



**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

1663



**PERTH, FRIDAY, 23 MARCH 2001 No. 62**

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## SPECIAL PUBLICATION NOTICE

### GOVERNMENT GAZETTE—EASTER 2001

Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 2001.

#### EASTER ISSUES:

**THURSDAY 12 APRIL** (Copy closes Tuesday 10 April at 12.00 noon)

**FRIDAY 20 APRIL** (Copy closes Wednesday 18 April at 12.00 noon)

There will be no edition for TUESDAY 17 APRIL.

Any enquiries should be directed to John Thompson, Phone (08) 9426 0010

# — PART 1 —

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## PROCLAMATIONS

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AA101\*

**ROAD TRAFFIC AMENDMENT ACT 2000**

39 of 2000

## PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
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I, the Governor, acting under section 2 of the *Road Traffic Amendment Act 2000*, and with the advice and consent of the Executive Council —

- (a) revoke the proclamation made under that section on 6 February 2001 and published in the *Government Gazette* on 9 February 2001 at p. 767; and
- (b) fix 7 May 2001 as the day on which sections 19 to 22, 25, 26, 28 and 45 and Part 3 Division 2 of that Act and Schedule 1 clauses 3 and 5 to that Act come into operation.

Given under my hand and the Public Seal of the State on 20 March 2001.

By Command of the Governor,

M. H. ROBERTS,  
Minister assisting the Minister for Planning and Infrastructure.

GOD SAVE THE QUEEN !

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## FISHERIES

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FI301

**FISH RESOURCES MANAGEMENT ACT 1994**

NOTICE OF APPROVED FISH PROCESSORS (ABALONE  
MANAGED FISHERY) 2001

FD 721/99[390]

**Citation**

1. This notice may be cited as the *Notice of Approved Fish Processors (Abalone Managed Fishery) 2001*.

**Approved fish processors**

2. In accordance with, and for the purposes of, clause 18 of the *Abalone Management Plan 1992\** the persons named in the Schedule are approved fish processors in respect of abalone.

**Revocation**

3. The notice of 'approved fish processors' dated 30 March 1999 and published in the *Gazette* on 31 March 1999 is revoked.

Schedule

Eleni Pty Ltd (ACN 009 218 651)  
 Esperance Abalone Enterprises Pty Ltd (ACN 009 308 972)  
 Fremantle Fisherman's Co-operative Society Ltd  
 Kailis and France Pty Ltd (ACN 008 726 878)  
 Leeuwin Star Pty Ltd (ACN 009 069 569)

## Schedule—continued

Hamish Pty Ltd (ACN 008 980 354)  
 Sarab Pty Ltd (ACN 008 824 253)  
 Wilma Irene Hobson  
 Wilson Diving Company (ACN 008 934 012)  
 Wistane Pty Ltd (ACN 009 354 625)  
 W.A. Seafood Exporters Pty Ltd (ACN 008 773 091)

[\* *Abalone Management Plan 1992* was published in the *Gazette* of 14 August 1992. For amendments to 30 September 2000, see Notice No. 605 published in the *Gazette* of 17 September 1993, Notice No. 630 published in the *Gazette* of 19 November 1993, Notice No. 632 published in the *Gazette* of 17 December 1993, Notice No. 651 published in the *Gazette* of 20 May 1994, Notice No. 666 published in the *Gazette* of 22 July 1994, Notice No. 674 published in the *Gazette* of 6 September 1994, Notice No. 679 published in the *Gazette* of 7 October 1994, Notice No. 690 published in the *Gazette* of 20 December 1994, Notice No. 696 published in the *Gazette* of 28 April 1995, Notice No. 712 published in the *Gazette* of 6 June 1995, Correction No. 712 published in the *Gazette* of 28 July 1995, Notice No. 729 published in the *Gazette* of 22 September 1995, *Abalone Management Plan Amendment Plan 1995* published in the *Gazette* of 28 November 1995, *Abalone Management Plan Amendment 1996* published in the *Gazette* of 21 June 1996, *Abalone Management Plan Amendment (No. 2) 1996* published in the *Gazette* of 6 September 1996, *Abalone Management Plan Amendment (No. 3) 1996* published in the *Gazette* of 8 October 1996, *Abalone Management Plan Amendment (No. 4) 1996* published in the *Gazette* of 22 October 1996, *Abalone Management Plan Amendment 1997* published in the *Gazette* of 14 March 1997, *Abalone Management Plan Amendment (No. 3) 1997* published in the *Gazette* of 4 July 1997, *Abalone Management Plan Amendment (No. 2) 1997* published in the *Gazette* of 30 September 1997, *Abalone Management Plan Amendment (No. 4) 1997* published in the *Gazette* of 30 September 1997, *Abalone Management Plan Amendment (No. 5) 1997* published in the *Gazette* of 14 November 1997, *Abalone Management Plan Amendment 1998* published in the *Gazette* of 20 March 1998, *Abalone Management Plan Amendment (No. 2) 1998* published in the *Gazette* of 25 September 1998, *Abalone Management Plan Amendment 1999* published in the *Gazette* of 30 March 1999, the *Abalone Management Plan Amendment (No. 2) 1999* published in the *Gazette* of 4 June 1999, the *Abalone Management Plan Amendment (No. 3) 1999* published in the *Gazette* of 19 October 1999 and, the *Abalone Fishery Management Plan Amendment 2000* published in the *Gazette* of 21 July 2000.

See Regulation 183 of the *Fish Resources Management Regulations 1995* concerning the citation of notices in force under the *Fisheries Act 1905* immediately before the commencement of those Regulations].

P. P. ROGERS, Executive Director.

Dated this 21<sup>st</sup> day of March 2001.

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## FAIR TRADING

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### FT301

#### RETAIL TRADING HOURS ACT 1987

##### RETAIL TRADING HOURS (EASTER) EXEMPTION ORDER 2001

Made by the Minister for Consumer Affairs under Section 5 of the Act.

#### 1. Citation

This Order may be cited as the *Retail Trading Hours (Easter) Exemption Order 2001*.

#### 2. Thursday 12 April 2001—Perth area hours extended

A condition of Clause 5 of the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996* is not breached even though a shop is not closed until after 7.00pm on Thursday 12 April 2001 if the shop is closed from and after 9.00pm on that day.

JOHN KOBELKE MLA, Minister for Consumer Affairs.

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**JUSTICE**

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**JM101***CORRECTION TO REPRINT***PRISONS REGULATIONS 1982**

The reprint, as at 9 March 2001, of the *Prisons Regulations 1982* is corrected as follows—

On page 62 in the column headed "Citation", in the entry for *Prisons Amendment Regulations 1999*, the words "(Disallowance published in *Gazette* 21 December 1999 p.6417)" are deleted and the following inserted instead—

("Regulation 5 disallowed on 15 December 1999. See *Gazette* 21 December 1999 p.6417.)

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**TRANSPORT**

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**TR301\***

Road Traffic Act 1974

**Road Traffic (Drivers' Licences) Amendment  
Regulations (No. 5) 2001**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Road Traffic (Drivers' Licences) Amendment Regulations (No. 5) 2001*.

**2. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Drivers' Licences) Amendment Regulations (No. 4) 2001\**.

[\* *Published in Gazette* 9 February 2001, p. 775-94.]

**3. Regulation 2 amended**

Regulation 2 is amended by deleting "2 April 2001" and inserting instead —

" 7 May 2001 ".

**4. Regulation 12 repealed**

Regulation 12 is repealed.

By Command of the Governor,

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

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## — PART 2 —

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### ENVIRONMENTAL PROTECTION

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**EP401\*****ENVIRONMENTAL PROTECTION AMENDMENT ACT 1998****THE WESTERN AUSTRALIAN WASTE MANAGEMENT AND  
RECYCLING FUND—CHANGES TO FUND PROGRAMS**

The Environmental Protection (Landfill) Levy Act assented to on 30 April 1998 enables the Government to raise a levy on waste to landfill generated or disposed in the Metropolitan Area. The money raised by the levy is held in the Waste Management and Recycling Trust Fund. The use of this fund, which must be directed towards achieving the State's waste management objectives, is governed by provisions in the Environment Protection Amendment Act 1998. These provisions require the publication in the Government Gazette of the objectives and principles of the Fund at the commencement of operations of the Fund and on other occasions from time to time. The Fund will assist local government, industry and the community to reduce waste and recycle and to reduce the impact of waste on the environment.

The purpose of this notice is to advise of a recent change to replace Program 6.1, the Municipal Recycling Services rebate scheme, with a new program to be known as the Resources Recovery Rebate Scheme.

**PRINCIPLES OF THE FUND**

The principles that guide the operation of the Waste Management and Recycling Fund are:

1. The environmental and economic impact of waste should be kept to a minimum.
2. Society should be responsible for managing its own waste today, rather than leaving it for future generations to deal with.
3. Wastes should not be knowingly created where there is no environmentally acceptable and appropriate management option.
4. Those responsible for generating waste should pay for its treatment or disposal.
5. Waste management should be based on a waste management hierarchy involving:
  - *waste reduction (avoiding the creation of waste);*
  - *re-use;*
  - *recycling and reprocessing (including treatment);*
  - *energy recovery; and*
  - *disposal (as a last resort).*
6. Western Australians should have access to appropriate advice and means for waste prevention, recycling treatment and disposal.
7. All aspects of the Fund should be open and accountable.
8. Programs supported by the Fund are outcome based and in accordance with the principles and objectives of the Fund.

**OBJECTIVES OF THE FUND**

The objectives of the Waste Management and Recycling Fund are to:

1. Encourage the conservation of resources and energy through waste reduction and recycling.
2. Promote, support and encourage viable alternatives to landfill disposal of waste.
3. Encourage the development of appropriate waste management, waste reduction and recycling infrastructure and markets.
4. Support and encourage applied research and development into waste management, waste reduction and recycling that assists in meeting the State's objectives.
5. Ensure that Western Australians have access to appropriate waste management, waste reduction and recycling services.
6. To provide for an educated and aware community to assist in achieving these ends.
7. Promote State and regional coordination of recycling and waste reduction.

**THE FUNDED PROGRAMS**

The Minister for the Environment, on the advice of the Advisory Council on Waste Management, determines priority areas of funding in the form of specific programs. The programs include a number of specific purpose grant schemes which are summarised below.

The full details of funded programs are published in a document called the Waste Management and Recycling Fund - Principles, Objectives and Operating Guidelines. This document is available from the Department of Environmental Protection, or electronically via the Department's Website at [www.environment.wa.gov.au/DEP/wmfund](http://www.environment.wa.gov.au/DEP/wmfund).

### **6.1 Resource Recovery Rebate Scheme**

The Resource Recovery Rebate Scheme recognises recycling and waste treatment processes which achieve potential savings in terms of materials or energy. Applications for this scheme are processed by the Western Australian Municipal Association.

#### **Objective:**

*To encourage the provision of service, managed or delivered by local government, that achieve recovery of resources from the waste stream, or achieve a reduction in material landfilled; to recognise the efforts of those local governments currently providing services that achieve resource recovery consistent with their performance relative to other local governments; and to allow for differing rebate amounts for specific waste streams, technology types and in different regions.*

#### **Eligibility:**

*Local governments and regional local governments as constituted under the local Government Act 1995, the Rottnest Island Authority, and other organisations approved by the Advisory Council on Waste Management.*

#### **Description**

The Resource Recovery Rebate Scheme provisions may apply to any resource derived from the waste stream that is subsequently diverted from landfill. Rebates will not be made available for material that ends up in landfill. The Advisory Council on Waste Management may from time to time publish a list of materials and/or collection systems that are to be excluded when calculating rebates. Rebate payments will be calculated on the basis of tonnes which are able to be supported by appropriate documentation

### **6.2 Waste Classification and Information**

#### **Objective:**

*To ensure strategic decisions about waste management are based on consistent, accurate and timely information about the waste stream.*

#### **Eligibility:**

*Local and Regional (Local) Governments, industry associations, educational and other institutions, community and service organisations.*

#### **Description**

Strategic decisions in waste management in Western Australia are complicated by a lack of information about the composition of the waste stream. While much is known about the domestic waste stream, information on the commercial and industrial waste stream is poor. The situation has been much improved by the national waste classification scheme. This scheme involves wastes being weighed and classified as they enter all major landfills. The system also covers the collection and reprocessing of recyclable materials.

The waste classification scheme needs to be augmented by regular rubbish and recycling audits to give a clear picture of the effectiveness of the state's waste reduction and recycling programs. Organisations, which need detailed information about their waste stream, may apply for assistance in conducting waste audits.

### **6.3 Cleaner Production and Industrial Waste Reduction**

#### **Objective:**

*To encourage manufacturing and service industry to minimise their environmental impact and reduce wastes by adopting appropriate designs, practices and technologies.*

#### **Eligibility:**

*Small to medium (up to 100 employees) manufacturing, construction, service industry and educational and other institutions.*

#### **Grant**

##### **6.3.1 Audits and Extension Services**

*Generally 50% of cleaner production audit cost to a maximum of \$10,000. The Advisory Council on Waste Management (ACWM) may recommend grants above this level from time to time.*

##### **6.3.2 General**

*Grants up to 50% of approved cleaner production extension services and other cleaner production initiatives to a maximum of \$20,000. The ACWM may recommend grants above this level from time to time.*

#### **Description**

Cleaner production and industrial waste audit services are a high priority. These services are needed to encourage manufacturing and service industry to:

- adopt cleaner production techniques to reduce the environmental impact of manufacturing and services at all stages in the product life-cycle;
- use waste audits to determine nature, volume and sources of waste;
- identify options for reducing waste and the consumption of energy, water and other natural resources; and
- design products and packaging which can be re-used or recycled.

The assistance available from the Waste Management and Recycling Fund is in the form of a grant towards the cost of a cleaner production audit carried out by a specialist consultant of the company's choice. The grant will not be made in the case of audits performed in-house. The program will include but not be limited to training, education, research, support, awareness and general extension activities.

#### **6.4 Recycling and Waste Processing Industry Development**

##### **Objective:**

*To ensure that Western Australia's access to industrial capacity to process recovered materials and use recycled feedstock is consistent with supply generated by recycling and recovery services.*

##### **Eligibility:**

*Recycling and waste processing industry; Manufacturing, construction and service industry; and Industry and Government either separately or in combination*

##### **Grant**

*Generally 50% of project cost to a maximum of \$100,000. The ACWM may recommend grants above this level from time to time. The Minister may wish to pursue specific instances of strategic importance.*

##### **Description**

The Department of Commerce and Trade is able to provide capital grants of 10 percent (15 percent for regional projects) for approved pioneering new industries. The assistance is subject to a minimum capital investment of \$2.5 million for metropolitan projects (\$1 million for regional). As most new recycling enterprises have a capital outlay below these levels, these criteria disqualify them from receiving assistance. To overcome this problem and to assist the development of Western Australia's recycling industry capacity, a proportion of waste management program funding is available to offer incentives for the development of essential recycling industry infrastructure and assistance with research and development particularly in the areas of construction and demolition waste recycling; organic waste processing; paper recycling; plastics recycling; household hazardous waste recycling; tyre recycling; waste to energy; and other relevant waste processing/recycling industry areas.

This program is particularly aimed at infrastructure development with significant potential to reduce waste currently dumped in landfills, or improve the efficiency of existing recycling. This includes development of collection and sorting systems designed to maximise recovery consistent with markets. This program can also assist industry to evaluate, trial and develop potential markets for secondary materials. Other eligible projects include business plans; marketing plans; advertising campaigns; market feasibility studies; trial shipments of materials overseas or interstate; trial production runs; and in service trials.

#### **6.5 Regional Recycling Program**

##### **Objective:**

*To ensure that Western Australians living beyond the metropolitan area have access to recycling services appropriate to local conditions.*

##### **Eligibility:**

*Non-metropolitan Local and Regional (Local) Governments and country community based organisations.*

##### **Grant:**

*Generally 50% of project cost to a maximum of \$40,000. The ACWM may recommend grants above this level from time to time.*

##### **Description**

This Program is to assist country councils to assess and develop the most environmentally and economically appropriate ways to reduce waste and recycle. Eligible projects include regional waste management and recycling plans; assistance to improve the marketability and transport economics of recyclables; acquisition of essential recycling infrastructure; community education programs; and assistance towards the regional coordination of recycling.

#### **6.6 Public education and promotion**

##### **Objective:**

*To ensure that Western Australian community understands the issues surrounding waste management and can make informed choices and decisions about waste generation, waste management, waste reduction and recycling.*

##### **6.6.1 Central sub program**

##### **Description**

A state-wide public education and promotion initiative of the Government, on advice from the ACWM and approved by the Minister for the Environment. This program provides an education and promotion campaign on waste generation, waste management, waste reduction and recycling issues of state-wide importance and specific priority areas including closing the loop; organic waste and processing; construction and demolition waste and processing; problematic wastes; household hazardous waste; and work place waste reduction and recycling.

The central public education and promotion program is coordinated by the Advisory Council on Waste Management with the advice and assistance of the State Recycling Advisory Committee.



**6.6.2 General sub program****Eligibility:**

*Recycling and waste processing industry, industry associations, local government (particularly regional groupings), educational and other institutions, service and community groups*

**Grant:**

*Generally 50% of project cost to a maximum of \$25,000. The ACWM may recommend grants above this level from time to time.*

**Description**

To assist recycling and waste processing industries, industry associations, local government (particularly regional groupings), educational and other institutions, service groups and community groups, inform and educate particular groups on waste generation, waste management, waste reduction and recycling issues of importance to particular communities, industries and regions. Projects may include development of technical expertise; targeted education activities, including cost of education coordination; advertising campaigns; publications and fliers; promotional displays and materials; seminars and community consultation (in certain circumstances); and assessment and encouragement of supportive community attitudes.

Applicants must be prepared to meet 50% of the cost of the project to qualify for funding. The contribution towards cost may be in kind.

