



**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**



PERTH, FRIDAY, 28 APRIL 2000 No. 76

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

CONTENTS

PART 1

	Page
Conservation and Land Management Act 1984—	
Conservation and Land Management (Abolition of State Forest) Order (No. 1) 2000	2038-9
Public Firewood Areas Order 2000.....	2035-8
Local Government Act 1995—Local Government (Functions and General) Amendment Regulations (No. 2) 2000	2039-41
Midland Redevelopment Act 1999—Midland Redevelopment Regulations 2000	2041-6
Proclamation—Control of Vehicles (Off-Road Areas) Act 1978.....	2035
Rules of Harness Racing 1999—Notice of Amendment.....	2046

PART 2

Fair Trading	2049
Fire and Emergency Services	2047-8
Justice	2049-50
Local Government	2050-1
Minerals and Energy.....	2052-3
Planning.....	2053-90
Premier and Cabinet.....	2091
Public Notices—Deceased Persons	2093-4
Racing, Gaming and Liquor	2091
Transport	2092
WorkSafe	2092

WESTERN AUSTRALIAN GOVERNMENT GAZETTE—ON-LINE ACCESS

The *Gazette* is now available as a subscription service via the State Law Publisher web site.

The service provides:

- A searchable archive of gazettes from January 1998;
- A regularly updated and browseable index to the gazettes;
- The latest gazettes as they are published; and
- PDF format to allow for the best print quality.

Fees:

\$150 for existing Government Gazette subscribers and
\$500 for subscribers to the electronic only service.

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Government Printer, State Law Publisher. Inquiries should be directed to the Manager Sales & Editorial, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Postal address:
State Law Publisher
P.O. Box 8448,
Perth Business Centre 6849

Delivery address:
State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 1999.

Deceased Estate notices, (per estate)—\$17.80

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$41.50

Other articles in Public Notices Section—\$41.50 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$8.20

Bulk Notices—\$154.00 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

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 4(3) of the *Control of Vehicles (Off-road Areas) Act 1978* and with the advice and consent of the Executive Council, vary the proclamation published in the *Government Gazette* on 5 October 1979 at pages 3079-80 and subsequently varied from time to time by inserting, in the Schedule after Part 31, the following Parts —

“

PART 32

All that portion of land constituted as the South Dandalup Pipehead Dam Catchment Area by Order in Council in *Government Gazette* 25 May 1990 pp. 2448-9.

PART 33

All that portion of land constituted as the Mundaring Weir Catchment Area by Order in Council in *Government Gazette* 30 June 1972 p. 2105.

”

Given under my hand and the Public Seal of the State on 18 April 2000.

By Command of the Governor ,

PAUL D. OMODEI, Minister for Local Government.

GOD SAVE THE QUEEN !

CONSERVATION AND LAND MANAGEMENT

CM301*

Conservation and Land Management Act 1984

Public Firewood Areas Order 2000

Made by the Executive Director under regulation 98 of the *Forest Management Regulations 1993*.

1. Citation

This order may be cited as the *Public Firewood Areas Order 2000*.

2. Interpretation

- (1) References in this order to CALMAPS are to maps produced by the Department of Conservation and Land Management.
- (2) Copies of the maps are available for inspection by the public during normal office hours at the places referred to in clause 4.

3. Public firewood areas

- (1) The areas of State forest named in column 1 and described in column 3 of Schedule 1 are set aside for the purposes of the collection of firewood by members of the public.
- (2) The areas set aside under subclause (1) are delineated on the relevant CALMAPS referred to in column 2 of Schedule 1.
- (3) Regulation 100 of the *Forest Management Regulations 1993* applies to the areas described in Part 1 of Schedule 1.
- (4) No fees are payable in respect of the removal of firewood from the areas designated in Part 2 of Schedule 1.

4. Inspection of CALMAPS

A CALMAP referred to in Schedule 1 may be inspected at the following Department of Conservation and Land Management offices —

- (a) Dwellingup District Office, Banksiadale Road, Dwellingup;
- (b) Mundaring District Office, Weir Road, Mundaring;
- (c) Perth District Office, 5 Dundobar Road, Wanneroo; and
- (d) State Operations Headquarters, 17 Dick Perry Avenue, Kensington.

Schedule 1

Part 1 — Fee payable public firewood areas

[cl. 3]

Swan region

Name of area	Name of CALMAP	Description
Sawyers (Trew Road)	Mundaring	That part of State forest 7 bounded by a line commencing at the south-east corner of reference tree 6 located at map reference AP7362 on the Mundaring CALMAP and extending — 450 metres on 97 degrees, then 1785 metres on 21 degrees, then 450 metres on 304 degrees, then 1990 metres on 201 degrees, to the starting point.

Name of area	Name of CALMAP	Description
Carinyah (Pickering Brook)	Kelmscott	That part of State forest 7 and 22 bounded by a line commencing at the north-west corner of reference tree 4 located at map reference BB6972 on the Kelmscott CALMAP and extending — 3150 metres on 16.5 degrees, then 2475 metres on 341 degrees, then 325 metres on 269 degrees, then 2300 metres on 172 degrees, then 3140 metres on 194 degrees, then 490 metres on 98 degrees, to the starting point.
Murray Road	Nanga	That part of State forest 14 bounded by a line commencing at the north-west corner of reference tree 2 located at map reference DL7367 on the Nanga CALMAP and extending — 2200 metres on 326 degrees, then 1600 metres on 0 degrees, then 1400 metres on 315 degrees, then 2900 metres on 360 degrees, then 2500 metres on 337 degrees, then 400 metres on 67 degrees, then 2900 metres on 157 degrees, then 2600 metres on 180 degrees, then 1500 metres on 135 degrees, then 1600 metres on 180 degrees, then 1500 metres on 146 degrees, then 1500 metres on 90 degrees, then 700 metres on 180 degrees, then 1600 metres on 270 degrees, to the starting point.
Myara (Clinton)	Jarrahdale and Dwellingup	That part of State forest 14 bounded by a line commencing at the north-west corner of reference tree 5 located at map reference CD6448 on the Jarrahdale CALMAP and extending — 1200 metres on 90 degrees, then 1400 metres on 120 degrees, then 900 metres on 210 degrees, then 1300 metres on 120 degrees, then 1500 metres on 210 degrees, then 2200 metres on 120 degrees, then 2200 metres on 210 degrees, then 1900 metres on 228 degrees, then 2400 metres on 333 degrees, then 4300 metres on 300 degrees, then 1200 metres on 333 degrees, then 2200 metres on 17 degrees, then 2900 metres on 84 degrees, to the starting point.

Part 2 — Free public firewood areas

Swan region

Name of area	Name of CALMAP	Description
Flynn (Ridley Road)	Mundaring, Kelmscott, Talbot	That part of State forest 13 bounded by a line commencing on the north-east corner of reference tree 2 located at map reference AT8232 on the Mundaring CALMAP and extending — 1175 metres on 193 degrees, then 2430 metres on 110 degrees, then 9300 metres on 71 degrees, then 3400 metres on 340.50 degrees, then 8585 metres on 279 degrees, then 5800 metres on 191 degrees, to the starting point.
Flint (Collins Road)	Dale	That part of State forest 13 bounded by a line commencing on the south-west corner of the road surface at the junction of Brookton Highway and Collins Road and extending — 300 metres on 209 degrees, then 550 metres on 301 degrees, then 235 metres on 14 degrees, then 600 metres on 111 degrees, to the starting point.

Dr WALLY COX, Executive Director.

CM302

CONSERVATION AND LAND MANAGEMENT ACT 1984

CONSERVATION AND LAND MANAGEMENT (ABOLITION OF STATE FOREST) ORDER (No. 1) 2000

Made by the Governor in Executive Council under section 9(2) of the *Conservation and Land Management Act 1984*.

1. Citation

This order may be cited as the *Conservation and Land Management (Abolition of State Forest) Order (No. 1) 2000*.

2. Background to this order

(1) Under section 9(2) of the Act a proposal that an area of about 12.3 hectares situated approximately 3 kilometres west of Wanneroo be revoked from State forest No. 69 was laid before the Legislative Assembly on 6 May 1999 and before the Legislative Council on 27 May 1999.

(2) Resolutions that the proposal referred to in subclause (1) be carried out were passed by the Legislative Assembly on 13 May 1999 and by the Legislative Council on 1 July 1999.

(3) Part of the land referred to in subclause (1) is described in Schedule 1.

3. Part of State forest No. 69 abolished

The land described in Schedule 1 is declared to be no longer a State forest.

Schedule 1—Land no longer a State forest

Swan Location 13739 being the whole of the land in Crown Land Title Volume 3118 Folio 435 as shown on Land Administration Plan No. 20771.

Area: 938 square metres.

Public Plan: Swan 1:2000 BG 35 8.07.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301*

Local Government Act 1995

Local Government (Functions and General) Amendment Regulations (No. 2) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Local Government (Functions and General) Amendment Regulations (No. 2) 2000*.

2. The regulations amended

The amendments in these regulations are to the *Local Government (Functions and General) Regulations 1996**.

[* *Published in Gazette 26 June 1996, pp. 2771-97.*
For amendments to 30 March 2000 see 1998 Index to Legislation of Western Australia, Table 4, pp. 191-2, and Gazette 25 February 2000.]

3. Part 4B inserted

After regulation 24G the following Part is inserted —

“

Part 4B — Regional local governments

24H. Modification of s. 6.21(2) — s. 3.66(5)

Section 6.21(2) applies to a regional local government as if it were as follows —

“

- (2) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the

regional local government that money, credit or financial accommodation is only to be secured —

- (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government;
 - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
 - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (2a) Despite subsection (2)(a) and (c), security cannot be given over —
- (a) the financial contributions of a particular participant to the regional local government's funds; or
 - (b) the general funds of a particular participant,

if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.

”.

24I. Modification of s. 6.23(1) — s. 3.66(5)

Section 6.23(1) applies to a regional local government as if it were as follows —

“

- (1) In relation to a regional local government a receiver is entitled to receive whichever of the following over which security has been given in a particular case —
 - (a) the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government;
 - (b) Government grants which were not given to the regional local government for a specific purpose;
 - (c) the general funds of a participant to the extent that those funds secure either money borrowed by, credit obtained for, or financial accommodation extended to, the regional local government.

”.

”.

4. Regulation 30 amended

- (1) Regulation 30(2a) and (2b) are deleted from their respective positions after regulation 30(1) and regulation 30(2a) is inserted after regulation 30(2) instead and regulation 30(2b) is inserted after regulation 30(2a).
- (2) After regulation 30(2)(e) a semicolon is inserted.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

MIDLAND REDEVELOPMENT AUTHORITY

MH301*

Midland Redevelopment Act 1999

Midland Redevelopment Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Midland Redevelopment Regulations 2000*.

2. Exclusions from definition of development

- (1) The following works, acts and activities are declared not to constitute development for the purposes of the definition of “development” in section 3 of the Act —
 - (a) the erection of a sign, including a traffic control sign or device, by a public authority or a local government authority;
 - (b) the erection of a sign within a building;
 - (c) the carrying out of routine work by a public authority or a local government authority including routine work on —
 - (i) electrical power lines or cables or any building used or associated with the supply, conversion, transformation or control of electricity;
 - (ii) a drain or pipe that is part of a drainage scheme under the control of the authority;

- (iii) a road, bridge or railway; or
 - (iv) land (including buildings and building improvements) set aside for public use;
 - (d) the carrying out of work inside a building that is not related to a change of use of any part of the building and does not alter its external appearance;
 - (e) the carrying out of work for the maintenance of any building or structure if that work does not materially affect the external appearance of the building or structure; or
 - (f) the carrying out of work to which subregulation (2) applies.
- (2) This subregulation applies to work that, in the opinion of the Minister, is necessary or desirable for compliance by the Authority with any conditions —
 - (a) that are attached to approval of a subdivision of land given by the Minister under section 20(7) of the Act; and
 - (b) that relate to —
 - (i) causing to be constructed to the satisfaction, and in accordance with the specifications, of the relevant local government a road or roads providing access to, or within, that land;
 - (ii) making arrangements with the Water Corporation for the provision of water services to the satisfaction of the Water Corporation within that land; or
 - (iii) causing to be filled or drained or filled and drained to the satisfaction, and in accordance with the specifications, of the relevant local government the whole or any part of that land.
- (3) In this regulation —
 - “**relevant local government**”, in relation to land, means the local government for the district within which the land is located;
 - “**routine work**” means work for the purposes of repair, maintenance or upkeep but does not include any new construction or any alteration;
 - “**Water Corporation**” means the body of that name established under section 4 of the *Water Corporation Act 1995*;
 - “**water service**” has the meaning given in section 3 of the *Water Corporation Act 1995*.

3. Form of application for approval

Form 1 in Schedule 1 is prescribed for the purposes of section 48(1) of the Act.

4. Fee for application for approval

The fees specified in Schedule 2 are prescribed for the purposes of section 48(1) of the Act in relation to land to which a redevelopment scheme applies.

5. Plans

- (1) All plans accompanying an application for approval under section 48(1) of the Act, other than a plan to which subregulation (4)(b) refers —
 - (a) are to be drawn on a white background;
 - (b) are to be drawn to a scale generally not smaller than 1:500; and
 - (c) are clearly to illustrate the proposed development in respect of which the application is made.
- (2) All measurements used on a plan are to be in the metric system.
- (3) A plan, other than a plan to which subregulation (4)(b) refers, is to include —
 - (a) the location and proposed use of any existing buildings and out buildings to be retained and the location and use of buildings proposed to be erected or demolished on the land;
 - (b) the existing and the proposed means of access for pedestrians and vehicles to and from the land;
 - (c) the location, number, dimension and layout of all car parking spaces intended to be provided;
 - (d) 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 land and the means of access to and from those areas;
 - (e) the location, dimensions, design and particulars of the manner in which it is proposed to develop any landscaped area, including the retention of existing trees, vegetation, fences and walls;
 - (f) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain, including details of materials of construction, finishes and external colour;
 - (g) a statement of, or plans indicating, any impact of the proposed development on —
 - (i) the appearance of streets and of vegetation and buildings in streets; and
 - (ii) views, privacy and overshadowing;

and

 - (h) a statement giving details of the proposed use and operation of the proposed development and of any signs

or advertising structures that are proposed to be included in the proposed development.

- (4) An application for approval under section 48(1) of the Act is to be accompanied by 6 copies of —
 - (a) any plan to which subregulation (1) applies; and
 - (b) a plan, drawn to a scale not smaller than 1:2000, that identifies the land on which the proposed development that is the subject of the application is to be undertaken.

6. Penalties

- (1) A person must not, in connection with an application for approval under section 48(1) of the Act, make a statement or give any information which that person knows to be false in a material particular.
Penalty: \$1 000.
- (2) A person must not, in connection with an application for approval under section 48(1) of the Act, omit to supply to the Authority any information or particulars which that person knows to be relevant to the application.
Penalty: \$1 000.

Schedule 1

[r. 3]

Office Use Only

Application No. _____

Form 1

Midland Redevelopment Act 1999

(Section 48(1))

Application for approval to undertake development

To: Midland Redevelopment Authority

1. Name(s) of Owner(s) in full

Surname (or Company name) Other names

Surname (or Company name) Other names

Surname (or Company name) Other names

2. Address in full

3. Applicant's name in full (if owner put self)

4. Address for correspondence

Telephone No.

- 5. **Locality of development (street number, street, suburb)**

- 6. **Titles Office Description of land:** Lot No(s). Location No.
 Plan/Diagram No. Certificate of Title Vol. Folio
 Plan/Diagram No. Certificate of Title Vol. Folio
- 7. **Name of nearest road junction/intersection**
- 8. **Description of proposed development**

- 9. **Purpose for which land is currently being used**
- 10. **State nature of existing buildings on the land**
 Are existing buildings to be demolished in whole or in part?
 (a) YES/NO (b) WHOLE/PART
- 11. **Materials and colour to be used on external surfaces (including the roof) and any paved areas of the building**

- 12. **Estimated cost of development \$**
- 13. **Estimated date of completion**
 Signature of owner(s) of the land. Signature of Applicant(s).
 Date Date
 Date Date
 Date Date

State position if signing on behalf of a Company.

Note 1: This application is to be accompanied by 6 copies of the plan(s) and specifications for the development and the prescribed fee.

Note 2: It is an offence under regulation 6 for a person —

- (a) to make a statement or give any information which that person knows to be false in a material particular in connection with an application for approval of a development; or
- (b) to omit to supply to the Authority any information or particulars which that person knows to be relevant to the application.

The offence is punishable by a fine of up to \$1 000.

