6.4.6 Notwithstanding clause 6.6.4.5 the applicant shall prior to exercising any right of appeal pursuant to Part V of the Act, submit the Development Guide Plan and the Council's resolution to the Commission and request the Commission make a determination.

6.6.4.7 All development shall be landscaped at the perimeter of the zone.

6.6.4.8 In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the Council shall refer all significant proposals to the Department of Environmental Protection, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

6.7 Special Rural Zones

6.7.1 Objectives

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

6.7.2 General Provisions

- a) before making provision for a Special Rural Zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land suitability and capability assessment to the satisfaction of both the Council and the Commission.
- b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing, amongst other things:
 - (i) the proposed subdivision including lot sizes and dimensions.
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
- c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
 - (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
 - (ii) proposals for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
 - (iii) any special provisions appropriate to secure the objectives of the zone.
- d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 4 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer.

6.7.3 *Site Requirements:* The following minimum building setbacks shall apply:

Front: 15.0m

Rear: 10.0m

Side: 10.0m

6.7.4 *Development Requirements*

6.7.4.1 Development in a Special Rural Zone shall comply with the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 8.2 of the Scheme.
- b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Special Rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

6.7.4.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) relationship to surrounding development;
- f) provision to be made for bush fire control; and
- g) other characteristics considered by the Council to be relevant.

6.8 **Rural Zone**

6.8.1 *Objectives*

- a) to ensure the continuation of broad-hectare farming as the principal landuse in the district and encouraging where appropriate the retention and expansion of agricultural activities.
- b) to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- c) to allow for facilities for tourists and travellers, and for recreation uses.

6.8.2 *Site Requirements:* The following minimum building setbacks shall apply:

Front: 50.0m

Rear: 15.0m

Side: 15.0m

6.8.3 *Subdivision:* Having regard to the prime agricultural importance of land in the zone the Council will only recommend to the Commission support for further subdivision of existing lots where:

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- b) the lots are for farm build-up purposes;
- c) the lots are for specific uses such as recreation facilities and public utilities; or
- d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.

6.8.4 *Feedlots:* In considering an application for development of a feedlot in the Scheme Area the Council shall have regard to Guidelines for Environmental Protection as set out in the "National Guidelines for Beef Cattle Feedlots in Australia" published by the Standing Committee on Agriculture Report No. 47 and shall determine an application in accordance with the Scheme.

6.9 **Special Use Zones**

6.9.1 *Statement of Intent:* Special Use zones will apply where the Council wants to have specific landuse control and/or development requirements. This may be on land where a mix of landuses is appropriate but which are not readily captured by the terms of a specific zone.

6.9.2 *Development Requirements:* The Council shall determine development requirements and building setbacks which shall be shown in Schedule 2 having regard to the provisions of the Scheme and:

- a) the nature and extent of the proposed development;
- b) the Building Code of Australia;
- c) the nature of existing developments and building setbacks thereto on adjoining lots;
- d) the zoning in the Scheme of adjoining lots; and
- e) orderly and proper planning in the locality, and the maintenance of local amenities.

PART 7—GENERAL DEVELOPMENT REQUIREMENTS**7.1 Car Parking Requirements**

7.1.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 5 unless car parking spaces as specified in Schedule 5 are provided and such spaces are constructed and maintained in accordance with the Scheme.

7.1.2 When considering any application for planning approval, the Council shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces, landscaping, and pedestrian spaces on the lot. In particular, the Council shall take into account and may impose conditions concerning:

- a) the proportion of car spaces to be roofed or covered;
- b) the means of access to each car space and the adequacy of any vehicle manoeuvring area;
- c) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- d) the extent to which car spaces are located within required building setback areas;
- e) the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- f) the suitability and adequacy of proposed screening or landscaping; and
- g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.

7.1.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 5 for the type of parking layout adopted, except that the Council may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.

7.1.4 Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the Council.

7.1.5 Where the Council so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:

- a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the Council, of that area of the land which would have been occupied by the parking spaces.
- b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

7.2 Discretion to Modify Development Standards:

7.2.1 Sub-clause 7.2.2 shall not apply to:

- a) development in respect of which the Residential Planning Codes apply under this Scheme, or
- b) development on land abutting an unconstructed road, or
- c) development on a lot which does not have frontage to a constructed road.

7.2.2 Subject to sub-clause 7.2.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, 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.

7.3 **Development Limited by Liquid Waste Disposal:** Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning approval for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from the development.

7.4 **Supply of Potable Water:** As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council. The Council may consult with Agriculture Western Australia to determine roof catchment area required for an adequate rainwater storage system.

7.5 **Land Liable to Flooding:** Notwithstanding anything elsewhere appearing in the Scheme development of land defined by the Council as being liable to flooding or inundation shall be subject to the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including permitted ("P") uses and such application shall be made in accordance with the provisions of the Scheme.
- b) in determining an application for planning approval the Council shall consult with the Water and Rivers Commission.

- c) development which includes a building or structure shall not be permitted unless in accordance with recommendations of the Water and Rivers Commission.

7.6 Transported Dwellings

7.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transportable dwelling.

7.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

7.7 **Development of Lots Abutting Unconstructed Roads:** Notwithstanding anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the Council may either:

- a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- b) approve the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

7.8 Home Occupation

7.8.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

7.8.2 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may:

- a) revoke the approval; or
- b) require the occupier of the land in respect of which the home occupation approval is issued to implement those measures specified by the Council and which in the opinion of the Council will remove the nuisance or annoyance.

7.9 Use of Setback Areas

7.9.1 No person shall in any zone use the land between a street alignment and the distance that buildings are required to be set back from such street alignment ("setback area") for any purpose other than one or more of the following:

- a) a means of access;
- b) the daily parking of vehicles;
- c) the loading and unloading of vehicles; or
- d) landscaping which only in the Town Centre and Commercial Zones and then only with the specific approval of the Council may include an awning, pergola, or similar structure and when in front of a take away food outlet or restaurant may provide for alfresco dining.

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

7.10 **Radio Masts, Television Antennae, and Satellite Dishes:** Radio masts, television antennae, and satellite dishes whether used for commercial or domestic purposes shall be located or positioned on land or buildings so that the Council is satisfied there will not be adverse impacts on local amenities.

7.11 Control of Advertisements

7.11.1 *Power to Control Advertisements:*

- a) for the purpose of the Scheme, the erection, placement 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 planning approval is required in addition to any licence pursuant to the Council's Signs, Hoarding and Bill Posting Bylaws.
- b) applications for the Council's approval pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form required by the Council giving details of the advertisement(s) to be erected, placed or displayed on the land.

7.11.2 *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.

7.11.3 *Consideration of Applications:* Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, the 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.

7.11.4 *Exemptions from the Requirement to Obtain Approval:* Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 7.11.1 paragraph (a) the Council's prior approval is not required in respect of those advertisements listed in Schedule 6 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 6 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- a) listed by the National Trust; or
- b) listed on the register of the National Estate; or
- c) included in the Heritage List; or
- d) in a Heritage Precinct.

7.11.5 *Discontinuance:* Notwithstanding the scheme objectives and clause 7.11.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, 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.

7.11.6 *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, the Council may by notice in writing require the advertiser to:

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

7.11.7 *Notices:*

- a) "the advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.
- b) any notice served pursuant to sub-clauses 7.11.5 or 7.11.6 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 sub-clause may appeal 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.

7.11.8 *Scheme to Prevail:* Where the provisions of this clause 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.

7.11.9 *Enforcement and Penalties:* The offences and penalties provisions specified in the Scheme apply to the advertiser in this clause.

PART 8—PLANNING APPROVAL

8.1 Development of Land

8.1.1 Subject to sub-clause 8.1.2 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 approval of the Council under the Scheme.

8.1.2 The planning approval 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) except as otherwise provided in the Scheme;
 - (i) the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
 - (ii) the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated.
 - (iii) the erection of a boundary fence.
- c) 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.

- d) 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.
- e) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

8.2 Application for Planning Approval: Every application for planning approval shall be made in the form prescribed in Schedule 7 and shall be accompanied by such plans and other information as is required by the Scheme.

8.2.1 Unless the Council waives any particular requirement every application for planning approval 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 the site, including any existing building to be retained and proposed buildings 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 open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - (vii) the nature and extent of any open space and landscaping proposed for the site.
- 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.

8.3 Advertising of Applications

8.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of clause 8.3.3.

8.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of clause 8.3.3.

8.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval 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.

8.3.4 The Notice referred to in clause 8.3.3 paragraphs (a) and (b) shall be in the form contained in Schedule 8 with such modifications as circumstances require.

8.3.5 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.

