

# WESTERN AUSTRALIAN GOVERNMENT Gazette

1167



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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 —

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## LOCAL GOVERNMENT

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**LG301\*****DOG ACT 1976***Shire of Bridgetown-Greenbushes***DOGS LOCAL LAW**

Under the power conferred by the *Dog Act 1976* and under all other powers, the Council of the Shire of Bridgetown-Greenbushes resolved on 25th January 2001 to make the following amendments to the Shire of Bridgetown-Greenbushes Dogs Local Law published in the *Government Gazette* on 2nd June 2000.

The Shire of Bridgetown-Greenbushes Dogs Local Law is hereby amended as follows—

1. Clause 2.4—No breaking into or destruction of pound  
after “Penalty:” delete “Where the dog is a dangerous dog, \$4,000; otherwise \$2,000” and substitute “Where the dog is a dangerous dog, \$2,000; otherwise \$1,000”.
2. Clause 3.1—Dogs to be confined  
after “Penalty:” delete “Where the dog kept is a dangerous dog, \$4,000; otherwise \$2,000” and substitute “Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000”.
3. Clause 4.9—Compliance with conditions of approval  
after “Penalty:” delete “Where a dog involved in the contravention is a dangerous dog, \$4,000 and a daily penalty of \$400; otherwise \$2,000 and a daily penalty of \$200” and substitute “Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100”.
4. Clause 5.1—Places where dogs are prohibited absolutely  
after “Penalty:” delete “Where the dog is a dangerous dog, \$4,000; otherwise \$2,000” and substitute “Where the dog is a dangerous dog, \$2,000; otherwise \$1,000”.

Dated this twenty fifth day of January 2001.

The common seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of the Council in the presence of—

B. C. KAVANAUGH, Shire President.  
A. G. MACNISH, Chief Executive Officer.

**LG302\*****CEMETERIES ACT 1986***Shire of Bridgetown-Greenbushes***CEMETERIES LOCAL LAW**

Under the power conferred by the *Cemeteries Act 1986* and under all other powers, the Council of the Shire of Bridgetown-Greenbushes resolved on 25th January 2001 to make the following amendments to the Shire of Bridgetown-Greenbushes Cemeteries Local Law published in the *Government Gazette* on 2nd June 2000.

The Shire of Bridgetown-Greenbushes Cemeteries Local Law is hereby amended as follows—

1. Clause 9.1—General  
delete clause 9.1 and substitute with “A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500 and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.”

2. First Schedule—Modified Penalties

All modified penalties of \$100 are to be deleted and replaced with modified penalties of \$50.

Dated this twenty fifth day of January 2001

The common seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of the Council in the presence of—

B. C. KAVANAUGH, Shire President.  
A. G. MACNISH, Chief Executive Officer.

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## POLICE

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### PE301\*

Pawnbrokers and Second-hand Dealers Act 1994

## Pawnbrokers and Second-hand Dealers Amendment Regulations 2001

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2001*.

**2. Regulation 32 amended**

Item 10 of the Table to regulation 32 of the *Pawnbrokers and Second-hand Dealers Regulations 1996\** is amended after “pawned” by inserting —

“ or second-hand ”.

[\* *Published in Gazette 29 March 1996, pp. 1557-76.*  
*For amendments to 5 January 2001 see 1999 Index to Legislation of Western Australia, Table 4, p. 201, and Gazette 30 June and 28 July 2000.*]

By Command of the Governor,

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

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## — PART 2 —

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### LAND ADMINISTRATION

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**LA401****TRANSFER OF LAND ACT 1893**

APPLICATION H313988

Take notice that Samuel Charles Cook of 11-13 Pelham Street, Toodyay has made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land situated at Pelham Street and Clinton Street, Toodyay being—

Toodyay Town Lot 30 and being the land described in Memorial Book 23 Number 17

Toodyay Town Lot 33 and being the land described in Memorial Book 23 Number 17

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 16 March 2001 a caveat forbidding the land being brought under the operation of the Act.

IAN HYDE, Registrar of Titles.

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### LOCAL GOVERNMENT

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**LG401****BUSH FIRES ACT 1954***Shire of East Pilbara*

## AUTHORISED BUSH FIRE CONTROL OFFICERS

It is hereby notified for public information that the undermentioned persons are authorised to be Bush Fire Control Officers pursuant to section 38 of the Bush Fires Act, 1954. The authorisation applies to the Municipality of the Shire of East Pilbara.

Mike Jakimowicz, Chief Bush Fire Control Officer  
Doug Leigh, Deputy Chief Bush Fire Control Officer  
Terrance Leete, Deputy Chief Bush Fire Control Officer  
Langtree Coppin, Bush Fire Control Officer  
John Leeds, Bush Fire Control Officer  
Ben Newland, Bush Fire Control Officer  
Barry Gratte, Bush Fire Control Officer  
Graeme Rogers, Bush Fire Control Officer  
Murray Kennedy, Bush Fire Control Officer  
Wendt Sutton, Bush Fire Control Officer

All other officers are cancelled.

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### MINERALS AND ENERGY

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**MN401****MINING ACT 1978**

## NOTICE OF INTENTION TO FORFEIT

Department of Minerals & Energy,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act, 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 18 March 2001, it is the intention of the Hon Minister for Mines under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

