



WESTERN AUSTRALIAN GOVERNMENT Gazette

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PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

ABORIGINAL AFFAIRS PLANNING AUTHORITY ACT 1972**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.

I, the Governor, acting under section 25 of the *Aboriginal Affairs Planning Authority Act 1972* and with the advice and consent of the Executive Council, declare that Dampier Location 79 on Department of Land Administration Diagram 74811 in Crown Land Record Volume 3055 Folio 572, being Reserve No. 30906 (known as “Fisherman’s Bend”, near Broome), shall cease to be reserved for persons of Aboriginal descent.

Given under my hand and the Public Seal of the State on 22 January 2002.

By Command of the Governor,

R. C. KUCERA, A/Minister for Indigenous Affairs.

GOD SAVE THE QUEEN !

JUSTICE

JU301*

Supreme Court Act 1935**Supreme Court (Fees) Amendment
Regulations 2002**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Supreme Court (Fees) Amendment Regulations 2002*.

2. Schedule 1 amended

Schedule 1 Item 10 to the *Supreme Court (Fees) Regulations 2002** is amended by inserting after “a cause or matter” —

“ or ”.

[* *Published in Gazette 27 December 2001, p. 6585-616.*]

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

EXTRACTIVE INDUSTRIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the local government of the Shire of Bridgetown-Greenbushes resolved on 31st January 2002 to amend the Shire of Bridgetown-Greenbushes Extractive Industries Local Law published in the *Government Gazette* on 14th August 2001 in the following manner—

1. Delete Clause 2.3(3) and insert new Clause 2.3(3) which reads—

“Where in relation to a proposed excavation—

- (a) the surface area is not to exceed 1000m²; and
- (b) the extracted material is not to exceed 1000m³;

the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).”

Dated this 31st day of January 2002.

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of its Council in the presence of—

Cr N. J. OAKS, Shire President.
A. G. MACNISH, Chief Executive Officer.

— PART 2 —

AGRICULTURE

AG401*

SOIL AND LAND CONSERVATION ACT 1945

LATHAM LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2002

MADE by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Latham Land Conservation District (Appointment of Members) Instrument 2002*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Latham Land Conservation District) Order 1995**, the following members are appointed to the land conservation district committee for the Latham Land Conservation District—

- (a) on the nomination of the Shire of Perenjori: Robyn Benton of Latham;
- (b) to represent the Western Australian Farmers Federation (Inc): Murrice Bryant of Latham; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Roger Forte of Nedlands
 - (ii) Margaret Beulah Bryant of Latham
 - (iii) Peter John Waterhouse of Latham
 - (iv) Malcolm Ivor Just of Latham
 - (v) Andrea Dawn Bryant of Latham
 - (vi) Bradley Hirsch of Latham

(*Published in the Gazette of 27 October 1995 at pp. 4942-43 and an Amendment Order approved by Executive Council on 15 December 1998 {refer Department of Agriculture reference: 881736V01P00}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2004.

Dated this day 6th of February, 2002.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG402*

SOIL AND LAND CONSERVATION ACT 1945

LOWER BLACKWOOD LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2002

MADE by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Lower Blackwood Land Conservation District (Appointment of Members) Instrument 2002*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Lower Blackwood Land Conservation District) Order 1992**, the following members are appointed to the land conservation district committee for the Lower Blackwood Land Conservation District—

- (a) on the nomination of the Shire of Augusta-Margaret River: William Francis Owen of Lower Blackwood;
- (b) on the nomination of the Shire of Nannup: Peter Hartridge of Nannup and John Dunnet of Nannup;
- (c) to represent the Western Australian Farmers Federation (Inc): Ian Alan Noakes of Witchcliffe;

- (d) to represent the Pastoralists and Graziers Association of Western Australia: Peter Alex Wren of Kudarup; and
- (e) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Peter William McDonald of Karridale
 - (ii) Walter Christopher Avery of Alexandra Bridge
 - (iii) David Alex Wren of Alexandra Bridge
 - (iv) Clifford Graham Owen of Karridale
 - (v) Graeme Ernest Payne of Karridale
 - (vi) Peter Little of Karridale
 - (vii) Gavin Hugh Price of Karridale
 - (viii) Conservation Officer, Department of Conservation and Land Management, Busselton
 - (ix) Richard Pickett of Bunbury

(*Published in the Gazette 26 June 1992 at pp. 2651-54 and Amendment Orders approved by Executive Council on 17 June 1997 and 6 October 1998 {Department of Agriculture reference: 881844V02P0P}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2004.

Dated this day 6th of February, 2002.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG403*

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (NEWDEGATE LAND CONSERVATION DISTRICT) AMENDMENT ORDER 2001

Made by the Governor in Executive Council under sections 22 and 23 of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture.

1. Citation

This order may be cited as the *Soil and Land Conservation (Newdegate Land Conservation District) Amendment Order 2001*.

2. Principal Order

In this order the *Soil and Land Conservation (Newdegate Land Conservation District) Order 1993** is referred to as the principal order.

(*Published in the Gazette 23 April 1993 at pp. 2175-77 and an Amendment Order approved by Executive Council on 23 September 1997 {refer Department of Agriculture reference: 881850V02P0F}).

3. Clause 2 deleted and replaced

Clause 2 of the principal order is deleted and replaced with the following—

3. Interpretation

Words and phrases used in this order have the same meaning as in the *Soil and Land Conservation Act 1945*

4. Clause 5 deleted and replaced

Clause 5 of the principal order is deleted and replaced with the following—

5. Constitution of committee

- (1) It is determined, on the recommendation of the Minister, after consultation with the Shire of Lake Grace, that the district committee is to comprise 15 members, of whom—
 - (a) one is to be the Commissioner of Soil and Land Conservation or a nominee of the Commissioner; and
 - (b) the others are to be appointed by the Commissioner.
- (2) Of the members appointed under subclause (1)(b)—
 - (a) two are to be appointed on the nomination of the Shire of Lake Grace;
 - (b) two are to be appointed under subclause (3);
 - (c) one is to be appointed under subclause (4);
 - (d) nine are to be persons actively engaged in, or affected by or associated with, land use in the district.
- (3) The Western Australian Farmers Federation (Inc.) is to submit to the Commissioner a panel containing the names of persons willing to be appointed as members of the committee and, where such a panel is submitted, two persons whose names appear on the panel are to be appointed by the Commissioner.

- (4) The Pastoralists and Graziers Association is to submit to the Commissioner a panel containing the names of persons willing to be appointed as members of the committee and, where such a panel is submitted, one person whose name appears on the panel is to be appointed by the Commissioner.
- (5) The Commissioner may terminate the appointment of a member appointed under subclause (1)(b).
- (6) A member appointed under subclause (1)(b) may resign his or her office by written notice addressed to the Commissioner.

5. Clause 6 deleted and replaced

Clause 6 of the principal order is deleted and replaced with the following—

6. Proceedings of the committee

To the extent that they are not provided for under the *Soil and Land Conservation Act 1945* or Part VII of the *Interpretation Act 1984*, the committee may determine its own procedures.

By Lieutenant-Governor and deputy of the Governor

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

AG404*

SOIL AND LAND CONSERVATION ACT 1945

**SOIL AND LAND CONSERVATION (WILLIAMS LAND CONSERVATION DISTRICT)
AMENDMENT ORDER 2001**

Made by the Governor in Executive Council under sections 22 and 23 of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture.

1. Citation

This order may be cited as the *Soil and Land Conservation (Williams Land Conservation District) Amendment Order 2001*.

2. Principal Order

In this order the *Soil and Land Conservation (Williams Land Conservation District) Order 1990** is referred to as the principal order.

(*Published in the Gazette 16 February 1990 at pp. 1013-14 and amended in the Gazette of 4 October 1991 at p. 5120 and Amendment Orders approved by Executive Council on 13 August 1996 and 4 November 1997 {refer Department of Agriculture reference: 881814V02P0B}).

3. Clause 2, 4, 5 and 6 deleted

Clauses 2, 4, 5 and 6 of the principal order are deleted.

By His Excellency's Command

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

AG405*

SOIL AND LAND CONSERVATION ACT 1945

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Patricia Smith of Northam is appointed a member of the Northam Land Conservation District (*the Committee was established by an Order in Council, published in the Government Gazette of 18 April 1986 at pp. 1456-57 and amended in the Gazettes of 12 July 1991 at pp. 3411-13; 1 November 1991 at pp. 5588-89; 16 May 1995 at pp. 1841-42; 9 February 1996 at p. 476; and an Amendment Order approved by Executive Council on 28 August 1997 {refer Department of Agriculture File Reference: 881712V02P0K}*). The appointment is for a term ending on 30 September 2003.

Dated this day 6th of February, 2002.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG406*

SOIL AND LAND CONSERVATION ACT 1945

TAMMIN LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2002

MADE by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Tammin Land Conservation District (Appointment of Members) Instrument 2002*.

2. Appointment of members

Under section 23(2b) of the Act and clause 6(1) of the *Soil and Land Conservation (Tammin Land Conservation District) Order 1985**, the following members are appointed to the land conservation district committee for the Tammin Land Conservation District—

- (a) on the nomination of the Shire of Tammin: Donald Anthony Thomson of Tammin;
- (b) to represent the Western Australian Farmers Federation (Inc): Anthony John York of Tammin;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: James Elwood Gardner of Tammin; and
- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Jos Chatfield of Tammin
 - (ii) Ivan Rogers of Tammin
 - (iii) Jill Rogers of Tammin
 - (iv) Graham Lindsay Dixon of Tammin
 - (v) Graham Alan Canvova of Kellerberrin
 - (vi) Andrew Palmer Repton of North Tammin
 - (vii) Faye Christison of Tammin
 - (viii) Donna Dransfield of Tammin
 - (ix) Richard Keith Hocking of Tammin
 - (x) Jayne York of Tammin
 - (xi) Libby Hutchinson of Yorkrakine
 - (xii) Lisa Mackin of Tammin

(*Published in the Gazette of 19 April 1985 at pp. 1410-11 and amended in the Gazettes of 31 March 1989 at pp. 872-73, 11 September 1992 at pp. 4598-99 and 8 December 1995 at p. 5939.)

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG407*

SOIL AND LAND CONSERVATION ACT 1945

YALGOO LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2002

MADE by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Yalgoo Land Conservation District (Appointment of Members) Instrument 2002*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Yalgoo Land Conservation District) Order 1988**, the following members are appointed to the land conservation district committee for the Yalgoo Land Conservation District—

- (a) on the nomination of the Shire of Yalgoo: Donald Edward Anderson of Burnerbinmah Station;
- (b) to represent the Pastoralists and Graziers Association: Jack Kellock of Gabyon Station and Robert Julian Mitchell of Barnong Station; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) John Henry Morrissey of Muralgarra Station
 - (ii) Roxanne Mary Morrissey of Thundelarra Station
 - (iii) Thomas Morrissey of Thundelarra Station
 - (iv) Kathryn Margaret Mitchell of Barnong Station
 - (v) Jackie Hele of Mouroubra Station
 - (vi) Arthur Hele of Mouroubra Station
 - (vii) Leith Peskett of Yalgoo

(*Published in the Gazette of 14 October 1988 at pp. 4209-11 and amended in the Gazettes of 26 May 1989 at pp. 1577-78, 11 September 1992 at p. 4598 and an Amendment Order approved by Executive Council on 29 December 1998 {Department of Agriculture reference: 881788V02}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943

(Section 296 Subsection (3))

Notice is hereby given that at the expiration of three months from the date hereof the name of the undermentioned Co-operative Company will, unless cause is shown to the contrary, be struck off the register and the said Co-operative Company will be dissolved.

- Avon Arc Cooperative Limited

Dated this 29th day of January 2002.

RODNEY TUCKER, Person Authorised by the
Commissioner for Corporate Affairs in Western Australia.

EDUCATION

ED401

UNIVERSITY OF WESTERN AUSTRALIA ACT 1911

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 16B of the University of Western Australia Act 1911, has approved amendments to Part 2 of the First Schedule to The University of Western Australia Lands By-Laws as set out in the attached schedule.

ALAN CARPENTER MLA, Minister for Education.

The University of Western Australia

THE UNIVERSITY OF WESTERN AUSTRALIA LANDS BY-LAWS

The University of Western Australia, in pursuance of the University of Western Australia Act 1911, hereby makes the following amendments to The University of Western Australia Lands By-Laws, for the purpose of regulating the terms and conditions under which those lands may be visited or used and the conduct of persons when on those lands—

FIRST SCHEDULE

Part 2 is amended by the addition of the following to the schedule of Other Lands vested in or under the management or control of the University which are prescribed to be Lands of The University—

ORAL HEALTH CENTRE CAR PARK

Subject to the Governor's consent being obtained in accordance with section 13(6) of the Queen Elizabeth II Medical Centre Act and subject to the amendment of the Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986 to exempt the University's employees, agents and visitors from complying with those By-laws,

41. Portion of Reserve 33244 contained in Crown Land Title Volume 3121 Folio 686 as shown in red on the plans attached to a lease between The Queen Elizabeth II Centre Trust and The University of Western Australia executed on 26 October 2001.

The Common Seal of the University of Western Australia was hereto affixed by authority of the Senate attested by—

DERYCK SCHREUDER, Vice-Chancellor and President.

HOUSING AND WORKS

HW401

HOUSING SOCIETIES ACT 1976

SECTION 23(3)

CERTIFICATE OF INCORPORATION ON CHANGE OF NAME

This is to certify that TLC Building Society, which was on the eighth day of August 1978, incorporated under the Housing Societies Act, 1976, did on the first day of January 2002 change its name to TLC Housing Society.

Given under my hand and seal at Perth this 7th day of February 2002.

I. B. BYRDE, Deputy Registrar of Housing Societies.

JUSTICE

JU401

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988 APPOINTMENT

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following person as a Member of the Children's Court of Western Australia—

Mr John Trezise Eddy of 5 Rogers Avenue, Boyup Brook.

GARY THOMPSON, Executive Director, Court Services.

JU402

JUSTICES ACT 1902 APPOINTMENTS

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Kevin Phillip Gillan of 20 Maxwell Street, Kalgoorlie

Mr Andrew James Stocks of PMB 47, Leinster

to the office of Justice of the Peace for the State of Western Australia.

GARY THOMPSON, Executive Director, Court Services.

LAND ADMINISTRATION

LA401*

DAMPIER TO BUNBURY PIPELINE ACT 1997 ADDITIONAL LAND IN THE DBNGP CORRIDOR

I, Alannah Joan Geraldine MacTiernan, DBNGP Land Access Minister, give notice in accordance with Section 33(1) of the *Dampier to Bunbury Pipeline Act 1997* that the land contained in the following Land Administration or Deposited Plans, the subject of the Land Description described below is designated, at the beginning of the day this notice is published in the *Government Gazette*, as additional land in the DBNGP corridor.

Plans	Land Description	Title Particulars		
		Extent	Volume	Folio
20859	Portion of Victoria Location 5460	Part	1272	925
20861	Lot 23 on Plan 22590	Part	2150	798
26815	Portion of Victoria Location 10288	Part	2118	779
20864	Portion of Victoria Location 2613	Part	2112	563
20864	Lot 706 on Plan 22149	Part	2112	561
20864	Lot 701 on Plan 21644	Part	2112	558
20868	Victoria Location 10210	Part	3074 CL133	76 1964
20868 20869	Victoria Location 10224	Part	1598	646
20869	Victoria Location 10226	Part	3121 CL1194	413 1963
29332	Melbourne Location 3970	Part	1638	740
20876	Lot 700 on Plan 12522	Part	1538	347
20877	Melbourne Location 2390	Part	1318	166
20877 20878	Lot 1 on Plan 7100	Part	1646	980
20881	Lot 2 on Plan 14837	Part	1730	355

The Plans may be inspected at the Department of Land Administration, Midland Square, Midland.

ALANNAH MacTIERNAN, MLA, DBNGP Land Access Minister.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960.*Shire of Northampton*

Swimming Pool Authorisation

It is hereby notified for public information that Mr David John Battese has been authorised by council to carry out the functions required under section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

GARRY KEEFFE, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978**FORFEITURES**Department of Minerals & Petroleum Resources,
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.

Number	Holder	Mineral Field
24/257	Halford Holdings Pty Ltd	Broad Arrow

MP402

MINING ACT 1978**NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**Department of Minerals & Energy,
Mt Magnet, 4th February 2002.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. non-payment of rent.

S. WILSON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 19th March 2002.

MURCHISON MINERAL FIELD*Mt Magnet District*

P58/1113—Dixon, Raymond John

MP403**MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mineral and Petroleum Resources,
Meekatharra WA 6642.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that these Miscellaneous Licences and Prospecting Licences are liable to forfeiture under the provisions of Section 96(1) (a) for breach of covenant, viz. non payment of rent.

S. WILSON (SM), Warden.

To be heard in the Warden's Court, Meekatharra on the 21 March 2002.

EAST MURCHISON MINERAL FIELD**Prospecting Licences**

53/1093—Le Chem Pty Ltd

53/1094—Le Chem Pty Ltd

MP404**MINING ACT 1978****FORFEITURES**

Department of Mineral & Petroleum Resources,
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 are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions/non payment of rent.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
09/1002	Barndon, Vaughan Fotious, Michael George Colby Corporation Pty Ltd Falx Pty Ltd Triton Corporation Ltd	Gascoyne
09/1003	Barndon, Vaughan Fotious, Michael George Colby Corporation Pty Ltd Falx Pty Ltd Triton Corporation Ltd	Gascoyne
38/651	McKnight, Russell Geoffrey	Mt Margaret
53/809	Robinson, Kim	East Murchison
80/2460	Glasfurd, Jamie Eric Schulda, Harry George	Kimberley

MP405**MINING ACT 1978****FORFEITURES**

Department of Minerals & Petroleum Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) of the Mining Act 1978, that the undermentioned exploration licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
70/2296	Notochord Pty Ltd	South West

MP406**MINING ACT 1978****FORFEITURES**

Department of Minerals & Petroleum Resources,
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 leases are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
16/122	Shadbolt, Kim Lynden	Coolgardie
47/352	Brenton, James Darcy North, Donald Edward	West Pilbara

PLANNING AND INFRASTRUCTURE

PI401**TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT****CITY OF ALBANY****TOWN PLANNING SCHEME No. 3—AMENDMENT No. 159**

Ref: 853/5/4/5 Pt 159

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 Albany Town Planning Scheme Amendment on 5 February 2002 for the purpose of—

- (i) Rezoning Lots 5, 1, 9, 3, 7, 34, 33, 11 & 31 of Loc 50 Bon Accord Road Lower King from the Rural zone to the Special Rural zone.
- (ii) Rezoning Lots 6, 2, 10, 4, 8, 38, 37 Pt 36, 35, 27 & 52 of Loc 50 Bushby Road Lower King from the Rural zone to the Special Rural zone.
- (iii) Rezoning Lots 28, 51, 29 & 30 of Loc 50 and Lot 4 of Loc 4378 Prideaux Road Lower King from the Rural zone to the Special Rural zone.
- (iv) Rezoning Lots 46 & 64 of Loc 50 and Lot 1 of Loc 1336 Bushby Road Lower King from the Rural zone and the Parks and Recreation (non restricted) reserve to the Special Rural zone and the Parks and Recreation (non restricted) reserve.
- (v) Rezoning Lot 63 of Loc 50 Shell Bay Road Lower King from the Rural zone to the Special Rural zone.
- (vi) Amending the Scheme Maps Accordingly.
- (vii) Incorporating into Schedule No. 1 of the Scheme, the following identification and provisions:

Schedule No. 1

CITY OF ALBANY**SHIRE OF ALBANY TOWN PLANNING SCHEME No. 3****Special Rural Zones****Provisions Relating to Specified Areas**

AREA	LOCALITY	LOTS	LOCATION
21	Prideaux Road	28, 51, 29 & 30	50
	Prideaux Road	4	4378
	Bushby Road	6, 2, 10, 4, 8, 38, 37 Pt 36, 35, 27, 52, 46 & 64	50
	Bushby Road	1	1336
	Bon Accord Road	5,1,9,3,7,34,33,11 & 31	50
	Shell Bay Road	63	50
	LOWER KING		

1.0 PLAN OF SUBDIVISION

1.1 Subdivision of Special Rural Area No. 21 shall be generally in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer. The minimum lot size shall be 1ha. Council may recommend minor variations to lot sizes, however further breakdown of lots will be deemed contrary to the objectives of the zone.

1.2 Although the Subdivision Guide Plan does not depict any subdivision for Lots 33, 7, 1, and 10 of Loc 50 and Lot 1 of Loc 1336, Council may recommend subdivision approval to the Commission provided that—

- (i) Council is satisfied that the design of the allotments complies with the objectives, intent and requirements of the zone.
- (ii) The proposed subdivision is suitable having regard to the physical characteristics of the site, the need to protect remnant vegetation and the adjoining properties.
- (iii) The proposed subdivision can be adequately serviced.

1.3 Council may request the Commission to impose a condition at the time of subdivision for a detailed geotechnical report to identify the suitability of the proposed lots to contain effluent on site.

1.4 Council will recommend the Western Australian Planning Commission refuse subdivision applications within the 500m Liquid Waste Disposal Site Buffer as shown on the Subdivision Guide Plan whilst the site remains in active use.

1.5 Council may request the Commission to impose a condition at the time of subdivision requiring the provision of services and a road upgrading contribution as outlined in the “Schedule of Servicing” included as Appendix A to the Amendment No. 159 Report.

1.6 In order to achieve the objectives of the zone, (including the provision of services) the Council may enter into an agreement with any or all of the landowners or other government agencies.

2.0 OBJECTIVES OF THE ZONE

Within the Special Rural Zone No. 21 the objective is to—

- Provide for the protection of existing landuses and environmentally sensitive areas by the imposition of landuse and management controls.
- Protect the mixed use characteristics of the area whilst allowing the establishment of complementary uses.
- Allow the area to continue to evolve within the framework of efficient and sustainable lot sizes and an increase in the level of service provision.
- Build on the threshold population of Lower King and build on the recreational, tourist and other attractions found within the Two Rivers Region.
- Ensure that subdivision and development within the zone is staged in a sequential and orderly manner having specific regard to the provision of services.
- Ensure that subdivision occurs in an coordinated manner.
- Ensure that subdivision and development proceeds in accordance with the adopted Subdivision Guide Plan.
- Provide for subdivision and development that has regard to the protection of remnant vegetation and the need to ensure compatibility with adjoining landuse/s.

3.0 LAND USE

3.1 Within Special Rural No. 21 the following uses are permitted—

- Residential Dwelling House

3.2 The following uses are only permissible on lots of 2ha or larger and only after referral to neighbours and Council approval—

- Rural Use (on existing cleared areas).
- Chalet (maximum of one per lot).
- Country Kitchen.

3.3 The following uses are not permitted on any lot unless approved by Council as detailed below—

- Following referral and advertising—
 - Craft Studio.
 - Cottage Industry.
 - Bed & Breakfast.
- Referral and advertising not required—
 - Home Occupation.
 - Stables.
 - Public Utility.
 - Dam or Soak construction.

