

WESTERN AUSTRALIAN GOVERNMENT Gazette

6391



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— PART 1 —

PROCLAMATIONS

AA101*

OSTEOPATHS ACT 1997

58 of 1997

PROCLAMATION

WESTERN AUSTRALIA
P. M. Jeffery,
Governor.
[L.S.]

} By His Excellency Major General Philip Michael
Jeffery, Companion of the Order of Australia, Officer
of the Order of Australia (Military Division), Military
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Osteopaths Act 1997* and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 14 December 1999.

By Command of the Governor,

JOHN DAY, Minister for Health.

GOD SAVE THE QUEEN!

EAST PERTH REDEVELOPMENT AUTHORITY

EC301*

East Perth Redevelopment Act 1991

East Perth Redevelopment (Transfer of Land) Order (No. 2) 1999

Made by the Governor in Executive Council under section 22.

1. Citation

This order may be cited as the *East Perth Redevelopment (Transfer of Land) Order (No. 2) 1999*.

2. Metropolitan (Perth) Passenger Transport Trust site

In this order, the land described as the “Metropolitan (Perth) Passenger Transport Trust site” is the whole of the land shown as Metropolitan (Perth) Passenger Transport Trust in Volume 2147, Folio 330, being part Perth Lot 827 together with certain sewerage and drainage rights as set out in Transfer 70922-66, and with no encumbrances.

3. Direction to transfer land

Upon being satisfied —

- (a) that the Metropolitan (Perth) Passenger Transport Trust site is required by the East Perth Redevelopment Authority for development or redevelopment under, or otherwise for the purposes of, the *East Perth Redevelopment Act 1991*; and
- (b) the entity holding the estate and interest over the Metropolitan (Perth) Passenger Transport Trust site is a “public authority” within the meaning of that term in section 3 of the *East Perth Redevelopment Act 1991*,

the Governor directs, under section 22 of the *East Perth Redevelopment Act 1991*, that public authority to transfer, to the East Perth Redevelopment Authority, all of the estate and interest over which the public authority has power of disposition, in the Metropolitan (Perth) Passenger Transport Trust site, subject to the following terms and conditions:

- (I) That the public authority in agreement with the Authority is to appoint a consultant to appraise the environmental status of the site and prepare an environmental management plan and determine the cost of its implementation. Similarly, the public authority is to appoint a consultant to review the cost of demolition and site clearance.
- (II) That, in the event of lack of agreement between the two parties on the scope and cost of works, the Valuer General can be asked to appoint a consultant.
- (III) With regard to the valuation of the site, that the public authority and the Authority each appoint an independent valuer and provide the valuer with the due diligence information and —
 - (i) if the valuations are within 10% of each other the sale price is the mid point between the valuations; or
 - (ii) if the valuations are more than 10% apart, the Valuer General is to be provided with the valuation advice and due diligence information and is to be asked to appoint a senior valuer for a further valuation.
- (IV) If the Valuer General’s Office valuation lies between the previous valuations then that is to become the sale price. If that valuation is outside of the previous values the middle of the values is to become the sale price.

By Command of the Governor,

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

ENVIRONMENTAL PROTECTION

EP301*

Environmental Protection Act 1986

**Environmental Protection (Kwinana)
(Atmospheric Wastes) Policy Approval
Order 1999**

Made by the Minister under section 31(d).

1. Citation

This order may be cited as the *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1999*.

2. Commencement

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

3. Approval of environmental protection policy

The environmental protection policy set out in Schedule 1 is approved.

4. Revocation

The *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1992* is revoked.

**Schedule 1 — Environmental Protection (Kwinana)
(Atmospheric Wastes) Policy 1999**

[cl. 3]

*Environmental Protection Act 1986***Environmental Protection (Kwinana) (Atmospheric Wastes)
Policy 1999**

Approved by the Minister under section 31(d).

1. Citation

This policy may be cited as the *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999*.

2. Purposes of policy

The purposes of this policy are —

- (a) to provide for ambient air quality standards and ambient air quality limits for the concentration of atmospheric wastes in the relevant portion of the environment; and
- (b) to establish a programme which may be used to control the discharge of atmospheric wastes from industrial sources so that those ambient air quality standards and ambient air quality limits can respectively be achieved and complied with.

3. Interpretation

- (1) In this policy, unless the contrary intention appears —

“atmospheric waste” means —

- (a) a gaseous substance of a kind prescribed by the regulations;
- (b) a particulate substance of a kind prescribed by the regulations; or
- (c) a combination of substances referred to in paragraphs (a) and (b);

“DEP map” means Department of Environmental Protection Map 990902 —

- (a) a representation of which is set out in Schedule 2; and
- (b) a copy of which is available for inspection at the head office of the Department in Perth;

“determination” means a determination under clause 7(3);

“industrial source” means a point or area within industrial premises in the Policy Area from which an atmospheric waste is discharged into the air environment;

“limit” means the concentration of an atmospheric waste which is not to be exceeded;

“plan” means Department of Land Administration Miscellaneous Plan 1705 —

- (a) a representation of which is set out in Schedule 1; and
- (b) a copy of which is available for inspection at the head office of the Department in Perth;

“Policy Area” means the area described in clause 4(a);

“redetermination” means a redetermination under clause 12(1) or 13(2);

“relevant determination”, in relation to an atmospheric waste, means the determination or redetermination, as the case requires, that provides for the maximum permissible quantities of that waste to be discharged from significant industrial sources;

“relevant portion of the environment” means the portion of the environment referred to in clause 4(b);

“significant industrial source” means an industrial source from which the discharge of an atmospheric waste is, in the opinion of

the Chief Executive Officer, such as to affect or to be likely to affect the relevant portion of the environment;

“standard” means the concentration of an atmospheric waste which it is desirable not to exceed;

“the regulations” means the *Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992*.

- (2) A reference in this policy to —
- (a) Area A, is a reference to those portions of the Policy Area that are coloured pink on the plan;
 - (b) Area B, is a reference to those portions of the Policy Area that are —
 - (i) located within the red border depicted on the plan but not located within Area A; or
 - (ii) located outside the red border depicted on the plan and zoned for industrial purposes from time to time under —
 - (I) the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*; or
 - (II) a town planning scheme under the *Town Planning and Development Act 1928*;
 - (c) Area C, is a reference to those portions of the Policy Area not located within Area A or Area B.

4. **Application**

This policy applies to —

- (a) the area comprising the local government districts of Cockburn, Kwinana and Rockingham, as delineated and shown bordered in red on the DEP map; and
- (b) that portion of the environment comprising a layer of air 5 metres thick —
 - (i) immediately above, and immediately surrounding, the external surfaces of any residential premises situated within Area B or Area C; or
 - (ii) otherwise immediately above the surface of the Policy Area.

5. **Beneficial use to be protected**

Any lawful human activity within the relevant portion of the environment which is conducive to the health, welfare, convenience, comfort or amenity of persons within the relevant portion of the environment is declared to be a beneficial use to be protected under this policy.

6. **Ambient air quality standards and ambient air quality limits for atmospheric wastes**

- (1) Subject to subclause (2), the ambient air quality standards and ambient air quality limits for the concentration of an atmospheric waste in the relevant portion of the environment that are intended to

provide an acceptable level of protection for the beneficial use identified and declared under clause 5 are the standards and limits specified from time to time in respect of that atmospheric waste in the regulations.

- (2) Within the boundaries of industrial premises in respect of which a licence is in force, the concentration of an atmospheric waste shall, for the purposes of this policy, be taken to exclude the contribution to that concentration made by the discharge, if any, of that atmospheric waste from industrial sources located within those boundaries.

7. Determination of maximum permissible quantities of atmospheric wastes to be discharged

- (1) Subject to clause 6(2), the Chief Executive Officer may, in respect of each atmospheric waste, develop a procedure for determining the maximum permissible quantities of that waste to be discharged from industrial sources so that the ambient air quality standards and ambient air quality limits specified in respect of that waste under clause 6 can, in the opinion of the Chief Executive Officer, be achieved and complied with.
- (2) Without limiting the generality of subclause (1), in developing a procedure under that subclause the Chief Executive Officer may make allowance for any additional quantities of an atmospheric waste that may in the future be discharged from industrial sources.
- (3) The Chief Executive Officer may, subject to subclause (4), determine the maximum permissible quantities of an atmospheric waste to be discharged from significant industrial sources in accordance with the procedure developed in respect of that waste under subclause (1).
- (4) Before making a determination, the Chief Executive Officer shall —
 - (a) consult with persons representing such industries or industrial premises as the Chief Executive Officer considers may be affected by the determination; and
 - (b) take into account any views expressed by persons so consulted.
- (5) A determination may provide for —
 - (a) maximum permissible quantities expressed as a discharge rate (in units of mass per unit of time) or as a discharge concentration (in units of mass per unit of volume at specified reference conditions);
 - (b) maximum permissible quantities that —
 - (i) are constant;
 - (ii) vary in a specified manner under specified conditions;
 - (iii) are expressed on a statistical basis;and
 - (c) more than one set of maximum permissible quantities, but in such a case shall also specify —
 - (i) the set of maximum permissible quantities that is for the time being in force; and

- (ii) the circumstances in which, and the method by which, a different set of maximum permissible quantities may be brought into force,

for the purposes of this policy.

- (6) The Chief Executive Officer shall cause notice in writing of a determination to be served on each occupier of industrial premises in the Policy Area affected by the determination.

8. Achievement of standards and compliance with limits

Without limiting the powers of the Chief Executive Officer under the Act in relation to the prevention, control or abatement of pollution, achievement of the ambient air quality standards and compliance with the ambient air quality limits specified in respect of an atmospheric waste under clause 6 may be brought about by requiring occupiers of industrial premises in the Policy Area to comply with the relevant determination.

9. Requirement for compliance with relevant determination in pollution abatement notice or licence

- (1) For the purposes of clause 8, in addition to any other requirements or conditions imposed by the Chief Executive Officer under the Act, the Chief Executive Officer may require —
 - (a) under a pollution abatement notice; or
 - (b) as a condition of a licence prescribed under section 62(1)(h) of the Act,

an occupier of industrial premises in the Policy Area to control the discharge of a specified atmospheric waste from specified industrial sources within those premises so as to ensure that the quantities of the waste so discharged comply with the relevant determination.

- (2) In subclause (1) —
“**specified**” means specified in the pollution abatement notice or licence concerned.

10. Time may be allowed for compliance with relevant determination

- (1) If the Chief Executive Officer is satisfied that it is not practicable for an occupier of industrial premises in the Policy Area to control the discharge of an atmospheric waste from industrial sources within those premises so as to comply immediately with the relevant determination, the Chief Executive Officer may —
 - (a) after consultation with the occupier, determine the period within which, and the manner in which, compliance with the relevant determination is to be achieved; and
 - (b) in addition to any other requirements or conditions imposed by the Chief Executive Officer under the Act, require the occupier under a pollution abatement notice or as a condition of a licence prescribed under section 62(1)(h) of the Act —
 - (i) to control the discharge of the atmospheric waste from those industrial sources so as to achieve compliance with the relevant determination within a

- specified period and in accordance with a specified compliance programme;
- (ii) to take such other measures (including the undertaking of monitoring and the installation of equipment) as are specified for the purpose of achieving, or monitoring the extent of, compliance with the relevant determination; and
 - (iii) to furnish to the Chief Executive Officer, at such intervals of time as are specified, a report on the progress being made towards compliance with the relevant determination.
- (2) If the Minister is satisfied that it is not practicable for an occupier of industrial premises in the Policy Area to control the discharge of an atmospheric waste from industrial sources within those premises so as to comply immediately with the relevant determination, the Minister may direct the Chief Executive Officer to exercise, in respect of that occupier, the powers conferred by subclause (1)(a) and (b) to the satisfaction of the Minister.
- (3) In subclause (1) —
“**specified**” means specified in the pollution abatement notice or licence concerned.

11. Occupiers to undertake monitoring

- (1) Where significant industrial sources are located within particular industrial premises in the Policy Area, the Chief Executive Officer may, as a condition of a licence under section 62(1)(e) of the Act, require the occupier of those premises to carry out a specified monitoring programme to monitor —
- (a) the quantity (expressed as a discharge rate (in units of mass per unit of time) or as a discharge concentration (in units of mass per unit of volume at specified reference conditions)) of an atmospheric waste discharged from such of those sources, together with such other characteristics of that discharge, as are specified, and the volume and effects of that discharge; and
 - (b) the concentration of an atmospheric waste at specified locations in the relevant portion of the environment.
- (2) In subclause (1) —
“**specified**” means specified in the licence concerned.

12. Redetermination of maximum permissible quantities

- (1) The Chief Executive Officer may, with the approval of the Minister, and shall, if the Minister so directs, redetermine the maximum permissible quantities of an atmospheric waste to be discharged from significant industrial sources in accordance with —
- (a) the procedure developed in respect of the atmospheric waste under clause 7(1); or
 - (b) where that procedure has been modified under subclause (3), the procedure as so modified.

- (2) Before approving or directing a redetermination under subclause (1), the Minister shall —
 - (a) consult with persons representing such industries or industrial premises as the Minister considers may be affected by the redetermination; and
 - (b) take into account any views expressed by persons so consulted.
- (3) Before making a redetermination under subclause (1), the Chief Executive Officer may modify the procedure developed in respect of the atmospheric waste under clause 7(1) and for that purpose has the same powers and is subject to the same requirements as applied in relation to the development of the procedure.
- (4) Clause 7(4), (5) and (6) apply to and in relation to a redetermination under subclause (1) as if that redetermination were a determination.

13. Review where standards or limits are exceeded

- (1) The Chief Executive Officer may, if the ambient air quality standards, and shall, if the ambient air quality limits, specified in respect of an atmospheric waste under clause 6 are exceeded at any location in the relevant portion of the environment, review the relevant determination.
- (2) As a result of a review conducted under subclause (1), the Chief Executive Officer may redetermine the maximum permissible quantities of the atmospheric waste to be discharged from significant industrial sources in accordance with —
 - (a) the procedure developed in respect of the atmospheric waste under clause 7(1); or
 - (b) where that procedure has been modified under subclause (3), the procedure as so modified.
- (3) Before making a redetermination under subclause (1), the Chief Executive Officer may modify the procedure developed in respect of the atmospheric waste under clause 7(1) and for that purpose has the same powers and is subject to the same requirements as applied in relation to the development of the procedure.
- (4) Clause 7(4), (5) and (6) apply to and in relation to a redetermination under subclause (2) as if that redetermination were a determination.

14. Information to be made available

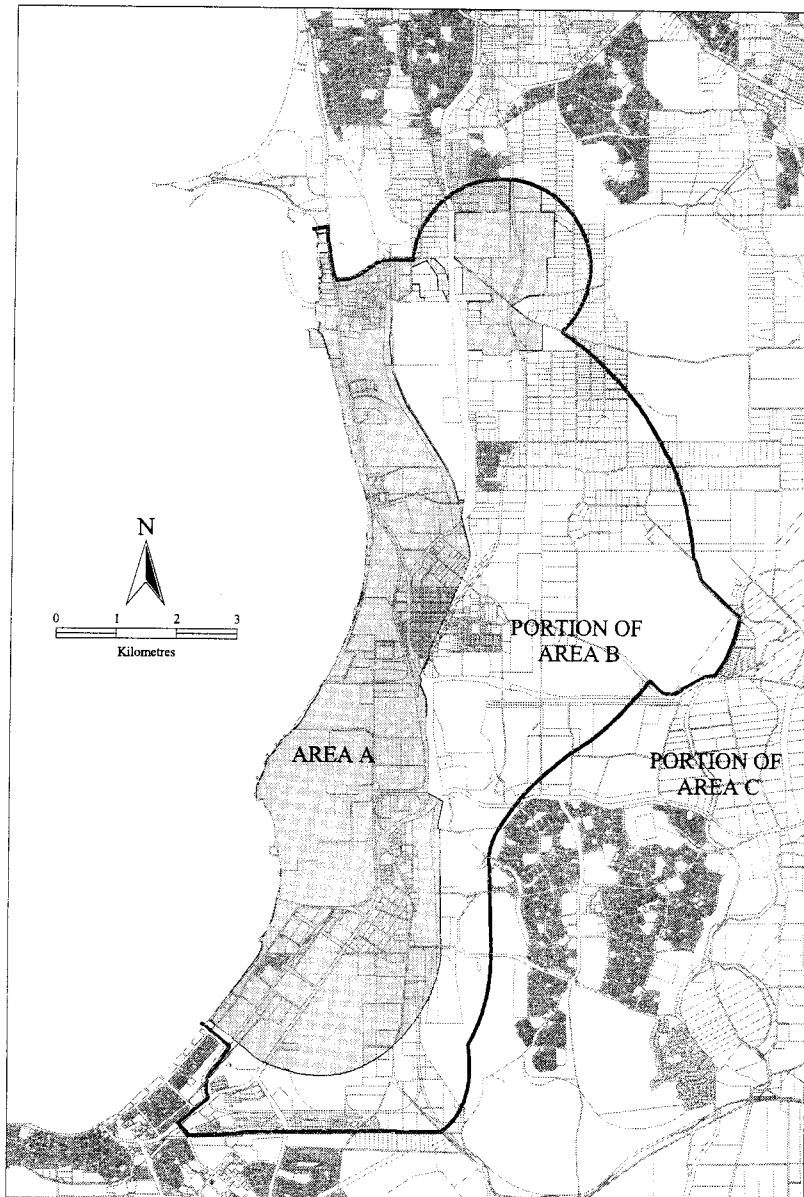
The Chief Executive Officer shall make available for public inspection at the head office of the Department in Perth the following information —

- (a) details of procedures developed under clause 7(1) (including any modifications under clause 12(3) or 13(3));
- (b) details of determinations and redeterminations;
- (c) details of determinations under clause 10(1)(a);
- (d) copies of reports furnished under clause 10(1)(b)(iii);
- (e) results of monitoring required under clause 11(1)(b);

- (f) details of the ambient concentration of an atmospheric waste within the relevant portion of the environment in every case giving rise to a review under clause 13(1).

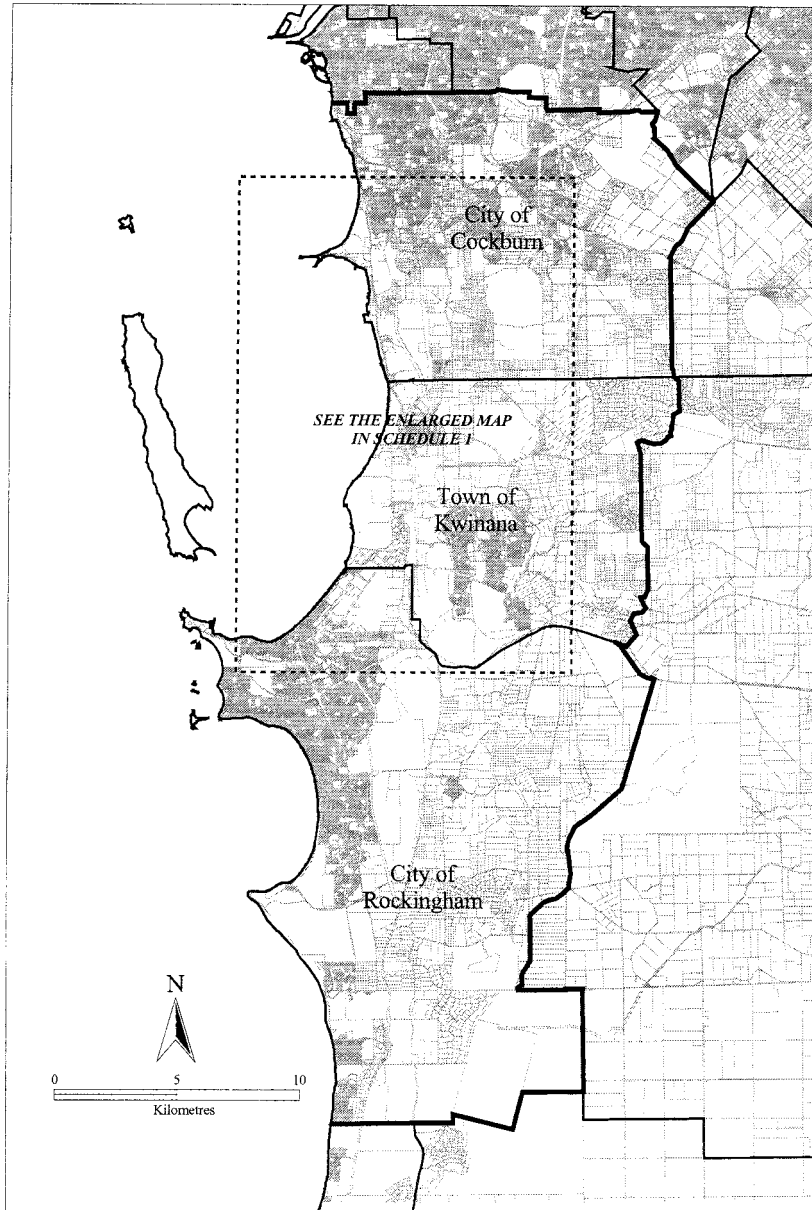
Schedule 1 — Representation of the plan

[cl. 3(1)]



Schedule 2 — Representation of the DEP map

[cl. 3(1)]



CHERYL EDWARDES, Minister for the Environment.

EP302*

Environmental Protection Act 1986

Environmental Protection (Kwinana) (Atmospheric Wastes) Amendment Regulations 1999

Made by the Governor in Executive Council on the recommendation of the Authority.

1. Citation

These regulations may be cited as the *Environmental Protection (Kwinana) (Atmospheric Wastes) Amendment Regulations 1999*.