L. C. RANFORD, Director General.

Number	Holder	Mineral Field
Exploration Licences		
04/699	Stella Blast NL	West Kimberley
08/969	Intension NL	Ashburton
08/980	Intension NL	Ashburton
09/891	Australian Gold Resources Ltd	Gascoyne
09/892	Australian Gold Resources Ltd	Gascoyne
09/893	Australian Gold Resources Ltd	Gascoyne
16/89	Ida Gold Pty Ltd	Coolgardie
37/279	Mavia Pty Ltd	Mt Margaret
38/904	Fargo Resources NL	Mt Margaret
45/1234	Treacy, Joseph Allen	Pilbara
45/1608	Elazac Mining Pty Ltd	Pilbara
45/1987	Stockdale Prospecting Ltd	Pilbara
45/2049	Stockdale Prospecting Ltd	Pilbara
45/2058	Stockdale Prospecting Ltd	Pilbara
45/2059	Stockdale Prospecting Ltd	Pilbara
47/979	Giralia Resources NL	West Pilbara
53/778	Paygold Pty Ltd	East Murchison
53/847	Wingate Resources Pty Ltd	East Murchison
57/432	Australian Gold Resources Ltd	East Murchison
59/823	Westland Gold NL	Yalgoo
59/897	Johnston, Timothy Edward	Yalgoo
59/904	Seivwright, Daniel Kevin	Yalgoo
77/889	Australian Gold Resources Ltd	Yilgarn
80/2370	Aurich Pty Ltd	Kimberley
Mining Leases		
08/143	Lyford, Maurice Hodgson	Ashburton
08/144	Lyford, Maurice Hodgson	Ashburton
09/27	Nat Constructions Pty Ltd	Gascoyne
15/676	Dale, Victor Churchill	Coolgardie
20/267	Liddington, Stanley Gordon	Murchison
20/327	Kay Nominees Pty Ltd	Murchison
25/36	Manor Resources NL	East Coolgardie
29/2	Mobile Gold Mining Pty Ltd	North Coolgardie
39/243	Far Corners Minerals NL; Glomer Mining Pty Ltd	Mt Margaret
45/220	Attwood, Ronald Gregory	Pilbara
46/10	Welcome Stranger Mining Co. NL	Pilbara
47/28	Boral Resources (WA) Ltd	West Pilbara
51/663	Murchison Resources Pty Ltd; Whim Creek Consolidated NL	Murchison
51/664	Wilson, Scott Walter; Whim Creek Consolidated NL	Murchison
58/160	De Grussa, Kevin Ronald	Murchison
63/247	Gasgoyne Gold Mines NL	Dundas
70/381	Cattamarra Coal Pty Ltd; Eustace, Reginald Robert; Rio Tinto Exploration Pty Ltd	South West
70/910	Jones, Robert Joseph; Sheard, Leonard John; Strugnell, Laurence William	South West
77/713	Gondwana Resources NL; Savage Australian Exploration Pty Ltd	Yilgarn
77/938	Wildtime Investments Pty Ltd	Yilgarn
80/288	Astro Bow River Mines Ltd	Kimberley
80/289	Astro Bow River Mines Ltd	Kimberley
Gold Mining Leases		
15/6604	Pro Force Mining Contractors Pty Ltd	Coolgardie
15/6699	Sayers, Bernard Stephen	Coolgardie
15/7021	Pro Force Mining Contractor Pty Ltd	Coolgardie
31/1482	Gondwana Resources NL	North Coolgardie
53/753	Doutch, John Wallace	East Murchison
53/754	Doutch, John Wallace	East Murchison
77/5014	Thomson, Anne Elizabeth; Thomson, Rodney Hugh	Yilgarn

Number	Holder	Mineral Field
	Coal Mining Leases	
70/4047	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4048	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4049	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4052	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4053	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4056	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4057	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4060	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4061	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West
70/4068	Hamilton, Elizabeth Amanda; Hamilton, Richard Stuart; Isbister, Milton Lucas; Warradarge Resources Pty Ltd; White, John Clark	South West

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## PLANNING

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PD702\*

### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

##### *SHIRE OF TAMMIN*

##### TOWN PLANNING SCHEME No. 1

Ref: 853/4/27/1

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 Tammin Town Planning Scheme No. 1 on 8 February 2001, the Scheme Text of which is published as a Schedule annexed hereto.

J. BUTTON, President.  
S. TAYLOR, Chief Executive Officer.

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**PART I—PRELIMINARY****1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Tammin Scheme No. 1 (hereinafter called 'the Scheme') and shall come into operation on the publication of the Scheme in the *Government Gazette*.

**1.2 RESPONSIBLE AUTHORITY**

The authority responsible for implementing the Scheme is the Council of the Shire of Tammin (hereinafter called the Council).

**1.3 SCHEME AREA**

The Scheme applies to the municipal district of the Shire of Tammin as generally shown by the Scheme area boundary on the Scheme Map.

**1.4 CONTENTS OF SCHEME**

The Scheme comprises:

- a) This Scheme Text
- b) The Scheme Map (Sheets 1 and 2)

**1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts.

- Part I—Preliminary
- Part II—Reserves
- Part III—Zones
- Part IV—General Development Requirements
- Part V—Special Controls
- Part VI—Use and Development of Land
- Part VII—Non Conforming Uses
- Part VIII—Administration

**1.6 SCHEME OBJECTIVES**

The objectives of the Scheme are:

- a) To zone and reserve land within the Shire of Tammin for the purposes as described in the Scheme.
- b) To secure the amenity health and convenience for the residents and visitors of the Shire of Tammin.
- c) To make provisions as to the nature, location and standards of development for buildings and the size of lots when used for particular purposes.
- d) To define the permissibility of various land uses and developments within the various zones.
- e) To make provision for a variety of land uses.

**1.7 INTERPRETATION**

1.7.1 Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Planning Codes.

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

1.7.3 Words and expressions used in the Scheme but not defined in Appendix 1, elsewhere in the Scheme or in the Residential Planning Codes shall be their normal and common meanings.

**PART II—RESERVES****2.1 SCHEME RESERVES**

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

- Public Purpose
- Recreation and Open Space
- Railway
- Conservation

## **2.2 USE AND DEVELOPMENT OF LOCAL RESERVES**

2.2.1 A person shall not use, commence or carry out development on a local reserve without first having obtained the planning approval of the Council under Part V1 of the Scheme, and in determining an application for planning approval the Council shall have regard to:

- (a) The matters set out in clause 6.5; and
- (b) The ultimate purpose intended for the reserve;

And the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its approval.

## **2.3 ACQUISITION OF RESERVES AND COMPENSATION**

2.3.1 This clause applies to land which is:

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

2.3.2 In addition to the compensation provisions of the Act and clause 8.3 of this Scheme, where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the Council for injurious affection.

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

2.3.4 Where a claim for compensation arises as a result of clause 2.3, the Council may as its option elect to acquire the land so affected instead of paying compensation in accordance with the provisions of clause 8.4 of this Scheme.

