

# WESTERN AUSTRALIAN GOVERNMENT Gazette

5791



PERTH, FRIDAY, 13 DECEMBER 2002 No. 219

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

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically. The following guidelines should be followed to ensure publication in the *Government Gazette*.

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

Postal address:

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

Delivery address:

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

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2002 AND NEW YEAR HOLIDAY PERIOD 2003

*NOTE: Gazette Published on Tuesday 24 December 2002 will be published at 12.30 pm*

#### **Publishing Dates and times**

Friday 27 December 2002 at 3.30 pm

Friday 3 January 2003 at 3.30 pm

#### **Closing Dates and Times for copy**

Monday 23 December 2002 at 12 noon

Monday 30 December 2002 at 12 noon

From week commencing 6 January normal publishing resumes.



# — PART 1 —

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## AGRICULTURE

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AG301\*

Veterinary Surgeons Act 1960

### Veterinary Surgeons Amendment Regulations 2002

Made by the Governor in Executive Council.

#### 1. Citation

These regulations may be cited as the *Veterinary Surgeons Amendment Regulations 2002*.

#### 2. The regulations amended

The amendments in these regulations are to the *Veterinary Surgeons Regulations 1979\**.

[\* Reprinted as at 7 March 1997.

*For amendments to 4 November 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 351.]*

#### 3. Regulation 80 amended

The Table to regulation 80 is amended as follows:

- (a) in item 1 by deleting “50” and inserting instead —  
“ 100 ”;
- (b) in item 8 by deleting “235” and inserting instead —  
“ 240 ”;
- (c) in item 9 by deleting “100” and inserting instead —  
“ 125 ”.

By Command of the Governor,

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

AG302\*

Western Australian Meat Industry Authority Act 1976

## Western Australian Meat Industry Authority Amendment Regulations 2002

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Western Australian Meat Industry Authority Amendment Regulations 2002*.

### 2. The regulations amended

The amendments in these regulations are to the *Western Australian Meat Industry Authority Regulations 1985*\*.

[\* Reprinted as at 22 October 1999.

For amendments to 21 November 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 386.]

### 3. Regulation 34 amended

Regulation 34(2) is repealed and the following subregulations are inserted instead —

“

- (2) Subject to subregulation (3), the fees set out in Schedule 6 Part 3 are to be paid for each 24 hours (or part thereof) for which stock is yarded in Midland Saleyard for transshipment.
- (3) If the sum of the fees that would but for this subregulation be payable under subregulation (2) for a period of 24 hours (or part thereof) is less than \$5.00, the fee to be paid for yarding stock in Midland Saleyard for transshipment for that period is \$5.00.

”

### 4. Schedule 6 amended

Schedule 6 is amended as follows:

- (a) by deleting the Table to Part 2 and inserting the following Table instead —

“

Animal	Fee per head
Calves	\$2.20
Cattle	\$3.30
Goats	\$0.39

<b>Animal</b>	<b>Fee per head</b>
Horses	\$3.30
Lambs	\$0.39
Pigs	\$1.20
Sheep	\$0.39

- (b) by deleting the Table to Part 3 and inserting the following Table instead —

“

<b>Animal</b>	<b>Amount per head</b>
Calves	\$0.80
Cattle	\$0.80
Goats	\$0.10
Horses	\$0.80
Lambs	\$0.10
Pigs	\$0.55
Sheep	\$0.10

”

”

By Command of the Governor,

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

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## **FISHERIES**

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FI301\*

Fish Resources Management Act 1994

### **Fish Resources Management Amendment Regulations (No. 14) 2002**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 14) 2002*.

**2. Commencement**

These regulations come into operation on 1 January 2003.

**3. The regulations amended**

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

[\* Reprinted as at 17 May 2002.

*For amendments to 29 November 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 109-11, and Gazette 28 June, 10 September and 29 November 2002.]*

**4. Regulation 14 amended**

Regulation 14 is amended after paragraph (g) by inserting the following paragraph —

“

(ga) Division 4DA — Bag and possession limits for the Harvey Weir;

”.

**5. Part 4 Division 4DA inserted**

After Part 4 Division 4D the following Division is inserted —

“

**Division 4DA — Bag and possession limits  
for the Harvey Weir**

**30IA. Bag limit for marron in the Harvey Weir**

For the purposes of section 50 of the Act, the bag limit in respect of marron taken from the Harvey Weir is 5 marron.

**30IB. Possession limit for marron in the Harvey Weir**

For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of on the Harvey Weir, or within 500 m of the Harvey Weir high water mark, is 5 marron.

”.

**6. Regulation 38G amended**

Regulation 38G is amended by deleting the definition of “closed season” and inserting the following definition instead —

“

“closed season” means —

- (a) in 2003, all of the year other than the period commencing midday 24 January and ending midday 9 February; and
- (b) in any other year, all of that year, other than the period commencing midday on the first Saturday after 3 January of that year, and

ending midday on the last day of February in that year;

”.

**7. Regulation 38J amended**

Regulation 38J is amended by deleting “A person must not fish for marron in the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge.” and inserting instead —

“

A person must not fish for marron in —

- (a) the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge;
- (b) the Margaret River upstream of the Ten Mile Brook junction; or
- (c) the tributaries flowing into the part of the river described in paragraph (b).

”.

**8. Regulation 55F amended**

Regulation 55F(2) is amended as follows:

- (a) after paragraph (b) by deleting “or”;
- (b) at the end of paragraph (c) by deleting the full stop and inserting a semicolon;
- (c) After paragraph (c) by inserting the following paragraphs —

“

- (d) Hutt River, Moore River and Murray River, upstream of the Pinjarra Weir, including the tributaries flowing into those waters;
- (e) Deep River, upstream of the Deep River Bridge, including the tributaries flowing into that part of the river; or
- (f) Gardner River including the tributaries flowing into that part of the river.

”.

**9. Regulation 55K amended**

Regulation 55K(1) is amended by deleting “2004” and inserting instead —

“ 2003 ”.

**10. Regulation 55L amended**

Regulation 55L(1) is amended by deleting “2005” and inserting instead —

“ 2003 ”.

**11. Schedule 2 amended**

Schedule 2 Part 2 Division 5 is amended by deleting the entry commencing “Marron” and inserting the following entry instead —

“

Marron

when taken from the Harvey Weir ..... 90

in any other case ..... 76

”.

**12. Schedule 7 amended**

Schedule 7 is amended in the portion commencing with the heading “Crustaceans” as follows:

- (a) in the entry commencing “Freshwater Crayfish” after “*tenuimanus*” by inserting —  
“ and *C. cainii* ”;
- (b) in the entry commencing “Marron” after “*tenuimanus*” by inserting —  
“ and *C. cainii* ”.

By Command of the Governor,

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

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## LOCAL GOVERNMENT

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LG301\*

### HEALTH ACT 1911

*Shire of Esperance*

### HEALTH (EATING HOUSES) LOCAL LAWS 2002

Made by the Council of the Shire of Esperance under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

### PART 1—PRELIMINARY

#### 1. Citation

These Local Laws may be cited as the *Shire of Esperance Health (Eating-Houses) Local Laws 2002*.

#### 2. Repeal

The Health Local Laws of the Shire of Esperance, described as “*Health Local Laws—Eating Houses*” made by the Shire of Esperance on 26th June 1984 and published in the *Government Gazette* on the 18th October 1985 and amended from time to time, are repealed.

#### 3. Interpretation

In these Local Laws, unless the context otherwise requires—

“Act” means the *Health Act 1911* as amended.

“approved fee” means the fee as fixed from time to time by the Local Government under Section 344C of the Act;

- “approved form” means a form approved by the Local Government;
- “eating house” shall have the same meaning as defined in Section 160 of the *Health Act 1911*;
- “licence” means a licence to conduct an eating house issued by the Local Government under these Local Laws;
- “local government” means the Shire of Esperance,
- “registration” means the registration of an eating house issued by the Local Government under these Local Laws.

## PART 2—REGISTRATION AND LICENSING

### 4. Prescribed Date

For the purpose of Section 163 of the Act, 30 June in each year is hereby prescribed as the date on or before which the registration of an eating house and a licence for the proprietor of an eating house shall be applied for annually.

### 5. Requirement for registration and licensing

A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premise as an eating house unless and until—

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed,

in accordance with the provisions of these Local Laws.

### 6. Registration of an Eating House

(1) Any person seeking the registration of an eating house shall make application on the approved form and shall forward the application to the Local Government together with—

- (a) subject to subclause (3), the approved fee;
- (b) a floor plan and specification of the eating house which plan and specifications shall include the following details—
  - (i) the use of every room;
  - (ii) the internal finishes of every wall, floor and ceiling;
  - (iii) the position and type of every fitting and fixture;
  - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal;
- (c) the proposed menu; and
- (d) the estimated number of persons, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Where a person makes application for the registration of an eating house in respect of which a certificate of registration is current at the date of the application, the person shall not be required to forward the plan and specification referred to in paragraph (b) of sub-clause (1).

(3) Where the registration for any year commences between 1 January and 30 June inclusive in that year, then the applicant shall be required to pay only one half of the approved fee.

(4) Upon approval of an application for registration of an eating house, for any premises it considers suitable for the purpose, the Local Government shall provide the applicant with a certificate of registration.

### 7. Licence to conduct an eating house

(1) The proprietor of an eating house seeking the issue of a licence shall make application on the approved form and shall forward the application to the Local Government together with the approved fee.

(2) Where there are two or more proprietors of an eating house—

- (a) all proprietors names shall be included on the application; and
- (b) the licence shall be issued in joint names.

(3) If the application is approved, a licence shall be issued by the Local Government.

(4) Any person seeking the transfer of a licence shall make application on the approved form and shall forward the application to the Local Government together with the approved fee. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

### 8. Licence conditions

A licence shall be issued upon and subject to the condition that the holder of the licence shall—

- (a) display the licence and certification of registration of the eating house in a conspicuous place in the eating house;
- (b) notify the Local Government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house prior to the commencement of such alteration, addition or other work;
- (c) notify the Local Government in writing of any proposed changes to the menu that shall affect the classification under the *Health (Food Hygiene) Regulations 1993*;
- (d) notify the Local Government in writing of any proposed increase in staff numbers;
- (e) notify the Local Government of anything which may or has caused contamination of food; and
- (f) prevent public access to the food preparation and storage areas at all times.
- (g) not permit the reuse of any table napkin or serviette unless such table napkin has been thoroughly washed and cleansed since it was used.
- (h) not allow, animals or birds to be slaughtered and dressed or any poultry, pigeons or game to be plucked in any part of the premises.

### 9. Eating areas

The proprietor of any eating house shall maintain the public's dining area in a clean and hygienic condition, including any outdoor eating area and shall, when directed by an Environmental Health Officer, thoroughly clean and disinfect any such area.