2. Commencement

These regulations come into operation on the day on which the *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1999* comes into operation.

3. Regulation 2 amended

Regulation 2 of the *Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992** is amended in the definition of “the policy” by deleting “1992” in both places where it occurs and inserting instead —

“ 1999 “.

[* *Published in Gazette 17 July 1992, pp. 3390-92.*]

Recommended by the Environmental Protection Authority.

B. BOWEN, Chairman.

By Command of the Governor,

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

FISHERES

FI301***FISH RESOURCES MANAGEMENT ACT 1994****PILBARA FISH TRAWL FISHERY (INTERIM) MANAGEMENT PLAN
AMENDMENT 1999**

FD 2234/99 [334]

Made by the Minister under section 54.

Citation

1. This amendment may be cited as the Pilbara Fish Trawl Fishery (Interim) Management Plan Amendment 1999.

Commencement

2. This amendment will commence operation on 1 January 2000.

Principal Plan

3. In this amendment the Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997* is referred to as the principal Plan.

Arrangement amended

4. The Arrangement to the principal Plan is amended by inserting—

- (a) after “28. Nomination to fish” the following—
“ 28A. Payment by instalments ”; and
- (b) after “Schedule 8” the following—
“Schedule 9 Payment by instalments”.

Clause 4 amended

5. Clause 4 of the principal Plan is amended by inserting after the item commencing “sweeps” the following—

- “ “total fee” means the fee as calculated in accordance with Part 2 of Schedule 8;
- ”.

Clause 25 deleted and substituted

6. Clause 25 of the principal Plan is deleted and the following substituted—

- “25. The transfer of any part of an entitlement may be refused on the grounds that—
 - (a) that the proposed transfer is not for a whole number of fish trawl units;
 - (b) that the proposed transfer is for fish trawl units that relate to Area 6 and the application is not for the transfer of all of those units; or
 - (c) that the total fee has not been paid in respect of the permit from which the fish trawl units are being transferred. ”.

Clause 26 amended

7. Clause 26 of the principal Plan is amended—

- (a) in paragraph (b) by deleting the full stop and substituting the following—
“ ; or ”;
- (b) inserting after paragraph (b) the following paragraph—
“ (c) the total fee for that permit has not been paid. ”.

Clause 28A inserted

8. The principal Plan is amended by inserting after clause 28 the following clause—

“Payment by instalments

- 28A. (1) For the purposes of regulation 137(2) of the regulations, the total fee may be paid by instalments as specified in Schedule 9 if—
 - (a) an election to pay by instalments is made by the holder of a permit in accordance with subclause (2); and
 - (b) there is no other fee, charge or levy in respect of the permit which has not been paid at the time the election is received at the head office of the Department.
- (2) An election for the purposes of subclause (1) must be—
 - (a) made in writing;
 - (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates;
 - (c) accompanied by the first instalment plus the surcharge.

- (3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13% of the total fee.
- (4) The holder of a permit, or a person acting on that persons behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the permit is outstanding. ”.

Clause 29 amended

9. Clause 29 of the principal Plan is amended in paragraph (a) by inserting after “28(2)” the following—

“ , 28A(4) ”.

Schedule 7 amended

10. Schedule 7 of the principal Plan is amended by deleting—

“ ML x B x D + IEP

2.83

” and substituting the following—

“ ML x B x D x 0.6 + IEP

2.83

”.

Schedule 8 amended

11. Part 2 of Schedule 8 of the principal Plan is amended by deleting “ \$3.50 ” and substituting the following—

“ \$5.30 ”.

Schedule 9 inserted

12. The principal Plan is amended by inserting after Schedule 8 the following Schedule—

“Schedule 9

Payment by Instalments

- (a) The first instalment is 25% of the total fee and is due for payment on or before 1 January of the year for which the permit is to be granted or renewed.
- (b) The second instalment is 25% of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 July immediately following the period specified in paragraph (a). ”.

[*Published in the Gazette of 23 December 1997. For amendments to 3 December 1999 see the Pilbara Fish Trawl Interim Managed Fishery Management Plan Amendment 1998 published in the Gazette of 30 December 1998.]

Dated this 13th day of December 1999.

MONTY HOUSE, Minister For Fisheries.

FI302*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 8) 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 8) 1999*.

2. The regulations amended

The amendments in these regulations are to the *Fish Resources Management Regulations 1995**.

[* *Published in Gazette 29 September 1995, pp. 4503-646. For amendments to 7 December 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 98-9, and Gazette 23 April, 4 June, 13 August and 28 September 1999.*]

3. Division 5A inserted

After regulation 38 the following Division is inserted —

“

Division 5A — Requirements regarding deep sea crabs

38A. Interpretation

In this Division —

“**deep sea crab**” means a giant (king) crab, a snow crab or a spiny crab.

38B. Possession or sale of parts of deep sea crabs

A person must not possess or sell a part only of a deep sea crab unless —

- (a) authorized to do so under a fish processor's licence, and the part is a part of a whole deep sea crab which was processed at the place specified in the licence as the place at which fish are to be processed;
- (b) the part was purchased from the place specified in a fish processor's licence as the place at which deep sea crabs are to be processed, and the person has a receipt detailing that purchase; or
- (c) the part is being prepared for immediate consumption.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and, in either case, the penalty provided in section 222 of the Act.

38C. Bringing ashore parts of deep sea crabs

A person must not bring ashore, or attempt to bring ashore, a part only of a deep sea crab.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and, in either case, the penalty provided in section 222 of the Act.

”.

4. Regulation 156 amended

Regulation 156 is amended in the Table by inserting after “35,” the following —

“ 38B, 38C, ”.

5. Schedule 1 amended

(1) Item 3 of Part 3 of Schedule 1 is amended as follows:

- (a) in subitem (2), by deleting “136.00” and inserting instead —
“ 691.00 ”;
- (b) in subitem (3), by deleting “2 082.00” and inserting instead —
“ 2 135.00 ”;
- (c) in subitem (4), by deleting “449.00” and inserting instead —
“ 496.00 ”;
- (d) in subitem (5), by deleting “38.00” and inserting instead —
“ 33.00 ”;
- (e) in subitem (6), by deleting “2 975.00” and inserting instead —
“ 163.00 ”;
- (f) in subitem (7), by deleting “46.00” and inserting instead —
“ 52.00 ”;
- (g) in subitem (9), by deleting “2 065.00” and inserting instead —
“ 1 221.00 ”;
- (h) in subitem (10)(a), by deleting “379.00” and inserting instead —
“ 348.00 ”;
- (i) in subitem (10)(b), by deleting “379.00” and inserting instead —
“ 348.00 ”;
- (j) in subitem (11)(a), by deleting “615.00” and inserting instead —
“ 687.00 ”;
- (k) in subitem (11)(b), by deleting “1 229.00” and inserting instead —
“ 1 373.00 ”;
- (l) in subitem (12), by deleting “3 750.00” and inserting instead —
“ 1 735.00 ”;

- (m) in subitem (13)(a), by deleting “5 602.00” and inserting instead —
“ 3 925.00 ”;
- (n) in subitem (13)(b), by deleting “2 389.00” and inserting instead —
“ 1 099.00 ”;
- (o) in subitem (13)(d), by deleting “73.00” and inserting instead —
“ 152.00 ”;
- (p) in subitem (14), by deleting “4 252.00” and inserting instead —
“ 317.00 ”;
- (q) in subitem (15), by deleting “1 221.00” and inserting instead —
“ 1 651 ”;
- (r) in subitem (18)(a), by deleting “2 567.00” and inserting instead —
“ 2 036.00 ”;
- (s) in subitem (18)(b), by deleting “1 293.00” and inserting instead —
“ 1 068.00 ”;
- (t) in subitem (18)(c), by deleting “420.00” and inserting instead —
“ 284.00 ”;
- (u) in subitem (19), by deleting “615.00” and inserting instead —
“ 687.00 ”;
- (v) in subitem (20), by deleting “14.00” in the 4 places where it occurs and inserting in each place instead —
“ 37.00 ”;
- (w) in subitem (21), by deleting “1 112.00” and inserting instead —
“ 1 125.00 ”;
- (x) in subitem (22), by deleting “616.00” and inserting instead —
“ 468.00 ”;
- (y) in subitem (26), by deleting “167.00” and inserting instead —
“ 111.00 ”;
- (z) in subitem (27)(a), by deleting “5 451.00” and inserting instead —
“ 3 002.00 ”;

- (aa) in subitem (27)(b), by deleting “28.00” and inserting instead —
“ 114.00 ”;
- (bb) in subitem (29), by deleting “4.00” and inserting instead —
“ 72.00 ”.

- (2) Item 3(24) of Part 3 of Schedule 1 is deleted and the following subitem is inserted instead —

“

- (24) Southern Demersal Gillnet and Demersal Longline Managed Fishery (as defined in the *Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan 1992*), per gear unit —
- | | | |
|-----|----------------------|-------|
| (a) | for zone 1 | 16.00 |
| (b) | for zone 2 | 34.00 |
| (c) | for zone 3 | 16.00 |
| (d) | for zone 4 | 34.00 |

”.

6. Schedule 2 amended

Part 2 Division 3 of Schedule 2 is amended in the item “Mackerel, Narrow-barred Spanish”, by deleting “750” and inserting instead —

“ 900 ”.

7. Schedule 7 amended

Schedule 7 is amended under the heading “CRUSTACEANS” as follows:

- (a) after the item that begins “Crab, Green Mud” by inserting the following item —

“

Crab, Snow *Chaceon bicolor*

”;

- (b) in the item that begins “Crab, Spiny” by deleting “*Hyothalassia*” and inserting instead —

“ *Hypothalassia* ”.

By Command of the Governor,

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

FI303*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 9) 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 9) 1999*.

2. Schedule 1 amended

Item 3 of Part 3 of Schedule 1 to the *Fish Resources Management Regulations 1995** is amended as follows:

- (a) in subitem (8), by deleting “21 262.00” and inserting instead —
“ 21 134.00 ”;
- (b) in subitem (16), by deleting “25 188.00” and inserting instead —
“ 24 948.00 ”;
- (c) in subitem (17)(a), by deleting “15 038.00” and inserting instead —
“ 15 631.00 ”;
- (d) in subitem (17)(b), by deleting “4 199.00” and inserting instead —
“ 3 201.00 ”.

[* *Published in Gazette 29 September 1995, pp. 4503-646.*
For amendments to 7 December 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 98-9, and Gazette 23 April, 4 June, 13 August and 28 September 1999.]

By Command of the Governor,

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

HEALTH

HE302*

Hospitals and Health Services Act 1927

Hospitals and Health Services (Lower Great Southern Health Service Board) By-laws 1999

Made by the Lower Great Southern Health Service Board under section 22 of the Act.

1. Citation

These by-laws may be cited as the *Hospitals and Health Services (Lower Great Southern Health Service Board) By-laws 1999*.

2. Interpretation

In these by-laws —

“**Board**” means the hospital board assigned the corporate name “Lower Great Southern Health Service Board” under clause 4 of the *Hospitals and Health Services (Re-organization of Hospital Boards) Notice (No. 2) 1999*.

3. Local health service management committees to be established

The Board is to establish a local health service management committee for each public hospital, or, at the discretion of the Board, group of public hospitals, under the control of the Board.

4. Constitution of local health service management committee

- (1) A local health service management committee is to consist of not less than 5 persons or more than 14 persons appointed by the Board of whom —
 - (a) at least 2 are Board members; and
 - (b) all other persons are appointed from persons nominated to the Board in accordance with procedures determined by the Board and approved by the Minister.
- (2) The procedures referred to in subclause (1)(b) are to make provision for a number of persons, determined by the Board, who are to be appointed to a committee to represent the senior management of public hospitals under the control of the Board.

5. Chairperson

The members of a local health service management committee are to elect a member, who is also a Board member, to be the chairperson of the committee.

6. Constitutional provisions

- (1) Subject to sub-bylaw (2), the Schedule to the Act has effect in relation to the constitutional provisions that apply to a local health service management committee.
- (2) For the purposes of sub-bylaw (1) —
 - (a) a reference in the Schedule to the Act —
 - (i) to the Governor or the Minister is to be taken to be a reference to the Board; or
 - (ii) to the Chairman is to be taken to be a reference to the chairperson;
 - (b) clauses 3 and 12 of that Schedule do not apply; and
 - (c) the reference in clause 14 of that Schedule to “this Act” is to be taken to be a reference to “any directions given by the Board”.

7. Functions of local health service management committee

The functions of a local health service management committee established for a public hospital are, in accordance with such guidelines, if any, as are approved by the Board —

- (a) to supervise, and provide advice and recommendations to the Board in relation to, the management of the public hospital;
- (b) in association with the Board, to select the person to be employed by the public hospital as its senior employee;
- (c) to manage, and provide advice and recommendations to the Board in relation to the management of the funds available to the Board for distribution to the public hospital;
- (d) to participate in business and strategic planning processes in relation to the public hospital;
- (e) to supervise, and provide advice and recommendations to the Board in relation to, contracts or arrangements entered into for the purposes of services provided by the public hospital; and
- (f) to perform any other functions as directed by the Board.

8. Board may give directions to local health service management committees

The Board may give directions to a local health service management committee in relation to the performance of the committee’s functions, and the committee is to comply with any direction so given.

Passed by a resolution of the Lower Great Southern Health Service Board at its meeting held on 8th December 1999.

The common seal of the Lower Great Southern Health Service Board was at the time of that resolution affixed by order and in the presence of —

M. H. SHARP, Chairperson.
W. J. YORK, Member.

HE303*

Hospitals and Health Services Act 1927

Hospitals and Health Services (Re-organization of Hospital Boards) Notice (No. 3) 1999

Made by the Governor in Executive Council under section 16(1) of the Act.

1. Citation

This notice may be cited as the *Hospitals and Health Services (Re-organization of Hospital Boards) Notice (No. 3) 1999*.

2. Commencement

This notice comes into operation on 1 January 2000.

3. Amalgamation of boards to form new board

The boards mentioned in Division 1 of Schedule 1 are re-organized by amalgamating them to form a new board.

4. Assignment of corporate name to new board

The new board formed under clause 3 is assigned the name "Harvey Yarloop Health Service Board".

5. Constitution of Harvey Yarloop Health Service Board in relation to certain public hospitals

The Harvey Yarloop Health Service Board is constituted in relation to the public hospitals mentioned in Division 2 of Schedule 1 to this Notice.

Schedule 1 — Formation and Constitution of the Harvey Yarloop Health Service Board

[cls. 3 and 5]

Division 1 — Amalgamated boards

Harvey Health Service Board

Yarloop Health Services

Division 2 — Public hospitals: Harvey Yarloop Health Service Board

Harvey District Hospital

Yarloop District Hospital

By Command of the Governor,

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

HE304*

Hospitals and Health Services Act 1927

Hospitals and Health Services (Harvey Yarloop Health Service Board Appointments) Instrument 1999

Made by the Governor in Executive Council under section 15 of the Act.

1. Citation

This instrument may be cited as the *Hospitals and Health Services (Harvey Yarloop Health Service Board Appointments) Instrument 1999*.

2. Commencement

This instrument comes into operation immediately after the re-organization notice comes into operation.

3. Interpretation

In this instrument —

“**former board**” means a board mentioned in Division 1 of Schedule 1 to the re-organization notice;

“**Harvey Yarloop Health Service Board**” means the board assigned that corporate name under clause 4 of the re-organization notice;

“**re-organization notice**” means the *Hospitals and Health Services (Re-organization of Hospital Boards) Notice (No. 3) 1999*.

4. Termination of term of tenure

The term of tenure of every member of a former board who holds office on the coming into operation of this instrument is terminated.

5. Appointment to the Harvey Yarloop Health Service Board

The persons mentioned in Schedule 1 to this instrument are appointed to constitute the Harvey Yarloop Health Service Board —

- (a) in the case of the persons mentioned in Division 1 of that Schedule from 1 January 2000 to 30 September 2000;
- (b) in the case of the persons mentioned in Division 2 of that Schedule from 1 January 2000 to 30 September 2001; and
- (c) in the case of the persons mentioned in Division 3 of that Schedule from 1 January 2000 to 30 September 2002.

Schedule 1 — Appointments to Harvey Yarloop Health Service Board

[cl. 5]

Division 1 — Appointments to 30 September 2000

Domenico Alfredo Anzellino

Catherine Marie Italiano

Michael Gordon Pantou

Division 2 — Appointments to 30 September 2001

Geoffrey Ross Cattach

Brian Ernest Hollands

John Louis Salerian

Division 3 — Appointments to 30 September 2002

Wendy Antoinette Figliomeni

Julie Elizabeth Higgins

James Leonard Morley

Roslyn Anne Trouchet

By Command of the Governor,

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

PARLIAMENT

PA301***PRISONS ACT 1981**

Disallowance of Regulations

It is hereby notified for public information that the Legislative Council, by resolution has disallowed the following Regulations made under the *Prisons Act 1981* —

Regulation 5 of the *Prisons Amendment Regulations 1999* published in the *Gazette* on November 2 1999, and tabled in the Legislative Council on November 9 1999 under the *Prisons Act 1981*.

Disallowance is effective on and from Wednesday, December 15 1999.

L. B. MARQUET, Clerk of the Parliaments.

December 16 1999.

PLANNING

PD301*

Town Planning and Development Act 1928

**Town Planning Amendment Regulations (No. 2)
1999**

Made by the Minister for Planning.

1. Citation

These regulations may be cited as the *Town Planning Amendment Regulations (No. 2) 1999*.

2. The regulations amended

The amendments in these regulations are to the *Town Planning Regulations 1967**.

[* Reprinted as at 28 May 1999.

For amendments to 8 October 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp.306-7.]

3. Regulation 25 amended

- (1) Regulation 25(1) is amended by deleting “Subject to subregulation (2), a” and inserting instead —

“ A ”.

- (2) Regulation 25(2) is repealed

G. D. KIERATH, Minister for Planning.

RACING, GAMING & LIQUOR

RA301*

Liquor Licensing Act 1988

**Liquor Licensing Amendment Regulations
(No. 3) 1999**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 3) 1999*.

2. Commencement

These regulations come into operation on 1 January 2000.

3. The regulations amended

The amendments in these regulations are to the *Liquor Licensing Regulations 1989**.

[* Reprinted as at 8 September 1997

For amendments to 22 November 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 188-9, and Gazettes 30 April and 31 August 1999.]

4. Regulation 26 amended

After regulation 26(3) the following subregulation is inserted —

“

- (4) In calculating the fee for an application for an occasional licence for an occasion or event lasting more than one day, the anticipated number of persons attending is the sum of the number of persons expected to attend on each day, calculated using the information provided in the application form.

”.

5. Schedule 3 amended

Schedule 3 is amended as follows:

- (a) by deleting items 1 and 2 and inserting instead the following items —

“

- | | | |
|----|---|--------|
| 1. | Application for the grant or removal of a Category A licence | 750.00 |
| 2. | Application for the grant or removal of a Category B (other than an occasional licence) licence | 400.00 |
| 3. | Application for the transfer of a licence | 400.00 |

”;

- (b) by deleting items 4, 5 and 6 and inserting instead the following items —

“

- | | | |
|----|---|----------|
| 4. | Application for an occasional licence where the anticipated number of persons attending* is — | |
| | (a) up to 100 | 25.00 |
| | (b) between 101 and 500 | 65.00 |
| | (c) between 501 and 1 000 | 115.00 |
| | (d) between 1 001 and 5 000 | 500.00 |
| | | 1 000.00 |
| | (e) between 5 001 and 10 000 | 2 000.00 |
| | (f) over 10 000 | |

*[*See regulation 26(4) as to the anticipated number of persons attending]*

- | | | |
|----|--|--------|
| 5. | Application for extended trading permit for a period of over 21 days — | |
| | (a) issued for a purpose referred to in section 60(4)(ca) of the Act | 300.00 |
| | (b) issued for a purpose referred to in section 60(4)(h) of the Act | 200.00 |
| | (c) issued for any other purpose | 400.00 |
| 6. | Application for extended trading permit for a period of 21 days or less (for each day, up to a maximum of \$500) | 50.00 |

”;

- (c) in item 10 by deleting “60.00” and inserting instead —
“ 150.00 ”.

By Command of the Governor,

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

TREASURY

TY301*

State Enterprises (Commonwealth Tax Equivalents) Act 1996

State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 1999*.

2. Regulation 3 amended

The Table to regulation 3 of the *State Enterprises (Commonwealth Tax Equivalents) (Application) Regulations 1997** is amended as follows:

- (a) in the item for the Albany Port Authority by deleting “constituted under the *Albany Port Authority Act 1926*, s.3” and inserting instead —
“ established under the *Port Authorities Act 1999* ”;
- (b) in the item for the Bunbury Port Authority by deleting “constituted under the *Bunbury Port Authority Act 1909*, s.3” and inserting instead —
“ established under the *Port Authorities Act 1999* ”;
- (c) in the item for the Dampier Port Authority by deleting “established by the *Dampier Port Authority Act 1968*, s.4” and inserting instead —
“ established under the *Port Authorities Act 1999* ”;

- (d) in the item for the Esperance Port Authority by deleting “established by the *Esperance Port Authority Act 1968*, s.6” and inserting instead —
 “ established under the *Port Authorities Act 1999* ”;
- (e) in the item for the Fremantle Port Authority by deleting “constituted under the *Fremantle Port Authority Act 1902*, s.1A” and inserting instead —
 “ established under the *Port Authorities Act 1999* ”;
- (f) in the item for the Geraldton Port Authority by deleting “established by the *Geraldton Port Authority Act 1968*, s.6” and inserting instead —
 “ established under the *Port Authorities Act 1999* ”;
- (g) in the item for the Port Hedland Port Authority by deleting “established by the *Port Hedland Port Authority Act 1968*, s.5” and inserting instead —
 “ established under the *Port Authorities Act 1999* ”;
- (h) by inserting the following item in the appropriate alphabetical position —

“

Broome Port Authority established under
 the *Port Authorities Act 1999*

The day on which
 item 2 in Schedule 1
 to the *Port Authorities
 Act 1999* comes into
 operation

”.