## **PART III—ZONES**

### **3.1 CLASSIFICATION**

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

RESIDENTIAL  
RURAL  
TOWN CENTRE  
LIGHT INDUSTRY

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

### **3.2 ZONING TABLE**

3.2.1 The Zoning (Table 1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any use is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted by the Scheme.
- 'AA' means that the use is not permitted unless the Council has granted planning approval.
- 'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- 'X' means a use that is not permitted by the Scheme.

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

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

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

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval; or
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

### **3.3 ADDITIONAL USES**

3.3.1 Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 2 may, subject to compliance with any condition specified in that Appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in that Appendix.

**3.4 SPECIAL USE ZONES**

3.4.1 No person shall use any land, or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 3 and subject to compliance with any conditions specified in that Appendix with respect to the land.

**TABLE 1**  
ZONING AND USE CLASSES

Use Classes	Residential	Town Centre	Light Industry	Rural	Special Use
Abattoir	X	X	X	X	SA (1)
Aged or Dependent Persons Homes	AA	AA	X	AA	
Ancillary Accommodation	AA	AA	SA	AA	
Caretakers Dwelling	AA	AA	AA	AA	
Civic Building	AA	AA	AA	AA	
Club Premises	SA	AA	SA	AA	
Consulting Rooms	SA	AA	SA	AA	
Education Establishment	AA	AA	SA	AA	
Feed Lot	X	X	X	AA	
Fuel Depot	X	X	SA	AA	
Grouped Dwelling	AA	AA	X	AA	
Home Occupation	AA	AA	X	AA	
Hotel	X	AA	SA	SA	
Industry – Cottage	SA	SA	AA	AA	
Industry – Extractive	X	X	X	SA	
Industry – General	X	X	SA	SA	
Industry – Light	X	X	P	AA	
Industry – Noxious	X	X	SA	SA	
Industry – Rural	X	SA	SA	AA	
Industry – Service	X	SA	AA	AA	
Intensive Agriculture	X	X	SA	AA	
Corner Shop	X	P	SA	AA	
Motel	X	AA	SA	SA	
Motor Vehicle Repair	X	SA	AA	AA	
Office	SA	P	AA	AA	
Piggery	X	X	X	AA	
Plant Nursery	SA	AA	AA	AA	
Poultry Farm	X	X	X	AA	
Public Recreation	AA	AA	AA	AA	
Public Utility	AA	AA	AA	AA	
Residential Building	AA	AA	X	AA	
Restaurant	SA	AA	SA	AA	
Restricted Premises	X	SA	SA	X	
Rural Pursuit	X	SA	SA	AA	
Service Station	X	SA	SA	SA	
Shop	X	P	AA	AA	
Single House	P	AA	X	P	
Take-Away-Food Outlet	X	AA	SA	AA	
Tavern	X	AA	SA	AA	
Transport Depot	X	SA	AA	AA	
Veterinary Hospital	SA	AA	AA	AA	

(1) Refer to 'APPENDIX NO. 3'

**PART IV—GENERAL DEVELOPMENT REQUIREMENTS****4.1 RESIDENTIAL PLANNING CODES**

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

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

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

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

## 4.2 CAR PARKING REQUIREMENTS

4.2.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 1 unless car parking spaces as specified in the Schedule are provided and such spaces are constructed and maintained in accordance with the Scheme.

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

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

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

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

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

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

## 4.3 MINIMUM DEVELOPMENT STANDARDS

4.3.1 Subject to the provisions of the Scheme the requirements and standards set out in this clause shall apply to all development as detailed in the following sub-clauses.

### 4.3.2 Residential Development

All residential development shall comply with the requirements of the Residential Planning Codes.

### 4.3.3 Town Centre Zone

The purpose and intent of the Town Centre Zone is to provide appropriately zoned land to permit the development of commercial and public uses of sufficient quantity and variety to support and sustain the resident community, employees, tourists and other visitors to the area.

#### Setbacks Requirements

- Front — 15m
- More than one Front — 15m to primary frontage as determined by Council and 3m to any other street frontage.
- Side and Rear — As per the Building Code of Australia
- Minimum Lot Size — 1000 sq.m
- Landscaping — Minimum 10% of the property to be located to the satisfaction of Council.

### 4.3.4 Rural Zone

The purpose and intent of the rural zone is to provide appropriately zoned land to permit a wide range of rural/agricultural uses to satisfy the objectives in a long term environmentally acceptable and sustainable manner.

#### Setback Requirements

- Front — 20m
- More than one front — 20m to all road frontages unless otherwise agreed by Council.

## 4.4 DEVELOPMENT LIMITED BY LIQUID WASTE DISPOSAL

4.4.1 Septic tanks, leach drains or other such installations for on-site disposal of sewage effluent or wastes shall not be constructed closer than fifty (50) metres from a watercourse or stream and not within land subject to flooding.

## 4.5 SUPPLY OF POTABLE WATER

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

#### **4.6 LAND LIABLE TO FLOODING**

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

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

4.6.2 Council may refuse an application for development on flood prone land unless it is satisfied that appropriate conditions of subdivision/development will ameliorate any adverse drainage and flooding concerns.

#### **4.7 TRANSPORTED DWELLINGS**

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

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

#### **4.8 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS**

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

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

#### **4.9 HOME OCCUPATION**

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

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

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

#### **4.10 USE OF SETBACK AREAS**

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

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

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

#### **4.11 RADIO MASTS, TELEVISION ANTENNAE, AND SATELLITE DISHES**

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

#### **4.12 CONTROL OF ADVERTISEMENTS**

4.12.1 Power to Control Advertisements:

- a) for the purpose of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to the Council's signs, Hoarding and Bill Posting Bylaws;
- b) applications for the Council's approval pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional

Information Sheet (Appendix 8) in the form required by the Council giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 4.12.2 Existing Advertisements:

Advertisements which:

- a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme hereinafter in this Clause referred to as "existing advertisements", may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

#### 4.12.3 Consideration of Applications:

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

#### 4.12.4 Exemptions from the Requirement to Obtain Approval:

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Sub-clause 4.12.1 paragraph (a) the Council's prior approval is not required in respect of those advertisements listed in Schedule 2 which for the purposes of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 2 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

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

#### 4.12.5 Discontinuance:

Notwithstanding the scheme objectives and clause 4.12.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 4.12.6 Derelict or Poorly Maintained Signs:

Where in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice in writing require the advertiser to:

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

#### 4.12.7 Notices:

- a) "The advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.
- b) Any notice served pursuant to sub-clauses 4.12.5 or 4.12.6 shall be served upon the advertiser and shall specify:
  - i. the advertisement(s) the subject of the notice;
  - ii. full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
  - iii. the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- c) Any person upon whom a notice is served pursuant to this sub-clause may appeal in accordance with Part V or the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and, shall thereafter have effect according to that decision.