## PART 3—PENALTIES

### 10. Penalties

A person who commits a breach or fails to comply with any of the requirements of these local laws commits an offence and is liable to the penalties as follows—

- (a) a penalty which is not more than \$2,500 and not less than—
  - (i) in the case of a first offence \$250;
  - (ii) in the case of a second offence \$500; and
  - (iii) in the case of a third offence or subsequent offence \$1,250; and
- (b) if that offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

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These Local Laws were made by the Shire of Esperance at an Ordinary Meeting held on 20<sup>th</sup> November 2002.

The Common Seal of the Shire of Esperance was hereunto affixed by authority of Council in the presence of—

on this 3<sup>rd</sup> day of December, 2002.

J. M. STARCEVICH, Shire President.  
M. S. L. ARCHER, Chief Executive Officer.

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Consented to—

BRIAN DEVINE, Acting Executive Director, Public Health.

Dated this 21<sup>st</sup> day of October, 2002.

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LG302\*

**CEMETERIES ACT 1986***Shire of Esperance***CEMETERIES LOCAL LAW**

Under the powers conferred by the *Cemeteries Act 1986* and under all other powers enabling it, the Council of the Shire of Esperance resolved on 20th November 2002 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12th May 1998, in relation to the Shire of Esperance Public Cemetery, with such modifications as are here set out.

**Preliminary**

Wherever [insert name of Local Government] appears read "Shire of Esperance"

**Clause 1.1—Citation**

Delete all words and read "This Local Law may be cited as the Shire of Esperance Cemeteries Local Law 2002"

**Clause 1.2—Interpretation**

Delete reference to "mausoleum"

**Clause 1.3—Repeal**

Insert after "The following Local Laws are Repealed"—"The Shire of Esperance Public Cemetery Local Law published in the *Government Gazette* on 27th November 1959 and 10th April 1981, and subsequent amendments"

**Clause 3.2**

Delete

**Clause 3.4 (1)**

Delete "or crematorium within the cemetery"

**Clause 3.4 (2)**

Delete

**Clause 4.2**

Delete, "or crematorium"

**Clause 4.3**

Delete, "or crematorium,"

**Clause 5.1, para (a)**

Delete "or cremation"

**Clause 5.2**

Delete "or cremation" and "or Clause 3.2"

**Clause 5.6, para (d)**

Delete

Clause 5.5 para (e) to (g) renumber (d) to (f)

**Part 5, Division 2**

Delete

**Clause 5.12**

In subclause (1), delete—

    "Family Shrub,  
    Memorial Desk,  
    Granite Seat,  
    Book of Remembrance"

**Clause 5.13**

Delete

**Clause 5.14**

Delete

**Clause 6.2**

Delete

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Dated this 3<sup>rd</sup> day of December 2002.

The Common Seal of the Shire of Esperance was affixed by the authority of a resolution of the Council in the presence of—

J. M. STARCEVICH, President.  
M. S. L. ARCHER, Chief Executive Officer.

**LG303****LOCAL GOVERNMENT ACT 1995***Municipality of the Shire of Exmouth***AMENDMENT TO SHIRE OF EXMOUTH LOCAL GOVERNMENT PROPERTY LOCAL LAW**

In pursuance of the powers conferred upon it by the Local Government Act 1995, the Council of the Shire of Exmouth hereby records having resolved on the 21<sup>st</sup> day of February 2002 to modify its Local Government Property Local Law, as published in the *Government Gazette* on 10 July 2000, as follows—

*Amend Part 5, Division 1, clause 5.1(a)(i)—Be amended by deleting “6” and inserting “10” and by deleting “14” and inserting “16”.*

The above amendment changing the aforementioned current clause to now read—

- 5.1 A manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who—
- a. in her or his opinion is—
    - (i) under the age of 10 years and who is unaccompanied by a responsible person over the age of 16 years.

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

The common seal of the municipality of the Shire of Exmouth was duly affixed hereto in the presence of—

M. S. PURSLOW, Shire President.  
K. J. GRAHAM, Chief Executive Officer.

**LG304\*****DOG ACT 1976***City of Geraldton***DOGS LOCAL LAW (AMENDMENT NO. 1)**

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Geraldton resolved on the 26<sup>th</sup> November 2002 to make the following local law.

**Citation**

1. These local laws may be cited as the *City of Geraldton Dogs Local Law (Amendment No.1) 2002*.

**Principal Local Law**

2. In this local law, the *City of Geraldton Dogs Local Law 2000* as published in the *Government Gazette* on 14 April 2000 is referred to as the principal local law.

**Principal Local Law Amended**

3. The principal local law is amended as follows—

Item	Clauses Affected	Description
1	5.1(e)	Please insert “and reserves” after “beaches”.
2	5.1 (e) (i)	Please delete “- “ and insert “;” after the word “Place”.
3	5.1 (e) (ii)	Please insert “(ii)” before word “Pages”.
4	5.1 (e) (ii)	Please delete “an” and replace with “and”.
5	5.1 (e) (ii)	Please insert “;and” after the word “club”.
6	5.1 (e) (iii)	Please insert “(iii) -“Reserve 43181 Brede Street, known as HMAS Sydney II Memorial”.

Passed at an ordinary meeting of the Council of the City of Geraldton held on 26<sup>th</sup> November 2002.

Dated this 26<sup>th</sup> November 2002.

The Common Seal of the City of Geraldton was affixed by authority of a resolution of the Council in the presence of—

V. G. PETERSEN, Mayor.  
R. W. JEFFERIES, Chief Executive Officer.

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**MINERALS AND PETROLEUM**

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MP301\*

Mining Act 1978

**Mining Amendment Regulations (No. 7) 2002**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Mining Amendment Regulations (No. 7) 2002*.

**2. Commencement**

These regulations come into operation on 1 January 2003.

**3. The regulations amended**

The amendments in these regulations are to the *Mining Regulations 1981*\*.

[\* Reprinted as at 25 July 2002.]

**4. Regulation 85 amended**

Regulation 85(1) is amended in the definition of “allowable deductions” by deleting paragraph (a), and “and” after it, and inserting instead —

“

(a) the amount, in Australian currency, of any reasonable costs incurred in transporting the mineral, in the form in which it is first sold, where those costs —

(i) are incurred after the shipment date by the person liable to pay the royalty for the mineral; and

(ii) relate to transport of the mineral by a person other than the person liable to pay the royalty for the mineral;

and

”.

**5. Regulation 85AB amended**

Regulation 85AB(2) is amended as follows:

(a) by deleting “the gross invoice value of, or allowable deductions for,” and inserting instead —

“ the amount of royalty payable for ”;

(b) by inserting after “price” —

“

(other than a price to which subregulation (3) applies)

”

**6. Regulation 85A replaced and transitional provision**

(1) Regulation 85A is repealed and the following regulation is inserted instead —

“

**85A. Quarterly production reports**

(1) The holder of a mining tenement, and the applicant for a mining tenement in respect of any land, shall, unless the Director General of Mines in a particular case otherwise approves, furnish the Director General of Mines with a production report in the form No. 27 in the First Schedule —

- (a) within 30 days after the expiry of the first quarter after 31 December 2002 during which any mineral other than gold is produced or obtained from that mining tenement or land; and
- (b) within 30 days after the expiry of each subsequent quarter (whether or not any mineral other than gold is produced or obtained from that mining tenement or land in that quarter).

(2) The holder of a mining tenement, and the applicant for a mining tenement in respect of any land, shall, unless the Director General of Mines in a particular case otherwise approves, furnish the Director General of Mines with a production report in the form No. 27A in the First Schedule —

- (a) within 30 days after the expiry of the first quarter after 31 December 2002 during which gold metal is to be regarded because of regulation 86AA as having been produced from gold bearing material produced or obtained from that mining tenement or land; and
- (b) within 30 days after the expiry of each subsequent quarter (whether or not gold metal is to be regarded because of regulation 86AA as having been produced from gold bearing material produced from that mining tenement or land during that quarter).

(3) A person who contravenes subregulation (1) or (2) commits an offence.

”

(2) Despite the repeal effected by subregulation (1), regulation 85A of the *Mining Regulations 1981* as in force immediately before

the commencement of these regulations continues to apply in relation to the month of December 2002.

**7. Regulation 86 amended**

Regulation 86 is amended in column 3 of the Table as follows:

- (a) in the item relating to cobalt in paragraph (c)(ii) by inserting after “per tonne f.o.b.” —  
“ in Australian currency ”;
- (b) in the item relating to copper in paragraph (c) by inserting after “per tonne f.o.b.” —  
“ in Australian currency ”;
- (c) in the item relating to nickel by inserting after “per tonne f.o.b.” —  
“ in Australian currency ”.

**8. Regulation 87 amended**

Regulation 87(1) is amended by deleting paragraphs (a) and (b), and “or” after paragraph (a), and inserting instead —

“

- (a) the royalty value does not reflect the market value of the mineral at the date the mineral was first sold;
- (b) the allowable deductions used to calculate the royalty value are excessive having regard to the type of sale; or
- (c) the holder of, or applicant for, the mining tenement has not shown to the satisfaction of the Minister, within the time specified by the Minister, that the first sale of the mineral was a genuine commercial transaction and was not principally for the purpose of minimising the royalty payable,

the Minister shall determine the value of the mineral having regard to the market value for that type of mineral assessed at an arm’s length basis, at the date the mineral was first sold, for the type of sale concerned.

”.

**9. First Schedule amended**

(1) The First Schedule is amended in Form 27 as follows:

- (a) by deleting “MONTHLY” and inserting instead —  
“ QUARTERLY ”;
- (b) by deleting “operating”;
- (c) by deleting “month.” and inserting instead —  
“ relevant quarter. ”;

- (d) by deleting “Report for month of .....Year .....” and inserting instead —

“  
 Report for.....  
*(insert relevant quarter, eg. March quarter, and year)*  
 ”.

- (2) The First Schedule is amended in Form 27A as follows:

- (a) by deleting “85A(1a)” and inserting instead —  
 “ 85A(2) ”;
- (b) by deleting “MONTHLY” and inserting instead —  
 “ **QUARTERLY** ”;
- (c) by deleting “month.” and inserting instead —  
 “ relevant quarter. ”;
- (d) by deleting “Report for month of .....Year .....” and inserting instead —

“  
 Report for.....  
*(insert relevant quarter, eg. March quarter, and year)*  
 ”.

By Command of the Governor,

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

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## TRANSPORT

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TR101

*PRINTERS CORRECTION*

**ROAD TRAFFIC ACT 1974**

ROAD TRAFFIC (SPEED MEASURING EQUIPMENT) NOTICE 2002

An error occurred in the notice published under the above heading on page 5541 of *Government Gazette* No. 205 dated 22 November 2002 and is corrected as follows.