3.4 Council may apply the following conditions to the uses referred to in Provision 3.2 & 3.3 above—

- Dam and/or Soak Construction:
Dams and/or soaks shall be sited to avoid visual impact from public roadways and neighbouring lots. Banks and aprons shall be suitably stabilised to avoid erosion and shall be landscaped to Councils satisfaction. In assessing applications for dams and soaks, Council may request comment from and apply the requirements of the Waters & Rivers Commission.
- Rural Use:
only as follows, where conflicts would not be caused with adjoining/nearby rural and residential uses and where nutrient losses to King River/Oyster Harbour are prevented or minimised:

Rural Use

for the purpose of Special Rural Area No. 21, "Rural Use" means the use of land for any of the purposes set out hereunder, subject to Provisions 4, 5, 6 & 7 and shall include such building normally associated therewith—

- The growing of vegetables, fruit, cut fresh flowers, cereals or food crops on a maximum cultivated area of 5000m²;
 - The rearing or agistment of goats, sheep, cattle or beasts of burden;
 - The breeding and raising of freshwater fish and crustaceans (aquaculture);
 - The outdoor growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or individual gardens on a maximum cultivated area of 5000m²;
 - Free-range poultry farming;
 - Low key tourist uses and accommodation with a maximum of three chalets;
 - The wholesale marketing of produce grown solely on the lot;
 - The cultivation of wildflowers on a maximum cultivated area of 5000m²; and
 - Firewood production.
- Chalet as follows—
 - a single chalet only, to be located within the lots' existing building envelope, areas of existing clearing, co-located with the parent dwelling or some other method as may be approved to minimise the impact on remnant vegetation;
 - the use of alternative effluent treatment for both the dwelling and chalet;
 - chalet floor area of 100m² and 2 bedrooms maximum;
 - appropriate design, location and materials in accord with the following Special Provisions;
 - payment of a contribution to road maintenance in accord with adopted policy;
 - parking, water supply and landscaping/screening to Council's satisfaction; and,
 - approval to a chalet use shall not be considered justification for further subdivision.

4.0 MANAGEMENT OF RURAL USES

4.1 Intensive agricultural pursuits such as piggeries and/or horticultural operations in excess of the scale of operations permissible under Provisions 3.2 & 3.4 are not permitted.

4.2 The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by Agriculture W.A. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.

4.3 Where in the opinion of Council the continuation of any approved Rural Use, on any portion of land is likely to contribute, or is contributing to dust or odour nuisance or land or water degradation, notice may be served on the owner of the land, requiring immediate discontinuance of the use.

4.4 Where notice has been served on a landowner in accordance with this Clause the Council may also require the land or water to be rehabilitated to its satisfaction within three (3) months of serving the notice.

4.5 In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.

5.0 LOCATION OF BUILDINGS AND STRUCTURES

5.1 No residential dwellings shall be permitted within Dwelling Exclusion Areas. Other buildings may be permitted within Dwelling Exclusion Areas at the discretion of Council.

5.2 With the exception of Lots 4, 35 & 46 Bushby Road, Lot 31 Bon Accord Road & Lot 30 Prideaux Road, all buildings shall be setback a minimum of 20 metres from lot boundaries abutting public road frontages and 10 metres from all other lot boundaries. With regards Lots 4, 35 & 46 Bushby Road, Lot 31 Bon Accord Road & Lot 30 Prideaux Road, dwellings and effluent disposal systems shall be located within the Building Area as shown on the Subdivision Guide Plan. Other buildings may be located outside of the Building Area at Councils discretion.

5.3 All buildings shall be located such that they minimise the need for clearing within Vegetation Protection Areas by, where practical, being sited in existing clearing or at the edge of vegetated areas.

5.4 The erection of boundary fencing shall not be permitted through the larger remnants of native vegetation within the Vegetation Protection Areas as shown on the Subdivision Guide Plan.

5.5 Buildings, tanks and structures shall not be permitted within the Building Exclusion & Landscape Protection Areas designated on the Subdivision Guide Plan.

5.6 No development shall occur within the buffer to the liquid waste disposal site (as shown on the Subdivision Guide Plan) unless—

- (i) The liquid waste disposal facility has ceased operation and the site has been rehabilitated to the satisfaction of the Environmental Protection Authority; or
- (ii) The development is considered by Council to be ancillary to an existing residence.

6.0 BUILDING DESIGN, MATERIALS AND COLOUR

6.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.

6.2 Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from public roadways and within the subdivision.

6.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.

6.4 Any water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.

7.0 VEGETATION, REVEGETATION AND WATERWAY PROTECTION

7.1 No clearing of vegetation shall occur except for—

- clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
- clearing may reasonably be required to construct an approved building and curtilage;
- trees that are dead, diseased or dangerous;
- clearing to gain vehicular access to an approved building or any other clearing which may be approved by the Council;
- clearing required to establish a low fuel area;
- the harvesting of plantation timber on Lot 4 Prideaux Road.

7.2 Council may request the Commission to impose a condition at the time of subdivision requiring tree/shrub planting in areas as shown on the Subdivision Guide Plan. Areas of tree/shrub planting shall be appropriately maintained for a minimum of 3 years.

7.3 Additional tree/shrub planting may be required as a condition of development approval.

7.4 No buildings shall be permitted within Building Exclusion Areas or Landscape Protection Areas as shown on the Subdivision Guide Plan.

7.5 Prior to any subdivision or development occurring on any lot accommodating a Landscape Protection Area, a foreshore management plan shall be prepared and adopted by Council. This plan shall show the 1:100 year or estimated maximum flood level, mosquito control and all other matters considered necessary to protect the intertidal and salt marsh area.

7.6 Council may request the Commission to impose a condition at the time of subdivision requiring that foreshore boundaries are suitably identified with pegs and/or cairns.

8.0 WATER SUPPLY

Arrangements shall be made to the satisfaction of Council and the Water Corporation of W.A. to ensure that a reticulated potable water supply will be made available to each lot. This may be arranged via service agreements and/or contributions to services.

9.0 EFFLUENT DISPOSAL

9.1 On-site effluent disposal shall be the responsibility of the individual landowner.

9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located with a minimum separation of 500mm between natural ground level and the highest known groundwater level to minimise nutrient export and/or release into any waterway or ground water.

9.3 Council shall require the use of alternative effluent disposal systems, such as approved amended soil and/or aerobic systems.

9.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Health Department of WA.

9.5 No more than one effluent disposal system will be permitted per dwelling or approved chalet.

10.0 BUSHFIRE MANAGEMENT AND CONTROL

10.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of strategic fire breaks as shown on the Subdivision Guide Plan.

10.2 The strategic fire breaks shall be constructed to a standard suitable for year round access by heavy duty fire appliances and two wheel drive vehicles.

10.3 Where a lot is traversed by a strategic fire break as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such fire break to the satisfaction of Council. Fencing and/or unlocked gates across the strategic fire break shall only be permitted at the discretion of and to the satisfaction of Council and the Bush Fires Board.

10.4 Low fuel buffers, at least 20 metres wide shall be established and maintained around all dwellings.

10.5 In cases where only part of the zone is developed, an interim fire break system or strategic fire break system shall be prepared and put in place, to the satisfaction of Council and the Bush Fires Board.

10.6 Fire hydrants shall be provided at intervals of 200 metres along subdivisional water mains.

10.7 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas."

11.0 ROAD UPGRADING, ACCESS AND DESIGN

11.1 Subject to applications for the subdivision of lots accessing the unsealed portions of Bushby Road, Prideaux Road and/or Shell Bay Road as at September 1999, Council may request the Commission to impose a condition at the time of subdivision requiring a contribution to the upgrading

of Bushby Road, Prideaux Road and/or Shell Bay Road in accord with the Schedule of Servicing Standards included as Appendix A to the Amendment No. 159 Report.

11.2 Council may request the Commission to impose a condition at the time of subdivision requiring the provision and construction of Pedestrian Access Ways (including the provision of removable bollards/barriers) as shown on the Subdivision Guide Plan.

11.3 Council may request the Commission to impose a condition at the time of subdivision requiring the creation and construction of reciprocal access over joint use battleaxe lot access legs and/or joint use crossovers, as shown on the Subdivision Guide Plan.

11.4 Provision shall be made to Council's satisfaction to ensure that, where joint use crossovers and/or battleaxe lot access legs are to serve parcels in separate ownership, mechanisms are in place to ensure such joint use crossovers and/or battleaxe lot access legs fulfil the joint use objective at the time of ultimate subdivision.

12.0 MOSQUITO NUISANCE

Notification in the form of a memorial is to be placed on the Certificate of Titles of all lots within Special Rural Zone No. 21 advising of the existence of a hazard or other factor, in accordance with Section 12A of the Act to the satisfaction of the Commission and at the subdividers cost. The memorial is to state as follows—

This lot is in close proximity to mosquito breeding areas. The mosquito species is known to carry Ross River Virus and other diseases.

13.0 NOTIFICATION OF PROSPECTIVE OWNERS

13.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Rural Zone No. 21 are—

- Given a copy of these Special Provisions prior to entering into an agreement to acquire any property.
- Provided with an information sheet explaining the fauna values of the adjacent and nearby reserve system and which discourages the keeping of cats and outlines measures that can be taken to minimise the impact of domestic cats on native fauna.
- Advised that the sealing of unsealed portions of Bushby, Shell Bay and/or Prideaux Road will be undertaken incrementally as subdivisional contributions are made and as the works program allows.

13.2 Application for Planning Scheme Consent shall require the submission of—

- a completed "Application for Grant of Planning Scheme Consent" form;
- three copies of a Plan showing the precise location and size of all the buildings proposed and the parkland clearing and fire protection measures to be adopted;
- three scaled elevation plans showing the elevation of the buildings proposed and the materials and colour to be used.

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

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TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF KALAMUNDA

DISTRICT PLANNING SCHEME No. 2—AMENDMENT No. 198

Ref: 853/2/24/16 Pt 198

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 Shire of Kalamunda Town Planning Scheme Amendment on 5 February 2002 for the purpose of—

(1) Rezoning—

- (a) Portion of Lot Pt 16 (262), 62 (264), 138 (266) Kalamunda Road, Maida Vale from Residential R10 coding to Mixed Use zone.
- (b) Lot 60 (268) Kalamunda Road, Maida Vale from Special Purpose—Squash Courts to Mixed Use zone.
- (c) Lot 101 (221) Gooseberry Hill Road, Maida Vale from Special Purpose—Swimming Pool to Mixed Use zone.

in accordance with the Scheme Amendment Map.

(2) Inserting in Appendix D of the Scheme Text

- (i) Under column "particulars of land"
GOOSEBERRY HILL ROAD, MAIDA VALE
LOT 101 (221)
Under column "Additional Uses"

- (a) Any development or change of use shall require the following to be undertaken
 - Fencing shall be designed and installed to a height to ensure minimal impact on residential amenity of neighbours.

- Landscaping shall be incorporated into the development of a minimum of 2 metres in width along boundaries abutting residential development, to the satisfaction of Council.
 - Hours of operation and hours of delivery and pick up shall be restricted to between 7.00 am and 9.00 pm only. The exception being any health studio where the operation may occur between the hours of 6.00 am and 9 pm and the swimming pool complex between the hours of 5.30 am and 9.00 pm.
 - No further two (2) storey development to what already exists.
 - Buildings shall be setback 5 m from the rear boundary unless otherwise approved by the Council.
 - Service and bin store areas not be located to the rear of buildings abutting residential properties.
 - No parapet walls will be permitted.
 - On site lighting shall be restricted to security lighting only. No advertising lighting will be permitted, and any lighting after 9.00 pm shall be sensor activated lights in accordance with Department of Environmental Protection requirements and the relevant Australian Standards.
 - All signs to comply with the provisions of Council's Local laws.
 - Any activity likely to generate noise such as a Health Studio will require areas of noise generation to be sound proofed.
 - Council may request a strategy in regard to any other matters which is considered likely to impact on the residential amenity of surrounding residents as part of a development application.
- (b) Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.
- (c) Carparking and access shall be in accordance with the access strategy as approved by Council.
- (d) Easements in gross being registered on all lots, as a condition of planning approval to ensure that the access strategy is implemented and access rights are registered for future owners.
- (e) A Health Studio use is not permitted unless planning approval is granted by the Council.
- (f) A Swimming Pool is a permitted use.
- (g) A shop is not permitted unless deemed to be incidental to the predominant use of the property, as determined by Council.
- (h) A restaurant use is not permitted.
- (i) A lodging house is not permitted.
- (ii) Under column "particulars of land"
KALAMUNDA ROAD, MAIDA VALE
LOT 60 (268)
Under column "Additional Uses"
- (a) Any development or change of use shall require the following to be undertaken
- Fencing shall be designed and installed to a height to ensure minimal impact on residential amenity of neighbours.
 - Landscaping shall be incorporated into the development of a minimum of 2 metres in width along boundaries abutting residential development, to the satisfaction of Council.
 - Hours of operation and hours of delivery and pick up shall be restricted to between 7.00 am and 9.00 pm only. The exception being any health studio where the operation may occur between the hours of 6.00 am and 9 pm and the swimming pool complex between the hours of 5.30 am and 9.00 pm.
 - No further two (2) storey development to what already exists.
 - Buildings shall be setback 5 m from the rear boundary unless otherwise approved by the Council.
 - Service and bin store areas not be located to the rear of buildings abutting residential properties.
 - No parapet walls will be permitted.
 - On site lighting shall be restricted to security lighting only. No advertising lighting will be permitted, and any lighting after 9.00 pm shall be sensor activated lights in accordance with Department of Environmental Protection requirements and the relevant Australian Standards.
 - All signs to comply with the provisions of Council's Local Laws.
 - Any activity likely to generate noise such as a Health Studio will require areas of noise generation to be sound proofed.
 - Council may request a strategy in regard to any other matters which is considered likely to impact on the residential amenity of surrounding residents as part of a development application.
- (b) Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.

- (c) Carparking and access shall be in accordance with the access strategy as approved by Council.
 - (d) Easements in gross being registered on all lots, as a condition of planning approval to ensure that the access strategy is implemented and access rights are registered for future owners.
 - (e) The following uses are not permitted unless planning approval is granted by the Council—
 - Hairdresser
 - Health Studio
 - Squash Courts
 - (f) A restaurant use is not permitted.
 - (g) A lodging house is not permitted.
- (iii) Under column “particulars of land”
KALAMUNDA ROAD, MAIDA VALE
LOT 138 (266)
Under column “Additional Uses”
- (a) Any development or change of use shall require the following to be undertaken
 - Fencing shall be designed and installed to a height to ensure minimal impact on residential amenity of neighbours.
 - Landscaping shall be incorporated into the development of a minimum of 2 metres in width along boundaries abutting residential development, to the satisfaction of Council.
 - Hours of operation and hours of delivery and pick up shall be restricted to between 7.00 am and 9.00 pm only. The exception being any health studio where the operation may occur between the hours of 6.00 am and 9 pm and the swimming pool complex between the hours of 5.30 am and 9.00 pm.
 - No further two (2) storey development to what already exists.
 - Buildings shall be setback 5 m from the rear boundary unless otherwise approved by the Council.
 - Service and bin store areas not be located to the rear of buildings abutting residential properties.
 - No parapet walls will be permitted.
 - On site lighting shall be restricted to security lighting only. No advertising lighting will be permitted, and any lighting after 9.00 pm shall be sensor activated lights in accordance with Department of Environmental Protection requirements and the relevant Australian Standards.
 - All signs to comply with the provisions of Council’s Local Laws.
 - Any activity likely to generate noise such as a Health Studio will require areas of noise generation to be sound proofed.
 - Council may request a strategy in regard to any other matters which is considered likely to impact on the residential amenity of surrounding residents as part of a development application.
 - (b) Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.
 - (c) Carparking and access shall be in accordance with the access strategy as approved by Council.
 - (d) Easements in gross being registered on all lots, as a condition of planning approval to ensure that the access strategy is implemented and access rights are registered for future owners.
 - (e) The following uses are not permitted unless planning approval is granted by the Council—
 - Hairdresser
 - Health Studio
 - (f) A restaurant use is not permitted.
 - (g) A lodging house is not permitted.
- (iv) Under the column “Particulars of land”
KALAMUNDA ROAD, MAIDA VALE
PT LOT 16 (262)
Under column “Additional Uses”
- (a) Any development or change of use shall require the following to be undertaken
 - Fencing shall be designed and installed to a height to ensure minimal impact on residential amenity of neighbours.
 - Landscaping shall be incorporated into the development of a minimum of 2 metres in width along boundaries abutting residential development, to the satisfaction of Council.
 - Hours of operation and hours of delivery and pick up shall be restricted to between 7.00 am and 9.00 pm only. The exception being any health studio where the operation may occur between the hours of 6.00 am and 9 pm and the swimming pool complex between the hours of 5.30 am and 9.00 pm.

- No further two (2) storey development to what already exists.
 - Buildings shall be setback 5 m from the rear boundary unless otherwise approved by the Council.
 - Service and bin store areas not be located to the rear of buildings abutting residential properties.
 - No parapet walls will be permitted.
 - On site lighting shall be restricted to security lighting only. No advertising lighting will be permitted, and any lighting after 9.00 pm shall be sensor activated lights in accordance with Department of Environmental Protection requirements and the relevant Australian Standards.
 - All signs to comply with the provisions of Council's Local Laws.
 - Any activity likely to generate noise such as a Health Studio will require areas of noise generation to be sound proofed.
 - Council may request a strategy in regard to any other matters which is considered likely to impact on the residential amenity of surrounding residents as part of a development application.
- (b) Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.
- (c) Carparking and access shall be in accordance with the access strategy as approved by Council.
- (d) Easements in gross being registered on all lots, as a condition of planning approval to ensure that the access strategy is implemented and access rights are registered for future owners.
- (e) The following uses are not permitted unless planning approval is granted by the Council—
- Local Shop
 - Hairdressing Premises
 - Liquor Store
- (f) A restaurant use is not permitted.
- (g) A lodging house is not permitted.
- (h) The maximum gross leasable area shall be limited to 450 m².
- (3) Modifying Appendix D of the Scheme Text under column "particulars of land"
- KALAMUNDA ROAD, MAIDA VALE
LOT 62 (264)
- To add under column "Additional Uses"
- (a) Any development or change of use shall require the following to be undertaken
- Fencing shall be designed and installed to a height to ensure minimal impact on residential amenity of neighbours.
 - Landscaping shall be incorporated into the development of a minimum of 2 metres in width along boundaries abutting residential development, to the satisfaction of Council.
 - Hours of operation and hours of delivery and pick up shall be restricted to between 7.00 am and 9.00 pm only. The exception being any health studio where the operation may occur between the hours of 6.00 am and 9 pm and the swimming pool complex between the hours of 5.30 am and 9.00 pm.
 - No further two (2) storey development to what already exists.
 - Buildings shall be setback 5 m from the rear boundary unless otherwise approved by the Council.
 - Service and bin store areas not be located to the rear of buildings abutting residential properties.
 - No parapet walls will be permitted.
 - On site lighting shall be restricted to security lighting only. No advertising lighting will be permitted, and any lighting after 9.00 pm shall be sensor activated lights in accordance with Department of Environmental Protection requirements and the relevant Australian Standards.
 - All signs to comply with the provisions of Council's Local Laws.
 - Any activity likely to generate noise such as a Health Studio will require areas of noise generation to be sound proofed.
 - Council may request a strategy in regard to any other matters which is considered likely to impact on the residential amenity of surrounding residents as part of a development application.
- (b) Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.
- (c) Carparking and access shall be in accordance with the access strategy as approved by Council.
- (d) Easements in gross being registered on all lots, as a condition of planning approval to ensure that the access strategy is implemented and access rights are registered for future owners.

- (e) The following uses are not permitted unless planning approval is granted by the Council—
Hairdressing Premises
- (f) A restaurant use is not permitted.
- (g) A lodging house is not permitted.

O. F. McGRATH, President.
D. E. VAUGHAN, Chief Executive Officer.

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TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF PLANTAGENET
TOWN PLANNING SCHEME No. 3—AMENDMENT No. 27

Ref: 853/5/14/4 Pt 27

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Plantagenet Town Planning Scheme Amendment on 5 February 2002 for the purpose of—

- (i) Rezoning Lot 500 Marmion Road, Mount Barker from the Rural zone to the Rural Residential zone.
- (ii) Amending the Scheme Maps accordingly.
- (iii) Incorporating the following site identification and Special Provisions into Schedule No. 5 of the Scheme Text.

Schedule No. 5

Rural Residential Zones—Provisions Relating to Specified Areas

(a)	(b)
Specified Area of Locality	Special Provisions to refer to (a)
6. Lot 500 Marmion Road.	<p>1.0 Subdivision/Development Plan</p> <p>1.1 Subdivision of Area 6 shall generally be in accordance with the endorsed Plan of Subdivision.</p> <p>1.2 The Council will not recommend lot sizes less than five hectares. The Council may recommend that the Western Australian Planning Commission approve minor variations to the Plan of Subdivision.</p> <p>2.0 Objective of Rural Residential Area No. 6</p> <p>To provide for larger hobby farms which can accommodate small scale rural uses such as horticulture, aquaculture and viticulture.</p> <p>3.0 Land Use</p> <p>3.1 Within Rural Residential Area No. 6 the following uses are permitted—</p> <ul style="list-style-type: none"> • Residential Dwelling & Associated Outbuildings; • Livestock grazing, subject to provision 4.0. <p>3.2 The following uses may be permitted subject to planning consent of Council—</p> <ul style="list-style-type: none"> • Aquaculture; • Home Occupation; • Holiday Accommodation; • Horticulture; • Cottage Industry; • Café & Restaurant; • Rural Industry; • Public recreation; • Viticulture; • Other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone.

(a) Specified Area of Locality	(b) Special Provisions to refer to (a)
	4.0 Keeping of Livestock/Animals
	4.1 Intensive agricultural pursuits such as piggeries, feed lotting, poultry farms are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by Agriculture WA. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.
	4.2 Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
	4.3 Where notice has been served on a landowner in accordance with this Clause, the Council may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice.
	4.4 In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
	5.0 Horticulture & Viticulture
	Council will only approve of commercial scale horticulture/viticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future rural residential uses on adjoining or nearby lots.
	6.0 Location of Buildings & Structures
	6.1 Buildings and structures shall be setback a minimum of 30 metres from the lot boundaries abutting Marmion Road and 15 metres from all other lot boundaries.
	6.2 All dams require the approval of Council prior to construction.
	7.0 Building Design, Materials & Colour
	7.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted Zinalume and off-white colours.
	7.2 Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from surrounding roads.
	7.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.
	7.4 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.