[* *Published in Gazette 6 June 1997, p. 2645-6.*

For amendments to 7 December 1999 see Gazette 5 February 1999.]

By Command of the Governor,

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

— PART 2 —

ENVIRONMENTAL PROTECTION

EP401

ENVIRONMENTAL PROTECTION ACT 1986

NOTICE OF THE REVISED DRAFT ENVIRONMENTAL PROTECTION (SWAN COASTAL PLAIN WETLANDS) POLICY 1999

The Environmental Protection Authority (EPA) has prepared a revised draft *Environmental Protection (Swan Coastal Plain Wetlands) Policy 1999*.

In accordance with section 28 (c) of the *Environmental Protection Act 1986*, the EPA gives notice that the revised draft *Environmental Protection (Swan Coastal Plain Wetlands) Policy 1999* has been submitted to the Minister for the Environment and is available for public inspection during normal business hours at the following Department of Environmental Protection offices—

the public reading room, 8th Floor, 141 St Georges Terrace, Perth;

the premises of the Department at Viscovich House, 377 Hannan Street, Kalgoorlie, Western Australia 6430;

the premises of the Department at SGIO Building, Welcome Road, Karratha, Western Australia 6714;

the premises of the Department at 165, Gilmore Avenue, Kwinana, Western Australia 6167;

the premises of the Department at 10th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia, 6231; and

the premises of the Department at 5 Burges Street, Geraldton, Western Australia, 6530.

For further enquiries telephone Geoff Bott (Department of Environmental Protection) on 9222 7000.

EP402

ENVIRONMENTAL PROTECTION ACT 1986

NOTICE OF THE REVISED DRAFT ENVIRONMENTAL PROTECTION (GNANGARA MOUND CROWN LAND) POLICY 1999

The Environmental Protection Authority (EPA) has prepared a revised draft *Environmental Protection (Gnangara Mound Crown Land) Policy 1999*. The policy applies to the Gnangara Mound public land and provides a mechanism to protect the quality of groundwater under, and the native vegetation on the policy area.

In accordance with section 28 (c) of the *Environmental Protection Act 1986*, the EPA gives notice that the revised draft *Environmental Protection (Gnangara Mound Crown Land) Policy 1999* has been submitted to the Minister for the Environment and is available for public inspection during normal business hours at the following Department of Environmental Protection offices—

the public reading room, 8th Floor, 141 St Georges Terrace, Perth;

the premises of the Department at Viscovich House, 377 Hannan Street, Kalgoorlie, Western Australia 6430;

the premises of the Department at SGIO Building, Welcome Road, Karratha, Western Australia 6714;

the premises of the Department at 165, Gilmore Avenue, Kwinana, Western Australia 6167;

the premises of the Department at 10th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia, 6231; and

the premises of the Department at 5 Burges Street, Geraldton, Western Australia, 6530.

For further enquiries telephone Julie Tilleke (Department of Environmental Protection) on 9222 7000.

EP403***ENVIRONMENTAL PROTECTION ACT 1986**

Section 18(1)

Delegation No 11

1. This delegation is made pursuant to section 18(1) of the Environmental Protection Act 1986 ("The Act")
2. The following powers and duties of the Minister for the Environment ("the Minister") under the Act are hereby delegated to the person for the time being holding or acting in the office of Chief Executive Officer of the Department of Environmental Protection ("the Chief Executive Officer") constituted under the Act—

The powers and duties of the Minister to engage under contracts for services such consultants and professional or technical or other assistance as he considers necessary to enable the Minister, the Authority and the Chief Executive Officer to perform their respective functions under section 23(1) of the Act.

Dated the 17th day of November 1999.

CHERYL EDWARDES, Minister for the Environment.

FAIR TRADING

FT401**BUILDERS' REGISTRATION ACT 1939**

DETERMINATION

Made by the Minister under section 22(3).

I, Douglas James Shave, Minister for Fair Trading, determine that the annual fee to be paid to the Builders' Registration Board of Western Australia by no later than 1 February 2000 by every registered builder or journeyman builder is—

- | | |
|--------------------------|-------|
| (a) for an individual | \$226 |
| (b) for a partnership | \$309 |
| (c) for a body corporate | \$699 |

DOUG SHAVE, Minister for Lands; Fair Trading;
Parliamentary and Electoral Affairs.

LOCAL GOVERNMENT

LG401**BUSH FIRES ACT 1954***CITY OF ARMADALE*

Pursuant to the provisions of Section 38 of the Bush Fires Act 1954, notice is given that Council has made the following appointments for 1999/2000—

- Chief Bush Fire Control Officer and Fire Weather Officer—Mr N. Plowman
Deputy Chief Bush Fire Control Officer and Deputy Fire Weather Officer—Mr L. Cotterell

R. S. TAME, Chief Executive Officer.

MINERALS AND ENERGY

MN401

Commonwealth of Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

NOTICE OF INVITATION FOR APPLICATIONS FOR EXPLORATION PERMITS

I, William Lee Tinapple, Delegate of the Designated Authority in respect of the adjacent area of Western Australia, for and on behalf of the Commonwealth-Western Australia Offshore Petroleum Joint Authority, acting pursuant to Section 20(1) of the Petroleum (Submerged Lands) Act 1967 re-release those areas which closed on 14 October 1999 and hereby invite applications for the grant of exploration permits in respect of the following Blocks within the areas as described in the following schedule and as shown on the plans immediately following this notice.

Applications for areas **W99-30 to W99-34** will be received up until 4:00 pm on Thursday, 6 April 2000.

Schedule

(The references hereunder are to the names of map sheets of the 1:1 000 000 series and to the number of the graticular sections shown thereon).

Area W99-30

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
248	249 part	250 part	320 part	321 part

Assessed to contain 5 blocks

Area W99-31

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
659	661	662	733	734

Assessed to contain 5 blocks

Area W99-32

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
805	806	877	879 part	1021 part

Assessed to contain 5 blocks

Area W99-33

Map Sheet SF49 (Cloates)

Block No.	Block No.	Block No.	Block No.	Block No.
2004	2005	2006	2007	2008
2009	2076	2077	2078	2079
2080	2081	2147	2148	2149
2150	2151	2152	2153	2219
2220	2221	2222	2223	2224
2225	2290	2291	2292	2293
2294	2295	2296	2297	2362
2363	2364	2365	2366	2367
2368	2369	2433	2434	2435
2436	2437	2438	2439	2440
2441	2505	2506	2507	2508
2509	2510	2511	2512	2513
2576	2577	2578	2579	2580
2581	2582	2583	2584	2585

Assessed to contain 70 blocks

Area W99-34

Map Sheet SF49 (Cloates)

Block No.	Block No.	Block No.	Block No.	Block No.
2648	2649	2650	2651	2652
2653	2654	2655	2656	2657
2719	2720	2721	2722	2723
2724	2725	2726	2727	2728
2729	2791	2792	2793	2794
2795	2796	2797	2798	2799
2800	2801	2862	2863	2864
2865	2866	2867	2868	2869
2870	2871	2872	2873	2934
2935	2936	2937	2938	2939
2940	2941	2942	2943	2944
2945	3005	3006	3007	3008
3009	3010	3011	3012	3013
3014	3015	3016	3017	3077
3078	3079	3080	3081	3082
3083	3084	3085	3086	3087
3088	3089			

Assessed to contain 82 blocks

APPLICATIONS FOR AREAS W99-30 TO W99-34

Applications for the award of a permit over areas W99-30 to W99-34 are required to be made in the approved manner, submitted in duplicate and should be accompanied by:

1.1 Details of—

1.1.1 Technical Assessment

The applicant's technical assessment of the petroleum potential of the area, including the concepts underlying its proposed exploration work program, with sufficient detail to support that program

1.1.2 Minimum Guaranteed Work Program

The applicant's minimum guaranteed proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each year of the first three years of the permit term. This proposal, to be known as the minimum guaranteed work program, should comprise work expected to involve a substantial exploration component - normally, appraisal work should not be included

1.1.3 Secondary Work program

The applicant's proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each of the three remaining years of the permit term. This proposal, to be known as the secondary work program, should comprise work expected to involve a substantial exploration component - normally, appraisal work should not be included.

1.2 Particulars of the applicant—

1.2.1 the technical qualifications of the applicant and of its key employees

1.2.2 the technical advice available to the applicant

1.2.3 the financial resources available to the applicant, including evidence of the applicant's ability to fund the work program proposed, a statement of other exploration commitments over the next 6 years, and a copy of the latest annual and quarterly reports for each applicant company

1.2.4 where relevant, the viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be, reached on the Joint Operating Agreement (a copy of a signed Heads of Agreement dealing will generally suffice), and

1.2.5 the percentage participating interest of each party to the application.

1.3 Other Information

Such other information as the applicant wishes to be taken into account in consideration of the application.

1.4 Fee

Each application must be accompanied by a fee of \$A3,000, payable to the Commonwealth of Australia through an Australian bank or bank cheque.

Further details of the work program bidding system outlined above, including the criteria for assessment of applications and the conditions to apply following the award of a permit, are available from the Director, Petroleum Operations Division, Department of Minerals and Energy in Perth and from the Petroleum and Fisheries Division, Department of Primary Industries and Energy in Canberra.

It should be noted that any income derived in the future from the recovery of petroleum from these areas will be subject to the Commonwealth Government's Resources Rent Tax.

Lodgement of Applications

Applications for areas **W99-30 to W99-34** must be lodged before 4:00 pm on Thursday, 6 April 2000.

Applications, together with supporting data should be submitted in the following manner to—

Director Petroleum Division
Department of Minerals and Energy
Level 11, Mineral House
100 Plain Street
EAST PERTH Western Australia 6004
Attention: Petroleum Applications Receiving Officer

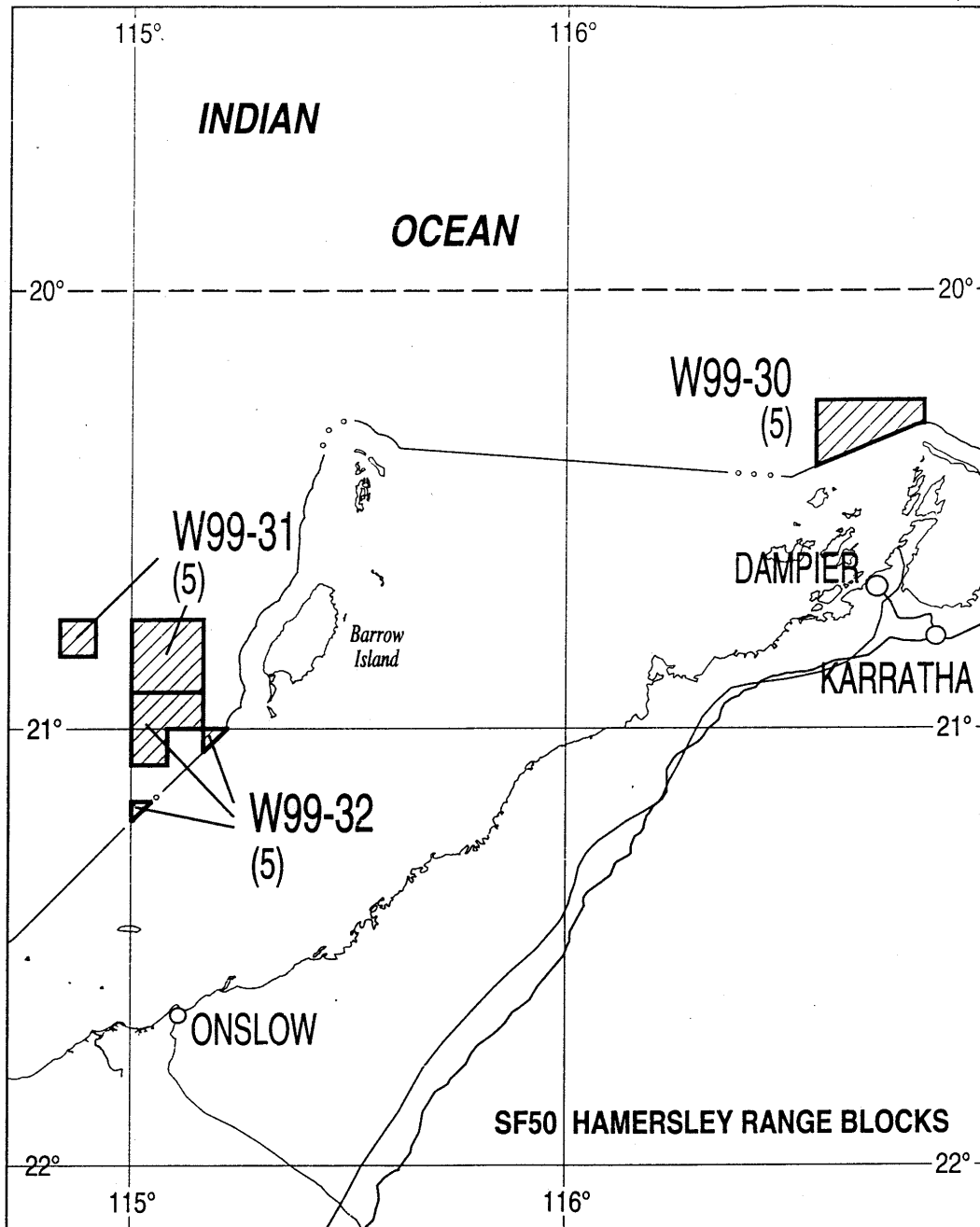
The following special instructions should be observed—

- two copies of the application and supporting data together with the application fee should be sealed in an envelope or package, clearly marked "Application for Exploration Permit Area ... Commercial-in-Confidence"; and
- further enclosed in a plain covering envelope or package and delivered by hand or posted to the above address.

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

Enquiries concerning this gazettal should be referred to—

Margaret Beall
Petroleum Operations Division
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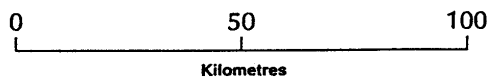
DEPARTMENT OF MINERALS AND ENERGY, WESTERN AUSTRALIA

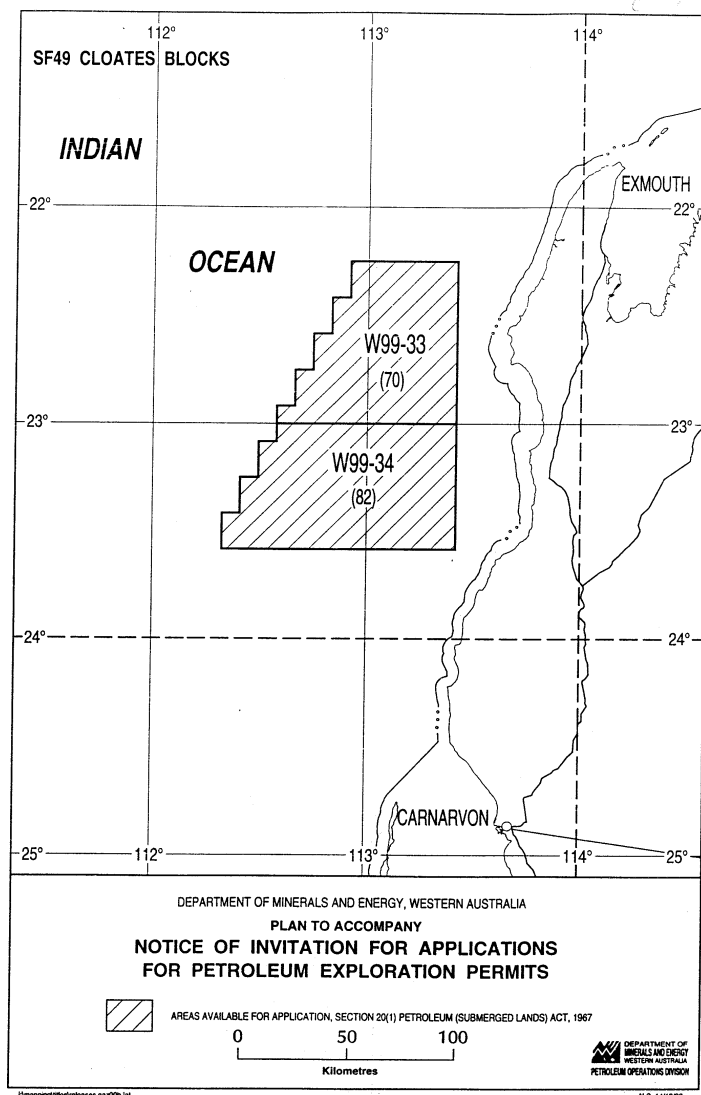
PLAN TO ACCOMPANY

**NOTICE OF INVITATION FOR APPLICATIONS
FOR PETROLEUM EXPLORATION PERMITS**



AREAS AVAILABLE FOR APPLICATION, SECTION 20(1) PETROLEUM (SUBMERGED LANDS) ACT, 1967





PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented To

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Bills passed by the Legislative Council and the Legislative Assembly during the Third Session of the Thirty-Fifth Parliament.

Short Title of Bill	Date of Assent	Act No
Court Security and Custodial Services (Consequential Provisions) Act 1999	8 December 1999	47 of 1999
Court Security and Custodial Services Act 1999	8 December 1999	46 of 1999
Financial Relations Agreement (Consequential Provisions) Act 1999	13 December 1999	53 of 1999
Titles (Validation) and Native Title (Effect of Past Acts) Amendment Act 1999	13 December 1999	55 of 1999

L. B. MARQUET, Clerk of the Parliaments.

December 15 1999.

PLANNING

PD401**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ALBANY

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 195

Ref: 853/5/4/5 Pt 195

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 City of Albany Town Planning Scheme Amendment on 14 December, 1999 for the purpose of—

1. Rezoning Lots 3 and 32 Manni Road, Robinson, from “Rural” to “Special Rural” as depicted on the Scheme Amendment Map; and
2. Amending Schedule 1—“Special Rural” zone provisions relating to specified areas by incorporating the following—

AREA	LOCALITY	LOTS	LOCATION
29	Robinson	3 & 32	Plantagenet 33

SPECIAL PROVISIONS**1.0 Plan of Subdivision**

- 1.1 Subdivision shall generally be in accordance with the Subdivision Guide Plan.
- 1.2 Minor variations to the subdivisional design if approved by the WA Planning Commission may be acceptable but further breakdown of the lots created shall not be permitted.
- 1.3 The minimum lot size shall be no less than 3.0 hectares with an average lot size of 4.0 hectares.

2.0 Objective of Zone

- 2.1 Within the Special Rural Zone Area No. 29 the objective is to provide “rural retreat” living opportunities with the focus on landuse being sensitive to the area’s landform, vegetation, groundwater priority coding, and allow for low intensity rural pursuits.

3.0 Landuse

- 3.1 Within Special Rural zone Area No. 29 the following uses are permitted—
 - Rural Residential Dwelling
- 3.2 The following uses may be permitted subject to the special approval of Council.
 - Home Occupation (cottage industry)
 - Public utilities
 - Craft Studio
 - Other non-defined or incidental activities considered appropriate by Council which are consistent with the objective of the zone.
- 3.3 Any proposals which may have an impact on groundwater quality are to be referred to the Water and Rivers Commission for comment, prior to determination by Council.

4.0 Keeping of Livestock/Animals

- 4.1 Intensive agricultural pursuits such as piggeries and horticultural operations are not permitted.
- 4.2 Subject to Provision 7.3, the keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council and these animals shall be restricted to fenced areas of the lot to the satisfaction of Council. The Owner/Tenant shall be responsible for the maintenance of stock proof fencing to protect native vegetation and re-vegetation areas. Animal numbers shall not exceed the stocking rates recommended by Agriculture Western Australia. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust pollution.
- 4.3 Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust pollution or soil degradation, notice may be served on the owner of the said land, requiring immediate removal of those animals for a period specified in the notice.
- 4.4 When notice has been served on a landowner in accordance with this Clause the Council may also require the land to be fully rehabilitated within three (3) months of serving the notice.
- 4.5 In event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
- 4.6 Stabling and agistment of horses is restricted as recommended under the water and Rivers Commission’s Water Quality Protection Note “Stabling and Agistment of Horses”.

5.0 Location of Buildings and Structures

- 5.1 Buildings, tanks and structures shall not be constructed within the “Development Exclusion Area” designated on the Subdivision Guide Plan.

- 5.2 All buildings and structures shall be setback a minimum of 40 metres from the lot boundary abutting Roberts Road and 15 metres from all other lot boundaries.
- 5.3 Dwellings shall be sited to allow a low fuel zone not less than 20 m wide which does not encroach any vegetation protection area.

6.0 Building Design Materials and Colour

- 6.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will not approve walls and roofs constructed of reflective materials such as unpainted 'zincalume' and pale or '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.
- 6.2 Dwelling houses and all outbuildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- 6.3. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand/rail (or similar) to the satisfaction of Council.

7.0 Vegetation Protection and Revegetation

- 7.1 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 as may reasonably be required to construct an approved building and curtilage.
 - c) trees which 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.
- 7.2 Council may request the Commission to impose a condition at the time of subdivision requiring tree/shrub planting within Special Rural Area No. 29 as shown on the Subdivision Guide Plan with endemic native trees and shrubs.