Schedule 2 — Fees for applications for approval under section 48(1)

[r. 4]

Estimated value of proposed development	Fee
Up to \$10 000	\$50.00
\$10 001 to \$50 000	\$100.00
\$50 001 to \$100 000	\$250.00
\$100 001 to \$1 000 000	\$350.00
\$100 000 001 to \$10 000 000	\$0.75 for each \$4 000 plus \$250
Greater than \$10 000 000	\$0.75 for each \$4 000 plus \$1 000 (to a maximum of \$12 500)

By Command of the Governor,

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

RACING, GAMING AND LIQUOR

RA301**RULES OF HARNESS RACING 1999**

Notice of Amendment

Notice is hereby given that the Committee of the Western Australian Trotting Association at Gloucester Park, East Perth on the 18th April 2000 resolved by majority of members of the Committee that the Rules of Harness Racing 1999 be amended as follows—

1. Rule 23(6) is repealed.
2. Local Rule 285(11) is deleted and replaced by Local Rule 285(11) which states—

“A mare who has not attained the age of 2 years cannot be used as a donor for an embryo transfer procedure”
3. Local Rule 285(12) is amended by deleting the words “or a subsequent” in the last line.

G. PAPADOPOULOS, President.

— PART 2 —

FIRE AND EMERGENCY SERVICES

FB401*

BUSH FIRES ACT 1954

BUSH FIRES (SECTION 25B) NOTICE 2000

Shire of Broome

Fire and Emergency Services Authority,
Perth.

Correspondence No 109

Made under Section 25B of the Act by the Minister for Emergency Services on the recommendation of the Authority.

1. Citation

This Notice may be cited as the *Bush Fires (Section 25B) Notice 2000—Shire of Broome*.

2. Suspension for 5 years of provisions of section 25 relating to fires lit for destroying garden refuse or rubbish in rubbish disposal sites during restricted or prohibited burning times

(1) The operation of the provisions of section 25 of the Act that relate to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or for any like purpose is suspended.

(2) The suspension has effect for the period of 5 years from the day on which this Notice is published in the *Gazette*.

3. Land to which suspension applies

This Notice only applies in respect of the Shire of Broome's rubbish disposal site situated on Dampier Location 228 (Reserve No. 40813).

4. Conditions applying during the suspension Schedule 1

During the period of the suspension, the conditions specified in Schedule 1 apply to a fire which is to be lit, or which is lit, in the open air for the purpose of destroying garden refuse or rubbish in a rubbish disposal site or for any like purpose during the restricted burning times and the prohibited burning times.

Schedule 1—CONDITIONS

SPECIFIED CONDITIONS

1. Only dry untreated wood, timber and garden refuse may be burnt under this suspension.
2. A sign notifying the public of the unauthorised lighting of fires shall be provided by the Local Government and maintained in good legible order at all times.

These signs shall be worded and display—

UNAUTHORISED
LIGHTING OF FIRES
IS PROHIBITED

Sign Specifications

Signs shall have letters in capitals, a minimum of five centimetres in height and be black on white background. Signs will be placed at the entrance to the rubbish disposal site and at the immediate proximity of the disposal sites.

3. A sign directing the public to the designated disposal areas shall be provided by the Local Government and maintained in good legible order at all times.

These signs shall be worded and display—

'DOMESTIC REFUSE ONLY. DUMP HERE'

and/or

'GARDEN REFUSE, TIMBER & WOOD WASTE ONLY. DUMP HERE'

Sign Specifications

Signs shall have letters in capitals, a minimum of five centimetres in height and be black on white background. Signs will be placed at the entrance to the rubbish disposal site and at the immediate proximity of the disposal sites.

4. A wire mesh fence, a minimum of two metres in height, is to completely surround the tip site and is to be maintained in sound condition throughout the period of this suspension. The fence shall be constructed with an angled wing across the entrance so as to prevent wind blown materials exiting the site and the entrance shall be upwind of the annual prevailing winds. Wire mesh shall be a maximum of 100 millimetres in aperture size (ie Poultry Mesh type).

5. A firebreak with a minimum of three metres width, cleared of all inflammable material, is to be maintained around the total perimeter of the disposal site/location throughout the Prohibited and Restricted Burning Period.
6. A buffer zone (distance) of 500 metres minimum will be maintained between the disposal site and any residential development or other developed areas (eg schools, hospitals, industrial areas).
7. Before any fires are lit for refuse disposal, the following must be notified—
- (a) Conservation and Land Management (CALM) District Officers, prior to any fire being lit within three kilometres of CALM land; and
 - (b) FESA Fire Services Communication Centre.
8. Fires are to be lit only under the following conditions—
- the fire is lit by personnel specifically authorised to do so by the Local Government;
 - the fire is lit after a local forecast for the day has been obtained from the Bureau of Meteorology; and
 - the Chief Bush Fire Control Officer or his designated deputies have been consulted and have agreed to the burn taking place.
9. No fires are to be lit on the site subject to this suspension on a day or part of a day for which the fire danger forecast issued by the Bureau of Meteorology in respect of that locality is *Very High* or *Extreme*.
10. Burning shall take place in designated areas of the rubbish disposal site. The designated areas shall be cleared of all inflammable material, save live standing trees, for a radius of 50 metres minimum. The garden refuse site and domestic refuse site will be located a minimum of 50 metres from the rubbish disposal site boundary. Domestic and commercial waste must be kept separate from the material to be burnt.
11. Material for burning shall be arranged in trenches or windrows, as directed by the Local Government. This area shall not be sited over a site which has been previously land filled.
12. All garden, timber and wood refuse burns shall be regularly heaped and stoked throughout the duration of the burn to ensure, as far as possible, a rapid and complete burn.
13. The volume of waste to be burnt shall not exceed that which can be safely burnt and declared safe within the hours of 8 am and 12 midnight on any one day.
14. Until the fire is declared safe, it must be attended by at least two able-bodied personnel who have had the minimum level of Bush Fire Training, as defined by FESA.
15. Throughout the duration of a burn, a fire fighting vehicle (appliance) operated by the personnel referred to in Condition 9, with a minimum water carrying capacity of 500 litres, fitted with a minimum of 30 metres of 19 millimetre diameter rubber hose and pump capable of delivering a minimum of 250 litres of water per minute at a minimum of 700 kPA through an adjustable nozzle capable of projecting water in spray and jet configurations, must be on site.
16. All burns are to be declared '**SAFE**' by personnel specifically authorised to do so by the Bush Fire Control Officer for the local government district prior to fire fighting equipment and personnel being permitted to depart the area.

FB402*

BUSH FIRES ACT 1954
RESTRICTED BURNING PERIOD (Section 18)

Fire and Emergency Services Authority,
Perth.

Correspondence No. 00111

It is hereby notified that pursuant to the powers contained in Section 18 of the Bush Fires Act 1954 the Fire and Emergency Services Authority of Western Australia has declared the Restricted Burning Period for the Local Government district of the Shire of Murray as specified in the schedule below. The respective declaration made under Section 18 of that Act, as published in the *Government Gazette* of 27 October 1995, is hereby revoked.

Schedule

Local Government
Shire of Murray

Restricted Burning Period
1 November to 31 May

BOB MITCHELL, Chief Executive Officer.

FAIR TRADING

FT401**SUNDAY ENTERTAINMENTS ACT 1979**

NOTICE

I, Douglas James Shave, Minister for Fair Trading, acting pursuant to Section 3(2) of *The Sunday Entertainments Act 1979* do hereby declare that the provisions of Section 3(1) of the Act shall not apply to or in relation to any person involved in operating *Orbit Amusements* situated at 111 Barrack Street, Perth from 12.00 noon to 8.00 pm on Good Friday, 21 April 2000.

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

JUSTICE

JM401**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointments of the following persons as Members of the Children's Court of Western Australia—

Mr Gino Charles Garbellini of 33 Kennedy Street, Exmouth
Mr Robert Douglas Hannay Lincoln of 6 Oak Court, Albany
Ms Carol Joy Pettersen of Lot 16 Gull Rock Road, Albany.

RICHARD FOSTER, Executive Director, Court Services.

JM402**DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that Hon. Attorney General has approved the appointment of the following person as a Commissioner for Declarations under the Declarations and Attestations Act 1913—

Mr Brian Leland Cailes of RMB 100 Bridgetown Road, Boyup Brook.

RICHARD FOSTER, Executive Director, Court Services.

JM403**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of the following from the Office of Justices of the Peace of the State of Western Australia—

Mr John Adams of 24 Deane Street, Cottesloe
Mr Ronald Keith Baker of 13 Kingfish Road, Busselton
Mr Robert Howard Emery of 119 The Esplanade, Lower King
Mr Edward Giles of 101/17-21 Hefron Street, Rockingham
Mr Douglas McKenzie Hearman of Middalya Station, Carnarvon
Mr Winifred David John Highett of 12 McDaniel Road, Broome
Mr Richard Henry Jenkins of 19 Redunce Close, Helena Valley
Mr Robert MacLatchy of 6 Charles Street, Shenton Park
Mr Frederick Lionel Parry of 22a Goldsmith Road, Claremont
Mr Peter Christopher Pavlovich of Pavlovich Road, Mt Barker
Mr John Arthur Robottom of 82b Kirwan Street, Floreat
Mrs Phyllis Anne Rose of 16 Johnson Street, Wickepin
Mr Kevin George Rutley of Lot 103 Greenwood Way, Barragup.

RICHARD FOSTER, Executive Director, Court Services.

JM404**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of Mrs Lynnette Gaye Salapatas of 51 Osborne Road, Mount Barker to the office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Court Services.

JM405**JUSTICES ACT 1902****EX OFFICIO JUSTICE OF THE PEACE**

It is hereby notified for public information that David Charles McLane has been appointed under Section 9 of the Justices Act 1902 to be a Justice of the Peace within the Territory of Christmas Island during his term of office as President of the Shire of Christmas Island.

RICHARD FOSTER, Executive Director, Court Services.

LOCAL GOVERNMENT

LG401**LOCAL GOVERNMENT ACT 1995****DISTRICTS OF CARNARVON AND EXMOUTH (CHANGE OF BOUNDARIES) ORDER 2000**

Made by the Governor in Executive Council under the provisions of sections 2.1 and 2.2 of the Local Government Act 1995.

Citation

1. This Order may be cited as the *Districts of Carnarvon and Exmouth (Change of Boundaries) Order 2000*.

Commencement

2. This Order shall take effect from the date of publication in the *Government Gazette*.

Change of District Boundaries

3. The Boundaries of the districts of Carnarvon and Exmouth are changed so that the land described in the Schedule to this Order ceases to be in the district of Carnarvon and is instead in the district of Exmouth.

Change of Ward Boundary

4. The boundaries of the Gascoyne/Minilya North Ward of the district of Carnarvon are changed so that the land described in the Schedule to this Order ceases to be in that Ward.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

Schedule

All that portion of land bounded by lines starting from the easternmost northeastern corner of Lyndon Location 173, a point on a present northern boundary of the Shire of Carnarvon and extending south and west along boundaries of that location and onwards to the Low Water Mark of the Indian Ocean, a point on a present western boundary of the Shire of Carnarvon and thence generally northwesterly, generally northeasterly, east, south, generally easterly, again south, west, again south, again east, again south and again east along boundaries of that Shire to the starting point.

Area: abt.52814ha

Department of Land Administration Public Plan

Ningaloo 1:250000

LG403**CEMETERY ACT 1986****SHIRE OF MURRAY**

In pursuance of the powers conferred by Section 53 of the Cemeteries Act 1986, the Council of the Shire of Mundaring hereby records having resolved on 5 August 1999 to set the following fees and charges effective from July 1999. The fees shall be payable upon application for services detailed hereunder at the Pinjarra Cemetery detailed hereunder.

Denominations Sections Fees	\$
Reserve Grant of Right of Burial	50
Land 2.4m x 1.8m	400
Land 2.4m x 2.4m	500
Lawn Section	
Reserve Grant of Right of Burial	50
Land 2.4m x 1.8m	700
Land 2.4m x 2.4m	800
Plaque—Single	300
Plaque—Double	450
Ashes—Niche Wall	
Reserve Grant of Right of Burial	50
Single Niche, including tablet and standard inscription	250
Double Niche, including tablet and first standard inscription	300
Additional Inscription (per line)	20
Second Inscription (standard)	80
Interment, Reopening Fees	
Ordinary Grave for Adult	400
Grave for any child under 10 years of age	300
Grave for a stillborn child	200
Interment of Ashes in Law Section—additional fee	150
Interment of Ashes in Niche Wall	75
Placement of Ashes in Family Grave	150
For removal of edging, tiles—labour cost per hour	50
Deeper than 1.8m—for each additional 0.3m	50
Exhumation & Re-interment	
Exhumation	400
Re-interment	300
Undertaker's Licence Fee	
Annual	120
Single Licence, on interment	30
Monumental permit	50
Miscellaneous	
Registration, Transfer of Grant of Right of Burial	50
Copy, Grant of Right of Burial	30
Grave Number Plate	25
Late applications, additional charge	50
Extra Charges	
For each Interment—Saturday & outside normal working hours	150
Sunday	250
Public Holiday	250

N. H. NANCARROW, Shire President.
N. G. LEACH, Chief Executive Officer.

MINERALS AND ENERGY

MN401**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licence is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiffs under Section 100(2).

NORMAN MOORE, MLC, Minister for Mines.

Number	Holder	Mineral Field
63/334	Australasian Gold Mines NL; Pascoe, David Rodney	Dundas

MN402**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licence is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiffs under Section 100(2).

NORMAN MOORE, MLC, Minister for Mines.

Number	Holder	Mineral Field
63/368	Australasian Gold Mines NL	Dundas

MN403**MINING ACT 1978****NOTICE OF CANCELLATION OF EXEMPTION OF CROWN LAND**

Pursuant to Section 19(1)(b) of the Mining Act 1978, I hereby cancel the Exemption published at page 2011 in the *Government Gazette* on 21 May 1999 and described hereunder—

Schedule

Primary Number	Graticular Sections
Part 1	
Wiluna 2548;	g, h, m, n, o
Part 2	
Wiluna 2619;	m, n, o, r, s, t, w, y, z
2691;	b, e.

Total 16 Blocks.

And designated "S19/137" on Tengraph

Dated this 20th day of April 2000.

NORMAN MOORE, MLC, Minister for Mines.

MN404**MINING ACT 1978**

NOTICE OF CANCELLATION OF EXEMPTION OF CROWN LAND

Pursuant to Section 19(1)(b) of the Mining Act 1978, I hereby cancel the Exemption published at page 4858 in the *Government Gazette* on 4 September 1998 and described hereunder—

Schedule

Primary Number	Graticular Sections
Kalgoorlie 1264	q, r, v, w.
Total 4 Blocks.	

And designated "S19/128" on Tengraph

Dated this 20th day of April 2000.

NORMAN MOORE, MLC, Minister for Mines.

PLANNING

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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF BAYSWATER

TOWN PLANNING SCHEME NO 21—AMENDMENT NO 82

Ref: 853/2/14/25 Pt 82

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 Bayswater Town Planning Scheme Amendment on 16 April 2000 for the purpose of—

1. Rezoning Lots 450 and 451 Shaftesbury Avenue, Bedford from Special Purpose—Religious Institution to Residential R20/25 in accordance with the Scheme Amendment Map.
2. Amending the Scheme Maps accordingly.

J. D'ORAZIO, Mayor.
M. J. CAROSELLA, Chief Executive Officer.

PD402***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF NEDLANDS

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 128

Ref: 853/2/8/4 Pt 128

Notice is hereby given that the local government of the City of Nedlands has prepared the abovementioned Scheme Amendment for the purpose of rezoning Lot 195 North Street, Swanbourne from Residential R60 to Residential R35 as shown on the Scheme Map.

Plans and documents setting out and explaining the Scheme Amendment have been deposited at Council Offices, 71 Stirling Highway Nedlands and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 9 June 2000.

Submissions on the Scheme Amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 9 June 2000.

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

S. SILCOX, Chief Executive Officer.

PD403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF SWAN

TOWN PLANNING SCHEME NO 9—AMENDMENT NO 359

Ref: 853/2/21/10 Pt 359

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 Swan Town Planning Scheme Amendment on 16 April 2000 for the purpose of—

1. Amending the Scheme Text by adding to Appendix 6B—Additional or Restricted Uses and Conditions in the various columns, the following—

<u>Locality</u>	<u>Street and Land Particulars</u>	<u>Additional or Restricted Uses and Conditions</u>
Beechboro	Lots 12 and 15 Benara Road	<ol style="list-style-type: none"> 1. The following uses are additional permitted uses: <ul style="list-style-type: none"> 'P' use—Medical Centre 'P' use—Consulting Rooms 'P' use—Office : Professional 'P' use—Shops - Convenience Store 2. The additional use of Shops—Convenience Store is restricted to a maximum floor area of 101m².