(a)
Specified Area of Locality

(b)
Special Provisions to refer to (a)

8.0 Vegetation and Revegetation

- 8.1 No clearing of vegetation shall occur except for—
- (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
 - (b) Clearing which may reasonably be required to construct an approved building and curtilage;
 - (c) Trees that are dead, diseased or dangerous;
 - (d) Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;
 - (e) Clearing required to establish a low fuel buffer.
- 8.2 Council may request the Commission to impose a condition at the time of subdivision for revegetation of areas shown on the Plan of Subdivision. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.
- 8.3 Additional tree planting may be required as a condition of development approval.

9.0 Water Supply

Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from Water Corporation licenced underground water supplies or rainwater storage systems to the satisfaction of Council and the Health Department of Western Australia.

10.0 Effluent Disposal

- 10.1 On-site effluent disposal shall be the responsibility of the individual landowner.
- 10.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known groundwater level.
- 10.3 Council shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in situations where a 100 metre setback from the drainage line cannot be achieved, where soil conditions are not conducive to the retention of nutrients, and in low lying areas. Separation from waterways and ground water shall be determined by Council in conjunction with the Health Department of WA.
- 10.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Department of Health.
- 10.5 No more than one effluent disposal system will be permitted on one lot unless approval is granted for short stay-holiday accommodation.

11.0 Bushfire Management Control

- 11.1 Low fuel buffers, at least twenty metres wide shall be established and maintained around all buildings.

(a) Specified Area of Locality	(b) Special Provisions to refer to (a)
	11.2 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".
	11.3 Council may request the Commission to impose a condition at the time of subdivision for the provision of a water supply for fire fighting and a contribution towards the provision or upgrade of fire protection equipment.
	12.0 Notification of Prospective Owners
	12.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Rural Residential Area No. 6— <ul style="list-style-type: none"> • are given a copy of these Special Provisions prior to entering into an agreement to acquire any property; and • acknowledge that horticulture/viticulture uses may be permitted in this area and that these uses may have some impact on rural residential uses.

K. M. FORBES, President.
R. STEWART, Chief Executive Officer.

PI404

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF SWAN

TOWN PLANNING SCHEME No. 9—AMENDMENT No. 397

Ref: 853/2/21/10 Pt 397

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 Swan Town Planning Scheme Amendment on 5 February 2002 for the purpose of—

1. Deleting the text and Table 4B of Part IV—*Midland Sub-Regional Centre Provisions*, and inserting in its stead the following—

4.1 SPECIFIC APPLICATION OF THIS PART

The provisions of this Part apply to the zones within the Midland Strategic Regional Centre listed in item (a) of subclause 2.2.1. Without affecting the generality of the provisions in Part III of the Scheme, in the case of conflict with any such provisions, the provisions of this Part shall prevail as to the zones within the Midland Strategic Regional Centre.

4.2 PURPOSE AND INTENT OF ZONES

4.2.1 General Objectives

4.2.1.1

The objectives of the Midland Strategic Regional Centre as a whole are as follows—

- (a) to ensure development of the centre accords with the WA Planning Commission's Statement of Planning Policy No. 9 Metropolitan Centres Policy Statement for the Perth Metropolitan Region as it applies to the 'main street' centres;
- (b) to facilitate the creation of employment within the centre so as to reduce the demand for travel, and enhance the level of self-sufficiency within the sub-region;
- (c) to promote the development of a wide range of commercial facilities and services including major offices, retailing and a mix of entertainment, recreation and community facilities to meet the needs of the sub-regional community;
- (d) to facilitate the complementary development of housing so as to enhance the vibrancy of the centre, improve the viability of businesses and provide a wider choice of accommodation within the district;
- (e) to promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development;

- (f) to enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes;
- (g) to encourage mixed uses and complementary development within the centre so as to enhance the viability of business and the efficient use of facilities and services;
- (h) to ensure future development and re-development accords with 'main street' design principles as referred to in Statement of Planning Policy No. 9 Metropolitan Centres Policy Statement for the Perth Metropolitan Region, providing an integrated, attractive, safe and vibrant focus for the community;
- (i) to ensure car parking and access facilities do not disrupt the continuity of main street development or reduce pedestrian connectivity within the centre;
- (j) to ensure development and re-development within the centre affords appropriate recognition of heritage values and the character of existing streetscapes, with reference to scale, form and design.

4.2.1.2

Council shall have particular regard to the objectives of the Midland Strategic Regional Centre as referred to in paragraph 4.2.1.1 in its determination of any application for approval to commence or carry out development within the Midland Strategic Regional Centre. It is intended that the objectives be considered as a package, and where a proposed development is not, in the opinion of the Council consistent with any of the objectives, it will not be supported.

4.2.2 City Centre—Business Zone

4.2.2.1

The purpose and intent of the City Centre—Business Zone is to ensure consistency with the objectives of the Midland Strategic Regional Centre as a whole as outlined in sub-clause 4.2.1 and in addition—

- (a) to encourage development of a wide range of commercial and professional offices and administrative services designed to enhance the prospects for employment, and meet the needs of the wider sub-regional community;
- (b) to promote the complementary development of shopping, dining, relaxation and entertainment facilities at street level to enhance the vibrancy of street frontages;
- (c) to encourage residential development in the upper levels of commercial buildings so as to enhance the vitality of the centre and provide opportunities for people to live in close proximity to their place of employment;
- (d) to ensure development and re-development within the zone affords appropriate recognition to the character and 'grain' of any traditional development on adjacent sites, and provides a high level of visual attraction at street level;
- (e) to ensure the development of continuous commercial frontages and avoid disruption caused by vehicular access and car parking adjacent to the street;
- (f) to ensure the provision of pedestrian shelter along street frontages and adjacent to buildings which face pedestrian thoroughfares or customer parking areas;
- (g) to enhance the pedestrian environment through the selective use of complementary landscaping.

4.2.2.2

Council shall have particular regard to the purpose and intent of the City Centre—Business Zone as referred to in paragraph 4.2.2.1 in its determination of any application for approval to commence or carry out development within or immediately adjacent to the zone. It is intended that the statement of purpose and intent be considered in its totality, and where a proposed development is not, in the opinion of the Council, consistent with any of the matters referred to therein, it will not be supported.

4.2.3 City Centre—Regional Shopping Zone

4.2.3.1

The purpose and intent of the City Centre—Regional Shopping Zone is to ensure consistency with the objectives of the Midland Strategic Regional Centre as a whole as outlined in sub-clause 4.2.1 and in addition—

- (a) to encourage development of a wide range of retail services designed to meet the needs of the wider sub-regional community;
- (b) to encourage commercial and professional offices and other non-retail activities on the upper levels of buildings with direct access to the public street frontage, so as to enhance the viability and diversity of the Midland Strategic Regional Centre and encourage the shared use of parking and other public facilities;
- (c) to ensure development and re-development within the zone provides a high level of visual attraction at street level, and facilitates the movement of pedestrians between adjacent areas;
- (d) to ensure the development of continuous commercial frontages and avoid disruption caused by vehicular access and car parking adjacent to the street;
- (e) to ensure the provision of pedestrian shelter along street frontages and adjacent to buildings which face pedestrian thoroughfares or customer parking areas;
- (f) to enhance the pedestrian environment through the selective use of complementary landscaping.

4.2.3.2

Council shall have particular regard to the purpose and intent of the City Centre—Regional Shopping Zone as referred to in paragraph 4.2.3.1 in its determination of any application for approval to commence or carry out development within or immediately adjacent to the zone. It is intended that the statement of purpose and intent be considered in its totality, and where a proposed development is not, in the opinion of the Council, consistent with any of the matters referred to therein, it will not be supported.

4.2.4 City Centre—Commercial Deferred Zone

4.2.4.1

It is intended that development or redevelopment of land within the City Centre—Commercial Deferred Zone should take place only after comprehensive planning has ensured that the Midland Strategic Regional Centre will derive the maximum possible benefit from the use and development of land and the provision of services. Premature development of land within the Commercial Deferred zone has the potential to compromise development elsewhere in the Midland Strategic Regional Centre and prejudice the future use of land in the zone for more appropriate purposes.

4.2.4.2

Except as provided for under sub-clause 4.2.4.4, the Council before supporting any proposal for subdivision (including amalgamation of lots) or approving any development of land within the Zone, shall require the preparation of an outline development plan for that land and such other related land as it specifies within the Zone.

Any such outline development plan shall show—

- (a) the proposed traffic circulation and parking system, and pedestrian facilities for access to and within the zone;
- (b) the proposed provision of shopping, office and other land uses which are appropriate within the zone;
- (c) the general location of buildings and alignment of building frontages together with development guidelines proposed to ensure consistency with 'main street' design principles as referred to in Statement of Planning Policy No. 9 Metropolitan Centres Policy Statement for the Perth Metropolitan Region;
- (d) adequate supporting data to establish the nature and level of demand for the proposed development, and reasons why such development could not be satisfactorily accommodated elsewhere;
- (e) no less than 1.2 ha area being set aside for passive recreation where the proposed development includes the Midland Oval;
- (f) such other particular matter relevant to orderly and proper planning and amenity as the Council considers appropriate.

4.2.4.3

The Council may adopt an outline development plan with or without modification as the basis for the preparation of a Town Planning Scheme Amendment lifting the 'deferment' of the Commercial zoning over any land included in the outline development plan.

4.2.4.4

Notwithstanding the foregoing or the provisions of Table 3A, the Council may, at its discretion, approve any development involving only a change of use of land or existing buildings or approve minor extensions to any such existing buildings without the prerequisite of an outline development plan, provided it is satisfied—

- (a) that the proposed development would not compromise development elsewhere in the Midland Strategic Regional Centre; and
- (b) that the proposed development would not prejudice the future development of land in the zone for more appropriate purposes.

4.2.4.5

The Council may before determining an application for approval to commence development within the City Centre—Commercial Deferred Zone, advertise in such manner as it considers appropriate, notice that the application has been received and will be considered by the Council.

4.2.4.6

In respect of any application for approval to commence development within the City Centre—Commercial Deferred Zone, the Council shall in exercising its discretion apply the provisions of sub-clauses 2.3.8 and 3.1.9 and shall have particular regard to the objectives of the Midland Strategic Regional Centre as set out in sub-clause 4.2.1.

4.2.5 City Centre—Showroom/Warehouse Zone

4.2.5.1

The purpose and intent of the City Centre—Showroom/Warehouse Zone is to ensure consistency with the objectives of the Midland Strategic Regional Centre as a whole as outlined in sub-clause 4.2.1 and in addition—

- (a) to encourage development of selective forms of retail development which can benefit from the high exposure offered by Great Eastern Highway and car based comparison shopping for bulky goods;

- (b) to ensure commercial activity within the zone is complementary to development in other zones of the centre and does not detract from the viability or integrity of development elsewhere in the centre;
- (c) to ensure development contributes towards the image of the Midland Strategic Regional Centre through high quality design and development (including multi-storey buildings) with consistent and well landscaped set backs from street frontages;
- (d) to promote shared use of vehicular access and car parking facilities where such arrangements will result in improved traffic management, more efficient use of land and more attractive development;
- (e) to ensure car parking and vehicular access facilities are located, designed and landscaped so as not to detract from the amenities of the road frontages or of adjacent development;
- (f) to ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

4.2.5.2

Council shall have particular regard to the purpose and intent of the City Centre—Showroom/Warehouse Zone as referred to in paragraph 4.2.5.1 in its determination of any application for approval to commence or carry out development within or immediately adjacent to the zone. It is intended that the statement of purpose and intent be considered in its totality, and where a proposed development is not in the opinion of the Council, consistent with any of the matters referred to therein, it will not be supported.

4.2.6 City Centre—Residential and Mixed Uses Zone

4.2.6.1

The purpose and intent of the City Centre—Residential and Mixed Use Zone is to ensure consistency with the objectives of the Midland Strategic Regional Centre as a whole as outlined in sub-clause 4.2.1 and in addition—

- (a) to facilitate residential and mixed use development in proximity to regional public transport facilities, with limitations on the scale of commercial development to avoid displacement of existing housing or fragmentation of residential development;
- (b) to ensure that any commercial development within the zone is complementary to development in other zones of the Midland Strategic Regional Centre and does not prejudice consolidation of commercial development elsewhere in the centre;
- (c) to promote the development of multi-storey buildings with articulated facades and consistent small front setbacks designed and landscaped to provide an attractive urban streetscapes conducive to both residential and commercial use;
- (d) to promote the shared use of vehicular access and car parking facilities where such arrangements will result in improved, more efficient use of land and more attractive development.

4.2.6.2

Council shall have particular regard to the purpose and intent of the City Centre—Residential and Mixed Use Zone as referred to in paragraph 4.2.6.1 in its determination of any application for approval to commence or carry out development within or immediately adjacent to the zone. It is intended that the statement of purpose and intent be considered in its totality, and where a proposed development is not in the opinion of the Council, consistent with any of the matters referred to therein, it will not be supported.

4.2.7 City Centre Residential Zones

4.2.7.1

The purpose and intent of the City Centre—Residential Zones is to ensure consistency with the objectives of the Midland Strategic Regional Centre as a whole as outlined in sub-clause 4.2.1 and in addition—

- (a) to facilitate residential development based on proximity to the Midland Strategic Regional Centre, to enable people to live close to their work and/or commercial facilities available within the centre;
- (b) to limit the development of commercial facilities to those essential to service the immediate needs of residents and discourage development with potential to prejudice consolidation of commercial development elsewhere in the centre;
- (c) to promote the development of attractive buildings designed and landscaped to provide attractive urban streetscapes conducive to the enhancement of residential amenities;
- (d) to ensure development on or in close proximity to any existing sites of heritage significance, is designed and developed with due recognition given to those heritage values;
- (e) to encourage within the Residential 1 zone amalgamation of small land holdings and the comprehensive development of larger sites so as to facilitate efficient use of car parking and access facilities.

4.2.7.2

Council shall have particular regard to the purpose and intent of the City Centre—Residential Zones as referred to in paragraph 4.2.7.1 in its determination of any

application for approval to commence or carry out development within or immediately adjacent to the zone. It is intended that the statement of purpose and intent be considered in its totality, and where a proposed development is not in the opinion of the Council, consistent with any of the matters referred to therein, it will not be supported.

4.3 MIDLAND STRATEGIC REGIONAL CENTRE BUILDING AND DEVELOPMENT STANDARDS

4.3.1 Application

Subject to the provisions of the Scheme, the requirements and standards set out in this clause including those set against land uses in Table 4A and those set against Zones in Table 4B shall apply to every development in the Midland Strategic Regional Centre.

4.3.2 Car Parking and Vehicular Access

4.3.2.1

In any application for approval to commence or carry out development in the Midland Strategic Regional Centre, provision shall be made for the off-street parking of motor vehicles in accordance with the provisions of Table 4A except as otherwise provided for under sub-clause 3.2.11.

4.3.2.2

Car parking and vehicular access facilities shall be located so as to minimise conflict with pedestrian movement or disruption to the continuity of building frontages. Having regard to the objectives of the Midland Strategic Regional Centre and to the purposes and intent of the particular zone in which development is proposed, the Council may—

- (a) determine the location and design of vehicular access and/or car parking associated with a proposed development, including associated pedestrian facilities and landscaping;
- (b) require vehicular access facilities to be made available to the users of any adjacent site on a shared basis;
- (c) limit the amount, type and/or timing of vehicular access to a site which involves a crossover from a public street, and require cash or land in lieu of any shortfall in car parking requirements in accordance with the provisions of sub-clause 3.2.11;
- (d) refuse to approve vehicular access to a site which involves a crossover from a public street, and require cash or land in lieu of required car parking in accordance with the provisions of sub-clause 3.2.11.

4.3.3 Plot Ratio and Bonus Plot Ratio

4.3.3.1

The plot ratio for all zones within the Midland Strategic Regional Centre shall be in accordance with the provisions of Table 4B, except as otherwise provided in this sub-clause.

4.3.3.2

Where it is satisfied that the objectives of the Midland Strategic Regional Centre will be achieved and the proposed development will accord with the purpose and intent of the particular zone, the Council may approve plot ratio bonuses for development in the City Centre—Business Zone, City Centre—Regional Shopping Zone and City Centre—Mixed Use and Residential Zone as follows—

- (a) up to 0.5:1 in addition to the standards set out in Table 4B provided the site has an area of at least 1000 square metres; and
- (b) up to 0.5:1 in addition to the standards set out in Table 4B provided that the additional floorspace is to be used for residential purposes.

4.3.4 Setback Requirements

The setback requirements for all zones within the Midland Strategic Regional Centre shall be in accordance with the provisions of Table 4B, except as otherwise provided for. Unless otherwise indicated, setback requirements are to be regarded as 'standards' rather than minimum or maximum distances. The prescribed standards are subject to variation in accordance with the provisions of sub-clause 3.1.2.

4.3.4.1

Side and Rear Setbacks

Where a commercial development is proposed to be located on a lot having a common boundary with a site in any residential zone the side and rear setbacks for the commercial development shall accord with the requirements of the Residential Planning Codes as if the commercial site were to have been included in the adjoining residential zone with the same density coding as the adjoining land.

4.3.5 Building Height

The maximum allowable building height for all zones within the Midland Strategic Regional Centre shall be in accordance with the provisions of Table 4B, except as provided for in sub-clause 3.1.2.

4.3.6 Landscaping Requirements

4.3.6.1

The Council may require in connection with any application for approval to commence or carry out development, such landscaping as it considers appropriate—

- (a) to screen service areas and/or ameliorate the visual impact of any screen walls;
- (b) to provide shade and visual relief within car parking areas;
- (c) to enhance pedestrian facilities and/or improve the pedestrian environment;
- (d) to enhance streetscapes and generally improve the visual amenities of the area.

4.3.6.2

Landscaping requirements may include on-site works as well as a cash contribution towards landscaping of adjacent streets, but in any case shall not include more than 5 per cent of the site or an equivalent cash contribution towards off-site landscaping.

4.3.7 Service Areas

4.3.7.1

Provision shall be made for service access to the rear of a tavern, hotel, motel, shop, showroom, warehouse, restaurant or other commercial use for the purpose of loading and unloading of goods, except as otherwise provided for in this sub-clause.

4.3.7.2

Any service access provided pursuant to paragraph 4.3.7.1 shall be in accordance with the following requirements—

- (a) the accessway shall be so constructed that vehicles using it may return to a street in forward gear, and so designed as to minimise any disruption to the continuity of commercial building frontages and/or pedestrian thoroughfares;
- (b) the accessway shall be designed so as to minimise as far as practicable, any conflict between service vehicles and users of customer parking areas, including pedestrian movement within such areas;

4.3.8.3

Where alternative servicing arrangements are considered acceptable or preferable by the Council, having regard to the objectives for the Midland Strategic Regional Centre as a whole and to the purpose and intent of the relevant zone, the Council may waive the requirements of this subclause.

4.3.8 Refuse and Storage Areas

4.3.8.1

Where required by the Council, provision shall be made for the storage of cartons, containers or refuse in relation to any commercial development within the Midland Strategic Regional Centre.

4.3.8.2

Any refuse or storage area provided pursuant to paragraph 4.3.8.1 shall be—

- (a) screened from view from any public street or from within the site;
- (b) located not less than 15 metres from any residential building on an adjoining lot having a common property boundary, unless the storage facility it is fully enclosed; and
- (c) accessible to service vehicles.

TABLE 4B
MIDLAND STRATEGIC REGIONAL CENTRE—SITE REQUIREMENTS

Zone	Minimum Effective Frontage	Standard Boundary Setback for Developments Along Regional Roads			Standard Boundary Setback for Developments Along Local Roads			Maximum Plot Ratio	Maximum Building Height In Storeys
		Front	Side	Rear	Front	Side	Rear		
City Centre - Business	10 m	Nil	Nil	-	Nil	Nil	-	1.5:1 subject to bonus (Refer subclause 4.3.3)	-
City Centre - Regional Shopping	30 m	Nil	Nil	-	Nil	Nil	-	1.5:1 subject to bonus (Refer subclause 4.3.3)	2
City Centre - Commercial Deferred	10 m	Nil	Nil	-	Nil	Nil	-	0.6:1 subject to bonus (Refer subclause 4.3.3)	-
City Centre - Showroom/ Warehouse	15 m	15 m	3 m From side streets (corner lots only)	-	3 m	3 m From side streets (corner lots only)	-	0.6:1	2
City Centre - Residential & Mixed Uses	-	As per the Residential Planning Codes for all allowable buildings.						0.6:1 Subject to bonus (Refer subclause 4.3.3)	6
City Centre - Residential Zones 1 & 2	-	As per the Residential Planning Codes for all allowable buildings						As per the Residential Planning Codes for all allowable buildings	

NOTE: Where no standard is prescribed, Council may specify the standard to be observed.

2. Deleting the text of sub-clause 3.2.11 *Cash Payment in Lieu of Providing Parking Spaces* and inserting in its stead the following new sub-clause—

3.2.11.1

The purpose of providing for cash payment in lieu of providing parking spaces is to facilitate coordinated and consolidated development within the Midland Strategic Regional Centre through the provision of common parking reserves.

3.2.11.2

The Council may accept or require a cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this subclause—

- (a) except as otherwise provided a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by this Scheme, plus the value, as estimated by a licensed valuer appointed by the Council, of that area of his land which would have been occupied by the parking spaces and manoeuvring area;
- (b) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have provided a public parking station nearby, or must have firm proposals for providing a public station nearby within a period of not more than five years from the time of agreeing to accept the cash payment;
- (c) payments under this clause shall be paid into a special fund to be used to provide public parking stations anywhere in the District;
- (d) all costs incurred in obtaining the valuation shall be borne by the applicant for approval to commence development;
- (e) Where in the opinion of the Council, there is likely to be a sharing of public parking facilities by uses with significantly different peak demand times, the cash in lieu contribution in respect of the requisite number of parking spaces may be reduced by up to 50 per cent of that otherwise applicable.

C. GREGORINI, Mayor.

E. W. LUMSDEN, Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ARMADALE

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 161

Ref: 853/2/22/4 Pt 161

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 Armadale Town Planning Scheme Amendment on 7 February 2002 for the purpose of modifying the Special Use Development Table for Special Use No. 69 such that the Special Use Development Table for Special Use No. 69 shall read as follows—

Prescribed Special Use	Requirements	Particulars of Land
69. <u>Rural/Residential</u>	1. Subdivision and development shall be generally in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme and shall observe the following standards—	Portion of Canning Loc. 32 being Pt Lot 50, Lot 51 & Lot 7 Churchman Brook Road, Bedforddale.
• Community Centre	• overall maximum no. of lots—299	
• Public Utility	• minimum POS—15.03%	
• Dwelling House	• minimum lot size—3000m ²	
• Public Recreation	2. All lots shall be provided with a reticulated water supply system.	
• Associated car parking in relation to these uses	3. The following Clauses of the Scheme are applicable to the land, with the exception of the areas nominated on the Subdivision Guide Plan for roadways and public utilities—	
The Council may at its discretion permit the following land uses—	• Clause 5.1.1(j)	
• Home Occupation	• Clause 5.2.2(b)	
• Private Recreation	• Clause 5.2.2(e)	
• Arts, Crafts & Handicrafts	• Clause 5.7.8	
• Shop, if and as allocated on the Subdivision Guide Plan	• Clause 5.7.9	
	• Clause 5.7.10	

Prescribed Special Use	Requirements	Particulars of Land
	4. Only one dwelling shall be permitted per lot.	
	5. The keeping of cats, poultry, livestock and horses is prohibited.	
	6. Development shall comply with the Rural zone, Development Standards Table of the Scheme.	
	7. No further subdivision shall be permitted.	
	8. All other uses mentioned in the Scheme are not permitted.	