In the paragraph commencing “the speed detection system etc” delete the words “DECATUR GENESIS IT” and insert “ DECATUR GENESIS II ”

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## — PART 2 —

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### LOCAL GOVERNMENT

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LG401

#### CEMETERIES ACT 1986

##### CLOSURE OF THE OLD WILLIAMS CEMETERY (RESERVE NO. 13434) ORDER 2002

Made by Governor in Executive Council under section 4 of the *Cemeteries Act 1986*.

#### Citation

1. This Order may be cited as the *Closure of the Old Williams Cemetery (Reserve No. 13434) Order 2002*.

#### Commencement

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

#### Closure of the Old Williams Cemetery (Reserve No. 13434)

3. The Old Williams Cemetery, Reserve No. 13434 is hereby closed for burials.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

LG402

#### CEMETERIES ACT 1986

##### DECLARATION AND VESTING OF THE CHITTERING CEMETERY (LOT 105 GRAY ROAD, BINDOON) ORDER 2002

Made by Governor in Executive Council under sections 4 and 5 of the *Cemeteries Act 1986*.

#### Citation

1. This Order may be cited as the *Declaration and Vesting of the Chittering Cemetery (Lot 105 Gray Road, Bindoon) Order 2002*.

#### Commencement

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

#### Declaration of Lot 105 Gray Road Bindoon

3. Lot 105 Gray Road, Bindoon is hereby declared a Cemetery to be known as the Chittering Cemetery.

#### Vesting of Lot 105 Gray Road Bindoon

4. The care, control and management of the Chittering Cemetery is hereby vested in the Shire of Chittering.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

LG403\*

#### LOCAL GOVERNMENT ACT 1995

##### *District of Kellerberrin*

##### (ABOLITION OF WARDS AND CHANGE OF NUMBER OF COUNCILLORS) ORDER 2002

Made by the Governor in Executive Council.

#### 1. Citation

This Order may be cited as the *District of Kellerberrin (Abolition of Wards and Change of Number of Councillors) Order 2002*.

**2. Abolition of wards (s. 2.2 (1) (d) of the Act)**

All the wards in the district of Kellerberrin are abolished immediately before the first ordinary elections day held after the commencement of this order.

**3. Number of councillors changed (s. 2.18(3) of the Act)**

On and after the first ordinary elections day after the commencement of this order the number of offices of councillor on the council of the Shire of Kellerberrin is seven (7) instead of nine (9).

**4. Declaration of vacant offices (ss. 2.35 and 9.62 of the Act)**

All the offices of member of the council of the district of Kellerberrin become vacant immediately before the first ordinary elections day after the commencement of this order.

**5. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) An election is to be held to fill the offices that become vacant under clause 4.

(2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(3) Part 4 of the Act applies to preparing for and conducting the election as if the clauses 2, 3 and 4 had taken effect on the day on which this order commenced.

(4) For the purposes of subclause (4), Part 4 of the Act is modified to the extent necessary to give effect to subclauses (1), (2), (3) and (4).

By Command of the Governor,

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

LG405\*

**LOCAL GOVERNMENT ACT 1995**

*District of Kent*

**(CHANGE OF WARD BOUNDARIES AND REPRESENTATION) ORDER 2002**

Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Kent (Change of Ward Boundaries and Representation) Order 2002*.

**2. Abolition of existing wards (s. 2.2 (1) (d) of the Act)**

All wards in the district of Kent are abolished immediately before the first ordinary elections day after the commencement of this order.

**3. New wards created (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, there shall be four (4) new wards created in the district of Kent known as North Nyabing, South Nyabing, North Pingrup and South Pingrup.

(2) On and after the first ordinary elections day after the commencement of this order, the North Nyabing, South Nyabing, North Pingrup and South Pingrup Wards in the district of Kent shall consist of the land described in the Schedule.

**4. Number of councillors changed (s. 2.18 (3) of the Act)**

On and after the first ordinary elections day after the commencement of this order—

- (a) the number of offices of councillor on the council of the Shire of Kent is eight (8) instead of 10; and
- (b) the number of offices of councillor for the North Nyabing Ward, the South Nyabing Ward, the North Pingrup Ward and the South Pingrup Ward is two (2) each.

**5. Declaration of vacant offices (s. 2.35 and 9.62 of the Act)**

All offices of member of council of the Shire of Kent become vacant immediately before the first ordinary elections day after the commencement of this order.

**6. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) An election is to be held to fill the offices that become vacant under clause 5.

(2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(3) Part 4 of the Act applies to preparing for and conducting the election as if the changes effected by clauses 2, 3, 4 and 5 had taken effect on the day on which this order commenced.

(4) For the purposes of subclause (3)—

- (a) Part 4 of the Act is modified to the extent necessary to give effect to subclauses (1), (2) and (3); and

- (b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward in relation to the district of Kent, is to be read as a reference to the North Nyabing Ward, South Nyabing Ward, North Pingrup Ward and South Pingrup Ward of the district as the respective ward is or will be, as a result of the operation of clauses 3, 4 and 5, on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

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

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## SCHEDULE

### North Nyabing Ward

All that portion of land bounded by lines starting from the intersection of the prolongation northerly of the western boundary of Kojonup Location 2339 with the centreline of the Katanning—Nyabing Railway, a point on a present western boundary of the Shire of Kent, and extending generally northeasterly along that centreline to the prolongation northerly of the northernmost eastern boundary of the southeastern severance of part of Lot 1 of Locations 4204 and 5238, as shown on Office of Titles Diagram 18483, a point on a present western boundary of Nyabing Townsite as promulgated in *Government Gazettes* dated 31st of May 1912, page 2035 and 24th of December, 1912, page 5087; thence southerly, easterly, northerly, again easterly, again northerly, generally southwesterly, generally westerly and again northerly along boundaries of that townsite to the southwestern corner Kojonup Location 4204; thence northerly along the western boundary of that location to its northwestern corner; thence westerly along the prolongation westerly of the northern boundary of that location to the centreline of Kukerin Road; thence generally northerly along that centreline to the prolongation southwesterly of the centreline of Dualling Road; thence northeasterly to and generally northeasterly and generally northerly along that centreline to the prolongation westerly of the northern boundary of Williams Location 15064, a point on a present northern boundary of the Shire of Kent and thence generally westerly, generally south westerly and generally southerly along boundaries of that Shire to the starting point.

### South Nyabing Ward

All that portion of land bounded by lines starting from the intersection of the prolongation northerly of the western boundary of Kojonup Location 2339 with the centreline of the Katanning—Nyabing Railway, a point on a present western boundary of the Shire of Kent, and extending generally northeasterly along that centreline to the prolongation northerly of the northernmost eastern boundary of the southeastern severance of part of Lot 1 of Locations 4204 and 5238, as shown on Office of Titles Diagram 18483, a point on a present western boundary of Nyabing Townsite as promulgated in *Government Gazettes* dated 31st of May 1912, page 2035 and 24th of December, 1912, page 5087; thence southerly, easterly, northerly, again easterly, again northerly, generally southwesterly, generally westerly and again northerly along boundaries of that townsite to the southwestern corner Kojonup Location 4204; thence northerly along the western boundary of that location to its northwestern corner; thence westerly along the prolongation westerly of the northern boundary of that location to the centreline of Kukerin Road; thence generally northerly along that centreline to the prolongation southwesterly of the centreline of Dualling Road; thence northeasterly to and generally northeasterly and generally northerly along that centreline to the prolongation westerly of the northern boundary of Williams Location 15064, a point on a present northern boundary of the Shire of Kent; thence generally northeasterly and generally southeasterly along boundaries of that Shire to the centreline of Rasmussen Road; thence generally southeasterly along that centreline to the centreline of Kuringup Road North; thence generally southerly along that centreline and onwards to and generally southerly along the centreline of Kuringup Road South and again onwards to the centreline of Rabbit Proof Fence Road; thence southeasterly along that centreline to the prolongation northerly of an eastern side of Gillis Road; thence southerly to and along that side to the northwestern corner of Kojonup Location 8282; thence generally southerly and generally easterly along boundaries of that location and onwards to the centreline of Chester Pass Road; thence generally southerly along that centreline to the prolongation westerly of the southern boundary of Kent Location 1361, a point on a present southern boundary of the Shire of Kent and thence generally westerly and generally northerly along boundaries of that Shire to the starting point.

### North Pingrup Ward

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern boundary of the southwestern severance of Lot 53, as shown on Deposited Plan 29262, with the centreline of Rasmussen Road; a point on a present northern boundary of the Shire of Kent, and extending generally southeasterly along that centreline to the centreline of Kuringup Road North; thence generally southerly along that centreline and onwards to and generally southerly along the centreline of Kuringup Road South to the centreline of Nyabing—Pingrup Road; thence easterly, generally southeasterly and generally northeasterly along that centreline to the prolongation southerly of the western boundary of Kent Location 1031; thence northerly along that prolongation to the southwestern corner of that location, a present southwestern corner of Pingrup Townsite as promulgated in *Government Gazettes* dated 24th of March, 1950 page 723 and 23rd of July, 1976 page 2540; thence generally northerly, generally easterly and southerly along boundaries of that townsite and onwards to the centreline of Newdegate—Pingrup Road; thence generally easterly and generally northeasterly along that centreline and onwards to and generally northeasterly along the centreline

of East Road to the centreline of Challis Road; thence generally southerly and generally southeasterly along that centreline and onwards to a western boundary of Kent Location 1767; thence generally northerly and easterly along boundaries of that location and easterly along the northern boundary of Location 1768 and onwards to a western side of Lake Magenta Road, a point on a present eastern boundary of the Shire of Kent, and thence generally northeasterly, westerly, generally northerly and generally westerly along boundaries of that Shire to the starting point.

#### **South Pingrup Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the southern boundary of Kent Location 1361 with the centreline of Chester Pass Road, a point on a present southern boundary of the Shire of Kent and extending generally northerly along that centreline to the prolongation easterly of the southern boundary of Kojonup Location 8282; thence westerly to and generally westerly and generally northerly along boundaries of that location and northerly along an eastern side of Gillis Road and onwards to the centreline of Rabbit Proof Fence Road; thence northwesterly along that centreline to the prolongation southerly of the centreline of Kuringup Road South; thence northerly to and along that centreline to the centreline of Nyabing—Pingrup Road; thence easterly, generally southeasterly and generally northeasterly along that centreline to the prolongation southerly of the western boundary of Kent Location 1031; thence northerly along that prolongation to the southwestern corner of that location, a present southwestern corner of Pingrup Townsite as promulgated in *Government Gazettes* dated 24th of March, 1950 page 723 and 23rd of July, 1976 page 2540; thence generally northerly, generally easterly and southerly along boundaries of that townsite and onwards to the centreline of Newdegate—Pingrup Road; thence generally easterly and generally northeasterly along that centreline and onwards to and generally northeasterly along the centreline of East Road to the centreline of Challis Road; thence generally southerly and generally southeasterly along that centreline and onwards to a western boundary of Kent Location 1767; thence generally northerly and easterly along boundaries of that location and easterly along the northern boundary of Location 1768 and onwards to a western side of Lake Magenta Road, a point on a present eastern boundary of the Shire of Kent, and thence generally southwesterly and generally westerly along boundaries of that Shire to the starting point.