2. Amending the Scheme Maps by inserting the Additional or Restricted Use Symbol on Lots 12 and 15 Benara Road, Beechboro.

C. M. GREGORINI, Mayor.
E. W. LUMSDEN, Chief Executive Officer.

PD404***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF GINGIN

TOWN PLANNING SCHEME NO 8—AMENDMENT NO 73

Ref: 853/3/8/10 Pt 73

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 Gingin Town Planning Scheme Amendment on 27 March 2000 for the purpose of—

- a) Rezoning Lot 110 of Swan Location 1374 corner Lancelin Road and Gingin Brook Road, Neergabby from "Rural" to "Horticulture" and "Parks and Recreation".
- b) Incorporating the following provisions into Appendix 9 of the above Scheme—
 - "3. (a) Lot 110 of Swan Location 1374 corner Lancelin Road and Gingin Brook Road, Neergabby.
 - (b) In accordance with Table No. 1—Zoning Table and sub-clause (c) of this part.
 - (c) (i) Only uses which—in the opinion of Council—are not considered to be nutrient exporting activities may be permitted within the area of the subject land delineated as "Area A" on the Land Management Plan.
 - (ii) Activities associated with the Use Classes of "Irrigated Horticulture" and "Rural Pursuit" as incorporated within Table No. 1—Zoning Table and defined in Appendix 1 (Interpretations) to this Scheme may only be permitted within the area of the

subject land delineated as "Area B" on the Land Management Plan in accordance with the following Table—

Discretionary Uses (AA)

Orchard

- Citrus
- Custard Apples
- Avocados
- Mangoes
- Peaches

Nursery

- Native Flowers

Not Permitted Uses

Orchard

- Grapevines

Market Gardens

- Carrots
- Cauliflowers
- Celery
- Lettuce
- Onions
- Potatoes
- Tomatoes
- Pumpkins
- Rockmelons
- Cabbages

Greenhouse Flowers

- Roses
- Carnations

Golf course

Turf Production

- (iii) Council shall exercise its discretion in approving or refusing any use not listed in sub-clause (c) (ii) of this part by reference to the guidelines of the Department of Environmental Protection and Agriculture Western Australia for the identification of low-level nutrient activities. Uses not listed may only be approved by Council if the use has a similar or lower nutrient application/export level to the discretionary uses listed.
- (d) Future subdivision and development should generally be in accordance with the endorsed Subdivision Guide Plan and Land Management Plan."

G. MORTON, President.
S. D. FRASER, Chief Executive Officer.

PD405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF NARROGIN

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 19

Ref: 853/4/2/10 Pt 19

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 Town of Narrogin Town Planning Scheme Amendment on 16 April 2000 for the purpose of rezoning Lot 2 Doney Street, Narrogin from Single Residential to Other Residential and Lot 3 Doney Street, Narrogin from Shops and Offices to Other Residential and amending the Scheme Maps accordingly.

S. A. HIGGINS, Mayor.
S. D. TINDALE, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
CITY OF BAYSWATER
 TOWN PLANNING SCHEME NO 23
 MORLEY CITY CENTRE SCHEME

Ref: 853/2/14/27

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 Bayswater Town Planning Scheme No 23 on 1 April 2000 the Scheme Text of which is published as a Schedule annexed hereto.

J. D'ORAZIO, Mayor.
 M. J. CAROSELLA, Chief Executive Officer.

SCHEDULE
 TOWN PLANNING SCHEME NO. 23
 MORLEY CITY CENTRE SCHEME
 SCHEME TEXT

TABLE OF CONTENTS

PART 1.—PRELIMINARY

- 1.1 The Scheme
- 1.2 Purpose of Scheme
- 1.3 Revocation of existing Scheme
- 1.4 Citation of Scheme
- 1.5 Responsible Authority
- 1.6 Scheme Area
- 1.7 Relationship of Scheme to the Metropolitan Region Scheme
- 1.8 Contents of the Scheme
- 1.9 Arrangement of the Scheme Text
- 1.10 Scheme Objectives
- 1.11 Interpretation

PART 2.—ADMINISTRATIVE PROVISIONS

- 2.1 Offences
- 2.2 Acquisition and Disposal of Land
- 2.3 Authorised Entry
- 2.4 Legal Agreements
- 2.5 Compensation
- 2.6 Delegation
- 2.7 Right of Appeal

PART 3.—PLANNING POLICIES AND DEVELOPMENT APPROVAL,
 DIVISION 1— PLANNING POLICIES

- 3.1 Preparation of Planning Policies
- 3.2 Coming into Operation of Policies and Amendments
- 3.3 Rescission of Policies

DIVISION 2— DEVELOPMENT APPROVAL

- 3.4 Requirement for Approval
- 3.5 Where Approval Not Required for Certain Developments
- 3.6 Application for Approval To Commence Development
- 3.7 Referral of Development Applications
- 3.8 Determination of Development Applications
- 3.9 Notification of the Council's Decision
- 3.10 Written Reasons
- 3.11 Duration of Development Approval
- 3.12 Conditional Approvals
- 3.13 Deemed Refusal
- 3.14 Approval Notwithstanding Non-compliance with Scheme Standard or Requirement
- 3.15 Demolition
- 3.16 Heritage Preservation
- 3.17 Tree Preservation
- 3.18 Limitation on Duration of Use or Development of Land
- 3.19 Cessation of Unlawful Development
- 3.20 Enforcing Decisions by the Minister, Appeal Tribunal or Other Decisions on Appeal
- 3.21 Non-Conforming Uses

PART 4.—DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.1 Promotion of Mixed Use Development
- 4.2 Agreement to Guarantee Residential Component
- 4.3 Residential Development—Residential Planning Codes
- 4.4 Non Residential Development
- 4.5 Relaxation of Plot Ratio Requirements
- 4.6 Car Parking and Access
- 4.7 Urban Design
- 4.8 Subdivision
- 4.9 Development of Heritage Places
- 4.10 Advertising
- 4.11 Home Occupation

PART 5.—ZONING AND PROVISIONS FOR PRECINCTS

- 5.1 Zoning
- 5.2 Delineation of the Zone
- 5.3 Precincts on Scheme Map
- 5.4 Development in Precincts
- 5.5 Precinct 1—Lovegrove
- 5.6 Precinct 2—Coventrys
- 5.7 Precinct 3—Wellington
- 5.8 Precinct 4—Charnwood
- 5.9 Precinct 5—Johnsmith
- 5.10 Precinct 6—Marchant
- 5.11 Precinct 7—John Forrest
- 5.12 Precinct 8—Catherine
- 5.13 Precinct 9—Central
- 5.14 Precinct 10—Walter
- 5.15 Precinct 11—Drake
- 5.16 Precinct 12—City Centre

PART 6.—RESERVED LAND

- 6.1 Regional Reservations
- 6.2 Local Reserves
- 6.3 Use of Local Reserves
- 6.4 Development of Local Reserves
- 6.5 Public Use Reserves

SCHEDULES

1. Interpretations
2. Notification of a Heritage Place/Object—Form 3
3. Additional Information Sheet for Advertisement Approval—Form 4

APPENDIX

- 1 Scheme Map

1.—PRELIMINARY**1.1 The Scheme**

The Council of the City of Bayswater under and by virtue of the power conferred upon it in that behalf by the Town Planning and Development Act 1928, as amended, (hereinafter called the 'Act') hereby makes Town Planning Scheme No. 23 for the purpose of—

- 1.1.1 setting land aside for future public use as reserves;
- 1.1.2 controlling land development;
- 1.1.3 promoting and safeguarding the health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area; and
- 1.1.4 other matters authorised by the Act.

1.2 Purpose of Scheme

The purpose of the Scheme is to implement the recommendations of the Morley Regional Centre Structure Plan.

1.3 Revocation of Existing Scheme

District Planning Scheme No. 21 which was published in the *Government Gazette* of 16 September 1988 and subsequently amended from time to time, is hereby revoked for that part of the District representing the Scheme Area of Town Planning Scheme No. 23 Morley City Centre Scheme.

1.4 Citation of Scheme

This Scheme may be cited as Town Planning Scheme No. 23 Morley City Centre Scheme (hereinafter called the "Scheme") and shall come into operation on publication of the Scheme in the *Government Gazette*.

1.5 Responsible Authority

The responsible Authority for the preparation and implementation of the Scheme is the City of Bayswater (hereinafter call "the Council").

1.6 Scheme Area

The Scheme shall apply to the whole of the area of land which is enclosed by the black line on the Scheme Map, attached as Appendix 1 to the Scheme (hereinafter call the "Scheme Area").

The Scheme Area is classified into a single zone and various reserves as set out in the Scheme Text and as coloured or indicated on the Scheme Map according to the legend thereon.

1.7 Relationship of Scheme to the Metropolitan Region Scheme

This Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission (hereinafter called "the Commission").

1.8 Contents of the Scheme

The Scheme comprises this Scheme Text which incorporates the Scheme Map in Appendix 1 and includes any Schedule to the Scheme.

1.9 Arrangement of the Scheme Text

The Scheme Text is divided into the following parts;

- Part 1.—Preliminary
- Part 2.—Administrative Provisions
- Part 3.—Planning Policies and Development Approval
- Part 4.—Development Standards And Requirements
- Part 5.—Zoning And Provisions For Precincts
- Part 6.—Reserved Land
- Schedules
- Appendices

1.10 Scheme Objectives

For the purpose of promoting the orderly and proper planning, development and management of the Scheme Area the objectives of the Scheme shall be as set out in this Clause.

1.10.1 The general objectives of the Scheme are—

- (a) to provide a system for the orderly control of development;
- (b) to facilitate the process of development and redevelopment;
- (c) to provide sufficient certainty to enable location and investment decisions to be made with reasonable confidence;
- (d) to ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole;
- (e) to provide sufficient flexibility and discretion to minimise the need for amendment to the Scheme;
- (f) to establish rights of appeal where appropriate in respect of decisions of the Council;
- (g) to provide an effective means of determining the urban design and visual quality of the Scheme Area;
- (h) to provide effective standing for planning policies; and
- (i) to facilitate the implementation of the specific objectives of the Scheme.

1.10.2 The specific objectives of the Scheme are—

- (a) to create an "urban centre" with readily identifiable character within the Scheme Area;
- (b) to develop a functional City Centre which is open to the public seven days per week by encouraging a wide range of uses including theatres, cinemas, restaurants, markets, recreational and leisure uses;
- (c) to ensure that future growth and development which occurs in the Scheme Area is in accord with the adopted elements of the Structure Plan and all the planning policies of the Council;
- (d) to encourage innovations in land development and renewal;
- (e) to encourage and facilitate the provision of certain infrastructure works including but not limited to adequate public services such as transportation, streetscape improvements, pedestrian movement system, communication, drainage, underground power, public utility services, open space and public parks;
- (f) to encourage the replacement of inappropriate uses and development;
- (g) to create diversity of land use and development and to ensure a wide range of residential, working and leisure opportunities within the area as a whole;
- (h) to create a mixture of mutually beneficial uses and developments within individual precincts and, where appropriate, on individual sites;
- (i) to create a safe and comfortable environment for people and to ensure access for the disabled;
- (j) to create and facilitate development which minimises energy consumption, pollution and dependence on private motor vehicle usage;

- (k) to increase access to the public transport system;
- (l) to create a visually attractive locality in the Scheme Area with appropriately scaled streetscapes and other elements, providing a diverse but unified urban townscape and landscape characterised by high quality urban design;
- (m) to facilitate the planning, design and redevelopment of the Scheme Area; and
- (n) to facilitate the re-subdivision of land and land holdings to create viable redevelopment sites that are capable of economically sustainable development.

1.11 Interpretation

In the Scheme unless the context otherwise requires or unless it is otherwise provided herein, words and expressions have the respective Meanings given to them in the Act, Schedule 1 and the R Codes and the Building Code of Australia. In the case of conflict between the meanings of words and expressions in those instruments—

- (a) in the case of residential development the definition in the R Codes shall prevail; and
- (b) otherwise the definition in the Act, followed by the 1st Schedule, the R Codes and the Building Code of Australia will prevail in that order.

2.—ADMINISTRATIVE PROVISIONS

2.1 Offences

No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, 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.

2.2 Acquisition and Disposal of Land

2.2.1 In accordance with Section 13 of the Act the Council may acquire any land within the Scheme Area for the purpose of securing any objective of the Scheme.

2.2.2 The Council may deal with or dispose of any land that it owns or which it acquires pursuant to this Scheme or under the Act in accordance with the powers conferred upon it by the Act and for that purpose may enter into agreements with other owners in accordance with the Act.

2.2.3 Without limiting the generality of the foregoing—

- (a) the Council may compulsorily acquire land in accordance with Section 13 of the Act, pursuant to the provisions of the Public Works Act, 1902; and
- (b) the Council may enter into any lease or licence or agreement for use of any land it acquires under this Scheme for the purpose of securing any objective of the Scheme for such period and on such terms as the Council thinks fit.

2.3 Authorised Entry

2.3.1 An officer of the Council, authorised by the Council for the purpose, may at 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.

2.3.2 Any person who obstructs, hinders, resists, or in any way opposes the exercise of the power of entry conferred on an authorised officer under this Clause commits an offence and is liable to penalties under Section 10 of the Town Planning and Development Act.

2.4 Legal Agreements

2.4.1 The Council may enter into any agreement with any Owner, occupier or other person having an interest in land affected by the provisions of the Scheme for the purpose of securing any of the objectives of the Scheme.

2.4.2 The Council may enter into an agreement with any applicant for development approval, or if it is more appropriate, with the Owner of any land or building involved in the development application, or with both of those persons. In any such agreement the applicant or otherwise the owner may covenant for themselves, their transferees, assignees and successors, to carry out and observe all or any of the conditions (if any) imposed by the Council, and any land may be charged with the obligation to observe such covenants, and the agreement may deal with any other matter relevant to the orderly and proper planning of the Scheme Area or the achievement of the objectives of the Scheme.

2.4.3 The Council may enter into any other agreement which the Council is authorised or empowered to enter into under the provisions of the Act.

2.5 Compensation

2.5.1 The time limit for making claims for compensation pursuant to section 11(1) of the Act is six months from the date of gazettal of the Scheme.

2.5.2 If an owner claims compensation for the resumption of land to be used as a road or for drainage purposes there shall be offset against the amount of compensation payable to him or her, the amount by which the value of the remainder of the owner's land has been or will be increased by the construction of the roads or drainage within the Scheme Area and by the operation of the Scheme.

2.5.3 If an owner subdivides land and if the owner or his or her predecessors in title shall have claimed or shall have been paid compensation by reasons of the resumption by the Council or the Crown of land for a new road within the Scheme Area he or she shall, before the approval of his or her plan of subdivision, release the Council or the Crown from the payment of compensation or if payment has been made by the Council or the Crown, then the owner shall refund to the Council or the Crown, the amount of compensation paid to him or her by it or his or her predecessor in title as the case may be.

2.6 Delegation

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

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

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

2.6.2 Any delegation made under sub-clause 2.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

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

2.6.4 The performance of the function by a delegate under subclause 2.6.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

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

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

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

2.7 Right of Appeal

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

3.—PLANNING POLICIES AND DEVELOPMENT APPROVAL

DIVISION 1—PLANNING POLICIES

3.1 Preparation of Planning Policies

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

3.1.1 generally or in a particular class of matter or in particular classes of matters; or

3.1.2 throughout the Scheme Area or in one or more Precincts or part of one or more Precincts, and may amend or rescind a Policy so prepared.

3.2 Coming into Operation of Policies and Amendments

3.2.1 A Policy shall become operative only after the following procedures have been completed—

- (a) The Council has prepared and adopted a draft Policy and has published a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected and in what form and during what period submissions may be made;
- (b) The Council has reviewed the draft Policy in the light of any submission made and resolved either to adopt the draft Policy with or without modification, or not to proceed with the draft Policy; and
- (c) Following adoption of a Policy, notification of the adoption has been published once in a newspaper circulating within the Scheme Area.

3.2.2 The Council shall make copies of any Policy available to the public for inspection or sale at the offices of the Council during normal office hours.

3.2.3 The Council shall forward a copy of any Policy adopted to the Western Australian Planning Commission.

3.2.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in Subclause 3.2.1 and the provisions of that Subclause shall apply mutatis mutandis to an amendment or addition.

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

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

3.3 Rescission of Policies

A Policy may be rescinded by—

- 3.3.1 adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy; and
- 3.3.2 publication of a formal notice of rescission in a local newspaper circulating in the district.