#### 4.12.8 Scheme to Prevail:

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

#### 4.12.9 Enforcement and Penalties:

The offences and penalties provisions specified in the Scheme apply to the advertiser in this clause.

### 4.13 RESTRICTIVE COVENANTS

4.13.1 Subject to the provisions of sub-clause 4.13.2, a restrictive covenant affecting any land in the Scheme area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under this Scheme.

4.13.2 Where sub-clause 4.13.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would but for the operation of sub-clause 4.13.1 have been prohibited unless the application has been dealt with as an 'SA' use and has complied with all of the advertising requirements of sub-clause 6.3.

#### **4.14 DISCRETION TO MODIFY DEVELOPMENT STANDARDS**

4.14.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

### **PART V—SPECIAL CONTROLS**

#### **5.1 HERITAGE - PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE.**

##### **5.2 Purpose and Intent**

5.2.1 The purpose and intent of the heritage provisions are:

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

##### **5.3 Heritage List**

5.3.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

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

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

##### **5.4 Designation of Heritage Precincts**

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

5.4.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise:

- a) a map showing the boundaries of the precinct;
- b) a list of places of heritage significance;
- c) objectives and guidelines for the conservation of the precinct.

5.4.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.

5.4.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows.

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

5.4.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.4.4 above.

##### **5.5 Applications for Planning Approval**

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

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

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

5.5.4 For the purposes of sub-clause 6.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### 5.6 Formalities of Application

5.6.1 In addition to the application formalities prescribed in sub-clause 5.5 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:

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

#### 5.7 Variations to Scheme Provisions

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

- a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and
- b) have regard to any expressed views prior to making its decision to grant the variation.

In granting variations under sub-clauses 5.7.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

## PART VI—USE AND DEVELOPMENT OF LAND

### 6.1 REQUIREMENT FOR PLANNING APPROVAL

6.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.

6.1.2 The planning approval of the Council is not required for the following development of land:

- a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - i. for the purpose for which the land is reserved under the Scheme; or
  - ii. in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- b) The use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- c) The erection of a boundary fence except as otherwise required by the Scheme.
- d) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.
- e) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- f) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- g) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.



6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:

- a) the variation requested is one which the Council has the power to approve; and
- b) approval of that variation would not compromise the objectives of the R-Codes.

## **6.2 APPLICATION FOR PLANNING APPROVAL**

6.2.1 Every application for planning approval shall be made in the form prescribed in Appendix 4 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.2.2 Unless Council waives any particular requirement every application for planning approval shall be accompanied by:

- a) a plan or plans to a scale of not less than 1:500 showing:
  - i. street names, Lot number(s), north point and the dimensions of the site;
  - ii. the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - iii. the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - iv. the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - v. the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - vi. the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; 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.

## **6.3 ADVERTISING OF APPLICATIONS**

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.

6.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.

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

- a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.
- b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.
- c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.

6.3.3 The notice referred to in sub-clause 6.3.2. (a) and (b) shall be in the form contained in Appendix 5 with such modifications as circumstances require.

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

## **6.4 CONSULTATIONS WITH OTHER AUTHORITIES**

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

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

## **6.5 MATTERS TO BE CONSIDERED BY COUNCIL**

6.5.1 The Council in considering an application for planning approval shall have due regard to the following:

- a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- c) any approved Statement of Planning Policy of the Commission;
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.6 of this Scheme;
- f) the preservation of any object or place of heritage significance;
- g) the requirements of orderly and proper planning;
- h) the preservation of the amenities of locality;
- i) any other planning considerations which the Council considers relevant;
- j) any relevant submissions or objectives received on the application;
- k) the protection of the environment including watercourses, remnant vegetation, areas of landscape significance and revegetation areas.

## **6.6 DETERMINATION OF APPLICATIONS**

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

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

6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Appendix 6 to the Scheme.

6.6.3 Where the Council grants planning approval, that approval:

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

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

## **6.7 DEEMED REFUSAL**

6.7.1 Subject to sub-clause 6.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.

6.7.2 An application for planning approval which is subject of a notice under sub-clause 6.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

6.7.3 Notwithstanding that an applicant for planning approval may be deemed to have been refused under sub-clauses 6.7.1 and 6.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those clauses, and that decision shall be regarded as being valid.

## **6.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS**

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

6.8.2 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

6.8.3 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.

## **6.9 APPROVAL OF EXISTING DEVELOPMENTS**

6.9.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.9.2 The application to the Council for approval under sub-clause 6.9.1 shall be made on the form prescribed in Appendix 4.

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

**6.10 OTHER LEGISLATION**

6.10.1 Nothing in this scheme negates the obligation of any proponent to obtain all necessary approvals as required by other legislation including Section 18 of the Aboriginal Heritage Act where a development site may have Aboriginal significance.

**PART VII—NON CONFORMING USES****7.1 NON-CONFORMING USE RIGHTS**

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

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

**7.2 EXTENSION OF NON-CONFORM USE**

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

**7.3 CHANGE OF NON-CONFORMING USE**

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

**7.4 DISCONTINUANCE OF NON-CONFORMING USE**

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

**7.5 TERMINATION OF A NON-CONFORMING USE**

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

**7.6 DESTRUCTION OF NON-CONFORMING USE BUILDINGS**

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

**7.7 REGISTER OF NON-CONFORMING USES**

- (a) The Council shall keep a register of non-conforming uses at the offices of the Council which shall be made available for public inspection during office hours.
- (b) A person who wishes the council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.
- (c) Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the register.
- (d) A non-conforming use does not cease to exist if it is not registered on the Register.

**PART VIII—ADMINISTRATION****8.1 POWERS OF THE SCHEME**

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

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

## 8.2 OFFENCES

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

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

8.2.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by section 10 of the Act.