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**LG404\***

### **LOCAL GOVERNMENT ACT 1995**

*District of Kojonup*

(ABOLITION OF WARDS AND CHANGE OF NUMBER OF COUNCILLORS) ORDER 2002

Made by the Governor in Executive Council.

#### **1. Citation**

This Order may be cited as the *District of Kojonup (Abolition of Wards and Change of Number of Councillors) Order 2002*.

#### **2. Abolition of wards (s. 2.2 (1) (d) of the Act)**

All the wards in the district of Kojonup are abolished immediately before the first ordinary elections day held after the commencement of this order.

#### **3. Number of councillors changed (s. 2.18(3) of the Act)**

On and after the first ordinary elections day after the commencement of this order the number of offices of councillor on the council of the Shire of Kojonup is ten (10) instead of eleven (11).

#### **4. Declaration of vacant offices (ss. 2.35 and 9.62 of the Act)**

All the offices of member of the council of the district of Kojonup become vacant immediately before the first ordinary elections day after the commencement of this order.

#### **5. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) An election is to be held to fill the offices that become vacant under clause 4.

(2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(3) Part 4 of the Act applies to preparing for and conducting the election as if clauses 2, 3 and 4 had taken effect on the day on which this order commenced.

(4) For the purposes of subclause (3), Part 4 of the Act is modified to the extent necessary to give effect to subclauses (1), (2) and (3).

By Command of the Governor,

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

LG406\*

**LOCAL GOVERNMENT ACT 1995***District of Lake Grace*

(CHANGE OF WARD BOUNDARIES AND CHANGE OF NUMBER OF COUNCILLORS) ORDER 2002  
Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Lake Grace (Change of Ward Boundaries and Change of Number of Councillors) Order 2002*.

**2. Abolition of existing ward (s. 2.2 (1) (d) of the Act)**

On the first ordinary elections day after the commencement of this order, the Biddy—  
Burngup Ward in the district of Lake Grace is abolished.

**3. Change of ward boundaries (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the Lake Grace Ward in the district of Lake Grace consists of the land described in Schedule 1.

(2) On and after the first ordinary elections day after the commencement of this order, the Newdegate Ward in the district of Lake Grace consists of the land described in Schedule 2.

(3) On and after the first ordinary elections day after the commencement of this order, the Lake King/Varley Ward in the district of Lake Grace consists of the land described in Schedule 3.

**4. Number of councillors changed (s. 2.18 (3) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the number of offices of councillor in the district of Lake Grace is nine (9) instead of thirteen (13).

(2) On and after the first ordinary elections day after the commencement of this order, the number of offices of councillor for the Lake Grace Ward in the district of Lake Grace is four (4) instead of six (6).

**5. Declaration of vacant offices (s 2.35 and 9.62 of the Act)**

All offices of member of the council of the Shire of Lake Grace become vacant immediately before the first ordinary elections day after the commencement of this order.

**6. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) An election is to be held to fill the offices that become vacant under clause 5.

(2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(3) Part 4 of the Act applies to preparing for and conducting the election as if the amendments effected by clauses 2, 3, 4 and 5 had taken effect on the day on which this order commenced.

(4) For the purposes of subclause (3)—

(a) Part 4 of the Act is modified to the extent necessary to give effect to subclauses (1), (2) and (3); and

(b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward, in relation to the district of Lake Grace, is to be read as a reference to the Lake Grace Ward, Newdegate Ward and Lake King/Varley Ward of the district as the respective ward is or will be, as a result of the operation of clauses 3, 4 and 5, on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

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

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**SCHEDULE 1****Lake Grace Ward**

All that portion of land bounded by lines starting from the Northwestern corner of Lot 1282 on Deposited Plan 155438 a point on a present northern boundary of the Shire of Lake Grace and extending southerly along the western boundary of that lot to a prolongation northeasterly of the southeastern boundary of Lot 2462 as shown on Deposited Plan 210045; thence southwesterly to and along that boundary to the northeastern corner of western severance of Lot 2882 as shown on Deposited Plan 210883; thence westerly, southeasterly and generally easterly along boundaries of that lot and onwards to the northwestern boundary of its eastern severance; thence southwesterly along the northwestern boundary of that severance and generally southwesterly along the western boundaries of Location 3046 (Reserve 32549) to a prolongation easterly of the northern most northern boundary of the western severance of Lot 1182 as shown on Deposited Plan 151671; thence westerly to and along that boundary to the northeastern corner of Lot 3040 as shown on Deposited Plan 183321; thence westerly, southerly and easterly along boundaries of that lot to the western most northwestern corner of the western severance of Lot 1182 as shown on Deposited Plan 151671; thence southerly along the western boundary of that severance to the northern boundary of the eastern severance of Lot 2443 as shown on Deposited Plan 210046; thence westerly along the northern boundary of that severance and onwards to the northern boundary of the western severance of that

lot; thence westerly and southerly along boundaries of that severance to a northern boundary of Lot 2444 as shown on Deposited Plan 210046; thence generally westerly, northerly, westerly and southerly along boundaries of that lot to the southernmost southern boundary of Lot 868 as shown on Deposited Plan 151043; thence westerly, northerly again westerly and again northerly along boundaries of that lot to the northernmost corner of the southeastern severance of Location 2614 (Reserve 27684); thence generally southwesterly, southeasterly, southerly and again southeasterly along boundaries of that severance to the northwestern corner of Lot 762 as shown on Deposited Plan 146724; thence southerly along the western boundary of that lot to the southeastern corner of Lot 1001 as shown on Deposited Plan 202826; thence westerly along the southern boundary of that lot, westerly along the southern boundary of Lot 156 as shown on Deposited Plan 202826 and westerly along the southern boundary of Lot 952 as shown on Deposited Plan 151451 to the southwestern corner of that lot; thence northerly to the prolongation southeasterly of the southern boundary of Lot 2611 as shown on Deposited Plan 209808; thence northwesterly to and northwesterly and westerly along the southern boundaries of that lot and westerly along the southern boundary of the eastern severance of Lot 958 as shown on Deposited Plan 151452 to the prolongation northerly of the centreline of Burngup Road North; thence southerly to and along that centreline to a prolongation westerly of the southern boundary of Lot 2695 as shown on Deposited Plan 210115; thence easterly to and along that boundary to the southeastern corner of that lot; thence southeasterly to the western most corner of Lot 2621 as shown on Deposited Plan 209824; thence generally southeasterly and easterly along boundaries of that lot and onwards to the western boundary of Lot 2429 as shown on Deposited Plan 169289; thence southerly and easterly along boundaries of that lot to a prolongation northerly of the centreline of Burngup Road South; thence southerly to and southerly and southeasterly along that centreline to a prolongation southwesterly of the northwestern boundary of Lot 2561 as shown on Deposited Plan 210121; thence northeasterly, southeasterly and southwesterly to and along boundaries of that lot and onwards to a southwestern side of Burngup Road South; thence southeasterly along that side of the Road and onwards to the northern most corner of Lot 2557 on Deposited Plan 209982 a point on a present southern boundary of the Shire of Lake Grace and thence generally westerly, generally northerly and generally easterly along boundaries of that Shire to the starting point.

## SCHEDULE 2

### Newdegate Ward

All that portion of land bounded by lines starting from the intersection of a northwestern side of Mallee Road and an eastern side of Old Ravensthorpe Road a point on a present southeastern boundary of the Shire of Lake Grace and extending northerly and northwesterly along sides of Old Ravensthorpe Road to the southernmost corner of Location 3083 (Reserve 36445); thence northeasterly along the southeastern boundary of that Location to the southern most southwestern corner of Location 3026 (Reserve 36445); thence northerly, westerly, again northerly, easterly, again northerly and onwards to the centreline of Old Newdegate Road; thence westerly along that centreline to a prolongation southerly of the centreline of Tarco Road; thence generally northerly to and along that centreline and onwards to the centreline of Newdegate-Ravensthorpe Road; thence easterly along that centreline to a prolongation southerly of the eastern most eastern boundary of Lot 939 as shown on Deposited Plan 151406; thence northerly to and northerly, westerly and again northerly along boundaries of that lot to the southeastern corner of Lot 938 as shown on Deposited Plan 151405; thence northerly along the eastern boundary of that lot, northerly along the eastern most boundary of Lot 2659 as shown on Deposited Plan 210398 and northerly along the eastern boundary of Lot 2658 as shown on Deposited Plan 210399 and onwards to the centreline of Biddy-Camm Road; thence generally westerly along that centreline to a prolongation southeasterly of the centreline of Tonkin Road; thence generally northwesterly to and along that centreline to a prolongation southwesterly of the centreline of Shadlers Road; thence northeasterly to and along that centreline to the prolongation southeasterly of the northeastern boundary of Lot 2789 as shown on Deposited Plan 210391; thence northwesterly to and along that boundary, northwesterly along the northeastern boundary of Lot 2790 as shown on Deposited Plan 210391, generally northwesterly along the northeastern boundary of Lot 2791 as shown on Deposited Plan 210402 and northwesterly along the northeastern boundary of Lot 2778 as shown on Deposited Plan 210390 and onwards to the centreline of Mount Sherdin Road; thence southwesterly along that centreline to a prolongation southeasterly of the centreline of Tonkin Road; thence generally northwesterly to and along that centreline and onwards to the southern most corner of Lot 3071 on Deposited Plan 215055; thence northerly along the western boundary of that Location and onwards to the centreline of Pingaring-Varley Road North, a point on a present northern boundary of the Shire of Lake Grace and thence generally westerly along boundaries of that Shire to the northwestern corner of Lot 1282 as shown on Deposited Plan 155438; thence southerly along the western boundary of that lot to a prolongation northeasterly of the southeastern boundary of Lot 2462 as shown on Deposited Plan 210045; thence southwesterly to and along that boundary to the northeastern corner of western severance of Lot 2882 as shown on Deposited Plan 210883; thence westerly, southeasterly and generally easterly along boundaries of that lot and onwards to the northwestern boundary of its eastern severance; thence southwesterly along the northwestern boundary of that severance and generally southwesterly along the western boundaries of Location 3046 (Reserve 32549) to a prolongation easterly of the northern most northern boundary of the western severance of Lot 1182 as shown on Deposited Plan 151671; thence westerly to and along that boundary to the northeastern corner of Lot 3040 as shown on Deposited Plan 183321; thence westerly, southerly and easterly along boundaries of that lot to the western most northwestern corner of the western severance of Lot 1182 as shown on Deposited Plan 151671; thence southerly along the western boundary of that severance to the northern boundary of the eastern severance of Lot 2443 as shown on Deposited Plan 210046; thence westerly along the northern boundary of that severance and onwards to the northern boundary of the western severance of that lot; thence westerly and southerly along boundaries of that severance to a northern boundary