**6.7 State Co-ordination of Local Government Recycling and Waste Reduction****Objective:**

*To assist local government associations with state-wide representation to coordinate state-wide recycling and waste reduction initiatives.*

**Eligibility:**

*Local government associations with state-wide representation.*

**Grant:**

*Generally 50% of project costs to a maximum grant of \$40,000. The Advisory Council on Waste Management may recommend grants above this level from time to time.*

**6.8 State Government Waste Management, Recycling and Waste Reduction****Objective:**

*To assist with strategic planning and coordination of waste management at the state level.*

**Eligibility:**

*State and Local government agencies and associations with state-wide representation.*

**Grant:**

*Grants up to 100% of project costs may be recommended.*

PROFESSOR DES O'CONNOR, Chairman, Advisory Council  
on Waste Management.

Approved by—

Dr JUDY EDWARDS, Minister for the Environment and Heritage.

Dated this 16<sup>th</sup> Day of February 2001.

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**FAIR TRADING**

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**FT401****COMPANIES (CO-OPERATIVE) ACT 1943**

In the matter of the Companies (Co-operative) Act 1943-1982.

In the matter of Bindoon Chittering Growers Co-operative Limited.

Notice is hereby given that, pursuant to Section 26(1) of the abovenamed Act, a Certificate of Incorporation, as a Limited Company, has this day been issued to Bindoon Chittering Growers Co-operative Limited.

Dated this 19th day of March 2001.

(Sgd.) A person authorised by the Commissioner  
for Corporate Affairs in Western Australia.

Ministry of Fair Trading  
Registration Services Branch  
Perth WA 6000.

**FT402****ASSOCIATIONS INCORPORATION ACT 1987**

## Section 35

## WESTERN AUSTRALIAN TOURISM INDUSTRY ASSOCIATION INC

Notice is hereby given that the incorporation of the above-named association has been cancelled as from the date of this notice.

Dated the 19th day of March 2001.

S. MEAGHER, Manager, Registration Services  
for Commissioner for Fair Trading.

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**HOUSING**

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**HM401\*****COUNTRY HOUSING ACT 1998**

## STANDARD RATE OF INTEREST

Notice is hereby given, in accordance with Section 40 of the Country Housing Act 1998 that the standard rate of interest to apply for assistance provided under this act is 7.75% effective from 1st March, 2001.

TOM STEPHENS MLC, Minister for Housing.

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**LOCAL GOVERNMENT**

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**LG401\*****LOCAL GOVERNMENT ACT 1995***Shire of Shark Bay*

It is hereby notified for public information that, with effect from 19 March 2001, Mark John Hook has been appointed as Chief Executive Officer of the Shire of Shark Bay. This notice cancels all previous notices.

It is hereby notified for public information that, with effect from 19 March 2001, Mark John Hook has been appointed a Registration Officer under the provisions of the Dog Act, has been appointed Chief Fire Control Officer/Fire Weather Officer under the provisions of the Bush Fires Act 1954 and has been appointed an Authorised Person under the provisions of the following Acts, Regulations and By-laws and Local Laws—

Local Government Act 1995

Dog Act 1976

Litter Act 1979

Control of Vehicles Act 1979

Caravan Parks and Camping Grounds Act 1995 and Regulations, and

Removal and Disposal of Obstructing Animals By-laws.

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

**LG402\*****SHIRE OF ROEBOURNE**

## Authorised Officer

It is hereby notified for public information that Ms Carol Lesley Townsend has been appointed to the position of Ranger/Administrative Support Officer effective from the 19<sup>th</sup> day of February 2001 and is

authorised, on behalf of the Shire of Roebourne, to enforce and administer the provisions of the following Acts and Regulations as an Authorised Person within the Shire of Roebourne—

- Local Government Act 1995;
- Local Government Miscellaneous Provisions Act 1995;
- Dog Act 1976 (as amended);
- Litter Act (as amended);
- Control of Vehicles (Off Road Areas) Act 1978 (as amended);
- Bush Fires Act 1954; and
- All other local Laws and/or Regulations administered or enforced by the Shire of Roebourne.

The appointment of Mr Michael David Ellerton is hereby cancelled.

T. S. RULAND, Chief Executive Officer.

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## MINERALS AND ENERGY

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**MN401**

**MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

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

CLIVE BROWN, Minister for State Development;  
Small Business; Goldfields-Esperance.

80/461—West Coast Holdings Ltd  
Greater Pacific Investments Pty Ltd

Kimberley Mineral Field

**MN402**

**MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; non payment of rent.

CLIVE BROWN, Minister for State Development;  
Small Business; Goldfields-Esperance.

Number	Holder	Mineral Field
<b>EXPLORATION LICENCE</b>		
52/1376	Brosnan, Allan Neville Flint, Warwick John	Peak Hill
<b>MINING LEASE</b>		
77/53	Austfin Resources Pty Ltd	Yilgarn

**MN403****MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; non payment of rent.

CLIVE BROWN, Minister for State Development;  
Small Business; Goldfields-Esperance.

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Number	Holder	Mineral Field
		EXPLORATION LICENCE
53/808	Robinson, Kim	East Murchison
		MINING LEASE
31/35	Cook, Max Dennis Paynter, Noel Arthur Timmins, Kelvin James	North Coolgardie

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**MN404****MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 97(1) of the "Mining Act 1978" that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, Minister for State Development;  
Small Business; Goldfields-Esperance.

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Number	Holder	Mineral Field
77/558	Mouritz, Richard Kent	Yilgarn

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**MN405****MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 97(1) of the "Mining Act 1978" that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, Minister for State Development;  
Small Business; Goldfields-Esperance.

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Number	Holder	Mineral Field
70/806	Owen, William Edward Sloan, Edward Leslie	South West

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**PLANNING**


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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF CANNING*

TOWN PLANNING SCHEME No. 40—AMENDMENT No. 99

Ref: 853/2/16/44 Pt 99

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the City of Canning Town Planning Scheme Amendment on 17 March 2001 for the purpose of—

## 1. SCHEME MAP MODIFICATIONS:

Rezoning a portion of 190-208 Welshpool Road (Lot 501) (corner Mills Street and Kewdale Road), Welshpool from “Local Authority Reservations—Public Purposes” to “Light Industry”; and indicating an additional use in Serial No. 85 of Appendix 5 to the Scheme Text.

## 2. SCHEME TEXT MODIFICATIONS:

By adding the following to Appendix 5, Schedule of Additional or Prohibited Uses—

No.	Lot No.	Address	Uses which may be prohibited or permitted in addition to those permitted by the Zoning Table		Additional Development Requirements
			Additional Uses:	Prohibited Uses:	
85	Portion of Lot 501	190-208 Welshpool Road (corner Mills Street and Kewdale Road), Welshpool	Office		

M. S. LEKIAS, Mayor.  
I. F. KINNER, Chief Executive Officer.

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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF ARMADALE*

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 148

Ref: 853/2/22/4 Pt 148

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the City of Armadale Town Planning Scheme Amendment on 17 March 2001 for the purpose of—

## 1. Rezoning—

- Portion Lot 10 and Portion Lot 100 Allen Road and Portion Lot 78 Armadale Road from “Rural X” and unzoned land to “General Industry”;
- Lots 130, 131, Pt Lot 80, Lots 1, 2, 3, 5 and Portion Lot 6 Ranford Road, Portion Lot 10 Allen Road, Lot 7 and Lot 4, Portion Lot 12 and Lot 13 and Lot 14 Lake Road, Lots 51, 52 and 76 Brigade Road, Portion Lot 78 Armadale Road from “Rural C”, “Rural D” and unzoned land to “Industrial Business Development”; and
- Portion Lot 2 Ranford Road from “Special Use area No.67” to “Industrial Business Development”.

## 2. Excluding Reserve No. 9711 and No. 2150 from Parks and Recreation Reserve and including the reserves within the “Industrial Business Development” Zone;

## 3. Applying a “Development Area” designation on the land referred to in Points 1 and 2 above and delineating an appropriate notation on the Scheme Amendment Map;

## 4. Inserting a new Clause 5.7 “Industrial Business Development” Zone into the Scheme as follows—

## 5.7 INDUSTRIAL BUSINESS DEVELOPMENT ZONE

## 5.7.1 Objective

The objective of the Industrial Business Development Zone is to provide for the orderly planning of industrial and mixed business development in an integrated manner within the regional context, while retaining flexibility to review planning with changing circumstances.

**5.7.2 Development**

Development within the Industrial Business Development Zone shall have regard to any Policies adopted by Council under Clause 5.9.1.

5. Inserting the following into Part 3.1 zones after 8. Light Industry and renumbering the existing zones accordingly—

ZONES	SUB-CATEGORY
9.	Industrial Business Development

6. Inserting the following Table 9. Industrial Business Development Zone after Light Industry Zone and renumbering Table 9. to Table 10. and Table 10. to Table 11.—

TABLE 9.

Industrial Business Development Zone

POLICY STATEMENT:

In considering an application for planning consent within the Industrial Business Development zone, the Council shall have regard to Planning Policy No. 4.3.16.

The subdivision and development of land within the Industrial Business Development Zone shall be generally in accordance with Forrestdale Industrial Park structure plan endorsed by the City of Armadale and the Western Australian Planning Commission.

USE CLASSES	CODE	MINIMUM CAR PARKING SPACES	DEVELOPMENT STANDARDS
Auction Mart	AA	As required by Council	Setbacks, car parking and landscaping shall accord with Planning Policy No. 4.3.16—Forrestdale Industrial Park Estate
Car Parking	P	As required by Council	
Caravan Park	X		
Caretaker's House	IP	As required by Council	<u>Setbacks</u> Unless Council determines a variation minimum Boundary Setbacks shall be—
Child Minding Centre	AA	As required by Council	<ul style="list-style-type: none"> <li>• Front setback—9 metres</li> <li>• Side and rear setback—3 metres, however, a parapet wall to the rear and/or one side only, may allow relaxation of these setbacks to nil.</li> </ul>
Club Premises	AA	As required by Council	
Community Purpose	AA	As required by Council	<u>Landscaping</u> All development shall require a Landscaping Plan to be prepared and approved which, unless Council determines a variation, shall include—
Consulting Rooms	AA	6 per consulting room	<ul style="list-style-type: none"> <li>• A minimum 1.5m buffer planting area shall be provided within the setback to any street,</li> <li>• A minimum 8% of the total lot area shall be landscape planted,</li> <li>• A 0.5 metre minimum landscaping strip between car parking areas and buildings or car parking and those side and rear lot boundaries which do not form pedestrian access paths.</li> </ul>
Educational Establishment	AA	As determined by Council	
Extractive Industry	X		
Funeral Parlour	AA	1 per 30m <sup>2</sup> Gross Floor Area plus adequate requirements for funeral vehicles	
General Industry	X		
Grouped Dwelling	X		
Health Studio	AA	As required by Council	
Holiday Accommodation	X		
Kennel	X		
Laboratory	AA	1 per 30m <sup>2</sup> Gross Floor Area	
Light Industry	AA	1 per 100m <sup>2</sup> Gross Floor Area or in the case of factory units, 4 per unit whichever is the greater	
Medical Centre	AA	As required by Council	
Milk Depot	AA	As required by Council	

USE CLASSES	CODE	MINIMUM CAR PARKING SPACES	DEVELOPMENT STANDARDS
Office	AA	1 per 30m <sup>2</sup> Gross Floor Area	
Open Air Display	AA	1 per 100m <sup>2</sup> Gross Floor Area and open display area	
Private Recreation	AA	As determined by Council	
Public Amusement	AA	As determined by Council	
Exhibition Centre	AA	As required by Council	
Laundromat	AA	As required by Council	
Public Recreation	P	As required by Council	
Public Utility	P	As required by Council	
Residential Building	X		
Restaurant	SA	As required by Council	
Retail Garden Centre	AA	As required by Council	
Rural Industry	X		
Service Industry	AA	1 per 100m <sup>2</sup> Gross Floor Area or in the case of factory units, 4 per unit whichever is the greater	
Service Station	AA	As required by Council	
Shop	SA	8 per 100m <sup>2</sup> Gross Leasable Area	
Showroom	AA	1 per 30m <sup>2</sup> Gross Leasable Area	
Single House	X		
Storage	AA	As required by Council	
Takeaway Food	SA	As required by Council	
Transport Depot	AA	As required by Council	
Vehicle Boat and Caravan Sales	AA	As required by Council	
Veterinary Est.	AA	5 per consulting room	
Warehouse	AA	1 per 100m <sup>2</sup> Gross Floor Area	

7. Deleting Clause 5.1.1 of the Scheme.

8. Inserting a new Clause 5.8 "Development Areas" into the Scheme as follows—

#### 5.8 DEVELOPMENT AREAS

##### 5.8.1 Interpretation

In clause 5.8, unless the context otherwise requires—

'owner' means an owner or owners of land in the Development Area;

##### 5.8.2 Purpose of Development Areas

5.8.2.1 The purpose of having Development Areas is to—

(a) identify areas requiring comprehensive planning prior to subdivision and development;  
and

(b) coordinate subdivision and development in areas requiring comprehensive planning.

5.8.2.2 Schedule 1 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

##### 5.8.3 Subdivision and Development in Development Areas

5.8.3.1 The development of land within a Development Area is to comply with Schedule 1.

5.8.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.

#### 5.8.4 Structure plan required

5.8.4.1 The City of Armadale is not to—

- (a) consider recommending subdivision; or
- (b) approve development

of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part or parts of the Development Area.

5.8.4.2 Notwithstanding clause 5.8.4.1, the City of Armadale may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land if the City of Armadale is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

#### 5.8.5 Preparation of structure plans

5.8.5.1 A proposed structure plan may be prepared by—

- (a) the City of Armadale; or
- (b) an owner or on behalf of an owner.

5.8.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

#### 5.8.6 Details in structure plan

5.8.6.1 A proposed structure plan is to contain the following details—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - (iii) existing and future land use.
- (d) for district structure plans a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;
  - (iv) major open spaces and parklands;
  - (v) major public transport routes and facilities;
  - (vi) the pattern and disposition of land uses; and
  - (vii) schools and community facilities.
- (e) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 5.8.6.1 (b) above;
  - (iii) the context analysis including reference to the matters listed in clause 5.8.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;



- (vi) traffic management and safety;
- (vii) parkland provision and management;
- (viii) urban water management;
- (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
- (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development;

5.8.6.2 Maps are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5.8.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

5.8.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Planning Codes*, and where the proposed structure plan becomes a structure plan, the City of Armadale is to have due regard to such reserves, zones or *Residential Planning Codes* when recommending subdivision or approving development of land within a Development Area.

5.8.6.4 A proposed structure plan must, in the opinion of the City of Armadale, be consistent with orderly and proper planning.

5.8.7 Submission to City of Armadale and Commission

5.8.7.1 A proposed structure plan prepared by an owner or on behalf of an owner is to be submitted to the City of Armadale.

5.8.7.2 When the City of Armadale prepares or receives a proposed structure plan, which proposes the subdivision of land, it shall forward a copy of the proposed structure plan to the Commission for comment prior to advertising under clause 5.8.9.

5.8.8 Referral to Minister

5.8.8.1 If, prior to the proposed structure plan being advertised, a question arises as to whether the proposed structure plan complies with clause 5.8.6 or the Scheme, the City of Armadale or the owner of the land who submitted the proposed structure plan may refer that question to the Minister as arbitrator, and the decision of the Minister is final and conclusive.

5.8.8.2 If the Minister decides the proposed structure plan complies with clause 5.8.6 and the Scheme, the City of Armadale is to advertise the proposed structure plan in accordance with clause 5.8.9.1 within such period as is determined by the Minister.

5.8.9 Advertising of structure plans

5.8.9.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.8.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the City of Armadale), the City of Armadale is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the City of Armadale, are likely to be affected by the adoption of the proposed structure plan;
  - (iii) such public authorities and other persons as the City of Armadale nominates.

5.8.9.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the City of Armadale by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

5.8.10 Referral to Commission

5.8.10.1 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the City of Armadale is to forward to the Commission a copy of the proposed structure plan for the Commission to comment and advise on whether it is prepared to endorse the proposed structure plan with or without modification.

5.8.10.2 The Commission is to notify the City of Armadale of its comments and advise under clause 5.8.10.1.

5.8.11 Adoption of structure plan

5.8.11.1 The City of Armadale is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

#### 5.8.11.2

- (a) In making a determination under clause 5.8.11.1, the City of Armadale is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
- (b) If the Commission requires modifications to the proposed structure plan, the City of Armadale is to consult with the Commission prior to making a determination under clause 5.8.11.1.

5.8.11.3 If the City of Armadale, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan suggested by the Commission is substantial, the City of Armadale may—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan and thereafter, the procedures set out in clause 5.8.9.1 onwards are to apply.

5.8.11.4 If within the period referred to in clause 5.8.11.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the City of Armadale, the City of Armadale has not made a determination under clause 5.8.11.1, the City of Armadale is deemed to have refused to adopt the proposed structure plan.

5.8.11.5 As soon as practicable after adopting a proposed structure plan under clause 5.8.11.1, the City of Armadale is to forward a copy of the structure plan to—

- (a) any public authority or person that the City of Armadale thinks fit; and
- (b) where the structure plan was submitted by an owner or on behalf of any owner, to all such owners.

#### 5.8.12 Endorsement by Commission

5.8.12.1 Where the proposed structure plan proposes the subdivision of land, within 7 days of making its determination under clause 5.8.11.1, the City of Armadale is to forward the proposed structure plan to the Commission for its endorsement.

5.8.12.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

5.8.12.3 The Commission is to notify the City of Armadale of its determination under clause 5.8.12.2

#### 5.8.13 Operation of structure plan

5.8.13.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.8.12.2; or
- (b) on the day on which it is adopted by the City of Armadale under clause 5.8.11.1 in all other cases.