## 8.3 COMPENSATION

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

8.3.2 Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

## 8.4 ELECTION TO PURCHASE AND VALUATION

8.4.1 Where compensation for injurious affection is claimed pursuant to either sub-clauses 8.3.1 or 8.3.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

8.4.3 Where the Council elects to acquire land as provided in sub-clause 8.4.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.4.4.

8.4.4 The value of the land referred to in sub-clause 8.4.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined-

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
  - (b) by some other method agreed upon by the Council and the owner of the land,
- and the value shall be determined without regard to any increase or decrease if any, in value attributable wholly or in part to the Scheme.

8.4.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.4.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

## 8.5 RIGHTS OF APPEAL

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

## 8.6 PLANNING POLICIES

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

- (a) generally or in a particular class of matter or in particular classes of matters; and
  - (b) throughout the scheme Area or in one or more parts of the Scheme Area
- and may amend or add to or rescind a Policy so prepared.

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

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.

(c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

(d) Following final adoption of a Policy notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

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

8.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.6.2.

8.6.5 A policy may be rescinded by:

(a) preparation or final adoption of a new Policy pursuant to the clause, specifically worded to supersede an existing Policy: and

(b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

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

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

### **8.7 DELEGATION**

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

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

(b) that officer of the Council, holding or eligible to hold a Municipal Towns Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

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

8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

8.7.3 A delegation of authority pursuant to the provisions of this clause has effect any 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.

8.7.4 The performance of the function by a delegate under sub-clause 8.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

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

8.7.7 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.

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

### **8.8 AMENDMENTS TO THE SCHEME**

8.8.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

8.8.2 The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

8.8.3 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

### **8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS**

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

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

**Schedule 1****CAR PARKING REQUIREMENTS**

USE	NUMBER OF PARKING SPACES
1 Shopping	Six (6) spaces for every 100 square metres of Net Lettable Area (NLA). <b>Notes:</b> (i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays will be clearly marked 'DISABLED DRIVER ONLY'.
2 Hotel, Motel, Tavern, Club, Private Hotel, Lodging House, Restaurant Nightclub, Place of Public Assembly	Where applicable to the particular use: Thirty-four (34) spaces for every 100 square metres of drinking area other than public lounge drinking areas; One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area of part thereof, whichever produces the greater number of parking spaces; One (1) space for every bedroom; One (1) space for every six (6) seats provided or capable of being provided in assembly areas, or twenty-two (22) spaces for every 100 square metres of assembly area, whichever produces the greater number of car parking spaces; Twenty-two (22) spaces for every 100 square metres of beer garden or outdoor drinking area.
3 Office	Five (5) spaces for every 100 square metres of NLA.
4 Health Centre, Clinic, Consulting Rooms	Four (4) spaces for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.
5 Warehouse, Showroom, Industry with the exception of a factory unit building	Four (4) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.
6 Factory Unit Building	As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.
7 Veterinary Hospital, Clinic or Surgery	Four (4) spaces for every 100 square metres of NLA.
8 Plant Nursery	A minimum of twelve (12) spaces plus any additional spaces as may be determine by the Council taking into account the specific nature and extent of the development.
9 Dwelling	As set out in the Residential Planning Codes.
10 Use Not Listed	As determined by Council.

**MINIMUM DIMENSIONS OF PARKING SPACES**

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

75°	2.6	5.4	6.0	6.0	11.9
	2.7	5.4	6.0	6.0	12.0
	2.4	5.4	5.9	6.0	11.9
60°	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
	2.4	5.4	5.9	6.0	11.9
45°	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
	2.4	5.4	4.4	6.0	10.4
30°	2.6	5.4	4.4	6.0	10.4
	2.7	5.4	4.4	6.0	10.4
0°	3.0	6.7	3.0	6.0	9.0
(Parallel	3.0	6.7	3.0	6.0	9.0
Parking)	3.0	6.7	3.0	6.0	9.0

**Schedule 2**

**EXEMPTED ADVERTISEMENTS**

Landuse and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professions name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at five (5) metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.	Total area of such advertisements shall not exceed 15m
	A maximum of two free-standing advertisement signs not exceeding five (5) metres in height above ground level.	Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable

Landuse and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the department, public authority or the Council of a municipality, and	Not Applicable
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirement specified therein.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
Advertisements within Buildings	All advertisement placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

Temporary Signs	Exempted Sign Type And Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(a) Dwellings	One advertisement per street, frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	5m <sup>2</sup>
(c) Large development or redevelopment projects involving shopping centres, offices or other buildings exceeding three (3) storeys in height	One additional sign showing the name of the project builder	5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding three (3) months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>



Temporary Signs	Exempted Sign Type And Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Property Transactions		
Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup>
(c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign as for (a) above	Each sign shall not exceed an area of 10m <sup>2</sup>
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display.	2m <sup>2</sup>
	(b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display	5m <sup>2</sup>

## APPENDIX NO. 1

## INTERPRETATIONS

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

**absolute majority:** has the same meaning as given to it in the Local Government Act 1960.

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

**advertisement:** means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes an hoarding or similar structure used, or adapted for use, for the display of advertisements.

**amenity building:** means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.

**amusement facility:** means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

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

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

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

**appendix:** means an appendix to the Scheme.

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

**auction mart:** means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

**authorised officer:** means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

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

- betting agency:** means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).
- builder's storage yard:** means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- Building Code of Australia:** means the Building Code of Australia 1988 (as amended).
- building envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
- building line:** means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
- camping area:** means any land used for the lodging of persons in tents or other temporary shelter.
- canteen:** means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m<sup>2</sup> including any storage and food preparation areas.
- caravan:** means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
- caravan park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
- caretaker's dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- car park:** means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- cattery:** means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for regard or profit.
- child day care centre:** means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.
- cinema/theatre:** means any land or building where the public may view a motion picture or theatrical production.
- civic building:** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.
- civic use:** means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative recreational or other purpose.
- club premises:** means any land or buildings used or designed for use by a legally constituted club or association or together body of persons united by a common interest whether such buildings or premises be licensed under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- commercial vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
- Commission:** means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).
- community purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
- conservation:** means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:
- a) enable the cultural heritage significance of that place or precinct to be retained; and
  - b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- consulting rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
- contractor's yard:** means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- convenience store:** means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including

the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m<sup>2</sup> gross leasable area.