of Lot 2444 as shown on Deposited Plan 210046; thence generally westerly, northerly, westerly and southerly along boundaries of that lot to the southernmost southern boundary of Lot 868 as shown on Deposited Plan 151043; thence westerly, northerly again westerly and again northerly along boundaries of that lot to the northernmost corner of the southeastern severance of Location 2614 (Reserve 27684); thence generally southwesterly, southeasterly, southerly and again southeasterly along boundaries of that severance to the northwestern corner of Lot 762 as shown on Deposited Plan 146724; thence southerly along the western boundary of that lot to the southeastern corner of Lot 1001 as shown on Deposited Plan 202826; thence westerly along the southern boundary of that lot, westerly along the southern boundary of Lot 156 as shown on Deposited Plan 202826 and westerly along the southern boundary of Lot 952 as shown on Deposited Plan 151451 to the southwestern corner of that lot; thence northerly to the prolongation southeasterly of the southern boundary of Lot 2611 as shown on Deposited Plan 209808; thence northwesterly to and northwesterly and westerly along the southern boundaries of that lot and westerly along the southern boundary of the eastern severance of Lot 958 as shown on Deposited Plan 151452 to the prolongation northerly of the centreline of Burngup Road North; thence southerly to and along that centreline to a prolongation westerly of the southern boundary of Lot 2695 as shown on Deposited Plan 210115; thence easterly to and along that boundary to the southeastern corner of that lot; thence southeasterly to the western most corner of Lot 2621 as shown on Deposited Plan 209824; thence generally southeasterly and easterly along boundaries of that lot and onwards to the western boundary of Lot 2429 as shown on Deposited Plan 169289; thence southerly and easterly along boundaries of that lot to a prolongation northerly of the centreline of Burngup Road South; thence southerly to and southerly and southeasterly along that centreline to a prolongation southwesterly of the northwestern boundary of Lot 2561 as shown on Deposited Plan 210121; thence northeasterly, southeasterly and southwesterly to and along boundaries of that lot and onwards to a southwestern side of Burngup Road South; thence southeasterly along that side of the Road and onwards to the northern most corner of Lot 2557 on Deposited Plan 209982 a point on a present southern boundary of the Shire of Lake Grace and thence generally easterly, generally southerly and again generally easterly along boundaries of that Shire to the starting point.

### SCHEDULE 3

#### Lake King/Varley Ward

All that portion of land bounded by lines starting from the intersection of a northwestern side of Mallee Road and an eastern side of Old Ravensthorpe Road a point on a present southeastern boundary of the Shire of Lake Grace and extending northerly and northwesterly along sides of Old Ravensthorpe Road to the southernmost corner of Location 3083 (Reserve 36445); thence northeasterly along the southeastern boundary of that Location to the southern most southwestern corner of Location 3026 (Reserve 36445); thence northerly, westerly, again northerly, easterly, again northerly and onwards to the centreline of Old Newdegate Road; thence westerly along that centreline to a prolongation southerly of the centreline of Tarco Road; thence generally northerly to and along that centreline and onwards to the centreline of Newdegate-Ravensthorpe Road; thence easterly along that centreline to a prolongation southerly of the eastern most eastern boundary of Lot 939 as shown on Deposited Plan 151406; thence northerly to and northerly, westerly and again northerly along boundaries of that lot to the southeastern corner of Lot 938 as shown on Deposited Plan 151405; thence northerly along the eastern boundary of that lot, northerly along the eastern most boundary of Lot 2659 as shown on Deposited Plan 210398 and northerly along the eastern boundary of Lot 2658 as shown on Deposited Plan 210399 and onwards to the centreline of Biddy-Camm Road; thence generally westerly along that centreline to a prolongation southeasterly of the centreline of Tonkin Road; thence generally northwesterly to and along that centreline to a prolongation southwesterly of the centreline of Shadlers Road; thence northeasterly to and along that centreline to the prolongation southeasterly of the northeastern boundary of Lot 2789 as shown on Deposited Plan 210391; thence northwesterly to and along that boundary, northwesterly along the northeastern boundary of Lot 2790 as shown on Deposited Plan 210391, generally northwesterly along the northeastern boundary of Lot 2791 as shown on Deposited Plan 210402 and northwesterly along the northeastern boundary of Lot 2778 as shown on Deposited Plan 210390 and onwards to the centreline of Mount Sherdin Road; thence southwesterly along that centreline to a prolongation southeasterly of the centreline of Tonkin Road; thence generally northwesterly to and along that centreline and onwards to the southern most corner of Lot 3071 on Deposited Plan 215055; thence northerly along the western boundary of that Location and onwards to the centreline of Pingaring-Varley Road North, a point on a present northern boundary of the Shire of Lake Grace and thence generally easterly, generally southeasterly, generally southwesterly along boundaries of that shire to the starting point.

LG407\*

### LOCAL GOVERNMENT ACT 1995

*District of Pingelly*

(CHANGE OF WARD BOUNDARIES AND REPRESENTATION) ORDER 2002

Made by the Governor in Executive Council.

#### 1. Citation

This Order may be cited as the *District of Pingelly (Change of Ward Boundaries and Representation) Order 2002*.

**2. Abolition of existing wards (s. 2.2 (1) (d) of the Act)**

All wards in the district of Pingelly are abolished immediately before the first ordinary elections day after the commencement of this order.

**3. New wards created (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, there shall be four (4) new wards created in the district of Pingelly known as Jingaring, Hotham, Tutanning and Kulyaling.

(2) On and after the first ordinary elections day after the commencement of this order, the Jingaring, Hotham, Tutanning and Kulyaling Wards in the district of Pingelly shall consist of the land described in the Schedule.

**4. Number of councillors changed (s. 2.18 (3) of the Act)**

On and after the first ordinary elections day after the commencement of this order the number of offices of councillor for the Jingaring Ward, Hotham Ward, Tutanning Ward and Kulyaling Ward is two (2) each.

**5. Declaration of vacant offices (s. 2.35 and 9.62 of the Act)**

All offices of member of council of the Shire of Pingelly become vacant immediately before the first ordinary elections day after the commencement of this order.

**6. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) An election is to be held to fill the offices that become vacant under clause 5.

(2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(3) Part 4 of the Act applies to preparing for and conducting the election as if the changes effected by clauses 2, 3, 4 and 5 had taken effect on the day on which this order commenced.

(4) For the purposes of subclause (3)—

(a) Part 4 of the Act is modified to the extent necessary to give effect to subclauses (1), (2) and (3); and

(b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward, in relation to the district of Pingelly, is to be read as reference to the Jingaring Ward, Hotham Ward, Tutanning Ward and Kulyaling Ward of the district as the respective ward is or will be, as a result of the operation of clauses 3, 4 and 5, on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

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

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**SCHEDULE****Kulyaling Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation easterly of the southern boundary of Moorumbine Agricultural Area Lot 284 (Reserve 46441) with the centreline of the Great Southern Railway, a point on a present northern boundary of the Shire of Pingelly and extending generally southerly and generally southeasterly along that centreline to the prolongation easterly of the centreline of Park Street; thence westerly to and generally westerly along that centreline and generally southwesterly along the centreline of North Bannister—Pingelly Road to the prolongation southeasterly of the centreline of North Wandering Road; thence northwesterly to and generally northwesterly, generally westerly and generally southwesterly along that centreline to the prolongation northeasterly of the centreline of Leon Road; thence southwesterly to and along that centreline to a northeastern side of York—Williams Road, a point on a present southwestern boundary of the Shire of Pingelly and thence generally northwesterly and generally easterly along boundaries of that Shire to the starting point.

**Jingaring Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation easterly of the southern boundary of Moorumbine Agricultural Area Lot 284 (Reserve 46441) with the centreline of the Great Southern Railway, a point on a present northern boundary of the Shire of Pingelly and extending generally southerly and generally southeasterly along that centreline to the prolongation westerly of the centreline of Brown Street; thence easterly to and generally easterly along that centreline and easterly and generally northeasterly along the centreline of Bullaring—Pingelly Road to the centreline of Smith Street; thence generally northeasterly and generally southeasterly along that centreline to the centreline of Bullaring Pingelly Road; thence generally southeasterly, generally northeasterly and again generally southeasterly along that centreline to the prolongation southwesterly of the southeastern boundary of the northeastern severance of Lot 141; thence northeasterly to and northeasterly and southeasterly along boundaries of that severance to the prolongation westerly of the southern boundary of Avon Location 6108; thence easterly to and easterly and northerly along boundaries of that location to the southernmost southwestern corner of Location 6107; thence easterly and generally northeasterly along boundaries of that location and onwards to the southwestern corner of Location 9878; thence northeasterly, southeasterly, northerly and easterly along boundaries of that location to the southwestern corner of Location 7957; thence

northerly, easterly and southerly along boundaries of that location and southerly along the eastern boundary of Location 5421 and onwards to the northeastern corner of the western severance of Location 6785; thence southerly along the eastern boundary of that severance and onwards to the centreline of Bullaring—Pingelly Road; thence generally easterly along that centreline to the prolongation northerly of the western boundary of Location 6439; thence southerly to and southerly and easterly along boundaries of that location to the northernmost northwestern corner of Location 18491; thence southerly, westerly, again southerly, easterly and generally northeasterly along boundaries of that location to the northwestern corner of Location 28007; thence easterly along the northern boundaries of that location and Location 7956 and onwards to the western boundary of Location 7627; thence northerly, easterly and southerly along boundaries of that location to the northwestern corner of Location 28211; thence easterly along the northern boundary of that location and southerly, easterly and northerly along boundaries of Location 16450 to the westernmost northwestern corner of Location 5156; thence easterly along the northernmost northern boundary of that location and easterly along the northern boundaries of Locations 5155 and 3847 to the western boundary of Location 3576; thence northerly along that boundary and the western boundary of Location 5900 and onwards to the southwestern corner of Location 5899; thence easterly along the southern boundary of that location and onwards to an eastern side of Kweda Road South; thence generally northeasterly along sides of that road to the westernmost southwestern corner of the eastern severance of Lot 4 of Locations 5385, 6864 and 6865, as shown on Office of Titles Plan 12987; thence easterly, southerly, generally easterly and northerly along boundaries of that severance and onwards to the southern boundary of Location 6866; thence easterly along that boundary and the southern boundaries of Locations 7481 and 19862 to the westernmost northwestern corner of Lot 12 of Locations 18557 and 23823 as shown on Office of Titles Diagram 69562; thence southerly and easterly along boundaries of that lot to the northwestern corner of the southwestern severance of Location 19861; thence southerly along the western boundary of that severance and onwards to the centreline of Bullaring—Pingelly Road; thence generally easterly along that centreline to the prolongation southwesterly of the centreline of Hickmott Road; thence northeasterly to and generally northeasterly along that centreline to the prolongation northerly of the western boundary of the southern severance of Location 23817; thence southerly to and southerly and easterly along boundaries of that severance and easterly, northerly and again easterly along boundaries of Location 17454 and onwards to the southwestern corner of Location 16087; thence easterly and northerly along boundaries of that location to its easternmost northeastern corner, a point on a present northern boundary of the Shire of Pingelly and thence westerly, generally northwesterly, generally westerly and generally southwestwesterly along boundaries of that Shire to the starting point.