5.8.13.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

#### 5.8.14 Inspection of structure plan

5.8.14.1 The structure plan and the advice of the Commission's determination under clause 5.8.12.3 is to be kept at the City of Armadale's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### 5.8.15 Variation to structure plan

5.8.15.1 The City of Armadale may vary a structure plan—

- (a) by resolution if, in the opinion of the City of Armadale, the variation does not materially alter the intent of the structure plan;
- (b) in accordance with clause 5.8.16; or
- (c) otherwise, in accordance with the procedures set out in clause 5.8.6 onwards.

5.8.15.2 If the City of Armadale varies a structure plan by resolution, the City of Armadale is to forward a copy of the variation to the Commission within 10 days of making the resolution.

#### 5.8.16 Detailed area plan

5.8.16.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—

- (a) the City of Armadale; or
- (b) an owner or on behalf of an owner.

5.8.16.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;

- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the City of Armadale.

5.8.16.3 The City of Armadale is to—

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

the detailed area plan.

5.8.16.4 If within 60 days of receiving a detailed area plan prepared under clause 5.8.16.1(b), or such longer period as may be agreed in writing between the owner and the City of Armadale, the City of Armadale has not made one of the determinations referred to in clause 5.8.16.3, the City of Armadale is deemed to have refused to approve the detailed area plan.

5.8.16.5 Once approved by the City of Armadale, the detailed area plan constitutes a variation of the structure plan.

5.8.16.6 A detailed area plan may be varied with the approval of the City of Armadale provided such variations do not prejudice the intention of any related structure plan.

#### 5.8.17 Appeal

5.8.17.1 An owner may appeal, under Part V of the Town Planning Act, any determination of the City of Armadale to—

- (a) adopt a proposed structure plan;
- (b) refuse to adopt a proposed structure plan (including a deemed refusal); or
- (c) require modifications to a proposed structure plan that are unacceptable to that owner.

5.8.17.2 An owner may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the City of Armadale under clause 5.8.16.

9. Amending the Scheme Map accordingly;
10. Renumbering the following Clauses of the Scheme, accommodating the deleted and new provisions of the Scheme in appropriate numeric order;
  - Clause 5.1.2—Parking of Commercial Vehicles—to be renumbered to Clause 5.1.1;
  - Clause 5.7—General Matters—All Zones—to be renumbered to 5.9;
  - Clause 5.8—Heritage Provisions Conservation of Buildings and Places of Heritage Significance—to be numbered to Clause 5.10;
  - Clause 5.9—Provisions Relating to Specified Areas—to be renumbered to Clause 5.11;
  - Schedule 1 Part 1—Deleting the reference to “clause 5.8” under point 1. and replacing it with “clause 5.11” and deleting the reference to “clause 5.1.1” of the Scheme in point 3 and replacing it with “clause 5.8”.
11. Introducing into Schedule 1 Provisions Relating to Specified Areas the Forrestdale Industrial Park Estate
 

Part 2.—Forrestdale Industrial Park Estate

  1. Only one service station is to be located within the area designated as Forrestdale Industrial Park Estate bounded by Armadale Road, Tonkin Highway, Ranford Road and Ranford Road extension. The service station is to be located within the Highway Commercial Precinct fronting Armadale Road.
  2. The planning philosophy for this estate is based on the embodiment of Policy Precincts into the structure plan where it will be subject to structure plan provisions including the statutory requirement for any modifications to be adopted by the WAPC as well as Council. Thus it will have certainty with the flexibility to be responsive to evolving standards of contemporary estate development.
  3. Prior to development proceeding on Lot 10 Armadale Road, groundwater testing is to be undertaken to the satisfaction of the Water & Rivers Commission to determine the level of nitrogen, phosphorus or bacteriological material. In the event that the Water & Rivers Commission is not satisfied with the results, extraction of groundwater will be prohibited.
12. Amending Clause 1.7 Interpretation to include new definitions to read as follows;
 

“Auction Mart” means premises 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.

“Laundromat” means premises, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

“Lunch Bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas but does not include a takeaway food outlet.

“Medical Centre” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

“Milk Depot” means premises to which milk and by products are delivered for distribution by vendors to consumers but in which milk is not processed or pasteurised.

“Storage” means premises used for the storage of goods, equipment, plant or materials.

“Vehicle, boat and caravan sales” means premises used for the display and sale of new or second hand vehicles, motor-cycles, boats, caravans or recreation vehicles, or any one or more of them.

“Development Area” means an area identified on the Scheme Maps, which requires comprehensive planning prior to subdivision and development in accordance with Clause 5.8 and which may be further described by specific provisions in Schedule 1.

“Infrastructure” means such services and items as are or may reasonably be required to enable land to be subdivided and developed including the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing, may include such items as sewerage, drainage, water supply, power supply, telecommunications, thoroughfares and transport services.

“Structure plan” means a proposed structure plan that has come into effect under clause 5.8.13.1.

“Premises” means land or buildings.

“Proposed structure plan” means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 5.8.

“Dry Cleaning Premises” means premises used for the cleaning of garments and other fabrics by chemical processes.

“Community Purpose” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

“Exhibition Centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.

13. Amending Clause 1.7 Interpretation to delete the existing definition for “Consulting Rooms” and “Public Worship” and substituting the following—

“Consulting Room(s)” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

“Public Worship” (place of) means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.

14. Amending the definitions of “AA” and “SA” use in Clause 3.3 to read—

AA = means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.

SA = means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 7.2

R. C. STUBBS, Mayor.  
R. S. TAME, Chief Executive Officer.

#### PD403\*

### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

#### SHIRE OF NORTHAMPTON

#### TOWN PLANNING SCHEME No. 6—AMENDMENT No. 2

Ref: 853/3/14/8 Pt 2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the Shire of Northampton Town Planning Scheme Amendment on 17 March 2001 for the purpose of—

1. Inserting portion of Lot 4 (Pt Oakabella Estate Lots 38 and 39) Starling Road, Oakabella, within ‘Appendix No. 7—Special Sites Zone Schedule’, to enable the development of tourist accommodation and associated tourism facilities/activities—

Lot No.	Location	Purpose	Development Provisions
OAKABELLA Portion of Lot 4 (Pt Oakabella Estate Lots 38 and 39)	Starling Road	Caravan Park, Camping Area, Motel Units, Store/Office/ Caretaker’s Residence, Restaurant/ Reception Centre, Backpacker’s Accommodation, Display and Sale of Local Arts & Crafts/Market, Native Animal/Bird Enclosure.	1. All development and related matters to be in accordance with the Development Plan No: 36798DP1-1-0 as endorsed by the Chief Executive Officer and revised Conservation Plan prepared by the proponents to the satisfaction of the Heritage Council of WA.  2. Maximum number of 20 powered caravan sites, 15 camping sites and 4 motel units.  3. Restaurant and Reception Centre to be developed within the existing ‘tearoom’ building.

Lot No.	Location	Purpose	Development Provisions																
2.	Inserting a definition of "Country Kitchen" within 'Appendix No. 1—Interpretations' as follows—	Country Kitchen—means premises, including tearooms, where food is served to the public during daylight hours (for consumption on the premises) for gain or reward, and the premises— (a) are predominantly orientated towards, and ancillary to attracting tourist patronage; (b) occupy a site with significant scenic or cultural quality, or which affords significant scenic views.	4. Caravan Park Store/office—sale of convenience items to caravan park/motel unit patrons only. 5. Suitable fire control measures being undertaken to the satisfaction of Council and the Bush Fire Service. 6. Ablution Block and the use of an approved on-site effluent disposal system, designed to prevent nutrient loss to the creek, will be required to the satisfaction of the Health Department and Council. 7. Registration of the property as a Caravan Park/Camping Ground and payment of appropriate fees. 8. Meeting Council's Health and Building requirements as required under relevant legislation. 9. All tree planting to utilise indigenous native tree species to the satisfaction of Council. 10. Council may impose a condition at the time of issuing planning consent for the development of the tourist accommodation and activities requiring a contribution to the upgrading of Starling Road to Council's satisfaction.																
3.	Inserting a Use Class for "Country Kitchen" within 'Table 1—Zoning Table' as follows—	<table border="1"> <thead> <tr> <th data-bbox="352 1303 501 1335">USE CLASS</th> <th data-bbox="564 1303 639 1335">ZONE</th> <th data-bbox="662 1303 746 1357">Town Centre</th> <th data-bbox="764 1303 906 1335">Residential</th> <th data-bbox="924 1303 999 1335">Rural</th> <th data-bbox="1032 1303 1123 1357">Special Site</th> <th data-bbox="1157 1303 1248 1357">Special Rural</th> <th data-bbox="1265 1303 1418 1357">Special Residential</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 1386 539 1473">COMMERCIAL USES Country Kitchen</td> <td></td> <td></td> <td></td> <td></td> <td data-bbox="943 1435 979 1467">AA</td> <td></td> <td></td> </tr> </tbody> </table>	USE CLASS	ZONE	Town Centre	Residential	Rural	Special Site	Special Rural	Special Residential	COMMERCIAL USES Country Kitchen					AA			
USE CLASS	ZONE	Town Centre	Residential	Rural	Special Site	Special Rural	Special Residential												
COMMERCIAL USES Country Kitchen					AA														
4.	Amending the Scheme Maps accordingly.																		

G. V. PARKER, President.  
 G. L. KEEFFE Chief Executive Officer.

**PD404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

*TOWN OF NARROGIN*

**TOWN PLANNING SCHEME No. 2—AMENDMENT No. 17**

Ref: 853/4/2/10 Pt 17

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the Town of Narrogin Town Planning Scheme Amendment on 17 March 2001 for the purpose of rezoning Lots 1135 and 301 Graham Road from "Rural" to "Light Industry".

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

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF DENMARK*

## TOWN PLANNING SCHEME No. 3—AMENDMENT No. 59

Ref: 853/5/7/3 Pt 59

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the Shire of Denmark Town Planning Scheme Amendment on 17 March 2001 for the purpose of—

1. Recoding various "Residential" zoned land in the vicinity of the Denmark Townsite to allow development to a higher density coding subject to meeting specific requirements.
2. Deleting the existing Clause 5.3.5 and replacing it with the following—  
5.3.5 In areas with dual or split codings such as R5/15, R10/20 and R2.5/20 or similar as marked in the Scheme Maps, the development standards of the lower density code shall apply, except that Council may permit development to the higher coding relevant to that land subject to—
  - (a) the development is to be connected to the reticulated sewerage system;
  - (b) the development is of a high standard in terms of design and aesthetics and with the aim of minimizing visual impacts of the development where land is adjacent to a foreshore reserve;
  - (c) in areas consisting of large landholdings or several landholdings, the development being consistent with a conceptual structure plan that has been adopted by Council;
  - (d) that conceptual structure plan for the overall area should address issues such as protection of significant stands of remnant vegetation, overall road connectivity, drainage infrastructure, public open space, dual use paths, protection of wetland areas through water sensitive design principles, adjacent land uses, amenity and variety in lot sizes; and
  - (e) in determining the extent of the conceptual structure plan area Council will have consideration for the following matters: street pattern, existing lot layout, extent of the split R Coding, existing development, physical features, servicing infrastructure and so on.
3. Amending the face of the Scheme Map accordingly.

C. DONNELLY, President.  
P. DURTANOVICH, Chief Executive Officer.

**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF CAPEL*

## TOWN PLANNING SCHEME No. 7—AMENDMENT No. 5

Ref: 853/6/7/7 Pt 5

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning and Infrastructure approved the Shire of Capel Town Planning Scheme Amendment on 17 March 2001 for the purpose of—

1. Rezoning Lot 11 Fishermans Road, Stratham from Rural to Special Rural as depicted on the amending map adopted by the Council of the Shire of Capel.
2. Amending the Scheme Text by adding to Appendix 6, Special Rural Zone Areas—Specific Provisions (Clause 5.6.2), the following Specific Provisions in Area 1 Stratham.

**SPECIAL RURAL ZONE AREA**

Area No. 1A—Stratham as depicted on the Scheme Map

**SPECIFIC PROVISIONS**

- (a) The intent of Special Rural Zone Area No. 1A is to create a range of lot sizes which will accommodate the sensitive development of rural residential retreats in a Tuart woodland environment with limited grazing activities in existing cleared areas.
- (b) Subdivision of Area 1A is to be generally in accordance with the Subdivision Guide Plan numbered 98064P dated August 2000 attached to the Scheme Amendment Report (Amendment No. 5).

**SPECIAL RURAL ZONE AREA****SPECIFIC PROVISIONS**

- (c) Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for a notification, under Section 70A of the Transfer of Land Act, to be placed upon the titles of the lots to be created to the effect that there are Special Provisions relating to the use and development of the land.
- (d) Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it, including the proximity of the adjacent National Park and associated land management issues.
- (e) Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for an information sign to be erected and maintained within the subdivision identifying the special provisions relating to the land.
- (f) Council and the Fire and Emergency Services Authority of WA may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.
- (g) Boundary fencing is to consist of a minimum of post and 5 strand ringlock or hinge joint wire or similar product. Asbestos, metal sheeting or wooden pickets or similar solid fencing will not be permitted.
- (h) Prior to subdivision development the landowner shall confirm by survey; the road alignments, lot boundaries and building envelopes, with a view to reducing the loss of specimen trees and in particular Tuart trees, to the satisfaction of Council.
- (i) A vegetation management/rehabilitation and land use plan and report is to be prepared by the subdivider and adopted by Council prior to commencement of subdivision development. The plan is to include details of—
  - (i) Works to be undertaken by the subdivider in conserving remnant vegetation and rehabilitation of existing cleared areas.
  - (ii) Land use and management practices that future landowners are required to comply with in the use of any subdivided lots. The management plan may prohibit Rural Pursuits and other agricultural activities, which are likely to impact on the conservation of vegetation.
- (j) Prior to considering any applications for the 'AA' and 'SA' uses listed in the Appendix 2 Zoning Table of the Scheme, Council shall require the applicant to submit a water usage strategy and will seek advice from Water and Rivers Commission and Agriculture Western Australia.
- (k) Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a plan showing Building Envelopes to the satisfaction of Council, for adoption pursuant to Clause 5.6.3 (c) of the Scheme.

L. P. STRUGNELL, President.  
R. G. BONE, Chief Executive Officer.

**PD701\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*CITY OF SUBIACO*  
TOWN PLANNING SCHEME No. 4

Ref: 853/2/12/7

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 and Infrastructure approved the City of Subiaco Town Planning Scheme No. 4 on 15 March 2001 the Scheme Text of which is published as a Schedule annexed hereto.

A. V. COSTA, Mayor.  
C. BURTON, Chief Executive Officer.

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**PART 1: INTRODUCTORY****1. Title**

This Town Planning Scheme may be referred to as the City of Subiaco Town Planning Scheme No. 4.

**2. Commencement**

This Scheme commences on the gazettal date.

*Note: The "gazettal date" is defined in Schedule 1.*

### 3. Scheme Documents

(1) This Scheme comprises the following documents—

- (a) the Scheme Text; and
- (b) the Scheme Map.

(2) If there is any inconsistency between the Scheme Map and the Scheme Text, the latter is to prevail.

### 4. Scheme Area

This Scheme applies to the Scheme area which covers all the municipal district of the City of Subiaco apart from the area, illustrated on the Scheme Map, comprising the land that is in the redevelopment area for the purposes of the *Subiaco Redevelopment Act 1994*.

*Note: 1. Parts of the Scheme area are also subject to other planning laws such as the Metropolitan Region Scheme (see clause 8) and minor town planning schemes (see clause 9).*

2. *The development of any land within the redevelopment area requires approval under section 47 of the Subiaco Redevelopment Act 1994.*

### 5. Responsible Authority

The authority responsible for administering this Scheme is the City.

*Note: The "City" is defined in Schedule 1.*

### 6. Purpose of this Scheme

The City has prepared this Scheme for the purpose of controlling and guiding development and growth in a manner which is responsible and which can initiate, accommodate and respond to change.

### 7. Objectives and Intentions

The general planning objectives of this Scheme are—

- (a) to protect and enhance the health, safety and general welfare of the City's community and the social, physical and cultural environment;
- (b) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, employment, education, leisure, transport and access opportunities;
- (c) to foster and control the use and development of land in an effective, efficient and environmentally sustainable manner according to precinct planning principles;
- (d) to ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider regional planning objectives;
- (e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of their locality;
- (f) to coordinate and ensure that development is of a high quality and is completed in an efficient and environmentally responsible manner which—
  - (i) makes optimum use of the City's infrastructure and resources;
  - (ii) promotes an energy-efficient environment; and
  - (iii) respects the natural environment.
- (g) to promote and safeguard the special character and cultural heritage of the City by—
  - (i) identifying, conserving and enhancing those places which are of significance to the City's cultural heritage;
  - (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
  - (iii) promoting public awareness of cultural heritage generally.
- (h) to work in a cohesive and coordinated manner with existing and future Council strategies to provide detailed planning mechanisms to implement the objectives of both the Scheme and strategy.
- (i) to provide a mechanism for the future integration of the Subiaco Redevelopment Area into the Scheme area and to create a Town Centre with synergy.

### 8. Relationship with Other Laws

Where a provision of this Scheme is inconsistent with a provision of a local law, the provision of this Scheme prevails.

### 9. Relationship with the Metropolitan Region Scheme

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect.

*Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.*

### 10. Minor Town Planning Schemes

(1) The Council administers the following minor town planning schemes that continue to have effect—

- (a) City of Subiaco Town Planning Scheme No. 2: Jolimont Special Area Scheme.

(2) Unless the contrary intention appears, a reference in any of the minor town planning schemes mentioned in subclause (1) to the City of Subiaco Town Planning Scheme No. 3 is to be taken to refer to this Scheme.

*Note: Section 45 of the Subiaco Redevelopment Act 1994 provides that any town planning scheme ceases to apply on the day on which the redevelopment scheme comes into operation.*

**11. Repeals**

The following written laws are repealed—

<b>Name</b>	<b>Date of Publication in the <i>Government Gazette</i></b>
City of Subiaco Town Planning Scheme No. 3	30 October 1984

*Note: The repeal of a scheme extends to any amendments to that scheme (see section 33 of the Interpretation Act 1984).*

**12. Definitions**

(1) In this Scheme, unless the context otherwise requires, the words and expressions used have the meanings set out in Schedule 1.