8.4 Consultations with Other Authorities

8.4.1 In determining any application for planning approval the Council may consult with any other statutory, public, or planning authority and with any other party it considers appropriate.

8.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

8.5 Matters to be Considered by the Council: The Council in considering an application for planning approval shall have due regard to the following:

- a) the provisions of the Scheme and any other relevant town planning scheme operating within the district;
- b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- c) any approved Statement of Planning Policy of the Commission;
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;

- e) any planning policy, strategy, or plan adopted by the Council under the provisions of clause 9.6 of the Scheme;
- f) the preservation of any object or place of heritage significance;
- g) the requirements of orderly and proper planning;
- h) the preservation of the amenities of the locality;
- i) any other planning considerations which the Council considers relevant;
- j) any relevant submissions or objections received on the application.

8.6 Determination of Application

8.6.1 In determining any application for planning approval the Council may:

- a) grant its approval with or without conditions; or
- b) refuse to grant its approval.

8.6.2 The Council shall convey its decision to the applicant in the form prescribed in Schedule 9 to the Scheme.

8.6.3 Where the Council grants planning approval, that approval:

- a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and
- b) lapses if the development has not substantially commenced before the expiration of that period.

8.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

8.7 Deemed Refusal

8.7.1 Subject to clause 8.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.7.2 An application for planning approval which is subject of a notice under clause 8.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under clauses 8.7.1 or 8.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those sub-clauses, and that decision shall be regarded as being valid.

8.8 Approval of Existing Development

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

8.8.2 The application to the Council for approval under clause 8.8.1 shall be made on the form prescribed in Schedule 7.

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

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

PART 9—ADMINISTRATION

9.1 **Powers of the Scheme:** In implementing the Scheme the Council has, in addition to all other powers vested in it, the following powers:

- a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- b) the Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act.
- c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- d) an officer of the Council, 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.
- e) the Council may require a proponent for planning approval to pay the costs of the advertising of the proposal under clause 8.3 of the Scheme.

9.2 Offences

9.2.1 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 approvals required by the Scheme have been granted and issued;
- c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and
- d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

9.2.2 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.

9.3 Notice for Removal of Certain Buildings

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

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

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

9.5 **Rights of Appeal:** 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.

9.6 Planning Policies

9.6.1 The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- a) generally or in a particular class of matter or in particular classes of matters; and
- b) throughout the Scheme Area or in one or more parts of the Scheme Area;

and may amend or add to or rescind a Policy so prepared.

9.6.2 A Policy shall become operative only after the following procedures have been completed:

- a) the Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- b) policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- c) the Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

9.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.

9.6.5 A Policy may be rescinded by:

- a) preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the Scheme Area.

9.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

9.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

9.7 Delegation

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for planning approval made under this Scheme:

- a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- b) the officer of the Council appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in paragraphs (a) and (b) above.

9.7.2 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

9.7.3 Any delegation made under sub-clause 9.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

9.7.4 The delegation of authority conferred by this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

9.7.5 The performance of a function by a delegate under sub-clause 9.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

9.7.7 An officer or member of the Council exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

9.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

SCHEDULE 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: has the same meaning given to it in 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.

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 any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour: means any land or building, 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.

aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act 1905 (as amended)* and the *Fisheries Regulations 1938 (as amended)* is required.

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.

builder's storage yard: means any land or 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 Code of Australia: means the *Building Code of Australia 1988 (as amended)*.

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

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

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

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

civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

civic use: means land and buildings used by a public authority 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 Licensing Act, 1988 (as amended)* or not and which building or premises are not otherwise classified under the provisions of the Scheme.

commercial vehicle: means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the *Vehicle Sales Regulations 1976 (as amended)*, a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985 (as amended)*.

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road: means a track that has been graded and stabilised within a gazetted road reserve.

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention 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.

cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

curtilage: in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- a) is likely to change the character of the place or the external appearance of any building; or
- b) would constitute an irreversible alteration to the fabric of any building.

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

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.

education establishment: means a school or other educational centre, but does not include a reformatory.

facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

feedlot: means a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production. This does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised saleyards.

fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

gazettal date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

gross floor area: shall have the same meaning as "floor area" in the *Building Code of Australia 1988 (as amended)*.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990 (as amended)*, or such parts thereof as described in the Heritage List.

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- d) does not entail employment of any person not a member of the occupier's household;
- e) does not occupy an area greater than 20m²;
- f) does not display a sign exceeding 0.2m² in area;

- g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

hotel: means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988 (as amended)* and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act 1960 (as amended)*, but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

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, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

industry—cottage: means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a “home occupation” and which in the opinion of the Council:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier’s household;
- c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area greater than 50m²;
- e) does not display a sign exceeding 0.2m² 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 when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- b) the production of salt by the evaporation of salt water.

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

industry—hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

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

industry—noxious: means an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Act 1986 (as amended)*.

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.

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- b) the establishment and operation of plant and fruit nurseries;
- c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- d) the development of land for the keeping, rearing or fattening of rabbits (for either meat, or fur production), and other livestock in feedlots;
- e) dairy milking sheds;
- f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type;
- g) aquaculture.

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

local shop: means a building or part of a building wherein the only goods offered for sales are food-stuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

lodging house: shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911 (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.

market: means land and buildings used for a fair, a farmer's 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 interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988 (as amended)* has been granted.

motor vehicle and marine sales: means land and buildings used for the display and sale or hire 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 repair: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:

- a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- b) lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use: means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the Scheme.

office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

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.

piggery: shall have the same meaning given to it in and for the purposes of the *Health Act 1911 (as amended)*.

place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- a) an area of land situated in the bed of any watercourse or lake;

- b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- c) as much of the land beneath the place as is required for the purposes of its conservation.

plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organization.

poultry farm: means any land or 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 (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 any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

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

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

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

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

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 land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

- a) publications that are classified as restricted publications pursuant to the *Indecent Publications and Articles Act 1902 (as amended)*; or
- b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

retail: means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom, or take-away food outlet.

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 rearing or agistment of goats, sheep, cattle or beasts of burden;
- b) the stabling, agistment or training of horses;
- c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
- d) the sale of produce grown solely on the lot;

but does not include intensive agriculture.

salvage yard: means any land or 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 repair to motor vehicles, or wrecking of vehicles.

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

short-stay accommodation: means the occupation of a chalet, caravan, camp, or any other form of accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.

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.

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

stockyards: means any land, building or other structure used for holding and/or sale of animal stock.

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

tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act, 1988 (as amended)*.

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

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

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

SCHEDULE 2

SPECIAL USE ZONES

PARTICULARS OF LAND

Lots 38 and 43 Amherst, Avon, and Beaufort Streets, Katanning

Lots 5, A85 and A86 Amherst Street, Katanning

Lot 3 Tait Terrace, Braeside Road, Synnott Avenue, and Carinyah Gardens, Katanning

Lot 131 Kobeelya Avenue, Brownie Street, Katanning

Lot 2, 130, and 4 Round Drive, Katanning
Lot 10 and Ptn Location 1619 Round Drive, Katanning

Lot 412 Dijon Street, Katanning

Part Lot 3 Great Southern Highway and Trimmer Road, Katanning

Location 964 Great Southern Highway/Kojonup Road/Kierle Street, Katanning

SPECIAL USE

Church, private education establishment.

Private club premises and such other associated uses as may be approved by the Council in accordance with the Scheme.

Private club and recreation.

Church, private education establishment, conference facilities, hostel and such other associated uses as may be approved by the Council in accordance with the Scheme.

Private club and recreation, and golf course.

Private gun club.

Community centre and such other associated uses as may be approved by the Council in accordance with the Scheme.

Abattoir, water storage, stockyards, skin drying sheds and such other associated uses as may be approved by the Council in accordance with the Scheme.

Short-stay accommodation/caravan park/motel and such other associated uses as may be approved by the Council in accordance with the Scheme.

SCHEDULE 3

SPECIAL RESIDENTIAL ZONE

In addition to the requirements for land within the zone set out in clause 6.2 the following more particular requirements shall apply to the localities in the Schedule.

PARTICULARS OF LAND

Lot 3 of Katanning Agricultural Area Lot 54

REQUIREMENTS

1 The minimum lot size should be no less than 4000 square metres. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer.

2 Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.

3 Dwellings shall be restricted to a maximum height of 9.0 metres and ancillary buildings shall be restricted to a maximum height of 5.0 metres. The height of buildings shall be measured vertically from the mean natural surface of that part of the land contained within the boundaries of the building.