The subdivider shall maintain such revegetation for a period of at least three (3) years from the release of titles or enter into a bonding guarantee with Council to ensure the maintenance of the revegetation.
- 7.3 Council may request the Commission impose a condition at the time of subdivision requiring the provision of stock proof fencing to protect significant remnant vegetation, revegetation areas, and ridge lines as shown on the Subdivision Guide Plan
- 7.4 Additional tree planting may be required as a condition of development approval.
- 7.5 The subdivider shall rehabilitate the former sand mining areas with planting of trees and shrubs at a density and distribution to the satisfaction of Council, prior to the transfer of a lot(s) to a new owner.

8.0 Water Supply

- 8.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from the Water Corporation licensed underground water supplies or rainwater storage systems to the satisfaction of Council and the Health Department of Western Australia.
- 8.2 A licence must be obtained from the Water and Rivers Commission prior to the construction of a bore or well on any of the properties.

9.0 Effluent Disposal

- 9.1 On-site effluent disposal shall be the responsibility of the individual landowners.
- 9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known groundwater level.
- 9.3 Council shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in the following situations, as also depicted on the Subdivision Guide Plan—
 - where a 100 metre setback from a creek line or watercourse cannot be achieved;
 - where soil conditions are not conducive to the retention of nutrients; and
 - in low lying areas.
- 9.4 Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of Council and the Health Department of WA.
- 9.5 No more than one effluent disposal system will be permitted on one lot.

10.0 Bushfire Management and Control

- 10.1 Low fuel buffers, at least 20 m wide, shall be established and maintained around each building.
- 10.2 Council may request the Commission to impose a condition at the time of subdivision requiring the provision and maintenance of strategic fire breaks in those locations identified in the Subdivision Guide Plan.

- 10.3 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, 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".
- 10.4 Firebreaks shall be designed and constructed so as to avoid erosion impacts. Landowners are to apply for an exemption for those areas which may be subject to erosion.
- 10.5 The Bush Fire Service may request the Commission to impose a condition of subdivision requiring the provision of a water supply for firefighting

11.0 Conditions of Subdivision

- 11.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Rural Area No. 29 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.
- 11.2 Council may require at the time of subdivision the Commission to impose subdivisional infrastructure in accordance with the Local Government Guidelines for Subdivisional Development.

12.0 Applications for Development Approval

- 12.1 Within Special Rural Area No. 29 the construction of buildings including associated works such as filling, excavation construction of retaining walls and the removal of vegetation in accordance with Special Provision 7.0 shall require Planning Scheme consent.
- 12.2 Applications for Planning Scheme consent shall require the submission of—
- i) completed "Application for Grant of Planning Scheme Consent" form;
 - ii) three copies of a Plan showing the precise location and size of all the buildings proposed and the parkland clearing and fire protection measures to be adopted; and
 - iii) plans showing three scaled elevation plans of the buildings proposed and the materials and colour to be used.

A. E. GOODE, Mayor.
A. C. HAMMOND, Chief Executive Officer.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF GREENOUGH

TOWN PLANNING SCHEME NO 1A—AMENDMENT NO 2

Ref: 853/3/7/7 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 Hon Minister for Planning approved the Shire of Greenough Town Planning Scheme Amendment on 14 December, 1999 for the purpose of—

1. Rezoning Lot 380 Ettrick Court, Cape Burney from Residential R50 and the Parks and Recreation Reserve to Medium Density Residential R20.
2. Rezoning Lot 378 River Drive, Cape Burney from Residential Development to Parks and Recreation Reserve.

J. P. EDWARDS, President.
W. T. PERRY, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

SHIRE OF BROOME

TOWN PLANNING SCHEME NO 4

Ref: 853/7/2/4 Vol 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 Hon Minister for Planning approved the Shire of Broome Town Planning Scheme No 4 on 7 December, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

K. FONG, President.
G. S. POWELL, Chief Executive Officer.

Schedule
SHIRE OF BROOME
TOWN PLANNING SCHEME No. 4
District Zoning Scheme
Scheme Text

This Town Planning Scheme of the Shire of Broome consists of this Scheme Text and the Scheme Maps. The Scheme Text incorporates the Scheme Report—Local Planning Strategy for the Shire and the two should be read together.

Part 2 of the Scheme sets out the Local Planning Framework. At the core of this Framework is the Scheme Report—Local Planning Strategy which sets out the long term planning directions for the local government and provides the rationale for the zones and other provisions of the Scheme. In addition to the Scheme Report Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the Council on matters within the Scheme.

The Scheme Text divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, this Scheme Text controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

Shire of Broome
District Planning Scheme No. 4

The Shire of Broome, under the powers conferred by the Town Planning and Development Act 1928, makes the following Town Planning Scheme.

TABLE OF CONTENTS

Part 1—Preliminary—contains the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2—Local Planning Policy Framework—describes the long-term directions for land use and development in the area and the rationale for the zoning's and Scheme provisions.

Part 3—Reserves—sets out the reserves which apply in the Scheme area and related provisions.

Part 4—Zones and the Use of Land—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 5—General Development Requirements—contains the planning requirements which may apply to a particular use or development in a zone.

Part 6—Special Control Areas—sets out particular provisions which may apply in addition to the zone requirements and generally concern landscape, environmental, built form, and land and site management issues.

Part 7—Heritage Protection—contains special provisions which apply for heritage places and areas.

Part 8—Development of Land—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.

Part 9—Application for Planning Approval—sets out the process for applying for planning approval including both the use and development of land.

Part 10—Procedure for Dealing with Applications—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.

Part 11—Enforcement and Administration—contains the general provisions for the administration and enforcement of the Scheme.

Schedules—contains schedules of definitions, forms of application and decision notice, list of amendments, environmental conditions and other matters relevant to the Scheme.

PART 1—PRELIMINARY

1.1 Citation

1.1.1 The Shire of Broome Scheme No. 4 ('the Scheme') comes into operation on its publication in the *Government Gazette*.

1.1.2 The following Scheme(s) are revoked—

Name:	Date of Gazettal:
Town Planning Scheme No. 2	20 September 1985
Town Planning Scheme No. 3	18 October 1985

1.2 Responsible Authority

The responsible authority for implementing and enforcing the Scheme is the Shire of Broome ("the Shire".) but where functions of the Shire under the Scheme are mentioned, generally the responsible authority is referred to as "the Council".

1.3 Scheme Area

The Scheme applies to the Scheme Area which covers the part of the local government district of the Shire contained within the inner edge of the broken black line shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) This Scheme Text, including all Schedules, Appendices and Tables attached to the Scheme
- (b) The Scheme Map (Sheets 1-14)

The Scheme Text is to be read in conjunction with the Scheme Map(s).

1.5 Purpose of the Scheme

The purpose of this Scheme is to—

- (a) set out the Council's aims and intentions for the Scheme Area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) make provision for the conservation of areas and places of heritage interest; and
- (f) address other matters contained in Schedule 1 of the Act.

1.6 The Aims of the Scheme

The aims of this Scheme are—

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy, Waterbank Structure Plan, Airport Local Structure Plan, Local Commercial Strategy, Broome Housing Strategy, Cable Beach Tourism Node Structure Plan and Chinatown Development Strategy.
- (b) To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- (c) To provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity.
- (d) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- (e) To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- (f) To incorporate Aboriginal heritage and cultural values into the landuse planning for the Scheme Area.
- (g) To provide a range of Tourist facilities and accommodation.
- (h) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (i) To protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable land use and development.
- (j) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.

1.7 Relationship with Other Laws

Where a provision of this Scheme is inconsistent with any other local law the provisions of this Scheme shall prevail.

1.8 Definitions

1.8.1 In the Scheme, unless the context otherwise requires or unless the Scheme otherwise provides, words and expressions have the respective meanings given to them in the Act, Schedule 1 of the Scheme, the Residential Planning Codes, and the Model Scheme Text.

1.8.2 If there is a conflict between the meanings of any word or expression in those instruments then—

- (a) in the case of residential development the definitions in the Residential Planning Codes shall prevail; and
- (b) thereafter, and in the case of other development, the definition in the Act, followed by Schedule 1 of the Scheme, and the Model Scheme Text will prevail in that order.

1.8.3 Words and expressions used in the Scheme but not defined in the Model Scheme Text, the Act, Schedule 1 of the Scheme, elsewhere in the Scheme or in the Residential Planning Codes, shall have their normal and common meanings.

1.8.4 Headings of parts of this Scheme shall be used as an aid to construction of this Scheme but the table of contents, notes, headings of clauses, clauses and paragraphs are intended for reference purposes only and do not affect the construction of this Scheme.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Reference to Scheme Report—Local Planning Strategy

The provisions of the Scheme Report—Local Planning Strategy (“Local Planning Strategy”) are intended to be read in conjunction with the Scheme and the Council may have regard to any such provisions which are relevant when making decisions under or in relation to the Scheme. If any inconsistency arises between the Scheme Report—Local Planning Strategy and the Scheme, the provisions of the Scheme shall prevail.

2.2 Procedure for Amending a Scheme Report—Local Planning Strategy

The Scheme Report—Local Planning Strategy may be amended by the following procedures—

- (a) The Council 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 amendment may be inspected, and in what form and during what period (being not less than 28 days) submissions may be made.
- (b) A copy of the amendment shall be forwarded to the Commission and any other person or organisation which, in the opinion of the Council, has a direct interest in the strategy, for consideration and advice.
- (c) The Council shall review the amendment in the light of any submissions made and advice received and shall then resolve either to finally adopt the amendment with or without modification, or not to proceed with the amendment.
- (d) Following adoption of the amendment the Council shall forward a copy of the amendment to the Commission for its endorsement.
- (e) Following endorsement by the Commission, the Council shall—
 - (i) publish a notice of adoption and endorsement of the amendment once in a newspaper circulating within the Scheme Area; and
 - (ii) forward a copy of the amended Strategy to the Commission.
- (f) A copy of the amended Scheme Report—Local Planning Strategy Plan is to be kept and made available for public inspection at the offices of the Council and Ministry for Planning.

2.3 Local Planning Policies

2.3.1 The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply—

- (a) generally or for a particular class or 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.

2.3.2 Any Local Planning Policy prepared under this Part must be consistent with the Scheme.

2.4 Local Planning Policy not part of the Scheme

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

2.5 Procedures for Making and Amending Local Planning Policy

A Local Planning 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, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
- (d) Where, in the opinion of the Council, the provisions of any Policy affect the interests of the Commission, a copy of the policy shall be forwarded to the Commission.
- (e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.
- (f) Any amendment or addition to a Policy shall follow the procedures set out in (a)-(d) above.

2.6 Rescission of a Local Planning Policy

A Local Planning Policy may be rescinded by—

- (a) the preparation or final adoption of a new Policy pursuant to clause 2.5 specifically worded to supersede an existing Policy; or
- (b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the local government district.

PART 3—RESERVES

3.1 Classification

Certain lands within the Scheme area are shown on the Scheme Map and classified into Shire of Broome Local Scheme Reserves.

3.2 Scheme Reserves

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves', are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

- Coastal Park
- Environmental Cultural Corridor
- Parks and Recreation
- Public Purposes
- Highways and Major Roads
- Important Roads
- Civic and Cultural

3.3 Use and Development of Local Reserves

A person shall not use, commence or carry out development on a local reserve without first having obtained the planning approval of the Council under Part 9 of the Scheme, and in determining an application for planning approval the Council shall have regard to—

- (a) the matters set out in clause 10.2; and
- (b) 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 giving its approval.

3.4 Acquisition of Reserves and Compensation

3.4.1 This clause applies to land which is—

- (a) a Scheme reserve; and
- (b) not owned by or vested in a public authority, a Commonwealth agency or the Council.

3.4.2 In addition to the compensation provisions of the Act and clause 11.4 of this Scheme, where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the Council for injurious affection.

3.4.3 Claims for compensation shall be lodged at the office of the Council not later than 6 months after the date of the decision of the Council or appellate body.

3.4.4 Where a claim for compensation arises as a result of clause 3.4.2, the Council may at its option elect to acquire the land so affected instead of paying compensation in accordance with the provisions of clause 11.4 of this Scheme.

3.5 Environmental Cultural Corridor Reserve

3.5.1 Aims and Objectives.

3.5.1.1. The aim of the reserve is to provide for major open space areas within the town which provide; fauna and flora habitats, aboriginal heritage and cultural areas, conservation of the natural environment, major drainage or aquifer recharge areas and outdoor public recreation.

3.5.1.2. Council's objectives will therefore be to—

- (a) provide environmental cultural corridors which enhance the open natural vegetation and character of Broome and Aboriginal heritage and culture; and

- (b) provide space for cooling breezes to penetrate the urban environment, and assist drainage to minimise the effect of the wet season rainfall/storms; and
- (c) provide for recreation pursuits which are compatible with the natural environment and aboriginal heritage and culture.

3.5.2 Site and Development Requirements

3.5.2.1. The Environmental Cultural Corridors may be developed for any of the following purposes provided Council is satisfied that uses are compatible with surrounding land uses and are capable of being accommodated on the land without detriment to the environmental and/or cultural values of the area—

- (a) landscaped parks with playground and public facilities;
- (b) pedestrian and bicycle routes;
- (c) public routes for animal trails, such as horses and camels;
- (d) education centre for tourist purposes, environmental, heritage or cultural purposes;
- (e) information centre/kiosk;
- (f) retention of natural vegetation;
- (g) outdoor recreation;
- (h) public utilities/services;
- (i) public roads, drainage and aquifer recharge areas; and
- (j) other land use and development which is considered by Council to be compatible with the Objective and Policies of the reserve.

3.5.2.2. Environmental cultural corridors should be a minimum of approximately 50m wide to provide an area of open space which facilitates passage of cooling breezes through the land, habitat for flora and fauna and a movement corridor for fauna.

3.5.2.3. Development requirements shall be at the discretion of the Council. In considering development and land use proposals in the Environmental Cultural Corridors, Council may consult CALM, the DEP, DOLA, Traditional Land Owners and any other relevant organisation.

3.5.3 Development Plan

Whilst not obligatory, it is desirable that a Development Plan be prepared and approved prior to the approval of any development or public work.

A Development Plan shall have regard to the provisions of clause 4.25.3

3.6 Coastal Park Reserve

3.6.1 Aims and Objectives

3.6.1.1. The aims of the Coastal Park reserve are to—

- Recognise and protect the environmental integrity of the coastal foreshore and immediate hinterland;
- Ensure public access is provided to the coastal foreshore;
- Protect and promote Aboriginal culture and heritage associated with coastal areas;
- Protect coastal areas of landscape significance, amenity value, scientific and educational importance; and
- Provide for compatible recreation opportunities and related development.

3.6.1.2. Council's objectives will therefore be to—

- (a) Set aside land for the establishment of coastal parks;
- (b) Facilitate public access to foreshores;
- (c) Encourage eco-tourism Aboriginal cultural tourism opportunities and recreation activities that are compatible with conservation and Aboriginal cultural heritage values;
- (d) Ensure, wherever possible, that development, activities and facilities are concentrated in nodes, set back from the coastal foreshore, and provided with appropriate services such as reticulated water, sewerage, drainage and electricity;
- (e) Ensure that any development on the Coastal Reserves does not have an adverse impact on the ecology, areas of Aboriginal cultural or heritage significance or public use of the reserve, reduce the visual amenity, cast shadows on the beach or the interrupt cooling breezes.

3.6.2 Site and Development Requirements

3.6.2.1. Development requirements consistent with the above aims and objectives shall be at the discretion of Council.

3.6.2.2. Development Plan

In some instances Council may require a Development Plan to be prepared and approved (in accordance with Clause 4.15.3) prior to the approval of any works on Coastal Park reserves.

3.7 Parks and Recreation Reserve

3.7.1 Aims and Objectives

3.7.1.1. The aim of the Parks and Recreation reserve is to—

- (a) Set aside areas of open space within and in close proximity to urban development.
- (b) Protect and promote Aboriginal culture and heritage associated with parks and recreation reserves.

3.7.1.2. Council's objective will therefore be to develop and maintain reserves to serve the active and passive recreation needs of the local community, and allow for the development of related/compatible uses such recreation buildings and courts, car parking, and drainage facilities.

3.7.2 Site and Development Requirements

3.7.2.1. Development requirements consistent with the above aims and objectives shall be at the discretion of Council.

3.7.2.2. Development Plan

In some instances Council may require a Development Plan to be prepared and approved (in accordance with Clause 4.15.3) prior to the approval of any works on Parks and Recreation reserves.

PART 4—ZONES AND THE USE OF LAND

4.1 Classification

4.1.1 The Scheme Area is classified into the following zones—

- (a) Residential
- (b) Town centre—Chinatown
- (c) Local Centre
- (d) Mixed Use
- (e) Tourist
- (f) Industry
- (g) Light and Service Industry
- (h) Port
- (i) General Rural
- (j) Rural Agriculture
- (k) Rural Living
- (l) Settlement
- (m) Special Use
- (n) Development
- (o) Waterbank Conservation and Development

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

4.2 Zoning Table

4.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- 'D' means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.
- 'S' means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.
- 'X' means a use that is not permitted by the Scheme **PS4 ZONING TABLE**

PS4 ZONING TABLE

Use Classes	Zones														
	Town Centre Chinatown	Local Centre	Mixed Use	Tourist	Residential	Industry	Light & Service Industry	Rural Living	Rural Agriculture	General Rural	Special Use	Develop't Zone	Waterbank Conservation & Develop't	Settlement	Port
Amusement Parlour	S	S	S	D	X	X	X	X	X	X	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use
Animal Keeping	X	X	X	X	X	D	X	S	D	P	&	&	&	&	&
Aquaculture	X	X	X	X	X	D	D	1.D	P	P	Develop't in Accordance with Schedule 3	Develop't in Accordance with Clause 4.25.2	Develop't in Accordance with Clause 4.26.2	Develop't in Accordance with Clause 4.24.2	Develop't in Accordance with Clause 4.20.2
Art & Craft Centre	P	P	P	P	X	X	X	D	D	D					
Art Gallery	P	P	P	P	X	X	X	X	X	D					
Bed & Breakfast Accommodation	P	X	P	P	D	X	X	D	D	D					
Camping & Caravan Park	X	X	X	P	X	X	X	X	X	X					
Caretakers Dwelling	D	2.D	D	D	X	X	3.D	X	X	X					
Car Park	D	D	D	D	X	X	X	X	X	X					
Child Care Centre	P	P	P	P	D	X	X	X	X	X					
Cinema/Theatre	P	P	P	P	X	X	X	X	X	X					
Civic Use	P	P	P	P	D	X	X	X	X	X					
Community Living	D	X	X	7.D	8.S	X	X	1.D	4.S	9.D					
Community Purposes/ Clubs	D	P	P	D	D	X	X	X	X	X					
Communications															
Antennae	D	P	P	P	D	P	P	P	P	P					
Consulting Rooms	P	P	P	D	D	X	X	X	X	X					
Dry Cleaning Premises	D	D	D	D	X	P	P	X	X	X					
Education Centre	D	D	P	D	D	X	D	X	D	X					
Fuel Depot	X	X	X	X	X	P	X	X	X	D					
Funeral Parlour	X	X	P	X	X	X	P	X	X	X					
Home Business	P	D	P	D	S	X	X	D	D	D					
Home Occupation	P	D	P	D	D	X	X	D	D	D					
Hotel	P	X	P	P	X	X	X	X	X	X					
Industry—Extractive	X	X	X	X	X	X	X	X	X	D					
Industry—General	X	X	X	X	X	P	P	X	D	D					
Industry—Hazardous	X	X	X	X	X	D	X	X	X	X					
Industry—Light	X	X	X	X	X	P	P	X	X	X					
Industry—Noxious	X	X	X	X	X	D	X	X	X	X					
Industry—Rural	X	X	X	X	X	P	P	1.D	P	P					
Industry—Service	X	X	D	X	X	D	P	X	X	X					
Liquor Store	D	S	S	S	X	X	X	X	X	X					
Motel	D	X	P	P	X	X	X	X	X	X					

Use Classes	Zones														
	Town Centre Chinatown	Local Centre	Mixed Use	Tourist	Residential	Industry	Light & Service Industry	Rural Living	Rural Agriculture	General Rural	Special Use	Develop't Zone	Waterbank Conservation & Develop't	Settlement	Port
Motor Vehicle Hire	P	P	P	P	X	X	P	X	X	X	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use
Motor Vehicle Repairs & Wrecking	X	X	X	X	X	P	P	X	X	X	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use	Permitted Land Use
Motor Vehicle Sales	X	X	P	X	X	X	P	X	X	X	Develop't in Accordance with Schedule	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause
Museum	P	X	P	P	X	X	X	X	X	X	Develop't in Accordance with Schedule	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause
Nightclub	P	X	S	S	X	X	X	X	X	X	Develop't in Accordance with Schedule	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause
Office	P	P	P	D	X	D	5.D	X	X	X	Develop't in Accordance with Schedule	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause	Develop't in Accordance with Clause
Place of Assembly/ Worship	D	P	P	D	D	X	X	X	X	X	3	4.25.2	4.26.2	4.24.2	4.20.2
Plant Nursery	X	X	D	X	X	X	P	1.D	P	X	3	4.25.2	4.26.2	4.24.2	4.20.2
Poultry Farm	X	X	X	X	X	X	X	X	D	P	3	4.25.2	4.26.2	4.24.2	4.20.2
Public Utility	P	P	P	P	P	P	P	P	P	P	3	4.25.2	4.26.2	4.24.2	4.20.2
Recreation:															
1. Outdoor	X	X	X	D	X	X	X	S	X	D					
2. Indoor	P	P	P	P	X	X	P	X	X	X					
Radio/TV Installation	D	X	D	X	X	X	P	X	X	X					
Residential Building	P	X	P	P	D	X	X	X	X	X					
Residential:															
1. Aged Persons Accommodation	X	D	P	P	P	X	X	X	X	X					
2. Single House	P	D	P	7.D	D	X	X	P	P	P					
3. Grouped Dwellings	P	X	P	7.D	P	X	X	X	X	X					
4. Multiple Dwellings	P	X	P	7.D	P	X	X	X	X	X					
Restaurant	P	P	P	D	X	X	X	X	X	X					
Retail Premises—Shop	P	P	X	D	X	X	5.D	X	X	X					
Retail Premises—Hire	P	P	P	D	X	D	D	X	X	X					
Rural Pursuit	X	X	X	X	X	X	X	1.D	P	P					
Service Station	S	P	P	X	X	X	D	X	X	X					
Showroom	D	X	6.P	X	X	X	5.D	X	X	X					
Stockyards	X	X	X	X	X	P	X	X	X	P					
Tourist Development	P	X	P	P	X	X	X	X	X	X					
Transport Depot	X	X	X	X	X	P	D	X	X	D					
Veterinary Clinic	X	P	P	X	X	X	P	D	X	X					
Veterinary Hospital	X	X	X	X	X	X	P	D	X	X					
Warehouse	X	X	D	X	X	P	P	X	X	X					
Zoological Gardens	X	X	X	S	X	X	X	S	D	D					

Footnotes for Zoning Table

1. Refer Clause 4.23.2 Coconut Wells, Site and Development Requirements
2. Refer Clause 4.15.3 Residential Development
3. Refer Clause 4.19.3 Caretakers Dwellings
4. Refer Clause 4.22.2 Site and Development Requirements

5. Refer Clause 4.19.2 Site and Development Requirements
6. Refer Clause 4.16.2 Site and Development Requirements
7. Refer Clause 4.17.2 Site and Development Requirements
8. Refer Clause 4.13.2 Site and Development Requirements
9. Refer Clause 4.21.2 Site and Development Requirements

4.2.3 A change in the use of land from one use to another is not permitted unless the Council has exercised its discretion by granting planning approval except in the following circumstances—

- (a) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and requirements of the Scheme; or
- (b) any extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (c) any change in an incidental use that does not change the predominant use of the land.