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

PI406*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

NOTICE OF AMENDMENT OF PLANNING CONTROL AREA No. 52

BUSH FOREVER SITE No. 340, PORTION OF LOT 4 MATISON STREET AND
BUSH FOREVER SITE No. 465, LOT 4 PHOEBE STREET, SOUTHERN RIVER

General Description

The Minister for Planning and Infrastructure has granted approval to amend Planning Control Area No. 52, previously declared over the whole of Lots 2001 and 1 Flynn Drive, Neerabup (Bush Forever Site No. 295), Warton Road, Forrestdale (Bush Forever Site No. 254) and Lot 1602 Balfour Street, Southern River (Bush Forever Site No. 125). The Planning Control Area was previously amended on 11 December 2001 to include Lot 1628 Ranford Road, Southern River (Bush Forever Site No. 413) and Lot 31 Phoebe Street, Southern River (Bush Forever Site No. 465). This amendment to Planning Control Area No. 52 includes a portion of Lot 4 Matison Street, Southern River (Bush Forever Site No. 340) and the whole of Lot 4 Phoebe Street, Southern River (Bush Forever Site No. 465), as shown on Western Australian Planning Commission Plan Numbers 3.1562 & 3.1563.

Purpose of The Planning Control Area

The purpose of this amended Planning Control Area is to protect land identified in Bush Forever for its considerable conservation value. Bush Forever Site No. 340 supports the Southern River vegetation complex and the protection of portion of Lot 4 Matison Street is essential to provide environmental infrastructure for the area. Lot 4 Phoebe Street is significantly affected by conservation category wetlands and is included in Bush Forever Site No. 465. The Commission considers that the amended Planning Control Area is required to ensure that no further development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Parks and Recreation in the Metropolitan Region Scheme.

Duration and Effects

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to 19 July 2006, or until revoked by the Western Australian Planning Commission with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and in the case of a continuing offence, a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

- Department for Planning and Infrastructure
1st floor, Albert Facey House
469-489 Wellington Street
PERTH WA
- Municipal office of the City of Gosnells
2120 Albany Highway
GOSNELLS WA
- J S Battye Library
Alexander Library Building
NORTHBRIDGE WA

R. N. STOKES, Secretary,
Western Australian Planning Commission.

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

City of Gosnells

TOWN PLANNING SCHEME No. 6

Ref: 853/2/25/8

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 Gosnells Town Planning Scheme No. 6 on 5 February 2002, the Scheme Text of which is published as a Schedule annexed hereto.

P. M. MORRIS, Mayor.
S. JARDINE, Chief Executive Officer.

Schedule

PREAMBLE

This Town Planning Scheme of the City of Gosnells consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Scheme Report for the City.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Scheme Report, which provides the general planning framework for the City, the rationale for zones and other provisions of the Scheme and applies State and regional planning policies. In addition to the Scheme Report, the Framework provides for Local Planning Policies that set out the general policies of the local government on matters within the Scheme.

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

The City of Gosnells
Town Planning Scheme No. 6

The City of Gosnells under the powers conferred by the *Town Planning and Development Act 1928* makes the following Town Planning Scheme.

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PART 1—PRELIMINARY**1.1 CITATION**

1.1.1 The City of Gosnells Town Planning Scheme No. 6 comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

District Planning Scheme No. 1 Gazetted—10 May 1968

1.2 RESPONSIBLE AUTHORITY

The City of Gosnells is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme area which covers all of the local government district of the City of Gosnells as shown on the Scheme Map.

1.4 CONTENTS OF THE SCHEME

The Scheme comprises—

- (a) The Scheme Text;
- (b) The Scheme Map (sheets 1—23)

The Scheme is to be read in conjunction with the Scheme Report.

1.5 PURPOSE OF THE SCHEME

The purpose of this Scheme is to—

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;

- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the First Schedule to the Town Planning Act.

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are—

- (a) To provide for a range of housing in neighbourhoods with a community identity and high levels of amenity.
- (b) To provide for convenient, attractive and viable commercial centres, which serve the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists.
- (c) To encourage the development of businesses which will strengthen the economic base of the district and provide convenient and efficiently located employment to the community.
- (d) To ensure the orderly and proper use and development of land within the District.
- (e) To protect and enhance the quality of the urban and rural living environments of the District, and to provide for such expansion as is consistent with the maintenance of the services and amenities of the District required by the community.
- (f) To promote the health, safety, convenience and the economic and general welfare of the community.
- (g) To ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.
- (h) To assist in the protection of regional forest, water catchment, recreational and other natural resources, and to promote the efficient use of energy and the protection of air quality.
- (i) To protect objects and places of outstanding natural (e.g. landform, water courses) historic, architectural, scientific and cultural significance.
- (j) To assist in the effective implementation of regional plans and policies including the State Planning Strategy.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (a) in the Town Planning Act; or
- (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Planning Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Planning Codes—

- (a) in the case of a residential development, the definition in the Residential Planning Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

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

1.9 RELATIONSHIP WITH OTHER SCHEMES

By way of information, the following other Schemes of the City of Gosnells are, at the Gazettal date of the Scheme, complementary to the Scheme—

Scheme No.	Gazettal Date
4	29 October 1976
9A	27 March 1986
15	24 August 1990
17	24 June 1988
20	11 November 1994

1.10 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.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY

Except to the extent that the Scheme Report is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Scheme Report.

(The Scheme Report shall replace the Local Planning Strategy until a Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967. When the Local Planning Strategy has been endorsed the term Scheme Report shall be read as Local Planning Strategy.)

2.2 LOCAL PLANNING POLICIES

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

2.3 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 11.2.

2.4 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 REVOCATION OF LOCAL PLANNING POLICY

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

PART 3—RESERVES

3.1 RESERVES

Certain lands within the Scheme area are classified as—

- (a) Regional Reserves; or
- (b) Local Reserves.

3.2 REGIONAL RESERVES

3.2.1 The lands shown as “Metropolitan Region Scheme 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.

3.2.2 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.

3.3 LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 11.2; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

PART 4—ZONES AND THE USE OF LAND

4.1 ZONES

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

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

4.2 OBJECTIVES OF THE ZONES

The objectives of the zones are—

* **Residential Zone**

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

* **Residential Development Zone**

To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development generally in accordance with an Outline Development Plan adopted pursuant to clause 7.4.

* **Regional Centre Zone**

To provide for a full range of commercial and community facilities to serve the needs of the sub-regional community in a centre which provides a high level of accessibility and a pleasant and harmonious environment for social and commercial activities.

* **District Centre Zone**

To provide for weekly shopping needs, local offices, health, welfare and community facilities, consistent with the district-serving role of the centre.

* **Local Centre Zone**

To provide for predominantly convenience retailing and community facilities which serve the local community, and provides a high level of accessibility for local residents.

* **Office Zone**

To provide for the development of offices and associated commercial and residential uses.

* **Mixed Business Zone**

To provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City.

* **Highway Commercial Zone**

To provide for a range of commercial development, including particularly bulk retailing and open air display, which is suitable for a highway frontage location.

* **Composite Residential/Light Industry Zone**

To provide for composite residential/light industrial development to meet the needs of businesses which require a residential component and provide a suitable interface between industrial zoned land and residential zoned land.

* **Light Industry Zone**

To provide for light and service industries and associated uses.

* **General Industry Zone**

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

USE CLASS		Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels
1.	Aged or Dependent Persons' Dwelling	D	D	D	D	A	D	D	D	X	X	X	X	X	X	X
2.	Agriculture – extensive	X	X	X	X	X	X	X	X	X	X	X	X	D	D	D
3.	Agriculture – intensive	X	X	X	X	X	X	X	X	X	X	X	X	A	A	A
4.	Agroforestry	X	X	X	X	X	X	X	X	X	X	X	X	D	D	D
5.	Amusement Parlour	X	A	D	A	X	X	X	X	X	X	X	X	X	X	X
6.	Animal Establishment	X	A	X	X	X	X	X	X	X	X	X	X	A	A	D

			ZONES														
USE CLASS			Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels
7.	Animal Husbandry intensive	-	X	X	X	X	X	X	X	X	X	X	A	X	A	A	A
8.	Bed and Breakfast		A	A	D	D	D	X	D	X	X	X	X	X	D	D	X
9.	Betting Agency		X	D	D	D	D	D	D	D	X	D	D	D	X	X	X
10.	Caravan/Park Park	Home	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X
11.	Caretakers Dwelling		X	X	D	D	D	D	D	D	X	X	X	X	D	X	X
12.	Carpark		D	D	D	D	D	D	D	D	D	D	D	D	X	X	X
13.	Child Care Premises		A	D	P	D	D	D	D	X	A	X	X	X	A	A	A
14.	Cinema/Theatre		X	A	D	A	X	D	D	D	X	X	X	X	X	X	X
15.	Civic Use		D	D	P	P	P	D	D	D	D	D	D	D	D	A	D
16.	Club Premises		A	A	D	D	A	D	D	D	A	D	X	X	A	X	D
17.	Commercial Parking	Vehicle	D	D	D	D	X	X	D	D	D	D	D	D	D	D	D
18.	Community Purpose		D	D	D	D	D	D	D	D	D	D	D	X	D	A	A
19.	Consulting Rooms		A	D	P	P	D	D	D	D	D	D	D	X	X	X	X
20.	Convenience Store		X	D	D	D	D	D	D	D	D	D	D	X	X	X	A
21.	Corrective Institution		X	X	X	X	X	X	X	X	X	X	X	X	A	X	X
22.	Educational Establishment		A	A	D	D	D	D	D	D	X	X	X	X	A	A	X
23.	Exhibition Centre		X	A	D	D	D	D	D	D	X	X	X	X	A	X	X
24.	Family Day Care		P	P	P	P	P	P	P	D	D	X	X	X	P	P	D
25.	Fast Food Outlet		X	A	D	D	A	X	A	D	X	X	X	X	X	X	X
26.	Fuel Depot		X	X	X	X	X	X	X	X	X	D	D	X	X	X	X
27.	Funeral Parlour		A	A	D	D	A	D	D	D	X	D	X	X	X	X	X
28.	Grouped Dwelling		D	D	D	D	D	D	D	D	X	X	X	X	X	X	X
29.	Home Business		D	D	D	D	D	D	D	D	D	X	X	X	D	D	D
30.	Home Occupation		D	D	D	D	D	D	D	D	D	X	X	X	D	D	D
31.	Home Office		P	P	P	P	P	P	P	P	P	X	X	X	P	P	P
32.	Home Store		A	D	P	P	P	D	D	D	X	X	X	X	A	X	X
33.	Hospital		A	A	D	A	X	X	D	D	X	X	X	X	X	X	X
34.	Hotel		X	A	D	A	A	X	A	A	X	X	X	X	X	X	X
35.	Industry – Cottage		D	D	D	D	D	X	D	D	D	X	X	X	D	D	D
36.	Industry – Extractive		X	X	X	X	X	X	X	X	X	X	A	P	A	X	X
37.	Industry – General		X	X	X	X	X	X	X	X	X	A	D	A	X	X	X
38.	Industry – Light		X	X	X	X	X	X	X	X	A	P	P	D	X	X	X
39.	Industry – Mining		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
40.	Industry – Noxious		X	X	X	X	X	X	X	X	X	X	A	A	X	X	X
41.	Industry – Rural		X	X	X	X	X	X	X	X	D	D	D	X	D	A	D
42.	Industry – Service		X	X	D	D	A	X	A	D	D	D	D	X	A	X	X
43.	Kennels		X	X	X	X	X	X	X	X	X	X	X	X	X	X	P
44.	Liquor Store		X	A	A	A	A	X	A	A	X	X	X	X	X	X	X
45.	Lunch Bar		X	D	D	D	D	D	D	D	D	D	D	X	X	X	X
46.	Market		X	A	D	D	A	X	D	D	X	D	X	X	A	X	X
47.	Medical Centre		A	D	P	P	P	D	D	D	X	X	X	X	X	X	X
48.	Motel		X	X	D	D	X	X	X	D	X	X	X	X	X	X	X
49.	Motor Vehicle, Boat or Caravan Sales		X	X	D	X	X	X	X	D	D	D	D	X	X	X	X
50.	Motor Vehicle Repair		X	X	A	A	X	X	X	D	A	A	D	D	X	X	X
51.	Motor Vehicle Wash		X	D	D	D	D	X	D	D	D	D	D	X	X	X	X
52.	Multiple Dwelling		A	D	D	D	A	D	D	D	X	X	X	X	X	X	X
53.	Night Club		X	X	D	A	X	A	A	A	X	X	X	X	X	X	X
54.	Office		A	D	P	D	D	P	P	D	X	X	X	X	X	X	X

ZONES

USE CLASS		Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels
55.	Place of Worship	A	A	D	D	A	D	D	D	A	A	X	X	A	X	X
56.	Reception Centre	X	A	D	D	A	A	A	D	X	X	X	X	A	X	X
57.	Recreation – private	X	D	D	D	D	D	D	D	X	D	X	X	A	A	X
58.	Residential Building	A	A	D	D	X	X	A	A	X	X	X	X	A	X	X
59.	Restaurant	X	D	P	P	P	D	D	D	X	D	X	X	A	X	X
60.	Restricted Premises	X	X	D	A	X	X	X	D	X	X	X	X	X	X	X
61.	Rural Pursuit	X	X	X	X	X	X	X	X	D	D	D	D	P	D	D
62.	Service Station	X	A	D	A	A	X	A	D	A	D	D	X	X	X	X
63.	Shop	X	D	P	P	P	X	D	D	X	X	X	X	X	X	X
64.	Showroom	X	X	D	D	X	X	D	D	X	D	A	X	X	X	X
65.	Single House	P	P	D	D	D	D	D	D	P	X	X	X	P	P	P
66.	Storage	X	X	X	X	X	X	X	D	D	D	D	D	X	X	X
67.	Tavern	X	A	D	A	A	A	A	A	X	A	X	X	X	X	X
68.	Telecommunications Infrastructure	A	A	D	D	D	D	D	D	D	D	D	D	A	A	A
69.	Trade Display	X	X	D	X	X	X	X	D	D	D	D	X	X	X	X
70.	Transport Depot	X	X	X	X	X	X	X	X	A	D	D	D	A	X	X
71.	Veterinary Centre	A	A	D	D	D	D	D	D	D	D	D	D	A	A	A
72.	Warehouse	X	X	D	X	X	X	D	D	D	D	D	X	X	X	X
73.	Winery	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X

4.4 INTERPRETATION OF THE ZONING TABLE

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

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may—

- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or
- determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

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

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 RESTRICTED USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

4.7 SPECIAL USE ZONES

(There are no Special use zones which apply to the Scheme)

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the scheme.

4.8 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 12.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 10.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 TERMINATION OF A NON-CONFORMING USE

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

Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

5.2 RESIDENTIAL PLANNING CODES

5.2.1 A copy of the Residential Planning Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 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 with the provisions of those Codes.

5.2.3 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 contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.3 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

5.3.1 Split Density Code

Where a split density code is depicted on the Scheme Map, any development shall conform to the lower density code applicable to the lot, unless the Council determines that development in accordance with up to a maximum of the higher density code is acceptable having regard to the following matters—

- (a) the traffic generated by the proposed development and traffic conditions in the vicinity of the site;

- (b) the availability and capacity of services, including sewerage, drainage and public transport;
- (c) the provision and standard of local amenities including public open space, recreational and community facilities, dual use/footpath network and commercial facilities;
- (d) comprehensive development plans and planning policies that Council may adopt from time to time;

and before considering whether to approve a development at the higher density code, the Council shall, unless otherwise determined, require the proposal to be advertised as set out under the provisions of clause 10.4.

5.3.2 Requirement for Sewerage

Subject to the provisions of clause 5.3.3, all residential development shall be connected to a comprehensive reticulated sewerage system.

5.3.3 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

5.3.4 Grouped and Multiple Dwellings

Notwithstanding the provisions of the Residential Planning Codes, the Council may, at its discretion, refuse to grant planning approval for a development involving grouped or multiple dwellings where the Council considers—

- (a) the proposed development would prejudice the potential of the coordinated road pattern for the area to serve the surrounding properties;
- (b) the proposed development would circumvent the provision of normal subdivisional requirements such as road access, drainage, open space and/or the provision of other infrastructure.

The Council may, alternatively, grant planning approval for such development subject to such conditions as may be necessary to provide for satisfactory street access, drainage, open space and/or other infrastructure, and in accordance with the provisions of the Residential Planning Codes.

5.3.5 Residential Battleaxe Lots

In respect of a battleaxe lot, the front setback requirement for the dwelling specified in the Residential Planning Codes for the applicable density code shall be applied according to the direction in which the dwelling has its front elevation or in such other direction as shall be determined by Council.

Council may, notwithstanding the provisions of Clause 5.3.4, approve the residential development of a battleaxe lot with grouped or multiple dwellings, in accordance with the residential density code applicable to the lot, provided—

- (a) the development accords with the requirements set out in Table 1 of the Residential Planning Codes, which shall apply to the effective lot area excluding the battleaxe access leg;
- (b) the battleaxe access leg is a minimum of 4.5 metres in width to provide for suitable amenity including a constructed driveway and landscaping and the necessary public utility services.

5.3.6 Outbuildings

The Council may approve the development of outbuildings in the Residential and Residential Development zone subject to the following conditions—

- (a) any parapet wall to an outbuilding erected on the side or rear boundaries of a lot shall be constructed in face brickwork or similar masonry construction and shall not exceed the height and length as provided for in clause 1.5.1 of the Residential Planning Codes;
- (b) outbuildings and carports on adjoining sites may be erected so that the respective buildings abut upon each other;
- (c) the setback of any outbuilding from a lot boundary shall be in accordance with the Building Code of Australia unless otherwise approved by Council, and subject to the following—
 - (i) subject to (ii) where an outbuilding is proposed on a corner lot the minimum setback shall be 1.5 metres from the secondary street alignment as determined by the Council, providing the sight line distances are maintained as 8 metres x 8 metres.
 - (ii) the Council may increase or reduce the minimum setback having due regard to the outlook and amenity of adjoining residences and the impact on the streetscape.
- (d) no outbuilding shall be erected forward of the residence on any lot unless the Council is satisfied that—
 - (i) the configuration of the ground or any other feature of the site or locality make it impractical to erect the outbuilding in another acceptable position;
 - (ii) the design and construction of the outbuilding will have due regard to the outlook and amenity of adjoining residences and the impact on the streetscape.

5.3.7 Corner Lots

Where a building, is to be constructed on a corner lot the minimum setback required to the street alignment shall be in accordance with the Residential Planning Codes providing that sight lines accord with the *Austroad Guide to Traffic Engineering Practice*.

5.4 RESTRICTIVE COVENANTS

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 10.4.

5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

5.5.1 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 local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 10.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 11.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 ENVIRONMENTAL CONDITIONS

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986.

5.7 RESIDENTIAL ZONES

For the purpose of the Scheme, residential zones consist of the Residential and Residential Development zones.

5.7.1 Non-Residential Development in the Residential Zone

Non-Residential Development in the Residential zones shall conform with the provisions of Section 1.5 - Setback Requirements and the maximum plot ratios prescribed in Table 1, of the Residential Planning Codes, applicable to the density code afforded to the lot by the Scheme.

5.7.2 Home Occupations

Subject to the provisions of the Scheme, where the Council grants planning approval to carry on a home occupation, the following provisions shall apply—

- (a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) the person(s) to whom approval is given by the Council to carry on a home occupation shall not after the granting of that approval carry on the home occupation, at any premises other than the land in respect of which the Council's approval was granted; and
- (c) if a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either or—
 - (i) the applicant is not complying with conditions of approval;
 - (ii) the nature of nuisance or annoyance has been verified; and
 - (iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall carry on a home occupation on that land without the further approval of the Council.

5.7.3 Parking of Commercial Vehicles

No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within the Residential zones without the planning approval of Council.

Subject to the provisions of the Scheme, where the Council grants approval to park a commercial vehicle, the following provisions shall apply—

- (a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) the person(s) to whom approval is given by the Council to park a commercial vehicle shall not after the granting of that approval park a commercial vehicle, at any residential premises other than the land in respect of which the Council's approval was granted; and
- (c) if a vehicle has been parked with the approval of the Council and if, in the opinion of the Council, such vehicle is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either,
 - (i) the applicant is not complying with conditions of approval;
 - (ii) the nature of nuisance or annoyance has been verified; and
 - (iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall park a commercial vehicle upon that land without the further approval of Council.

5.7.4 Home Stores

The Council shall not approve a development comprising a home store in the Residential zones unless—

- (a) the construction of an attached residence is carried out on the same lot in conjunction with the home store;
- (b) the occupier of the home store is also the occupier of the attached residence;
- (c) advertisement signs on the lot are restricted, in terms of size and location, to the satisfaction of the Council, in order that the amenity of the neighbourhood is not detrimentally affected;
- (d) landscaping is to be carried out to the specification and satisfaction of the Council;
- (e) the design of the home store is such as to allow conversion of the building to a single dwelling in the event of the use ceasing;
- (f) the retail floor space in the home store does not exceed an area of 100m²; and
- (g) the design of the home store is to the satisfaction of the Council in order that the residential amenity of the neighbourhood is preserved.

5.8 COMMERCIAL ZONES

For the purposes of the Scheme, Commercial zones are those listed in Table No. 2A. The requirements of Table No. 2A shall form part of the requirements of this clause.

5.8.1 Use of Front Setbacks

The front setback area, including secondary street setback, shall not be used for any purpose other than one or more of the following—

- (a) a means of access;
- (b) the daily parking of vehicles used by employees and customers or clients;
- (c) the loading and unloading of vehicles;
- (d) trade display, subject to planning approval; and
- (e) landscaping.

No such area shall be used for the storage of machinery, equipment or for the storage of products for display or sale other than as provided for under sub-paragraph (d) above.

5.8.2 Façades

Unless otherwise determined by the Council, any building shall comply with the following requirements—

- (a) each façade of the building shall be constructed of masonry, concrete or glass or a combination of one or more of those materials or similar materials as approved by the Council; and
- (b) where the bottom 2 metres is masonry, Council may approve the use of metal, timber or other panelling above the masonry base.