SCHEDULE 3—continued**SPECIAL RESIDENTIAL ZONE—continued****PARTICULARS OF LAND****REQUIREMENTS**

4 Radio mast, TV antenna, and satellite dish shall be located such that they do not detract from the local visual amenity or cause offence to neighbouring properties.

5 No clearing of vegetation shall occur within any lot except for the following:

- a) Clearing to comply with the requirements of the *Bush Fires Act 1954 (as amended)*
- b) Clearing within the approved Building Envelope as may be reasonably required to construct an approved building and curtilage thereto.
- c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council

6 At the time of application for planning approval for a dwelling, each lot owner will be required to plant, and maintain for a period of two years, 20 trees capable of growing to at least three metres in height.

7 Each lot shall be required to be serviced with a reticulated water supply, underground power, and telecommunications. The provision of these services shall be the responsibility of the subdivider.

8 a) The disposal of liquid wastes shall be carried out by the installation of an Aerobic Treatment Unit (ATU) or similar system, to the satisfaction of the Council and the Health Department of Western Australia.

- b) No dwelling shall be occupied without the prior approval and installation of such a disposal system.

9 The keeping and rearing of stock shall not be permitted within the subdivision on any lot less than 8000 square metres in area.

10 Boundary fencing shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah, or treated pine. Internal fencing for courtyards, swimming pools or tennis courts, etc shall comprise materials other than asbestos cement, tyres or corrugated iron.

11 Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.

12 A building envelope, with an area that is no greater than 20% of the lot area must be approved by the Council and identified on a plan for each lot within the subdivision. No development shall occur on any lot unless a building envelope has been identified and approved by the Council.

13 The Council will not permit secondhand relocated or transported dwellings or ancillary buildings to be located on any lot within the subdivision. New transportable dwellings and/or ancillary buildings may be permitted subject to the provisions of the Scheme.

14 No dams or lakes shall be created on any lot without the prior approval of the Council.

15 All land and buildings shall be kept in a clean and tidy condition.

SCHEDULE 4
SPECIAL RURAL ZONES

In addition to the requirements for land within the zone set out in clause 6.7 the following more particular requirements shall apply to the localities in the Schedule.

PARTICULARS OF LAND

Land within the Pinwernying Townsite and North Katanning Townsite Areas bounded by Forrest Road, Carew Street, Dumbleyung Road, Marmion Road, Warren Road, Van Zuilecom Road, Ranford Road, Dumbleyung Road, Climie Road, and Brooking Road, Katanning.

Land bounded by Kojonup Road, Ramsden Street, Shirley Street, McLeod Street, Moore Street, railway reserve, Gully Street, Mills Street, and Prosser Street, Katanning.

Pt Katanning Agricultural Area Lot 70

REQUIREMENTS

Notwithstanding the provisions of sub-clause 6.7.3 of the Scheme the front setback to Dumbleyung Road shall be not less than 30.0 metres. The minimum lot size should be no less than 2.0 hectares.

The Council will not recommend to the Commission support for further subdivision, but this shall not preclude the Council recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the Council. The minimum lot size should be no less than 2.0 hectares.

1 The minimum lot size should be no less than 1.0 hectare. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer.

2 Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.

3 Dwellings and all ancillary buildings shall be restricted to a maximum 7.5 metres height measured vertically from the mean natural surface of that part of land contained within the boundaries of the building.

4 No clearing of vegetation shall occur within any lot except for the following:

- a) Clearing to comply with the requirements of the *Bush Fires Act 1954 (as amended)*.
- b) Clearing within an area of 1000m² containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.
- c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by Council.

5 Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.

6 At the time of application for planning approval for a dwelling the owner will be required to plant and maintain for a period of two years 30 trees capable of growing to at least 3 metres in height.

7 Each lot shall be serviced with a reticulated water supply, electricity and telecommunications. The provision of these services shall be the responsibility of the subdivider.

- 8 a) The disposal of liquid wastes shall be carried out by the installation of an effluent disposal system approved by the Council and the Health Department of Western Australia.
- b) Effluent disposal areas shall be set back a minimum of 30 metres from any water course or dam or as otherwise approved by the Council.

SCHEDULE 4—continued
SPECIAL RURAL ZONES—continued

PARTICULARS OF LAND

REQUIREMENTS

Lots E41 and E42 of Pt Kojonup
 Location 256 and Kojonup Locations 2979

- c) Effluent disposal systems must be designed to the satisfaction of the Council to overcome potential problems associated with high water tables, average conditions, deep bleached sands or similar constraints of the particular site on which they are to be installed.
- d) No dwelling shall be occupied without the prior approval and installation of such a disposal system.

9 The keeping and rearing of stock shall be permitted for domestic purpose only and shall not exceed one horse or one cow, or two sheep or goats. Stock, for agricultural purposes, may be kept and reared on land prior to subdivision in accordance with the Plan of Subdivision referred to in Item 1 of this part of the Schedule.

10 Any fence, other than a fence which may be required by the Council to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah or treated pine.

11 No dam or artificial lake shall be created on any lot without the prior approval of the Council.

1 The minimum lot size should be no less than 1.0 hectare. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer.

2 Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.

3 Dwellings and all ancillary buildings shall be restricted to a maximum 7.5 metres height measured vertically from the mean natural surface of that part of land contained within the boundaries of the building.

4 No clearing of vegetation shall occur within any lot except for the following:

- a) Clearing to comply with the requirements of the *Bush Fires Act 1954 (as amended)*.
- b) Clearing within an area of 1000m² containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.
- c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by Council.

5 Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.

6 At the time of application for planning approval for a dwelling the owner will be required to plant and maintain for a period of two years 50 trees capable of growing to at least 3 metres in height.

7 The Council may request the Commission to impose conditions at the time of subdivision for the provision of power and telecommunications.

SCHEDULE 4—continued
SPECIAL RURAL ZONES—continued

PARTICULARS OF LAND

REQUIREMENTS

8 Each dwelling shall be provided with a supply of potable water, in the form of a water tank with a minimum capacity of 135 kilolitres and shall be linked to a suitable rainfall catchment with a surface area of not less than 150m². Any auxiliary holding tanks which may be required shall not exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25 per cent of the tank capacity for bush fire fighting purposes.

- 9 a) The disposal of liquid wastes shall be carried out by the installation of an effluent disposal system approved by the Council and the Health Department of Western Australia.
- b) Effluent disposal areas shall be set back a minimum of 30 metres from any water course or dam or as otherwise approved by the Council.
- c) Effluent disposal systems must be designed to the satisfaction of the Council to overcome potential problems associated with high water tables, average conditions, deep bleached sands or similar constraints of the particular site on which they are to be installed.
- d) No dwelling shall be occupied without the prior approval and installation of such a disposal system.

10 The keeping and rearing of stock shall be permitted for domestic purpose only and shall not exceed one horse or one cow, or two sheep or goats. Stock, for agricultural purposes, may be kept and reared on land prior to subdivision in accordance with the Plan of Subdivision referred to in Item 1 of this part of the Schedule.

11 Stock may be permitted on all lots provided that this does not require the removal of vegetation and that stock numbers are maintained at levels in accordance with the standards of good husbandry to the satisfaction of Agriculture WA.

12 Any fence, other than a fence which may be required by the Council to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ringlock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah or treated pine.

13 No dam or artificial lake shall be created on any lot without the prior approval of the Council.

SCHEDULE 5

CAR PARKING REQUIREMENTS

USE

NUMBER OF PARKING SPACES

1 Shopping

Six (6) spaces for every 100 square metres of Nett Lettable Area (NLA).

Notes:

- (i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays will be clearly marked "DISABLED DRIVER ONLY".