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

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

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

(4) A word or term used in this Scheme, but not defined in this Scheme or in the Residential Planning Codes is to have its normal and common meaning.

*Note: The definitions of words and expressions set out in section 2(1) of the Town Planning and Development Act 1928 and section 6 of the Metropolitan Region Town Planning Scheme Act 1959 are also relevant for the purposes of this Scheme.*

**PART 2: LAND USE****13. Zones**

(1) The Scheme area is classified and divided into the zones with the exception of land identified under clause 18 (reserve land) as shown on the Scheme Map.

(2) The zones are delineated and depicted on the Scheme Map according to the legend thereon.

(3) The zones are as follows—

- Residential
- Local Centre
- Commercial/Residential
- Neighbourhood Mixed Use
- Town Centre

**14. Zoning Table**

(1) The Zoning Table indicates, subject to the provisions of the Scheme, the use permitted in the Scheme Area in the various zones. The permissibility of any use is determined by cross-reference between the list of uses in the Use Class column on the lefthand side of the Zoning Table and the list of zones at the top of the Zoning Table.

(2) The symbols used in the cross-reference in the Zoning Table have the following meanings—

“P” means that the use is permitted by the Scheme as it is taken to be consistent with the planning objectives of the Scheme and the planning policies with respect to that zone;

“AA” means that the use is not permitted unless the Council has exercised its discretion by granting planning approval taking into consideration whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone;

“SA” means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 26 and taking into consideration whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone;

“X” means a use that is not permitted by the Scheme.

(3) Where a number occurs with a symbol in the cross reference in the Zoning Table, for example (1), the permissibility of that use may be determined by reference to the meaning of the numerical figure as shown below the table.

(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 means might otherwise include such particular use.

(5) If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the Use Class categories, the Council may—

- (a) determine that the use is consistent with the planning objectives of the particular zone and is therefore permitted;
- (b) determine, by absolute majority, that the proposed use may be consistent with the planning objectives of the zone and require the advertising procedure set out in Clause 26 to be complied with before considering an application; or
- (c) determine that the use is not consistent with the planning objectives of the particular zone and is therefore not permitted.

TABLE 1—ZONING TABLE

	Residential R15 and R20	Residential R30 and R50	Residential R80	Town Centre	Commercial/Residential	Neighbourhood Mixed Use	Local Centre
Advertisement	X/P(3)	X/P(3)	X/P(3)	AA/P(3)	X/P(3)	X/P(3)	X/P(3)
Aged or Dependent Persons Dwelling	AA	AA	AA	AA	AA	AA	AA
Amusement Centre	X	X	X	SA	X	X	X
Amusement Facility	X	X	AA	P	P	P	P
Ancillary Accommodation	P	P	P	AA	AA	AA	AA
Bed & Breakfast	SA	SA	SA	SA	SA	SA	SA
Child Day-Care/Family Care Centre	SA	SA	SA	AA	SA	SA	SA
Cinemas/Theatre	X	X	X	P	AA	X	X
Civic Use	X	X	X	P	AA	AA	X
Club Premises	X	X	X	SA	SA	X	X
Communications Antennae (Commercial)	X	X	X	AA	SA	SA	X
Communications Antennae (Domestic)	AA	AA	AA	AA	AA	AA	AA
Community Purpose	X	X	X	P	AA	AA	X
Consulting Rooms	X	X	X	P(1)	AA	AA	AA
Convenience Store	X	X	X	SA	SA	SA	X
Dry Cleaning Premises	X	X	X	P	AA	AA	AA
Dwelling: Grouped	P	P	P	AA	P	AA	AA
Dwelling: Multiple	X	X/P(2)	P	AA	P	AA	X
Dwelling: Single	P	P	P	P	P	P	P
Dwelling: Single Bedroom	P	X/P(2)	P	AA	P	AA	X
Educational Establishment	SA(1)	SA(1)	X	AA	AA	SA	X
Fish Shop	X	X	X	AA	X	SA	X
Funeral Parlour	X	X	X	AA	AA	X	X
Health Studio	X	X	X	AA	AA	AA	X
Hospital	X	X	X	X	SA	X	X
Hotel/Motel/Tavern	X	X	X	AA	SA	SA	X
Industry	X	X	X	SA	SA	SA	SA
Industry: Light	X	X	X	SA	SA	SA	SA
Industry: Hazardous/Noxious	X	X	X	X	X	X	X
Laundromat	X	X	X	AA	AA	AA	AA
Local Shop	X	X	SA	P	P	P	P
Lodging House	X	X	SA	SA	SA	X	X
Massage Rooms	X	X	X	AA	SA	SA	X
Night Club	X	X	X	SA	X	X	X
Nursing Home	SA	SA	SA	SA	SA	SA	SA
Office	X	X	X	P(1)	P	P(1)	AA
Open Air Display	X	X	X	AA	AA	AA	AA
Parking Station	SA	SA	SA	SA	SA	SA	SA
Place of Public Worship	SA	SA	SA	SA	SA	SA	SA
Pool Hall	X	X	X	X	X	X	X
Reception Centre	X	X	X	AA	SA	SA	X
Recreation Facilities	AA	AA	AA	AA	AA	AA	AA
Research & Development	X	X	X	AA	AA	AA	X
Restaurant	X	X	SA	P	AA	AA	AA
Retirement Village	X	AA	AA	X	AA	AA	X
Service Station	X	X	X	SA	SA	SA	X
Serviced Apartments	X	AA	P	AA	P	AA	X
Shop	X	X	X	P	AA	P	P
Showroom	X	X	X	AA	AA	AA	AA
Take-Away Food Outlet	X	X	X	AA	SA	SA	X
Telecommunications Infrastructure	AA	AA	AA	AA	AA	AA	AA
Veterinary Clinic/Hospital	X	X	X	P(1)	AA	AA	X
Warehouse	X	X	X	AA	AA	AA	X
Wine House	X	X	X	P	SA	SA	SA

(6) P(1) Permitted where the use is located—

- (a) on the rear half of the floor area of the buildings ground floor; or
- (b) any floor above the ground floor of the building.

P(2) "P" where permitted by Table 1 of the Residential Planning Codes, "X" in all other cases.

P(3) "P" where exempt from the requirement to obtain development approval under the relevant planning policy no. 5.1, "X" in all other cases.

SA(1) "SA" only in respect of relevant residential zones within the University Precinct 13, "X" in respect of all other residential zones.

SA(2) "SA" only in respect of relevant residential zones within the University Precinct 13 for research and development related to the University of Western Australia, "X" in respect of all other zones.

### 15. Non-Conforming Uses

(1) Nothing in this Scheme is to prevent—

- (a) the continued use of any land or building for a non-conforming use; or
- (b) the carrying out of any development for which development approval was obtained before the gazettal date.

(2) Where a non-conforming use exists, no further development of the relevant land or building is to be carried out without development approval.

(3) The Council may terminate a non-conforming use by purchasing or compulsorily acquiring the relevant land in accordance with section 13 of the Act.

(4) If, any land or building is, at the gazettal date, being used for a non-conforming use and—

- (a) the non-conforming use ceases for at least six consecutive months; or
- (b) the building is destroyed or damaged to the extent of at least 75% of its value;

then the land or building shall not thereafter be used otherwise than in conformity with the Scheme.

(5) Notwithstanding any other provision of this Scheme, the Council may grant development approval to the change of use of land from a non-conforming use to any other use, including a use which is not otherwise permitted by this Scheme, if the Council is satisfied that the proposed use—

- (a) is less detrimental to the amenity of the locality than the non-conforming use; and
- (b) is closer in nature to the preferred uses of the zone or reserve in which the land is situated.

*Note: 1. A "non-conforming use" and "gazettal date" are defined in Schedule 1.*

*2. The reference to the "Act" is to the Town Planning and Development Act 1928, section 13 of which enables a council to purchase or, with the consent of the Governor, take compulsorily, subject to the Land Acquisition and Public Works Act 1902, any land within a town planning scheme.*

*3. The Council under Part 4 grants development approval.*

### 16. Register of Non-Conforming Uses

(1) A person who wishes the City to record a non-conforming use may submit to the Council in writing full details of the nature, history, location and extent of the non-conforming use.

(2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.

(3) A copy of the register of non-conforming uses is to be—

- (a) kept at the offices of the City; and
- (b) made available for public inspection during office hours.

### 17. Additional Uses

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

## PART 3: RESERVES

### 18. Reserves

Certain land within the Scheme area is shown on the Scheme Map and classified into either—

- (a) a Metropolitan Region Scheme reserve; or
- (b) a City of Subiaco Scheme reserve.

### 19. Regional Reserves

(a) The lands shown as "Regional Reserves" on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985*. These lands are not reserved under the Scheme.

(b) The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

*Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.*

### 20. Permitted Uses for City of Subiaco Scheme Reserves

Where a City of Subiaco Scheme reserve is proposed to be developed for—

- (a) a use which gives effect to the purpose for which the land is reserved under this Scheme; or
- (b) in the case where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to the purpose for which the land may lawfully be used,

then the Council shall not refuse development approval by reason only of the nature of the use.

*Note: 1. "Public authority", "Commonwealth agency" and the "Council" are defined in Schedule*

*2. The Council under Part 4 grants development approval.*

## 21. Acquisition of Reserves and Compensation

- (1) This clause applies to land that is—
- (a) a City of Subiaco Scheme reserve; and
  - (b) not owned by or vested in a public authority, a Commonwealth agency or the Council.
- (2) Where the Council refuses development approval of land to which this clause applies on the ground that the land is reserved for public purposes or approved subject to conditions that are unacceptable to the applicant if the land is injuriously affected thereby, the owner may claim compensation for the injurious affection in accordance with the *Town Planning and Development Act 1928*.
- (3) Claims for compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing development approval or granting it subject to conditions that are unacceptable to the applicant.
- (4) Where compensation for injurious affection is claimed as a result of the operation of section 12 of the *Town Planning and Development Act 1928*, the Council may at its option elect to acquire the land so affected instead of paying compensation.
- (5) A claim for compensation is to be made in the Form 4 of the Metropolitan Region Scheme addressed to the Council.

## PART 4: DEVELOPMENT APPROVAL

### 22. Need for Development Approval

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 in clause 23 of the Scheme, 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 development approval of the Council pursuant to the provisions of this Part.

### 23. Exemption from Development Approval

- (1) The development approval of the Council is not required for the following development of land—
- (a) development of a Metropolitan Region Scheme reserve for the purpose for which the land is reserved under the Metropolitan Region Scheme;
  - (b) building or other work, including an addition or extension, to a single house which does not enlarge it by more than one half of its gross floor area, except where—
    - (i) the proposal requires the exercise of discretion by the Council under the Scheme to vary the provisions of the Residential Planning Codes; or
    - (ii) the single house is located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
    - (iii) the single house is the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*; or
    - (iv) the single house is listed in the Register of Places of cultural heritage significance.
  - (c) building or other work carried out by the City, a public authority or a Commonwealth agency in connection with the maintenance or improvement of a public street; or
  - (d) a home occupation unless the home occupation is being carried out otherwise than in accordance with the relevant planning policy.

*Note:1. The register of places of cultural heritage significance also contains a list of each area declared by the Council to be a conservation area (see clause 64).*

2. Development approval is not required for—

- (a) certain developments carried out in accordance with subdivisional approval ( see section 20D of the *Town Planning and Development Act 1928*);
- (b) development on certain land subject to the *Subiaco Redevelopment Act 1994* referred to in clause 4.

3. "Home occupation" is defined in Schedule 1.

4. A Building Licence is required for all works.

### 24. Unauthorised Existing Developments

- (1) Where a development has been, or is being, carried out contrary to clause 22, a person may apply to the Council for development approval for that development.
- (2) If the Council grants development approval in respect of an application made under subclause (1), the development approval is not to be taken as—
- (a) authorising development before the date on which the Council resolved to grant the development approval; or
  - (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant development approval.

### 25. Form of Application

An application for development approval is to—

- (a) be made generally in the form set out in Schedule 3 of the Scheme and contain the information and material set out in the Council's planning policy for applications for development approval and be forwarded to the Council;
- (b) be made by the owner of the land on which the development is proposed or a person authorised in writing by the owner to make an application for development approval; and
- (c) include all information, plans and documents required, by provision of this Scheme Text, a planning policy or otherwise, to be included in an application for development approval.

**26. Advertising of Applications for Development Approval**

(1) Where an application is made for a development approval to commence or carry out development which involves an "SA" use or any other proposal deemed by the Council to warrant advertisement the Council shall not grant approval of that application unless notice of the application is first given in accordance with the provisions of subclause (5) of this clause.

(2) Notwithstanding subclause (1) in this clause, where an application is made for a development approval to commence or carry out development which involves an "SA" use or other use, the Council may decide that the use is not required to be advertised in accordance with subclause (5) where—

- (a) the use is existing on the subject land;
- (b) in the opinion of Council, approval of the application will not materially add to the scale and intensity of the existing use of the land.

For the purpose of this clause, the Council, in determining whether an application will not materially add to the scale and intensity of the existing use of the land shall consider the following matters—

- (i) the visual appearance and scale of the development relative to adjoining properties;
- (ii) the impact of the development on the amenity of adjoining properties;
- (iii) the generation of any additional vehicular parking, traffic, noise or odour which may be created by the development; and
- (iv) any other matters which the Council considers to be relevant.

(3) Nothing in subclause (2) of this clause shall prevent the Council from determining that an application involving an "SA" use or other use shall be advertised.

(4) Where an application is made for development approval to commence or carry out development which involves an "AA" use, or any other development which requires the approval of the Council, the Council may give notice of the application in accordance with the provisions of subclause (5).

(5) Where the Council is required or decides to give notice of an application for development approval the Council shall cause one or more of the following to be carried out at the applicant's expense—

- (a) notice of the proposed development to be served by registered post on the owners and occupiers likely to be affected by the granting of development approval, in accordance with Council policy, stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulated in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof; and
- (c) a sign or signs displaying notice of the proposed development to be erected in conspicuous position or positions 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 subclause.

(6) The notice referred to in subclause (5) (a) and (b) shall be in the form contained in Schedule 6 with such modifications, as circumstances require.

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

**27. Determination of Application: General Provisions**

(1) The Council may refuse to consider an application that does not comply with the requirements of this Part.

(2) In assessing an application, the Council—

- (a) may consult with any person or body; and
- (b) is to have regard to any written submissions lodged with the City under clause 26.

(3) Subject to subclause (4), the Council may—

- (a) refuse an application; or
- (b) approve an application either:
  - (i) unconditionally; or
  - (ii) subject to such conditions as the Council considers to be appropriate.

(4) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to—

- (a) the provisions of this Scheme and of any written law applying within the Scheme area including the Metropolitan Region Scheme;
- (b) any relevant planning policies;
- (c) a statement of planning policy of the Western Australian Planning Commission;
- (d) any planning study approved by the Council;
- (e) any submission accompanying or relating to the application;
- (f) the orderly and proper planning of the locality;
- (g) the conservation of the amenity of the locality; and
- (h) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure.

**28. Determination of Non-Complying Applications for Development Approval**

(1) Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

(2) Subject to subclause (3), the Council may refuse or approve a non-complying application.

(3) The Council cannot grant development approval for a non-complying application unless, if so required by the Council under clause 26, the application has been advertised and the Council is satisfied that—

- (a) if approval were to be granted, the development would be consistent with—
  - (i) the orderly and proper planning of the locality;
  - (ii) the preservation of the amenity of the locality; and
  - (iii) the planning objectives of the particular zone and relevant precinct planning policies; and
- (b) the non-compliance would not have any undue adverse effect on:
  - (i) the occupiers or users of the development;
  - (ii) the property in, or the inhabitants of, the locality; or
  - (iii) the likely future development of the locality.

**29. Determination of Additional Use Applications for Development Approval**

(1) Subject to subclause (2), development of the land specified in Schedule 2 for the purpose indicated in respect of that land in Schedule 2 shall conform to the requirements prescribed with respect to that land in the Schedule.

(2) In determining an application for Development Approval with respect to land—

- (a) specified in Schedule 2; and
- (b) within the Residential Zone,

the Council shall determine—

- (i) the minimum setback from lot boundaries applicable to the land;
- (ii) the minimum number of car parking spaces to be provided on the land; and
- (iii) the minimum landscaped area to be provided on the land.

(3) In determining the matters referred to in subclause (2), the Council shall have regard to—

- (a) the setbacks from lot boundaries of any building existing on the land;
- (b) the number of carparking spaces provided on the land;
- (c) the amount of landscaped area provided on the land;
- (d) the requirements prescribed with respect to land in the Residential Zone; and
- (e) the need to preserve the amenity of residential development in the locality.”

**30. Determination of an Application for Demolition**

(1) In considering an application for or involving demolition, the Council is to have regard to the matters listed in clauses 26 and 27 and—

- (a) may defer consideration of the application until:
  - (i) it has granted development approval for subsequent development of the relevant site;
  - (ii) it has issued a building licence for that development; and
  - (iii) it is satisfied that the subsequent development will commence;
- (b) may approve the application, subject to conditions including:
  - (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;
  - (ii) where the development that has been approved has not been substantially commenced within a total period of more than six months, landscaping or other treatment of the site is to be undertaken to the satisfaction of the Council; or
- (c) may refuse the application.

*Note: An applicant for development approval has a right of appeal where there has been a deemed refusal (see clause 31)*

**31. Notice of Council Decision**

As soon as is practicable after making a decision in relation to an application, the Council is to give to the applicant, in writing, in the form set out in Schedule 4—

- (a) notice of the approval or refusal;
- (b) the reason or reasons for the refusal; and
- (c) the conditions, if any, to which approval is subject.

**32. Term of Development Approval**

(1) Where the Council grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.