5.8.3 Commercial Development Adjoining Residential Zones

On any land which is zoned for Commercial purposes and which adjoins land zoned for residential purposes, the commercial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

5.8.4 Mixed Residential/Commercial Development and Residential Development in Commercial Zones

Where a mixed residential/commercial or residential development is proposed in a commercial zoned area the following provisions shall apply—

- (a) Where an application for planning approval proposes residential development in a commercial zoned area, Council shall have regard to—
 - (i) The character of the area and the need to protect commercial uses from undue influences or restrictions resulting from residential occupation;
 - (ii) The suitability of the area for residential development with reference to the level of amenity and/or conflict between residential and commercial uses, acknowledging that residential uses in a commercial zone should expect a different level of amenity to that available in a residential area; and
 - (iii) The provisions of the Residential Planning Codes at the R80 density code and the objectives of the Scheme.
- (b) Where an application for planning approval proposes residential uses to be developed in conjunction with commercial uses, Council will require—
 - (i) Readily identifiable addresses and entry points for the residential uses, provided separately from the other uses on the site.
 - (ii) All necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services to be clearly separated between the residential and commercial uses.
 - (iii) An appropriate level of amenity and security for all uses, with development being designed to avoid problems such as overlooking, overshadowing and disturbances from the commercial component of the development.
 - (iv) Favourable solar orientation for the residential component.
 - (v) Carparking for the residential component is to be provided as required under the Residential Planning Codes. Carparking for the commercial component is to be provided in accordance with Table 3A – Parking Standards of the Town Planning Scheme. Generally carparking for residential uses are to be separated from commercial uses.
 - (vi) In general, open space shall be provided for residential uses as required under the provisions of the Residential Planning Codes at the R80 density code. For the purposes of calculating the amount of required open space for single houses and grouped dwellings, the 'site' area shall be that portion of the land set aside for residential purposes. Where multiple dwellings are provided above commercial uses, only balcony space needs to be provided in accordance with the 'B' standard of the Residential Planning Codes.
- (c) Council may use the "Gosnells Town Centre Revitalisation Urban Design Guidelines" in the assessment and consideration of any mixed residential/commercial or residential development proposals within any commercial zone.
- (d) Where residential development is proposed to be located in commercial zones or mixed with commercial development, Council may vary any provision of the Residential Planning Codes it deems necessary to achieve a suitable standard of development. Where such discretion is exercised, the Council may require the proposal to be advertised in accordance with clause 10.4.

5.8.5 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

5.9 INDUSTRIAL ZONES

For the purposes of the Scheme, Industrial zones are those listed in Table No. 2B. The requirements of Table No. 2B shall form part of the requirements of this clause.

5.9.1 Use of Front Setbacks

The front setback area, including secondary street setback, shall not be used for any purpose other than one or more of the following—

- (a) a means of access;
- (b) the daily parking of vehicles used by employees and customers or clients;
- (c) the loading and unloading of vehicles;
- (d) trade display, subject to planning approval; and
- (e) landscaping.

No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (d) above.

5.9.2 Industrial Units

The construction, occupation and use of industrial units shall comply with the requirements and standards set out in Table No. 2B and the following requirements unless otherwise determined by Council—

- (a) no industrial unit shall have a floor area of less than 90m² nor shall it be so constructed that either its width or length is less than 6 metres;

- (b) subject to sub-paragraph (e) of this sub-clause, there shall be an open yard appurtenant to each industrial unit, being not smaller than one third of the gross leasable area of the industrial unit, and such open yard shall be used for storage and services purposes;
- (c) each open storage yard shall be screened from view from any public road by a closed fence or wall of not less than 1.8 metres in height;
- (d) provision shall be made for a refuse storage area in the open storage yard of each industrial unit which shall not be less than 9m² in area;
- (e) the Council may waive the requirements for an open storage area as set out in paragraph (b) above, provided a centrally located refuse storage area is erected in such a position that vehicles have direct access to it by a paved internal service road and such a centralised refuse storage area shall—
 - (i) contain an area of 6m² for each industrial unit or 24m² in total, whichever is the greater;
 - (ii) be enclosed in a reinforced masonry or concrete wall not less than 1.8 metres in height with a lockable gate system;
 - (iii) contain a concrete floor fitted with drainage;
- (f) all internal service roads shall be constructed so that motor vehicles may return to a street without reversing; and
- (g) all vehicle and service access roads shall be paved and maintained in a good condition.

5.9.3 Façades

Unless otherwise determined by the Council, any building shall comply with the following requirements—

- (a) each façade of the building shall be constructed of masonry concrete or glass or a combination of one or more of those materials or similar materials as approved by the Council; and
- (b) where the bottom 2 metres is masonry, Council may approve the use of metal, timber or other panelling above the masonry base.

5.9.4 Industrial Development Adjoining Residential Zones

On any land which is zoned for industrial purposes and which adjoins land zoned for residential purposes, the industrial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

5.9.5 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

5.10 COMPOSITE RESIDENTIAL/LIGHT INDUSTRY ZONE

5.10.1 General Requirements

On any lot situated within the Composite Residential/Light Industry Zone, no person shall—

- (a) develop, establish, continue or allow to be developed or established an industry or business use unless a dwelling is erected first and forms an integral part of the development;
- (b) develop, establish, continue or allow to be developed or established an industry or business use within the first 35 metres and extending the full width of the lot from the residential frontage, such part of the land as this is required to be set aside exclusively for residential purposes and access unless the lot is a corner lot or is irregular in shape in which case Council shall determine the area to be used for industry or business;
- (c) allow a dwelling to be occupied by any person other than the owner or manager or an employee of the industrial or business use;
- (d) use or permit to be used an area in excess of 2,500m² for industrial or business use, including open storage buildings, yards, vehicle movement areas, unless otherwise approved by Council;
- (e) establish or permit to be established more than one industry or business use to operate from each lot;
- (f) develop or allow the development of a residence without providing vehicle access with a minimum width of 5 metres to the area approved for industrial or business use;
- (g) allow the direct discharge of run off, of surface water or the direct discharge of wastes into water courses or associated drainage reserves unless such discharge is passed through a settling and screening system to the satisfaction of Council; and

Unless otherwise determined by the Council, the development or use of land or buildings shall not be commenced without planning approval of the Council and the Council may impose conditions including but not restricted to—

- (i) where applicable the reservation of land along water courses for drainage and open space purposes;
- (ii) the siting of the dwelling to provide a residential aspect to the frontage;
- (iii) the siting and fencing of the industrial development to screen it from view from residential zoned land and abutting public places, roads and properties;
- (iv) the prohibition of advertising signs within landscaped areas.

5.10.2 Setbacks

The required boundary setback in respect of any residential development shall accord with the requirements of the Residential Planning Codes for development at the R17.5 density code. Subject to the requirements of sub-paragraph (b) of clause 5.10.1, the setback to any building used for industrial or business purposes shall be in accordance with the requirements of Table No. 2B applicable to the Light/General Industry zones.

5.10.3 Industrial Development Adjoining Residential Zones

On any land which is used for industrial purposes and which adjoins land zoned for residential purposes the industrial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

5.10.4 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

5.10.5 Parking

Car parking shall be provided for each of the activities on the site in accordance with the standards contained in Table No. 3A. and 3B.

5.11 RURAL ZONES

For the purposes of the Scheme, Rural zones are the General Rural, Special Rural and Kennel zones as listed in Table No. 2C. The requirements of Table No. 2C shall form part of the requirements of this clause.

5.11.1 General Requirements

In any of the Rural zones, residential development shall be restricted to a maximum of one single dwelling per lot.

When considering an application for planning approval in any of the Rural zones, Council will have regard to any potential conflict with existing uses in the locality and to the purpose and intent of the zone in which the development is proposed.

5.11.2 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

5.11.3 Parking of Commercial Vehicles

No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within any Rural zone (unless the vehicle is specifically used as an integral part of the rural activity of that lot) without the planning approval of Council—

Subject to the provisions of the Scheme, where the Council grants planning approval to park a commercial vehicle, the following provisions shall apply—

- (a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) the person(s) to whom approval is given by the Council to park a commercial vehicle shall not after the granting of that approval park a commercial vehicle, at any residential premises other than the land in respect of which the Council's approval was granted; and
- (c) If a vehicle has been parked with the approval of the Council and if, in the opinion of the Council, such vehicle is causing a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either, or—
 - (i) the applicant is not complying with conditions of approval;
 - (ii) the nature of nuisance or annoyance has been verified; and
 - (iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall park a commercial vehicle upon that land without the further approval of Council.

5.11.4 Land Management

- (a) Any persons who keeps an animal or animals shall take measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include.
 - (i) seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover;
 - (ii) installing irrigation where necessary to maintain soil moisture at a level that will prevent windblown dust;

- (iii) constructing feed lot facilities;
- (iv) adopting any other management system that prevents dust rising or soil erosion.
- (b) Where, in the opinion of Council, land in any of the Rural zones is being grazed or stocked in such a manner as to cause topsoil to be exposed and/or trees to be ring-barked to the general detriment of the rural character and good management of the area, the matter may be referred to the Agriculture Western Australia, a competent statutory or non-statutory body or a qualified person for investigation and recommendation.

Having regard to the recommendations, Council may order the reduction or removal of stock and/or the protection of trees by fencing or lattice binding, and failure to comply with such an order shall constitute an offence under the Act.

5.11.5 Special Rural Requirements

For the consideration of the development and use of land zoned Special Rural the relevant provisions specified in Schedule 11 shall apply, in addition to the relevant provisions of clause 5.11.

When considering an application for planning approval in the Special Rural zone, Council shall have regard to, and may impose conditions relating to, the following—

- (a) the potential impacts on existing native vegetation, natural ground levels and on rural character and landscape;
- (b) the possible retention of all trees with a trunk girth of 500mm or greater, measured 1 metre above natural ground level, and/or over 3 metres high above natural ground;
- (c) the need to remove trees and vegetation to provide for firebreaks, access, fencing and an envelope for buildings, outbuildings and effluent disposal systems and the need for clearing of vegetation for any other purpose. The removal of trees and saplings in order to comply with firebreak regulations is deemed to have planning approval.

5.12 CONTROL OF ADVERTISEMENTS

5.12.1 General

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior planning approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs Local Law.

Applications for planning approval pursuant to this Part shall be submitted in accordance with the provisions of Part 10 of this Scheme.

5.12.2 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme, or;
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme;

hereinafter in this clause referred to as "existing advertisements", may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.12.3 Consideration of Applications

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

5.12.4 Scheme to Prevail

Where the provisions of this clause are at variance with the provisions of the Council's Signs Local Law, the provisions of the Scheme shall prevail.

The offences and penalties specified in clause 12.4 of the Scheme apply to the advertiser in this Part.

5.13 VEHICLE PARKING AND ACCESS

5.13.1 Car Parking Requirements

Unless otherwise provided by the Scheme, all non-residential development (other than a Residential Building) is required to provide concrete or bitumen sealed, kerbed, marked and drained onsite car parking in accordance with the requirements in Table No's. 3A and 3B. All residential development is to comply with the car parking requirements of the Residential Planning Codes.

Where a development is not specified in Table No. 3A the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.

5.13.2 Cash-in-Lieu of Car Parking

As an alternative to clause 5.13.1, and subject to Council approval, a cash-in-lieu payment, to the equivalent cost of providing the required car parking plus the value of the area of land which would have been occupied by the spaces, may be paid to the Council. This payment is to be paid into a fund set aside by Council for the purposes of providing public car parking areas, in the locality of the land the subject of the development proposal.

Where the amount of cash-in-lieu payable cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Council and the developer.

5.13.3 Variations to Car Parking Requirements

Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by clause 5.13.1.

Where the Council is of the opinion that it is necessary to increase the required number of car parking spaces in order to maintain desirable standards of safety, convenience and amenity, such extra car parking spaces as Council considers necessary shall be provided. In imposing such extra car parking requirements, the Council shall explain the reasons for the increase to the owner of the lot.

5.13.4 Shared Car Parking

Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Council may permit a reduction of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is agreement to the reciprocal use of some or all car parking bays.

Where a proposed development is located adjacent to a constructed public car park, the Council may, where it is satisfied there would be no lowering of safety, convenience and amenity standards, reduce the amount of required onsite car parking for that development by the amount which it considers the public car park serves the development. Council may also require a cash-in-lieu payment to the value referred to in clause 5.13.2.

5.13.5 Design and Maintenance of Car Parking

When considering any application for planning approval the Council shall have regard to and may impose conditions concerning—

- (a) the proportion of car parking bays to be roofed or covered and the design criteria of this covering;
- (b) the proportion of car parking bays to be below natural ground level or on the roof of buildings and the design criteria of these structures;
- (c) the means of access to each car parking bay and the adequacy of any vehicular manoeuvring area;
- (d) the location of the car parking bays and the impact upon the aesthetic character of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (e) the extent to which car parking bays are located within required building setbacks;
- (f) the location of proposed public footpaths, vehicular crossings, and private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movements and safety, and /or;
- (g) materials for the sealing, paving and kerbing of car park surfaces, associated islands and pedestrian spaces and the landscaping of these areas.

The owner and occupier of premises on which car parking bays are provided shall ensure that the car park, its markings, associated structures, landscaping and drainage are provided and maintained to the satisfaction of Council.

5.13.6 Disabled Car Parking Bays

Council shall ensure the provision and location of car parking bays designed to accommodate people with disabilities, and vehicles designed for use by disabled persons, as required by the Building Code of Australia and relevant Australian Standards.

5.13.7 Dimensions of Car Parking

5.13.7.1 The dimensions of car parking bays, parking angles and carriageway widths specified in Table No. 3B shall be used by Council in determining the layout of car parking areas.

5.13.7.2 The minimum dimensions of an oversized vehicle parking bay shall be 9 metres x 3 metres.

5.13.8 Alternative Vehicle Parking

Council may require developments to include parking and access arrangements for—

- (a) bicycles;
- (b) motor cycles;
- (c) gophers.

Council shall have regard to the nature of the proposed use, and its likely generation of such traffic, in determining the requirement for alternative vehicle parking.

**TABLE No. 2A: COMMERCIAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS**

Zone	Minimum Setbacks		Minimum Landscaping	Other Requirements
	Front	Rear/Side		
Regional Centre	Subject to design requirements of the Council	Subject to design requirements of the Council	1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by Council. 3. Paving and garden areas as required by Council. 4. Where practicable and environmentally acceptable, landscaped areas are to be designed to accommodate the recharge of stormwater run-off from all paved areas.	1. Where the site adjoins land zoned Residential, the side and rear setbacks shall accord with those applicable to the Residential land. 2. Safe and convenient pedestrian access shall be provided for adjacent to any public entrances to buildings and from customer parking areas.
District Centre	Subject to design requirements of the Council	Subject to design requirements of the Council		
Local Centre	Subject to design requirements of the Council	Subject to design requirements of the Council		
Office	9m primary 3m secondary	Subject to design requirements of the Council		
Mixed Business	Subject to design requirements of the Council	Subject to design requirements of the Council		
Highway Commercial	15m primary 4.5m secondary	Subject to design requirements of the Council		

**TABLE No. 2B: INDUSTRIAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS**

Zone	Minimum Setbacks		Minimum Landscaping
	Front	Rear/Side	
Light Industry	15m primary	Subject to Building Code of Australia	3m abutting all streets, except for approved crossovers.
General Industry	4.5m secondary		
Extractive Industry	50m	50m	20m abutting all boundaries.

**TABLE No. 2C: RURAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS**

Zone	Minimum Setbacks		
	Front	Rear	Side
General Rural	15m primary	3m	3m
Special Rural	15m secondary		
Kennels	10m dwellings 30m kennels	20m dwellings 3m kennels	3m

TABLE No. 3A—PARKING STANDARDS

Development (Use)	Parking Requirement (Number of Bays)
Caravan Park	1 space per caravan or camp site, plus 1 space for every employee.
Caretaker's Dwelling	2 spaces (as for Single House under the Residential Planning Codes)
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Cinema or Theatre	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m ² net seating area, whichever is the greater
Civic Use	1 space for every 4 persons the facility is designed to accommodate

Development (Use)	Parking Requirement (Number of Bays)
Club Premises	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 4m ² used for tables and chairs, whichever is the greater
Consulting Rooms	4 spaces for every consulting room.
Convenience Store	1 space for every 15m ² net lettable area, plus Service Station requirements
Display Home Centre	5 spaces per display home
Educational Establishment - Pre-Primary - Primary School - Secondary School - Tertiary Institution	1 space for every staff member, plus 1 space for every 2 students 1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 1 space for every 5 students
Fast Food Outlet	1 space for every 2.5m ² queuing area with a minimum of 4 spaces, plus 1 space for every 5m ² seating area, plus 4 car queuing spaces for any drive through facility.
Funeral Parlour	1 space for every 4 persons for which any assembly area is designed, or 1 space for every 2.5m ² seating area, whichever is greater, plus 1 space for every staff member. Minimum 4 spaces
Homestore	1 space for every 15m ² net lettable area with a minimum of 4 spaces, plus requirements under the Residential Planning Codes for a single house
Hospital	1 space for every 4 patients beds plus 1 space for each staff member on duty at any one time
Hotel, Motel or Tavern	1 space for every 2m ² of bar area, plus 1 space for every 4m ² of lounge or beer garden area; 1 space for every 4 seats which an eating area is designed to provide or 1 space for every 4m ² of eating area, whichever is the greater 1 space for every 4 seats provided in assembly area, or 1 space for every 2.5m ² of assembly seating area, whichever is the greater 1 space for each bedroom or residential unit.
Kennel and cattery	1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Recreation - Private Gym/Health Studio Other Spectator Seating Staff	1 space for every 10m ² net floor area 1 space for every 20m ² active area 1 space for every 4 seats provided 1 space for every staff member present during peak operation
Industry – General	1 space for every 100m ² open space used for such purposes, plus 1 space for every 100m ² gross floor area, plus 1 space for each employee Minimum 4 spaces per tenancy or unit
Industry – Light	1 space for every 100m ² open space used for such purposes, plus 1 space for every 100m ² gross floor area, plus 1 space for each employee Minimum 4 spaces per tenancy or unit
Industry – Rural	1 space for every employee not living on the site Minimum 4 spaces
Lunch Bar	1 space for every 15m ² gross leasable area Minimum 4 bays
Motor Vehicle, Boat or Caravan Sales	1 space for every 100m ² display area, plus 1 space for every employee. Minimum 4 spaces
Motor Vehicle Repair	4 spaces to each working bay, or 1 space for every 50m ² gross floor area, whichever is the greater, plus 1 space for every person employed on site
Night Club	1 space for every 2m ² of public bar area, plus 1 space for every 4m ² of lounge/garden area

Development (Use)	Parking Requirement (Number of Bays)
Nursing Home	1 space per 4 beds, plus 1 space for every staff member present at any one time
Office	1 space for every 30 m ² net lettable area, Minimum 4 spaces per tenancy or office unit. plus 1 space for every 10m ² net lettable area open to the public
Place of Assembly or Worship	1 space for 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m ² seating area, whichever is the greater
Residential Building	1 space for every 4 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time
Restaurant, Café or Reception Centre.	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time
Service Station	4 spaces for every working bay, plus 1 space for every person employed on site
Shop	1 space for every 15m ² net lettable area (6.7 spaces per 100m ² NLA) Minimum 4 spaces
Shopping Centre	6 spaces for every 100m ² net commercial floorspace* provided the individual tenancies share a common parking area, and the Centre has a total floorspace of at least 1000m ² net lettable area * Net commercial floorspace includes net lettable area and any other areas used for commercial activities such as food halls
Showroom	1 space for every 50m ² gross leasable floor area Minimum of 4 spaces per tenancy or unit
Transport Depot	1 space for every 100m ² gross floor area, or 1 space for every employee, whichever is the greater Minimum 4 spaces
Veterinary Hospital or Clinic.	4 spaces per veterinary practitioner, plus 1 space for every 10 animals the facility is designed to accommodate
Warehouse	1 space for every 100m ² gross floor area, plus 1 space for every employee. Minimum 4 spaces for every tenancy or unit.

TABLE No. 3B: PARKING DESIGN REQUIREMENTS

Parking Angle	Width of Bay*	Depth of Bay	Aisle Width*		Distance Along Kerb	Kerb Overhang	Total Depth	
			1 way	2 way			1 way	2 way
90°	2.5m	5.4m	6.2m	6.2m	2.5m	0.7m	11.6m	11.6m
	2.7m	5.4m	5.8m	5.8m	2.7m	0.7m	11.2m	11.2m
	2.9m	5.4m	5.4m	5.8m	2.9m	0.7m	10.8m	11.2m
60°	2.5m	5.7m	4.6m	5.8m	2.9m	0.6m	10.3m	11.5m
	2.7m	5.7m	4.2m	5.8m	3.1m	0.6m	9.9m	11.5m
	2.9m	5.7m	4.0m	5.8m	3.3m	0.6m	9.7m	11.5m
45°	2.5m	5.3m	3.7m	5.8m	3.5m	0.5m	9.0m	11.1m
	2.7m	5.3m	3.3m	5.8m	3.8m	0.5m	8.6m	11.1m
	2.9m	5.3m	2.9m	5.8m	4.1m	0.5m	8.2m	11.1m
30°	2.5m	4.4m	2.9m	5.8m	5.0m	0.3m	7.3m	10.2m
	2.7m	4.4m	2.9m	5.8m	5.4m	0.3m	7.3m	10.2m
	2.9m	4.4m	2.9m	5.8m	5.8m	0.3m	7.3m	10.2m
0°	2.5m	2.5m	3.0m	5.8m	6.3m	0.0m	5.4m	8.3m
	2.5m	2.5m	3.3m	5.8m	6.1m	0.0m	5.8m	8.3m
	2.5m	2.5m	3.6m	5.8m	5.9m	0.0m	6.1m	8.3m

* Unless otherwise approved by Council, parking design shall be based on a standard bay width of 2.5 metres

1. Bays situated adjacent to walls or other obstructions which affect door opening, shall be increased in width by 0.3m on the side of the obstruction.
2. The length of parallel parking bays may be reduced to 5.4m for end bays where free access is available.
3. For blind aisles, an aisle extension of 2m shall be provided to facilitate access.

PART 6—SPECIAL CONTROL AREAS

6.1 OPERATION OF SPECIAL CONTROL AREAS

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

- (a) Gosnells Town Centre

6.1.2 In respect of a special control area shown on a Scheme Map, the provisions of the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 GOSNELLS TOWN CENTRE

6.2.1 In considering applications for planning approval within the Gosnells Town Centre, the Council shall have regard for the—

- (a) Gosnells Town Centre Urban Design Guidelines
(adopted in Minute OCM 21/12/1999 1121)

and any other planning policy formally adopted or amended by Council over the Gosnells Town Centre pursuant to clause 2.4.

PART 7—OUTLINE DEVELOPMENT PLANS

7.1 PURPOSE

- (a) To require an Outline Development Plan for areas zoned Residential Development where the Council determines there is a need for comprehensive planning prior to subdivision, development and use of land within the area covered by the plan.
- (b) To require an Outline Development Plan in any zone where the Council identifies the need for a framework to coordinate subdivision, development and use of land due to fragmented land ownership or other matters that may impact the orderly and proper planning of an area.
- (c) For the adopted Outline Development Plan to constitute the basis for the orderly and coordinated subdivision, development and use of land within the area covered by the plan.