2 Hotel, Motel, Tavern, Club, Private Hotel, Lodging House, Restaurant, Nightclub, Place of Public Assembly

Where applicable to the particular use:

Thirty-four (34) spaces for every 100 square metres of drinking area other than public lounge drinking areas;
 One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area or part thereof, whichever produces the greater number of parking spaces;

One (1) space for every bedroom;

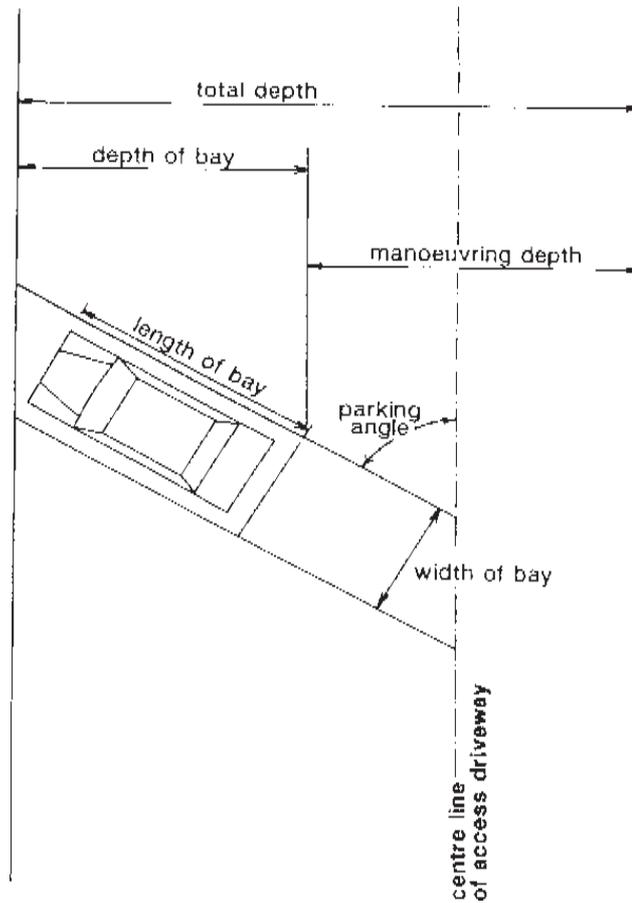
SCHEDULE 5—continued
CAR PARKING REQUIREMENTS—continued

USE	NUMBER OF PARKING SPACES
	One (1) space for every six (6) seats provided or capable of being provided in assembly areas, or twenty-two (22) spaces for every 100 square metres of assembly area, whichever produces the greater number of car parking spaces;
	Twenty-two (22) spaces for every 100 square metres of beer garden or outdoor drinking area.
3 Office	Five (5) spaces for every 100 square metres of NLA.
4 Health Centre, Clinic, Consulting Rooms	Four (4) spaces for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.
5 Warehouse, Showroom, Industry, with the exception of a factory unit building	Four (4) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.
6 Factory Unit Building	As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.
7 Veterinary Hospital, Clinic, or Surgery	Four (4) spaces for every 100 square metres of NLA.
8 Plant Nursery	A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.
9 Dwellings	As set out in the Residential Planning Codes.

MINIMUM DIMENSIONS OF PARKING SPACES

Parking Angle	Width of Bay (Metres)	Length of Bay (Metres)	Depth of Bay (Metres)	Minimum Manoeuvring (Metres)	Total (Metres)
ONE WAY ACCESS					
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	5.9	11.3
	2.7	5.4	5.4	5.8	11.2
75°	2.4	5.4	5.9	5.4	11.3
	2.6	5.4	5.9	5.3	11.2
	2.7	5.4	6.0	4.8	10.8
60°	2.4	5.4	5.9	5.2	11.1
	2.6	5.4	6.0	5.0	11.0
	2.7	5.4	6.0	4.8	10.8
45°	2.4	5.4	5.9	4.0	9.9
	2.6	5.4	6.0	3.6	9.6
	2.7	5.4	6.0	3.3	9.3
30°	2.4	5.4	4.8	3.3	8.1
	2.6	5.4	4.8	3.3	8.1
	2.7	5.4	4.8	3.3	8.1
0° (Parallel Parking)	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
TWO WAY ACCESS					
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	6.0	11.4
	2.7	5.4	5.4	6.0	11.4
75°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	11.9
	2.7	5.4	6.0	6.0	12.0
60°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
45°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
30°	2.4	5.4	4.4	6.0	10.4
	2.6	5.4	4.4	6.0	10.4
	2.7	5.4	4.4	6.0	10.4
0° (Parallel Parking)	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0

LAYOUT OF PARKING BAYS



SCHEDULE 6

CONTROL OF ADVERTISEMENTS

Additional Information Sheet for Advertisement Approval

(to be completed in addition to Application for Planning Approval—Schedule 7)

- 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 of Advertisement:
 Materials to be used:
 Illuminated: Yes/No
 If yes, state whether steady, moving, flashing, alternating, digital, animated, or scintillating, etc:
 If yes, state intensity of light source:
- 5 State period of time for which advertisement is required:
- 6 Details of signs, if any, to be removed if this application is approved:

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

Signature of Advertiser(s):

(if different from landowners)

Date:

EXEMPTED ADVERTISEMENTS

Landuse and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters or poster signs and applies to non-illuminated signs 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 five (5) metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building. A maximum of two free-standing advertisement signs not exceeding five (5) metres in height above ground level.	Total area of such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, racecourses, 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.	Not Applicable
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 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	Not Applicable Not Applicable

Landuse and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
	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.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 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.	Not Applicable
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 Sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
a) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
b) Multiple dwellings, shops, commercial and industrial properties	One sign as for a) above.	5m ²
c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (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 three (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 the 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

Temporary Signs	Exempted Sign Type And Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
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 (4) storeys and rural properties in excess of five (5) hectares.	One sign as for a) above	Each sign shall not exceed an area of 10m ²
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection	a) One sign for each dwelling on display.	2m ²
	b) In addition to a) 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

SCHEDULE 7

Shire of Katanning Town Planning Scheme No. 4

APPLICATION FOR PLANNING APPROVAL

1 Surname of Applicant
 Given Names
 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 and size of all building proposed

.....

General treatment of open portion of the site

.....

Details of car parking and landscaping proposals

.....

Approximate cost of proposed development

Estimated time for completion

.....

Signature of Owner Signature of Applicant or Agent
 (Both signatures are required if applicant is not the owner)

.....

DATE DATE

NOTE:

This form should be completed and forwarded to the 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.

SCHEDULE 8

Shire of Katanning Town Planning Scheme No. 4

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 of199.....

Chief Executive Officer
.....
Date

SCHEDULE 9

Shire of Katanning Town Planning Scheme No. 4

DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application.

Dated
Submitted by
On behalf of

hereby advises that it has decided to:

REFUSE/GRANT PLANNING APPROVAL

subject to the conditions/for the following reasons:

Chief Executive Officer
Date

Note: Should the owner be aggrieved by this decision a right of appeal may exist under the provisions of the Scheme.

ADOPTION

Adopted by Resolution of the Council of the Shire of Katanning at the meeting of the Council held on the sixth day of December 1995.

I. BOLTO, President.
M. S. ARCHER, Chief Executive Officer.

FINAL APPROVAL

1 Adopted by Resolution of the Council of the Shire of Katanning at the meeting of the Council held on the 12th day of February 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

I. BOLTO, President.
M. S. ARCHER, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2 Recommended/Submitted for Final Approval
Date 27th November 1997.

EUGENE FERRARO, for Chairperson
of the Western Australian Planning Commission.

3 Final Approval Granted
Date 27th November 1997.

G. KIERATH, Hon Minister For Planning.

PD702*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF TAMBELLUP
TOWN PLANNING SCHEME No. 2

Ref: 853/5/15/2, Vol. 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 Tambellup Town Planning Scheme No. 2 on December 18, 1997 the Scheme Text of which is published as a Schedule annexed hereto.

K. D. SPRIGG, President.
R. T. HILTON, Chief Executive Officer.

SHIRE OF TAMBELLUP
TOWN PLANNING SCHEME NO. 2

The Tambellup Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928, hereby makes the following town planning scheme for the purposes laid down in the Act.

SCHEME TEXT
ARRANGEMENT

Part 1—Preliminary

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

Part 2—Reserves

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

Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Special Use Zone

Part 4—Non-conforming Uses

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

Part 5—Heritage—Precincts and Places of Cultural Significance

- 5.1 Purpose and Intent
- 5.2 Heritage List
- 5.3 Designation of Heritage Precincts
- 5.4 Applications for Planning Approval
- 5.5 Formalities of Application
- 5.6 Power to Determine Application
- 5.7 Variations to Scheme Provisions
- 5.8 Conservation Incentives
- 5.9 Advisory Committee
- 5.10 Heritage Advisor

Part 6—Zones—Objectives and Development Requirements

- 6.1 Residential Zone
- 6.2 Town Centre Zone
- 6.3 Light Industrial Zone
- 6.4 Industrial Zone
- 6.5 Special Rural Zones
- 6.6 Farming Zone
- 6.7 Special Use Zones

Part 7—General Development Requirements

- 7.1 Car Parking Requirements
- 7.2 Discretion to Modify Development Standards
- 7.3 Development Limited by Liquid Waste Disposal
- 7.4 Supply of Potable Water
- 7.5 Land Liable to Flooding
- 7.6 Transported Dwellings
- 7.7 Development of Lots Abutting Unconstructed Roads
- 7.8 Home Occupation

Part 8—Planning Approval

- 8.1 Development of Land
- 8.2 Application for Planning Approval
- 8.3 Advertising of Applications
- 8.4 Consultations with Other Authorities
- 8.5 Matters to be Considered by the Council
- 8.6 Determination of Applications
- 8.7 Approval of Existing Developments
- 8.8 Deemed Refusal