DIVISION 2—DEVELOPMENT APPROVAL

3.4 Requirement for Approval

The Council's approval to commence development ('development approval') is required for any development on land within or partly within the Scheme Area, and no person shall commence any development unless the Council's approval has first been obtained.

3.5 Where Approval Not Required for Certain Developments

Development approval shall not be required for:

- (a) the erection on a lot of a single dwelling house, including ancillary outbuildings and addition/alterations thereto where the proposed use is designated as a permitted use for the Precinct within which the use is proposed to be undertaken;
- (b) the undertaking of any works, acts or activities on, in, or under a street or road by a public authority acting pursuant to the provisions of a Statute; and
- (c) changes of use within an approved shopping centre, provided the new use is permitted under the Scheme and where the overall net lettable area of the shop is not increased beyond the maximum for which approval has previously been granted. (For the purposes of this clause, the term shopping centre shall mean a complex of retail and commercial facilities on a site with a minimum net lettable area of 5,000 m².)

3.6 Application for Approval To Commence Development

3.6.1 An Application for Approval to Commence Development under the Scheme (hereinafter called 'development application') shall be made in the form prescribed in Clause 28 of the Metropolitan Region Scheme. For the purpose of this Scheme that form shall be referred to as Form 1.

3.6.2 The Council may require the provision of such further information, particulars or things, which an applicant could reasonably be expected to provide, as seems to the Council to be necessary to enable it to properly consider and determine any development application, including in an appropriate case the production of a model of a proposed development.

3.6.3 The Council may specify the manner in which development applications should be made and the information, particulars or things which should accompany any development application or an application of any particular class.

3.6.4 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 buildings 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 and 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; and
 - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

3.6.5 A development application shall be deemed not to have been received until such time as a request for any further information required by Council under Subclause 3.6.2 or any requirement under Subclause 3.6.3 or Subclause 3.6.4 has been complied with.

3.7 Referral of Development Applications

In considering a development application the Council may consult with any statutory public or planning authority or affected landowner. All submissions received from referral authorities and/or affected landowners within a period of 21 days from the date of consultation or notification shall be taken into consideration by Council in determining a development application.

3.8 Determination of Development Applications

3.8.1 The Council having regard to—

- (a) any matter which it is required by the Scheme to consider;
- (b) any submission received as a result of a referral or notification of a development application pursuant to Clause 3.7;
- (c) any relevant Policy made pursuant to this Scheme;
- (d) the requirements of orderly and proper planning;
- (e) the preservation of the amenity of the area; and
- (f) the provisions of Clause 4.4.1.

shall determine a development application within 30 days following the expiration of the advertising/submission period given under Clause 3.7.

3.8.2 In determining a development application the Council may—

- (a) approve the application with or without conditions;
- (b) refuse the application.

3.8.3 Council may resolve to defer consideration of a development application providing the Council, within fourteen days of the deferral resolution, gives notice of the deferral to the applicant in which case the 60 or 120 day deemed refusal referred to in Clause 3.13 shall not apply unless the applicant thereafter requests in writing that the Council determine the application, in which case determination time shall re-commence from the date of Council receipt of the applicant's request.

3.9 Notification of the Council's Decision

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

3.10 Written Reasons

Whenever the Council refuses a development application the Council shall give to the applicant written reasons for the refusal.

3.11 Duration of Development Approval

A planning approval is to lapse if the development has not been substantially commenced before the expiration of two years, or such further period as the Council may determine, from the date on which the Council resolved to grant the planning approval.

3.12 Conditional Approvals

3.12.1 If the Council approves a development application subject to conditions, no person shall undertake or suffer or permit the undertaking of the development otherwise than in accordance with the conditions.

3.12.2 If the Council approves a development application subject to conditions, and any of the conditions is not fulfilled or complied with within the time (if any) stipulated by the Council in its development approval, or stipulated subsequently by written notice to the applicant or the owner of the land, the Council may in addition to any other remedies available to it, revoke its approval. Any person who continues to carry out development following revocation of development approval for the development commits an offence and is liable to the penalties prescribed under the Act.

3.12.3 In any case where the Council revokes its development approval, it shall not take any step by way of enforcement of its revocation, or commence any proceedings in court consequential to the revocation until after the expiration of 60 days from the date of the revocation.

3.13 Deemed Refusal

3.13.1 Subject to Subclauses 3.8.3, 3.13.2 and 3.13.3, a development application shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of the application by the Council, or within such further time as may be agreed in writing between the applicant and the Council before or after the expiration of that period of 60 days.

3.13.2 Subject to Subclauses 3.8.3 and 3.13.3, a development application in respect of any place which is the subject of a resolution under the provisions of this Scheme relating to heritage places shall be deemed to have been refused if a decision is not conveyed to the applicant by the Council within 120 days of receipt of the development application by the Council or within such further time as may be agreed in writing between the applicant and the Council before or after the expiration of that period of 120 days.

3.13.3 Notwithstanding the provisions of Subclauses 3.13.1 and 3.13.2, an approval in respect of a development application which is conveyed to the applicant after a period of 60 days or 120 days from the date of receipt, as the case may be, shall be valid, even where there is no written agreement between the applicant and Council regarding further time to deal with an applicant.

3.14 Approval Notwithstanding Non-compliance with Scheme Standard or Requirement

3.14.1 Subject to Subclause 3.8.1 and Part 5 of the Scheme if a development proposal the subject of a development application does not comply with the development criteria prescribed by the Scheme which would be applicable, the Council if it is satisfied that—

- (a) such a variation will not prejudice the achievement of the objectives of the Scheme, and
- (b) the orderly and proper planning and amenity of the precinct are maintained,

may vary any development criteria and approve the application unconditionally or subject to such conditions as it deems fit.

3.15 Demolition

The Council's approval to commence development ('development approval') is required for the demolition of any building on land within or partly within the Scheme Area, and no person shall apply for a demolition licence unless the Council's development approval has first been obtained. No person shall demolish or commence demolition of any building, structure or part thereof unless the approval of the Council is obtained, except where the Council has issued an order to do so under the Scheme or any other law. In considering an application for approval to demolish a building, the Council may—

3.15.1 defer consideration of the application until it has received and approved an application for subsequent development of the site; or

3.15.2 approve the application, subject to conditions including the retention, maintenance, reinstatement and repositioning of any part.

3.16 Heritage Preservation

3.16.1 The Council may take such action as it deems appropriate for the preservation of places and objects of cultural heritage significance within the Scheme Area.

3.16.2 If the Council resolves that, in its opinion, a place or object within the Scheme Area has cultural heritage significance as defined by the Heritage of Western Australia Act 1990, the Council within fourteen days after the passing of that resolution shall—

(a) give written notice of the resolution in the form prescribed in Schedule 2 to the owner of the place or object; and

(b) enter details of the building, place or object in the Municipal Inventory and the Municipal Inventory shall be made available to the public at the offices of the Council during normal office hours.

3.16.3 Any person upon whom a notice is served pursuant to Subclause 3.16.2 may, within a period of 60 days from the date of the notice, appeal in accordance with the provisions of Part V of the Town Planning and Development Act, against the inclusion of such place or object in the Municipal Inventory. If an appeal against a resolution under Subclause 3.16.2 in respect of any object or place is allowed, then the details of the object or place shall be removed from the Municipal Inventory.

3.16.4 Inclusion of a place in the Municipal Inventory shall have the effect referred to in Clause 3.16 and in Clause 4.9.

3.16.5 A person shall not, without first applying for and obtaining the Council's development approval, commence, carry out or continue any modification to or work affecting any heritage object or place the details of which have been entered in the Municipal Inventory, and the provisions of this Subclause shall apply to any work, act or activity which would otherwise be exempted from the obligation to obtain development approval by the provisions of Clause 3.5.

3.16.6 The Council in dealing with a development application pursuant to Subclause 3.16.5 shall comply with the provisions of this Scheme relating to the consideration and determination of development applications but additionally shall have regard to the integrity of and the interest of preservation of the heritage object or place for heritage purposes.

3.16.7 As soon as possible after the entry of details of a heritage object or place in the Municipal Inventory the Council shall give a notice containing details of the entry to the Heritage Council of Western Australia. No such notification shall be given, until the time for appealing against the resolution has expired, or while an appeal is pending.

3.17 Tree Preservation

The Council may identify particular trees, trees of a particular species, trees of a particular height or girth or both, or trees belonging to a particular group of trees, and including shrubs or other perennial plants of a stipulated species, as being worthy of preservation and any tree so identified may be dealt with as an object of cultural heritage significance pursuant to the provisions of Clause 3.16. In dealing with a development application, the Council may consult with the applicant or other affected landowners and may impose conditions on an approval requiring the preservation of trees, shrubs and the like.

3.18 Limitation on Duration of Use or Development of Land

3.18.1 Where the Council in dealing with a development application considers that the undertaking of the proposed development or the carrying out of a use in or connected with the proposed development for an extended period of time would be contrary to the orderly and proper planning of the Precinct or would be likely detrimentally to affect the amenity of the Precinct, the Council may approve the development application but shall limit the period during which the development may be undertaken or during which the land or any building thereon may be used for the relevant purpose.

3.18.2 Where the Council in accordance with the provisions of the proceeding Subclause limits the time during which a development may be undertaken or during which any land or building may be used for a specified purpose, no person shall undertake or suffer or permit the undertaking of that development or use or suffer or permit the carrying on of the use of that land or building for that purpose after the expiration of the time so limited.

3.19 Cessation of Unlawful Development

3.19.1 The Council may by notice in writing—

a) served on a person who is undertaking any development or demolition in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached to a development or demolition approval, direct the person forthwith to cease such development or demolition; or

b) served on a person who has undertaken any development or demolition in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached

to a development approval, direct the person within such period, being not less than 21 days after service of a notice, as is specified in the notice, to remove, pull down, take up, rebuild, or alter any development or demolition undertaken without approval or in contravention of a condition, or the Council may give both such directions to a person in a single notice.

3.19.2 A person failing to comply with a notice given pursuant to the provisions of this Clause shall be in breach of the provisions of Section 10 of the Act and shall be liable to the penalties prescribed therein.

3.19.3 If a person fails to comply with a notice given to the person under subparagraph (b) of Subclause 3.19.1 the Council may exercise the powers conferred by Section 10 of the Act.

3.20 Enforcing Decisions by the Minister, Appeal Tribunal or Other Decisions on Appeal

Where approval of a development application is given by the Town Planning Tribunal or by the Minister on appeal, or where a condition is imposed by the Tribunal or the Minister, then that approval and any such conditions shall be deemed to have been given or imposed by the Council under this Scheme.

3.21 Non-Conforming Uses

3.21.1 Existing Use Rights

No provision of the Scheme shall prevent—

- (a) The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b) The carrying out of any development thereon for which, immediately prior to that time, a permit, lawfully required to authorise the development to be carried out, were only obtained and are current.

3.21.2 Extension of a Non-Conforming Use or Building

- (a) A person shall not erect, alter or extend a building or buildings used in conjunction with a non-conforming use, or alter or extend a non-conforming use, without the planning approval of Council and unless in conformity with the provisions and requirements of the Scheme, and Council may, in respect of that approval, require—
 - (i) Compliance with the requirements applicable to any Precinct in which the non-conforming use is carried on;
 - (ii) Compliance with the requirements applicable to any Precinct in which the non-conforming use would, subject to compliance with the other provisions of the Scheme, be permitted;
 - (iii) Compliance with any requirements applicable to the Use Class in which the non-conforming use is comprised in any Precinct in which that Use Class would, subject to compliance with the other provisions of the Scheme, be permitted, or the Council may for the purpose of regulating the erection, alteration or extension of a building or buildings used in conjunction with a non-conforming use, determine such requirements as it thinks necessary to secure the amenity, health or convenience of the area in addition to or substitution for any of the foregoing.
- (b) A non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which the non-conforming use is in fact being carried on at the gazettal date.
- (c) If the building or buildings in which the non-conforming use is carried on are wholly one lot at the gazettal date, the building or buildings shall not be extended beyond—
 - (i) The land on which the building or buildings stand; and
 - (ii) Such land which is adjacent to the building or buildings and not being used for any other purpose authorised by the Scheme, as is reasonably required for the purpose for which the building or buildings are being used.

3.21.3 Change of Non-Conforming Use

The Council may grant planning approval to the change of use of any land from one non-conforming use if the proposed use, is in the opinion of Council, less detrimental to the amenity of the neighbourhood than the existing use or is, in the opinion of Council, closer to the intended uses of the Precinct as prescribed under Part 5 of the Scheme.

3.21.4 Discontinuance

- (a) When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- (b) 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 of the property, and may enter into an agreement with the owner for that purpose.

3.21.5 Destruction of Buildings

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

3.21.6 Register of Non-Conforming Uses

The Council shall keep and maintain a register of non-conforming uses and any person shall give to the Council, in writing on demand, full information of the nature and extent of the non-conforming use.

3.21.7 Subdivision of Land

If a non-conforming use exists on any land or in any building thereon, no person shall, without the consent of the Council carry on such non-conforming use after the subdivision of such land. Nothing herein shall be construed to limit the powers of the Western Australian Planning Commission under the Act.

4.—DEVELOPMENT STANDARDS AND REQUIREMENTS

4.1 Promotion of Mixed Use Development

4.1.1 In order to promote the specific objectives of the Scheme and more particularly the creation of a diversity of land uses and developments in the Scheme Area and to create a mixture of mutually beneficial uses and developments within the Precincts of the Scheme, the Council shall take all reasonable steps to encourage the incorporation of a residential component in those Precincts where the provisions of Part 5 or a Policy made pursuant to the provisions of the Scheme indicate that a residential development is a permitted development within the Precinct.

4.1.2 In determining a development application involving exclusively or predominantly non-residential development, the Council shall have regard to the requirements of Part 5 and any relevant Policy made pursuant to the provisions of the Scheme which encourages the inclusion of residential development in the relevant Precinct.

4.1.3 Where the provisions of Part 5 or a Policy made pursuant to the provisions of the Scheme indicate that residential development is a permitted development within the relevant Precinct, the Council when dealing with a development application within that Precinct may resolve to require the applicant to include a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against the non-residential component.

4.2 Agreement to Guarantee Residential Component

4.2.1 If the Council in determining a development application resolves in accordance with the provisions of the preceding clause that the development application will be approved subject to the provision of a stipulated residential component within the development, the Council may enter into an agreement with the applicant and/or the owner or owners of any affected land and any other relevant person to guarantee the provision of the required residential component either on the subject land or on other land in the locality.

4.2.2 If the Council and any other person enter into an agreement pursuant to the provisions of the preceding subclause, in addition to any other provisions required by the Council, the agreement shall include—

- (a) the details of the site upon which the residential component will be constructed;
- (b) the terms and conditions under which the person will be required to construct the residential component;
- (c) the details of a bond, guarantee or letter of credit to be given by the person or other party acceptable to the Council to ensure compliance with the provisions of the agreement;
- (d) any other provision considered by Council to be appropriate to secure the highest possible quality of residential design and development.

4.3 Residential Development—Residential Planning Codes

4.3.1 Unless otherwise provided for by the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform with the provisions of the R Codes. All development in the Scheme Area will be required to address the provisions of Planning Policy 5, Residential Development.

4.3.2 Where an application proposes the development of land for both residential and non-residential purposes or where the Council, pursuant to Clause 4.1.3, requires the inclusion of a residential component within the proposed development, then the residential component shall conform with the provisions of the R Codes.

4.3.3 Subject to any variations permitted by the provisions of Part 5 of the Scheme, the Residential Planning Code density applicable to land within the Scheme Area shall apply to all residential purposes and be determined by reference to the Residential Planning Code density number superimposed on the Scheme Map in relation to the Precinct within which the land is located.

4.3.4 The Council may approve variations to the Residential Planning Codes with respect to an application for residential development, in the case of both developments that are either exclusively residential or within a mixed-use development provided—

- (a) the variation is in accordance with those matters able to be modified pursuant to the R Codes, or
- (b) the variation is in accordance with the provisions of Part 5 of the Scheme with respect to the Precinct within which the land is located.