**corner shop:** means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m<sup>2</sup> attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

**Council:** means the executive body of the Shire of Tammin.

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

**cultural use:** means any use aimed at the improvement or refinement of people by entertainment and/or education.

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

**development:** shall have the same meaning given to it in and for the purposes of the Act but shall also include:

“in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

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

**display home centre:** means a group of two or more dwellings which are intended to be open for public inspection.

**District:** means the Municipal District of the Shire of Tammin.

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

**drive-in theatre:** means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

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

**educational establishment:** means a school, college, university, technical institute, academy or other education centre, but does not include a reformatory.

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

**factory unit building:** means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

**farm supply centre:** means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

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

**floor area:** shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).

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

**funeral parlour:** means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

**garden centre:** means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.

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

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

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

**health centre:** means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedicals.

**height:** when used in relation to a building that is used for:

- a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or

- b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

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

**heritage list:** means the Municipal Inventory,

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

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

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

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

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

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

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

- a) the winning, processing or treatment of minerals;
- b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- c) the generation of electricity or the production of gas;
- d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include;

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

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

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- c) is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area in excess of 50m<sup>2</sup>;
- e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

**industry—extractive:** means an industry which involves:

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

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

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

**industry—light:** mean an industry:

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

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

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

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

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

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

**kindergarten:** means any land or buildings used as a school for young children.

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

**laundromat:** means any land or building, open to the public in which washing machines, with or without provision for drying clothes are available for use.

**liquor store:** means any land or buildings the subject of a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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

**lot:** shall have the same meaning given to the term in and for the purposes of the Act, and “allotment” has the same meaning.

**lunch bar:** means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9 a.m. and 4 p.m. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet;

**market:** means any land or buildings used for a fair, a farmer’s or producer’s market or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

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

**milk depot:** means any land or buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Minister:** means the Minister of Planning or the Minister of the Western Australian Government responsible for town planning.

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

**motor vehicles and marine sales Premises:** means any land or buildings used for the display and sale of new or seconded 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.

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

**motor vehicle repair:** means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

**motor vehicle wash:** means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

**motor vehicle wrecking:** means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

**museum:** means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

**net lettable area (nla):** means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas:

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

**night club:** means any land or buildings used for the entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 has been granted.

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

**nursing home:** means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;

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

**open air display:** means the use of land as a site for the display and/or sale of goods and equipment.

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

- a) is entitled to the land for an estate in fee simple in possession; or
- b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- c) is a lessor or licensee from the Crown; or
- d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise;

**park home:** means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

**park home park:** means an area of land set aside exclusively for the parking of park homes occupied for residential purposes, whether short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.

**petrol filling station:** means any land or buildings used for the supply of petroleum products and motor vehicle accessories.

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

- a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- c) as much of the land beneath the place as is required for the purposes of its conservation.

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

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

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

- potable water:** means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.
- poultry farm:** means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911-1990 (as amended).
- prison:** shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- private hotel:** means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- produce store:** means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.
- public amusement:** means any land or buildings used for the amusement or entertainment of the public, with or without charge.
- public authority:** shall have the same meaning given to it in and for the purposes of the Act.
- public exhibition:** means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.
- public mall:** means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the Council.
- public parking station:** means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.
- public utility:** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- public worship—place of:** means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.
- radio and TV installation:** means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
- reception centre:** means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
- recreation private:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which as not usually open to the public without charge.
- recreation public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.
- reformatory:** means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.
- reserve:** means any land reserved for a public purpose.
- Residential Planning Codes:** means the Residential Planning Codes, in Appendix 2 to the State Planning Commission Statement of Planning Policy No. 1.
- restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.
- restricted premises:** means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:
- publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
  - materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
- retail:** means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.
- retirement village:** means a development containing accommodation for aged persons together with ancillary facilities.
- roadhouse:** means land and buildings used for the predominant purpose of a service station but incidentally including a café, restaurant and/or shop.
- rural pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:
- the rearing or agistment of goats, sheep, cattle or beasts of burden;
  - the stabling, agistment or training of horses;
  - the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
  - the sale of produce grown solely on the lot;
- but does not include intensive agriculture.

- salvage yard:** means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
- sawmill:** means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.
- service station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- shop:** means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.
- showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
- sign:** means a notice, message or display by means of a freestanding or fixed sign or hoarding.
- special facility:** means a facility established for purposes in section 46(5) of the Liquor Licensing Act 1988 or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the Liquor Licensing Act.
- stable:** means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
- stockyards:** means any land, building or other structure used for holding and/or sale of animal stock.
- storage yard:** means any land used for the storage of goods.
- structure plan:** means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.
- take-away food outlet:** means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.
- tavern:** means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988.
- trade display:** means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.
- transport depot:** means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- veterinary clinic:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
- veterinary hospital:** means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
- warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale.
- waterway:** shall have the same meaning given to it in and for the purposes of the Act.
- wholesale:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No 1 1930 (as amended).
- wine house:** means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- zone:** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.
- zoological gardens:** means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

APPENDIX NO. 2  
ADDITIONAL USES

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
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APPENDIX NO. 3  
SPECIAL USE ZONE

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1	Pt CG 8290 Great Eastern Highway Tammin	Abattoir	As determined by Council. No residential uses other than caretaker permitted.