Part 9—Administration

- 9.1 Powers of the Scheme
- 9.2 Offences
- 9.3 Notice for Removal of Certain Buildings
- 9.4 Compensation
- 9.5 Rights of Appeal
- 9.6 Planning Policies
- 9.7 Delegation

SCHEDULES

- 1 Interpretations
- 2 Special Use Zones
- 3 Special Rural Zones

PART 1—PRELIMINARY

- 1.1 **Citation:** This Town Planning Scheme may be cited as the Shire of Tambellup Town Planning 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 Tambellup hereinafter called “the Council”.
- 1.3 **Scheme Area:** The Scheme applies to the whole of the land within the Municipal District of the Shire of Tambellup hereinafter called “the Scheme Area”.
- 1.4 **Revocation:** The Shire of Tambellup Town Planning Scheme No. 1 published in the *Government Gazette* of 13 November 1970 and all amendments thereto is hereby revoked.
- 1.5 **Contents of Scheme:** The Scheme comprises:
 - a) this Scheme Text
 - b) the Scheme Map.
- 1.6 **Arrangement of Scheme Text:** The Scheme Text is divided into the following parts:
 - PART 1—PRELIMINARY
 - PART 2—RESERVES
 - PART 3—ZONES
 - PART 4—NON-CONFORMING USES
 - PART 5—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
 - PART 6—ZONES—OBJECTIVES AND DEVELOPMENT REQUIREMENTS
 - PART 7—GENERAL DEVELOPMENT REQUIREMENTS
 - PART 8—PLANNING APPROVAL
 - PART 9—ADMINISTRATION
- 1.7 **Scheme Objectives:** The objectives of the Scheme are:
 - a) to zone the Scheme Area for the purposes described in the Scheme;
 - b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
 - c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
 - d) to make provisions for planning controls in flood prone areas in Tambellup;
 - e) the preservation of heritage places; and
 - f) to make provision for other matters necessary or incidental to Town Planning and housing.

1.8 Interpretations

1.8.1 Except as provided in sub-clauses 1.8.2 and 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.

PART 2—RESERVES

2.1 **Scheme Reserves:** The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE
RECREATION AND OPEN SPACE
RAILWAY
ROAD

2.2 **Matters to be Considered by the Council:** Where an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its approval.

2.3 Compensation

2.3.1 Where the Council refuses planning approval 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 approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

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 approval 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 approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

PART 3—ZONES

3.1 Zones

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

RESIDENTIAL
TOWN CENTRE
LIGHT INDUSTRIAL
INDUSTRIAL
SPECIAL RURAL
FARMING
SPECIAL USE

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

3.2 Zoning Table

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

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

"P" means that the use is permitted by the Scheme.
"AA" means that the use is not permitted unless the Council has granted planning approval.
"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 8.3.

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

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

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

- a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" advertising procedures of clause 8.3 in considering an application for planning approval.

TABLE 1—ZONING TABLE

USES	R E S I D E N T I A L	T O W N C E N T R E	L I G H T I N D U S T R I A L	I N D U S T R I A L	S P E C I A L R U R A L	F A R M I N G
1 aged or dependent persons' dwelling	AA					
2 ancillary accommodation	AA				AA	AA
3 caretaker's dwelling		AA	AA	AA		AA
4 civic building	AA	AA	AA			
5 club premises		AA				AA
6 consulting rooms	SA	P				
7 dwelling	P				P	P
8 education establishment	SA	AA				AA
9 feedlot						SA
10 fuel depot				AA		
11 home occupation	AA				AA	AA
12 hotel		AA				
13 industry—cottage	SA				AA	AA
14 industry—extractive						AA
15 industry—general				AA		
16 industry—light			P	P		
17 industry—noxious				SA		SA
18 industry—rural					SA	SA
19 industry—service			P	P		
20 intensive agriculture						AA
21 motel	SA	AA				
22 motor vehicle repair			P	P		
23 office		P	AA	AA		
24 piggery						SA
25 plant nursery	SA		AA	P	SA	AA
26 poultry farm						SA
27 public recreation	P	P	P	P	P	P
28 public utility	AA	AA	AA	AA	AA	AA
29 residential building	AA					SA
30 restaurant		P				AA
31 rural pursuit					SA	P
32 service station		SA		P		AA
33 shop		P		SA		
34 short-stay accommodation	SA	AA			SA	AA
35 tavern		AA				
36 transport depot			AA	P		SA
37 veterinary hospital		SA	AA	P	AA	AA

3.3 **Special Use Zone:** No person shall use any land or any building or structure in a Special Use zone, except for the purpose set against that land in Schedule 2 and subject to compliance with any conditions specified in the schedule with respect to the land.

PART 4—NON-CONFORMING USES

4.1 **Non-conforming use Rights:** No provision of the Scheme shall prevent:

- the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- 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 approval 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 approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

4.4 Discontinuance of Non-conforming Use

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

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

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

PART 5—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

5.1 **Purpose and Intent:** The purpose and intent of the heritage provisions are:

- a) to facilitate the conservation of places of heritage value;
- b) to ensure as far as possible that development occurs with due regard to heritage values.

5.2 Heritage List

5.2.1 The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of heritage significance and worthy of conservation.

5.2.2 For the purposes of this part, the Heritage List is drawn from the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof as described in the Municipal Inventory.

5.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

5.3 Designation of Heritage Precincts

5.3.1 The Council may designate an area of land to be a Heritage Precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

5.3.2 The Council shall adopt for each Heritage Precinct a policy statement which shall comprise:

- a) a map showing the boundaries of the precinct;
- b) a list of any buildings, objects, structures or places of heritage significance; and
- c) objectives and guidelines for the conservation of the precinct.

5.3.3 The Council shall keep a copy of the policy statement for any designated Heritage Precinct with the Scheme documents for public inspection during normal office hours.

5.3.4 The procedure to be followed by the Council in designating a Heritage Precinct shall be as follows:

- a) the Council shall notify in writing each owner of land affected by the proposal;
- b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
- c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraphs a) and b);
- d) the Council shall carry out such other consultations as it thinks fit;
- e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- f) the Council shall forward notice of its decision to the Heritage Council of WA and the Commission.

5.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.3.4.

5.4 Applications for Planning Approval

5.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.

5.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.

5.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

5.5 Formalities of Application

5.5.1 In addition to the application formalities prescribed in clause 5.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may

affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application:

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- d) any other information which the Council indicates that it considers relevant.

5.6 Power to Determine Application

5.6.1 Where desirable to facilitate the conservation of a place, area, building, object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the opinion of the Council the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to sub-clause 8.3.3; and
- b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.2 In granting variations under sub-clause 5.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* (as amended) with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

5.7 Variations to Scheme Provisions: The Council may approve any development which involves the conservation of the whole or part of any place of cultural heritage significance or Heritage Precinct or its replacement if accidentally destroyed, notwithstanding the proposed works do not comply with the Residential Planning Codes or any provision, standard or requirement of the Scheme.

5.8 Conservation Incentives

5.8.1 In dealing with any application concerning or affecting a place of cultural heritage significance or a Heritage Precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.

5.8.2 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to sub-clause 8.3 and shall have regard to any expressed views prior to making its decision to grant the incentive.

5.8.3 In granting a conservation incentive under sub-clause 5.8.1 the Council may enter into a heritage agreement modelled on Part 4 of the *Heritage of Western Australia Act 1990* (as amended) with an owner who would benefit from the incentive. The agreement shall specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

5.8.4 Within a heritage precinct, the Council may permit on a lot in the Residential zone an increase up to 50% of permitted dwelling density which otherwise would not apply on that lot under the Residential Planning Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply:

- a) provision is made for the preservation of significant landscape features, including significant trees or other vegetation;
- b) provision is made for the carrying out of conservation works approved by the Council on a heritage place; or
- c) an agreement is otherwise entered into for a contribution to be made to the Council's current municipal heritage conservation program.

5.8.5 In a case where the Council has allowed under sub-clause 5.8.4 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

5.9 Advisory Committee

5.9.1 The Council may from time to time appoint an Advisory Committee to advise the Council on matters relating to the conservation of a heritage place and/or precinct or heritage matters generally.

5.9.2 An Advisory Committee shall consist of:

- a) the President of the Council or a Councillor nominated by the President;
- b) the Chair of the Committee of the Council which has been appointed by the Council to report on the matters referred to an Advisory Committee; and

- c) at least three other persons representing the community and one of whom shall be a town planner or conservation architect who in the opinion of the Council has the knowledge and expertise to give proper advice on the matters to be considered by the Committee.