**33. Temporary Development Approval**

The Council may, in granting development approval, limit the period during which the development may be carried out where—

- (a) it considers that development in excess of that period might adversely affect the amenity of the locality or the orderly and proper planning of the locality; or
- (b) it considers, for any reason, that approval ought to be granted for a limited or trial period.

**34. Deemed Refusal**

(1) Subject to subclause (2) and (3), an application is taken to have been refused where notice of development approval is not given to the applicant by the Council within—

- (a) 60 days of the receipt of the application;
- (b) such further time as may be agreed in writing between the applicant and the Council within that period of 60 days; or

(2) Subject to subclause (3), an application in respect of any place which—

- (a) is listed in the register of places of cultural heritage significance; or
- (b) is being considered, under clause 55, for the purposes of being declared to be significant and worthy of conservation;
- (c) Council requires to be advertised in accordance with the procedure outlined in clause 26;
- (d) Council requires to be referred to any other body in accordance with clause 26;

is taken to have been refused where notice of development approval is not given to the applicant within—

- (i) 90 days of the receipt of the application; or
- (ii) such further time as may be agreed in writing between the applicant and the Council within that period of 90 days.

(3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2).

*Note: An applicant seeking development approval has a right of appeal where there has been a deemed refusal (see clause 33).*

**35. Revocation of Development Approval for Home Occupations**

(1) This clause applies only to a development approval of a home occupation.

(2) If, in the opinion of the Council—

- (a) a condition of development approval is not being, or has not been, complied with; or
- (b) development is being or has been undertaken—
  - (i) otherwise than in accordance with the approved plans;
  - (ii) contrary to the Scheme; or
  - (iii) the relevant planning policies;

then the Council may give to the owner and occupier of the relevant land or building a notice in writing requiring the owner or occupier, or both, to comply within a specified period as determined by the Council.

(3) If the notice under subclause (2) is not complied with the Council may, without further notice to the owner or occupier, revoke its development approval.

*Note: Where development approval has been revoked under this clause, a fresh application for development approval must be submitted to and approved by the Council before any development which was the subject of the revoked development approval can be continued or recommenced.*

**36. Appeals**

Subject to the provisions of the Act, an applicant for development approval has a right of appeal against the exercise by the Council of discretion to—

- (a) impose a condition of development approval; or
- (b) refuse to grant development approval.

*Note: 1. The appeal provisions are set out in Part V of the Town Planning and Development Act 1928.*

*2. An appeal may be either to the Minister for Planning or to the Town Planning Appeal Tribunal.*

**PART 5: DEVELOPMENT REQUIREMENTS***Division 1: General Development Requirements***37. Precincts**

(1) The Scheme Area is divided into the precincts set out in the precinct planning policies contained in the Council's Planning Policy Manual. Land is then assigned a zone. Zones are outlined in Part 2 of this Scheme.

(2) For each precinct listed below, there is a precinct planning policy.

- 1 Jolimont
- 2 Daglish
- 3 North Subiaco
- 4 Town Centre
- 5 Hay Street East

- 6 Rokeby Road South
- 7 Civic and Cultural
- 8 Triangle
- 9 West Subiaco
- 10 Shenton Park
- 11 Queen Elizabeth II Medical Centre
- 12 Hollywood
- 13 University

### **38. Compliance with Development Standards and Requirements**

Unless otherwise consistent with a planning approval, the development of land is to be in accordance with the standards and requirements contained in the Scheme Text, the planning policies and the Residential Planning Codes.

### **39. Residential Planning Codes**

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

(2) A copy of the Residential Planning Codes is to be kept and made available for public inspection at the offices of the City.

(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 is to conform to the provisions of those Codes.

(4) The Residential Planning Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Planning Codes density number superimposed on the particular areas on the Scheme Map as being contained within the 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 the borders.

#### *Division 2: Residential Zone*

### **40. Application**

This division applies to all areas zoned Residential in the Scheme area.

### **41. Aims and Objectives**

(1) The pattern of allocation of the Residential Planning (R Code) densities is designed to provide for development in such a way as will—

- (a) provide sufficient land in appropriate locations for residential development to meet the needs of the anticipated population without unduly restricting the choice of sites;
- (b) promote the health, welfare and safety of the City's inhabitants and their environment.

(2) In considering an application for development approval in the zones to which this division applies the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives—

- (a) the provision of a wide range of different types of residential accommodation to meet the diverse needs of the community;
- (b) the protection of residential areas from any interaction between different intensities of uses or incompatible uses which could be objectionable or detrimental to the amenity of any neighbourhood;
- (c) the protection of residential areas from disproportionate or excessive development by regulating the density of dwellings and the finished heights of buildings;
- (d) the protection of the privacy of indoor and outdoor living spaces of dwellings;
- (e) the encouragement of new concepts of residential design, including the development of new types of residential accommodation and comprehensive development projects;
- (f) to enhance the amenity of the residential neighbourhood by ensuring the protection of the privacy of residences, the street orientation of new dwellings, the adherence to solar and environmentally sound design principles and the preservation of the character of the existing housing stock.

### **42. Special Application of Residential Planning Codes**

The following provisions of this division constitute variations to the provisions of the Residential Planning Codes with respect to the residential purposes dealt with by those Codes. Unless specified within this division, all development is to be in accordance with the Residential Planning Codes.

(1) Residential Zone : R Code Density R15 and R20

- (a) Notwithstanding any provisions of the Residential Planning Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R15 or R20 shall not exceed one storey or five metres whichever is the lesser;
- (b) The Council may permit a variation to subclause (a) and permit buildings of up to two storeys or nine metres whichever is the lesser, where the Council is satisfied that there is to be no adverse impact on adjoining residential sites or the general amenity of the locality.

(2) Residential Zone : R Code Density R50

Notwithstanding any provisions of the Residential Planning Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R50 shall not exceed two storeys or nine metres whichever is the lesser.

(3) Residential Zone : R Code Density R80 : North Subiaco Precinct

Notwithstanding any provisions of the Residential Planning Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R80 shall not exceed two storeys or nine metres whichever is the lesser.

(4) Residential Zone : R Code Density R80

- (a) Notwithstanding any provisions of the Residential Planning Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R80 shall not exceed two storeys or nine metres whichever is the lesser;
- (b) The Council may permit a variation to subclause (a) and permit buildings up to 3 storeys or 12 metres whichever is the lesser where the Council is satisfied that there is to be no adverse impact on the adjoining residential sites or on the general amenity of the locality.

(5) Western side of Rupert Street between Bagot and Hamersley Roads, having an R Code Density R50

- (a) In considering an application for development approval in this area, the Council in addition to any other aims or objectives of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following objectives—
  - (i) the preservation of the amenity and existing character of the precinct and adjacent areas by ensuring that new development is low in scale;
  - (ii) the encouragement of development, or the protection of existing development, which will form a suitable transition between the residential development to the east and the adjoining commercial/residential development to Rokeby Road.
- (b) On land within this designated section of Rupert Street, a building shall not exceed two storey or nine metres whichever is the lesser.

(6) Residential Zone : R Code Density R20/50

- (a) This clause applies to all land with a density code R20/50.
- (b) The Council may grant development approval to any development having a density in excess of R20 but no greater than R50, where the Council is satisfied that—
  - (i) the development provides a mixture of accommodation choices all of a high quality;
  - (ii) the development respects established streetscape qualities, including the pattern, setbacks, roofpitch and materials of other development within the street and the locality;
  - (iii) the development retains existing on-site vegetation, particularly mature trees including street trees, whilst blending new landscaping into the streetscape of the neighbourhood; and
  - (iv) the development retains the existing residential building wherever appropriate.
- (c) Notwithstanding any provisions of the Residential Planning Codes to the contrary, buildings on land within the Residential zone having an R Code density of R20/50 shall not exceed 2 storeys or 9 metres whichever is the lesser.

(7) Non-Residential Development

- (a) Where land is developed for non-residential purposes, 25% of the area of that land shall be developed and maintained as landscaped area in accordance with the Scheme and the approved plan.
- (b) A landscaped area provided pursuant to this clause shall include the areas of land between any street alignment and any building on the land but this subclause does not require more than 25% of the area of the land to be landscaped.
- (c) Where land is developed for non-residential purposes but a building on the land incorporates more than one dwelling, the area of the land to be developed and maintained as open space area is 50% but otherwise the provisions of this clause apply.
- (d) A non-residential dwelling on land within the Residential Zone—
  - (i) shall not have a plot ratio exceeding the maximum plot ratio prescribed with respect to a residential building on that land; and
  - (ii) shall be setback such distance from the boundaries of the lot on which it is to be erected as the Council requires as a condition of approval of the application for town planning approval relating to the building, but that distance shall not be less than the minimum set back distance prescribed for any residential dwelling.

(8) Residential lots bounded by Roberts Road, Hamilton Street, York Street and Catherine Street and having an R Code Density R50

- (a) In considering an application for development approval in this area, the Council in addition to any other aims or objectives of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following—
  - (i) the preservation of the amenity and existing character of the precinct and adjacent areas by ensuring that new development is of a similar scale;
- (b) On land within this designated area, a building shall not exceed two storey or nine metres whichever is the lesser.

*Division 3: Commercial/Residential Zone*

**43. Application**

This division applies to all land zoned Commercial/Residential in the Scheme area.

#### 44. Aims and Objectives

In considering an application for development approval in any Commercial/Residential Zone the Council, in addition to any other matters it is required or permitted to consider, shall have regard to the following objectives—

- (1) to develop an area with a strong recognisable identity characterised by development of a mixture of high quality commercial and residential accommodation;
- (2) to encourage small-to-medium scale mixed-use development of a type and character appropriate to Hay Street east and Rokeby Road south areas;
- (3) to encourage safe pedestrian and vehicle coexistence and/or segregation and to promote design elements with regard to car parking areas which serve to enhance the streetscape and the amenity of the locality;
- (4) to encourage retention of heritage character by reinforcing the original development patterns and the recycling of existing building stock;
- (5) to encourage pedestrian-friendly development which is orientated to the street in the traditional manner, enabling surveillance of both the street and pedestrian areas;
- (6) the protection and enhancement of the amenity and general environmental standards of existing and future development within and adjoining this zone.

#### 45. Development Standards

Development should have due regard to the relevant planning policies contained in the Planning Policy Manual. In addition, the following standards apply—

- (1) *Plot Ratio*: Buildings are to have a maximum plot ratio of 1.0 except where a mixed-use development comprising residential uses is proposed. In this instance, the maximum plot ratio may be increased to 1.5 provided that in any development not more than 25% of the excess relevant floorspace will be used for non-residential purposes.
- (2) *Setbacks*: Buildings are to be set back from the street alignment such distance as is determined by Council having regard to the streetscape and the building setbacks on adjacent land and in the immediate locality.
- (3) *Residential Density*: In relation to density, residential development shall not exceed the Residential Planning Codes R80 density standards.
- (4) *Building Height*—
  - (a) In the Commercial/Residential Zone the height of a building should not exceed two storeys or nine metres whichever is the lesser;
  - (b) The Council may permit a variation to subclause (a) and permit buildings of up to 3 storeys or 12 metres whichever is the lesser, on lots fronting Hay Street and/or Rokeby Road, where Council is satisfied that there is to be no adverse impact on the adjoining sites, streetscape or the amenity of the locality in general.
- (5) *Mixed-Use Development*: In considering an application for development approval for both non-residential and residential purposes the Council will have particular regard to measures taken to minimise conflict between the non-residential and residential uses.
- (6) *Carparking*: Carparking bays are to be provided, designed, constructed and maintained in accordance with the provisions of Part 6 of the Scheme and Council's parking policies, and the approved plan relating thereto.
- (7) *Loading and Unloading*: Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Commercial/Residential Zone shall be provided and maintained in accordance with the approved plan relating thereto.
- (8) *Landscaped Areas*: Landscaped areas and screening shall be provided and maintained where required by the Council and in accordance with the approved plan relating thereto.
- (9) *Crossovers*: Only one vehicle crossover per lot is permitted except where the Council is satisfied that no adverse effects on vehicular or pedestrian traffic and/or conflict will result should a variation be permitted which allows for more than one vehicular crossover to a lot. Council is most keen to see the amalgamation of small carparking areas on individual lots together with shared vehicular crossovers in a bid to reduce vehicular and pedestrian conflict and to improve the overall streetscape.

#### *Division 4: Local Centre Zone*

#### 46. Application

This division applies to all areas zoned Local Centre in the Scheme area.

#### 47. Aims and Objectives

In considering an application for development approval in any Local Centre Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives—

- (a) the need to foster small-scale, pleasant and convenient mixed-use facilities which meet the needs of the local residential community; and
- (b) to encourage high quality, pedestrian-friendly, street-orientated development compatible with the residential use of the area.

#### 48. Development Standards

Development should have due regard to the relevant planning policies contained in the Planning Policy Manual. In addition, the following standards apply—

- (1) *Plot Ratio*: Buildings are to have a maximum plot ratio of 0.5 except where mixed-use development comprising residential uses together with non-residential uses are proposed. In this instance the maximum plot ratio may be increased to 0.75 provided that in any development not more than 25% of the excess relevant floorspace will be used for non-residential purposes.
- (2) *Setbacks*: Buildings are to be set back from the street alignment such distance as is determined by Council having regard to the streetscape and the building setbacks on adjacent land and in the immediate locality.
- (3) *Residential Density*: In relation to density, residential development shall not exceed the Residential Planning Codes Residential R50 Standards.
- (4) *Building Heights*—
  - (a) Building heights are not to exceed one storey or five metres, whichever is the lesser.
  - (b) Council may permit a variation of this requirement up to two storeys or 9 metres where the Council is satisfied that there is no adverse impact on adjoining residential sites.
- (5) *Mixed-Development*: In considering an application for town planning approval of development for both non-residential and residential purposes, the Council will have particular regard to measures taken to minimise conflict between the non-residential and residential uses.
- (6) *Carparking*: Carparking bays are to be provided, designed, constructed and maintained in accordance with the provisions of Part 6 of the Scheme and Council's parking policies, and the approved plan relating thereto.
- (7) *Loading and Unloading*: Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Local Centre Zone shall be provided and maintained in accordance with the approved plan relating thereto.
- (8) *Landscaped Areas*: Landscaped areas and screening shall be provided and maintained where required by the Council and in accordance with the approved plan relating thereto.
- (9) *Crossovers*: Only one vehicle crossover per lot is permitted except where the Council is satisfied that no adverse effects on vehicular or pedestrian traffic and/or conflict will result should a variation be permitted which allows for more than one vehicular crossover to a lot. Council is most keen to see the amalgamation of small carparking areas on individual lots together with shared vehicular crossovers in a bid to reduce vehicular and pedestrian conflict and to improve the overall streetscape.

#### *Division 5: Neighbourhood Mixed Use Zone*

#### 49. Application

This division applies to all areas zoned Neighbourhood Mixed Use within the Scheme area.

#### 50. Aims and Objectives

In considering an application for development approval in any Neighbourhood Mixed-Use Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives—

- (a) to encourage well designed and functional mixed-use areas which meet the needs of the local communities;
- (b) to promote residential as a vital and integral component of these mixed use zones;
- (c) to protect and enhance the neighbourhood area and the existing streetscape through appropriate design measures ensuring such aspects as privacy and solar access are not adversely affected by development;
- (d) the consolidation and improvement of appropriately located, efficiently operated, commercial-based centres;
- (e) the need to secure the safe movement of vehicular and pedestrian traffic within and around these nodal points without the adverse intrusion of vehicles, particularly parking associated with these centres, throughout the adjoining residential neighbourhoods.

#### 51. Development Standards

Development should have due regard to the relevant planning policies contained within the Planning Policy Manual. In addition the following standards apply—

- (1) *Plot Ratio*: Buildings are to have a maximum plot ratio of 0.75 except where a mixed-use development comprising residential uses together with non-residential uses is proposed. In this instance, the maximum plot ratio may be increased to 1.0 provided that in any development not more than 25% of the excess relevant floorspace will be used for non-residential purposes.
- (2) *Setbacks*: Buildings are to be set back from the street alignment such distance as is determined by Council having regard to the streetscape and the building setbacks on adjacent land and in the immediate locality.
- (3) *Residential Density*: In relation to density, residential development shall not exceed the Residential Planning Codes Residential R50 Standards.

- (4) *Building Heights*—
  - (a) Building heights are not to exceed one storey or five metres whichever is the lesser.
  - (b) Council may permit a variation of this requirement up to two storeys or nine metres where the Council is satisfied that there is no adverse impact on adjoining residential sites.
- (5) *Mixed-Use Development*: In considering an application for development approval for both non-residential and residential purposes, the Council will have particular regard to measures taken to minimise conflict between the non-residential and residential uses.
- (6) *Carparking*: Carparking bays are to be provided, designed, constructed and maintained in accordance with the provisions of Part 6 of the Scheme and Council's parking policies, and the approved plan relating thereto.
- (7) *Loading and Unloading*: Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Neighbourhood Mixed-Use Zone shall be provided and maintained in accordance with the approved plan relating thereto.
- (8) *Landscaped Areas*: Landscaped areas and screening shall be provided and maintained where required by the Council and in accordance with the approved plan relating thereto.
- (9) *Crossovers*: Only one vehicle crossover per lot is permitted except where the Council is satisfied that no adverse effects on vehicular or pedestrian traffic and/or amenity will result should a variation be permitted which allows for more than one vehicular crossover to a lot. Council is most keen to see the amalgamation of small carparking areas on individual lots together with shared vehicular crossovers in a bid to reduce vehicular and pedestrian conflict and to improve the overall streetscape.

*Division 6: Town Centre Zone*

## **52. Application**

This Division applies to all land zoned Town Centre within the Scheme area.