APPENDIX 4

Local Government Authority of \_\_\_\_\_

**APPLICATION FOR APPROVAL**

*PLEASE TICK WHICH APPROVAL IS BEING SOUGHT & FILL IN THE APPROPRIATE SECTION(S) ONLY:*

Planning Approval  
Demolition Licence

Building Licence  
Sign Licence

PROPERTY DETAILS

Lot No.*	House/Street No.	Location No.*	Plan or Diagram*
Certificate of Title:	Vol.*	Folio*	Lot Area (m2)
Title encumbrances			
Street Name			
Nearest Street Intersection*			
Ward*			

*\*Note: These details should be provided where known to assist in the processing of this application.*

OWNER DETAILS:

Name			Postcode
Address			
Phone (Work)	(Home)	Fax	
Contact Person			
Signature(s)			
Signature(s)			Date

*The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature.*

APPLICANT DETAILS: *(To be completed **only** if different from the owner)*

Name			Postcode
Address			
Phone		Fax	
Contact Name			
Signature			Date

*OFFICE USE ONLY*

Accepting Officer's Initials:	Date Received:	Our Reference No:
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*This form replaces the Metropolitan Region Scheme Form 1 and Building Regulation Forms.*

APPENDIX NO. 4A

PLANNING APPROVAL:

Existing Building/Land Use	Est. Date of Completion
Approx. Cost of Development	
Description of Development/or Proposed Use	

BUILDING LICENCE

<b>Type of Work</b>	<b>New Buildings</b>	<b>Alterations/Internal Additions</b>	<b>Outbuildings</b>
1A <input type="checkbox"/> New Building	2A <input type="checkbox"/> Habitable	9A <input type="checkbox"/> Habitable	
1B <input type="checkbox"/> Display Home	2B <input type="checkbox"/> Internal Additions	9B <input type="checkbox"/> Workshop	
1C <input type="checkbox"/> Preliminary Application	2C <input type="checkbox"/> Garage	9C <input type="checkbox"/> Carport	
<input type="checkbox"/> Other (specify)	2D <input type="checkbox"/> Carport	9D <input type="checkbox"/> Above ground pool	
	2E <input type="checkbox"/> Verandah	9E <input type="checkbox"/> Below ground pool	
	<input type="checkbox"/> Other (specify)	9I <input type="checkbox"/> Garage	
		9J <input type="checkbox"/> Garden Shed	
		<input type="checkbox"/> Other (specify)	
<b>Type of Building House</b>	<b>Multi-Residential</b>	<b>Other</b>	
11 <input type="checkbox"/> Separate House	21 <input type="checkbox"/> Single storey	<input type="checkbox"/> Other	
12 <input type="checkbox"/> Kit House	22 <input type="checkbox"/> 2 or more storeys		
19 <input type="checkbox"/> Transportable	23 <input type="checkbox"/> 1 or storey flat/units		
	<input type="checkbox"/> Other (specify)		
<b>Materials</b>	<b>Walls</b>	<b>Floor</b>	<b>Roof</b>
11A <input type="checkbox"/> Double Brick	20A <input type="checkbox"/> Concrete-85mm	10 <input type="checkbox"/> Tiles	60A <input type="checkbox"/> 'Colorbond'
12 <input type="checkbox"/> Brick Veneer	20B <input type="checkbox"/> Concrete-Other	60B <input type="checkbox"/> 'Zincalume'	<input type="checkbox"/> Other (specify)
11B <input type="checkbox"/> Thermalite interior	10 <input type="checkbox"/> Timber		
60A <input type="checkbox"/> 'Colorbond' Walls	<input type="checkbox"/> Other (specify)		
60B <input type="checkbox"/> 'Zincalume' Walls			
60C <input type="checkbox"/> Steel Columns			
60D <input type="checkbox"/> Timber Posts			
50A <input type="checkbox"/> Fibreglass (pools)			
<input type="checkbox"/> Other (specify)			

Builder: Name \_\_\_\_\_

Address \_\_\_\_\_

Registration No. \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Building Details: Area (m<sup>2</sup>) \_\_\_\_\_ Outbuildings Area (m<sup>2</sup>) \_\_\_\_\_

Contract Value \$ \_\_\_\_\_ Building Height \_\_\_\_\_ Signature \_\_\_\_\_

DEMOLITION LICENCE

Type of Building/structure			Number of Storeys
Rat Bait Certificate Issued	Yes	No	
Whole or Part Demolition—	Details		
Demolition contractor:	Name		
	Address		
	Phone		Fax
	Signature		

SIGN LICENCE

Type of sign \_\_\_\_\_

Position \_\_\_\_\_

Dimensions \_\_\_\_\_ Materials \_\_\_\_\_

Illumination – Internal/External \_\_\_\_\_

Wording/Illustration (Plan/Design attached) \_\_\_\_\_

APPENDIX NO. 5  
SHIRE OF TAMMIN

TOWN PLANNING SCHEME NO. 1

**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

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

LAND DESCRIPTION

LOT NO..... STREET .....

PROPOSAL .....

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

Chief Executive Officer

Date



**ADOPTION**

Adopted by resolution of the Council of the Shire of Tammin at the Ordinary Meeting of the Council held on the 20th day of November 1998.

J. BUTTON, President.  
S. TAYLOR, Chief Executive Officer.

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Tammin at the Ordinary Meeting of the Council held on the 8th day of November 2000, and the Common Seal of the Council was hereunto affixed by the authority of the Council in the presence of—

J. BUTTON, President.  
S. TAYLOR, Chief Executive Officer.

Recommended/Submitted for final approval—

E. FERRARO, for Chairperson  
Western Australian Planning Commission.

Date 29 January 2001.

Final Approval Granted—

G. D. KIERATH, Minister for Planning.

Date 8 February 2001.

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## **PREMIER AND CABINET**

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**PR401****MINISTRY OF THE PREMIER AND CABINET**

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved of the retention of the title "The Honourable" by the following persons who served continuously as Ministers for a period in excess of three years—

Richard Fairfax Court  
Hendy John Cowan  
Colin James Barnett  
Montague Grant House  
Norman Frederick Moore  
Cheryl Lynn Edwardes  
Douglas James Shave  
Antony Kevin Royston Prince  
Graham Donald Kierath  
Peter Gilbert Foss  
Dr Kim Desmond Hames  
John Howard Dadley Day  
Michael Francis Board  
Paul Domenic Omodei

M. C. WAUCHOPE, Director General.

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## **RACING, GAMING AND LIQUOR**

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**RA401****BETTING CONTROL ACT 1954****SECTION 4B****NOTICE OF APPROVAL FOR SPORT BETTING EVENTS AND CONTINGENCIES**

Notice is hereby given that the Betting Control Board, acting in accordance with section 4B (2) of the Betting Control Act 1954, has approved the following sporting events and contingencies on which betting by licensed bookmakers is permitted in accordance with the Betting Control Act.

APPROVED EVENT—

Ski Jumping—World Cup Grand Prix, World Ski Championship and Olympic Winter Games.

## CONTINGENCIES—

A nominated competitor or team to win a nominated event.