Note for Clauses 4.2.1 and 4.2.2—

1. The planning approval of the Council is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
2. A Council will not refuse a 'P' use because of the unsuitability of the use for the zone but may refuse or restrict and control, by way of conditions, any development on the land.
3. In considering a 'D' or 'S' use, the Council will have regard to the matters set out in clause 10.2
4. A Council must refuse to approve any 'X' use of land. Approval to an 'X' use may only proceed by way of an amendment to the Scheme.

4.3 Interpretation of the Zoning Table

4.3.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.3.2 In determining an application for planning approval, if a proposed use of the subject land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of any other use in the Zoning Table, the Council may—

- (a) determine that the use is consistent with the objectives and purposes of the relevant zone involved in the application, and therefore may be treated as a permitted use; or
- (b) treat the use as a use not listed if the Council considers that the use may be regarded as consistent with the objectives and purposes of the zone in which it is proposed and thereafter follow the procedures in relation to a use not listed set out hereafter; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone in which case the use is to be treated as a use which is not permitted in that zone.

4.3.3 If the Council determines in connection with an application for planning approval that a use may be treated as a use not listed, the Council may permit the use provided that the application is advertised in accordance with the provisions of clause 9.4 before the final consideration and determination of the application.

4.4 Additional Uses

Notwithstanding anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use that is listed in addition to any uses permitted in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

4.5 Special Use Zones

Special Use zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table. No person shall use any land or any structure or buildings thereon, in a Special Use zone except for a purpose set out against that land in Schedule 3 and subject to the conditions set out in Schedule 3 with respect to that land.

4.6 Non-Conforming Use Rights

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent—

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 5.13.5 the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.

4.7 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. All applications for planning approval under this clause will be subject to notice under clause 9.4 and Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.

4.8 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 non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.

4.9 Discontinuance of Non-Conforming Use

When a non-conforming use of any land or buildings 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.

4.10 Termination of a Non-Conforming Use

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

4.11 Destruction of Non-Conforming Use Buildings

When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Council.

4.12 Register of Non-Conforming Uses

4.12.1 The Council to keep a Register of non-conforming uses at the offices of the Council which shall be made available for public inspection during office hours.

4.12.2 A person who wishes the Council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.

4.12.3 Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.

4.12.4 Non-conforming use does not cease to exist if it is not registered on the Register.

4.13 Residential Zone

4.13.1 Aims and Objectives

4.13.1.1. The aim of the zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.

4.13.1.2. Council's objectives will therefore be to—

- (a) encourage development in accordance with the Broome Housing Strategy; and
- (b) allow residential development within mixed land use areas, including the Town Centre—Chinatown zone, Mixed Use zone and the Development Zone between Herbert St and the Frederick Street Local Neighbourhood Centre; and
- (c) allow development in accordance with the Residential Planning Codes and variations to the Codes as outlined in the General Development Requirements.

4.13.2 Site and Development Requirements

4.13.2.1. The aim of the zone is that all Residential development shall have regard to the Residential Planning Codes and the Special Application of the Residential Planning Codes as set out in Part 5 of the Scheme.

4.13.2.2. Community Living development will not be permitted unless a Community Layout Plan is prepared in accordance with Clause 4.24.3

4.14 Town Centre—Chinatown Zone

4.14.1 Aims and Objectives

4.14.1.1. The aim of the zone is to conserve and promote the historical and environmental character of Chinatown and to ensure that the area develops to continue its function as the main commercial centre for the town with retail, office, commercial, residential, social, recreational and community facilities.

4.14.1.2. Council's objectives will therefore be to—

- (a) conserve and promote the heritage and aesthetic character and streetscape of Chinatown; and
- (b) encourage development in accordance with the Chinatown Development Strategy; and
- (c) provide for a mix of commercial and a range of residential accommodation.

4.14.2 Site and Development Requirements

4.14.2.1. All land use and development shall have regard to the provisions of the Chinatown Development Strategy, which addresses siting, design, roof form and pitch, bulk, height of buildings, verandahs, openings, building materials, colour and signage.

4.14.2.2. Residential development for single houses, grouped and multiple dwellings may be developed to a maximum density of the R50 Residential Planning Code within the Chinatown zone. Development standards relating to setbacks, open space, and on site car parking requirements may be varied by the Council in recognition of the town centre location of this development. Any variation permitted to the residential development standards should not prejudice the amenity of the development or the surrounding area.

4.14.2.3. Residential development shall have regard to the provisions of the Chinatown Development Strategy.

4.15 Local Centre Zone**4.15.1 Aims and Objectives**

4.15.1.1. The aim of the zone is to provide for convenience retailing, health, welfare and community facilities which serve the local neighbourhood.

4.15.1.2. Council's policy will therefore be to—

- (a) have regard to the Local Planning Strategy when considering proposals for a Local Centre, Neighbourhood Centre, District Centre or Corner Store and associated commercial land uses.

4.15.2 Site and Development Requirements

4.15.2.1. When determining site and development requirements in the Local Centre Zone, Council will have regard to the provisions of the Broome Local Commercial Strategy.

4.15.2.2. Landscaping for all development within the Local Centre zone shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary.

4.15.2.3. Car parking areas shall be landscaped to provide shade and screening of vehicles.

4.15.2.4. Pedestrian access shall be segregated from car parking areas to provide safe access within the site and between the development and external to the site.

4.15.3 Residential Development

Development of a Caretaker's Dwelling or Single House within the Local Centre zone shall have regard to Council's Caretaker's Dwelling Policy.

4.16 Mixed Use Zone**4.16.1 Aims and Objectives**

4.16.1.1. The aim of the zone is to provide for residential, tourist, offices, commercial showrooms and other compatible uses which complement the mixed use character of the locality.

4.16.1.2. Council's objectives will therefore be to—

- (a) encourage a range of land uses, particularly showroom/bulky retail which support the functions of the nearby town centre of Chinatown, but which do not detract from Chinatown as the major retail and town centre function; and
- (b) have regard to Broome Local Planning Strategy when determining applications for land use and development within the Mixed Use zone.
- (c) ensure all development reflects Broomestyle Architecture within an open landscaped site and streetscape which is compatible with a residential and tourist accommodation environment.

4.16.2 Site and Development Requirements

4.16.2.1. Setbacks for all development within the Mixed Use zone shall have regard to the R40 Residential Planning Code.

4.16.2.2. Landscaping shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary, and within side setback areas.

4.16.2.3. Car parking areas shall be landscaped to provide shade and screening of vehicles.

4.16.2.4. Car parking for residential or tourist land uses, which are within a site which comprise a mixed land use/development, shall be located in an area which is separate from any car parking for commercial land uses, and exclusively used for the residential or tourist land use.

4.16.2.5. Bus bay provisions for tour buses shall be provided on site, or in close proximity to the subject tourist development, motel, hotel or other tourist accommodation.

4.16.2.6. Showroom development shall have regard to a minimum floor area of 200m² net lettable area.

4.16.3 Residential and Tourist Development

4.16.3.1. Residential Development for a single house, grouped dwellings and multiple dwellings may be developed to a maximum density of the R40 Residential Planning Code within the Mixed Use zone.

4.16.3.2. Tourist Development may be developed to a maximum density of the R40 Residential Planning Code and Council will have regard to its Tourist Development and Holiday Accommodation Policy when considering such proposals.

4.16.3.3. The density for holiday accommodation units such as motel, hotel, hostel or guest house developments is at the discretion of the Council.

4.17 Tourist Zone**4.17.1 Aims and Objectives**

4.17.1.1. The aim of the zone is to provide primarily for tourist development and associated uses, including retail and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

4.17.1.2. Council's objectives will therefore be to—

- (a) ensure that short stay tourist and holiday accommodation are the predominant land uses in this zone; and
- (b) encourage a range of recreational activities and accommodation styles within the Tourist zone; and
- (c) have regard to the Local Planning Strategy, Council's Policy on Strata Title of Holiday Accommodation and Tourist Development and other relevant policies when considering applications for development of self contained tourist accommodation and/or strata titled accommodation within the Tourist zone; and

- (d) ensure that development conforms with the Cable Beach Tourism Node Structure Plan; and
- (e) require a Development Plan to be undertaken for particular land parcels, prior to subdivision and/or development.

4.17.2 Site and Development Requirements

4.17.2.1. In considering retail land use and development proposals within the "Tourist" zone, the Council shall have regard to the Broome Local Commercial Strategy.

4.17.2.2. In considering proposals for tourist development within the "Tourist" zone, the Council shall have regard to its Tourist Development and Holiday Accommodation Policy.

4.17.2.3. Council will not support the subdivision of land in this zone to create lots less than 1ha in area other than for commercial/retail purposes in accordance with the Broome Local Commercial Strategy and prior to considering subdivision or strata titling of land for tourist accommodation purposes, Council may require the preparation and adoption of a development plan. Council may support proposals to strata title existing tourist and residential accommodation;

4.17.2.4. Council may approve a combination of tourist accommodation and permanent residential accommodation on the same site provided that it complies with the following—

- (a) The predominant use of the site remains for short stay tourist and holiday accommodation.
- (b) In determining the predominant use of the site, Council will have regard for —
 - provision of resort style facilities
 - residential amenity
 - management structure of the development.
 - Councils Tourist and Holiday Accommodation Policy.
- (c) Where tourist development and permanent residential accommodation are developed on the same site, the protection of residential amenity through careful design of both facilities and accommodation on the site shall occur in order to minimise disturbance and conflicts between landuses.

4.17.2.5. Setbacks for all development within the Tourist zone shall have regard to the R40 Residential Planning Code, with the exception of Neighbourhood Centres which shall have regard to the Broome Local Commercial Strategy.

4.17.2.6. Landscaping for all development within the Tourist zone shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary, and within side setback areas.

4.17.2.7. Car parking areas shall be landscaped to provide shade and screening of vehicles.

4.17.2.8. Landscaping for tourist development and residential development shall have regard to the Residential Planning Code requirements for open space, in addition to the landscaping abutting the front boundary and car park areas as outlined above.

4.17.2.9. Car parking for residential or tourist land uses, which are within a site which comprise a mixed land use/development, shall be located in an area which is separate from any car parking for commercial land uses, and exclusively used for the residential or tourist land use.

4.17.2.10. Bus bay provisions for tour buses shall be provided on site, or in close proximity to the subject tourist development, motel, hotel or other tourist accommodation.

4.17.2.11. Community Living development will not be supported by Council unless a Community Layout Plan is prepared in accordance with Clause 4.24.3.

4.17.2.12. Development and subdivision of land within the following Precincts—

- (a) Lot 833 situated east of Lullfitz Drive; or
- (b) vacant crown land abutting Murray Road, Gubinge Road and Cable Beach Road, will not be supported by Council unless a Development Plan has been approved for all or part of the site.
- (c) all land west and north of Lullfitz Drive including those lots fronting Millington Road

will not be supported by Council unless a Development Plan has been approved for all or part of the site.

4.17.3 Development Plan Requirements

4.17.3.1. All land use and development within the Cable Beach Tourism Node Structure Plan area shall be prepared with due regard to that Structure Plan.

4.17.3.2. The Council may relax the requirement for a Development Plan, prior to the issue of planning approval for a development, or land use or recommendation for subdivision, where the Council considers the proposed development, land use or subdivision represents a minor extension to an existing land use or building, or minor additional land uses or minor land use change or minor subdivision.

4.17.3.3. A Development Plan shall have regard to the provisions of clause 4.25.3

4.17.4 Development Plan Guidelines for Precincts

The Scheme Report—Local Planning Strategy outlines guidelines for the preparation of Development Plans for specific precincts within the Tourist zone.

4.18 Industry Zone

4.18.1 Aims and Objectives

4.18.1.1. The aim of the zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separate from residential areas.

4.18.1.2. Council's objectives will therefore be to—

- (a) encourage large storage and transport related land uses, noxious, hazardous and port related industry and other land uses which require large land parcels and/or separation from other land uses for health, safety or environmental reasons; and
- (b) minimise the intensity of subdivision in the zone;

4.18.2 Site and Development Requirements

4.18.2.1. Setbacks for all development in the Industry zone shall have regard to the following—

- (a) primary street—9 metres; and
- (b) secondary street—4.5 metres; and
- (c) side and rear—subject to the Building Code of Australia, and with at least one setback which shall provide adequate area to incorporate service areas, storage, parking, manoeuvring and/or accessways with a minimum width of 6 metres.

4.18.2.2. A minimum shed of 200m² floor area shall be provided.

4.18.2.3. Landscaping shall be provided and maintained abutting the boundary of all street frontages, to a minimum depth of 3 metres from the boundary.

4.18.2.4. Multiple factory units may be developed on a lot. A multiple factory development may comprise a building or group of factory buildings. Each factory unit shall comply with the following—

- (a) a minimum floor area of 200m²; and
- (b) a minimum of 4 car parking bays per unit; and
- (c) service areas for loading/unloading to each unit; and
- (d) external storage area for each unit, which is accessible from the service area and/or access way; and
- (e) all other requirements for setbacks, landscaping, and parking within an Industry Zone shall also apply to the total lot area of a multiple factory development.

4.18.2.5. The storage and use of toxic and hazardous substances are required to comply with the requirements of relevant Legislation and Government Authorities.

4.18.3 Subdivision Requirements

Lot areas in the Industry zone should not be less than 6,000m². The Council may recommend a minor reduction of the minimum lot area if the Council considers that the minor reduction will not prejudice the intent of the Industry zone.

4.19 Light and Service Industry Zone

4.19.1 Aims and Objectives

4.19.1.1. The aim of the zone is to provide for light and service industries and associated uses which are compatible with residential uses.

4.19.1.2. Council's objectives will therefore be to—

- (a) restrict the size and location of corner store/convenience shop in accordance with the Broome Local Commercial Strategy; and
- (b) allow bulky retail/showroom in the Light and Service Industry zone as an ancillary land use; and
- (c) restrict the size and location of caretaker dwelling accommodation in association with an industrial use on site.

4.19.2 Site and Development Requirements

4.19.2.1. Setbacks for all development in the Light and Service Industry zone shall have regard to the following—

- (a) primary street—9 metres; and
- (b) secondary street—4.5 metres; and
- (c) side and rear—subject to the Building Code of Australia, and with at least one setback which shall provide adequate area to incorporate service areas, storage, parking, manoeuvring and/or access ways with a minimum width of 6 metres.

4.19.2.2. A minimum 200m² industrial shed shall be provided.

4.19.2.3. Landscaping shall be provided and maintained abutting the boundary of all street frontages, to a minimum depth of 3 metres from the boundary.

4.19.2.4. When considering proposals for retail and commercial land use and development in the form of corner store/convenience shop and showroom/bulky retail within the Light and Service Industry zone, Council will have regard to the Local Commercial Strategy.

4.19.2.5. Showrooms may be allowed, where the showroom is associated with another 'P' land use.

4.19.2.6. Offices may be allowed, where the office is associated with another 'P' land use.

4.19.2.7. The storage and use of toxic and hazardous substances are required to comply with the requirements of relevant Legislation and Government Authorities.

4.19.2.8. Multiple Factory units may be developed on a lot. A multiple factory development may comprise a building or group of factory buildings. Each factory unit shall have regard to the following;

- (a) a minimum floor area of 200m²; and
- (b) a minimum of 4 car parking bays per unit; and
- (c) service area for loading/unloading to each unit; and

- (d) external storage area for each unit, which is accessible from the service area and/or access way; and
- (e) all other requirements for setbacks, landscaping, and parking within a Light and Service Industry Zone shall also apply to the total lot area of a multiple factory development

4.19.3 Caretakers Dwellings

4.19.3.1. The development of a caretaker's dwelling shall have regard to Council's Caretaker's Dwelling Policy.

4.19.3.2. A caretaker's dwelling is only permitted in association with a minimum 200m² shed which is approved for light and service industry activities and other 'P' land uses..

4.19.3.3. Notwithstanding the provisions of the Zoning Table and the Caretaker's Dwelling Policy, a caretaker's dwelling or any other form of residential land use, is not permitted on the south side of Clementson Street, being Lots 2090 to 2101 inclusive, Lot 2432 and Lot 2104 and Lot 2105 Clementson Street.

4.19.4 Subdivision Requirements

Lot areas should not be less than 2,000m² in order to provide for adequate land area for car parking and on site manoeuvring.

4.20 Port Zone

4.20.1 Aims and Objectives

The aim of the zone is to provide for the establishment of special industrial uses and activities which are associated with the Port, in addition to associated administration facilities and recreational uses. The land uses may include offensive and potentially hazardous industry and storage facilities.

4.20.2 Site and Development Requirements

4.20.2.1. Land use and development within the Port area shall be generally in accordance with the Broome Port Land Use Plan (Broome Port Board).

4.20.2.2. Development is subject to control by government departments, principally the Department of Transport and Department of Fisheries.

4.20.2.3. The relevant Government department/s in the port area shall consult with Council prior to commencing any development within the Port zone to ensure that all works undertaken are in keeping with the intent of the town planning scheme and will not destroy the amenity of the area. Any leaseholders within the port area shall submit a formal application and obtain planning approval and a building licence from Council prior to commencing any development.

4.20.2.4. All development should recognise and preserve the existence of the rare Keraudrenia Species B plants and the coastal dune systems of Roebuck Bay and Riddell Beach which exist within the Port area.

4.20.2.5. Development within the Port zone should have regard to the need to protect areas shown as "Environmental Cultural Corridors" in the Local Planning Strategy.

4.20.2.6. The storage and use of toxic and hazardous substances are required to comply with the requirements of relevant Legislation and Government Authorities.

4.21 General Rural Zone

4.21.1 Aims and Objectives

4.21.1.1. The aim of the zone is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.

4.21.1.2. Council's objectives will therefore be to—

- (a) retain the rural nature of the zone for pastoral and grazing activities, predominantly on large scale land holdings; and
- (b) allow land uses which are compatible with general rural activities and which require large land holdings and/or separation from more intense land use and subdivision; and
- (c) allow small scale tourist related activities which may be associated with a pastoral station, aboriginal heritage and culture or other general rural activity.

4.21.2 Site and Development Requirements

4.21.2.1. Development requirements for all development shall be at the discretion of the Council.

4.21.2.2. A single house is not permitted unless an adequate water supply is provided to the satisfaction of the Council, either by connection to a reticulated water supply, or provision of a bore, or other connection to a potable water supply which has a minimum storage capacity of 92,000 litres.

4.21.2.3. Prior to the development of any well/bores for the provision of a potable water supply or for the purpose of a rural pursuit within the General Rural zone, the approval and licensing by the Water and Rivers Commission and/or the appropriate government authority is required.

4.21.2.4. Community Living development is not permitted unless a Community Layout plan is prepared in accordance with Clause 4.24.3.

4.21.3 Subdivision Requirements

4.21.3.1. Subdivision of land which proposes additional lots or reduces the size of existing lots, will not be supported by Council unless a Development Plan or Rural Strategy has been approved for all or part of the site.

4.21.3.2. The Council may relax the requirement for a Development Plan or a Rural Strategy, prior to the recommendation for subdivision, where the Council considers the proposed subdivision represents minor boundary alterations.

4.21.4 Development Plan Requirements

A Development Plan shall have regard to the provisions of clause 4.25.3

4.22 Rural Agriculture Zone

4.22.1 Aims and Objectives

4.22.1.1. The aim of the zone is to provide for the sustainable use of land for animal husbandry, crops, horticulture and to protect the long term productive capacity of agriculture land from incompatible land uses (including subdivision).