## **53. Aims and Objectives**

In considering an application for development approval in the Town Centre Zone the Council, shall have regard to the following objectives—

- (a) to encourage the development of high quality buildings of special character commensurate with their location within the Town Centre of Subiaco;
- (b) to encourage vibrant and diverse uses, including residential, which promote the area as the Town Centre of Subiaco;
- (c) to foster greater pedestrian, cycle and public transport accessibility through appropriate design measures which promote greater pedestrian use and linkages between uses and modes of transport;
- (d) to encourage retention of the heritage character by reinforcing original development patterns and by the recycling of original building stock, and in addition, ensuring new development is appropriately designed and has due regard of the unique character of the area;
- (e) the protection of the amenity of areas adjacent to the Town Centre Zone.

## **54. Development Standards**

Development should have due regard to the relevant planning policies contained within the Planning Policy Manual. In addition, the following standards apply—

- (1) *Plot Ratio*: Buildings are to have a maximum plot ratio of 1.33 except where a mixed-use development comprising residential uses is proposed. In this instance, the maximum plot ratio may be increased to 2 provided that in any development not more than 25% of the excess relevant floorspace will be used for non-residential purposes.
- (2) *Setbacks*: Buildings are to be set back from the street alignment such distance as is determined by Council having regard to the streetscape and the building setbacks on adjoining land and in the immediate locality.
- (3) *Residential Density*: In relation to density, residential development shall not exceed the Residential Planning Codes Residential R100 Standards.
- (4) *Building Heights*—
  - (a) Any new development or renovation behind a retained portion of an existing building should be fully contained below a 12 metre maximum height.
  - (b) New building facades should be of a compatible height with existing buildings and be in harmony with the neighbouring streetscape and the portion of the building fronting the street shall not exceed 9 metres.
  - (c) The Council may permit an overall height variation of up to 15 metres or 4 storeys where the major portion of the building is set back at least 6 metres from the street. A 9 metre facade is required to be maintained in keeping with the pedestrian scale of the street.
- (5) *Mixed-Use Development*: In considering an application for development approval for both non-residential and residential purposes, the Council will have particular regard to measures taken to minimise conflict between the non-residential and residential uses.
- (6) *Carparking*: Carparking bays are to be provided, designed, constructed and maintained in accordance with the provisions of Part 6 of the Scheme and Council's parking policies, and the approved plan relating thereto.

- (7) *Loading and Unloading:* Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Town Centre Zone shall be provided and maintained in accordance with the approved plan relating thereto.
- (8) *Landscaped Areas:* Landscaped areas and screening shall be provided and maintained where required by the Council and in accordance with the approved plan relating thereto.
- (9) *Crossovers—*
  - (a) Direct vehicle access to Rokeby Road and Hay Street will not be permitted where vehicular access to an alternative street exists. Council may require the provision of pedestrian access from rear car parking areas to frontage streets.
  - (b) Where no other alternative means of access exists, only one single vehicular crossover to a site will be permitted. Council is most keen to see the amalgamation of small carparking areas on individual lots together with shared vehicular crossovers in a bid to reduce vehicular and pedestrian conflict and to improve the overall streetscape.
- (10) *Building Orientation, Scale and Frontage—*
  - (a) New buildings shall be constructed at a scale that is consistent with existing development in the locality.
  - (b) Buildings, particularly to Rokeby Road and Hay Street, shall reflect the setbacks on adjoining sites, be orientated to the street, and at street level, contain activities of interest to the pedestrian (for example, retail windows).
  - (c) Awnings/verandahs are to comply with Council building requirements and are to effectively connect with and reflect existing styles within the streetscape.
  - (d) All commercial buildings shall incorporate a solid constructed facade to public streets. Undercroft parking will only be permitted where the parking area is screened from view of public streets.

#### *Division 7: Places of Cultural Heritage Significance*

### **55. Declaration of Places of Cultural Heritage Significance**

- (1) If, in the opinion of the Council, a place—
  - (a) is of cultural heritage significance or possesses special interest related to or associated with the cultural heritage; and
  - (b) should be conserved or enhanced;
 the Council may by resolution declare the place to be significant and worthy of conservation.
- (2) In considering a proposal to declare a place to be significant and worthy of conservation, the Council is to—
  - (a) advise the owner and occupier of the place of the proposal;
  - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
  - (c) carry out such other consultations as it thinks fit; and
  - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- (3) Where the Council declares a place to be significant and worthy of conservation, it is to give notice of its declaration to the Heritage Council of Western Australia and the owner and occupier of the place.

*Note: 1. A "place" is defined in Schedule 1. It may include works, buildings and contents of buildings.*

*2. The provisions of this Part do not derogate from the provisions of the Heritage of Western Australia Act 1990.*

### **56. Heritage Agreements**

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

*Note: 1. A heritage agreement may include a covenant intended to run with the land, relating to the development or use of the land or any part of the land.*

*2. A heritage agreement may be entered into whether or not the place to which it applies is listed in the register of places of cultural heritage significance.*

*3. Detailed provisions relating to heritage agreements are set out in section 29 of the Heritage of Western Australia Act 1990.*

### **57. Variations to standards**

- (1) Where a development is proposed which would—
  - (a) conserve or enhance the whole or part of a conservation area or a place which has been declared by the Council to be significant and worthy of conservation; and
  - (b) would not adversely affect the cultural heritage significance of the conservation area or place,
 the Council may grant, by way of development approval, a variation to any requirement or standard of this Scheme or the Residential Planning Codes as long as the variation would not adversely affect the cultural heritage significance of that, or any other, conservation area or place including the streetscape or locality in which it is located.

(2) The Council is not to grant development approval for a development that requires the grant, under subclause (1), of a variation which might, in the Council's opinion, significantly affect an adjoining property or a property in the general locality unless—

- (a) the application seeking the variation is advertised in accordance with clause 26; and
- (b) any submissions duly received in response to that advertising are considered by the Council.

#### **58. Register of Places of Cultural Heritage Significance**

(1) The City is to record in a register of places of cultural heritage significance, a list of places which—

- (a) are the subject of a declaration under Clause 55;
- (b) are being considered for the purposes of a declaration under Clause 55; or
- (c) are the subject of a declaration under Clause 59.

(2) A copy of the register is to be—

- (a) kept at the office of the City; and
- (b) made available for public inspection during office hours.

*Note: A place recorded in the City's register of places is not necessarily included in the Register of Heritage Places established under the Heritage of Western Australia Act 1990 or vice versa.*

#### **59. Declaration of a Conservation Area**

(1) If, in the opinion of the Council, it is necessary or appropriate to have special planning controls to conserve or enhance the cultural heritage significance of an area, the Council may, by resolution, declare that area to be a conservation area.

(2) In considering a proposal to declare an area to be a conservation area, the Council is to advise each of the owners and occupiers of land within that area of the proposal.

(3) The Council is to adopt for each conservation area a planning policy.

(4) Where the Council declares an area to be a conservation area and adopts a planning policy for that area, it is to give notice of its declaration and, when available, a copy of the planning policy to—

- (a) each of the owners and occupiers of land within that area; and
- (b) the Heritage Council of Western Australia.

#### *Division 8: Tree Preservation*

#### **60. Interpretation**

In this Part, unless the context requires otherwise—

“cut” includes prune, lop, damage, injure or, interfere with; and

“tree” includes a group of trees or other vegetation.

#### **61. Tree Preservation Order**

(1) The Council, having regard to a tree's—

- (a) aesthetic quality;
- (b) historical association;
- (c) rarity; or
- (d) other characteristic which in the opinion of the Council makes the tree worthy of preservation,

may in accordance with this clause order the preservation and maintenance of the tree.

(2) The Council may, from time to time, amend or repeal an order made under subclause (1).

#### **62. Notice of a Tree Preservation Order**

(1) Subject to subclause (2), where the Council proposes to order, or to amend or repeal an order, that a tree is to be preserved, the Council is to—

- (a) give notice of the proposed order, or the proposed amendment or repeal of the order, to the owner and occupier of the land on which the tree is located; and
- (b) invite the owner and occupier of that land to make written submissions to the Council about the proposed order, or the proposed amendment or repeal of the order, within 14 days or such further period as the Council may determine.

(2) Where, in the opinion of the Council, there is a risk of imminent damage to a tree requiring an order to be made or amended as a matter of urgency, it may make or amend the order without notice to the owner or occupier of the land on which the tree is located.

(3) Where the Council makes or amends an order under subclause (2), the Council, as soon as practicable, is to—

- (a) give notice of the order or amended order to the owner and occupier of the land on which the tree is located; and
- (b) invite the owner and occupier to make written submissions to the Council about whether the order or amended order should be retained, amended or repealed.

#### **63. Destruction of Trees**

Except with the prior written consent of the Council, given under clause 69, a person shall not—

- (a) cut, remove or otherwise destroy; or
- (b) cause or permit to be cut, removed or otherwise destroyed,

any tree which is the subject of an order, or an amended order, under this Part.



**64. Council's Consent for Destruction of Trees**

- (1) An application for Council's consent for the purposes of clause 63 is to—
- (a) be in writing;
  - (b) be signed by the owner or occupier of the land upon which the tree is situated;
  - (c) where the Council considers it necessary and so requires, be accompanied by a report of a tree surgeon or expert holding qualifications or having experience acceptable to the Council as to the condition of the tree; and
  - (d) specify the work proposed to be done to the tree.
- (2) The Council may refuse to consider an application that does not comply with subclause (1).
- (3) In respect of an application under subclause (1) the Council, subject to subclause (4), may refuse to grant or may grant, with or without any conditions it considers to be appropriate, its consent.
- (4) The Council is not to grant its consent to work which, if carried out, might result in the destruction of or permanent harm to, a tree which is the subject of an order, or amended order, under this Part unless—
- (a) the Council receives certification that the tree is dangerous;
  - (b) it is necessary to remove the tree for the purpose of constructing or erecting a building, structure, fence or access way in respect of which development approval or a building licence has been issued by the Council; or
  - (c) the Council or a public authority considers that it is necessary to cut, remove or destroy the tree to provide a public utility or service.
- (5) Consent given by the Council under this clause is to—
- (a) be in writing;
  - (b) specify the tree to which the consent relates;
  - (c) specify the work authorised by the consent; and
  - (d) specify the conditions, if any, to which the consent is subject.
- (6) A copy of consent by the Council under this clause is to be sent to the owner and occupier of the land on which the tree is located.

**65. Register of Tree Preservation Orders**

- (1) The City is to record in a register of tree preservation orders, a list of the trees subject to orders under this Part.
- (2) A copy of the register is to be—
- (a) kept at the offices of the City; and
  - (b) made available for public inspection during the office hours.

*Division 9: Control of Advertising***66. Definitions**

For the purpose of this division—

- “advertiser” means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an advertisement;
- “display” in relation to an advertisement, includes the erection and placement of the advertisement;
- “exempted advertisement” is an advertisement exempted from the requirement to obtain planning approval as listed in a planning policy; and
- “existing advertisement” means an advertisement that is—
- (a) lawfully displayed before the commencement of this Scheme; or
  - (b) displayed under a licence or other approval granted by the Council before commencement of this Scheme.

**67. Need for Development Approval**

A person shall not begin or continue to display an advertisement, other than an existing or exempted advertisement, without having first applied for and having obtained development approval under Part 4.

**68. Existing and Exempted Advertisements**

Unless it is subject to a notice under clause 69—

- (a) an exempted advertisement may be displayed; and
- (b) an existing advertisement may continue to be displayed in accordance with the licence or approval, if any, granted by the Council.

**69. Notices Affecting the Display of Advertisements**

- (1) Where, in the opinion of the Council, the display of an advertisement, including an exempted or existing advertisement, seriously conflicts with—
- (a) the requirements of the Scheme;
  - (b) any relevant planning policy;
  - (c) the orderly and proper planning of a locality;

- (d) the conservation of the amenity of a locality; and
  - (e) the design, scale and relationship of existing buildings or surroundings of the advertisement;
- the Council may, by notice in writing, require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within the period specified in the notice.
- (2) Where, in the opinion of the Council, an advertisement has deteriorated inappropriately having regard to the matters set out in subclause (1), or where the advertisement ceases to be effective for the purpose for which was 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 Council in the notice; or
  - (b) remove the advertisement.
- (3) A notice under this clause is to—
- (a) be given to the advertiser;
  - (b) refer to the advertisement which is the subject of the notice;
  - (c) give full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
  - (d) specify the period, not being less than 60 days, within which the action specified is to be completed by the advertiser.
- (4) Subject to the provisions of the Act, a person on whom the notice is served under this clause has a right of appeal against the Council's decision to serve the notice.
- (5) Where in the opinion of the advertiser, an advertisement requires replacing or renewing, all changes are to be in accordance with the Scheme and the related Planning Policy.

#### **PART 6: CAR PARKING**

##### **70. Car Parking**

- (1) Car parking shall be provided in accordance with the requirements of—
- (a) the Residential Planning Codes for residential development; and
  - (b) Table 2: Carparking Requirements.
- (2) If the Scheme does not specify the number of spaces required in respect of any particular use, then the number of parking spaces to be provided shall be determined by the Council having regard to other relevant or similar uses, if any.
- (3) Where a building is used for multiple purposes, the number of carparking spaces to be provided in accordance with Table 2 or as determined by the Council shall be calculated separately for each part of the building used for a different purpose.
- (4) When the use of any land or building is—
- (a) changed to another use; or
  - (b) involves an intensification of a use,
- additional parking spaces shall, unless otherwise approved by Council, be provided to meet the requirements of the Scheme.
- (5) When a development of any land is enlarged or partly or wholly redeveloped, parking spaces to meet the requirements of the Scheme shall be provided in respect of the new development.
- (6) Clause 28 shall apply to the requirement to provide carparking spaces under this Part subject to the following—
- (a) notwithstanding clause 28 the Council cannot grant development approval in respect of a development where a concession is sought as to the number of carparking spaces to be provided which exceeds 25% of the number required under this Part.

*Note: Clause 28 deals with the Council's decision to grant development approval to a non-complying application.*

##### **71. Joint Use of Parking**

- (1) Parking spaces may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to and in accordance with the requirements of this clause.
- (2) If—
- (a) there is a shortfall between the number of the carparking spaces required by the Scheme and the number of carparking spaces to be provided by the applicant for development approval;
  - (b) the application contains a proposal for the shortfall to be provided on other land which is not the subject of the proposed development; and
  - (c) the Council is satisfied as to the matters referred to in subclause (3),
- then the Council may grant development approval notwithstanding the shortfall but subject to an agreement being entered into between the City and the applicant and the owner of the other land which agreement is to be prepared by the City's solicitors at the expense of the applicant, in the form of a restrictive covenant against that other land, in respect of the provision of the shortfall of parking spaces and any reciprocal access or circulation arrangements.
- (3) The Council shall not grant development approval under this clause unless the Council is satisfied that—
- (a) the applicant has provided evidence to the satisfaction of the Council that the peak hours of operation of the buildings or uses on the land the subject of the application and the land on

which the shortfall of parking spaces is to be provided are different and do not substantially overlap; and

- (b) the number of parking spaces to be provided on the land which is not the subject of the application does not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the building or uses on that land during its off-peak hours of operation.

#### **72. Design Requirements for Parking**

(1) No carparking space shall be less than the dimensions shown in Table 3 for the type of parking layout adopted and shall be in compliance with the requirements of Table 3.

(2) For the purpose of Table 3, the width of carparking spaces shall be—

- (a) measured clear of the face of any column or pier; and  
(b) increased by 0.3 metres where a wall or fence abuts a side of a carparking space.

(3) Where carparking spaces are situated undercover and the Council is of the opinion that any column or pier may reduce the manoeuvrability of vehicles using the spaces, the Council may require the width of any accessway to be increased by 0.6 metres.

(4) All parking spaces should be provided with adequate accessways and manoeuvring space with bays provided in such a manner that it is not necessary to reverse directly into a public street to leave the parking area.

(5) Circulation within a parking area shall be such that all parking spaces, including any carport or garage, shall be accessible and useable whenever the building or use they serve is in operation.

#### **73. Landscaping and Other Design Matters**

(1) When considering an application that includes the provision of carparking spaces, the Council shall have regard to the suitability and adequacy of screening between the parking area and all other boundaries having regard for the impact of the facilities on adjoining properties.

(2) In addition to landscaping, the Council shall have regard to and may impose conditions relating to the location and design of carparking spaces on site, including the extent of parking areas, the number and location of access points, manoeuvring spaces, the extent of covered spaces and loading facilities which are required to be provided on-site.

(3) Subject to clause 70(6), where the Council is satisfied that a satisfactory and binding agreement has been made between the owners or occupiers of adjoining lots for the permanent sharing of carparking spaces, the Council may reduce the number of car parking spaces required under Table 2 subject to any conditions it considers appropriate.

#### **74. Vehicular Access**

A person shall not use any land for the purpose of a car park, the parking of vehicles, a loading bay or serviced ways unless the land and all accessways have been paved, drained, landscaped, marked out, sign posted and illuminated to specifications approved by the Council.

#### **75. Cash in lieu of Car Parking**

(1) An applicant for development approval may, if the Council so agrees, make a shortfall cash payment to the City in lieu of the provision of all or any of the number of carparking spaces required by the Scheme.

(2) In this clause—

“Bay Size” means the area of land, in square metres, which in the opinion of the City is required for the provision of a carparking space;

“Construction Cost” means the estimated cost of constructing and developing a car parking space of the Bay Size as determined by an engineer or architect appointed by the City;

“Land Value per m<sup>2</sup>” means the estimated value per square metre of land in the locality as determined by a licensed valuer appointed by the City;

“Shortfall” means the difference between the number of the carparking spaces required by the Scheme and the number of carparking spaces to be provided by the applicant.

(3) In this clause—

“Shortfall Cash Payment” means—

- (a) the amount fixed as such in a planning policy made by the Council; or  
(b) where the Council has not made such a planning policy within the period of 12 months preceding the grant of the development approval, means an amount calculated according to the following formula—

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

(4) In deciding to fix the Shortfall Cash Payment the Council is to have regard to—

- (a) the amount calculated in accordance with the formula set out in subclause (3); and  
(b) any factors which the Council considers justify varying that amount including, without limitation, the existence of any specified area rate or service charge imposed by the Council to secure increased public parking areas.