4.4 Non Residential Development

4.4.1 In determining a development application that includes non-residential development the Council shall have regard to the requirements of Part 5 for the relevant Precinct and any relevant Policy. Without limiting the generality of the foregoing, Council may have regard to, and may impose conditions in respect of one or more of the following matters—

- (a) the intensity and nature of the proposed use, including its environmental impact by way of noise, emissions, illumination and hours of operation;
- (b) whether excessive loads would be placed on any existing or projected servicing infrastructure, community infrastructure or similar services;

- (c) the number of employees likely to be accommodated;
- (d) the location and extent of outdoor manufacturing and storage;
- (e) the parking accommodation as provided for in Table 1—Parking Requirements;
- (f) the plot ratio stipulated under Part 5;
- (g) the form, layout, appearance and materials of buildings;
- (h) the site coverage, setbacks and height of buildings;
- (i) the height, position, form and materials of fences and walls;
- (j) the way in which buildings relate to the street and adjoining lots, including their effects on landmarks, vistas, the landscape or the streetscape and on the privacy, daylight and sunlight available to private open space and buildings;
- (k) the design of landscaping and open space generally, including the effects of the development on existing trees;
- (l) the extent to which the natural contours of the land may be altered by filling and excavation;
- (m) vehicular and pedestrian access and circulation, and the provision for service vehicles and in particular whether a road or right-of-way needs to be created or enlarged to service the proposed development, in which case the Council may require the dedication of such road or right-of-way;
- (n) whether parking for vehicles is adequate, convenient, safe, unobtrusive, landscaped and adequately surfaced and marked, and in any particular case whether parking should be provided elsewhere;
- (o) whether adequate provision has been made for cyclists and disabled persons, including access, storage, toilets and showers;
- (p) in the case of commercial buildings, whether advertising signs are likely to be required, in which case the Council may require that the application be amended to incorporate or make provisions for such signs;
- (q) the position of signs;
- (r) compliance with a development requirement for the use;
- (s) compliance with the objects of the Scheme; and
- (t) any other relevant matters.

4.5 Relaxation of Plot Ratio Requirements

Without affecting the generality of Clause 3.14 the Council may relax the plot ratio requirements under Part 5 in regard to any development application where the Council is of the opinion that—

- (a) such a relaxation will not prejudice the achievement of the objectives of the Scheme ; and
- (b) such a relaxation will not detract from the amenity of the locality of the proposed development or the streetscape.

4.6 Car Parking and Access

4.6.1 Car Parking Standards

- (a) Car parking spaces shall be provided as follows—
 - (i) not less than the minimum requirement stipulated in Table 1; or
 - (ii) by providing car parking to a level agreed by the Council pursuant to Clause 4.6.4, but where the Council agrees to allow less than the minimum level stipulated in Table 1, Council may require any shortfall to be made up by way of a contribution to an appropriate Council Fund created for the purpose of applying such funds as defined in sub-clause (d) at a rate per bay equal to the Parking Contribution.
 - (b) (i) The Council may from time to time calculate or estimate the cost of providing a parking bay within the Scheme Area (the "Parking Contribution) including but not limited to—
 - the market value of the land required for the parking bay and the necessary access and manoeuvring space;
 - any structures required; and
 - other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.
 - (ii) The Parking Contribution shall be calculated in respect of the Scheme Area as a whole.
 - (iii) The Council may from time to time vary or adjust the Parking Contribution to reflect changes in values and costs, notwithstanding which Council may at its discretion, determine a lesser amount to be applied as the Parking Contribution.
 - (iv) All costs incurred in obtaining the valuation required under sub-clause b) (i) above shall be borne by the applicant.
- (c) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have provided a public parking station nearby, or must have proposals for providing a public station within the Scheme Area.
 - (d) The Council shall apply the moneys accumulated in the appropriate Fund by way of payments for parking either—
 - (i) through land purchase for the construction of parking facilities;
 - (ii) for the provision of parking in joint-use facilities; or

- (iii) for the provision of or for public transport within the Scheme Area to the extent that it permits or encourages a reduction in the use of or demand for parking facilities within the Scheme Area.
- (e) An applicant for development approval may apply to the Council for approval of additional on-site parking above the minimum requirement stipulated in Table 1.
- (f) The Council may apply at its discretion a greater requirement for car parking than that stipulated as the minimum requirement in Table 1, if in its opinion the proposed use is likely to demand a greater need for car parking spaces, having due regard to the scale and nature of the intended use or uses.
- (g) The design standards applied from time to time by the Council for the provision of parking shall apply within the Scheme Area.

4.6.2 Reciprocal Parking

The Council may consider and approve reciprocal arrangements for parking in the circumstances contemplated in subclause 4.6.4(d), or in other circumstances and may require the parties to the reciprocal arrangement to enter into an appropriate agreement to which the Council is the controlling party.

4.6.3 Parking Standards not shown in Table 1

Where no parking standard is stated in Table 1 in regard to a proposed development, the Council shall determine the parking requirement for the particular case.

4.6.4 Relaxation of Car Parking Standards

Without affecting the generality of Clause 3.14, the Council may relax the parking requirements in Table 1 in regard to any development application dealt with pursuant to Subclause 4.6.1 where the Council is of the opinion that one or more of the following apply—

- (a) such a relaxation will not prejudice the achievement of the objectives of the Scheme;
- (b) such a relaxation will not detract from the amenity of the locality of the proposed development or the streetscape;
- (c) sufficient area is set aside in the form of additional landscaping to permit the subsequent construction of parking areas;
- (d) different uses on the land will generate parking demand at different times, allowing parking spaces to be shared;
- (e) the number of parking spaces required under Table 1 can only be provided in a manner which results in a built form in conflict with the existing development in the locality; or
- (f) contractual arrangements have been made for the parking or shared use of parking areas which are in the opinion of the Council satisfactory.

4.6.5 Vehicular Access

Vehicular access shall be provided to all lots, however Council shall encourage access across adjoining lots in preference to direct vehicular access particularly to Wellington Road, Walter Road and Collier Road.

4.6.6 Ceding Land as a Development Condition

Where land for road widening or a truncation is ceded free of cost as a condition of development approval, the allowable density of the development (plot ratio or dwelling density) shall be calculated on the area of the lot prior to the land being so ceded.

4.7 Urban Design

4.7.1 Where in the opinion of the Council the amenity of a place, street or locality relates significantly to the architectural or physical character of existing buildings and/or the landscape, the Council shall require that the appearance of any proposed development shall enhance the amenity of the place, street or locality in question.

4.7.2 All development in the Scheme Area will be required to comply with the urban design considerations under Planning Policy 2.

4.7.3 All land and buildings shall be so used and maintained as to preserve the amenity of the Precinct in which they are situated.

4.8 Subdivision

4.8.1 In exercising its advisory functions in respect of subdivision the Council shall have regard to—

- (a) the capabilities of the proposed lots to be developed; and
- (b) the residential densities for the area as shown on the Scheme Map.

4.8.2 In recommending to the Western Australian Planning Commission in respect of subdivision applications the Council may request the imposition of conditions in relation to any of the following matters—

- (a) the orientation of roads and lots to maximise northern solar access to future buildings and spaces; and
- (b) the incorporation of water sensitive design and energy conservation management techniques to achieve sustainable development.
- (c) securing the land required for the pedestrian movement systems identified by the Scheme.
- (d) securing the land required for any of the infrastructure works set out in Clause 1.10.2(e) of the Scheme.

TABLE 1—CAR PARKING REQUIREMENTS

Development	Minimum Car Parking Spaces Required
Residential	In accordance with the R Codes
Offices	1 per 25m ² NLA
Medical Centre, Consulting Rooms	4 bays per practitioner plus 1 bay per staff member
Shop, Convenience Store	6 bays per 100m ² NLA
Hotel, tavern	1 per 5m ² of bar and public area plus 1 per bedroom
Restaurant	1 per 10m ² of NLA
Research & Development	1 per 25m ² NLA
Cinema, theatre, hall, Cultural/Arts Centre, club premises	1 per 5m ² of auditorium area
Child Care Centre	1 per 8 children attending 1 per 2 staff members
Fast Food Outlet	1 per 10m ² NLA
Recreation Facility	1 per 10m ² NLA
Service Station	8 bays
Showroom	1 per 30m ² NLA
Warehouse	1 per 50m ² NLA

4.9 Development of Heritage Places

4.9.1 The Council may relax any standard or requirement of the Scheme which would preclude, in relation to a heritage place listed in the Municipal Inventory—

- (a) its repair, renovation or reinstatement; or
- (b) its replacement if destroyed.

4.9.2 Where any development is proposed which would result in the conservation by reason of incorporation in the development or otherwise of the whole or part of an existing heritage place which the Council considers worthy of conservation, the Council may—

- (a) permit an increase in the floor area of the total development by an amount equal to the existing floor area of the heritage place;
- (b) permit setbacks consistent with those of the existing building;
- (c) relax the parking requirements of the Scheme where in the opinion of the Council satisfactory access and parking arrangements are made;
- (d) grant approval subject to conditions relating to the preservation of places of heritage significance;
- (e) in considering the development application, have regard to any Policy made pursuant to the Scheme and to the published policies and the opinion of the Heritage Council of Western Australia, the Australian Heritage Commission and the National Trust of Western Australia (inc).

4.9.3 In this clause the term 'development' shall have the additional meaning of changing the colour of the exterior of a building.

4.10 Advertising

4.10.1 No person shall erect, place or display any advertisement or use or permit the use of land or buildings for that purpose without the prior approval of the Council pursuant to the provisions of Clause 3.4. Such an approval to commence development is required in addition to any licence which may be required by the Council pursuant to any local law.

4.10.2 Applications for the Council's approval pursuant to Subclause 4.10.1 shall be submitted in accordance with the provisions of Clause 3.6 of the Scheme and shall be accompanied by an additional information sheet in the form set out at Schedule 3 giving details of any advertising device to be erected, placed or displayed on the land.

4.10.3 Subject to this clause and to any adopted Policy of the Council, the Council shall not consent to the erection of advertisement structures or the display of advertisements (whether on an advertisement structure or otherwise) on land within the Scheme Area unless the advertisement to be displayed—

- (a) describes the business or activity carried out on the same land;
- (b) is related to products produced, stored or sold on the same land;
- (c) is of a temporary nature as determined by Council; or
- (d) is required, by or under any Act of State or Federal parliament, to be displayed.

4.11 Home Occupation

4.11.1 A person may, with the approval of the Council, conduct a Home Occupation provided that the Home Occupation—

- (a) does not entail the employment of any person not permanently resident within the dwelling;
- (b) does not involve the preparation or sale of foodstuffs;
- (c) does not entail the sale of produce from the site;
- (d) does not occupy an area greater than 20m²;
- (e) does not require the provision of any essential service main of a greater capacity than normally required in the area in which it is located;
- (f) does not have more than one advertisement sign and the sign displayed does not exceed 0.2m² in area;

- (g) does not, in the opinion of the Council, by reason of its nature or scale, constitute a use that would be more appropriately located in a Precinct where residential uses are not stipulated as Permitted Uses under Part 5 of the Scheme;
- (h) will not result in the requirement of a greater number of vehicle parking facilities than normally required for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not cause injury to or prejudicially affect the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
- (j) does not attract regular customers and/or frequent deliveries of goods or equipment to the site.

4.11.2 In determining a development application for a home occupation the Council, in addition to the matters it is required to consider under Subclause 4.11.1, may impose conditions relating to—

- (a) the operating hours of the home occupation;
- (b) the size and type of any vehicle used in connection with the home occupation;
- (c) any activities incidental to the home occupation, including the storage of goods and/or equipment on the subject land.

4.11.3 The Council may seek the comments of surrounding residents or owners in respect of an application for a Home Occupation or may use such other method or medium to ensure widespread notice of the proposed Home Occupation.

4.11.4 An approval to carry on a home occupation—

- (a) is personal to the person to whom it was granted;
- (b) is not capable of being transferred or assigned to any other person; and
- (c) does not run with the land in respect of which it was granted.

A person to whom approval to carry on a home occupation has been granted shall not carry on that home occupation at any premises other than those in respect of which the approval was granted.

4.11.5 If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, carry on a home occupation unless approval to do so shall subsequently be granted by the Council.

5.—ZONING AND PROVISIONS FOR PRECINCTS

5.1 Zoning

Land within the Scheme Area, other than Reserved Land referred to in Part 6 of the Scheme and depicted on the Scheme Map in Appendix 1, is classified as 'Morley City Centre Zone'.

5.2 Delineation of the Zone

The Morley City Centre Zone is delineated and shown on the Scheme Map in Appendix 1 and referred to in the Legend of the Scheme Map.

5.3 Precincts on Scheme Map

The Scheme Area is divided into Precincts and the location and boundaries of the Precincts are shown on the Scheme Map.

5.4 Development in Precincts

5.4.1 For the purpose of promoting the objectives of the Scheme, it is the intention of Council that before any development is approved (other than a minor extension or upgrading of premises), each precinct will be further classified into sub-precincts. Future development and Subdivision within the Morley City Centre Precincts 2, 3, 6, 8, 9 and 10 shall be carried out in accordance with a staged approval process as follows—

- (a) Outline Development Plan; and
- (b) Detailed Site Plan.

5.4.2 Outline Development Plan

- (a) The Council shall not approve any application for Development Approval and shall not support any application for subdivision of land within the Morley City Centre Precincts 2, 3, 6, 8, 9 and 10 until the Council and, in the case of proposals which include the subdivision of land, the Western Australian Planning Commission have approved an Outline Development Plan relating to the land in accordance with the provisions of this paragraph.
- (b) Any owner of land within the Morley City Centre Precincts 2, 3, 6, 8, 9 and 10 may submit to the Council for approval an Outline Development Plan for that land, though the Council may require that the area dealt with by the Outline Development Plan be reduced or expanded to reflect what the Council considers to be the relevant planning precinct.
- (c) The general purpose of an Outline Development Plan is to refine the proposals in the Indicative Development Plans described in Policy 1 of the Planning Policies affecting the same land and to guide development of land to which the plan relates. Any such plan shall conform with the zoning and land use policies, guidelines, development standards and objectives contained in the Planning Policies.

- (d) Any proposed Outline Development Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 and not less than 1:2000.
- (e) A proposed Outline Development Plan shall show such detail as the Council requires to ensure that the development of the land within the plan would be consistent with the orderly and proper planning and achieve the highest appropriate level of amenity and without limiting the generality of the foregoing, shall include information or detail dealing with the following—
- (i) proposed layout and design for vehicular traffic including parking areas, access and egress, cycle and pedestrian networks;
 - (ii) provision for major land uses including residential, shopping, commercial, office, educational, civic, employment centre, open space, recreational and community facilities and other permitted and/or discretionary land uses applicable to the Precinct;
 - (iii) indicative lot pattern and general location of any major buildings; and
 - (iv) the integration of land use and development.
- (f) A proposed Outline Development Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.
- (g) A proposed Outline Development Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which would so far as possible contain information describing and explaining existing site conditions, the objectives of the plan, policies, guidelines and development standards and such other explanatory material and details as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the plan.
- (h) Where a proposed Outline Development Plan is, in the opinion of Council, lacking in detail on some aspect or component Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.
- (i) Unless the Council decides it is unnecessary to apply the provisions of this sub-paragraph, the Council shall not approve an Outline Development Plan unless and until—
- (i) The proposed Outline Development Plan has first been advertised for public inspection as set out in Clause 3.7 of the Scheme.
 - (ii) Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates.
 - (iii) The Council has considered all submissions received as a result of the advertising within 30 days or such greater period as the Council approves from the date of submitting the submissions to the Council.
- (j) A proposed Outline Development Plan shall be deemed to be refused by Council where a decision on the proposal has not been determined by the Council within 5 months of Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.
- Where the Council, in its opinion, is not able to determine a proposed Outline Development Plan due to—
- (i) the requirements of some other written law; or
 - (ii) the proposal lacking in detail on some aspect or component
- the 5 month period shall not begin to run until such impediment has been removed or rectified to the satisfaction of the Council.
- (k) The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may refuse to approve the proposed Outline Development Plan, or may approve the Outline Development Plan with or without modifications.
- (l) The Council shall not make a final decision to refuse approval of a proposed Outline Development Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council's intention to refuse approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.
- (m) The Council shall give notice of its approval or its refusal to approve a proposed Outline Development Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of its decision to the proponent as soon as practicable after the decision is made.
- (n) An approved Outline Development Plan shall be kept at the Council's administrative offices and shall be made available for inspection by any member of the public during office hours.
- (o) The Council may approve any change or departure from an approved Outline Development Plan which in the opinion of the Council—
- (i) is minor;
 - (ii) has minimal impact upon any person other than the proponent;
 - (iii) does not affect the interest of any authority or body providing or likely to provide services within the area of the Outline Development Plan; and
 - (iv) is consistent with the Indicative Development Plan for the Precinct,
- but any other proposed change or departure shall be advertised and notified in accordance with subparagraph (i) before the Council considers whether to approve or permit it.

- (p) The Council when exercising its discretion in regard to the approval to an Outline Development Plan shall have regard to the matters provided for in the Scheme objectives and Planning Policies.