4.22.1.2. Council's objectives will therefore be to—

- (a) ensure that land is maintained for productive agriculture/horticulture activities with associated rural industry activities; and
- (b) allow small scale tourist related activities which may be associated with a rural agriculture activity; and
- (c) recognise the limitation on ground water supply in the 'Twelve mile' and 'Skuthorpe' precincts along Broome Road and therefore protect the intensity of subdivision and land use.

4.22.2 Site and Development Requirements

4.22.2.1. Setbacks for all development in the Rural Agriculture zone shall have regard to the following—

- (a) primary street—10 metres; and
- (b) other setbacks—at the discretion of the Council.

4.22.2.2. No more than one single house is permitted per lot within the Rural Agriculture zone.

4.22.2.3. A single house is not permitted unless an adequate water supply is provided to the satisfaction of the Council, either by connection to a reticulated water supply, or the provision of a bore or other connection to a potable water supply with a minimum storage capacity of 92,000 litres.

4.22.2.4. Prior to the development of any well/bores for the provision of a potable water supply or for the purpose of a rural pursuit within the Rural Agriculture zone, the approval and licensing by the Water and Rivers Commission and/or the appropriate government authority is required.

4.22.2.5. Community Living development is not permitted unless a Community Layout plan is prepared in accordance with Clause 4.24.3

4.22.2.6. Where, rural agricultural activities or other approved land uses propose the sale of produce and goods from the site to the public and/or provide an associated education centre or educational tours, then public car parking shall be provided on site at the Council's discretion.

4.22.3 Subdivision Requirements

4.22.3.1. The subdivision of land which proposes any additional lot or reduces the size of any existing lot will not be supported by Council unless—

- (a) a Development Plan or Rural Strategy has been approved for all or part of the zone; or
- (b) the subdivision is in conformity with the subdivision in the Twelve Mile precinct as outlined below in clause 4.22.3.5.

4.22.3.2. The Council may relax the requirement for a Development Plan or a Rural Strategy, prior to the recommendation for subdivision, where the Council considers the proposed subdivision represents minor boundary alterations.

4.22.3.3. Council may request contributions to road upgrading and drainage provisions may be required for subdivisions of lots in the Rural Agriculture zone.

4.22.3.4. A Rural Strategy is also required to be undertaken, prior to consideration by the Council to extend the Rural Agriculture zones.

4.22.3.5. Twelve Mile

Lot sizes should not be less than 2 hectares in the Twelve Mile rural agriculture precinct. The Council may recommend a minor reduction in the lot size if the Council considers that the minor reduction will not prejudice the intent of the zone.

4.22.3.6. Skuthorpe

The Council shall not recommend or support subdivision in the Skuthorpe precinct unless the subject land is included in an approved Limited Rural Strategy which considers the availability of ground water supply and the associated viability of minimum lot size for agricultural use.

4.22.4 Development Plan Requirements

A Development Plan shall have regard to the provisions of clause 4.25.3.

4.23 Rural Living Zone

4.23.1 Aims and Objectives

4.23.1.1. The aim of the zone is to provide for residential use in a rural environment.

4.23.1.2. Council's objectives will therefore be to—

- (a) provide an area within a rural environment wherein closer subdivision may be permitted to provide for such uses as small scale rural pursuits/industry including horticulture (limited by water availability), small scale aquaculture, rural-residential retreats, home businesses, bed and breakfast facilities and outdoor recreation; and
- (b) retain the rural landscape and amenity in a manner consistent with a rural environment; and
- (c) the siting and scale of dwellings and buildings on the lot should aim to reduce the visual impact of the buildings within the area and to adjoining properties.

4.23.2 Site and Development Requirements

4.23.2.1. Setbacks for all development in the Rural Living zone shall have regard to the following—

- (a) primary street—20 metres; and
- (b) other setbacks—at the discretion of the Council.

4.23.2.2. No more than one single house is permitted on a lot within a Rural Living zone.

4.23.2.3. A single house is not permitted unless an adequate water supply is provided to the satisfaction of Council, either by connection to a reticulated water supply, or the provision of a bore or other connection to a potable water supply with a minimum storage capacity of 92,000 litres.

4.23.2.4. Prior to the development of any well/bores for the provision of a potable water supply or for the purpose of a rural pursuit within the Rural Living Zone, the approval and licensing by the Water and Rivers Commission and/or the appropriate government authority is required.

4.23.2.5. One shed of a maximum of 100m² in floor area is permitted on a lot.

4.23.2.6. An increase in the floor area of the shed and the number of sheds per lot may be approved at Council's discretion. When considering such an application, the Council shall have regard for; the approved land use on site and the demand for the shed, and the use of the proposed shed/s and any existing sheds, and the impact of increased floor area and an increase in the number of sheds on the amenity of the site and locality, and the objective and policies of the Rural Living zone.

4.23.2.7. Community Living development is not permitted unless a Community Layout Plan is prepared as outlined in the clause 4.24.3.

4.23.2.8. Existing natural vegetation shall be retained within all setback areas.

4.23.2.9. Natural vegetation may only be removed where clearing is required to provide for approved development or land use, firebreak or drainage requirements or where vegetation is dead, dangerous or diseased. All other removal of natural vegetation requires Council approval.

4.23.2.10. Coconut Wells

The development of Rural Pursuits, Rural Industry, Plant Nursery, Aquaculture and Community Living within the Coconut Wells is not permitted unless the availability of water has been determined and access to water approved by the Water and Rivers Commission.

4.23.2.11. Rural Industry and sheds used for rural purposes are not permitted unless they are associated with an approved Rural Pursuit on the subject site.

4.23.3 Subdivision Requirements

4.23.3.1. The subdivision of land which proposes additional lots or reduces the size of existing lots, will not be supported by Council unless—

- (a) a Development Plan or Limited Rural Strategy has been approved for all or part of the zone; or
- (b) the subdivision is in conformity with the subdivision in the Coconut Wells or Bilingurr or Wattle Drive precincts within which precinct the subject site falls, as outlined in clauses 4.23.3.5 and 4.23.3.6.

4.23.3.2. The Council may relax the requirement for a Development Plan or a Rural Strategy, prior to the recommendation for subdivision, if the Council considers the proposed subdivision represents minor boundary alterations.

4.23.3.3. Council may request contributions to road upgrading and drainage provisions may be required for subdivisions of lots in the Rural Living zone.

4.23.3.4. A Rural Strategy is required to be undertaken, prior to consideration by the Council of a proposal to extend the Rural Living zone.

4.23.3.5. Coconut Wells

Lot sizes in the Coconut Wells Precinct should not be less than four hectares. Council may recommend a minor reduction if the Council considers that the minor reduction will not prejudice the intent of the Rural Living zone nor detrimentally affect water supply and usage in the locality.

4.23.3.6. Bilingurr and Wattle Drive

Lot sizes in the Bilingurr Precinct and Wattle Drive Precinct should not be less than 1 hectare with the exception of Lots 404 & 407 Lullfitz Drive (Bilingurr Precinct) which are subject to flooding and have no further subdivision potential below the existing 2 hectare lot size. Council may recommend a minor reduction if it is of the opinion that the minor reduction will not prejudice the intent of the Rural Living zone nor detrimentally affect water supply and usage in the locality.

4.23.3.7. Reticulated water supply is required to be connected for subdivision within the Rural Living zones of the Bilingurr Precinct (Hidden Valley to Broome Road) and the Wattle Drive Precinct (Wattle Drive to Broome Rd). Council advises that the Bilingurr Precinct has very limited potential for the development of agricultural and horticultural activities due to the quantity and quality of groundwater available.

4.23.4 Development Plan Requirements

A Development Plan shall have regard to the provisions of clause 4.25.3.

4.23.5 Development Plan Guidelines for Precincts

The Scheme Report—Local Planning Strategy outlines guidelines for the preparation of Development Plans for specific precincts within the Rural Living zone.

4.24 Settlement Zone

4.24.1 Aims and Objectives

4.24.1.1. The aim of the zone is to provide a coordinated plan and development for aboriginal and non aboriginal community living settlements and land.

4.24.1.2. Council's objectives will therefore be to—

- (a) provide for a range of mixed land uses which may include permanent and temporary residential accommodation, rural, community uses, and administrative uses on one lot; and
- (b) allow home business activities and small scale business, rural or light industry activities which assist to support the community.
- (c) enable the preservation and management of areas of cultural significance.

4.24.2 Site and Development Requirements

4.24.2.1. Development and land use is not permitted unless a Community Layout Plan has been approved for all or part of the site.

4.24.2.2. The Council may relax the requirement for a Community Layout Plan, prior to the issue of planning approval for a development, where the Council considers the proposed development represents a minor extension to an existing land use or building or minor additional land uses or minor land use change.

4.24.2.3. A development application is required for all development within the zone in accordance with the provisions of this Scheme.

4.24.2.4. Development requirements and land use shall be at the discretion of the Council.

4.24.3 Community Layout Plan

4.24.3.1. A Community Layout Plan shall include a report and plan which address the following—

- (a) the current purpose and future intent of the community, including community aspirations, religious, spiritual, heritage and cultural aspects which may affect the planning of the community;
- (b) the current population and future population growth projection;
- (c) the overall area and location of each residential land parcel;
- (d) the location of existing and proposed camping areas, single houses, shared residential accommodation buildings, visitor accommodation;
- (e) the location of administration and community facilities and communal car parking;
- (f) the location of work areas and associated storage or light industrial sheds, home businesses, rural pursuits;
- (g) the location of existing and proposed roads or vehicle access layout within the site;
- (h) the staging of the development;
- (i) conservation of natural features, vegetation and aboriginal heritage and cultural areas;
- (j) the location of any areas for open space, environmental cultural corridors, pedestrian and cycle ways and recreation;
- (k) the existing and proposed water supply, sewerage provisions and other services for the lot and individual land parcels within the community; and
- (l) the existing and proposed drainage provisions for the lot and individual and parcels.

4.24.3.2. The Council may relax the requirement for the applicant to address any of the above features of the Community Layout Plan in the interest of protecting and acknowledging heritage, cultural and spiritual concerns of the Community.

4.24.3.3. The Council may require that the Community Layout Plan be advertised for public comment for a minimum of 21 days, if—

- (a) the affected community has not had sufficient opportunity to comment on the plan; and/or
- (b) the Council considers that the plan affects adjoining or surrounding land or the general public residing outside the boundary of the Community Layout Plan.

4.24.3.4. The Community Layout Plan will be referred to servicing authorities and comments received prior to adoption of the Plan by the Council.

4.24.3.5. The Community Layout Plan will be adopted by the Council when it is satisfied that all relevant planning aspects have been addressed and public advertising has been satisfactorily undertaken.

4.25 Development Zone

4.25.1 Aims and Objectives

4.25.1.1. The aim of the zone is to provide for general urban development including residential, commercial and/or tourist development or rural development in accordance with a Development Plan prepared under this Scheme.

4.25.1.2. Council's objectives will therefore be to—

- (a) Permit continuation of existing uses in the zone; and
- (b) Adopt Scheme provisions which recognise that proposals in accordance with Council's Local Planning Strategy will be considered for approval and rezoning to other appropriate zones and reserves on the basis of the adopted Development Plan; and
- (c) Not support further development and subdivision in the zone unless in accordance with an adopted Development Plan.

4.25.2 Site and Development Requirements

4.25.2.1. Development will not be permitted and subdivision will not be supported unless a Development Plan has been adopted for all or part of the zone.

4.25.2.2. The Council may relax the requirement for a Development Plan, prior to the issue of planning approval for a development or land use or recommendation for subdivision, where the Council considers the proposed development, land use or subdivision represents a minor extension to an existing land use or building, or minor additional land uses, or minor land use change, or minor subdivision.

4.25.2.3. Uses permitted in the zone will be restricted to—

- (a) those uses which existed at the time of Scheme gazettal; and
- (b) uses which, in the opinion of the Council are consistent with the intent and purpose of an adopted Development Plan.

4.25.2.4. Development requirements shall be at the discretion of the Council. Where appropriate, the General Development Requirements of Part 5 and the development requirements of a specific zone that most closely equates to the proposed land use and development will be applied.

4.25.3 Development Plan

4.25.3.1. A Development Plan shall address the following—

- (a) the topography and vegetation of the area and distinctive features;
- (b) the existing major road system;
- (c) the location and width of proposed roads;
- (d) the location of pedestrian and bicycle routes;
- (e) the approximate location and area of the recreation and open space areas proposed;
- (f) the population, lot layout and the location of appropriate "Residential Planning Code" densities;
- (g) all existing and proposed land uses;
- (h) provision for water supply, sewerage, drainage and public utilities;
- (i) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
- (j) community facilities and commercial centres;
- (k) consideration of Aboriginal heritage and cultural sites and matters and how these aspects are incorporated into the development plan;
- (l) Environmental Cultural Corridors within the area and/or the allocation of land for conservation purposes in the area;
- (m) environmental protection consideration and pollution prevention measures; and
- (n) such other matter or information as is required by Council.

4.25.3.2. When a Development Plan has been prepared to the satisfaction of Council, the Council shall—

- (a) notify in writing all servicing authorities and each owner of land affected by the Plan; and
- (b) advertise for public comment the existence of the plan; and
- (c) invite each landowner, the public, service agencies and all affected Government Authorities to make a submission to Council regarding any aspect of the Plan.

4.25.3.3. The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Clause 4.25.3.2.

4.25.3.4. That Council shall consider any submissions made under Clauses 4.25.3.2 and 4.25.3.3 and may reject, amend or adopt the Development Plan after consideration of such submissions.

4.25.3.5. The Council shall—

- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a precis of, and the Council's decision in relation to, each submission received in respect of the Plan; and
- (b) request the Commission to adopt the Plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.

4.25.3.6. Where Council does not forward a response to the Western Australian Planning Commission within three months from the closure of the public advertising period, the Development Plan is deemed to be refused and appeal rights, in accordance with clause 4.25.3.8 exist for the applicant.

4.25.3.7. Any departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the plan.

4.25.3.8. Without limiting the generality of other provisions for appeals herein, an applicant aggrieved by a decision of the Council in respect of a decision made under clauses 4.25.3.4, 4.25.3.5, 4.25.3.6, 4.25.3.7 and/or 4.25.3.9 under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

4.25.3.9. Following adoption of a Development Plan, required under the provisions of Clause 4.25.2, by the Western Australian Planning Commission, Council may approve development and/or support subdivision consistent with the adopted plan, and thereafter will implement Scheme amendments to rezone the land to other Scheme zones in accordance with the Development Plan.

4.25.4 Development Plan Guidelines for Precincts

The Scheme Report—Local Planning Strategy outlines guidelines for the preparation of Development Plans for specific precincts within the Development Zone.

4.26 Waterbank Conservation and Development Zone

4.26.1 Aims and Objectives

4.26.1.1. The aim of the zone is to provide for the development of part of the former Waterbank Station area in accordance with the Waterbank Structure Plan.

4.26.1.2. Council's objectives will therefore be to—

- (a) allow a range of land uses and development, including conservation of significant landscape and environmental areas, relocation of the Broome airport, and the provision of horticulture, aquaculture, residential, rural living, tourist accommodation, camping, aboriginal heritage and cultural areas, business activities, water reserve, heavy industry, recreational and civic activities; and
- (b) require a Development Plan be undertaken for particular land parcels, prior to subdivision and/or development.

4.26.2 Site and Development Requirements

4.26.2.1. Development will not be permitted and subdivision should not occur unless a Development Plan has been approved for the relevant part of the zone.

4.26.2.2. The Council may relax the requirement for a Development Plan, prior to the issue of planning approval for a development, or land use or recommendation for subdivision, where the Council considers the proposed development, land use or subdivision represents a minor extension to an existing land use or building, or minor additional land use or minor land use change or minor subdivision.

4.26.2.3. Development requirements shall be at the discretion of the Council.

4.26.3 Development Plan

A Development Plan shall have regard to the provisions clause 4.25

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

Any development of land is to comply with the standards and requirements of—

- (a) the provisions of this Scheme; and
- (b) without limiting the generality of subclause 5.2.3, the Residential Planning Codes—in respect of development for residential purposes.

5.2 Residential Planning Codes

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

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

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

5.2.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density number superimposed on the particular areas shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre-line of those borders.

5.3 Special Application of Residential Planning Codes

5.3.1 In areas coded R10/20, the R10 density code and development standards shall apply, unless the site is connected to a reticulated sewerage system in which case the R20 density code is applicable.

5.3.2 Where—

- (a) a lot of an area of 2,000m² or greater is coded R10; and
- (b) the location of an existing dwelling and/or building and/or significant trees on the site would preclude a two lot subdivision, or grouped dwelling/strata and Council considers that the existing dwelling, building/s or trees are worthy of retention,

the Council may—

- (i) approve two grouped dwellings and recommend that the Commission approves a two lot strata with one of the strata lots having a minimum area of 800m²; or
- (ii) recommend that the Commission approves a subdivision with either or both lots having areas of no less than 900m².

5.4 Variations to Site and Development Requirements

5.4.1 If a development is the subject of an application for planning approval and does not comply with a standard or provision prescribed under clauses 4.13 to 4.26 inclusive and 5.6 to 5.13 inclusive of the scheme or a standard prescribed by the Residential Planning Codes, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council considers appropriate.

5.4.2 The power conferred by this clause may only be exercised if the Council is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and

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

5.5 Car Parking

5.5.1 Car Parking for all development and land uses within the Scheme area shall have regard to Council's Car Parking Policy.

5.5.2 Council may waive or vary requirements for on-site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development or where circumstances relating to the land use demand or a development feature warrant a relaxation of on-site parking requirements. Where constructed car parking is not provided on site, Council may request a cash payment in lieu of the provision of parking for application in terms of clause 5.5.3 below.

5.5.3 Any payment made pursuant to clause 5.5.2 above shall—

- (a) not be less than the estimated cost of providing and constructing the parking spaces required by Council Policy plus the value of the area of land which might have been occupied by the parking spaces; and
- (b) be paid to Council, under this clause, into a special fund to be applied solely to the provision, construction and maintenance of further car parking facilities including associated lighting, paths and landscaping for the car park, which should be in reasonable proximity to the premises from which the payment was derived.

5.6 Service Areas

5.6.1 All commercial, tourist and industrial development shall make provision onsite for storage areas, bin areas and general service areas for loading and unloading of goods. The service area and associated service vehicle movement should not conflict with on site parking and manoeuvring for staff and patrons to the site.

5.6.2 On site manoeuvring for service vehicles shall also be provided in association with the service areas.

5.7 Land Use and Noise Control

5.7.1 Land uses which have the potential to generate significant noise levels due to machinery, amplified music or announcements shall at all times comply with assigned noise levels applicable under Environmental Protection Laws. Council may impose planning and building conditions which require an acoustic report to be prepared by the applicant and noise attenuation controls for the land use and development.

5.7.2 This provision may relate to outdoor entertainment areas, such as associated with tourist development, hotel, hostel and other forms of tourist accommodation, outdoor recreation, night clubs, churches, and club/meeting rooms.

5.8 Controlled Access

5.8.1 Highways and Major Roads, Important Roads under control by Main Roads.

Where Highways and Major Roads and/or Important Roads are designated under the control of Main Roads Western Australia, then the Council and Main Roads shall control the location, number, size and construction standards of access points on to that road. Formal approval is required by Main Roads in consultation with the Council prior to construction of the access.

5.8.2 Roads under Council Control

Council may control the location, number, size and construction standards of local roads. Controlled access will apply to Cable Beach Road between Murray Road and Gubinge Road and between Gubinge Road and Port Drive.

5.9 Height of Buildings

5.9.1 Council's objective is to preserve the existing character of the town, the amenity of the environment, and the enjoyment of views and aspects from existing buildings.

5.9.2 The height of buildings within the Scheme Area shall be no more than two storeys or a maximum height of 10 metres.

5.9.3 The Council shall not exercise the power in accordance with Clause 5.4.1 to vary the height limit standard of 10 metres unless Council is satisfied that the variation will not prejudice the amenity of the area and the low scale character of Broome architecture. When considering variations to the height limit, the applicant and Council shall have due regard to all of the following—

- (a) the topography and elevation of the subject site in relation to adjoining properties and the street;
- (b) the impact of the building bulk and height on the area and existing views;
- (c) the location of the site and the impact of the height on public areas and the landscape values of an area for the public;
- (d) the surrounding land use and the scale and height of existing surrounding buildings; and
- (e) the aboriginal and non-aboriginal heritage value of surrounding buildings and sites and the impact of the height on the heritage value.

5.10 Broomestyle Architecture of Buildings

5.10.1 The building style of all buildings within the Scheme area shall be compatible with the 'Broome architectural style' which reflects a low scale of building bulk and has regard for local climatic conditions and traditional architecture. The provision of this clause does not apply to buildings in the Port zone,

Industry zone, Light and Service Industry and all single residential dwellings in a Development zone, General Rural zone, Rural Agriculture zone, Rural Living zone or Residential zone, except if the single dwelling is located in the 'Old Broome Precinct'.

5.10.2 Features such as a pitched roof, single and multiple hipped roof, gables, verandahs, shutters, lattice features, colourbond roof, and predominant wall materials of colourbond or timber should be incorporated into all buildings. These features should represent the predominant aspects of the building.

5.10.3 Materials of concrete, brick, zincalume or rendered walls are required to be painted and /or treated to Council's satisfaction to ensure compatibility with the Broome architectural style.

5.10.4 Building Design controls within the Town Centre—Chinatown zone and the 'Old Broome Precinct' of the Housing Strategy will continue to apply as adopted by the Council as policy.