7.2 PLANNING REQUIREMENTS

7.2.1 The Council requires an Outline Development Plan for land zoned Residential Development before recommending subdivision or issuing planning approval for development or the use of any land.

7.2.2 The Council may require an Outline Development Plan for land in zones other than Residential Development, before recommending subdivision or issuing planning approval for development or the use of any land, where Council has determined that fragmented land ownership occurs and / or a framework is required for subdivision, development and land use co-ordination.

7.2.3 Where there is an adopted Outline Development Plan, the subdivision and development of land is to generally be in accordance with the adopted Outline Development Plan and the provisions contained in Schedules 10 (Environmental Conditions) and 12 (Common Infrastructure Provisions), shall, as applicable, be complied with.

7.2.4 The Council or the Commission may, as a condition of adopting or approving a Proposed Outline Development Plan, require a person to prepare and submit to the Council a detailed area plan in the future if the Council or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Outline Development Plan.

7.3 PREPARATION OF OUTLINE DEVELOPMENT PLANS

7.3.1 An Outline Development Plan may include plans and other documents.

7.3.2 An Outline Development Plan may, with the agreement of the Council, be prepared and implemented in stages.

7.3.3 An Outline Development Plan may relate to only part of an Outline Development Plan area.

7.3.4 An Outline Development Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the Outline Development Plan area, and, without limiting the generality of the foregoing, may include the following details—

- (a) a general description of the area to which the Outline Development Plan applies;
- (b) key opportunities and constraints of the Outline Development Plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (c) the planning context for the Outline Development Plan area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Outline Development Plan is to be integrated into the surrounding area;
- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business areas;
- (e) the proposed indicative lot pattern and general location of any major buildings;
- (f) estimates of future lots, dwellings, population, employment and retail floor space;
- (g) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;

- (h) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (i) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (j) details as appropriate relating to—
 - vehicular access and parking;
 - the location, orientation and design of buildings and the space between buildings;
 - conservation areas;
 - heritage places; and
 - special development control provisions; and
- (k) such other information as may be required by the Council.

7.3.5 In considering a Proposed Outline Development Plan over a part of land deemed to require an Outline Development Plan under clause 7.2, the Council may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the land, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

7.4 ADOPTION AND APPROVAL OF OUTLINE DEVELOPMENT PLANS

7.4.1 A Proposed Outline Development Plan may be prepared by a Proponent or the Council. Where prepared by a Proponent, the Proposed Outline Development Plan is to be submitted to the Council.

7.4.2 Upon receiving a Proposed Outline Development Plan, the Council is to either—

- (a) determine that the Proposed Outline Development Plan is satisfactory for advertising;
- (b) determine that the Proposed Outline Development Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Outline Development Plan is not satisfactory for advertising and give reasons for this to the Proponent.

7.4.3 If within 60 days of receiving a Proposed Outline Development Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 7.4.2, the Council is deemed to have determined that the Proposed Outline Development Plan is not satisfactory for advertising.

- 7.4.4 (a) Where the Proponent is aggrieved by a determination of the Council under clause 7.4.2(b) or (c) or clause 7.4.3, the Proponent may request the Council by notice in writing to forward the Proposed Outline Development Plan to the Commission.
- (b) Within 21 days of receiving notice from the Proponent under clause 7.4.4(a), the Council is to forward to the Commission—
- (i) a copy of the Proposed Outline Development Plan;
 - (ii) details of the Council's determination including any modifications to the Proposed Outline Development Plan required by the Council; and
 - (iii) any other information the Council considers may be relevant to the Commission's consideration of approval of the Proposed Outline Development Plan for advertising.
- (c) Upon receiving a Proposed Outline Development Plan in accordance with clause 7.4.4(b), the Commission is to make one of the determinations referred to in clause 7.4.2 and advise the Council and the Proponent accordingly.
- (d) If the Commission requires modifications to the Proposed Outline Development Plan, the Commission is to consult with the Council prior to making its determination under clause 7.4.4(c).
- (e) If within 60 days of receiving a Proposed Outline Development Plan under clause 7.4.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 7.4.2, the Commission is deemed to have determined that the Proposed Outline Development Plan is not satisfactory for advertising.

7.4.5 Where the Council, or the Commission under clause 7.4.4, has determined that the Proposed Outline Development Plan is satisfactory for advertising, the Council is to—

- (a) advertise, or require the Proponent to advertise, the Proposed Outline Development Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 10.4 of the Scheme; and
- (b) give notice or require the Proponent to give notice in writing to—
 - (i) all landowners affected by the Proposed Outline Development Plan; and
 - (ii) such public authorities and other persons as the Council nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed Outline Development Plan, when and where it may be inspected, and invite submissions to the Council by a specified date being at least 21 days from the date of the notice and advertisement.

7.4.6 Within 7 days of determining that a Proposed Outline Development Plan is satisfactory for advertising, the Council is to forward a copy of the Proposed Outline Development Plan to the Commission.

7.4.7 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 7.4.5 is to either—

- (a) adopt the Proposed Outline Development Plan with or without modifications; or
- (b) refuse to adopt the Proposed Outline Development Plan and give reasons for this to the Proponent.

7.4.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 7.4.7, the Council is deemed to have refused to adopt the Proposed Outline Development Plan.

7.4.9 Within 21 days of the Council making its determination under clause 7.4.7, or deemed refusal under clause 7.4.8, the Council is to forward to the Commission—

- (a) a summary of all submissions and comments received by the Council in respect of the Proposed Outline Development Plan, and the Council's decisions or comments in relation to these;
- (b) the Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Outline Development Plan; and
- (c) any other information the Council considers may be relevant to the Commission's consideration of the Proposed Outline Development Plan.

7.4.10 The Commission is to either—

- (a) approve the Proposed Outline Development Plan with or without modifications; or
- (b) refuse to approve the Proposed Outline Development Plan and give reasons for its decision to the Proponent and the Council.

7.4.11 If within 60 days of receiving the information referred to in clause 7.4.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 7.4.10, the Commission is deemed to have refused to approve the Proposed Outline Development Plan.

7.4.12 If the Commission approves the Proposed Outline Development Plan, it is to notify the Council and Proponent of its decision within 14 days of the date of the Commission's decision.

7.4.13 If the Commission requires modifications to the Proposed Outline Development Plan, the Commission is to consult with the Council prior to approving the Proposed Outline Development Plan under clause 7.4.10.

7.4.14 If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed Outline Development Plan is substantial, the Council may—

- (a) re-advertise the Proposed Outline Development Plan; or
- (b) require the Proponent to re-advertise the Proposed Outline Development Plan

and, thereafter, the procedures set out in clause 7.4.5 onwards are to apply.

7.4.15 As soon as practicable after receiving notice of the approval of the Proposed Outline Development Plan by the Commission, the Council is to adopt the Proposed Outline Development Plan and forward a copy of the Outline Development Plan to—

- (a) the Proponent;
- (b) the Commission; and
- (c) any other appropriate person or public authority which the Council thinks fit.

7.4.16 An Outline Development Plan is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

7.5 CHANGE OR DEPARTURE FROM OUTLINE DEVELOPMENT PLAN

7.5.1 The Council may adopt a minor change to or departure from an Outline Development Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan.

7.5.2 (a) The Council is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.

- (b) If the Commission considers that the change or departure adopted by the Council under clause 7.5.1 materially alters the intent of the Outline Development Plan, then the Commission—

- (i) may require the Council to follow the procedures set out in clause 7.4 in relation to the change or departure; and
 - (ii) is to notify the Council of this requirement within 10 days.

7.5.3 Any change to or departure from an Outline Development Plan that is not within clause 7.5.1 is to follow the procedures set out in clause 7.4.

7.6 DETAILED AREA PLANS

7.6.1 (a) (i) The Council or the Commission may, by notice in writing, require a person to prepare and submit to the Council a detailed area plan within the time specified in the notice.

- (ii) A person may prepare and submit to the Council a detailed area plan.

- (b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted—

- (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Outline Development Plan or an Outline Development Plan;

- (ii) in place of a development approval required to comply with clause 2.5 of the Residential Planning Codes; or
- (iii) for any other planning purpose.
- (c) The Council is to—
 - (i) approve; or
 - (ii) refuse to approve the detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 7.6.1(a), or such longer period as may be agreed in writing between the person and the Council, the Council has not made one of the determinations referred to in clause 7.6.1(c), the Council is deemed to have refused to approve the detailed area plan.
- (e) The Council is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- (f) The Council's refusal to approve a detailed area plan under clause 7.6 is not a valid reason for the Council to refuse to adopt or the Commission to refuse to approve a Proposed Outline Development Plan under clause 7.4.

7.6.2 Unless clause 7.6.1(b)(ii) applies, once approved by the Council, the detailed area plan is to be used as the basis for—

- (a) making recommendations to the Commission on subdivision applications; and
- (b) determining development applications with respect to the land subject to the detailed area plan.

7.6.3 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 Council.

7.6.4(a) An approved detailed area plan may be modified or varied with the approval of the Council providing such modifications or variations conform with the intent of any related Outline Development Plan.

- (b) The Council is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

7.7 OPERATION OF OUTLINE DEVELOPMENT PLAN

7.7.1 An Outline Development Plan commences operation on the date it is adopted by the Council pursuant to clause 7.4.15.

7.7.2 Where an Outline Development Plan imposes a classification on the land included in it by reference to reserves, zones, or *Residential Planning Codes*, until it is replaced by a subsequent amendment to the Scheme or a new Scheme imposing such classifications—

- (a) the provisions of the Outline Development Plan apply to the land within the Outline Development Plan area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme are to apply to the Outline Development Plan area.

7.7.3 Without limiting the generality of clause 7.7.2, under an Outline Development Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (b) the standards and requirements applicable to the zones and R-Codings under the Scheme apply to the areas having corresponding designations under the Outline Development Plan;
- (c) the development control procedures including (without limitation) the procedures for the approval of uses and developments under the Scheme are to apply as if the land was correspondingly zoned or reserved under the Scheme;
- (d) any other provision, standard or requirement in the Outline Development Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

7.7.4 An Outline Development Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Outline Development Plan.

7.8 APPEAL

7.8.1 The Proponent may appeal, in accordance with Part V of the *Town Planning and Development Act 1928*, any—

- (a) determination or decision made by the Commission;
- (b) requirement imposed by or modification sought by the Commission; or
- (c) determinations deemed to have been made by the Commission under clauses 7.4.4 or 7.4.11

in the exercise of the Commission's powers under Part 7.

7.8.2 The Proponent may appeal, in accordance with Part V of the *Town Planning and Development Act 1928*, any decision made by the Council under clause 7.5.1.

7.8.3 A person who has submitted a detailed area plan under clause 7.6 may appeal, in accordance with Part V of the *Town Planning and Development Act 1928*, any decision made by the Council under clauses 7.6.1 or 7.6.4.

PART 8—HERITAGE PROTECTION

8.1 HERITAGE LIST

8.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

8.1.2 In the preparation of the Heritage List the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

8.1.3 In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 8.1.1 and the reasons for the proposed entry;
- (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.

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

8.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

8.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 8.1.3.

Note—

1 *The purpose and intent of the heritage provisions are—*

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

2. A "place" is defined in Schedule 1 and may include works, buildings and contents of buildings.

8.2 DESIGNATION OF A HERITAGE AREA

8.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

8.2.2 The local government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area; and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

8.2.3 If a local government proposes to designate an area as a heritage area, the local government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and

- (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
 - (c) carry out such other consultation as the local government considers appropriate.
- 8.2.4 Notice of a proposal under clause 8.2.3(b) is to specify—
- (a) the area subject of the proposed designation;
 - (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
 - (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 8.2.5 After the expiry of the period within which submissions may be made, the local government is to—
- (a) review the proposed designation in the light of any submissions made; and
 - (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.
- 8.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.
- 8.2.7 The local government may modify or revoke a designation of a heritage area.
- 8.2.8 Clauses 8.2.3 to 8.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

8.3 HERITAGE AGREEMENTS

The local government 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. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

8.4 HERITAGE ASSESSMENT

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

8.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 8.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 8.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes by following the procedures set out in clause 5.5.2.

PART 9—DEVELOPMENT OF LAND

9.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 9.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 10.

Note:

1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
2. Development includes the erection, placement and display of any advertisements.
3. Approval to commence development may also be required from the Commission under the *Metropolitan Region Scheme*.

9.2 PERMITTED DEVELOPMENT

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;

- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on the Heritage List under clause 8.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) is in a zone where the proposal is designated with the symbol 'D' or 'A' in the cross reference to that zone in the Zoning Table;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 8.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List, in a heritage area or the Gosnells Town Centre Special Control Area.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 20D of the Town Planning Act.

9.3 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

9.4 UNAUTHORIZED EXISTING DEVELOPMENTS

9.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

9.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

Note:

1. Applications for approval to an existing development are made under Part 10.

2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 10—APPLICATIONS FOR PLANNING APPROVAL

10.1 FORM OF APPLICATION

10.1.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 9.1;
- (j) continuation of development already commenced or carried out under clause 9.4;
- (k) a subsequent planning approval pursuant to an approval under clause 11.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 10.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

10.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

Note:

1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.

2. An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the Swan River Trust Act 1988.

3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is—

- (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;
- (b) within or partly within a planning control area declared by the Commission under section 35C of the Metropolitan Region Town Planning Scheme Act 1959 or section 37B of the Western Australian Planning Commission Act 1985;
- (c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or
- (d) affected by a notice of delegation published in the Gazette by the Commission under section 20 of the Western Australian Planning Commission Act 1985 and is not of a type which may be determined by the local government under that notice,

is to be referred by the local government to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation. Separate determinations are made by the local government under the Scheme and the Commission under the Region Scheme.

10.2 ACCOMPANYING MATERIAL

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing:
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

10.3 ADDITIONAL MATERIAL FOR HERITAGE MATTERS

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

10.4 ADVERTISING OF APPLICATIONS

10.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 10.4.3.

10.4.2 Despite clause 10.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 10.4.3.

10.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

10.4.4 The notice referred to in clause 10.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

10.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

10.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 11—PROCEDURE FOR DEALING WITH APPLICATIONS

11.1 CONSULTATION WITH OTHER AUTHORITIES

11.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

11.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

11.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 8.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 8.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 11.1.1;
- (za) any other planning consideration the local government considers relevant.

11.3 DETERMINATION OF APPLICATIONS

In determining an application for planning approval the local government may —

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

11.4 FORM AND DATE OF DETERMINATION

11.4.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

11.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

11.5 TERM OF PLANNING APPROVAL

11.5.1 Where the local government 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.

11.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 11.5.1.

11.6 TEMPORARY PLANNING APPROVAL

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

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

11.7 SCOPE OF PLANNING APPROVAL

Planning approval may be granted—

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

11.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

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

11.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

11.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

11.9 DEEMED REFUSAL

11.9.1 Subject to clause 11.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government

within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

11.9.2 An application for planning approval which is the subject of a notice under clause 10.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

11.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 11.9.1 or 11.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

11.10 APPEALS

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Town Planning Act.

PART 12—ENFORCEMENT AND ADMINISTRATION

12.1 POWERS OF THE LOCAL GOVERNMENT

12.1.1 The local government in implementing the Scheme has the power to —

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

12.1.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

12.2 REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS

12.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

12.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

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

12.2.3 For the purpose of clauses 12.2.1 and 12.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

12.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the local government.

12.3 DELEGATION OF FUNCTIONS

12.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

12.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 12.3.1.

12.3.3 The exercise of the power of delegation under clause 12.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

12.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

12.4 PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;

- (b) use any land or commence or continue to carry out any development within the Scheme area—
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 10(4) of the Town Planning Act provides that a person who —

- (a) *contravenes or fails to comply with the provisions of a town planning scheme; or*
- (b) *commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*

is guilty of an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

12.5 COMPENSATION

12.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

12.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 12.5.1.

Note:

1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the (Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985).

2. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.

12.6 PURCHASE OR TAKING OF LAND

12.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

12.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

12.7 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

12.7.1 Under section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

12.7.2 The local government may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

Schedules

Schedule 1	Dictionary of defined words and expressions
	General definitions
	Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval

Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 9A	Notice of revocation or amendment of planning approval
Schedule 10	Environmental conditions
Schedule 11	Special Rural Zones – provisions relating to specified areas
Schedule 12	Common infrastructure provisions relating to outline development plan areas

Schedule 1—Dictionary of Defined Words and Expressions

[cl. 1.7]

1. General definitions

In the Scheme—

“**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;

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

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**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 a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**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;

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

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**local government**” means the City of Gosnells;

“**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“**lot**” has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

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

“**non-conforming use**” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

“**Outline Development Plan**” means a Proposed Outline Development Plan that has been approved by the Commission and adopted by the Council under Part 7;

“**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;

- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - (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 from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
- “place”**, in Part 8 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “plot ratio”**, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;
- “precinct”** means a definable area where particular planning policies, guidelines or standards apply;
- “predominant use”** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “premises”** means land or buildings;
- “proponent”** means any owner or owners of land, to which the Proposed Outline Development Plan relates, that has or have submitted the Proposed Outline Development Plan;
- “Proposed Outline Development Plan”** means an Outline Development Plan, which applies to land zoned Residential Development, that has been prepared in accordance with Part 7;
- “Region Scheme—Metropolitan”** means the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*;
- “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;
- “retail”** means the sale or hire of goods or services to the public;
- “substantially commenced”** means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “Town Planning Act”** means the *Town Planning and Development Act 1928*;
- “wholesale”** means the sale of goods or materials to be sold by others;
- “zone”** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme —

- “agriculture—extensive”** means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “agriculture—intensive”** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of plant or fruit nurseries;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - (d) aquaculture;
- “agroforestry”** means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “amusement parlour”** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;
- “animal husbandry—intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “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;
- “betting agency”** means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

“carpark” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

“child care premises” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

“cinema/theatre” means premises where the public may view a motion picture or theatrical production;

“civic use” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

“club premises” means premises used by a legally constituted club or association or other body of persons united by a common interest;

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

“community purpose” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

“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 premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

“corrective institution” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“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;

“family day care” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

“fast food outlet” means premises 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, but does not include a lunch bar;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

“funeral parlour” means premises used to prepare and store bodies for burial or cremation;

“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;
- “home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —
 - (a) entail clients or customers travelling to and from the dwelling;
 - (b) involve any advertising signs on the premises; or
 - (c) require any external change to the appearance of the dwelling;
- “home store”** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
- “hospital”** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
- “hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;
- “industrial unit”** means a building or group of buildings on Industrial zoned land that may have separate tenancies and / or uses in operation;
- “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—cottage”** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —
 - (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
 - (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
 - (d) does not occupy an area in excess of 50 square metres; and
 - (e) does not display a sign exceeding 0.2 square metres in area;
- “industry—extractive”** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;
- “industry—general”** means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry;
- “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 do not cause any injury to or adversely affect the amenity of the locality;
 - (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
- “industry—mining”** means land used commercially to extract minerals from the land;
- “industry noxious”** means an industry which is subject to licencing as “Prescribed Premises” under the Environmental Protection Act 1986 (as amended);
- “industry—rural”** means —
 - (a) an industry handling, treating, processing or packing rural products; or
 - (b) a workshop servicing plant or equipment used for rural purposes;
- “industry—service”** means —
 - (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
 - (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
- “kennels”** means any land or buildings used for the boarding, keeping and/or breeding of more than two dogs;
- “liquor store”** means land or buildings the subject of a store license granted under the provisions of the *Liquor Licensing Act 1988* (as amended);
- “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;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;

- “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);
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with —
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “night club”** means premises —
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “outbuilding”** means a non-habitable structure, detached from a dwelling;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “recreation—private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “residential building”** has the same meaning as in the Residential Planning Codes;
- “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*;
- “restricted premises”** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —
- (a) publications that are classified as restricted under the *Censorship Act 1996*;
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
- “rural pursuit”** means any premises used for —
- (a) the rearing or agistment of animals;
 - (b) the stabling, agistment or training of horses;
 - (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
 - (d) the sale of produce grown solely on the lot,
- but does not include agriculture — extensive or agriculture — intensive;
- “service station”** means premises used for —
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,
- but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- “shop”** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
- “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;
- “storage”** means premises used for the storage of goods, equipment, plant or materials;
- “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 land used to accommodate any part of the 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;

“trade display” means premises used for the display of trade goods and equipment for the purpose of advertisement;

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

“veterinary centre” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“warehouse” means premises used to store or display goods and may include sale by wholesale;

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

Schedule 2—Additional Uses

[cl. 4.5]

No.	Description of Land	Additional Use	Conditions
1.	Lot 59 (No. 137) Kelvin Road, Maddington	Lunch Bar and Offices	
2.	Lot 500 (No. 2087) and Lot 21 (No. 2093) Albany Highway, Maddington	Car Yard	
3.	Lot 566 (No. 128) Orchard Road, Maddington	Restaurant and Truck Stop	
4.	Pt Lot 52 Nicholson Road, Canning Vale	Landscape Centre	
5.	Pt Lot 32 (No. 358) Railway Parade, Beckenham	Delicatessen, Lunch Bar, Bakery and associated carparking	
6.	Lot 101 (No. 210) Burslem Drive, Maddington	Pharmacy	
7.	Lot 36 (No. 11) Mildenhall Street, Huntingdale	Storage and display of plants and associated gardening equipment	Excludes bulk unpackaged soil mixes and manures. No packaging of soils or manures.
8.	Lot 508 (No. 1) Mandarin Road, Maddington	Lunch Bar	Maximum of 50m ² net lettable floor area.
9.	Pt Lot 25 (No.s 242- 256) Nicholson Road, Langford	Ancillary use to Service Station: <ul style="list-style-type: none"> • Workshops • Car Wash 	
10.	Lot 236 Kelvin Road, Orange Grove	Land Fill, Gas Extraction and Control Activities	
11.	Pt Lot 3 (No. 164) Corfield Street, Gosnells	Medical Centre comprising: <ul style="list-style-type: none"> • General Practitioners • Physiotherapists • Pathology • Dentist • X-Ray • Pharmacy 	

No.	Description of Land	Additional Use	Conditions
12.	Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale	Open Air Display, fish shop and dry cleaner, betting agency, incidental amusement parlour, retail nursery	Compliance with development provisions.
13.	Lot 3 (No. 54) Geographe Way Thornlie	Retail GLA within the portion of Lot 3 to be included in the "Local Centre" zone shall be no greater than 600m ² .	Two metre wide landscape strip and solid masonry wall being located along the rear (southern) boundary of the commercial site and lighting being designed to minimise spill.

Schedule 3—Restricted Uses

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions
1	Lot 100 Holmes Street (corner Warton Road), Southern River	1. Tavern 2. Retail	1. Limited to a maximum 1000m ² floor area. 2. Limited to a 750m ² net lettable area.
2	Lot 701 Warton Road (corner Furley Road), Southern River	Uses permissible in the Local Centre Zone	Shops and / or Convenience Store limited to a maximum 400m ² net lettable area.
3	Lot 5, Pt Lots 25, 51, 56, 57 and 102 Nicholson Road, Canning Vale	Uses permissible in the Light Industry Zone including the use Amusement Parlour (incidental to the predominant use), and excluding the uses of Convenience Store and Service Station	
4.	Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale	1. Tavern 2. Uses permissible in the Mixed Business Zone and Schedule 2 (No. 12), excluding the uses Convenience Store, Fast Food Outlet and Shop.	1. Tavern limited to 200m ² floor area.