#### **Hotham Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation easterly of the southern boundary of Avon Location 5594 with the centreline of the Great Southern Railway, a point on a present southern boundary of the Shire of Pingelly and extending generally northerly along that centreline to the prolongation easterly of the centreline of Park Street; thence westerly to and generally westerly along that centreline and generally southwestwesterly along the centreline of North Bannister—Pingelly Road to the prolongation southeasterly of the centreline of Wandering Road North; thence northwesterly to and generally northwesterly, generally westerly and generally southwestwesterly along that centreline to the prolongation northeasterly of the centreline of Leon Road; thence southwestwesterly to and along that centreline to a northeastern side of York—Williams Road, a point on a present southwestern boundary of the Shire of Pingelly and thence generally southeasterly, generally southerly and generally northeasterly along boundaries of that Shire to the starting point.

#### **Tutanning Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation easterly of the southern boundary of Avon Location 5594 with the centreline of the Great Southern Railway, a point on a present southern boundary of the Shire of Pingelly and extending generally northerly along that centreline to the prolongation westerly of the centreline of Brown Street; thence easterly to and generally easterly along that centreline and easterly and generally northeasterly along the centreline of Bullaring—Pingelly Road to the centreline of Smith Street; thence generally northeasterly and generally southeasterly along that centreline to the centreline of Bullaring—Pingelly Road; thence generally southeasterly, generally northeasterly and again generally southeasterly along that centreline to the prolongation southwestwesterly of the southeastern boundary of the northeastern severance of Lot 141; thence northeasterly to and northeasterly and southeasterly along boundaries of that severance to the prolongation westerly of the southern boundary of Avon Location 6108; thence easterly to and easterly and northerly along boundaries of that location to the southernmost southwestern corner of Location 6107; thence easterly and generally northeasterly along boundaries of that location and onwards to the southwestern corner of Location 9878; thence northeasterly, southeasterly, northerly and easterly along boundaries of that location to the southwestern corner of Location 7957; thence northerly, easterly and southerly along boundaries of that location and southerly along the eastern boundary of Location 5421 and onwards to the northeastern corner of the western severance of Location 6785; thence southerly along the eastern boundary of that severance and onwards to the centreline of Bullaring—Pingelly Road; thence generally easterly along that centreline to the prolongation northerly of the western boundary of Location 6439; thence southerly to and southerly and easterly along boundaries of that location to the northernmost northwestern corner of Location 18491; thence southerly, westerly, again southerly, easterly and generally northeasterly along boundaries of that location to the northwestern corner of Location 28007; thence easterly along the northern boundaries of that location and Location 7956 and onwards to the western boundary of Location 7627; thence northerly, easterly and southerly along boundaries of that location to the northwestern corner of Location 28211; thence easterly along the northern boundary of that location and southerly, easterly and northerly along boundaries of Location 16450 to the westernmost

northwestern corner of Location 5156; thence easterly along the northernmost northern boundary of that location and easterly along the northern boundaries of Locations 5155 and 3847 to the western boundary of Location 3576; thence northerly along that boundary and the western boundary of Location 5900 and onwards to the southwestern corner of Location 5899; thence easterly along the southern boundary of that location and onwards to an eastern side of Kweda Road South; thence generally northeasterly along sides of that road to the westernmost southwestern corner of the eastern severance of Lot 4 of Locations 5385, 6864 and 6865, as shown on Office of Titles Plan 12987; thence easterly, southerly, generally easterly and northerly along boundaries of that severance and onwards to the southern boundary of Location 6866; thence easterly along that boundary and the southern boundaries of Locations 7481 and 19862 to the westernmost northwestern corner of Lot 12 of Locations 18557 and 23823 as shown on Office of Titles Diagram 69562; thence southerly and easterly along boundaries of that lot to the northwestern corner of the southwestern severance of Location 19861; thence southerly along the western boundary of that severance and onwards to the centreline of Bullaring—Pingelly Road; thence generally easterly along that centreline to the prolongation southwesterly of the centreline of Hickmott Road; thence northeasterly to and generally northeasterly along that centreline to the prolongation northerly of the western boundary of the southern severance of Location 23817; thence southerly to and southerly and easterly along boundaries of that severance and easterly, northerly and again easterly along boundaries of Location 17454 and onwards to the southwestern corner of Location 16087; thence easterly and northerly along boundaries of that location to its easternmost northeastern corner, a point on a present northern boundary of the Shire of Pingelly and thence easterly, generally southerly and generally westerly along boundaries of that Shire to the starting point.

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## MINERALS AND PETROLEUM

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### MP401

#### MINING ACT 1978 NOTICE OF INTENTION TO FORFEIT

Department of Mineral and Petroleum Resources,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act, 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 1 January 2003 it is the intention of the Minister for State Development under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

JIM LIMERICK, Director General.

NUMBER	HOLDER	MINERAL FIELD
EXPLORATION LICENCES		
15/699	Tarnwood Pty Ltd	Coolgardie
27/93	Gindalbie Gold NL	North East Coolgardie
27/199	Gutnick Resources NL	North East Coolgardie
27/200	Gutnick Resources NL	North East Coolgardie
27/235	Red Field Pty Ltd	North East Coolgardie
28/898	Gutnick Resources NL	North East Coolgardie
28/935	Gutnick Resources NL	North East Coolgardie
28/937	Gutnick Resources NL	North East Coolgardie
28/979	Gutnick Resources NL	North East Coolgardie
37/601	Gutnick Resources NL	Mt Margaret
37/602	Gutnick Resources NL	Mt Margaret
37/603	Gutnick Resources NL	Mt Margaret
37/604	Gutnick Resources NL	Mt Margaret
37/605	Gutnick Resources NL	Mt Margaret
45/2176	McCormack Constructions Pty Ltd	Pilbara
45/2211	Jones: David John Cecil	Pilbara
52/1368	Bougainvillaea Holdings Pty Ltd	Peak Hill
53/380	Delta Gold Exploration Pty Ltd Brewer, Gerard Victor	Murchison
53/931	Silvertree Nominees Pty Ltd	Murchison
59/969	Australasian Gold Mines NL	Yalgoo

NUMBER	HOLDER	MINERAL FIELD
EXPLORATION LICENCES— <i>continued</i>		
59/970	Australasian Gold Mines NL	Yalgoo
77/619	Evanston Resources NL	Yilgarn
77/620	Evanston Resources NL	Yilgarn
80/2230	Brown Dog NL Luff, Richard Geoffrey	Kimberley
MINING LEASES		
04/284	Pichler, Julius	West Kimberley
15/217	Dechow, Ernest William Chetham Plotts, Thomas Paine	Coolgardie
24/96	Kundana Gold Pty Ltd	Broad Arrow
24/395	Paddington Gold Pty Ltd	Broad Arrow
24/420	Kundana Gold Pty Ltd	Broad Arrow
31/78	Gel Oil Pty Ltd	North Coolgardie
31/79	Gel Oil Pty Ltd	North Coolgardie
31/113	Gel Oil Pty Ltd	North Coolgardie
59/57	Alluvial Gold Treatment Pty Ltd	Yalgoo
80/90	Ynema, Marten Hendrick	Kimberley
80/243	Astro Bow River Mines Ltd	Kimberley
80/244	Astro Bow River Mines Ltd	Kimberley

**MP402****MINING ACT 1978****INSTRUMENT OF CANCELLATION OF EXEMPTION OF CROWN LAND**

Pursuant to Section 19(1)(b) of the Mining Act 1978 I hereby cancel the Exemption over an area of Crown land described hereunder situated in the West Kimberley Mineral Field and published in the *Government Gazette* on 1 June 1990.

Starting Point located at the south east corner of Reserve 1509.

Thence	3.75 km	90°
✓	0.85 km	180°
✓	3.6 km	270°
✓	0.15 km	360°
✓	0.15 km	270°
✓	0.7 km	360°

back to Starting Point.

Dated at Perth this 27<sup>th</sup> day of November 2002.

CLIVE BROWN, Minister for State Development.

**MP403****MINING ACT 1978****FORTEITURE**

Department of Mineral and 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 Exploration Licence is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

CLIVE BROWN, Minister for State Development.

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## PARLIAMENT

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PA401\*

**PARLIAMENT OF WESTERN AUSTRALIA****Bills Assented To**

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

<b>Short Title of Bill</b>	<b>Date of Assent</b>	<b>Act No.</b>
Emergency Services Levy Bill 2002	December 5 2002	39 of 2002
Railway (Jandakot to Perth) Bill 2002	December 5 2002	40 of 2002

L. B. MARQUET, Clerk of the Parliaments.

December 5 2002

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## PREMIER AND CABINET

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PC401\*

**INTERPRETATION ACT 1984****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon Dr G I Gallop MLA in the period 5 to 25 January 2003 inclusive—

Premier; Minister for Public Sector Management;  
Federal Affairs; Science;  
Citizenship and Multicultural Interests

Hon E S Ripper MLA

It is further notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon E S Ripper MLA in the period 22 December 2002 to 4 January 2003 and 26 January to 8 February 2003 (inclusive)—

Minister for Housing and Works; Local Government and Regional Development; the Kimberley, Pilbara and Gascoyne	Hon C M Brown MLA	22 December 2002 to 4 January 2003
	Hon J C Kobelke MLA	26 January to 8 February 2003

It is further notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon K M Chance MLC in the period 20 to 27 January 2003 (both dates inclusive)—

Minister for Agriculture, Forestry and Fisheries;  
the Midwest, Wheatbelt and Great Southern

Hon T G Stephens MLC

M. C. WAUCHOPE, Director General,  
Department of the Premier and Cabinet.

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## PLANNING AND INFRASTRUCTURE

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PI401

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

Advertisement of Approved Town Planning Scheme Amendment

*City of Rockingham*

Town Planning Scheme No. 1—Amendment No. 300

Ref: 853/2/28/1 Pt 300

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 Rockingham Town Planning Scheme Amendment on 10 October 2002 for the purpose of—

1. Rezoning part of Pt Lot 306, part Lot 16, Lots 774 and 313 Fifty Road Baldivis from "Rural" to "Development" zone.
2. Amending the Scheme Map accordingly.