5.9.3 The Council may revoke the appointment of a member of an Advisory Committee other than the President or the nominee of the President, and may appoint a person to replace that person whose appointment has been revoked or who resigns or is unable to act. No person who has a direct pecuniary interest in a matter before an Advisory Committee shall act as a member of that Committee.

5.9.4 The Council may limit the term of appointment of an Advisory Committee or may appoint an Advisory Committee to report only on a specific matter. The appointment of an Advisory Committee shall lapse at the expiry of a nominated term, or on the resolution of the Council.

5.9.5 The Council shall not be bound by a recommendation of an Advisory Committee.

5.10 Heritage Adviser

5.10.1 The Council may from time to time appoint a Heritage Adviser to advise the Council on matters relating to the conservation of a heritage place and/or precinct or heritage matters generally. The Heritage Adviser shall be a town planner or architect who in the opinion of Council has the knowledge and expertise to give proper advice on the matters to be considered by the Council.

5.10.2 The Council may limit the term of appointment of a Heritage Adviser or may appoint a Heritage Adviser to report only on a specific matter. The appointment of a Heritage Adviser shall lapse at the expiry of a nominated term, or on the resolution of the Council.

5.10.3 The Council shall not be bound by a recommendation of a Heritage Adviser.

PART 6—ZONES—OBJECTIVES AND REQUIREMENTS

6.1 Residential Zone

6.1.1 Objectives

- a) to retain the single house as the predominant form of residential development in the town.
- b) to provide for lifestyle choice in and around the town with a range of residential densities.
- c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

6.1.2 Residential Development: Residential Planning Codes

6.1.2.1 For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").

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

6.1.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

6.1.3 Site Requirements: In accordance with the R Codes.

6.1.4 Development Requirements: The Council may permit a variation to the R10 density up to R20 for development of more than one dwelling on a lot but only where:

- a) in the opinion of the Council adequate provision is made for the disposal of liquid wastes from the development;
- b) in the opinion of the Council the lot is suitably located close to services and facilities; and
- c) the Council after following the advertising procedures in clause 8.3 is satisfied there will not be adverse impacts on local amenities.

6.2 Town Centre Zone

6.2.1 Objectives

- a) to ensure the town centre remains the principal place for business and administration within the District.
- b) to encourage a high standard of development including buildings, landscaping, and car parking.

6.2.2 Site Requirements: At the discretion of the Council which shall be guided by the following:

- a) lot size and frontage should generally be consistent with existing lots in the vicinity and capable of supporting development which complies with provisions of the Scheme;
- b) setbacks are to comply with the Building Code of Australia, and the Council will encourage building to the front boundary where this will be consistent with existing development on adjoining lots fronting the same street.

6.2.3 Development Requirements

6.2.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

6.2.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:

- a) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of three (3) metres to be constructed in masonry;

- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) function of the building;
- f) relationship to surrounding development; and
- g) other characteristics considered by the Council to be relevant.

6.2.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.

6.2.3.4 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

6.3 Light Industrial Zone

6.3.1 Objectives

- a) to provide for the needs of light and service industries, and showroom uses to support the community;
- b) to achieve and maintain a high standard of presentation to the Great Southern Highway;
- c) to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid landuse conflicts.

6.3.2 Site Requirements: The minimum building setbacks shall be:

Front: 7.5m

Rear: 7.5m

Side: 5.0m on one side

6.3.3 Development Requirements

6.3.3.1 The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

6.3.3.2 The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner, builder, or architect may apply to the Council for permission to use materials other than those prescribed and the Council may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.

6.3.3.3 Each open yard shall be screened from any street by a closed fence or wall not less than one point eight (1.8) metres in height unless exempted by the Council of the need to comply with this requirement.

6.4 Industrial Zone

6.4.1 Objectives

- a) to encourage industrial development with diverse employment opportunities.
- b) to provide for industry to support development in the District.

6.4.2 Site Requirements: The following minimum building setbacks shall apply:

Front: 7.5m

Rear: 7.5m

Side: 5.0m on one side

6.4.3 Development Requirements

6.4.3.1 The first five (5) metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

6.4.3.2 Prior to the issue of planning approval for an industry in the Industrial zone, the Council shall:

- a) have regard to buffer distance guidelines between the proposed industry and properties surrounding the zone;
- b) consider imposing conditions to control industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Environmental Protection.

6.4.3.3 Where a proposed industry would generate industrial liquid, solid, or gaseous wastes, the granting of planning approval shall be subject to such wastes being treated and disposed of in accordance with Department of Environmental Protection advice/guidelines.

6.5 Special Rural Zones

6.5.1 Objectives

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

6.5.2 General Provisions

- a) The Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (iv) in the absence of a Local Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land suitability and capability assessment to the satisfaction of both the Council and the Commission.
- b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision, and any subdivision shall generally be in accordance with that plan and the Council may recommend the Commission agree to variations to that plan. The plan can show, amongst other things:
 - (i) the proposed subdivision including lot sizes and dimensions.
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
 - (iii) those physical features it is intended to conserve.
- c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
 - (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
 - (ii) proposals for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
 - (iii) any special provisions appropriate to secure the objectives of the zone.
- d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 3 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission.

6.5.3 Site Requirements: The following minimum building setbacks shall apply:

Front: 15.0m

Rear: 10.0m

Side: 10.0m

6.5.4 Development Requirements

6.5.4.1 Development in a Special Rural Zone shall comply with the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 8.2 of the Scheme.
- b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking and any other practice detrimental to the amenity of a special rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

6.5.4.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) relationship to surrounding development;
- f) other characteristics considered by the Council to be relevant; and
- g) provision to be made for bush fire control in accordance with a Planning Policy adopted by the Council.

6.6 Farming Zone

6.6.1 Objectives

- a) to ensure the continuation of broad-hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.
- c) to allow for facilities for tourists and travellers, and for recreation uses.

6.6.2 Site Requirements: The following minimum building setbacks shall apply:

Front: 20.0m

Rear: 15.0m

Side: 15.0m

6.6.3 Development Requirements

6.6.3.1 Clearing: Except for:

- a) establishment of a firebreak required to comply with a regulation or by-law, or
- b) provision of access to a building site, or
- c) the area of building, or
- d) cash crops;

not more than 2000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000m² will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Council.

6.6.3.2 Feedlots: In considering an application for development of a feedlot in the Scheme Area the Council shall have regard to Guidelines for Environmental Protection as set out in the "Natural Guidelines for Beef Cattle Feedlots in Australia" published by the Standing Committee on Agriculture Report No. 47 and shall determine an application in accordance with the Scheme.

6.6.4 Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only support further subdivision of existing lots where:

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of landuse in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- b) the lots are for farm adjustment and the erection of dwellings is restricted;
- c) the lots are for specific uses such as recreation facilities and public utilities; or
- d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels).

6.7 Special Use Zones

Statement of Intent: Special Use zones will apply where the Council wants to have specific landuse control and/or development requirements. This may be on land where a mix of landuses is appropriate but which are not readily captured by the terms of a specific zone.

Site Requirements and Development Requirements are to be as determined by the Council and included in Schedule 2.

PART 7—GENERAL DEVELOPMENT REQUIREMENTS

7.1 **Car Parking Requirements:** A person shall not develop or use any land or erect use or adapt any building unless car parking spaces specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

7.2 Discretion to Modify Development Standards:

7.2.1 Sub-clause 7.2.2 shall not apply to:

- i) development in respect of which the Residential Planning Codes apply under this Scheme, or
- ii) development on land abutting an unconstructed road, or
- iii) development on a lot which does not have frontage to a constructed road.

7.2.2 Subject to sub-clause 7.2.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, 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.

7.3 **Development Limited by Liquid Waste Disposal:** Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning approval for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from the development.

7.4 Supply of Potable Water: As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water to the satisfaction of the Council.

7.5 Land Liable to Flooding: Notwithstanding anything elsewhere appearing in the Scheme development of land defined by the Council as being liable to flooding or inundation shall be subject to the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including permitted ("P") uses and such application shall be made in accordance with the provisions of the Scheme.
- b) in determining an application for planning approval which includes a building or structure the Council may refuse to approve any application or may grant its approval in which case the Council shall determine the finished floor level for such building or structure consistent with the recommendations of the "*Gordon River (Tambellup) Flood Study*" Sinclair Knight & Partners January 1983 for a 100 year recurrence.

7.6 Transported Dwellings

7.6.1 Within the Scheme area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transportable dwelling.

7.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

7.7 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the Council may either:

- a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

7.8 Home Occupation

7.8.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

7.8.2 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval.