Schedule 4—Special Use Zones

[cl. 4.7.1]

Nil at the time of gazettal

No.	Description of land	Special use	Conditions

Schedule 5—Exempted Advertisements

[cl. 9.2(f)]

SITE SPECIFIC*(Nil at the time of gazettal)*

Land use and/or development	Exempted sign	Maximum size

GENERAL

(1) The following are exempt advertisements—

- (a) a property disposal sign not exceeding 1.2m² erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (b) a plate not exceeding 0.2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (c) a direction sign;
- (d) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;
- (e) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (f) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m² in area and a height of 600mm;
- (g) a sign within a building unless it is clearly visible from a public place outside the building;
- (h) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel for the purpose of displaying public notices for information;
- (i) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (j) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (k) a rural producer's sign which is the only sign on the lot on which it is erected providing the sign does not exceed 1.2m² in area and a height of 3.0 metres;
- (l) a sign erected by the local government, on land under the care, control and management of the local government;
- (m) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (n) a maximum of 4 garage sale signs, each not greater than 0.25m², advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;
- (o) a sign or signs erected in accordance with a permit issued under the Local Law relating to Signs, Hoardings and Bill Posting;
- (p) a sign painted on a kerb, adjacent to a property depicting the house number;
- (q) a sign erected by the local government for the purpose of—
 - (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or
 - (ii) indicating the name and location of a polling place for an election.
- (r) an election sign which is—
 - (i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;
 - (ii) not in excess of 0.75m² in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;
 - (iii) erected not more than 28 days prior to the date of the election to which it relates;
 - (iv) erected in accordance with the restriction provisions of Clause 4.1 of the Local Law relating to Signs, Hoardings and Bill Posting;
 - (v) removed within 7 days of the date of the election.

- (s) a sign either temporarily or permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.
 - (t) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are-
 - (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
 - (ii) each, no greater than 0.55m² in area;
 - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place.
 - (iv) not erected within a thoroughfare;
 - (v) erected in accordance with the restrictive provisions of Clause 4.1 of the Local Law relating to Signs, Hoardings and Bill Posting excepting sub clauses (f) and (k), and (l) of the Local Law where the total sign area is no greater than 1.75m².
 - (vi) a sign that is required by the Builders Registration Board or other Government Bodies or Authorities on building sites, providing the area of any such sign does not exceed 1.5m² and no part of the sign is more than 2.0 metres above ground level and that any such sign is removed within seven (7) days of completion of the building works on that site.
- (2) A person shall not erect or maintain a sign which would otherwise be an exempt sign, if it contains—
- (a) any illumination or radio;
 - (b) animation or movement in its design or structure; or
 - (c) retro-reflective or fluorescent materials in its design or structure.

Schedule 6—Form of Application for Planning Approval
Application for Planning Approval

[cl. 10.1.1]

Owner details		
Name:		
Address:		
Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant details		
Name:		
Address:		
Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person for correspondence:		
Signature:		Date:

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:

Title encumbrances (e.g. easements, restrictive covenants):	
Street name:	Suburb:
Nearest street intersection:	
Existing building/land use:	
Description of proposed development and/or use:	
Nature of any existing buildings and/or use:	
Approximate cost of proposed development:	
Estimated time of completion:	
<i>OFFICE USE ONLY</i>	
Acceptance Officer's initials:	Date received:
Local government reference no:	

Schedule 7—Additional Information for Advertisements

[cl. 10.1.2]

Note: to be completed in addition to the Application for Planning Approval form

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
2.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): (b) Height: Width: Depth: (c) Colours to be used: (d) Height above ground level — • (to top of advertisement): • (to underside): (e) Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

3.	Period of time for which advertisement is required:
4.	Details of signs (if any) to be removed if this application is approved: Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above. Signature of advertiser(s): (if different from land owners) Date:

Schedule 8 — Notice of Public Advertisement of Planning Proposal

[cl. 10.4.4]

Town Planning Act 1928

City of Gosnells

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.	
Street:	Suburb:
Proposal:	
Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of	
Signed:	Dated:
for and on behalf of the City of Gosnells	

Schedule 9 — Notice of Determination on Application For Planning Approval

[cl. 11.4.1]

Town Planning Act 1928

City of Gosnells

Determination on application for planning approval

Location:	
Lot:	Plan/Diagram:
Vol. No.:	Folio No.:
Application date:	Received on:
Description of proposed development:	

The application for planning approval is:

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

Conditions/reasons for refusal:

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, 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 local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the *Town Planning Act 1928*. An appeal must be lodged within 60 days of the determination.

Signed: _____ Dated: _____

.....
 for and on behalf of the City of Gosnells.

Schedule 9A — Notice of Revocation or Amendment of Planning Approval

[cl. 9.3]

City of Gosnells

LOCATION:

LOT No: PLAN/DIAGRAM:

CERTIFICATE OF TITLE Volume: Folio:

Application Date: Approved on:

Description of proposed development:

.....

The planning approval is:

- revoked:
- amended:

REASONS FOR REVOCATION / AMENDMENT:

.....

Signed:
 for and on behalf of the City of Gosnells

Dated:

Schedule 10 — Environmental Conditions

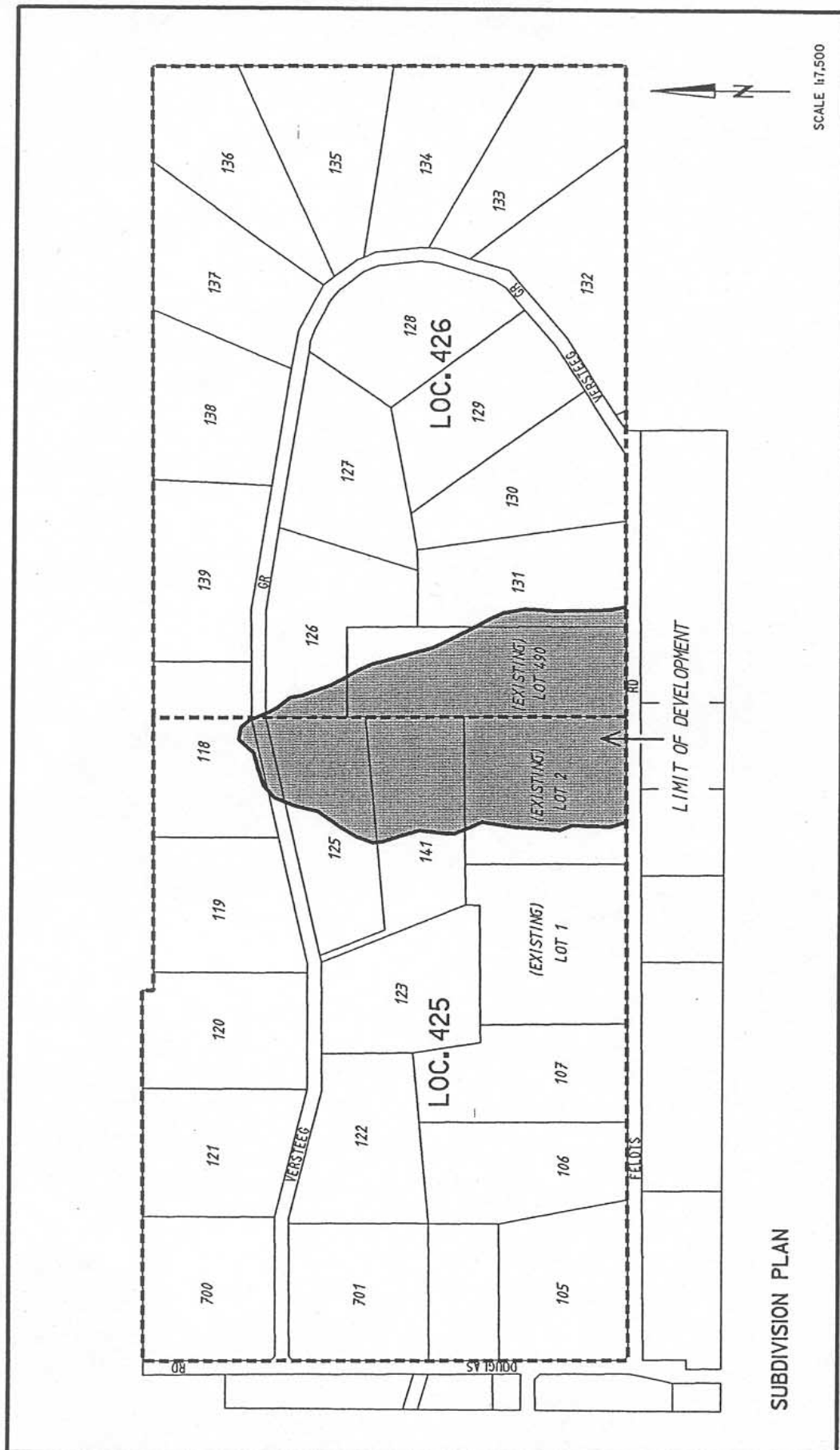
[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
Town Planning Scheme No 1 – Amendment 478 The land in Canning Vale generally bounded by Haighs Road (Garden Street), Nicholson Road, Lansdown Entrance, Nicholson Court, Fraser Road, Dumbarton Road, Campbell Road, Amherst Road, and Warton Road (Refer Schedule 12, Attachment A, Map 1).	6 April 2001	<p>1. Conservation Category Wetlands</p> <p>1.1 Land shall be set aside for conservation reserve purposes to protect the Conservation Category Wetlands in accordance with the requirements set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 534 published on 20 January 2000; and</p> <p>1.2 The Outline Development Plan shall show the land required by Condition 1.1 above to be set aside as conservation reserves.</p> <p>2. Environmental Management Plans</p> <p>2.1 Wetland Management Plans and Drainage and Nutrient Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 534 published on 20 January 2000, and shall be subsequently implemented in accordance with the provisions of the Plans, to the requirements of Council.</p>

Schedule 11—Special Rural Zones—Provisions Relating to Specified Areas

[cl. 5.11.5]

Defined Area	Provisions
Canning Location 425, 426, 490, the portion of Canning Location 425, Pt Lot 1, Lot 2 corner Douglas and Feldts Road, and Location 427 Canning Mills Road, Martin. (see attached subdivision plan)	<p>1. The development of dwellings, on-site effluent disposal and sheds larger than 54m² is not permitted within the shaded area depicted on the attached indicative subdivision plan as "Limit of Development" which relates to an environmentally sensitive area generally unsuitable for development.</p> <p>2. For each dwelling there shall be a water tank of at least 90,000 litres capacity.</p> <p>3. The stocking rates for the keeping of animals the subject of an application for planning approval of an "Animal Establishment" or "Animal Husbandry - intensive" land use shall be determined by the Council after consultation with the relevant authority.</p>



*Schedule 12 — Common Infrastructure Provisions Relating to Outline
Development Plan Areas*

[cl. 7.2.2]

1.0 Interpretation

In Schedule 12, unless the context otherwise requires—

“Cost Contribution” means the contribution to the cost of Common Infrastructure payable by an Owner under this Schedule and any relevant Attachment to the Twelfth Schedule to the Scheme;

“Common Infrastructure” means services and facilities which, in accordance with the Commission’s policy, it is reasonable for Owners to make a Cost Contribution towards, as specified under “Common Infrastructure Costs” and “Common Infrastructure Works”;

“Outline Development Plan” means such Outline Development Plan (ODP) as approved and adopted and or as departed from or altered pursuant to Part 7 of the Scheme;

“Owner” means an owner of land that is located within an ODP area;

“Commission” means the Western Australian Planning Commission established under the *Western Australian Planning Commission Act 1985*;

“Common Infrastructure Costs” means—

- (a) the costs of, and incidental to, the preparation of the ODP and the carrying out of the Common Infrastructure Works for the ODP area;
- (b) Council administration costs including bank charges, audit fees, office and sundry costs, legal expenses, valuation fees, conveyancing fees, ongoing costs, and geographical information systems (GIS) setup costs to facilitate the administration of the development of the ODP area;
- (c) an amount to reimburse the Council for such overhead supervision and management costs as may be incurred by the Council in the carrying out of the Common Infrastructure;
- (d) legal and planning costs, payments to other professional consultants and advisers, survey and valuation costs, in each case and reimbursement to the Council for the time spent by its officers or any employee or agent of the Council insofar as that time was spent in connection with the carrying out of the Common Infrastructure Works;
- (e) any compensation paid or payable in respect of land used for the purposes of carrying out Common Infrastructure Works and the expenses of determining and settling such compensation;
- (f) the cost of acquiring any land within the ODP area for the purpose of carrying out Common Infrastructure Works whether that land is purchased or acquired by compulsory acquisition or otherwise including without limitation the purchase price or compensation paid (as the case may be), and any other costs, fees or expenses whatsoever of or incidental to such acquisition;
- (g) all legal costs and fees whatsoever incurred by the Council in or in contemplation of any arbitration or other legal proceedings arising out of or concerning the carrying out of the Common Infrastructure Works or any appeal against a decision or determination of the Council exercising a power in relation to the Common Infrastructure Works or in relation to the assessment or recovery of Common Infrastructure Contributions and the fees and expenses of any witness expert or consultant for which the Council becomes liable in connection with any proceedings referred to in this paragraph and any costs ordered to be paid in the Council or payable pursuant to any settlement negotiated by the Council in such proceedings;
- (h) all interest paid or payable on moneys borrowed, credit obtained or financial accommodated extended for the purposes of carrying out Common Infrastructure Works;
- (i) the cost of provision of drainage in accordance with the Commission Policy on Developer Contributions for Infrastructure where in the opinion of Council this cannot be properly co-ordinated by the Owners without Council’s direct involvement.
- (j) all costs and expenses of the exercise by the Council of any power conferred by Clause 11 upon the Council;
- (k) all other costs and expenses as specified in the relevant Attachment to this Schedule which the Council is required to meet in order to carry out the Common Infrastructure Works;
- (l) the cost of acquiring land for Other Regional Roads as defined in the Metropolitan Region Scheme and as referred to in the relevant Attachment to this Schedule;
- (m) the cost of acquiring land for district distributor roads referred to in the relevant Attachment to this Schedule and the initial stage of road construction including all earthworks, two lanes unkerbed, dual use path (on one side only), grade separated pedestrian crossings and drainage;
- (n) any contribution necessary in the opinion of Council required to be made to Alinta Gas, Western Power, Telstra and Water Corporation for the provision of gas, water, sewerage, telecommunications and electricity to, and the reticulation of, such services in the upgrading of roads referred to in the relevant Attachment to this Schedule.

“Common Infrastructure Works” refers to any components or services required collectively by all Owners of land within an ODP area which are, in the opinion of Council, essential to facilitate the subdivision and development of that land. As such they are detailed as follows and also include those works detailed in the relevant Attachment to this Schedule—

- (a) the construction of dual use paths as shown on the adopted ODP;
- (b) the construction of traffic management devices as shown on the adopted ODP;
- (c) provision of land and the construction of drainage as referred to at Clauses (i) and (m) “Common Infrastructure Costs”;
- (d) the construction (and upgrading if required) of the drainage system associated with any Other Regional Road as referred to in the relevant Attachment to this Schedule;
- (e) the carrying out of any cadastral survey or resurvey in connection with any matter (including public open space and Conservation Reserve creation) set out in this Schedule and in any relevant Attachment in connection with Common Infrastructure; and
- (f) works necessary in relation to Clause (n) of “Common Infrastructure Costs”;

“Trust Account” means, the interest bearing accounts established by the Council for compliance with Clause 12 of this Schedule.

“Value” means, unless Part 10 of the *Land Administration Act 1997* applies under Clause 6 of this Schedule, the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such terms and conditions as a bonafide seller would require—

- (a) on the basis that there are no buildings, fences or other improvements of the like nature on the land;
- (b) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
- (c) taking into account the added value of all other improvements on or appurtenant to the land.

“Valuer” means a licensed valuer agreed by the Council and the owner, or where the Council and the Owner are unable to reach agreement, a Valuer appointed by the President of the Australian Property Institute for the time being.

2.0 Purpose

- (a) To identify areas requiring Cost Contributions for Common Infrastructure that relate to subdivision and development.
- (b) To provide for the equitable sharing of the costs of Common Infrastructure between Owners and in particular, to ensure that Cost Contributions are only required towards such Common Infrastructure as is reasonably required as a result of the subdivision and development of land in the ODP area.
- (c) To coordinate the timely provision of Common Infrastructure.

3.0 Development Contribution Arrangement Pre-requisite to Subdivision and Development

3.1 All Owners within an area the subject of an Outline Development Plan prepared and adopted pursuant to the provisions of Part 7 of the Scheme, are required to make a Cost Contribution in order to enable and facilitate Common Infrastructure, in accordance with the applicable development contribution arrangement contained in the relevant Attachment and the provisions of this Schedule.

3.2 Apart from the provisions of this Schedule, the development contribution arrangement for any ODP area does not have effect until it has been incorporated as part of the Scheme, in the relevant Attachment to this Schedule.

3.3 Subject to Clause 3.5, the Council is not to support subdivision or approve development in an ODP area until a development contribution arrangement is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with Clause 14 for the payment of the Owner’s Cost Contribution.

3.4 Clause 3.3 does not apply to the development of a single house or outbuildings associated with a single house on a lot which has not been subdivided since the coming into operation of the ODP.

3.5 Where a development contribution arrangement is necessary but is not in effect, the Council may support subdivision or approve development where the Owner has made other arrangements satisfactory to the Council with respect to the Owner’s development contribution to Common Infrastructure.

4.0 Content and Principles of Development Contribution Arrangements

4.1 The development contribution arrangement is to specify—

- (a) the ODP area to which the development contribution arrangement applies;
- (b) the Common Infrastructure to be funded through the development contribution arrangement; and
- (c) the method of determining the Cost Contribution of each Owner towards the Common Infrastructure to be funded through the development contribution arrangement.

4.2 (a) A development contribution arrangement is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.

- (b) The period during which a development contribution arrangement is to operate may be extended and the development contribution arrangement may be amended accordingly.

4.3 The development contribution arrangement for any ODP area is to be prepared in accordance with the following principles—

- (a) it is to provide for Cost Contributions to only the cost of such infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the ODP area;
- (b) it is to provide for Cost Contributions generally in accordance with the Commission Policy on Developer Contributions for Infrastructure;
- (c) matters requiring land contribution, such as public open space, are to be treated as the cost of Common Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
- (d) the Cost Contribution is to be based upon the proportion that the area or value of that Owner's land bears to the total area or value of the developable land within the ODP area;
- (e) the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and
- (f) the cost of Common Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.

4.4 For the purposes of Clause 4.3(d), in calculating both the area of an Owner's land and the total area of land in an ODP area, the area of land provided or required in that ODP area for—

- (a) roads designated under the *Metropolitan Region Scheme* as Primary Regional Roads and Other Regional Roads;
- (b) existing road and drainage reserves to be retained;
- (c) government primary and secondary schools; and
- (d) such other land identified on the adopted Outline Development Plan to be excluded for the purposes of this clause,

is to be excluded.

4.5 (a) Where a development contribution arrangement contains estimated costs, such estimated costs are to be reviewed at least annually by the Council in accordance with the best and latest information available to the Council until the expenditure on the relevant item of Common Infrastructure has occurred.

- (b) Where requested in writing by an Owner, the Council is to have such estimated costs independently certified by an appropriate qualified person.

4.6 Where any Cost Contribution has been calculated on the basis of an estimated cost for Common Infrastructure, the Council may—

- (a) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or
- (b) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.

4.7 Where an Owner's Cost Contribution is adjusted under Clause 4.6, the Council, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

5.0 Order of Common Infrastructure Works

5.1 The Council shall determine the order in which the Common Infrastructure Works are to be carried out and may appoint contractors to carry out such works.

5.2 Without in any way limiting the generality of Clause 5.1 the Council's intention is to prevent any Common Infrastructure Works being carried out unless and until—

- (a) sufficient money stands to the credit of the Trust Accounts to pay in full the costs of the Common Infrastructure Works, or
- (b) the payment of that money is otherwise secured or guaranteed to the Council's satisfaction; or
- (c) Council has raised funds to undertake the Common Infrastructure Works should Council so determine.

6.0 Acquisition of Land for Common Infrastructure Works

6.1 Council may acquire, by agreement or compulsorily, land required for the carrying out of Common Infrastructure Works, using the powers conferred under Section 13 of the *Town Planning and Development Act 1928*.

7.0 Estimation of Common Infrastructure Costs

7.1. The Council may, subject to the provisions of this Clause, before any item of Common Infrastructure Cost has been finally ascertained, make an estimate of those costs.

7.2 Where an Owner has been advised by the Council of an estimate of that Owner's share of the Common Infrastructure Costs and has paid a sum equal to that estimate, then that Owner or subsequent Owner is not liable to further costs should Council make a revision of estimated costs in accordance with Clause 7.6.

7.3 The Council shall deduct the value of any Government Grants or secured allocations external to Council's finances in the calculation or estimation of the Common Infrastructure Costs.

7.4 The Council shall annually review the Common Infrastructure Costs to be incurred.

7.5 The Council, in reviewing Common Infrastructure Costs pursuant to Clause 7.4, may revise or amend the Common Infrastructure Costs and any Owner's contribution arising from the adopted ODP.

7.6 Where any cost contribution for Owners in the ODP area has been calculated on the basis of an estimate of any Common Infrastructure Cost, the Council may—

- (a) adjust the cost contribution of any Owner in accordance with revised estimates and/or the final expenditure; or
- (b) accept a cost contribution based upon estimated costs as a final contribution.

7.7 Where an owner's cost contribution is adjusted under Clause 7.6, the Council shall, on the written request of an owner, provide a copy of cost estimates and the calculation of adjustments.

7.8 Following notification being made to an owner of the amount mentioned in Clause 7.7, a period of 35 days shall be allowed from the date of such notification for the Owner to object to that amount. Any objection shall be assessed by the Council and if not agreed by the Council, shall be referred to Arbitration and dealt with in accordance with Clause 17.

8.0 Common Infrastructure Contribution

8.1 The Cost Contribution is to be based upon the proportion that the area or value of the Owner's land bears to the total area or value of developable land within the ODP area.

9.0 Pre-funding of Common Infrastructure Works

9.1 Where an owner within an ODP area agrees in writing with Council to an estimated cost to pre-fund some Common Infrastructure Works, the Owner may claim only a refund of the actual cost less the owner's prescribed contribution in accordance with Clause 8.1 together with interest on the claimed amount.

9.2 Where the Owner seeks a refund, the Owner shall lodge a formal claim with the Council which may accept or not accept the claim. Any dispute shall be referred to Arbitration and dealt with in accordance with Clause 17.