## 3. Adding the following to Table XI of Town Planning Scheme No 1—

**Table XI—Environmental Conditions**

<b>Amt No.</b>	<b>Location of Land</b>	<b>Environmental Conditions Associated with the Area Identified in “Location of Land”</b>	
300	Pt Lot 306, part Lot 16, Lots 774 and 313 Fifty Road Baldivis	1 1-1	<p><b>Environmental Management Plans</b></p> <p>The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environmental and Heritage’s “Statement that a Scheme may be Implemented” No. 000580 published on 19 December 2001, and shall be subsequently implemented in accordance with the provisions of the Plans—</p> <ul style="list-style-type: none"> <li>• Drainage and Nutrient Management Plan;</li> <li>• Soil and Groundwater Contamination Investigation and Remediation Plan;</li> <li>• Pipeline Protection Plan;</li> <li>• Spray Drift Investigation and Management Plan; and</li> <li>• Vegetation Management Plan.</li> </ul>
		2 2-1	<p><b>High Pressure Gas Pipeline</b></p> <p>The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement—</p> <ul style="list-style-type: none"> <li>• Ground-disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 below;</li> <li>• Temporary residence (including caravans, camping and similar);</li> <li>• Storage of materials and equipment;</li> <li>• Fires and barbecues;</li> <li>• Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>• Refuse disposal and landfill;</li> <li>• Service stations, fuel lines and storage of fuel;</li> <li>• Vegetation with an expected growth exceeding one metre in height, and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>• Large obstructions to the line of sight along the easement.</li> </ul> <p>Note: For the high pressure natural gas pipeline easement, the relevant Australian Standard is AS 2885.3.</p>
		2-2	<p>The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 above—</p> <ul style="list-style-type: none"> <li>• Cycleways and footpaths;</li> <li>• Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>• Public open space;</li> <li>• Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 above; and</li> <li>• Car parking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ul>

Amt No.	Location of Land	Environmental Conditions Associated with the Area Identified in "Location of Land"
2-3		<p>Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <ul style="list-style-type: none"> <li>• 96 metres, in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons' accommodation, child care centres, schools and hospitals;</li> <li>• 32 metres to the boundary of each residential lot, in the case of residential development; and</li> <li>• at the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other land uses and developments which facilitate the gathering of people, within 96 metres of the centre of the pipeline.</li> </ul>
3		<p><b>Development in Proximity to Market Gardens</b></p>
3-1		<p>If the market gardens adjacent to Pt. Lots 306 and 16 are continuing to operate at the time of subdivision, noise attenuation measures shall be designed and implemented so that noise impacts on the amendment area are in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

4. Amending the Scheme Map by inserting the symbol EC and an appropriate modification to the legend of the Scheme Map, to show that environmental conditions apply to part of Pt. Lot 306, part of Lot 16, Lots 774 and 313 Fifty Road, Baldivis.

C. S. ELLIOTT, Mayor.  
G. G. HOLLAND, Chief Executive Officer.

**PI402\***

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

**METROPOLITAN REGION SCHEME AMENDMENT NO. 1038/33**

Thomsons Lake Regional Centre

Outcome of Amendment

It is hereby notified for public information that the Thomsons Lake Regional Centre Amendment to the Metropolitan Region Scheme has been submitted before both Houses of Parliament in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act.

This amendment, as depicted on Western Australian Planning Commission plan number 3.1454/1, is effective in the Metropolitan Region Scheme on and from 13 November 2002.

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

**PI501**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME**

*City of Bunbury*

Town Planning Scheme No. 7

Ref: 853/6/2/11

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 that the Hon. Minister for Planning and Infrastructure approved the City of Bunbury Town Planning Scheme No. 7 on 3<sup>rd</sup> December 2002, the Scheme Text of which is published as a Schedule annexed hereto.

G. M. CASTRILLI, Mayor.  
G. TREVASKIS, Chief Executive Officer.

## Schedule

*City of Bunbury*

## Town Planning Scheme No. 7

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

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Purposes of Scheme
- 1.6 The Aims of the Scheme
- 1.7 Definitions
- 1.8 Relationship with Local Laws
- 1.9 Relationship with Other Schemes

**PART 2—LOCAL PLANNING POLICY FRAMEWORK**

- 2.1 Local Planning Policies
- 2.2 Relationship Of Local Planning Policies To Scheme
- 2.3 Procedure For Making Or Amending A Local Planning Policy
- 2.4 Revocation of Local Planning Policy
- 2.5 Current Local Planning Policies
- 2.6 Bunbury Planning Strategy incorporated into the Scheme

**PART 3—RESERVES**

- 3.1 Reserves
- 3.2 Regional Reserves
- 3.3 Local Reserves
- 3.4 Use and Development of Local Reserves
- 3.5 Land Abutting Reserves

**PART 4—ZONES AND THE USE OF LAND**

- 4.1 Zones
- 4.2 Objectives of the Zones
- 4.3 Zoning Table
- 4.4 Interpretation of the Zoning Table
- 4.5 Additional Uses
- 4.6 Restricted Uses
- 4.7 Special Use Zones
- 4.8 Non-Conforming Uses
- 4.9 Extensions and Changes to a Non-Conforming Use
- 4.10 Discontinuance of Non-Conforming Use
- 4.11 Termination of a Non-Conforming Use
- 4.12 Destruction of Non-Conforming Use Buildings
- 4.13 Incidental Uses

**PART 5—GENERAL DEVELOPMENT REQUIREMENTS**

- 5.1 Compliance with Development Standards and Requirements
- 5.2 Residential Planning Codes
- 5.3 Special Application of Residential Planning Codes
- 5.4 Restrictive Covenants
- 5.5 Variations to Site and Development Standards and Requirements
- 5.6 Environmental Conditions
- 5.7 Site and Development Requirements
- 5.8 Detailed Area Plans
- 5.9 Specific Objectives and Development Requirements for Particular Zones
- 5.10 Telecommunications Infrastructure

**PART 6—SPECIAL CONTROL AREAS**

- 6.1 Operation of Special Control Areas
- 6.2 Special Control Area Provisions

**PART 7—HERITAGE PROTECTION**

- 7.1 Heritage List
- 7.2 Designation of a Heritage Area
- 7.3 Heritage Agreements
- 7.4 Heritage Assessment
- 7.5 Variations to Scheme Provisions for a Heritage Place and Heritage Area

**PART 8—DEVELOPMENT OF LAND**

- 8.1 Requirement for Approval to Commence Development
- 8.2 Permitted Development
- 8.3 Amending or Revoking a Planning Approval
- 8.4 Unauthorised Existing Developments

**PART 9—APPLICATION FOR PLANNING APPROVAL**

- 9.1 Form of Application
- 9.2 Accompanying Material
- 9.3 Additional Material for Heritage Matters
- 9.4 Advertising of Applications
- 9.5 Application Fees

**PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS**

- 10.1 Consultation With Other Authorities
- 10.2 Matters To Be Considered By Local Government
- 10.3 Determination of Applications
- 10.4 Form And Date of Determination
- 10.5 Term Of Planning Approval
- 10.6 Temporary Planning Approval
- 10.7 Scope of Planning Approval
- 10.8 Approval Subject To Later Approval Of Details
- 10.9 Deemed Refusal
- 10.10 Approval of Existing Developments
- 10.11 Appeals

**PART 11—ENFORCEMENT AND ADMINISTRATION**

- 11.1 Powers of the Local Government
- 11.2 Removal And Repair of Existing Advertisements
- 11.3 Delegation Of Functions
- 11.4 Person Must Comply With Provisions Of Scheme
- 11.5 Compensation
- 11.6 Purchase Or Taking Of Land
- 11.7 Notice for Removal of Certain Buildings

**PART 12—SCHEDULES**

- 1 Dictionary of Defined words and Expressions
  - 1.1 General Definitions
  - 1.2 Land Use Definitions
- 2 Special Use Zones
- 3 Form of Application for Planning Approval
- 4 Additional Information for Advertisements
- 5 Notice of Public Advertisement for Planning Approval
- 6 Notice of Determination on Application for Planning Approval
- 7 Special Control Areas - Flood Prone Land
- 8 Current Policies of the Scheme
- 9 Exempted Advertisements
- 10 Environmental Conditions

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**1.1 Citation**

1.1.1 The City of Bunbury Town Planning Scheme No 7 (‘the Scheme’) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

City of Bunbury Town Planning Scheme No. 6 (gazetted 6th April, 1984).

**1.2 Responsible Authority**

1.2.1 The City of Bunbury is the responsible authority for implementing the Scheme.

**1.3 Scheme Area**

1.3.1 This Scheme applies to the Scheme Area which covers all of the local government district of the City as shown on the Scheme Map.

**1.4 Contents of Scheme**

1.4.1 The Scheme comprises—

- (a) the Scheme Text; and
- (b) the Scheme Map (sheets 1-12).

The Scheme is to be read in conjunction with the Bunbury Planning Strategy.

**1.5 Purposes of Scheme**

1.5.1 The purposes of the Scheme are 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**

1.6.1 The local government's general aim of the Scheme is to plan for the efficient and equitable use of land with due regard to the community needs and aspirations for quality of life and the environment.

1.6.2 In implementing the Scheme, the local government will have regard to the City of Bunbury Strategic Plan, 2000-2005 (as amended).

1.6.3 The local government's specific objectives with respect to the Scheme are—

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy, Bunbury-Wellington Region Plan and Industry 2030;
- (b) To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) To protect and enhance the environmental values of the local government area and to promote ecologically sustainable land use and development;
- (d) To reserve land required for public purposes and recreation and zone the balance of the land within the Scheme Area for the various purposes described in the Scheme;
- (e) To provide for lifestyle and housing choice and variety in neighbourhoods with a community identity and high levels of amenity;
- (f) To facilitate a diverse and integrated network of open space catering for both active and passive recreation consistent with the needs of the community;
- (g) To safeguard and enhance the character and amenity of the built and natural environment of the local government area;
- (h) To generally implement and reflect the objectives, strategies and recommendations of the Bunbury Planning Strategy;
- (i) To recognise and protect places of natural beauty and places of historic, visual, cultural, heritage or scientific interest which are considered to be of importance to the heritage of the local government;
- (j) To encourage and implement the use of modern land use planning and design techniques and principles to assist in the development of strong, vibrant and walkable communities which achieve high levels of accessibility and amenity.
- (k) To ensure the separation of incompatible land uses;
- (l) To promote, as far as possible, high levels of accessibility—
  - (i) of residential areas to employment centres, commercial areas, education facilities and entertainment areas; and
  - (ii) of industry to sources of labour, power and materials;
- (m) To promote aesthetic controls and the application of design guidelines at all levels of the land use and development control process.
- (n) To promote and assist Bunbury's future growth as a Regional Centre of character which offers an attractive and unique lifestyle enhanced by economic growth opportunities.