5.4.3 Detailed Site Plan

- (a) (i) Where in the opinion of the proponent or the Council it is considered desirable to enhance, elaborate and expand the planning proposals or the provisions contained within an Indicative Development Plan or Outline Development Plan on a lot by lot basis, such proposal shall be depicted in such detail as is necessary within a Detailed Site Plan.
- (ii) Once approved by Council and the Western Australian Planning Commission, a Detailed Site Plan shall be used as the basis for applications to the Western Australian Planning Commission to subdivide land within the Morley City Centre.
- (iii) In addition to details required by the Western Australian Planning Commission with respect to subdivision applications, a Detailed Site Plan may, without limiting the generality of this paragraph, include—
- building envelopes either two or three dimensional;
 - non access areas;
 - nil setback areas; and
 - special development controls and policies.
- (iv) With the approval of the Council and the Western Australian Planning Commission, an approved Detailed Site Plan may be modified or varied provided such a modification or variation is in conformity with the Outline Development Plan.
- (v) The Principal Planner of the City or any person acting in that capacity from time to time shall have the power and authority pursuant to paragraph 2.6.1 of the Scheme to deal with applications for approval and modifications or variations of Detailed Site Plans unless the Council in any specific case or generally resolves to remove that power and authority under paragraph 2.6.3 of the Scheme.
- (b) The proponent shall prior to seeking approval of the Commission to any diagram or plan of survey, provide to the Council a consolidated Detailed Site Plan at such a scale and format as the Council prescribes. A Consolidated Detailed Site Plan shall supersede those Detailed Site Plans or parts of plans contained within any Detailed Site Plan or previously Consolidated Detailed Site Plan dealing with the same land.

5.4.4 Development and Subdivision

- (a) Development and subdivision of land within the Morley City Centre Precincts 2, 3, 6, 8, 9 and 10 should generally be in accordance with the approved Outline Development Plan and any approved Detailed Site Plan for the particular area and in particular shall comply with the permissibility of land uses under the Scheme, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Outline Development or Detailed Site Plan.
- (b) Where a building envelope is depicted on an approved Outline Development Plan or Detailed Site Plan, all buildings on the lot shall be located within the building envelope unless the Council in exercising its discretion allows a variation.

5.4.5 Mixed Land Use

Subject to any provisions of this Part to the contrary, the Council in dealing with any development application shall encourage a mixture of land uses throughout the Scheme Area and shall have due regard to the provisions of Planning Policy 6- Mixed Use Development.

5.4.6 Permitted Uses

Where in this Part a use constitutes a 'Permitted Use' in any Precinct then in dealing with a development application involving such a use in that Precinct the Council—

- (a) shall not refuse the application by reason of the incorporation of that use in the proposed development; and
- (b) may relax or vary any development standard or requirement except those provided for in the R Codes, unless allowed in accordance with Clause 4.3.4, and otherwise impose such conditions on its approval as it sees fit to encourage the incorporation of that use in the development.

5.4.7 Discretionary Uses

Where in this Part a use constitutes a 'Discretionary Use' in any Precinct then in dealing with a development application involving such a use in that Precinct the Council may approve the development incorporating that use subject to any conditions it considers appropriate.

5.4.8 Other Uses

Where in this Part a use is not a Permitted Use or Discretionary Use in a Precinct, then the Scheme is required to be amended to allow that use to be carried out within the subject Precinct.

5.5 Precinct 1—Lovegrove

5.5.1 Permitted Uses

- Single House
- Grouped Dwelling
- Ancillary Accommodation
- Aged or Dependant Persons' Dwelling

5.5.2 Discretionary Uses

Public Open Space
Educational Establishment
Place of Public Worship
Child Care Centre
Consulting Rooms

5.5.3 Development Requirements

(a) Residential Development

- (i) Subject to Sub-Clause (ii) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R17.5 density code.
- (ii) An increase in the dwelling density up to a maximum of 40 dwellings per hectare shall be considered by the Council subject to the proposed development satisfying the following criteria—
 - connection to reticulated sewer;
 - retention of mature trees on the site;
 - the existing dwelling being retained if it is considered worthy of retention, contributes to the streetscape and has not reached the end of its economic life;
 - new development maintaining or enhancing the character of the streetscape;
 - compliance with the requirements of the Residential Planning Codes with respect to the R40 dwelling density code.

(iii) Building Height

Residential development shall not exceed a height of two storeys.

(b) Mixed Use and Non-Residential Development shall be under-taken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

Development shall not exceed a plot ratio of 0.5:1.

(ii) Building Height

Development shall not exceed a height of two storeys.

(iii) Car Parking

Car parking shall be provided in accordance with the requirements stipulated by Table 1 of the Scheme with respect to the proposed use.

(iv) Setbacks

Non-residential development shall be setback in accordance with the Residential Planning Codes with respect to grouped dwellings under the R17.5 density code.

(v) Landscaping

An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscaped area shall be provided—

- along the street frontage(s) of the subject land to a minimum depth of 2 metres; and
- in the form of a 1.5 metre strip adjacent to any side or rear lot boundary adjoining a residential lot.

(vi) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

(vii) Appearance of Buildings (refer also to Planning Policy 2)

Existing or proposed buildings intended to contain non-residential uses and associated signage shall be designed or developed to represent a residential appearance and character and—

- in the case of an existing residential building that is to be used for non-residential uses, any internal alterations shall not preclude the conversion of the building to allow residential occupancy at some future date;
- in the case of the conversion of older housing stock for non-residential uses the residential building shall be upgraded and refurbished to a high standard.

5.6 Precinct 2—Coventrys

5.6.1 Permitted Uses

Office
Warehouse
Research and Development
Service Station
Convenience Store
Vehicle Sales and Service

5.6.2 Discretionary Uses

Public Open Space
Grouped Dwelling
Multiple Dwelling
Fast Food Outlet
Restaurant

5.6.3 Development Requirements

(a) Residential Development

(i) Residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.

(ii) Building Height

Buildings shall not exceed a height of three storeys.

(b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

The plot ratio of a development shall not exceed—

— 1.0:1 if the proposed development is used solely for non-residential purposes; or

— 2.0:1 provided that no less than 0.5:1 of the total plot ratio of a development is used for residential purposes.

(ii) Building Height

Buildings shall not exceed a height of three storeys.

(iii) Car Parking

Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

(iv) Setbacks

Non-residential development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.

(v) Landscaping

An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscaped area shall be provided—

— where practicable, along the Lennon Street frontage of lots to a minimum depth of 5 metres; and

— along all other street frontages to a minimum depth of two metres.

A reduction in the required area of landscaping will be considered by the Council if an applicant can demonstrate that the proposed landscaping will be of a high quality and will incorporate mature trees and significant vegetation that will provide a visual buffer for residential areas adjacent to commercial land uses.

(vi) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

(vii) Appearance

Buildings shall be designed and orientated so that the main entrance is visible and easily accessible from the street.

(viii) Materials

Building facades that front any street shall be constructed of masonry and/or glass materials.

5.7 Precinct 3— Wellington

5.7.1 Permitted Uses

Recreation Facilities
Public Open Space
Community Activities
Child Care Centre
Civic Building
Hall
Consulting Rooms
Medical Centre
Office
Fast Food Outlet
Club Premises

5.7.2 Discretionary Uses

Car Park
Grouped Dwelling
Multiple Dwelling

5.7.3 Development Requirements

(a) Residential Development

(i) Subject to Sub-Clauses (iii) and (iv) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.

(ii) Building Height

Buildings shall not exceed a height of five storeys.

(iii) Car Parking

Development of lots fronting Walter Road shall provide parking at the rear of lots.

(iv) Setbacks

Development may be permitted to have a nil setback to Walter Road.

(b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

Subject to Sub-Clause (ii) of this clause, development shall not exceed a plot ratio of 1.0:1.

(ii) Bonus Plot Ratio

The plot ratio of development on lots fronting Walter Road shall not exceed—

- 1.5:1 if the proposed development is used solely for non-residential purposes; or
- 2.5:1 provided that no less than 0.5:1 of the total plot ratio of the development is used for residential purposes;

provided that the proposed development—

- includes the amalgamation of two or more lots;
- allows for the provision of shared access to car parking areas through the creation of easements on the Certificates of Title of adjoining lots; and
- includes the submission of a comprehensive plan showing how the proposed development makes provision for car parking, shared vehicle access and future pedestrian links.

(iii) Building Height

Buildings shall not exceed a height of five storeys.

(iv) Car Parking

Car parking shall be provided—

- in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use; and
- in relation to the development of lots fronting Walter Road, at the rear of the lot.

(v) Setbacks

Non residential development shall have a nil setback to Walter Road and in all other cases, development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.

(vi) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

5.8 Precinct 4—Charnwood

5.8.1 Permitted Uses

Single House

Grouped Dwelling

Ancillary Accommodation

Aged or Dependant Persons' Dwelling

Single Bedroom Dwelling

5.8.2 Discretionary Uses

Public Open Space

Child Care Centre

Consulting Rooms

5.8.3 Development Requirements

(a) Residential Development

(i) Subject to Sub-Clause (ii) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R20 density code.

(ii) An increase in the dwelling density by up to a maximum of 40 dwellings per hectare shall be considered by the Council subject to the proposed development satisfying the following criteria—

- connection to reticulated sewer;
- retention of mature trees on the site;

- the existing dwelling being retained if it is considered worthy of retention, contributes to the streetscape and has not reached the end of its economic life;
 - new development maintaining or enhancing the character of the streetscape;
 - compliance with the Residential Planning Codes with respect to the R40 dwelling density code.
- (iii) Building Height
Development shall not exceed a height of two storeys.
- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;
- (i) Plot Ratio
Development shall not exceed a plot ratio of 0.5:1.
 - (ii) Building Height
Development shall not exceed a height of two storeys.
 - (iii) Car Parking
Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.
 - (iv) Setbacks
Non-residential development shall be setback in accordance with the Residential Planning Codes with respect to the R20 density code.
 - (v) Landscaping
An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscaped area shall be provided—
 - along the street frontage(s) of the subject land to a minimum depth of 2 metres; and
 - residential lot.
 - (vi) Shade Trees
Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.
 - (vii) Appearance of Buildings (refer also to Planning Policy 2)
Existing or proposed buildings intended to contain non-residential uses and associated signage shall be designed or developed to represent a residential appearance and character and—
 - in the case of an existing residential building that is to be used for non-residential uses, any internal alterations shall not preclude the conversion of the building to allow residential occupancy at some future date;
 - in the case of the conversion of older housing stock for non-residential uses the residential building shall be upgraded and refurbished to a high standard.

5.9 Precinct 5—Johnsmith

5.9.1 (a) Permitted Uses

Single House
Grouped Dwelling
Multiple Dwelling
Aged or Dependant Persons' Dwelling
Single Bedroom Dwelling
Ancillary Accommodation
Office—subject to Sub-clause (b) of this clause.
Consulting Rooms

(b) Office Uses are permitted only on lots with direct frontage to Collier Road and Walter Road.

5.9.2 (a) Discretionary Uses

Child Care Centre
Car Park
Public Open Space
Local Shop—subject to Sub-clause (b) of this clause.

(b) A Local Shop shall only be permitted on lots with direct frontage to Collier Road and Walter Road.

5.9.3 Development Requirement

(a) Residential Development

- (i) Subject to Sub-Clause (ii) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R60 density code.
- (ii) Building Height
Development shall not exceed a height of three storeys except in the case of Aged Persons' Dwellings which shall not exceed two storeys.

- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;
- (i) Plot Ratio
Subject to Sub-Clause (ii) of this clause, development shall not exceed a plot ratio of 1.0:1.
 - (ii) Bonus Plot Ratio
The plot ratio of development on lots fronting Collier Road shall not exceed 1.5:1 provided that the proposed development satisfies the following criteria—
 - the proposed development allows for the provision of shared access to car parking areas through the creation of easements on the Certificates of Title of adjoining lots; and
 - a comprehensive plan is submitted showing how the proposed development makes provision for shared vehicle access.
 - (iii) Building Height
Development shall not exceed a height of three storeys.
 - (iv) Car Parking
Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.
 - (v) Setbacks
Non-residential development shall be setback in accordance with the Residential Planning Codes with respect to the R60 density code.
 - (vi) Landscaping
An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscaped area shall be provided—
 - along the street frontage(s) of the subject land to a minimum depth of 2 metres; and
 - in the form of a 1.5 metre strip adjacent to any side or rear lot boundary adjoining a residential lot.
 - (vii) Shade Trees
Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.
 - (viii) Appearance of Buildings (refer also to Planning Policy 2)
Existing or proposed buildings intended to contain non-residential uses and associated signage shall be designed or developed to represent a residential appearance and character and—
 - in the case of an existing residential building that is to be used for non-residential uses, any internal alterations shall not preclude the conversion of the building to allow residential occupancy at some future date;
 - in the case of the conversion of older housing stock for non-residential uses the residential building shall be upgraded and refurbished to a high standard.

5.10 Precinct 6— Marchant

5.10.1 Permitted Uses

Showroom
Warehouse
Office
Garden Centre
Vehicle Sales and Service
Research and Development
Consulting Rooms
Food Manufacturing

5.10.2 Discretionary Uses

Grouped Dwelling
Multiple Dwelling
Community Activities
Child Care Centre
Public Open Space
Recreation Facilities
Local Shop
Service Industry

5.10.3 Development Requirements

(a) Residential Development

Residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.

- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;
- (i) Plot Ratio
The plot ratio of a development shall not exceed—
 - 1.0:1 if the proposed development is used solely for non-residential purposes; or
 - 2.0:1 provided that no less than 0.5:1 of the total plot ratio of a development is used for residential purposes.
 - (ii) Building Height
Buildings shall not exceed a height of three storeys.
 - (iii) Car Parking
Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.
 - (iv) Setbacks
Buildings shall be setback a distance of 4.5 metres from any street except Russell Street where buildings shall be setback a maximum distance of 4.5 metres.
 - (v) Landscaping
An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscape area shall be provided—
 - along the street frontage(s) of the subject land to a minimum depth of 2 metres; and
 - in the form of a 1.5 metre strip adjacent to any side or rear lot boundary adjoining a residential lot.A reduction in the required area of landscaping will be considered by the Council if an applicant can demonstrate that the proposed landscaping will incorporate mature trees and significant vegetation.
 - (vi) Shade Trees
Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.
 - (vii) Materials
Building facades that front any street shall be constructed of masonry and/or glass materials.

5.11 Precinct 7— John Forrest

5.11.1 Permitted Uses

Educational Establishment

Civic Building

Community Activities

Hall

5.11.2 Development shall be undertaken having due regard to the provisions of Planning Policy 2 and in accordance with the requirements of the following Sub-Clauses;

- (a) Plot Ratio
Development shall not exceed a plot ratio of 0.5:1.
- (b) Building Height
Buildings shall not exceed a height of three storeys.
- (c) Car Parking
Car Parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.
- (d) Landscaping
An area of 15% of a site shall be designed, developed and maintained as landscaped area and the required landscaped area shall be provided in the form of a 10 metre wide strip adjacent to all street frontages.
- (e) Shade Trees
Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.
- (f) Setbacks
Buildings shall be setback a maximum distance of 4.5 metres from Russell Street.

5.12 Precinct 8— Catherine

5.12.1 Permitted Uses

Office

Consulting Rooms

Research and Development

Community Activities

Grouped Dwelling

Multiple Dwelling
Aged or Dependant Persons' Dwelling
Single Bedroom Dwelling
Serviced Apartments

5.12.2 Discretionary Uses

Showroom
Warehouse
Public Open Space
Recreation Facilities
Local Shop
Service Industry

5.12.3 Development Requirements

(a) Residential Development

- (i) Subject to Sub-Clause (iv) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.
- (ii) An increase in the dwelling density by up to a maximum of 50% shall be considered by the Council subject to the proposed development satisfying one or more of the following criteria—
 - the proposed development removes a non-listed or non-conforming use from the subject land, as defined in the Scheme;
 - the proposed development includes the amalgamation of two or more lots; and
 - the development includes the retention of significant vegetation on the site or incorporates the planting of mature trees.

(iii) Building Height

Buildings shall not exceed a height of three storeys.

(iv) Setbacks

Development shall be setback—

- a maximum of 4.5 metres from Rudloc Road, Russell Street and Catherine Street;
- a maximum of 4.5 metres from the pedestrian movement system shown on the Precinct Map.

(b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

The plot ratio of a development shall not exceed—

- 1.0:1 if the proposed development is used solely for non-residential purposes; or
- 2.0:1 provided that no less than 0.5:1 of the total plot ratio of the development is used for residential purposes.

(ii) Building Height

Buildings shall not exceed a height of three storeys.

(iii) Car Parking

Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

(iv) Setbacks

Development shall be setback—

- 4.5 metres from Rudloc Road, Russell Street and Catherine Street;
- a maximum of 4.5 metres from the pedestrian movement system shown on the Precinct Map.