A nominated competitor or team to win a Final or Series.

A nominated competitor or team to beat another nominated competitor or team in a nominated event or series of events.

A nominated competitor or team to achieve a nominated placing or result in a nominated event.

## APPROVED EVENT—

Speedway—Speedway World Championship and Speedway Team World Championship.

## CONTINGENCIES—

A nominated competitor or team to win a nominated race.

A nominated competitor or team to win a Final or Series.

A nominated competitor or team to beat another nominated competitor or team in a nominated race or series of races

A nominated competitor or team to achieve a nominated placing or result in a nominated race.

## APPROVED ADDITIONAL EVENTS—

Soccer—Spanish Primera Division, French Le Championat and German Bundesliga (the Spanish, French and German National Soccer League Championships).

Tennis—All tournaments related to the ATP Tour and the WTA Tour.

## APPROVED ADDITIONAL CONTINGENCIES—

For soccer events as approved by the Board—

A nominated team to win a nominated half in a nominated match.

A nominated player to score a nominated goal in a nominated match.

For tennis events as approved by the Board—

A nominated player or team to win a nominated set in a nominated match.

Number of games achieved by a nominated player or team in a nominated match.

BARRY A. SARGEANT, Chairman, Betting Control Board.

**RA402****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
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
8177	Skydive Express Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in York and known as Skydive Express.	17/3/00
8179	Clifford Thornton-Smith	Application for the grant of a Restaurant Licence in respect of premises situated in Roleystone and known as Serenity's Cafe.	18/3/01
8180	Ambergold Holdings Pty Ltd	Application for the grant of a Tavern Licence in respect of premises situated in North Perth and known as Connolly's Bar.	18/3/01
8181	Eurest (Australia) Support Services Pty Ltd	Application for the grant of a Special Facility - Caterer Licence in respect of premises situated in East Perth and known as Eurest (Australia) Support Services Pty Ltd.	15/3/01
8182	Cossack Adventure Cruises Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Point Samson and known as Cossack Adventure Cruises.	18/3/01
8185	Impala Holdings P/L, Foxbay Investments P/L Shebacor Holding	Application for the grant of a Special Facility Licence in respect of premises situated in Welshpool and known as Striker Welshpool Indoor Sports.	22/3/01

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
6803	Pauline Tracy Mills, Arthur Mills and Janice Mills	Application for the grant of an extended trading permit - ongoing extended hours, in respect of premises situated in Northcliffe and known as Northcliffe Hotel.	6/3/01
6822	Peter George Jones & Beverley Lois Jones	Application for the grant of an extended trading permit - ongoing extended hours, in respect of premises situated in Wundowie and known as Wundowie One Stop.	6/3/01
6862	East Fremantle Yacht Club Inc	Application for the grant of an extended trading permit - ongoing extended hours, in respect of premises situated in Palmyra and known as East Fremantle Yacht Club Inc.	12/3/01

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

HUGH HIGHMAN, Director of Liquor Licensing.

## PUBLIC NOTICES

### ZZ101

#### TRUSTEES ACT 1962

##### NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 23rd March 2001, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Armstrong, Isabella Mary, Late of 18 Natasha Way, Westfield, died 31/12/2000 (DEC33104100DG3)

Atkin, Louisa Merle, Late of 40 Oswald Street, Victoria Park, formerly of 2 Tamalee Place, Hillman, died 3/2/2001 (DEC33152100DA3)

Baird, Mary Eileen, also know as Mary Helen Eileen Baird, Late of 5 Bray Place, Broome, died 12/2/2000 (DEC32622000DA2)

Bennetts, William Samuel, Late of 9 Alciston Way, Huntingdale, died 4/2/2001 (DEC33147600DA2)

Carruthers, Randall Laurence, Late of 6 Parrot Court, Gosnells, died 2/11/2000 (DEC33047700DC3)

Clow, Doris Ivy, Late of 36 Gemini Way, Carlisle, formerly of 152 Sussex Street, East Victoria Park, died 9/2/2001 (DEC33152600DP4)

Cummins, Olive Elizabeth, Late of 26 Belinda Avenue, Cloverdale, died 1/12/2000 (DEC33095200DL4)

Ingham, Gladys Mary, Late of Howard Solomon Homes, 91 Hybanthus Road, Ferndale, formerly of Unit 23, 49 North Lake Road, Myaree, died 5/1/2001 (DEC33147700DS3)

Kyne, Patrick Michael Joseph, Late of Cnr Glass & Twine Streets, Trayning, died 12/11/2000 (DEC33153200DG1)

Leembruggen, Hans Gordon, Late of Mertome Village, 7 Winifred Street, Bayswater, died 5/1/2001 (DEC33126400DG4)

Meyn, Jessie Isabell, Late of 16 Partlet Road, Duncraig, died 3/2/2001 (DEC33151800DA2)

Mills, Violet Doreen, Late of Joondanna Village Lodge, 5 Osborne Street, Joondanna, formerly of 133 Surrey Road, Rivervale, died 27/1/2001 (DEC33148900DL2)

O'Donnell, James Francis, Late of 11 Teak Way, Maddington, died 4/2/2001 (DEC33155800DL2)

O'Keffe, Rachael Veronica, Late of John Wesley Lodge, Rowethorpe Nursing Centre, Hayman Road, Bentley, died 17/1/2001 (DEC33143300DL4)

Plank, Irene Marjorie, Late of Amaroo Nursing Home, 74 Lissiman Street, Gosnells, died 6/2/2001 (DEC33151300DG2)

Pow, Florence Hilda May, Late of Burswood Private Nursing Home, 16 Duncan Street, Victoria Park, died 17/12/2000 (DEC33145700DS4)

Shaw, Audrey, Late of 70 Hampshire Street, East Victoria Park, died 2/2/2001 (DEC33151000DC2)

Thomson, Winifred Jessie, Late of Hocart Lodge, 3 Knowles Street, Harvey, formerly of Lot 9 South West Highway, Roelands, died 6/1/2001 (DEC33152400DG3)

ANTONINA ROSE McLAREN, Public Trustee,  
Public Trust Office, 565 Hay Street, Perth WA 6000.  
Telephone 9222 6777.

# PERTH OBSERVATORY



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