(5) The Council may make a planning policy specifying the areas within which it may require or accept payment of a Shortfall Cash Payment.

(6) The monies received by the City under this clause shall be paid into a reserve fund and shall only be used—

- (a) for the provision of public parking;
- (b) for reimbursing the City for any expenses incurred for the purpose of paragraph (a) including loan repayments.

(7) An applicant may, prior to the commencement of the development which is the subject of the development approval, refer any dispute concerning the Construction Cost or the Land Value per m<sup>2</sup> for determination by a single arbitrator agreed by the parties, or failing agreement, nominated by the Minister at the request of either the applicant or the Council, to be determined in accordance with the *Commercial Arbitration Act 1985*.

### 76. Carparking Requirements

Parking bays should be provided at the rate specified in the following table, unless otherwise approved by the Council. Calculated parking requirements shall be rounded to the nearest whole number.

TABLE No. 2—CAR PARKING REQUIREMENTS

Land Use	Number of Parking Bays
Residential Development	As per the Residential Planning Codes
Bed and Breakfast Establishment	2 for the permanent residents plus 1 for each guest bedroom
Club Premises, Hotel, Motel, Tavern, Cinema, Theatre, Hall, Place of Assembly, Place of Public Worship, Serviced Apartments, Lodging Houses.	All areas to be calculated according to use— 1 bay per bedroom. 1 bay per 4m <sup>2</sup> of eating, drinking or lounge area. 1 bay per 4m <sup>2</sup> of public assembly and/or seating area.
Consulting Rooms, Veterinary Clinic	4 bays per consulting room.
Child-Care Facilities	1 bay for every staff member, plus 1 bay for every ten children with a minimum of 3 bays other than staff parking.
Convenience Store/Service Station	1 bay per petrol pump plus 2 bays per service bay plus 1 bay per 20m <sup>2</sup> (excluding workshop and pump areas).
Restaurant, Eating House, Takeaway Food Outlet, Drive-Through Takeaway Food Outlet	All areas to be calculated according to use— 1 bay per 4m <sup>2</sup> eating and/or drinking area. 1 bay per every 2.5m <sup>2</sup> of counter/queuing area with a minimum of 4 bays. 4 car queuing bays for any drive-through facility.
Shop, Local Shop, Amusement Centre, Service Industry	1 bay per 20m <sup>2</sup> gross floor area.
Office	1 bay per 40m <sup>2</sup> gross floor area.
Warehouse, Showroom, Light Industry	1 bay per 70m <sup>2</sup> gross floor area
Health Studio	1 bay per 15m <sup>2</sup> gross floor area.
Hospital	1 bay per 4 patients' beds plus 1 bay per 2 employees.
Nursing Homes	1 per 8 patients' beds plus 1 per 2 employees.
Open-Air Display	1 bay per every 100m <sup>2</sup> of display area.

### 77. Carparking Bay Dimensions for Non-Residential Development

TABLE No. 3

Parking Angle	Width of Bay (Metres)		Length of Bay (Metres)		Depth of Bay (Metres)		Minimum Manoeuvring Depth (Metres)		Minimum Total Depth (Metres)		
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	
TYPE OF ACCESS											
90°	2.5	2.5	5.5	5.5	5.5	5.5	6.0	6.0	11.4	11.4	
	2.6	2.6	5.5	5.5	5.5	5.5	5.9	6.0	11.3	11.4	
	2.7	2.7	5.5	5.5	5.5	5.5	5.8	6.0	11.2	11.4	
75°	2.5	2.5	5.5	5.5	5.9	5.9	5.5	6.0	11.3	11.9	
	2.6	2.6	5.5	5.5	5.9	5.9	5.3	6.0	11.2	11.9	
	2.7	2.7	5.5	5.5	6.0	6.0	5.2	6.0	11.2	12.0	
60°	2.5	2.5	5.5	5.5	5.9	5.9	5.2	6.0	11.1	11.9	
	2.6	2.6	5.5	5.5	6.0	6.0	5.0	6.0	11.0	12.0	
	2.7	2.7	5.5	5.5	6.0	6.0	4.8	6.0	10.8	12.0	
45°	2.5	2.5	5.5	5.5	5.9	5.9	5.0	6.0	9.9	11.9	
	2.6	2.6	5.5	5.5	6.0	6.0	3.6	6.0	9.6	12.0	
	2.7	2.7	5.5	5.5	6.0	6.0	3.3	6.0	9.3	12.0	

Parking Angle	Width of Bay (Metres)		Length of Bay (Metres)		Depth of Bay (Metres)		Minimum Manoeuvring Depth (Metres)		Minimum Total Depth (Metres)	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
30°	2.5	2.5	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4
	2.6	2.6	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4
	2.7	2.7	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4
0° (Parallel Parking)	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0
	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0
	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0

Note:(1) Denotes one-way access to the carparking space

(2) Denotes two-way access to the carparking space

## PART 7: MISCELLANEOUS

### 78. Planning Policies

- (1) The Council may make planning policies, which are to—
- relate to an aspect or aspects of development control or any other matter relevant to this Scheme; and
  - apply to all or a part of the Scheme area.
- (2) In preparing a draft planning policy, the Council is to have regard to—
- the purpose and objectives for which land is set aside under the Scheme;
  - the orderly and proper planning of the locality;
  - the conservation of the amenity of the locality;
  - any strategies, studies or objectives adopted by Council; and
  - any other matters it considers to be relevant.
- (3) Having prepared a draft planning policy, the Council is—
- to advertise a summary of the draft planning policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of where the draft planning policy may be inspected, and during what period (being not less than 21 days) submissions may be made, unless the draft policy is to be advertised under clause 26 of the Scheme in which case no further advertisement is required;
  - where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft planning policy; and
  - to forward a copy of the draft planning policy to the Western Australian Planning Commission for its consideration and advise in cases where the Council considers that the policy may be inconsistent with other provisions of the Scheme or with state and regional planning policies.
- (4) After the expiry of the period for submissions, the Council is to—
- review the draft planning policy having regard to any written submissions; and
  - determine, by resolution, to adopt the draft planning policy,
- (5) As soon as practicable after the Council makes a determination under subclause (4), details of the determination are—
- to be advertised once in a newspaper circulating in the Scheme area;
  - where practicable, to be given to those persons directly affected by the planning policy; and
  - to be given to the Western Australian Planning Commission together with, where the Council has resolved to adopt the planning policy with one or more amendments, a copy of the amended planning policy, in the case of policies which have previously been submitted to the Commission for its consideration under subclause (3)(c).
- (6) A copy of each planning policy, as amended, is to be kept and made available for public inspection at the offices of the Council and any other premises nominated by the Council.
- (7) A planning policy adopted by the Council may be altered or rescinded only by following the procedures set out in this clause for making and adopting a planning policy.
- (8) A planning policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

### 79. Agreements and Dealings with Land

For the purpose of implementing this Scheme and ensuring compliance with it, the Council may—

- enter into any agreement with any owner, occupier or other person having an interest in land affected by this Scheme;
- acquire any land within the Scheme area; and
- deal with or dispose of any land, which it has acquired.

**80. Delegation**

The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to—

- (a) a Committee of the Council; or
- (b) an officer of the Council,

any power conferred or duly imposed on the Council under this Scheme.

*Note: 1. Section 58 and 59 of the Interpretation Act 1984 apply to the construction and scope of this delegation power.*

*2. Delegations made by the Council may be contained in a planning policy.*

**81. Compensation**

Except as otherwise provided, the time limit for making 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 Amendment in the Government Gazette.

Where, in respect of any application for development approval to commence or 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.

*Note: 1. The reference to the Act is to the Town Planning and Development Act 1928.*

*2. The gazettal date is defined in Schedule 1.*

**82. Election to Purchase and Valuation**

(1) Where compensation for injurious affection is claimed pursuant to clause 81, the Council may, at its option, elect to acquire the land so affected instead of paying compensation.

(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.

(3) Where the Council elects to acquire land as provided in subclause (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 subclause (4).

(4) The value of the land referred to in subclause (3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

- (a) by arbitration in accordance with the *Commercial Arbitration Act 1985*; or
- (b) by some other method agreed upon by the Council and the owner of the land,

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

(5) The Council may deal with or dispose of land acquired for a City of Subiaco Scheme reserve pursuant to the preceding subclause (4) or 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.

**PART 8: ENFORCEMENT****83. Notices**

(1) A notice required to be given by the Council under section 10(1) of the Act is to be a 28-day notice signed by the Chief Executive Officer and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.

(2) The Council may recover expenses under section 10(2) of the Act in any manner in which it is from time to time entitled to recover rates levied by it under the *Local Government Act 1995*.

**84. Authorised Entry**

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorised officer who—

- (a) finds a person committing; or
- (b) on reasonable grounds suspects a person of having committed,

breach of a provision of this Scheme, may ask that person for his or her name and address.

(3) A person who—

- (a) in any way opposes the exercise of an authorised officer's power of entry; or
- (b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address,

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the inquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a justice to be dealt with according to law.

**85. Offences**

(1) Subject to Part 4 of this Scheme, a person shall not erect, alter or add to a building or use or change the use of any land or building, or permit or suffer any land or building to be used or the use of any land or building to be changed for any purpose—

- (a) other than a purpose permitted or approved of by the Council in the zone in which that land or building is situated;
- (b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;
- (c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and
- (d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the Council pursuant to this Scheme with respect to that building or that use of that land or building have been and continue to be complied with.

(2) Where the Council has granted development approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

(3) If, in the opinion of the Council, land is being used in contravention of subclause (1) or (2) of this clause, the Council may give to the owner and occupier of the land or building a notice in writing requiring the owner or occupier, or both, to comply with the relevant provisions of the Scheme or condition of development approval within a specified period as determined by the Council.

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**SCHEDULE 1: DEFINITIONS**

**Absolute majority:** has the same meaning as given to it in the *Local Government Act 1995*.

*Note: The Local Government Act 1995 defines 'absolute majority' as: "a majority comprising enough of the members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of members of the Council."*

**75% majority:** in relation to the Council, means a majority comprising enough of the members for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of members of the Council.

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

**Advertisement:** means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

**Amenity:** means all those factors, which combine to form the character of an area and include the present and likely future amenity.

**Amusement centre:** 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.

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

**Ancillary accommodation:** has the same meaning given to it as in the Residential Planning Codes.

*Note: Clause 1.3.1 of the Residential Planning Codes defines "ancillary accommodation" to mean—*

*"self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot."*

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

**Applicant:** means the owner of the subject land or a person or body authorised by the owner to make an application for planning approval or to act on any other matter involving the Council in relation to that land.

**Application:** means an application for planning approval made under Part 4 of the Scheme Text.

**Approved plan:** means any plan that—

- (a) forms part of an application for which planning approval has been granted; and
- (b) has been endorsed with the approval of the Council.

**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.

**Bed and Breakfast:** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

- Building:** means a structure erected or placed on land.
- Building Code of Australia:** means the Building Code of Australia (as amended).
- 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.
- Chief Executive Officer:** means the Chief Executive Officer or Deputy Chief Executive Officer of the Council.
- Child day-care centre:** means any land or buildings used as a day-care centre for the daily or occasional care of more than four children in accordance with the Community Services (Child Care) Regulations 1988.
- Child family-care centre:** means a child-minding operation conducted in a private dwelling where no more than four children are received for care.
- Cinema/theatre:** means premises where the public may view a motion picture or theatrical production.
- City:** means the City of Subiaco established as a local government under the *Local Government Act 1995*.
- Civic use:** means premises 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 other body of persons united by a common interest.
- 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 manufacturer as being suitable to carry loads of up to 1.5 tonnes.
- Commercial:** means any activity involving any form of purchase, hire or sale of goods or services.
- Commission:** means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985* (as amended).
- Commonwealth Agency:** includes a Commonwealth Minister, department, body or officer and an agency or instrumentality of the Crown in right of the Commonwealth.
- Communications antennae (domestic):** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre.
- Communications antennae (commercial):** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre but does not include telecommunications infrastructure.
- 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:** has the same meaning as in the *Heritage of Western Australia Act 1990*.
- Conservation area:** means an area 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.
- Consulting rooms:** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
- 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 300m<sup>2</sup> gross leasable area.
- Council:** means the executive body of the City of Subiaco.
- Cultural heritage significance:** has the same meaning as in the *Heritage of Western Australia Act 1990*.

*Note: The Heritage of Western Australia Act defines "cultural heritage significance" to mean, in relation to a place: "the relative value which that place 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.

**Development:** has the same meaning as is given to it in the Act but includes—

- (a) an advertisement; and
- (b) in relation to any conservation place, any act or thing that is likely to significantly change the external character of the building, object or place.

*Note: Section 2(1) of the Town Planning and Development Act defines "development" to mean, "the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying on the land of any excavation or other works and, in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, also includes any act or thing that:*

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



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

**Educational establishment:** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

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

**Fish shop:** means a building where wet fish and similar foods are displayed and offered for sale and for the purposes of the Scheme is considered to be a shop.

**Floor area of a building:** means

- (a) for a private residential building: the meaning outlined in the definition of plot ratio in the Residential Planning Codes;
- (b) for a non-private residential building : the gross total area of—
  - (i) each of the floors of a lodging house; or
  - (ii) those parts of each of the floors used for residential purposes of a hotel, a motel, a private hotel, a serviced apartment, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and
- (c) for a non-residential building: the gross total area of each of the floors of the building including the area of carparking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls.

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

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if the lot abuts 2 or more roads, the one to which the building or proposed building faces.

*Note: Clause 1.3.1 of the Residential Planning Codes defines "frontage" to mean—*

*"the width of a lot at the average permissible front setback line, provided that in the case of battle-axe or other irregular shaped lots, it shall be as determined by the Council."*

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

**Gazettal date:** in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under Section 7(3) of the Town Planning Act.

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

**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 at the top of the ridge, parapet or flat roof, whichever is the highest, but does not include—
  - (i) any lift plant, water tower or similar utility or service, not exceeding 3.0 metres in height; or
  - (ii) any architectural feature or decoration (other than a free standing sign) not used for any form of accommodation, which may be approved by Council.

*Note: Clause 1.3.1 of the Residential Planning Codes defines "height" to mean—*

*"of a wall at any point for the purpose of determining its setback from a boundary means the vertical distance between the top of the eaves at the wall line, parapet or flat roof whichever is highest and the natural ground level of the lot boundary at a point at right angles (90°) to the wall. Where a skillion roof occurs the height shall be measured as the median height of the wall or where a triangular gable roof occurs the height shall be measured as the height of the wall together with 1/3 of the vertical height of the gable".*

**Home occupation:** means the carrying on of any business, profession or trade carried out by the owner or occupier of a residential property, whether carried out as the principle means of income of the owner or occupier or not, conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods.

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

**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 lodging house the subject of a limited hotel licence or other licence granted under that Act.

**Industry:** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing. Maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations.

**Industry: hazardous/noxious:** 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 industries

**Industry: light:** means an industry—

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

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

*Note: Section 2(1) of the Town Planning and Development Act defines "land" to include: "land, tenements and hereditaments and any interest therein, and also houses, buildings, and other works and structures".*

**Landscaped area:** means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, public art, barbecue areas or children's playgrounds and includes any other area approved by the Council as landscaped area.

*Note: Clause 1.3.1 of the Residential Planning Codes defines "landscape, landscaping or landscaped" to mean—  
"land developed with, or by the planting of lawns, garden beds, shrubs and trees and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and any other such area approved of by the Council as landscaped area".*

**Laundromat:** means premises, open to the public, in which washing machines, with or without provision for drying clothes, are available for use for payment.

**Local shop:** means a shop in which the only goods offered for sale are a combination of foodstuffs, toiletries, stationery, or goods of a similar domestic nature intended for the day-to-day consumption or use by persons living or working in the locality of the shop, and may include the preparation and sale of food for consumption on the premises where this is incidental to the predominant use of the land.

**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)

*Note: Section 3(1) of the Health Act defines "Lodging-house" to mean "any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 4 persons, exclusive of the family or the keeper thereof, for hire or reward; but the term does not include—*

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the *Licensing Act 1911*;
- (b) premises used as a boarding school approved under the *Education Act 1928*; or
- (c) any building comprising residential flats".

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

*Note: Section 2(1) of the Town Planning and Development Act defines "Lot" to mean—*

*"a defined portion of land depicted on a plan or diagram publicly exhibited in the public office of the Department of Land Administration, or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued; or depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act 1956, approved by the Commission and includes the whole of the land the subject—*

- (a) of a Crown Grant issued under the *Land Act 1933*; or
- (b) of a certificate of title issued under the *Transfer of Land Act 1893*; or
- (c) of a survey into a lot pursuant to a direction given under section 17 of the *Land Act 1933*; or
- (d) of a part-lot shown on a plan of subdivision or diagram deposited in the Department of Land Administration, Office of Titles, or Registry of Deeds; or
- (e) of a conveyance registered under the *Registration of Deeds Act 1856*".

**Massage rooms:** means premises primarily used by a masseur or which primarily provide therapeutic massage or similar services.

**Metropolitan Region Scheme:** means the Metropolitan Region Scheme made pursuant to the *Metropolitan Region Town Planning Scheme Act 1959* published in the *Government Gazette* of August 9 1963 and as amended from time to time.

**Minister:** means the Minister for 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.

**Municipal Inventory:** 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).

**Net floor area:** for the purposes of determining car parking requirements has the same meaning as "floor area of a building", but does not include any area of public fee-paying car parks.

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

**Non-complying use:** applications which do not comply with Scheme requirements and which may be approved through the process identified in clause 28.