PART 8—PLANNING APPROVAL

8.1 Development of Land

8.1.1 Subject to sub-clause 8.1.2 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 approval of the Council under the Scheme.

8.1.2 The planning approval 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) except as otherwise provided in the Scheme;
 - (i) the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
 - (ii) the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated.
 - (iii) the erection of a boundary fence.
- c) 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.
- d) 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.
- e) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

8.2 Application for Planning Approval: Every application for planning approval shall be made in the form prescribed by the Council and in accordance with the directions thereon.

8.3 Advertising of Applications

8.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 8.3.3.

8.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 8.3.3.

8.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval 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.

8.3.4 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.

8.4 Consultations with Other Authorities

8.4.1 In determining any application for planning approval the Council may consult with any other statutory, public, or planning authority and with any other party it considers appropriate.

8.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

8.5 **Matters to be Considered by the Council:** The Council in considering an application for planning approval shall have due regard to the following:

- a) the provisions of the Scheme and any other relevant town planning scheme operating within the District;
- b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- c) any approved Statement of Planning Policy of the Commission;
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of the Scheme;
- f) the preservation of any object or place of heritage significance;
- g) the requirements of orderly and proper planning;
- h) the preservation of the amenities of locality;
- i) any other planning considerations which the Council considers relevant;
- j) any relevant submissions or objections received on the application;
- k) the purpose of an adjoining Reserve.

8.6 Determination of Applications

8.6.1 In determining an application for planning approval the Council may:

- a) grant its approval with or without conditions;
- b) refuse to grant its approval.

8.6.2 The Council shall convey its decision to the applicant in the form prescribed by the Council from time to time.

8.6.3 Where the Council grants planning approval, that approval:

- a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and
- b) lapses if the development has not substantially commenced before the expiration of that period.

8.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

8.7 Approval of Existing Developments

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

8.7.2 The application to the Council for approval under sub-clause 8.7.1 shall be made in accordance with the provisions of clause 8.2.

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

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

8.8 Deemed Refusal

8.8.1 Subject to sub-clause 8.8.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.

8.8.2 An application for planning approval which is subject of a notice under sub-clause 8.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.8.3 Notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses 8.8.1 and 8.8.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those sub-clauses, and that decision shall be regarded as being valid.

PART 9—ADMINISTRATION

9.1 **Powers of the Scheme:** In implementing the Scheme the Council has, in addition to all other powers vested in it, the following powers:

- a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- b) the Council may acquire any land or buildings within the District pursuant to the provisions of the Scheme or the Act.
- c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- d) an officer of the Council, 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.
- e) the Council may require a proponent for planning approval to pay the costs of the advertising of the proposal under clause 8.3 of the Scheme.

9.2 Offences

9.2.1 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 approvals required by the Scheme have been granted and issued;
- c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and
- d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

9.2.2 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.

9.3 Notice for Removal of Certain Buildings

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

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

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

9.5 **Rights of Appeal:** 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.

9.6 Planning Policies

9.6.1 The Council may prepare a planning policy (herein after called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- a) generally or in a particular class of matter or in particular classes of matters; and
- b) throughout the Scheme Area or in one or more parts of the Scheme Area;

and may amend or add to or rescind a Policy so prepared.

9.6.2 A Policy shall become operative only after the following procedures have been completed:

- a) the Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- b) policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- c) the Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

9.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.

9.6.5 A Policy may be rescinded by:

- a) preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the Scheme Area.

9.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

9.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

9.7 Delegation

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for planning approval made under this Scheme:

- a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- b) the officer of the Council appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in paragraphs a) and b) above.

9.7.2 Any delegation made under this clause shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

9.7.3 A delegation of authority pursuant to this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

9.7.4 The performance of a function by a delegate under sub-clause 9.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

9.7.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

9.7.7 An officer or member of the Council exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

9.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

SCHEDULE 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.

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.

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 any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour: means any land or building, 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.

aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act 1905 (as amended)* and the *Fisheries Regulations 1938 (as amended)* is required.

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.

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

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

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

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

civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

civic use: means land and buildings used by a public authority 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 Licensing Act, 1988 (as amended)* or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985 (as amended)*.

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road: means a track that has been graded and stabilised within a gazetted road reserve.

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention 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.

cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- a) is likely to change the character of the place or the external appearance of any building; or
- b) would constitute an irreversible alteration to the fabric of any building.

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

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.

education establishment: means a school or other educational centre, but does not include a reformatory.

feedlot: means a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production. This does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised saleyards.

fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

gazettal date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990 (as amended)*, or such parts thereof as described in the Heritage List.

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- d) does not entail employment of any person not a member of the occupier's household;
- e) does not occupy an area greater than 20m²;
- f) does not display a sign exceeding 0.2m² in area;
- g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

hotel: means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988 (as amended)* and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act 1960 (as amended)*, but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

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, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

industry—cottage: means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which in the opinion of the Council:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area greater than 50m²;
- e) does not display a sign exceeding 0.2m² 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 when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- b) the production of salt by the evaporation of salt water.

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

industry—hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

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

industry—noxious: means an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Act 1986 (as amended)*.

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.

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- b) the establishment and operation of fruit nurseries;
- c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- d) the development of land for the keeping, rearing or fattening of rabbits (for either meat, or fur production), and other livestock in feedlots;
- e) dairy milking sheds;
- f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- g) aquaculture.

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

local shop: means a building or part of a building wherein the only goods offered for sales are food-stuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

lodging house: shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911 (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.

market: means land and buildings used for a fair, a farmer’s 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 interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988 (as amended)* has been granted.

motor vehicle and marine sales: means land and buildings used for the display and sale or hire 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 repair: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:

- a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- b) lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use: means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not in conformity with the provisions of the Scheme.

office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

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.

piggery: shall have the same meaning given to it in and for the purposes of the *Health Act 1911 (as amended)*.

place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- a) an area of land situated in the bed of any watercourse or lake;
- b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- c) as much of the land beneath the place as is required for the purposes of its conservation.

plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organisation.

poultry farm: means any land or 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 (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 any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

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

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

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

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

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

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

but does not include intensive agriculture.

salvage yard: means any land or 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 repair to motor vehicles, or wrecking of vehicles.

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

short-stay accommodation: means the occupation of a chalet, caravan, camp, or any other form of accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.

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.

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

stockyard: means any land, building, or structure used for holding and/or sale of animal stock.

tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act, 1988 (as amended)*.

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

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

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

SCHEDULE 2 SPECIAL USE ZONES

PARTICULARS OF LAND	SPECIAL USE
Lots 3 to 6 inclusive Crowden Street; Lot 19 Taylor Street; and right-of-way off Taylor Street adjacent to Lots 5, 6 and 19; Tambellup	Private club including private recreation

SCHEDULE 3 SPECIAL RURAL ZONES

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
Lot 84 Russell Street; Lots bounded by the Gordon River, Rourke Street, Diprose Avenue, Brown Street, Graham Street, Crown Reserve 14036, Lovegrove Street, Oriana Street; Tambellup	The Council will not recommend lot sizes less than 1.0 hectare where reticulated water is to be provided. The Council may recommend that the Commission approve minor variations. The Council will require drainage and on-site effluent disposal to be provided to its satisfaction.

ADOPTION

Adopted by Resolution of the Council of the Shire of Tambellup at the meeting of the Council held on the 16th day of November 1995.

K. D. SPRIGG, President.
R. T. HILTON, Chief Executive Officer.

FINAL APPROVAL

1 Adopted by Resolution of the Council of the Shire of Tambellup at the meeting of the Council held on the 24th day of September 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

K. D. SPRIGG, President.
R. T. HILTON, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2 RECOMMENDED/SUBMITTED FOR FINAL APPROVAL
Date 17th December 1997.

EUGENE FERRARO, for Chairperson
of The Western Australian Planning Commission.

3 FINAL APPROVAL GRANTED

Date 18th December 1997.