In all other cases, development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.

(v) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

(c) Pedestrian Movement (refer also to Planning Policy 3)

- (i) Development applications for land adjacent to the proposed pedestrian movement system shall include a comprehensive plan showing how the proposed development provides through pedestrian access.
- (ii) Buildings adjoining the pedestrian link shall be designed to maximise casual visual surveillance by having at least one window of a habitable room overlooking the pedestrian link.
- (iii) The Council will consider variations to any of the provisions in this Precinct Statement to encourage the provision of a pedestrian link for public access.

5.13 Precinct 9— Central

5.13.1 Permitted Uses

Office
Consulting Rooms
Research and Development
Community Activities
Public Open Space
Grouped Dwelling
Multiple Dwelling
Aged or Dependant Persons' Dwelling
Single Bedroom Dwelling
Serviced Apartments

5.13.2 Discretionary Uses

Showroom
Warehouse
Local Shop
Service Industry
Entertainment Venue

5.13.3 Development Requirements

(a) Residential Development

- (i) Subject to Sub-Clause (iv) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.
- (ii) An increase in the dwelling density by up to a maximum of 50% shall be considered by the Council subject to the proposed development satisfying the following criteria—
 - the proposed development removes a non-listed or non-conforming use from the subject land, as defined in the Scheme;
 - the proposed development includes the amalgamation of two or more lots; and
 - the development includes the retention of significant vegetation on the site or incorporates the planting of mature trees.

(iii) Building Height

Buildings shall not exceed a height of five storeys.

(iv) Setbacks

Development—

- may be permitted to have a nil setback to Russell Street and in no case shall the front setback exceed three metres to Russell Street;
- shall be setback 4.5 metres from Rudloc Road and Boag Road; and
- shall be setback a maximum of 4.5 metres from Boag Place, Bookham Street and the pedestrian movement system/open space area shown on the Precinct Map.

- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

The plot ratio of a development shall not exceed—

- 1.5:1 if the proposed development is used solely for non-residential purposes; or
- 2.5:1 provided that no less than 0.5:1 of the total plot ratio of the development is used for residential purposes.

(ii) Building Height

Buildings shall not exceed a height of five storeys.

(iii) Car Parking

Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

(iv) Setbacks

Development—

- may be permitted to have a nil setback to Russell Street and in no case shall the front setback exceed three metres to Russell Street;
- shall be setback 4.5 metres from Rudloc Road and Boag Road; and
- shall be setback a maximum of 4.5 metres from Boag Place, Bookham Street and the pedestrian movement system/open space area shown on the Precinct Map.

In all other cases, development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.

(v) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

- (c) Pedestrian Movement (refer also to Planning Policy 3)
 - (i) Development applications for land adjacent to the proposed pedestrian movement system shall include a comprehensive plan showing how the proposed development provides through pedestrian access.
 - (ii) Buildings adjoining the pedestrian link shall be designed to maximise casual visual surveillance by having at least one window of a habitable room overlooking the pedestrian link.
 - (iii) The Council will consider variations to any of the provisions in this Precinct Statement to encourage the provision of a pedestrian link for public access.
- (d) Vehicle Access (refer also to Planning Policy 3)
 - (i) Development on lots fronting Russell Street shall not obtain vehicle access from Russell Street where access can be obtained from a secondary street frontage.
 - (ii) Where an alternative access point to a development is not available for lots fronting Russell Street provision should be made for shared vehicle access through the creation of easements on the Certificates of Title of adjoining lots.

5.14 Precinct 10— Walter

5.14.1 Permitted Uses

Office
Consulting Rooms
Research and Development
Showroom
Grouped Dwelling
Multiple Dwelling
Aged or Dependant Persons Dwelling
Single Bedroom Dwelling
Serviced Apartments

5.14.2 Discretionary Uses

Community Activities
Vehicle Sales and Service
Warehouse
Local Shop
Service Industry

5.14.3 Development Requirements

- (a) Residential Development
 - (i) Subject to Sub-Clause (iv) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.
 - (ii) An increase in the dwelling density by up to a maximum of 50% shall be considered by the Council subject to the proposed development satisfying the following criteria—
 - the proposed development removes a non-listed or non-conforming use from the subject land, as defined in the Scheme;
 - the proposed development includes the amalgamation of two or more lots; and
 - the development includes the retention of significant vegetation on the site or incorporates the planting of mature trees.
 - (iii) Building Height
Buildings shall not exceed a height of three storeys.
 - (iv) Setbacks
Development shall be setback—
 - a maximum of 4.5 metres Walter Road and Boag Road;
 - a maximum of 4.5 metres from Russell Street and the pedestrian movement system shown on the Precinct Map.
- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;
 - (i) Plot Ratio
The plot ratio of a development shall not exceed—
 - 1.0:1 if the proposed development is used solely for non-residential purposes; or
 - 2.0:1 provided that no less than 0.5:1 of the total plot ratio of the development is used for residential purposes.
 - (ii) Building Height
Buildings shall not exceed a height of three storeys.
 - (iii) Car Parking
Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

- (iv) **Setbacks**
Development shall be setback—
 - 4.5 metres from Russell Street, Walter Road and Boag Road;
 - a maximum of 4.5 metres from the pedestrian movement system shown on the Precinct Map.In all other cases, development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.
- (v) **Shade Trees**
Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.
- (c) **Pedestrian Movement** (refer also to Planning Policy 3)
 - (i) Development applications for land adjacent to the proposed pedestrian movement system shall include a comprehensive plan showing how the proposed development provides through pedestrian access.
 - (ii) Buildings adjoining the pedestrian link shall be designed to maximise casual visual surveillance by having at least one window of a habitable room overlooking the pedestrian link.
 - (iii) The Council will consider variations to any of the provisions in this Precinct Statement to encourage the provision of a pedestrian link for public access.

5.15 Precinct 11—Drake

5.15.1 Permitted Uses

Single House
Grouped Dwelling
Ancillary Accommodation

5.15.2 Discretionary Uses

Public Open Space
Community Activities
Child Care Centre
Consulting Rooms

5.15.3 Development Requirements

(a) Residential Development

- (i) Residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R40 code.

(ii) Building Height

Development shall not exceed a height of two storeys.

- (b) **Mixed Use and Non-Residential Development** shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

Development shall not exceed a plot ratio of 0.5:1.

(ii) Building Height

Development shall not exceed a height of two storeys.

(iii) Car Parking

Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

(iv) Setbacks

Non-residential development shall be setback in accordance with the Residential Planning Codes with respect to the R40 density code.

(v) Landscaping

An area of 15% of a site shall be designed, developed and maintained as landscaped area. The required landscaped area shall be provided—

- along the street frontage(s) of the subject land to a minimum depth of 2 metres; and
- in the form of a 1.5 metre strip adjacent to any side or rear lot boundary adjoining a residential lot.

(vi) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

(vii) Appearance of Buildings (refer also to Planning Policy 2)

Existing or proposed buildings intended to contain non-residential uses and associated signage shall be designed or developed to represent a residential appearance and character and—

- in the case of an existing residential building that is to be used for non-residential uses, any internal alterations shall not preclude the conversion of the building to allow residential occupancy at some future date;

- in the case of the conversion of older housing stock for non-residential uses the residential building shall be upgraded and refurbished to a high standard.

5.16 Precinct 12— City Centre

5.16.1 Permitted Uses

Shop
Office
Consulting Rooms
Medical Centre
Hotel
Tavern
Car Park
Theatre
Cinema
Restaurant
Fast Food Outlet
Hall
Child Care Centre
Civic Building
Community Activities
Multiple Dwelling
Serviced Apartments
Public Open Space
Recreation Facilities

5.16.2 Discretionary Uses

Showroom
Garden Centre
Convenience Store
Service Station
Research and Development
Betting Agency
Automatic Car Wash
Dry Cleaning Premises
Hostel
Entertainment Venue
Laundromat
Educational Establishment
Food Manufacturing
Market

5.16.3 Development Requirements

(a) Residential Development

- (i) Subject to Sub-Clause (ii) of this clause, residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Planning Codes with respect to the R80 density code.

(ii) Setbacks

Development may be permitted to have a nil setback to all street frontages.

- (b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following Sub-Clauses;

(i) Plot Ratio

The plot ratio of a development shall not exceed 2.5:1.

(ii) Car Parking

Car parking shall be provided in accordance with the requirements stipulated by Table 1 of the Scheme with respect to the proposed use.

(iii) Setbacks

Development may be permitted to have a nil setback to all street frontages.

(iv) Shade Trees

Shade trees shall be provided in open air at grade car parking areas at a rate of 1 tree per 6 car bays.

(c) Pedestrian Movement (refer also to Planning Policy 3)

- (i) Development applications shall include a comprehensive plan showing how the proposed development provides through pedestrian access in accordance with the pedestrian movement system shown on the Precinct Map.

- (ii) The Council will consider variations to any of the provisions in this Precinct Statement to encourage the provision of a pedestrian link for public access.

(d) Vehicle Access (refer also to Planning Policy 3)

- (i) Development on lots fronting Russell Street shall not obtain vehicle access from Russell Street where access can be obtained from a secondary street frontage.

- (ii) Where an alternative access point to a development is not available for lots fronting Russell Street provision should be made for shared vehicle access through the creation of easements on the Certificates of Title of adjoining lots.
- (e) Retail Floor Space
The maximum retail floorspace in this Precinct shall not exceed 86,000m² NLA as identified in the *Morley Regional Centre Structure Plan (1992)* unless otherwise approved by the Council and the Western Australian Planning Commission following a review of the Structure Plan.

6.—RESERVED LAND

6.1 Regional Reservations

The land shown as "Metropolitan Region Scheme Reserves" on the Scheme Map are lands reserved by the Western Australian Planning Commission pursuant to the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. The said lands are not reserved by the Scheme.

6.2 Local Reserves

The lands shown as Local Authority Reservations on the Scheme Map (hereinafter referred to as 'Local Reserves') are lands reserved by the Scheme for local purposes or for the purposes shown on the said map. These lands are vested in or shall be acquired by the Council.

6.3 Use of Local Reserves

Local Reserves until vested in the Council may be used—

- 6.3.1 for the purpose for which the land is reserved under this Scheme;
- 6.3.2 where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority;
- 6.3.3 for the purpose for which it was used at the date upon which the Scheme came into operation unless the land shall have in the meantime become vested in a public authority, or unless such use shall have been changed with the approval of the Council;
- 6.3.4 for any purpose approved by the Council;

but shall not be used for any other purpose.

6.4 Development of Local Reserves

6.4.1 No person shall on a Local Reserve, without the approval of the Council—

- (a) demolish or damage any building or works;
- (b) remove or damage any tree;
- (c) excavate, spoil or waste the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved;
- (d) construct, extend or alter any building or structure, other than a boundary fence.

6.4.2 The Council may on written application of the owner of a Local Reserve either grant its approval to the carrying out of any of the works mentioned in the Subclause immediately preceding or refuse its approval or grant its approval upon such conditions as it thinks fit.

6.4.3 Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

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

6.4.5 In lieu of paying compensation, the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

6.4.6 The Council may deal with or dispose of a Local Reserve upon such terms and conditions as it thinks fit provided that the land is used for, or preserved for, the use for which the land is reserved.

6.5 Public Use Reserves

Where land shown as Public Use Reserve on the Scheme Map is no longer required for the purpose shown on the said map, a person may apply to the Council for approval to commence development on the land and the Council—

- 6.5.1 shall determine the application having regard to the factors set out in Clause 3.8 of the Scheme and having particular regard to the compatibility of the proposed use with the land uses in the locality and the use to which land immediately surrounding the land the subject of the application may be put under the Scheme; and
- 6.5.2 shall not approve the application unless the authority, body or person who has the management and control of the reserve, or in which or whom the reserve is vested, also approves in writing the proposed development;

6.5.3 may, before considering the application, invoke the referral provisions of Clause 3.7 of the Scheme.

SCHEDULES**SCHEDULE 1— INTERPRETATIONS**

In this Scheme unless the context otherwise requires—

ACT

means the Town Planning and Development Act 1928 (as amended);

ADVERTISEMENT

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and includes flags, bunting or balloons and any other thing displayed in such a way as to draw attention of the public to any person, product, business, undertaking or thing whatsoever. The term also includes any temporary device and any electoral sign;

AMENITY

means the sum of the expectations of the residents concerning the quality of their environment including its pleasantries, character, beauty, harmony in the exterior design of building, privacy and security;

AMUSEMENT AREA

means an area set aside in a shop, take away food shop or other premises for the provision of not more than two amusement machines;

AMUSEMENT MACHINE

means a machine, device or game provided or designed for amusement or at or on which games or competitions are played and, without limiting the generality of the foregoing, includes pin-ball machines, slot machine games, bagatelle tables and computer controlled electronic games;

APPENDIX

means an appendix to the Scheme;

APPLICANT

means a person or body who is the owner or is authorised by the owner to make an application for development, subdivision or lease of land or to act on any other matter in relation to the land;

AUTOMATIC CAR WASH

means a building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means;

BETTING AGENCY

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

BUILDING

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

BUILDING CODE OF AUSTRALIA

means the Building Code of Australia, 1988 (as amended);

CAR PARK

means land or premises used primarily for parking private cars or taxis whether or not—

(a) as a public or private car park; or

(b) for reward;

but does not include—

(c) any part of a public road used for parking or a taxi rank; or

(d) any premises used for the display of cars for sale;

CHILD CARE CENTRE

means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended), or other persons under the Home and Community Care or any similar programme;

CINEMA

means any land or building where the public may view a motion picture or theatrical production;

CITY

means the City of Bayswater;

CIVIC BUILDING

means a building or land used by—

(a) a Government department;

(b) a Statutory body representing the Crown; or

(c) the City or Council;

as offices for administrative, recreational or other purposes;

CLUB PREMISES

means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the Liquor Licensing Act, 1988 or not and which building or premises are not otherwise classified under the provisions of this Scheme;

COMMISSION

means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985;

COMMUNITY ACTIVITIES

means a range of non-commercial activities which are generally supported by public funds and which are open to the public;

CONSERVATION

has the meaning assigned to that term in the Heritage of Western Australia Act, 1990;

CONSULTING ROOMS

mean any building or part thereof used in the practice of a profession by legally qualified medical practitioners or dentists, or by physiotherapists, masseurs, chiropractors, chiropodists, or persons ordinarily associated with the investigation or treatment of physical or mental injuries or ailments but does not include a hospital or medical centre;

CONVENIENCE STORE

means land and buildings—

(a) used for the retail sale of—

(i) convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents—

and

(ii) petrol;

(b) operated during hours which include but which may extend beyond normal trading hours;

(c) providing associated parking; and

(d) the buildings of which do not have a gross leasable area greater than 300m²;

COUNCIL

means the Council of the City of Bayswater;

CULTURAL HERITAGE SIGNIFICANCE

has the meaning given to the term in the Heritage of Western Australia Act, 1990;

DEVELOPMENT

shall have the same meaning given to it in the Act;

DEVELOPMENT APPROVAL

means approval to undertake development granted by the Council under the Act or this Scheme;

DEVELOPMENT REQUIREMENTS

means the requirements for development in each Precinct as stipulated in Part 5 of the Scheme;

DRY CLEANING PREMISES

means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

DWELLING

has the same meaning as given to the term in the Residential Planning Codes;

EDUCATIONAL ESTABLISHMENT

means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;

ENTERTAINMENT VENUE

means a place which provides active and/or passive recreation for the amusement and entertainment of the public, with or without charge, and includes but is not limited to a restaurant, hotel, nightclub, market, cinemas, theatres, food hall, indoor sports centre, fitness centre and premises within which there are proposed to be more than three amusement machines.