**Non-conforming use:** has the same meaning as it has in section 12(2)(a) of the Town Planning Act.

**Nursing home:** means any building used for the accommodation and care of aged and disabled persons.

**Office:** means premises used for administration, clerical, technical, professional or other business activities.

**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.

**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.

**Place:** has the same meaning as it has in the *Heritage of Western Australia Act 1990*.

**Plot ratio:** means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located except for residential development where the term shall have the same meaning given to it in the Residential Planning Codes.

*Note: Clause 1.3.1 of the Residential Planning Codes defines "plot ratio" to mean—*

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

**Pool Hall:** means premises used primarily for the purposes of playing pool, snooker and billiards.

**Precinct:** means a definable area where particular planning policies, guidelines or standards apply.

**Precinct planning policy:** means a planning policy setting out the planning intentions for a particular precinct.

**Predominant use:** is the primary use of premises to which all other uses carried out on that land is subordinate, incidental or ancillary.

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

*Note: Section 2(12) of the Act defines "public authority" to mean—*

*"a Minister of the Crown acting in his official capacity, a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility".*

**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.

**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 facilities:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which may or may not be open to the public with or without charge.

**Research and Development:** means the scientific and industrial research and development, production and assembly of proto-type products associated with such research.

**Reserve:** means any land reserved for a public purpose.

**Residential Planning Codes:** means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time.

**Restaurant:** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*.

**Retail:** means the sale or hire of goods or services to the public.

**Retail floor area:** means the floor area of each of the floors of a building used for the display or sale of goods, but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet.

**Retirement village:** means a development containing accommodation for aged persons together with ancillary facilities.

**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.

**Serviced apartments:** means a building or buildings, which include self-contained units for temporary accommodation.

**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, any premises involving the sale of petrol, or any other premises specifically defined elsewhere in this part.

*Note: The Interpretation Act 1984 defines "sell" to include barter, exchange, offer to sell and expose for sale.*

**Showroom:** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.

**Sign:** means a notice, message or display by means of a freestanding or fixed sign or hoarding.

**Storage yard:** means any land used for the open-air storage of goods.

**Storey:** means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include any portion of a building used solely for car parking and having 50% or more of its volume below natural ground level.

**Street alignment:** means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment.

**Streetscape:**

- (a) means the total visual impression gained from any one location within a street including the natural and man-made elements; and
- (b) is made up of the appearance of and the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

**Sustainable Development:** means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**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 premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises.

**Telecommunications infrastructure:** means any part of infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

**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.

**Wholesale:** means the sale of goods or materials to be sold by others.

**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.

## SCHEDULE 2: ADDITIONAL USES

1 ITEM No.	2 PARTICULARS OF LAND			3 LOT No.	4 LOCATION No.	5 ADDED USE CLASS PERMITTED	6 MAXIMUM PLOT RATIO	7 DEVELOPMENT REQUIREMENTS	REQUIREMENTS OTHER THAN PLOT RATIO
	STREET NAME	STREET No.	STREET No.						
1 (A5)	Park Street	203, 205, 207	51	P223	Office	0.58	Refer to Clause 29		
2 (A5)	Park Street	1-3/211	52	P223	Office	0.55	Refer to Clause 29		
3 (A7)	Hammersley Road	119	Pt 6/7	P252	Office	0.5	The office is required to be contained within the existing building		
4 (A7)	Hammersley Road	125	5/Pt6	P252	Office	0.55	The office is required to be contained within the existing building		
5 (A3)	Hay Street	567	11	DAG 168	Office	0.5	Refer to Clause 29		
6 (A2)	Hay Street	589	53	—	Office	0.5	Refer to Clause 29		
7 (A1)	Hay Street	611	51	S2103	Showroom/Warehouse	0.5	Refer to Clause 29		
8 (A6)	Bagot Road	2	100	P408	Office	1.3	Refer to Clause 29		
9 (A8)	Bagot Road	225-227	25/26	P239	Office/Commercial	1.25	Plot Ratio		
							Total Plot Ratio of 1.25 (Whole Site) of which no more than 0.3 (425m <sup>2</sup> ) shall be used for non-residential purposes.		
							Requirements other than Plot Ratio		
							That the church and duplex cottages be retained. In the event that the buildings are irrevocably damaged or demolished, the site will revert to a purely residential R50 zoning.		
							That the existing configuration of the buildings on the site, framing the square of open space, be maintained to the satisfaction of council.		
							That the church hall be reconstructed to the satisfaction of council.		
							Minimum total site open space of 40% (including courtyards and balconies).		

## SCHEDULE 2: ADDITIONAL USES—continued

1	2		3	4	5	6	7
	PARTICULARS OF LAND					DEVELOPMENT REQUIREMENTS	
ITEM No.	STREET NAME	STREET No.	LOT No.	LOCATION No.	ADDED USE CLASS PERMITTED	MAXIMUM PLOT RATIO	REQUIREMENTS OTHER THAN PLOT RATIO
9 (A8)—continued							<ul style="list-style-type: none"> <li>• Maximum height to match that of existing church building.</li> <li>• Council to grant concession on parking required (to be determined upon development approval).</li> <li>• A Maximum of 90m<sup>2</sup> GLA Office Space Permitted</li> <li>• That the Existing Single Residence is Retained</li> <li>• Refer to Clause 29</li> <li>• That the Existing Single Residence is Retained</li> <li>• Refer to Clause 29</li> <li>• That the Existing Single Residence is Retained</li> <li>• Refer to Clause 29</li> <li>• That the Existing Single Residence is Retained</li> <li>• Refer to Clause 29</li> <li>• That the Existing Single Residence is Retained</li> <li>• Refer to Clause 29</li> </ul>
10 (A4)	Churchill Avenue	21	52	P214	Office	0.5	
11(A4)	Thomas Street	69	53	P214	Consulting Rooms	0.5	
12(A4)	Thomas Street	73	54	P214	Office		
13(A4)	Thomas Street	75	PT90/91	P214	Office		
14(A4)	Thomas Street	77	92	P214	Office		

Note: Item Number in brackets indicates Map reference number.

SCHEDULE 3: APPLICATION FOR DEVELOPMENT APPROVAL  
CITY OF SUBIACO

**APPLICATION FOR DEVELOPMENT APPROVAL**

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

**Development Approval**

**Home Occupation**

PROCESSING OF THIS APPLICATION WILL NOT PROCEED UNTIL  
ALL FEES DEPOSITS ARE PAID.

In accordance with the Local Government (Miscellaneous Provisions) Act Section 374(1) and 377(4)

PROPERTY DETAILS:

Lot No. .... House/Street No. .... Location No. .... Diagram or Plan .....  
Certificate of Title: Vol. .... Folio ..... Lot Area (m<sup>2</sup>) .....  
Title Encumbrances (eg, easements, restrictive covenants) .....  
Street Name ..... Suburb .....  
Nearest Street Intersection ..... Assessment No. ....

OWNER'S DETAILS

Name .....  
Address ..... Post Code .....  
Phone (work) ..... (home) ..... Fax .....  
Contact Person .....  
Signature ..... Date .....  
Signature ..... Date .....

*The signature of the landowner(s) or authorised representative of the landowner(s) is required for all applications. This application will not proceed without that signature*

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

Name .....  
Address ..... Post Code .....  
Phone (work) ..... (home) ..... Fax .....  
Contact Person .....  
Signature ..... Date .....

DEVELOPMENT DETAILS:

Existing Building/Land Use  
.....  
.....

Description of proposed development or land use  
.....  
.....

Approx. Cost of Development ..... Est. Date of Completion .....

OFFICE USE ONLY

Property File No. ....  
Accepting Officer's initial: .....  
Date Received: .....  
**NOTES:**

SCHEDULE 4: NOTICE OF THE COUNCIL'S DECISION  
*CITY OF SUBIACO TOWN PLANNING SCHEME No. 4*  
**APPROVAL/REFUSAL  
 TO COMMENCE DEVELOPMENT**

PROPOSAL:

LOCATION:

Name and Address of Owner and land on which development is proposed:

SURNAME/COMPANY NAME:

OTHER NAME(S):

ADDRESS:

Application Date:                      Received on:

The application for approval to commence development in accordance with the plans attached thereto is—

- granted subject to the following conditions:
- refused for the following reason(s):

CONDITIONS/REASONS FOR REFUSAL:

Note 1:

If the development the subject of this approval is—

- (a) not substantially commenced within a period of 2 years; or
- (b) not substantially completed within a period of 4 years,

from the date of this approval, the approval shall lapse and be of no further effect.

Note 2:

Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having been first sought and obtained.

Signed:

Dated:

for and on behalf of the City of Subiaco

SCHEDULE 5 : ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL  
*CITY OF SUBIACO TOWN PLANNING SCHEME No. 4*

**ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**  
 (To be completed in addition to the Form of Application)

- (1) Name of Landowner(s):
- (2) Name of Advertiser/Applicant:
- (3) Address for correspondence:
- (4) Telephone Number:
- (5) Description of property upon which advertising device is to be displayed:
- (6) Details of proposed advertising device—
  - (a) Width:                                      Depth:
  - (b) Colours to be used:
  - (c) Height above ground level (to top of advertisement):
  - (d) State type of structure upon which the advertising device is to be erected (ie, free standing, wall mounted, other):
  - (e) Illuminated:                                      YES/NO  
 If yes, state whether steady, moving, flashing, alternating, digital, animated, scintillating, etc.
- (7) Period of time for which advertising device is required:
- (8) Details of signs (if any) to be removed if this application is approved:

A photograph supports application or impression of the premises/property showing superimposed therein the position of the proposed advertising device.

Signature of Advertiser/Applicant

Date



SCHEDULE 6: NOTICE OF PUBLIC ADVERTISEMENT OF APPLICATION FOR DEVELOPMENT APPROVAL

CITY OF SUBIACO TOWN PLANNING SCHEME No. 4

NOTICE OF PUBLIC ADVERTISEMENT OF APPLICATION FOR DEVELOPMENT APPROVAL

It is hereby notified for public information and comment that the City of Subiaco has received an application for development approval to develop land for the purpose described hereunder:

LAND DESCRIPTION:

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

Street: .....

Suburb: .....

Proposal:

.....  
.....  
.....

Details of the proposal are available for inspection at the Council offices. Comments on the proposal may be submitted to the Council in writing before close of business on the ..... day of ..... 200.....

.....  
Chief Executive Officer.  
.....  
Date.

Adoption

Adopted by Resolution of the Council of the City of Subiaco at the meeting of the Council held on 31 August 1999.

Date: 22 February 2001. A. V. COSTA, Mayor.

Date: 2 February 2001. C. BURTON, Chief Executive Officer.

Adopted by resolution of the Council of the City of Subiaco at a Ordinary Meeting of the Council held on the 5th day of December, 2000 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of—

A. V. COSTA, Mayor.  
C. BURTON, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 3 of the Scheme and to which formal approval was given by the Hon. Minister for Planning on the 15th day March of 2001.

Recommended— NEIL FOLEY, for Chairperson of the Western Australian Planning Commission.  
Date: 9 March 2001.

Approved— ALANNAH MacTIERNAN, Hon. Minister for Planning and Infrastructure.  
Date: 15 March 2001.

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## PREMIER AND CABINET

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**PR401**

Ministry of the Premier and Cabinet,  
Perth, WA.

**PARLIAMENTARY SECRETARIES**

It is hereby notified for public information that the Governor in Executive Council has, under section 44A(1)(a) of the *Constitution Acts Amendment Act 1899*, approved the following appointments on and from 20 March 2001—

- (1) Mark McGowan MLA, as Parliamentary Secretary to the Premier; Minister for Public Sector Management; Federal Affairs; Science; Citizenship and Multicultural Interests
- (2) Francis Logan MLA, as Parliamentary Secretary to the Minister for Agriculture; Forestry and Fisheries; the Midwest; Wheatbelt and Great Southern and as Parliamentary Secretary to the Minister for the Environment and Heritage; Water Resources
- (3) Norman Richard Marlborough MLA, as Parliamentary Secretary to the Minister for Labour Relations; Consumer Affairs; Employment and Training
- (4) The Hon Graham Thomas Giffard MLC, as Parliamentary Secretary to the Minister for Planning and Infrastructure and as Parliamentary Secretary to the Minister for Education; Sport and Recreation; Indigenous Affairs
- (5) The Hon Kenneth Dunstan Travers MLC, as Parliamentary Secretary to the Minister for State Development; Tourism; Small Business; GolfIELDS-Esperance
- (6) The Hon Ljiljanna Ravlich MLC, as Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts and as Parliamentary Secretary to the Minister for Health.

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

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## RACING, GAMING AND LIQUOR

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**RA401****LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

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

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
8226	David Wayne Radomiljac and Monica Anne Radomiljac	Application for the grant of a Producer— Wine licence in respect of premises situated in Pemberton and known as Pemberley Farms	20/4/2001
8233	Andrey Eric Riedmann and Jodie Lynn Riedmann	Application for the grant of a Producer— Wine licence in respect of premises situated in Capel and known as Cider Works	15/4/2001
8235	Palandri Wines Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Cowaramup and known as Palandri Wines	16/4/2001
8183	Bremerton Pty Ltd and West Lander Pty Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Kalgoorlie and known as Be Bemales Tavern	17/4/2001
8131	Banwell Pty Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Perth and known as Bells Restaurant and Café	12/4/2001

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
7222	Pontius Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Albany and known as Great Southern Liquor Supplies	12/4/2001
<b>APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
122833	Viola Enterprises Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Bunbury and known as Bussell Motor Hotel	9/4/2001

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

HUGH HIGHMAN, Director of Liquor Licensing.

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## WORKSAFE

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**WS401**

**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**  
**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**  
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.12

No. 1 of 2001

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Broad Construction Services from the requirements of Regulation 4.54 (3) of the *Occupational Safety and Health Regulations 1996* in relation to use of a cable pendant controller on a Potain HDT80 Self Erecting Crane. This exemption is subject to the following conditions:

- (i) the operator must be fully instructed on the limitations of the crane under all intended loading conditions;
- (ii) the operator must be fully instructed on the limitations in operating the crane in adverse environmental conditions, and, an alternative anemometer device shall be provided;
- (iii) the operator must be provided with copies of load chart and relevant radius limitations; and
- (iv) this exemption is valid until 30 March 2001.

Dated this sixteenth day of March 2001.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

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## PUBLIC NOTICES

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**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 April 2001, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Ambrosius, Rees Albert, Late of Hamersley Nursing Home, 441 Rokeby Road, Subiaco, formerly of Unit 4 "Tuart" Geneff Village, Hertha Road, Innaloo, died 3/3/2001, (DEC33181500DP4).

Beeck, Joyce Marjorie, Late of Gracewood Hostel, 20 Roebuck Drive, Salter Point, formerly of 20 Bourke Street, North Perth, died 8/2/2001, (DEC33172700DS4)

Bird, Thomas James, Late of 5 Laidley Way, Mandurah, died 17/1/2001 (DEC33130500DP1)

Brearily, Sybil Stella, Late of Midland Nursing Home, 44 John Street, Midland, formerly of Yallambee Hostel, 16 Fenton Street, Mundaring, died 14/2/2001, (DEC33176000DL2)

- Crittenden, Roderick John, Late of Salisbury Home, 19-21 James Street, Guildford, died 25/9/2000, (DEC33093100DS4)
- Fairweather, Edith Maud, Late of Lady McCusker Home, 27 Beddi Road, Duncraig, formerly of 154 Seacrest Lodge, 7 Harman Road, Sorrento, died 26/2/2001, (DEC33182900DS2)
- Johnston, Winifred Ada, Late of Saint Rita's Nursing Home, 32 Queens Crescent, Mount Lawley, died 28/1/2001, (DEC33159000DS4)
- Newport, George John Stockdale, Late of Kwinana Nursing Home, 44 Chilcott Street, Calista, died 8/3/2001, (DEC3319300DP3)
- Page, Stanley George, Late of Unit 514 Belgrade Retirement Village, Belgrade Road, Wanneroo, died 11/3/2001, (DEC33190200DG3)
- Palmer, Frederick Arthur Cavell, Late of Little Sisters of the Poor Nursing Home, Kalgoorlie, died 19/2/2001, (DEC33198100DG2)
- Pola, Bruno Simone, Late of 93A Peninsula Road, Maylands, died 15/2/2001, (DEC33182700DA1)
- Powell, Alvin, Late of Unit 85/16 Leeder Street, Glendalough, died 17/3/2001 (DEC3319930DC3)
- Rogers, Jordan Robert, Late of Gnerkadilling Road, Corrigin, died, 9/1/2000, (DEC33066000DG3)
- Ryan, David John, Late of 2/34 North Beach Road, North Beach, died 2/3/2001, (DEC33189000DC3)
- Saliweczyk, Wladyslaw, Late of Unit 3/69 Rockingham Beach Road, Rockingham, died 5/3/2001, (DEC33185200DD1)
- Smith, Alistair McGregor, also known as Alec Smith, Late of Valencia Nursing Home, 24 Valencia Road, Carmel, formerly of Cottage 2, Activ Foundation, Hawkvale Road, High Wycombe, died 20/2/2001, (DEC33193800DS3)
- Smith, Deidre Alison, Late of 15 Jurien Way, Thornlie, formerly of 38 Galaxy Street Beckenham, died 7/12/2000, (DEC33155100DL3)
- Streets, Doris, Late of Leighton Nursing Home, 40 Florence Street, West Perth, formerly of 67 Cleaver Street West Perth, died 7/3/2001, (DEC33198300DS2)
- Thorpe, John James, Late of 49 Tandina Way, Kingsley, died 27/2/2001, (DEC33188500DA3)

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

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**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

In the estate of the late Sarah Gilbert of 338 Wharf Street, Queens Park in the State of Western Australia, home duties, deceased, who died on 27th January 2001. Creditors and other persons having claim (to which section 63 of the Trustees Act 1962 relates) are required by the Solicitor for the Administrator Sarah Curthoys of Curthoys & CO Solicitors of PO Box 620 Victoria Park 6979 to send particulars of their claims to her by 20th April 2001 after which date the Solicitor for the Administrator may convey or distribute the assets having regard only to the claims of which she has notice.

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