G. D. KIERATH, Hon Minister for Planning.

RACING, GAMING AND LIQUOR

RA401**LIQUOR LICENSING ACT 1988**

SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR TRANSFER OF LICENCE			
1872/97	Patrick Dennis Davin	Application for the transfer of a Restaurant Licence in respect of premises situated in Mosman Park and known as Cape To Cape Gallery Cafe & Restaurant, from Douglas John Wauchope.	16/1/98
1874/97	Gregory Dwyer, Jillian Dwyer & Karryn Anne Purchase	Application for the transfer of a Hotel Licence in respect of premises situated in Kookynie and known as Grand Hotel, from Surrey House Pty Ltd (S87).	22/1/98
1878/97	James Maxwell Cassady & Janene Veronica Cassady	Application for the transfer of a Restaurant Licence in respect of premises situated in Bunbury and known as Louisa's Restaurant, from J. M. Cassady, J. V. Cassady (Anors).	14/1/98
1880/97	Palermo Nominees Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Spearwood and known as Cockburn Liquor & Food Centre, from Action Food Barns (WA) Pty Ltd.	19/1/98
1882/97	Elaine May Payne	Application for the transfer of a Liquor Store Licence in respect of premises situated in Carnamah and known as Wallace's, from Stanley Wallace and Sandra Wallace.	20/1/98
APPLICATION FOR THE GRANT OF A LICENCE			
1247/97	Liquorland (Australia) Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Alexander Heights and known as Liquorland Alexander Heights.	3/2/98

This notice is published under section 67 (5) of the Liquor Licensing Act 1988.

G. B. AVES, Director of Liquor Licensing.

WATER

WA401**RIGHTS IN WATER AND IRRIGATION ACT 1914**

Notice under Section 13 of the Act

[Regulation 14(1)]

The Water and Rivers Commission has received the application listed below to take and use surfacewater for irrigation purposes.

Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach me at the Water & Rivers Commission, PO Box 261, Bunbury WA 6230 prior to January 30, 1998 by certified mail.

Any queries regarding this application should be referred to Mr Craig Jaques on telephone 08 9721 0666, Water Resources Officer, South West Region, Water and Rivers Commission.

M. OWENS, Acting Regional Manager,
South West Region.

Applicant: Tropical Pty Ltd
Property: Sussex location 2919 Rosa Brook Road Mowen.
Water Course: Tributary of the Margaret River.

TENDERS

ZT201

MAIN ROADS
WESTERN AUSTRALIA

Tenders

Tenders are invited for the following projects.

Information on these Tenders are available from the Contracts Officer, Supply Branch, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1998
97D37	Purchase and Removal of a 1990 Mazda T3500 T/Top Truck and a 1991 Toyota Commuter Bus	16 January
97D44	Purchase and Removal of Utility, Refrigerator, Brush Cutter, Chainsaw, Freezer, Plate Compactor, Compressor, Pump, etc	16 January
97D45	Purchase and Removal of Pump, Welder, Screed Board, Chain Saw, Brushcutter, Paint Sprayer, Washing Machine, Drill, etc	19 January
97D46	Purchase and Removal of Roller, Caravan, Road Broom, Compressor, Gen Set, Grinder, Alternator Kit, Refrigerator, etc	19 January

Executive Director Corporate Services.

PUBLIC NOTICES

ZZ101

TRUSTEES ACT 1962

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 9th February 1998, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Capek, Hedvika Maria, late of Braemar Nursing Home, 214 Canning Highway, East Fremantle, died 21/11/97. (DEC 306667 DA2)

Carlile, Grace Keiller, late of Dean Lodge, Airforce Memorial Estate, Bull Creek Drive, Bull Creek, died 12/1/97. (DEC 299469 DG4)

Carrie, Wilfred Stewart, late of Burswood Private Nursing Home, 16 Duncan Street, Victoria Park, died 28/12/97. (DEC 307144 DD2)

Chapman, Herbert John, late of 14 Parramatta Lane, Willetton, died 2/12/97. (DEC 307117 DS4)

Flood, Freda Pearl, late of Belmont Community Nursing Home, Kemp Place, Rivervale, died 15/11/97. (DEC 306156 DP3)

Halliday, Eric Frank, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson, died 11/11/97. (DEC 306753 DG2)

Hathway, George Edward, late of Howard Solomon Nursing Home, 91 Hybanthus Road, Ferndale, died 11/12/97. (DEC 307147 DA3)

Head, Clifford Maurice, late of 21 Bayley Street, Dianella, died 15/12/97. (DEC 307111 DS2)

Maiolo, Domenico, late of 61 Fairfield Street, Mount Hawthorn, died 12/12/97. (DEC 306912 DA2)

McHugh, Grace Alma Florence, late of 39 Robinson Street, Nedlands, died 25/11/97. (DEC 307051 DA4)

McQuade, Muriel Stella, late of 77 Shaftesbury Avenue, Bayswater, died 29/11/97. (DEC 306434 DP3)

Semini, Norma Eveline, late of 18A Kimberley Street, Belmont, died 5/12/97. (DEC 307036 DL3)

Tyrer, Gladys Mary, late of 241A Coode Street, Como, died 16/12/97. (DEC 307090 DC2)

K. E. BRADLEY, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone: 9222 6777.

ZZ201**TRUSTEES ACT 1962**

Thomas Charles Frederick Nowers, late of 133 Athol Street, Cooke Point, Port Hedland in the State of Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the abovementioned deceased, who died on the 14th September 1997, are required by the Executor, Thomas Clarke of 39 Stanley Street, South Hedland in the said State, to send particulars of their claims to the Executor by the 31st day of January 1998, after which date the Executor may convey or distribute the assets, having regard only to the claims of which the Executor then has notice.

HAYDN DIXON & CO, Solicitors, for the Executor,
10 Wedge Street, Port Hedland.
Ph. (08) 9173 3700 Fax (08) 9173 3722.

ZZ401**NOTICE OF DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership previously subsisting between Trevor Brian Newman and Stephen Clifford Dovey carrying on the business known as "Broome Concrete Contractors" at Broome, Western Australia has been dissolved as from the 26th day of November 1997. All debts due to and owing by the said firm will be received by Trevor Brian Newman who will continue to carry on the said business under the style of firm of "Broome Concrete Contractors".

Dated 18th December 1997.

HAYDN DIXON & CO, Solicitors for the Continuing
Partner Trevor Brian Newman.

PERTH OBSERVATORY



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For further information call (08) 9327 8777.

Go on-line to SafetyLine



CUSTOMER
FOCUS
WESTERN AUSTRALIA

1997 Statutes

These Statutes were passed by Parliament during 1997.

1. Trustees Amendment Act
2. Metropolitan (Perth) Passenger Transport Trust Amendment Act
3. Labour Relations Legislation Amendment Act
4. Western Australian Sport Centre Trust Amendment Act
5. Acts Amendment (Marine Reserves) Act
6. Sea-Carriage Documents Act
7. Limitation Amendment Act
8. Bank Mergers Act
9. Bank Mergers (Taxing) Act
10. Iron and Steel (Mid West) Agreement Act
11. Treasurer's Advance Authorization Act
12. Revenue Laws Amendment (Taxation) Act
13. Revenue Laws Amendment (Assessment) Act
14. Appropriation (Consolidated Fund) Act (No. 1)
15. Appropriation (Consolidated Fund) Act (No. 2)
16. Regional Development Commissions Amendment Act
17. Curriculum Council Act
18. State Trading Concerns Amendment Act
19. Restraining Orders Act
20. Casino (Burswood Island) Agreement Amendment Act
21. Family Court (Orders of Registrars) Act
22. Professional Standards Act
23. Acts Amendment (Auxiliary Judges) Act
24. Turf Club Legislation Amendment Act
25. Human Tissue and Transplant Amendment Act
26. Appropriation (Consolidated Fund) Act (No. 4)
27. Cement Works (Cockburn Cement Ltd) Agreement Amendment Act
28. W.A. Land Authority Amendment Act
29. Acts Amendment (Legal Costs) Act
30. Land Administration Act
31. Acts Amendment (Land Administration) Act
32. Water Legislation Amendment Act
33. Water Services Coordination Amendment Act
34. Juries Amendment Act
35. W.A. Coastal Shipping Commission Amendment Act
36. Loan Act
37. Grain Marketing Amendment Act
38. Reserves Act
39. Fishing & Related Industries Compensation (Marine Reserves) Act
40. Family Court Act
41. Acts Amendment & Repeal (Family Court) Act
42. Equal Opportunity Amendment Act (No. 3)
43. Commercial Arbitration Amendment Act
44. Maritime Archaeology Amendment Act
45. Pay-Roll Tax Amendment Act
46. Public Notaries Amendment Act
47. Wills Amendment Act
48. Mutual Recognition (W.A.) Amendment Act
49. Sunday Observance Laws Amendment & Repeal Act
50. Road Traffic Amendment Act
51. Revenue Laws Amendment (Assessment) Act (No. 2)
52. Appropriation (Consolidation Fund) Act (No. 3)
53. Dampier to Bunbury Pipeline Act
54. Interpretation Amendment Act
55. Fuel Suppliers Licensing & Diesel Subsidies Act
56. Acts Amendment (Franchise Fees) Act
57. Statute Repeals and Minor Amendments Act
58. Osteopaths Act

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