5.11 Landscaping and Existing Trees

5.11.1 All applications for planning approval, for any development including single houses, shall indicate the location, type and size of all existing trees on site and within the abutting road reserve or any other abutting reserve.

5.11.2 When considering the application, the Council shall determine whether the tree/s have any landscape significance and should be retained.

5.11.3 In the interest of retaining the significant tree/s the Council may—

- (a) impose a condition on the planning approval or building licence to retain the tree or trees, and/or request the Commission to impose a condition/s for the retention of trees and/or for additional trees to be planted on the site, and/or
- (b) request a modification of the proposal, and/or
- (c) permit a variation of the site and development requirements or recommend a variation to subdivision requirements.

5.11.4 A landscaping plan which details the retention of existing tree/s and proposed landscaping on site and within the abutting road reserve will be required as a condition of planning approval for all developments.

5.12 Subdivision and Development Requirements

Council may recommend conditions of subdivision or apply conditions of planning approval which specify that contributions may be required for the provision or upgrading of Council's stormwater drainage system, roads, footpaths, street lighting or associated road reserve items, for any subdivision or development application. Contributions will be calculated on an equitable basis as follows—

- (a) road contributions will be required for all new lots; and
- (b) drainage headwork's will be related to the amount of capital works required in that particular drainage catchment. All existing or proposed new lots or development will be assessed in accordance with Council's Drainage Headwork's Policy for that catchment.

5.13 Control of Advertisements

5.13.1 Power to Control Advertisements

5.13.1.1. For the purpose of this Scheme, the erection, placement or display of any sign and the use of land or any building for the display of any sign involving non site specific advertising 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 Council's Signs and Hoarding and Bill Posting Local Laws.

5.13.1.2. Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 9.1.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 6 giving details of the sign to be erected, placed or displayed on the land. The Council may waive the requirement to submit an application in this form and consequently may only require an application for a sign licence under Council's Local Law.

5.13.2 Existing Signs

Signs 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 signs", may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.13.3 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 a sign, 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.

5.13.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations and notwithstanding the provisions of clause 5.13.1 the Council's prior approval is not required in respect of those advertisements listed in Schedule 4 which for the purpose of this Part are referred to as "exempted advertisements".

The exemptions listed in Schedule 4 do not apply to places, buildings, conservation areas which are either—

- (a) Listed by the National Trust;
- (b) Listed on the Register of the National Estate; or
- (c) Included in Council's Municipal Heritage Inventory and/or Heritage List

5.13.5 Discontinuance

Notwithstanding the Scheme objectives and clause 5.13.4 above, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the owner of the land and/or the owner of the sign to remove, relocate, adapt or otherwise modify the sign within a period of time specified in the notice.

5.13.6 Derelict or Poorly Maintained Signs

Where, in the opinion of the Council, a sign has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the owner of the land and/or the owner of the sign to—

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

5.13.7 Notices

5.13.7.1. Any notice serviced in exceptional circumstances pursuant to clause 5.13.5 or clause 5.13.6 shall be served upon the owner of the land and/or the owner of the subject sign and shall specify—

- (a) the sign the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken to comply with the notice;
- (c) the period, not being less than 60 days, within which the action specified shall be completed by the person to whom the notice is directed.

5.13.7.2. Any person upon whom a notice is served pursuant to this Part may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

5.13.8 Scheme to Prevail

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

5.14 Environmental Conditions

5.14.1 In accordance with Section 7A4 of the Act, environmental conditions imposed by the Minister for the Environment on the present scheme or amendments to the present scheme are incorporated into the Scheme by Schedule 10 of the Scheme.

5.14.2 Where appropriate, the existence of environmental conditions is indicated on the Scheme maps by the symbol "EC" to indicate that environmental conditions apply to the land.

5.15 Groundwater Resources

- (a) Groundwater resources in the Broome area are limited and private bores are, therefore, discouraged; and
- (b) prior to the installation, development or use of a bore or well for the provision of a water supply, a Groundwater Well Licence is required to be obtained from the Water and Rivers Commission.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following special control areas are shown on the Scheme map—

- Airport Environs;
- Flood Prone Land;
- Land Use Buffer;
- Possible Contaminated Sites; and
- Drainage Aquifer Recharge.

6.1.2 If a special control area is shown on the Scheme Map, the provisions of the special control area apply in addition to any special provisions applicable to the underlying zone/s or reserve/s and any general provisions of the Scheme.

6.1.3 Airport Environs

6.1.3.1. Objective

To control development within close proximity to the airport to ensure the safety of airport operations.

6.1.3.2. All new development and structures, including towers, antennae, and any alterations to roof lines and any increase to building heights, on land within Airport Environs special control area shall have regard to height restrictions as outlined in the Broome Airport Obstacle Limitation Surface Plan.

6.1.3.3. Development will not be permitted unless the proposed height of the development has been considered and approved by the relevant authority controlling airport operations.

6.1.3.4. Illuminated signs, pylon signs, signs above a roof line, flashing lights on buildings or land within the approach areas to the airport which are situated within the Chinatown zone and Coastal Park reserve will not be permitted unless the proposed signs and lights have been considered and approved by the relevant authority controlling airport operations.

6.1.3.5. Development on land which is located outside the Airport Environs special control area will also require consideration with regard to the Broome Airport Obstacle Limitation Surface Plan and where height limits exceed the required height limits may require referral to the relevant authority controlling airport operations

6.1.4 Flood Prone Land

6.1.4.1. Objective

To control development in order to minimise flood damage and manage drainage.

6.1.4.2. Potential for flooding exists in the following areas

- (a) Chinatown and areas immediately west of Broome Road;
- (b) Bilingurr—Lots north of Pearl Coast Road on Lullfitz Drive and Sands St.
- (c) Port Drive—southern portion of the Industry zone.
- (d) Any land generally below 6.0m A.H.D.

6.1.4.3. The Council may impose restrictions and conditions over development, subdivision and land use relating to any of the following aspects—

- (a) building floor level heights (Absolute minimum fill level to be 5.3m A.H.D and minimum floor level of 5.7m A.H.D;
- (b) fill or drainage requirements and contribution to drainage works;
- (c) limitations/restrictions on filling in areas required to hold stormwater;
- (d) location, construction style and/or orientation of buildings on site;
- (e) density and site cover;
- (f) landscaping and open space;
- (g) location and style of fencing;
- (h) lot access requirements; and
- (i) the type and location of on site effluent disposal systems.

6.1.5 Land Use Buffer Areas

6.1.5.1. Objective

To control development within close proximity of a site which may be considered a nuisance or offensive by virtue of noise, odour, health concerns and visual amenity.

6.1.5.2. Wastewater Treatment Plant

The Council may impose restrictions and conditions over land use and other development (including development for the preparation and sale of food), on land which is within 500 metres of any sewerage effluent pond and may recommend conditions in respect of the subdivision for such land.

This will include the land situated on the south side of Clementson St where Council will not permit any form of residential land use or caretaker dwellings in accordance with clause 4.19.3.3.

Council may refer proposals prior to determining applications for development in the vicinity of the Water Corporation's effluent pond buffer to the Water Corporation and the DEP for consideration of the offsite impacts and any conditions to be imposed on its approval.

6.1.5.3. Poultry Farm

The Council may impose restrictions and conditions over land use and any other development, which is within 300 metres of a poultry farm and may recommend conditions in respect of the subdivision of any such land. Such restrictions and conditions may include—

- (a) reducing the density of subdivision and development, with minimum lot sizes of 4 hectares; and
- (b) requiring the provision of fencing, landscape buffers, open space or environmental cultural corridors; and
- (c) restricting development on lots to only one residential dwelling and associated domestic sheds; and
- (d) imposing conditions which require the orientation of buildings and major openings away from the poultry farm; and
- (e) any other provisions in accordance with the WAPC 'Poultry Farm Policy'.

6.1.5.4. Operational Refuse site

The Council may impose restrictions and conditions over land use and any other development, on land which is within 300 metres of an operational refuse site and may recommend conditions in respect of the subdivision of any such land. Such restrictions and conditions may include—

- (a) reducing the density of subdivision and development, with minimum lot sizes of 4 hectares; and
- (b) requiring the provision of open space or environmental cultural corridors; and
- (c) restricting development on lots to only one residential dwelling and associated domestic sheds; and

- (d) imposing conditions which require the orientation of buildings and major openings away from the refuse site.

6.1.5.5. Power House

The operational power house generates noise which may create a nuisance to surrounding land uses. Consequently, the Council may—

- (a) impose conditions on any planning approval with regard to noise attenuation for development on land which is situated within the nearby industrial area and/or the environmental cultural corridor; and
- (b) limit the development within the environmental cultural corridor in order to minimise noise disturbance.

6.1.6 Possible Contaminated Sites

6.1.6.1. Objective

The objective of this subclause is to ensure that sites which currently or formerly contained land uses with potential for site contamination are investigated and all contaminants removed prior to any development, rezoning or subdivision.

6.1.6.2. The Council may impose restrictions and conditions over land use and any other development, and, when considering any rezoning, of land which may be a possible contaminated site by virtue of the current or former land uses on site and may recommend conditions in respect of the subdivision of any such land. Possible contaminated sites include, but are not restricted to; existing and former service stations, abattoirs, dry cleaning premises, effluent disposal sites, and former refuse sites. The conditions and restrictions may include—

- (a) the requirement for a geotechnical report or any study to determine the type, location and extent of the contaminant within the site; and
- (b) the removal or excavation of any contaminant on site or any unsuitable land fill from the site; and
- (c) the fill of the site with clean landfill and compaction suitable for development; and
- (d) the location and density of development on site; and
- (e) a drainage study and specific drainage provisions for the site.

6.1.6.3. Council may consult with the Department of Environmental Protection in regard to any proposal which affects a possible contaminated site.

6.1.7 Drainage Aquifer Recharge Areas

6.1.7.1. Objective

The objective of this subclause is to control the extent of development to ensure that drainage provisions are adequately accommodated across the peninsular.

6.1.7.2. Land situated within the Environmental Cultural Corridor Reserve which is between the Industry zone of Port Drive and Gantheaume Point is required principally for the purpose of a drainage compensation area and aquifer recharge area. The intensity of development shall be limited at the discretion of the Council to an extent which does not detrimentally affect the drainage and recharge purpose of the land.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

7.1.1 The Council shall establish and maintain a Heritage List which shall identify those places within the local government district to be of heritage significance and worthy of conservation under the provisions of this Scheme, together with a description of each place and the reasons for its entry.

7.1.2 For the purpose of this clause, the Heritage List means the Municipal Heritage Inventory prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 and may include Aboriginal Heritage and Cultural areas, other buildings, significant tree/s and land that Council considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the Council shall consult with the owner and occupier of the place.

7.1.4 Where a place is included on the Heritage List, the Council shall give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

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

7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of an area, the Council may, by resolution, declare that area to be a Heritage Area.

7.2.2 The Council shall adopt for each Heritage Area a policy statement which shall comprise—

- (a) a map showing the boundaries of the Heritage Area;
- (b) places of heritage significance;
- (c) objectives and guidelines for the conservation of the Heritage Area; and shall keep a copy of the policy statement for any designated Heritage Area with the Scheme documents for public inspection during normal office hours.

7.2.3 The procedure to be followed by the Council in designating a Heritage Area shall be as follows—

- (a) the Council shall notify in writing each owner of land affected by the proposed designation and shall provide them with a copy of its policy statement for the Heritage Area;
- (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 considers 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 Heritage Area may be inspected;
- (c) the Council shall invite submissions on the proposal which may be made within 28 days of the date specified in the notice referred to immediately 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 Area with or without modification or reject the proposal after consideration of submissions and the Council shall adopt such part or parts of the policy statement as is appropriate in respect of the Heritage Area;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission.

7.2.4 The Council may modify or may rescind a Heritage Area or any policy statement which relates to it by following the procedure set out in clause 7.2.3.

7.3 Heritage Agreements

The Council may, in accordance with the Heritage of Western Australia Act 1990, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building in so far as the interest of that owner or occupier permits.

7.4 Heritage Assessment

Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place included on the Heritage List.

7.5 Variations to Scheme Provisions for a Heritage Place and Heritage Area

7.5.1 Where desirable to facilitate the conservation of a heritage place listed in the Heritage List, or to enhance or preserve heritage values in a Heritage Area the Council may vary any site or development requirement of the Scheme, or landuse provision provided that, where in the Council's opinion the variation 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 uses pursuant to clause 9.4; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

7.5.2 In granting variations under subclause 7.5.1, the Council may require a formal agreement with an owner who is to benefit from the variation for any of the purposes prescribed for a Heritage Agreement by Section 29 of the Heritage of Western Australia Act 1990.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

Subject to clause 8.2, all development on land zoned and reserved under this Scheme requires the prior approval of the Council. No person shall commence or carry out any development without first having applied for and obtained the planning approval of the Council pursuant to the provisions of Part 9 of this Scheme.

8.2 Permitted Development

For the purposes of the Scheme, the following development does not require the planning approval of Council—

- (a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building unless the building is—
 - (i) located in a place that has been registered in the Register of Places under the Heritage of Western Australia Act 1960;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990; and
 - (iii) included in the Heritage List under clause 7.1 of this Scheme.
- (b) a home office carried out solely within a dwelling by a resident of the dwelling;
- (c) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
- (d) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area; and
- (e) development of a minor nature listed in a Local Planning Policy as exempt from the requirement to obtain planning approvals.

8.3 Amending or Revoking a Planning Approval

8.3.1 The Council may, on application in writing from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, or one or more of the conditions of the planning approval.

8.3.2 Where planning approval has been granted subject to conditions, if one or more of the conditions are not complied with, the Council may revoke its approval.

8.4 Unauthorised Existing Developments

8.4.1 The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out.

8.4.2 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced shall be deemed to be lawful development upon the grant of planning approval.

PART 9—APPLICATION FOR PLANNING APPROVAL

9.1 Form of Application

9.1.1 Every application for approval for one or more of the following—

- (a) commencement of a “P” use which does not comply with all the relevant development standards and requirements of the Scheme, “D” or an “S” use under clause 4.2 or a use not listed under subclause 4.3.2
- (b) commencement of development under clause 8.1 including commencement of a land use and a land use change and subject to subclause 4.2.3;
- (c) continuation of development already commenced or carried out under clause 8.4;
- (d) variation of a site or development requirement;
- (e) commencement of development, demolition or land use change for a Heritage Place or Heritage Area under clause 7.5 and/or buildings listed in the Heritage List;
- (f) alteration or extension of a non-conforming use under clause 4.7;
- (g) changing a non-conforming use under clause 4.8;
- (h) continuing to use a non-conforming use in a building destroyed or damaged under clause 4.11;
- (i) use or commencement of development on a Local Reserve under clause 3.3;
- (j) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (k) subject to subclause 9.1.2 the erection, placement or display of a sign shall be made in the form prescribed in Schedule 5 to the Scheme as an application for planning approval and shall be accompanied by such plans and other information as are required by the Scheme.

9.1.2 Applications for the erection, placement or display of a sign shall be accompanied by the additional information set out in the form at Schedule 6 to the Scheme.

9.1.3 The owner and person in possession of land are both deemed to be users of the land and are both deemed to have knowledge of the development and use of the land. A person who is the owner of land and the developer, and any person in occupation or possession of land as a lessee, licensee or in any other capacity, shall not occupy or use or suffer or permit the occupation or use of land for any purpose, if that occupation or use would involve a breach of the Scheme or is not in accordance with the provisions relating to planning approval.

9.2 Accompanying Material

Unless 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 existing vegetation and trees on-site or on the abutting road reserve, any open space and landscaping proposed for the site;
 - (viii) the existing and proposed ground levels, floor levels and existing and proposed drainage provisions
- (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 specialist studies that Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the Council may reasonably require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

Where an application relates to a place entered on the Heritage List or within a Heritage Area, the Council may require an applicant 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 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.

9.4 Advertising of Applications

9.4.1 Where an application is made for planning approval to commence an 'S' use or a use not listed (subclause 4.3.2) or commence or carry out development which involves an 'S' use or a use not listed, the Council shall not grant approval to that application unless notice is first given in accordance with the provisions of clause 9.4.3.

9.4.2 Notwithstanding the provisions of clause 9.4.1, where an application is made for planning approval for any other purpose, the Council may require that notice is first given in accordance with the provisions of clause 9.4.3.

9.4.3 The Council may require the applicant to give notice or may itself give notice of an application for planning approval by any one or more of the following means—

- (a) notice of the proposed development to be served on nearby owners and occupiers who are likely to be affected by the granting of planning approval stating that submissions may be made to the Council by a specified date being not less than twenty-one days after 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 by a specified date being not less than twenty-one days after the publication thereof;
- (c) sign or signs displaying notice of the proposed development in such form as the Chief Executive Officer of the Shire approves to be erected in a conspicuous position on the land for not less than 21 days.

9.4.4 The notice referred to in clause 9.4.3 (a) and (b) shall be in the form contained in Schedule 7 with such modifications as the circumstances may require.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the latest, the Council shall consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultations with Other Groups/Authorities

10.1.1 In considering any application for planning approval the Council may consult with any other statutory, public or planning authority and relevant Aboriginal people and community group/s for a particular site it considers appropriate.

10.1.2 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.

10.2 Matters to be Considered by Council

The Council in considering an application for planning approval may have due regard to the following—

- (a) the aims and provisions of this Scheme and any other relevant town planning Scheme(s) operating within the district;
- (b) the Scheme Report—Local Planning Strategy;
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning Scheme that has been adopted by the Council pursuant to the Town Planning Regulations 1967;
- (d) any approved Statement of Planning Policy of the Commission;
- (e) any approved Environmental Protection Policy under the Environmental Protection Act 1986;
- (f) any other policy or strategy of the Commission or any planning policy adopted by the Government of the State of Western Australia;

- (g) any planning policy adopted by the Council under the provisions of clause 2.5 of this Scheme, any heritage policy statement for any designated Heritage Area adopted under clause 7.2.2 of this Scheme, or any other plan or guideline adopted by the Council under the provisions of this Scheme;
- (h) the conservation of any place on the Heritage List or character or appearance of a Heritage Area under the Aboriginal Heritage Act, 1972 and the Heritage Act of WA, 1990;
- (i) any environmental consideration;
- (j) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (k) the preservation of the amenity of the locality;
- (l) the relationship of the proposal to development on adjoining land or on other land in the locality;
- (m) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (n) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (o) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (p) whether public utility services are available and adequate for the proposal;
- (q) whether adequate provision has been made for access by disabled persons;
- (r) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (s) whether the proposal is likely to cause soil erosion or land degradation;
- (t) the potential loss of any community service or benefit resulting from the planning approval;
- (u) any relevant submissions or objections received on the application.
- (v) the comments or submissions received from any authority consulted under clause 10.1.1;
- (w) the comments and submissions received from the representative Aboriginal group and people on matters of heritage and cultural importance and Native Title;
- (x) whether adequate provision is made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (y) any social issues which have an effect on the amenity of the locality; any other matter which in the opinion of the Council has planning relevance.

10.3 Determination of Applications

In determining an application for planning approval the Council may—

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

10.4 Form and Date of Determination

The Council shall convey its decision to the applicant in the form prescribed in Schedule 8 to the Scheme and the date of the determination shall be the date of the resolution of Council making the decision, or the date of decision by a person exercising delegated power.

10.5 Term of Planning Approval

10.5.1 Where the Council grants planning approval, that approval—

- (a) shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
- (b) lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 An application may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1 (a).

10.6 Temporary Planning Approval

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

10.7 Scope of Planning Approval

Planning approval may be granted—

- (a) for the development for which the approval is sought;
- (b) for that development, except for a specified part or aspect of that development;
- (c) for a specified part or aspect of that development.

10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent planning approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, or such other matters as the Council considers appropriate.

10.8.2 In respect of an approval requiring subsequent planning approval, the Council may require such further details as it considers appropriate prior to considering the application.

10.8.3 Where the Council has granted approval subject to matters requiring the later planning approval of the Council, an application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval, or such other period as specified in the approval and the development may not be commenced or carried out until the final approval has been given.

10.9 Deemed Refusal

10.9.1 Unless an application is subject to clause 10.9.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not posted, given or otherwise 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.

10.9.2 An application for planning approval which is subject of advertising under clause 9.4 shall be deemed refused where a decision in respect of that application is not posted, given or otherwise 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 in writing between the applicant and the Council.

10.9.3 Notwithstanding that the application for planning approval may be deemed to have been refused, 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 clauses, and the applicant in that case may elect to rely on the deemed refusal or the letter of determination.

10.10 Appeals

10.10.1 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 pursuant to the Act.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Additional Powers of the Scheme

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

- (a) The Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Delegation of Powers

11.2.1 The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate any power conferred or duly imposed on the Council under this Scheme.

11.2.2 A delegation of authority under subclause 11.2.1 shall be made pursuant to the provisions of the Local Government Act 1995.

11.3 Offences

11.3.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area—

- (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;
- (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.

11.3.2 Any 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 such penalties as are prescribed by section 10 of the Act.

11.4 Compensation

11.4.1 A claim for compensation for injurious affection can be made pursuant to Section 11 of the Act when the Scheme—

- (a) permits development on land for no purpose other than a public purpose;
- (b) prohibits wholly or partially the continuance of any non-conforming use according to the terms of the Act.

11.4.2 The time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to the Scheme, is six (6) months from the date of publication of the Scheme or Scheme Amendment in the *Government Gazette*.

11.5 Election to Purchase and Valuation

11.5.1 Where compensation for injurious affection is claimed pursuant to clause 11.4.1, the Council may, at its option, elect to acquire the land so affected instead of paying compensation.