FAST FOOD OUTLET

means premises where food is prepared and sold for consumption on the premises and to be taken away and the operation of which is likely to attract considerable vehicular traffic to those premises for short periods;

FLOOR AREA

shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended);

FOOD MANUFACTURING PREMISES

means the carrying out of any process in the course of trade or business for the purpose of the manufacture, preparation and sale from the queries of edible goods;

FRONTAGE

shall have the same meaning as given to the term in the Residential Planning Codes;

GARDEN CENTRE

means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;

GROSS FLOOR AREA

means, in relation to a building used for office, commercial, industrial, recreational purposes, the total floor area within the building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building;

GROUPED DWELLING

shall have the same meaning as given to the term in the Residential Planning Codes;

HALL

means a structure designed and used for commercial gatherings or public meetings or by community groups;

HERITAGE PLACE

means a place within the meaning of that term in the Heritage of Western Australia Act, 1990 which is the subject of a notice under Subclause 2.17.2 of the Scheme (and in respect of which the time for appealing against a notice has expired or an appeal has been made and dismissed);

HERITAGE OBJECT

means an object which is the subject of a notice under Subclause 2.17.2 of the Scheme (and in respect of which the time for appealing has expired or an appeal has been made and dismissed);

HOME OCCUPATION

means an activity or business conducted within a dwelling or within the boundaries of the lot upon which a dwelling is constructed and conducted by a resident or residents of that dwelling;

HOSTEL

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

HOTEL

means premises in respect of which there is granted a hotel licence under the Liquor Licensing Act, 1988;

LAND

has the meaning given to that term in the Act;

LAUNDROMAT

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

LOCAL SHOP

means a shop in which the only goods sold are foodstuffs, toiletries, stationery or goods of similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop;

MARKET

means any land or buildings used for a fair, a farmer's or producer's market or a swapmeet in which the business carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental;

MEDICAL CENTRE

means a building (other than a hospital) that contains or is intended to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of 'consulting rooms' but also for ancillary services such as chemists, pathologists and radiologists;

METROPOLITAN REGION SCHEME

has the meaning assigned to it by the Metropolitan Region Town Planning Scheme Act 1959;

METROPOLITAN REGION SCHEME ACT

means the Metropolitan Region Town Planning Scheme Act 1959;

MINISTER

means the Minister for Planning;

MOTOR VEHICLES AND MARINE SALES PREMISES

means land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

MULTIPLE DWELLING

shall have the same meaning as given to the term in the Residential Planning Codes;

MUNICIPAL INVENTORY

means the record kept pursuant to Clause 3.17 of the Scheme which has regard to heritage places and heritage objects;

NET LETTABLE AREA (NLA)

means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas—

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

OFFICE

means a building or part of a building used for the administration of a business including professional offices, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist/secretarial services, or business of a similar nature;

OWNER

- (a) when used in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as—
 - (i) the holder of a legal or equitable estate of freehold in possession in the land;
 - (ii) Crown lessee with a right to purchase or acquire the freehold;
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney or agent of any of the foregoing;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee;
- (c) in regard to State Crown land not vested in any department, authority, instrumentality, council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia;
- (d) in regard to State Crown land vested in any department, authority, instrumentality, Council, body or person for any purpose, means that department, authority, instrumentality, council, body or person; and
- (e) when used in relation to the payment of General and Precinct Costs, means the Owner as defined in paragraphs (a), (b), (c) and (d) of this interpretation at the time of the service or notices of these costs but excludes any succeeding or preceding Owner;

PLOT RATIO

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

PRECINCT

means a precinct referred to in Part 5 of this Scheme;

PRESERVATION

includes 'conservation' as defined in the Heritage of Western Australia Act, 1990;

PUBLIC AUTHORITY

has the meaning as is given to it in the Act;

PUBLIC WORSHIP—PLACE OF

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

PUBLIC OPEN SPACE

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

PUBLIC UTILITY

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

RESIDENTIAL CODES/'R' CODES

means the Residential Planning Codes set out in Appendix 2 to the State Planning Commission Approved Statement of Planning Policy No. 1 as amended;

RECREATION FACILITIES

means any land or building or part of a building used for passive recreation or for a public tennis court, public swimming pool, squash court or squash centre, basketball centre, gymnasium, ice or roller skating rink, physical health studio, or other similar facility;

REGULATIONS

means the Town Planning Regulations 1967 (as amended);

RESEARCH AND DEVELOPMENT

means a place of scientific and industrial research and the development, production and assembly of products associated with such research;

RESTAURANT

means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant, cafe or night club. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;

RETIREMENT VILLAGE

means a development containing accommodation for aged persons together with ancillary facilities;

SCHEDULE

means a schedule to the Scheme;

SERVICED APARTMENTS

means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel or a lodging house;

SERVICE INDUSTRY

means any land and building—

- (a) which building has a retail shopfront; and
- (b) from which goods manufactured in the building are sold; or
- (c) which is used as a depot for receiving goods to be serviced;

SERVICE STATION

means land and building used for the supply of motor vehicle fuel to the public and may include the supply of other petroleum products, automotive accessories and the greasing, servicing and repairing of motor vehicles but does not include a fuel depot or automotive panel beating, spray painting or wrecking or a Convenience Store;

SHOP

means a premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) and includes the manufacture of food incidental to the predominate use, but does not include a showroom or fast food outlet.

SHOWROOM

means premises used for displaying or offering for sale by wholesale or retail, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.

TAVERN

means premises in respect of which there is granted a tavern licence under the Liquor Licensing Act 1988;

THEATRE

means any land or building where the public may view a motion picture or theatrical production;

TRAVEL AGENCY

means an office or shop which makes travel arrangements for clients;

VETERINARY CLINIC

means any premises used in practice by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals;

WAREHOUSE

means any building or enclosed land, used for the storage of goods whether or not commercial transactions involving the sale of such goods by wholesale are carried out in or on that building or land;

In this Scheme, unless the contrary intention appears, a reference to—

- (a) land, includes part of the land;
- (b) premises, includes part of the premises; and
- (c) a building, includes part of a building;

SCHEDULE 2

FORM 3

CITY OF BAYSWATER

NOTIFICATION OF A HERITAGE PLACE/OBJECT

Notice is hereby given that, pursuant to the provisions of the Morley Regional Centre Scheme, the City of Bayswater has resolved to list the following Place/Object in its Register of Heritage Places.

Place/Object

Situated at

Name and Address of Owner to Whom this Notice Applies

Statement of Significance

Formal listing of the above Place will render it subject to the special provisions of the Morley Regional Centre Scheme relating to heritage preservation.

Should you be aggrieved by this resolution an appeal may be lodged within 60 days of the date of this notice in accordance with the provisions of Part V of the Town Planning and Development Act 1928 (as amended).

.....

MAYOR
CITY OF BAYSWATER

DATE

SCHEDULE 3

FORM 4

CITY OF BAYSWATER

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(To be completed in addition to Application to Undertake Development—Form 1)

1. Name of Landowner(s)

2. Name of Advertiser/Applicant

3. Address for correspondence

Telephone Number

4. Description of Property upon which advertisement is to be displayed

5. Details of Proposed Advertisement/Sign

(a) Width Depth.....

(b) Colours to be used

(c) Height above ground level (to top of advertisement)

(to underside)

(d) State type of structure upon which the advertisement is to be erected (ie. free standing, wall mounted, other)

(e) Illuminated YES/NO

If yes, state whether steady, moving, flashing, alternating, digital, animated, scintillating etc.

6. Period of time for which advertisement is required

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

* Application is to be supported by a photograph or impression of the premises/property showing superimposed thereon the position of the proposed advertisement.

Signature of Advertiser/Applicant

Date.....

APPENDICES

APPENDIX 1— SCHEME MAP

ADOPTION (Regulation 13 (1))

1. Adopted by resolution of the Council of the City of Bayswater at a meeting of the Council held on—
27th day of August 1996.
2. Modifications adopted by the Council of the City of Bayswater at meetings of the Council held on—
27 May 1997
23 September 1997
24 February 1998

J. D'ORAZIO, Mayor.

Date 28/3/00.

M. J. CAROSELLA, Chief Executive Officer.

Date 28/3/00.

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Bayswater at a meeting of the Council held on—
8th day of February 1999.
2. Modifications adopted by the Council of the City of Bayswater at meetings of the Council held on—
22 June 1999
22 February 2000,

The Seal of the Municipality was pursuant to the above resolutions hereunto affixed in the presence of—

J. D'ORAZIO, Mayor.

Date 28/3/00.

M. J. CAROSELLA, Chief Executive Officer.

Date 28/3/00.

3. Recommended for final approval by the Western Australian Planning Commission—

V. McMULLEN, for Chairman,
Western Australian Planning Commission.

Date 31/3/00.

4. Final approval granted—

G. KIERATH, Minister for Planning.

Date 1/4/00.

PREMIER AND CABINET

PR401

PUBLIC SECTOR MANAGEMENT ACT 1994
CHIEF EXECUTIVE OFFICER APPOINTMENTS

The Government of Western Australia is keen to ensure that chief executive officers of all public service departments and agencies are the most suitable for the position. I have therefore decided that it is generally preferable to advertise chief executive officer positions at the expiry of existing appointments to ensure that competitive and merit-based appointments are made. This approach should not, however, be seen as a reflection upon the capacity of current chief executive officers whose terms of appointment have expired. I expect that present occupants will, in most cases, wish to apply for appointment to advertised positions.

Having received and considered relevant advice in respect of the chief executive officers listed below, I, Richard Fairfax Court MLA, Minister for Public Sector Management, notify that I have not recommended the reappointment of—

Agency	Title	Name of Current Occupant
Great Southern Development Commission	Director	Mr Peter Cook
Kimberley Development Commission	Director	Mr Jeff Gooding
Peel Development Commission	Director	Mr John Styants
Wheatbelt Development Commission	Director	Mr David Singe

I shall soon be requesting the Commissioner for Public Sector Standards to act to enable the filling of these vacancies.

RICHARD COURT, Premier and
 Minister for Public Sector Management.

RACING, GAMING AND LIQUOR

RA401

LIQUOR LICENSING ACT 1988
SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
7737/1999	Attest Pty Ltd	Application for the grant of a Producer licence in respect of premises situated in Karridale and known as Alexandra Bridge Estate.	11/5/2000
7747/1999	Chi Tat (Andy) Chui	Application for the grant of a Restaurant licence in respect of premises situated in Ballajura and known as Buffet World Family Restaurant.	16/5/2000
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
4022/1999	Raminea Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Paraburdoo and known as Paraburdoo Inn.	1/5/2000

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, Acting Director of Liquor Licensing.

TRANSPORT

TR401***WESTERN AUSTRALIAN MARINE ACT 1982**
CLOSURE OF NAVIGABLE WATERS
GLEN MERVYN DAMDepartment of Transport,
Fremantle WA, 28 April 2000.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982 the Department of Transport by this notice revokes paragraph (a)(17) of notice TR402 as published in the *Government Gazette* of 27 January 1995 relating to the closure of navigable waters within Glen Mervyn Dam.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

TR402***WESTERN AUSTRALIAN MARINE ACT 1982**
RESTRICTED SPEED AREAS—ALL VESSELS
PORT OF PERTH—SWAN RIVERDepartment of Transport,
Fremantle WA, 28 April 2000.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department of Transport by this notice limits the speed of motor vessels to that of six (6) knots within the following area—

Barrack Street Channel—Swan River—Perth

All those waters contained within 160 metres of the foreshore from Barrack Street Jetty (West) to Plain Street, including the Barrack Street Channel.

Providing that this speed limit will apply only between 6am to 4pm on Sunday 30 April 2000 for the purpose of conducting the Qantas 2000 ITU Triathlon World Championship.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

WORKSAFE

WS401**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13
(No. 3 of 2000)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Collex Pty Limited from the requirements of Regulation 3.67(1) of the *Occupational Safety and Health Regulations 1996* in relation to continuous handrailing at the points of access between the different levels on the scaffold, subject to the following conditions—

- (i) this exemption applies only to scaffolding used for the refurbishment of Woodsides' wharf at the King Bay Supply Base in Dampier where high pressure water blasting is under way;
- (ii) the scaffold otherwise complies with the requirements of AS/NZS 1576:1995 and as applicable AS/NZS 4576:1995, and the relevant sections of Division 7 of the *Occupational Safety and Health Regulations 1996*;
- (iii) a solid rail that runs the full length of the ladder is placed parallel to the side of the ladder acting as a guard rail;
- (iv) a risk assessment is carried out, documented and displayed on site for all those affected by this exemption to view; and
- (v) users of this scaffold are thoroughly advised of the conditions of this exemption.

This exemption is valid until 30 June 2000.

Dated this 20th day of April 2000.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ101**PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act, 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 19th day of April 2000.

A. R. McLAREN,
Public Trustee,
565 Hay Street,
Perth WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
Komorowski, Erica (DEC 325697 DC4)	Wilson	18/2/00	30/3/00
James, Ivy (DEC 319791 DD4)	Lombadina Community	24/10/94	31/3/00
Freeth, Walter William (DEC 325153 DS4)	Inglewood	13/1/00	4/4/00
Williams, Kathleen Vera (DEC 324591 DG4)	Maylands	23/12/99	21/1/00
Spence, Eric Vernon (DEC 324845 DC4)	Leederville	5/1/00	24/3/00
Wood, William Arthur Auton (DEC 324053 DS4)	Beckenham	9/9/99	7/4/00
Sopp, Elizabeth Miller (DEC 325891 DG4)	Salter Point	18/2/00	14/4/00
Harrison, Jack (DEC 326384 DL4)	Bayswater	21/3/00	14/4/00

ZZ201**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Adelaide Palazzolo late of Concorde Nursing Home, Anstey Street, South Perth, Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the deceased who died on 11 January 2000 are required by the Executor Robert John Butcher to send particulars of their claim to him, care of Butcher Paull & Calder, Barristers and Solicitors, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: JMC) within one (1) month of the date of publication hereof after which date the Executor may convey or distribute the assets having regard to the claims of which he then has notice.

Dated: 18th April 2000.

BUTCHER PAULL & CALDER
as solicitors for the Executor.

ZZ202**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Charlotte Briner late of Alfred Carson Nursing Home, 30 Bay Road, Claremont in the State of Western Australia, retired, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the estate of the deceased who died on 22 May 1997 are required by the personal representative Earle Russell Scarff to send particulars of their claims to him care of Talbot & Olivier Barristers & Solicitors, Level 10, 55 St George's Terrace, Perth by the 28 May 2000 after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

TALBOT & OLIVER as solicitors for the personal representative

ZZ203**TRUSTEES ACT 1962**

Claims against the estate of Donald Weir, late of RMB 9585 Chester Pass Road, Napier, WA should be lodged with the Executors C/- P.O. Box 485, Albany, WA before 26th May, 2000 after which date the assets will be distributed having regard only to the claims received.

HAYNES ROBINSON.

Reprinted Statutes/Regulations

Individual Acts and Regulations are from time to time reprinted under the *Reprints Act 1984* incorporating all amendments up to a particular date.

This program is managed by Parliamentary Counsel's Office, Ministry of Justice.

A standing order for either Acts or Regulations may be placed with State Law Publisher for all Reprints that become available.

Invoices are despatched with the goods to enable clients to check the contents prior to returning with payment.

If a customer wishes to be placed on either or both mailing lists, send written notification to:

Manager, Sales & Editorial
State Law Publisher
10 William Street, Perth 6000

PERTH OBSERVATORY



THE W.A. SPECIALISTS IN ASTRONOMICAL

Research & Educational Astronomy

PUBLIC TOURS (DAY & NIGHT)

FIELD NIGHTS, LECTURES

Astronomical Information

Astronomical Handbook

Sun rise & set; Moon rise & set

Legal advice

Chronometer calibration

Astronomical souvenirs

SERVING WESTERN AUSTRALIA SINCE 1896

WALNUT ROAD, BICKLEY 6076

TELEPHONE 9293 8255 FAX 9293 8138

ASTRONOMY IS LOOKING UP

CLAIMS FOR MISSING ISSUES (SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION CHARGES 2000

All subscriptions are for the period from 1 January to 31 December 2000. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

PLEASE NOTE: A Goods and Services charge (GST) will be applicable to all goods and services supplied after 30 June 2000. Clients will be sent an additional invoice for these charges when details are finalised.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

All Gazettes	\$
Within WA	649
Interstate	673
Overseas (airmail)	1012
Bound Volumes of full year	894

Electronic Gazette Online

(includes all Gazettes from Jan 1998)

Existing hard copy subscriber	150
Electronic Subscription only	500

<i>1999 Gazettes on CD ROM</i>	600
<i>1998 Gazettes on CD ROM</i>	600

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	261
Interstate	311
Overseas (airmail)	435

<i>1999 Gazettes on CD ROM</i>	260
<i>1998 Gazettes on CD ROM</i>	260

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	416
Interstate	514
Overseas (airmail)	557

Bound Volumes of Hansard

Within WA	502
Interstate	535
<i>1999 Hansards on CD ROM</i>	500

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA	224
Interstate	247
Overseas	252
Half Calf Bound Statutes	615

1999 Bound Volumes on CD ROM

1998 Bound Volumes on CD ROM

Loose Statutes

Statutes are posted weekly as they become available

	\$
Within WA	239
Interstate	247
Overseas (airmail)	354

Sessional Bills

Bills are posted weekly as they become available

	\$
Within WA	330
Interstate	344
Overseas (airmail)	515

Electronic Statutes Online

Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc

	\$
1 st user	600
2 nd and each additional user	300

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