9.3 Where the Council accepts a claim, Council shall record in the ODP Trust Accounts the extent of the claim and allocate that portion of the Common Infrastructure Costs as prescribed by the Scheme against the Owner's account with the balance being recorded as a Common Infrastructure Cost and shall be dealt with in the same manner as if the debt had been incurred directly by the ODP.

9.4 A pre-funding Owner shall be refunded monies recorded by Council as a Common Infrastructure Cost after Council has received sufficient contributions from other Owners towards the Common Infrastructure Costs credited to the Trust Account(s). Such a payment shall include principal and interest as determined by Council. The interest payable shall be the average of the interest payable on loans raised by the Council for Common Infrastructure and in the event that the Council has not raised loans, then the interest rate will be the 30 day deposit rate for fixed term investments prescribed by Council's bank (or other accredited commercial banking corporations nominated by Council) applied during the period the advance is not recouped.

10.0 Cost Contribution for Primary School Sites

10.1 Pro-rata contribution for primary school sites is to be provided by the Owner to the Education Department of Western Australia upon residential subdivision or development of land within the ODP area.

11.0 Council's Powers

11.1 The Council has, for the purposes of carrying out or contracting with any person for the carrying out of Common Infrastructure Works, and for the purposes of implementing the provisions of this Schedule (but subject to the provision of any other applicable law), the rights and obligations of an Owner, and, without limitation, has the following powers—

- (a) power to enter into contracts for the purposes of this Schedule and any relevant Attachment;
- (b) power to undertake the following:
 - (i) acquire land within the ODP area for the purposes of securing any objective of the provisions of this Schedule;
 - (ii) deal with or dispose of any land that the Council owns within the ODP area or which it acquires pursuant to the provisions of this Schedule in accordance with the powers conferred upon it and for that purpose may make such agreements with any other Owner or person or body whatsoever as it sees fit; and
- (c) power to enter into any agreement with any Owner, occupier or other person having an interest within or outside the ODP area for the purposes of securing any of the objectives herein.

12.0 Establishment of Trust Accounts

12.1 The Council shall establish and maintain interest bearing Trust Accounts for each ODP area and for any part of an ODP area. All interest earned in a Trust Account shall be accrued in such Trust Account.

12.2 The Trust Accounts shall be debited with Common Infrastructure Costs and credited with contributions for Common Infrastructure Costs.

12.3 Moneys borrowed by the Council for ODP purposes shall be repaid to the Council including interest and principal, out of the relevant Trust Account.

12.4 The Council is to provide to every Owner an audited annual statement of accounts for the ODP area as soon as practicable after the audited annual statement of accounts becomes available.

13.0 Liability for Cost Contributions

13.1 An Owner's liability to pay the Owner's Cost Contribution to the Council arises on the earlier of—

- (a) the Council confirming to the Commission that conditions of subdivision approval supervised by the Council and imposed on an application to subdivide the owner's land within the ODP area have been complied with;
- (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the owner's land within the ODP area;
- (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the ODP area; or
- (d) at the time of applying to the Council or Commission for approval of any new or extended use, or any other development on the owner's land within the ODP area; or

14.0 Collection and Enforcement

14.1(a) The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution by:

- (i) cheque or cash;
- (ii) transferring to the Council land to the value of the Cost Contribution;
- (iii) some other method acceptable to the Council; or
- (iv) any combination of these methods.

(b) The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the Council.

(c) The Owner, with the agreement of the Council, may defer payment of the Owner's Costs Contribution and may secure the payment to the Council of any deferred payment in such manner as the Council may in its discretion decide.

14.2(a) The amount of any Cost Contribution for which an owner is liable under Clause 14.1, but has not paid, is a charge on the owner's land to which the Cost Contribution relates, and the Council may lodge a caveat against the Owner's title to that land.

(b) The Council may, at the Owner's expense and subject to such other conditions as the Council thinks fit, withdraw a caveat lodged under Clause 14.2 (a) to permit dealing and then relodge the caveat to prevent further dealings.

(c) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the Council may, at the expense of the Owner, withdraw any caveat lodged in accordance with Clause 14.2.

14.3 If there is a dispute between the Council and any Owner in relation to the amount of Common Infrastructure Cost(s), that dispute shall be referred to Arbitration in accordance with Clause 17. Where an Common Infrastructure Cost is determined by Arbitration to be different from that calculated and adopted by the Council at any time, the Council shall adjust Common Infrastructure Costs so that they conform to such determination.

14.4 Interest shall be payable on any overdue Common Infrastructure Costs at the rate payable from time to time on judgement debts as determined pursuant to Section 142 of the *Supreme Court Act 1935*. Interest shall become payable from the date of the Common Infrastructure Costs became due until the date of payment unless the Council and the Owners agree to suspend or waive interest.

15.0 Shortfall or Excess in Infrastructure Cost Contributions

15.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular ODP area, the Council may—

- (a) make good the shortfall from its municipal fund; or
- (b) raise loans or borrow from a financial institution,

but nothing in this Clause restricts the right or power of the Council to impose a differential rate to a specified ODP area in that regard.

15.2 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular ODP area, the Council is to use the excess funds for the provision of additional facilities in that ODP area.

15.3 If it is necessary for the purpose of this Clause to ascertain the value of any land, such value shall be determined by a Licensed Valuer appointed by the Council.

16.0 Valuation

16.1 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the Council requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

16.2 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under Clause 16.5.

16.3(a) At the request of the Council or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.

(b) The Valuer may—

- (i) reconsider the Values placed on other land in the ODP area; and
- (ii) make such revisions as considered just and equitable to those Values if the Valuer considers this is necessary as a result of a re-valuation made under Clause 16.1.

16.4 The date of valuation is the date that the Owner's liability to pay the Owner's Cost Contribution to the Council arises under Clause 13, or such other date as is agreed between the Council and the Owner.

16.5(a) Where there is a dispute or difference between the Council and the Owner regarding a Value, the dispute or difference is to be resolved as follows:

- (i) by any method agreed upon by the Council and the Owner; or
- (ii) if the Council and the Owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.

(b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the Council or the Owner.

17.0 Arbitration of Disputes

Subject to Clause 16, any dispute between any Owner and the Council in connection with the Cost Contribution required to be made by an Owner under this Schedule and relevant Attachment is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

ATTACHMENT A

1. "Canning Vale Outline Development Plan Area" means the area generally bounded by Haigh Road (Garden Street), Nicholson Road, Lansdowne Entrance, Nicholson Court, Nicholson Road, Dumbarton Road, Campbell Road, Amherst and Warton Roads as shown on Map 1, titled Canning Vale ODP Area.

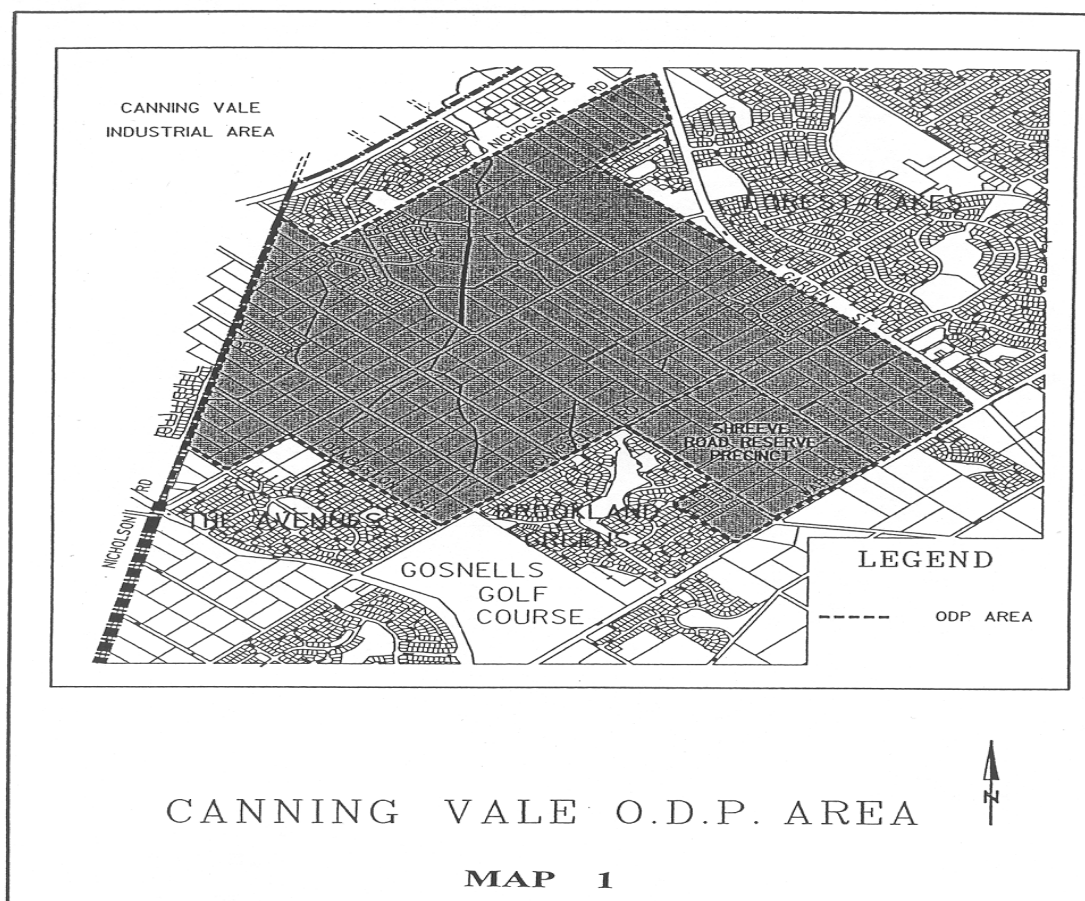
2. Common Infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows—

- (a) 50% of the contribution towards constructing full earthworks, one carriageway, dual use path (on one side only), grade separated pedestrian crossings and drainage of the following roads:
 - (i) Nicholson Road (between Eucalyptus Boulevard (South) and Garden Street);
 - (ii) Warton Road (between Amherst Road and Garden Street); and
 - (iii) Garden Street (between Nicholson and Warton Roads).
- (b) construction, where necessary, for the widening of Nicholson and Warton Roads where these roads abut the ODP area.
- (c) the preparation of:
 - (i) Drainage Study for the Amherst Drain;
 - (ii) Environmental Review document(s);
 - (iii) Drainage Nutrient Management Plan(s); and
 - (iv) Wetland Management Plan(s)in accordance with the requirements of the Minister for the Environment.
- (d) upgrading to an urban standard (single pole support) of high voltage above ground 132 kv powerlines which traverse the ODP area; and
- (e) the provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCWs) in accordance with the endorsed Wetland Management Plans.

3. Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme, as follows—

- (a) 50% of the contribution towards constructing full earthworks, one carriageway, dual use path (on one side only), grade separated pedestrian crossings and drainage of the following roads:
 - (i) Nicholson Road (between Eucalyptus Boulevard (South) and Garden Street);
 - (ii) Warton Road (between Amherst Road and Garden Street); and
 - (iii) Garden Street (between Nicholson and Warton Roads).
- (b) the cost of acquisition of land for road widening of Nicholson and Warton Roads where these roads abut the ODP area.
- (c) The cost of preparation of:
 - (i) Drainage Study for the Amherst Drain;
 - (ii) Environmental Review document(s);
 - (iii) Drainage Nutrient Management Plan(s); and
 - (iv) Wetland Management Plan(s)in accordance with the requirements of the Minister for the Environment.
- (d) the cost of upgrading to an urban standard (single pole support), of high voltage above ground 132 kv powerlines which traverse the ODP area;
- (e) the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCWs) in accordance with the endorsed Wetland Management Plans;

- (f) the cost of acquisition of identified Conservation Category Wetlands (CCWs), excluding the existing Shreeve Road (20A) Reserve; and
 - (g) the cost of acquisition of land for identified Community Purpose sites.
4. The contribution rate for the provision of open space within the ODP area shall be 12.74% of net developable area in order to provide for the additional land acquisition for Conservation Category Wetlands (CCWs) which are currently in private ownership, district drainage and community purposes sites.
5. In respect of the provision of open space, the following is applicable—
- (a) Landowners who provide land in excess of 12.74% net developable area contribution rate for such uses as district drainage, CCWs, public open space (POS) and community purpose sites are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.
 - (b) An open space contribution may be provided as either a land component and/or cash-in-lieu for, open space acquisition in accordance with the ODP.
 - (c) In determining open space contributions the following POS credits have been provided for—
 - (i) 50% credit for drainage compensation basins (designed to 1:25 year flood event);
 - (ii) 100% credit for drainage swales (designed to 1:25 year flood event) on the basis that these areas are fully usable as passive open space;
 - (iii) 100% credit for the CCW fringe areas as passive open space areas; and
 - (iv) no credit for land identified as CCW.
 - (d) Recognition of contributions to POS made previously by the landowners bounded by Shreeve Road, Campbell Road, Amherst Road and Warton Road (the "Shreeve Road Reserve Precinct"). Landowners subdividing or developing within the Shreeve Road Reserve Precinct shall contribute to POS at the rate of 8.82% of net developable area.



ADOPTION

Adopted by resolution of the Council of the City of Gosnells at the Ordinary meeting of Council held on the 25 June 1996

P. MORRIS, Mayor.
S. JARDINE, Chief Executive Officer.

Adopted for final approval by resolution of the City of Gosnells at the Ordinary meeting of the Council held on the 27th day of June 2000 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

P. MORRIS, Mayor.
S. JARDINE, Chief Executive Officer.

Recommended/Submitted for Final Approval—

R. KOHN, Delegated under S. 20 of WAPC Act 1985

Dated: 3/1/02

Final Approval Granted—

ALANNAH, MacTIERNAN, Minister for Planning and Infrastructure.

Dated: 5/2/02.

RACING, GAMING AND LIQUOR

RG401

LIQUOR LICENSING ACT 1988

SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
8742	Honeymoon Enterprises	Application for the grant of a Producer—Wine licence in respect of premises situated in Cowaramup and known as Waterstone Vineyard	13/3/02
8768	Anglo Indian Institute of WA Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Mirrabooka and known as Anglo Indian Institute of WA Inc	6/3/02
8769	Baltimore Investments Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in East Perth and known as Cream	6/3/02
8770	John Clement Buncle	Application for the grant of a Producer—Wine licence in respect of premises situated in Lake Clifton and known as Lake Clifton Vineyard & Winery	7/3/02
8777	Brett Davenport and Klaus Marisen	Application for the grant of a Restaurant licence in respect of premises situated in Gooseberry Hill and known as Embers Fine Foods	8/3/02
8779	Kalreef Pty Ltd and Boulder Drilling Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Kalbarri and known as Black Rock Café	25/3/02
8780	Frayson Holdings Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Como and known as Dux Café Restaurant	11/3/02
8781	Keith Hillam and Janet Hillam	Application for the grant of a Special Facility—Bed & Breakfast licence in respect of premises situated in Collingwood Park and known as The Beach House at Bayside	17/3/02

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE REMOVAL OF A LICENCE			
140257	Laveson Pty Ltd	Application for the removal of a Liquor Store licence from premises situated in Eaton suburb to a new site in Eaton and known as Giants Liquor Eaton	19/3/02
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
10822	Siritus Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Many Peaks and known as Cheynes Beach Caravan Park and Service Centre	4/3/02
10862	Stirling Galleries Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Safety Bay and known as Waikiki Hotel-Motel	1/3/02
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
140335	Stirling Galleries Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Safety Bay and known as Waikiki Hotel-Motel	14/3/02

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

HUGH HIGHMAN, Director of Liquor Licensing.

TRANSPORT

TR401*

WESTERN AUSTRALIAN MARINE ACT 1982 RESTRICTED SPEED AREAS—ALL VESSELS LOWER LESCHENAULT INLET, BUNBURY

Department for Planning and Infrastructure,
Fremantle WA, 15 February 2002.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department by this notice revokes sub paragraph b (6) of the notice published in the *Government Gazette* on 25 October 1991 relating to restricted speed areas for all vessels on the Lower Leschenault Inlet.

Providing that this revocation will apply only to official bona fide competitors competing in the Waterfront Spectacular Personal Watercraft (PWC) event on Sunday 3 March 2002.

MICHAEL LINLAY HARRIS, Acting Director General,
Department for Planning and Infrastructure.

WATER

WA401*

WATER AGENCIES (POWERS) ACT 1984 *City of Stirling*

WATER SUPPLY IMPROVEMENTS

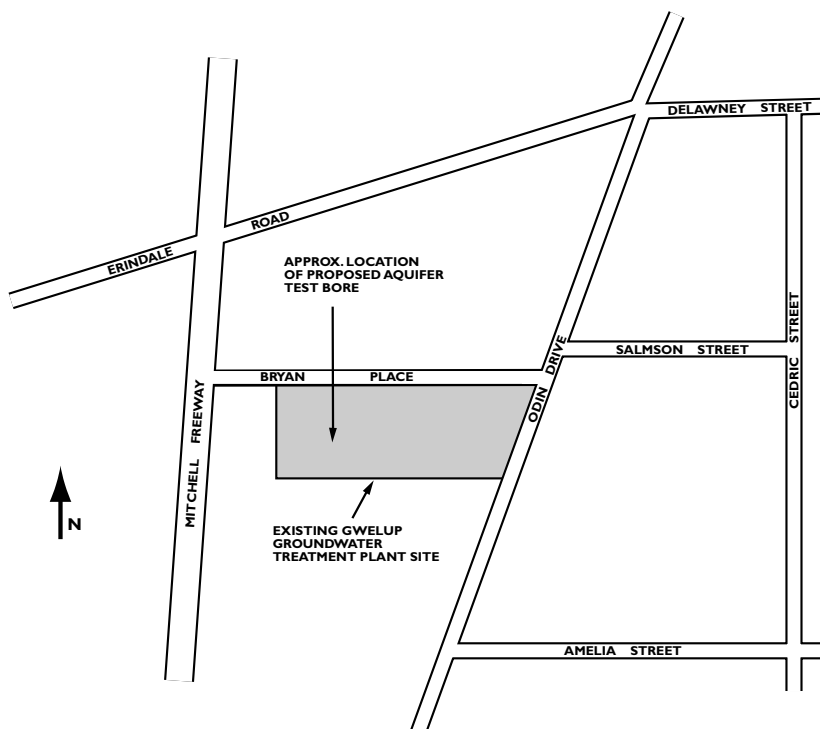
Notice of Authorisation to Construct an Aquifer Test Bore & Conversion to a Production Bore
Gwelup Groundwater Treatment Plant

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for the Environment and Heritage has authorised the Water Corporation to construct an aquifer test bore.

Dependant on the results from the aquifer test bore, conversion of the bore to a production bore by equipping the bore with a permanent down the hole pump and electrical installation. This conversion

will also include an air conditioned building to house the electrical control equipment and associated pipework including valves, meters and concrete pits.

The works will augment Perth's Water Supply System.



PUBLIC NOTICES

ZZ101

DISSOLUTION OF PARTNERSHIP SCENTED BLOOMS FLORISTRY AND GARDEN CENTRE

To whom it may concern,

We, Veronica Melissa Mills and Rohan Preston Wood advise that the partnership of "Scented Blooms Floristry and Garden Centre" between us and Julie Noelle Granville, Megan Carol Granville and Delwen Julia Granville has been dissolved on 4/2/02.

We accept no further liability for any debts incurred of that business.

Any information required please contact our solicitor Carles Solicitors, 1st floor, 524 Hay Street, Perth.

VERONICA MELISSA MILLS AND ROHAN PRESTON WOOD.

ZZ201

TRUSTEES ACT 1962 DECEASED ESTATES NOTICE TO CREDITORS AND CLAIMANTS

Timothy Leigh Atkinson late of 17 Glenmaggie Circuit, Success, Western Australia, Apprentice Tiler, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the deceased who died on 25 March 2001 are required by the Administrator Lee-ann Atkinson to send particulars of their claim to her, care of Butcher Paull & Calder, 8th Floor,

231 Adelaide Terrace, Perth WA 6000 within one (1) month of the date of publication hereof after which date the Administrator may convey or distribute the assets having regard to the claims of which she then has notice.

Dated 11 February 2002.

BUTCHER PAULL & CALDER, as solicitors for the Administrator.

ZZ202

**TRUSTEES ACT 1962
DECEASED ESTATES**

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 8th March 2002, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Abbott, Margaret Joyce, late of Cabrini Nursing Home, 111 Guildford Road, Maylands, died 22/1/02 (DE19550514 EM37).

Bednarik, Gerhard Albert, late of Unit 20/19 Joseph Street, Maylands, died 12/11/01 (DE30335640 EM14).

Collis, Ivy Gwendoline, late of Unit 22 Meath Anglican Homes, Lynn Street, Trigg, died 23/12/01 (DE19671070 EM42).

Corboy, Daphne Theresa, late of Hillcrest Nursing Home, 23 Harvest Road, North Fremantle, died 4/2/02 (DE19724378 EM15).

Costigan, Clarice Eileen, late of Craigmont Nursing Home, Third Avenue, Maylands, died 23/12/01 (DE19740498 EM26).

Ellis, Edna Edith, late of 67 Sunbury Road, Victoria Park, died 21/12/01 (DE19650634 EM26).

Entwistle, Betty, late of Jackaranda Lodge, 50/55 Belgrade Road, Wanneroo, died 13/01/02 (DE19800175 EM23).

Joyce, Eric Aloysius, late of 46 Searle Road, Ardross, died 23/12/01 (DE19700853 PM25).

McCann, Patrick Stanislaus, late of 24 Mengler Avenue, Claremont, died 20/1/02 (DE19783024 EM13).

McCarthy, Doris Rosemary, late of 81 Westfield Street, Maddington, died 20/01/02 (DE20012206 EM35).

Mutavdzic, Branislav, late of 21 Winchester Road, Armadale, died 16/01/02 (DE19942512 EM22).

Moore, Florence, late of 5/10 Hawkins Street, Rockingham, died 26/01/02 (DE19870590 EM32).

Nannup, Betty Patricia aka Nannup Elizabeth, late of Coolgardie Road, Southern Cross, died 1/7/2000 (DE30331572 EM26).

Nottle, Kenneth Richard, late of Murdoch Community Hospice Murdoch Drive, Murdoch, formerly of 9 Northumberland Road, Forrestfield, died 1/10/2000 (DE30334653 EM26).

Roper, Annie, late of 219 Jersey Street, Wembley, died 28/1/02 (DE19771361 EM14).

Rowell, Enid Agnes, late of Wearne House, 7 Leslie Street, Mandurah, died 5/1/02 (DE19560892 EM33).

Sully, Ethel Victoria, late of 52 Williams Road, Narrogin, formerly of 18 Grant Street, Narrogin, died 6/12/01 (DE19853708 EM13).

Summers, Ernest, late of St Lucy's Aged Care Facility, 61 Kitchener Avenue, Victoria Park, died 31/10/01 (DE30334463 EM37).

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

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