11.5.2 Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.

11.5.3 Where the Council elects to acquire land as provided in clause 11.5.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with clause 11.5.4.

11.5.4 The value of the land referred to in clause 11.5.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

(a) by arbitration in accordance with the Commercial Arbitration Act 1985; or

(b) by some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

11.5.5 The Council may deal with or dispose of land acquired for a Local Reserve upon such terms and conditions as it considers appropriate provided the land is used for, or preserved for, a use compatible with the use for which it is reserved.

11.6 Notice for Removal of Certain Buildings

11.6.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act for the removal of certain buildings.

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

SCHEDULES

SCHEDULE 1—DEFINITIONS

SCHEDULE 2—ADDITIONAL USES

SCHEDULE 3—SPECIAL USE ZONES

SCHEDULE 4—EXEMPTED ADVERTISEMENTS

SCHEDULE 5—FORM OF APPLICATION FOR PLANNING APPROVAL (FORM 1)

SCHEDULE 6—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

SCHEDULE 7—NOTICE OF PUBLIC ADVERTISING OF PLANNING PROPOSAL

SCHEDULE 8—NOTICE OF DECISION ON APPLICATION FOR PLANNING APPROVAL (FORM 2)

SCHEDULE 9—LIST OF AMENDMENTS

SCHEDULE 10—ENVIRONMENTAL CONDITIONS

SCHEDULE 1—DEFINITIONS

absolute majority shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

Act means the *Town Planning and Development Act 1928*.

advertising device means any object or structure on which any work, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

aged persons accommodation means a dwelling or dwellings designed for aged or dependant persons which incorporate appropriate provision for the special needs of their prospective occupants.

agriculture means the use of any land or building for the raising of stock or crops but excludes intensive agriculture, piggeries and poultry farms.

amenity means the quality and the conditions and characteristics of a locality which contribute to its pleasantness and harmony and its better enjoyment.

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 or recreation.

amusement parlour means any land or building, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.

ancillary use means a use which is incidental to the predominant use of land and buildings.

animal keeping means any land or buildings used to breed or board pets or to keep, breed or board animals used for racing purposes.

appendix means an appendix to the Scheme.

aquaculture has the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994*.

art and craft centre means any land or buildings used to manufacture on-site, display, and sell, works of art or craft.

art gallery means any land or building used to display art.

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

bed and breakfast accommodation means any single house in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.

building has the same meaning as is given to the term in the Residential Planning Codes.

Building Code of Australia means the *Building Code of Australia 1990*.

building envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

camping and caravan park means any land used to allow accommodation in caravans, cabins or tents.

caravan shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

caretaker's dwelling means a building or portion of 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, rural activity or recreation area carried on or existing on the same site.

car park means any land or buildings used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale, and does not include car parking areas provided in compliance with development approvals.

child care centre means any land or building used for the care of children for remuneration and without limiting the generality of the foregoing includes a family care centre and child day care centre. The term does not include creche facilities which may be provided in any business for the benefit of employees.

cinema/theatre means any land or building where the public may view a motion picture or theatrical production or any other performing arts production.

civic use means the use of any land or building by a Government Department, an instrumentality or agency of the Crown, or the council, for administrative, recreational or other purpose, and without limiting the generality of the foregoing includes the use of a hall or library, or a centre for cultural recreational, social or other community purposes.

commercial vehicle means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

Commission means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*.

Communications antenna means any mast, antenna, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications but excludes domestic radio and television antennae.

community living means the use and occupation of a single lot with a minimum area of 5 hectares, for permanent and/or temporary residential and associated uses, by a group of persons or by a corporate body representing a group of persons and which may include—

1. more than one dwelling for families and unrelated groups of Aboriginal and/or non-Aboriginal people,
2. camping facilities for temporary accommodation
3. buildings for shared and/or self contained accommodation
4. associated uses such as administration office, kiosk, open space

community purposes/clubs means the use of any land or building designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

conservation means, in relation to any place on the Heritage List or a designated Heritage Area, 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 area, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or area in accordance with relevant professional standards, and the provision of an appropriate visual setting.

consulting room(s) means any land or building other than a hospital used by one or more legally qualified medical practitioners, dentists, physiotherapists, podiatrists and other health care practitioners with recognized qualifications.

Council shall have the same meaning as given to the term in and for the purposes of the Local Government Act 1995.

cultural heritage significance means, in relation to any place on the Heritage List or a designated Heritage Area, the relative value which that place or area has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development has the same meaning given to the term in and for the purpose of the Act.

district means the local government district of the Shire.

dry cleaning premises means any land or building used for the cleaning of garments and other fabrics by chemical processes.

education centre means any land or building used for the purpose of education and includes a school, university, and TAFE College.

facade means the exposed face of a building orientated towards any road or open space, or the frontal outward appearance of a building.

floor area shall have the same meaning given to the term in and for the purposes of the *Building Code of Australia 1990*.

fuel depot means any land or building used for the storage and/or sale in bulk of solid or liquid or gaseous fuel, but does not include a service station.

funeral parlour means any land or building used to prepare and/or store bodies for burial or cremation and may include facilities to conduct memorial services.

gazetted date means the date on which the Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the *Government Gazette*.

gross floor area shall have the same meaning as Floor Area in the Building Code of Australia 1990.

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

health club means any land or building used for physical exercise and associated activities.

height when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to the level of the top of the eaves, parapet or flat roof, whichever is the highest

heritage area means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and/or enhance that character, even though each individual place in the area may not itself be of significance.

heritage list means a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted, and at the end, and unless the contrary is specifically indicated the term has the same meaning as the Municipal Inventory prepared and maintained pursuant to S. 45 of the Heritage of Western Australia Act 1990.

home business means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which—

- (a) does not entail the retail sale, display or hire 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 house or domestic outbuilding;
- (d) does not occupy an area greater than 50 m²;
- (e) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;
- (f) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and
- (g) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

home occupation means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which—

- (a) does not entail the retail sale, display or hire 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 house 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 20 m²;
- (f) does not display a sign exceeding 0.2 m² in area.
- (g) 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; and

(h) does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.

hotel means any land or building used for the overnight accommodation of patrons, and may include facilities for consumption of beverages, or a restaurant, or a betting agency operated in accordance with the *Totalisator Agency Board Betting Act 1960*, or facilities for entertainment, and which is or is intended to be the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988*. The term does not include bed and breakfast accommodation.

incidental use means a use of premises which is ancillary and subordinate to the predominant or primary use

industry means the carrying out of any process for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals;
- (b) the processing of solid, liquid or gaseous waste, including its preparation for storage;
- (c) the treatment refining, modification or other processing of any solid, liquid or gaseous substance;
- (d) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adopting for sale or the breaking up or demolition of any article or part of an article;
- (e) the generation of electricity or the production of gas;
- (f) the manufacture of edible goods; and
- (g) the recycling of 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; and
- (iii) in the case of edible goods the preparation of food for retail sale for immediate consumption off the premises.

industry—extractive or extractive industry means an industry which involves—

- (a) the extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substances from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and
- (b) the production of salt by the evaporation of salt water.

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

industry—hazardous or hazardous industry 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 or light industry means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

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

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

industry—service or service industry means a light industry carried out on land or in any building which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and any building having a retail shop front and used as a depot for receiving goods to be serviced.

land shall have the same meaning given to the term in and for the purposes of the Act.

liquor store means any land and building the subject of or intended to be the subject of a store licence granted under the provisions of the *Liquor Licensing Act 1988*.

Lodging house shall have the same meaning as is given to the term in and for the purposes of the *Health Act of WA, 1990*.

lot shall have the same meaning given to the term in and for the purposes of the Act, but shall not include a strata or survey strata lot.

Minister means the Minister for Planning.

motel means any land and building used or intended to be used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted and may include restaurants, and function rooms.

motor vehicle hire means the use of any land or building for the display and hire of motor vehicles, motor-cycles, or recreation vehicles, and includes the storage and cleaning of vehicles, but does not include mechanical repairs or servicing of such vehicles on the site.

motor vehicle repair and wrecking means any land or building used for or in connection with repairs to tyres, recapping or retreading of tyres, panel beating, spray painting, chassis reshaping, breaking up, dismantling and/or storage of motor vehicles and includes the incidental sale of second-hand motor vehicles, accessories and spare parts.

motor vehicle sales means the use of any land or building for the display, sale or hire of new or second hand vehicles, motor-cycles, boats, caravans or recreation vehicles, or any one or more of them and may include the servicing of such goods sold on the site.

museum means any land or building used to exhibit cultural or historical artefacts or aspects of the pastoral or pearling industry and incidental retailing of associated products.

net lettable area (nla) means the area of all floors 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 for the provision of facilities or services to the floor or building; and
- (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.

night club means any land or building used to provide entertainment and dancing and may include the provision of food and drink for consumption on the premises, but does not include the sale of packaged liquor or gaming and is or is intended to be the subject of a licence under the provisions at the *Liquor Licensing Act 1998*.

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 now in conformity with the provisions of the Scheme.

office means any land or building used for the administration of clerical, technical, professional or other like business activities.

open air display means the use of a site external to a building for the display and/or sale of goods and equipment.

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.

park home shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

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 below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this 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.

place of assembly and worship means any land or building where people assemble for a public, religious or cultural activity.

plant nursery means any land or building used for the propagation, rearing, and/or sale of plants and the storage and sale of products associated with horticultural and garden activities.

plot ratio shall have the same meaning given to the term in the *Building Code of Australia 1990* except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

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 term in the *Second Schedule of the Health Act 1911*.

precinct is a definable area where particular planning policies, guidelines or standards apply.

public authority shall have the same meaning given to it in and for the purpose of the Act.

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.

- radio and TV installation** means land, buildings, devices or structures used for the transmission or receiving of signals and/or pictures and includes antennae and masts and satellite dishes for commercial and domestic purposes, but does not include domestic radio and television antennae.
- recreation—indoor** means the use of any building for sports including but without limiting the generality of the term, swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities, and includes use for a health club.
- recreation—outdoor** means the use of any land for outdoor recreation purposes and includes water slides and theme parks.
- reserve** means any land reserved under the Scheme for a public purpose.
- residential building** means any land or building used to accommodate persons including a lodging house and shared accommodation for longer term residents, but does not include a caravan or camping park, corrective institution, or any tourist accommodation similar to a backpackers', hostel, guest house or self contained service units.
- Residential Planning Codes** means the *Residential Planning Codes*, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No.1.
- restaurant** means any land or building wherein the predominant use is the sale and consumption of food and drink on the premises and where seating is provided for patrons, and the term shall include a licensed restaurant.
- restricted premises** means any land or building, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- publications that are classified as restricted publications pursuant to the *Indecent Publications and Articles Act 1902*; or
 - 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 premise—hire** means the use of any land or building for the predominant use of hiring goods or equipment including but not limiting the generality of the term, video and computer games, bridal and suit hire. The retail sale of goods provided for hire may occur as an ancillary use.
- retail premises—shop** means the use of any land or building used to sell goods by retail, or, in which services of a personal nature including but not limiting the generality of the term, a hairdresser and beauty therapist, but does not include a showroom or fast food outlet. The hire of goods, provided for retail sale, may be undertaken as an ancillary use.
- rural pursuit** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—
- the rearing or agistment of goats, sheep, cattle or beasts or burden;
 - the stabling, agistment or training of horses;
 - the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
 - the sale of produce grown solely on the lot;
 - general agriculture, farming, grazing, and cropping.
- service station** means any land or building used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- showroom** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature.
- stable** means any land, building or structure used for the housing, keeping and feeding of horses, assess and mules and associated incidental activities.
- stock yards** means any land, building or other structure used for holding and/or sale of animal stock.
- structure plan** means a plan which indicates broad land use options for the subdivision and development of an area and provides a policy framework for such future subdivision and development.
- substantially commenced** means that work or development the subject of the planning approval has been begun by the performance of some substantial part of that work or development beyond the preparation of the site and the placing of footings and slab.
- take-away food outlet** means any land or building used primarily for the preparation, sale and serving of food to customers in a form ready to be eaten away from the premises without further preparation.
- tourist development** means any land or buildings used for the overnight or holiday accommodation of patrons in self contained units and/or shared accommodation and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, restaurants, shops, function rooms and entertainment facilities, administration offices, caretaker facilities. It includes dormitory style accommodation, hostel/backpackers, tourist lodging/guest houses, motel and hotel.
- transport depot** means any land or buildings used for the garaging or parking of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary clinic any land or building used for the treatment of the minor ailments of animals and may include the keeping of animals overnight for the purpose of post operative recovery.

veterinary hospital means any land or building used for the treatment of minor or major ailments of animals, and includes the accommodation of animals for periods longer than overnight.

warehouse means any land or buildings wherein goods are stored and may be offered for sale by wholesale only.

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

zoological gardens means any land or buildings used for the keeping, breeding or display of animals including crocodiles, camels, wildlife park, and the term includes zoo but does not include a dog kennel or a cattery, animal husbandry or animal keeping.

SCHEDULE 2—ADDITIONAL USES

Amendment No.	Description of Land	Additional Use	Conditions
	Lot 3 Barker Street	Offices, Consulting Rooms	As determined by Council
	Lot 732 Blick Drive	Restaurant	As determined by Council
	Lot 728 Blick Drive	Shop	As determined by Council
	Lot 2094 Clementson Street	Fish curing	As determined by Council
	Lot 2101 Clementson Street	Lunch Bar, Delicatessen	As determined by Council
	Lot 417 Lullfitz Drive	Health Centre, Natural Healing workshops, short term residential accommodation and ancillary uses and residential house	As determined by Council
	Lot 4 Lullfitz Drive	Max. 2 single residential dwellings	As determined by Council
	Lot 6 Millington Road Cnr Lullfitz Drive	Retail of convenience goods, Service Station	In accordance with Local Commercial Strategy
	Lot 10 Port Drive	Go Kart track and Ancillary Uses	As determined by Council
	Lot 1 Stewart Street cnr Weld Street	Offices	As determined by Council
	Lot 11 Walcott Street	Service Station	As determined by Council
	Lot 94 Weld Street cnr Barker Street	Offices, vet hospital and clinic	As determined by Council

SCHEDULE 3—SPECIAL USE ZONES

Amendment No.	Description of Land	Special Use	Conditions
	Lot 2 Anne Street, Robinson Street, Weld Street, Louis Street	Hotel/Motel, Tourist Development	As determined by Council
	Lot 3 Anne Street, Cnr Pt Lot 161 Hamersley Street	Single Residential, Grouped dwellings, Holiday Accommodation	R35 Density
	Lot 137 Barker Street cnr Hamersley Street	Residential, Office	As determined by Council
	Lot 351 Broome Road	Crocodile Farm, wildlife retreat and associated tourist uses	As determined by Council
	Lot 100 & 101 Broome Road	Aboriginal use, offices and ancillary uses	As determined by Council
	Lot 21 Carnarvon Street	Tourist Development	In accordance with Council Policy
	Lot 947 Carnarvon Street	Motel/Hotel	As determined by Council
	Lot 254 Crab Creek (Reserve 41066)	Bird Observatory and information centre, wardens accommodation and associated tourist accommodation	As determined by Council
	Lot 1225 & Lot 640 Dora Street, Anne Street & Paddy Court	Aboriginal use, offices, medical rooms, residential accommodation and associated uses	As determined by Council

SCHEDULE 3—SPECIAL USE ZONES—continued

Amendment No.	Description of Land	Additional Use	Conditions
	Lot 11, 12 & 260 Guy Street, Lot 13 Robinson and Lot 263, 264, 265 Saville Street (currently Lot 1000)	Motel	As determined by Council. Former Lots 11 & 12 are not permitted to be used for function rooms, discos, nightclubs, restaurant or other place of public amusement or entertainment. The units which are situated adjacent to the residential zoned land (Walcott Street) being designed so that there are no major openings, habitable rooms or outside living areas (balconies, verandahs etc.) located on the western side. Landscaping to be installed in the side setback area of the motel units.
	Lot 5 Hamersley Street, cnr Stewart Street	Grouped and Multiple dwellings, offices, community and civic	R25 Density
	Lot 3 Hopton Street, Walcott Street, Herbert Street & Robert Street	Holiday Resort, Restaurant, Convention Centre, Reception Centre and Ancillary Uses	As determined by Council
	Lots 213, 214, 215 & 216 Louis Street, Robinson Street & Dampier Tce	Motel/Hotel, tourist development, Residential (Grouped/Multiple)	As determined by Council. R40 Density for tourist and residential accommodation
	Lot 100 Seko, Tamaki & Cable Beach Road	Tourist Development	As determined by Council
	Reserve 17132 Walcott & Robert Streets	Caravan Park	As determined by Council
	Lot 1207 Wattle Drive	Caravan Park & Camping	As determined by Council
	Lot 154 Willie Creek	Pearl Farm, Tourist Display, Office, shop, caretaker accommodation and associated uses	As determined by Council
	Lot 238 Willie Creek	Residential Temporary accommodation for Fisheries Department/custom activities	As determined by Council

SCHEDULE 4—EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign	Maximum Size
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
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a local government, and	N/A
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A

SCHEDULE 4—EXEMPTED ADVERTISEMENTS—continued

Land Use and/or Development	Exempted Sign	Maximum Size
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof	0.2m ²

Includes the change of poster signs and applies to non-illuminated signs unless otherwise stated.

Temporary Signs	Exempted Sign Type And Number (All Non-illuminated Unless Otherwise Stated)	Maximum Area
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.	1.5m ²
b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for a) above	1.5m ²
c) Large Development or re-development projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for a) above	1.5m ²
Sales of Goods or Livestock	One additional sign showing the name of the project builder.	1.5m ²
	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	1m 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, leading 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 1m ² .
b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for a) above	Each sign shall not exceed an area of 1m ² .
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for a) above	Each sign shall not exceed an area of 1m 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		1m 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.		1m ²

Includes the change of poster signs and applies to non-illuminated signs unless otherwise stated.

SCHEDULE 5—FORM OF APPLICATION FOR PLANNING APPROVAL**APPLICATION FOR APPROVAL**

Please tick which approval is being sought and fill out the appropriate sections of this form.

PLANNING APPROVAL

BUILDING LICENCE

DEMOLITION LICENCE

SIGN LICENCE

TYPES OF MATERIALS

Materials:

Floor: Concrete	Walls: Double Brick	
Other, please specify	Other, please specify	
Roof: Tiles	Frame: Please describe	
Other; please describe		
New/Secondhand	Area (m ²)	Outbuildings (m ²)
Contract Value.....	Building Height.....	

□DEMOLITION LICENCE

Type of Structure

Type/Date Laid:

Whole or Part Demolition—Details

□SIGN LICENCE

Type of Sign

Position:

Dimensions

Materials

Illumination—Internal/External:

Wording/Illustration (Plan Design attached)

OFFICE USE ONLY

Acceptance Officer's Date Received

Initials:

Council Reference No:

Collector District:

Checking Inspector:

Permit/Licence No:

Approval Date:

In accordance with Part 9.2 of this Scheme, unless 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 existing vegetation and trees on-site or on the abutting road reserve, any open space and landscaping proposed for the site; and
 - (viii) the existing and proposed ground levels, floor levels and existing and proposed drainage provisions.
- (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 specialist studies that Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
- (d) any other plan or information that the Council may reasonably require to enable the application to be determined.

SCHEDULE 6—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

NOTE: TO BE COMPLETED IN ADDITION TO FORM 1—APPLICATION FOR PLANNING APPROVAL

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—

- (a) Type of structure on which advertisement is to be erected (ie freestanding, wall mounted, other)
- (b) Height Width Depth
- (c) Colours to be used
- (d) Height above ground level—
 (to top of advertisement)
 (to underside)
- (e) Materials to be used:
 Illuminated Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

5. Period of time for which advertisement is required:

6. Details of signs (if any) to be removed if this application is approved:

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

Signature of Advertiser(s):

(if different from land owners):

Date:

SCHEDULE 7—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)

City/Town/Shire of

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING 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 theday of19.....

Signed: Dated:

.....
for and on behalf of the City/Town/Shire of

SCHEDULE 8—NOTICE OF DECISION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)

City / Town / Shire of

FORM 2

DECISION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING SCHEME NO.

Name and address of Owner and land on which development is proposed:

NAME: ADDRESS:

LOCATION:

LOT: PLAN/DIAGRAM:

VOL. NO: FOLIO NO:

Application Date: Received on:

Description of proposed development

The application for approval to undertake development in accordance with the plans dated attached thereto is:

- granted subject to the following conditions:
- refused for the following reason(s):

CONDITIONS/REASONS FOR REFUSAL:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the approval, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first sought and obtained.

Signed:

Dated:

for and on behalf of the City/Town/Shire of

SCHEDULE 9—LIST OF AMENDMENTS

NO.	DESCRIPTION OF LAND	PURPOSE	GAZETTAL DATE
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SCHEDULE 10—ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
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ADOPTION

Adopted by resolution of the Council of the Shire of Broome at the Special Meeting of the Council held on the 26 day of November 1998.

D. A. MURRAY, President.

Date: 26/11/98.

G.S POWELL, Chief Executive Officer.

Date: 26/11/98.

FINAL APPROVAL

(1) Adopted by Resolution of the Council of the Shire of Broome at the Special Meeting of the Council held on the 24 day of November 1999 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

K. FONG, President.
G. S. POWELL, Chief Executive Officer.

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

(2) Recommended/Submitted for final approval by the Western Australian Planning Commission.

EUGENE FERRARO, for Chairman.

Date: 1st December 1999.

(3) Final approval granted—

G. D. KIERATH, Minister for Planning.

Date: 7th December 1999.

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