**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 and 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 Schedule 1 Dictionary prevails.

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

## **1.8 Relationship with Local Laws**

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

## **1.9 Relationship with Other Schemes**

1.9.1 There are no other Schemes of the City of Bunbury which apply to the Scheme Area.

## **2.1 Local Planning Policies**

2.1.1 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.

## **2.2 Relationship Of Local Planning Policies To Scheme**

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

2.2.2 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 10.2

## **2.3 Procedure For Making Or Amending A Local Planning Policy**

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

- (a) is to publish a notice of the proposed Policy at least once 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.

2.3.2 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.

2.3.3 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.

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

2.3.5 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.

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

## **2.4 Revocation of Local Planning Policy**

2.4.1 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 two consecutive weeks in a newspaper circulating in the Scheme area.

**2.5 Current Local Planning Policies**

2.5.1 The current Local Planning Policies of the local government are listed at Schedule 8.

**2.6 Bunbury Planning Strategy Incorporated Into The Scheme**

2.6.1 The Bunbury Planning Strategy is to be read into the Scheme.

2.6.2 If any inconsistency arises between the Bunbury Planning Strategy and the Scheme, the provisions of the Scheme shall prevail.

**3.1 Reserves**

3.1.1 Certain lands within the Scheme Area are classified as Local Reserves.

**3.2 Regional Reserves**

3.2.1 There are no regional reserves designated within the Scheme Area.

**3.3 Local Reserves**

3.3.1 'Local Reserves' are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.3.2 The parts of the Scheme Area so depicted on the Scheme Map are hereby reserved for the following purposes—

- (i) Parks and Recreation;
- (ii) Public Purposes;
- (iii) Primary Distributor Road;
- (iv) District Distributor Road;
- (v) Local Distributor Road;
- (vi) Access Road;
- (vii) Railway;
- (viii) Service Corridor;
- (ix) Waterway; and
- (x) Canal.

**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 10.2;
- (b) the ultimate purpose intended for the Reserve;
- (c) in the case of land not owned by or vested in a public authority, the likely date of the acquisition of the affected land;
- (d) the reasonable beneficial use which may be made of the land pending its acquisition by the public authority concerned; and
- (e) the representations and/or recommendations made by the affected authorities or other parties consulted.

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.

**3.5 Land Abutting Reserves**

3.5.1 When considering applications for the use or development of land affected by or abutting a reserve, the local government is to have due regard to the purpose, integrity and operation of the reserve, and to any policy or operational matter affecting the reserve.

**4.1 Zones**

4.1.1 The Scheme Area is classified into the following zones as shown on the Scheme Map—

- Residential (includes R Codes)
- City Centre
- Shopping Centre
- Mixed Business
- Industry
- Port Industry
- Place of Assembly
- Education
- Service Station
- Rural

- Special Use
- Development (Residential or Industrial)

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

4.1.3 Special Use Zones contained within Schedule 2 of the scheme text (refer to clause 4.2.1.11) and 4.7.

#### 4.2 Objectives of the Zones

4.2.1 The broad objectives of the zones are—

- 4.2.1.1 **Residential zone**—To accommodate a range of residential uses and provide for residential development at a range of densities to meet the needs of different household types thereby providing a choice in housing styles and lifestyle opportunities.
- 4.2.1.2 **City Centre zone**—To provide for a broad range of uses including administrative, civic, cultural, entertainment, educational, residential, recreational, retail and hospitality/tourist as well as other commercial functions and activities which assist in maintaining and promoting the primacy of the Bunbury Central Business District—
- (a) within the local government area; and
  - (b) as the Regional Centre within the Bunbury-Wellington Region.
- 4.2.1.3 **Shopping Centre zone**—To accommodate suburban shopping centres and such other uses as the local government considers appropriate to the suburban shopping centre function including, but not limited to, retail shopping, office, other approved commercial development, social, recreational and community activities and facilities.
- 4.2.1.4 **Mixed Business zone**—To provide for a wide range of light and service industry, storage, wholesaling, showrooms, trade and professional services and a limited range of other mixed business uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate to be accommodated within the City Centre, Shopping Centre or Industry Zones.
- 4.2.1.5 **Industry zone**—To provide for a wide range of general and light industry uses, the storage and distribution of goods and associated uses which, by the nature of their operations, should be separated from residential areas.
- 4.2.1.6 **Port Industry zone**—To accommodate industrial uses which are consistent with the definition given to Port Industry within Schedule 1 or uses which are port related and require, or could reasonably be considered to benefit from, close proximity to the Bunbury Port.
- 4.2.1.7 **Place of Assembly zone** -To provide for uses where people may assemble for a variety of religious, cultural, recreational, sporting or other group activities.
- 4.2.1.8 **Education zone**—To provide for educational establishments, whether public or private, including kindergartens, pre-primary, primary and secondary schools, tertiary institutions, business colleges, academies or other educational centres.
- 4.2.1.9 **Service Station zone**—To accommodate only those uses consistent with the definition given to Service Station in Schedule 1.
- 4.2.1.10 **Rural zone**—To provide for the sustainable use of land for a range of rural pursuits and other uses reasonably and/or commonly associated with rural areas which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- 4.2.1.11 **Special Use zone**—To accommodate particular land uses or developments which the local government considers appropriate, but under circumstances where the location of the site and/or the nature of the particular use or development makes it impracticable for the use or development to be included within another zone.
- 4.2.1.12 **Development zone (Residential) and Development zone (Industrial)**—To facilitate the comprehensive planning and development of future urban areas in accordance with adopted structure plans as required under clause 5.9.13.

#### 4.3 Zoning Table

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

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

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

*Note*—

1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a 'P' use because of the unsuit-ability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if—

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land and determined by the local government of the application.

#### 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—

**Table No 1**

Zoning Table

# Refer to clause 4.7 and as denoted on Scheme Maps and in Schedule 2

\* Subject to Structure Planning as per the requirements of Clause 5.9.13.

Use Class	Zones											
	Residential	City Centre	Shopping Centre	Mixed Business	Industry	Port Industry	Place of Assembly	Education	Service Station	Rural	Special Use	Development (Residential or Industrial)
Agriculture—Extensive	X	X	X	X	X	X	X	X	X	P	#	*
Agriculture—Intensive	X	X	X	X	X	X	X	X	X	P	#	*
Agroforestry	X	X	X	X	X	X	X	X	X	P	#	*
Amusement Parlour	X	P	A	A	D	X	X	X	X	X	#	*
Ancillary Accommodation	D	A	X	D	X	X	X	X	X	D	#	*
Animal Establishment	X	X	X	A	A	X	X	X	X	A	#	*
Animal husbandry—Intensive	X	X	X	X	X	X	X	X	X	A	#	*
Bed and Breakfast	A	P	X	A	X	X	X	X	X	D	#	*
Betting Agency	X	P	A	A	X	X	X	X	X	X	#	*
Caravan Park	X	X	X	X	X	X	X	X	X	D	#	*
Caretaker's Dwelling	X	P	P	D	A	A	P	P	P	D	#	*
Car Park	X	D	D	X	X	X	X	X	X	X	#	*
Child Care Premises	A	P	P	D	D	X	D	D	X	X	#	*
Cinema/Theatre	A	P	D	X	X	X	D	D	X	X	#	*
Civic Use	A	P	D	D	X	X	D	D	X	X	#	*
Club Premises	A	P	D	D	D	X	D	D	X	A	#	*
Community Purpose	A	P	P	P	A	X	D	D	X	X	#	*
Consulting Rooms	A	P	P	P	A	X	X	X	X	X	#	*
Convenience Store	X	P	P	X	X	X	X	X	X	X		
Corrective Institution	X	X	X	X	X	X	X	X	X	X	#	*
Educational Establishment	A	D	A	D	D	X	D	P	X	D	#	*
Exhibition Centre	A	P	P	X	X	X	D	D	X	X	#	*

Use Class	Zones											
	Residential	City Centre	Shopping Centre	Mixed Business	Industry	Port Industry	Place of Assembly	Education	Service Station	Rural	Special Use	Development (Residential or Industrial)
Family Day Care	A	P	P	P	X	X	D	D	X	X	#	*
Fast Food Outlet	X	P	P	A	D	X	X	X	D	X	#	*
Fuel Depot	X	X	X	X	P	D	X	X	X	X	#	*
Funeral Parlour	X	D	D	P	D	X	X	X	X	X	#	*
Grouped Dwelling	P	P	X	A	X	X	X	X	X	X	#	*
Holiday Cottages	X	D	X	X	X	X	X	X	X	A	#	*
Home Business	A	D	D	P	X	X	X	X	X	D	#	*
Home Occupation	D	D	D	P	X	X	X	X	X	P	#	*
Home Office	P	D	D	P	X	X	X	X	X	P	#	*
Home Store	A	P	P	P	X	X	X	X	X	X	#	*
Hospital	A	D	X	X	X	X	A	X	X	X	#	*
Hotel	X	P	D	A	X	X	X	X	X	X	#	*
Industry: Cottage	A	P	P	P	P	X	X	X	X	D	#	*
Extractive	X	X	X	X	X	X	X	X	X	A	#	*
General	X	X	X	X	P	D	X	X	X	X	#	*
Hazardous	X	X	X	X	X	D	X	X	X	X	#	*
Light	X	X	X	D	P	X	X	X	X	X	#	*
Mining	X	X	X	X	X	X	X	X	X	D	#	*
Noxious	X	X	X	X	X	D	X	X	X	X	#	*
Port	X	X	X	X	D	P	X	X	X	X	#	*
Rural	X	X	X	X	D	D	X	X	X	D	#	*
Service	X	X	X	P	P	X	X	X	X	X	#	*
Lunch Bar	X	P	P	P	P	D	X	D	X	X	#	*
Marina	X	X	X	X	X	P	X	X	X	X	#	*
Marine Filling Station	X	X	X	D	P	D	X	X	X	X	#	*
Market	X	P	P	X	X	X	X	X	X	X	#	*
Medical Centre	A	P	P	P	A	X	X	X	X	X	#	*
Motel	X	P	D	A	X	X	X	X	X	X	#	*
Motor Vehicle, Boat or Caravan Sales	X	X	X	P	D	X	X	X	X	X	#	*
Motor Vehicle Repair	X	X	X	D	P	X	X	X	D	X	#	*
Motor Vehicle Wash	X	X	X	D	P	X	X	X	P	X	#	*
Multiple Dwelling	D	P	D	A	X	X	X	X	X	X	#	*
Night Club	X	D	X	X	X	X	X	X	X	X	#	*
Nursery	X	X	D	P	D	X	X	X	X	D	#	*
Office	X	P	P	D	X	X	X	X	X	X	#	*
Park Home Park	X	X	X	X	X	X	X	X	X	X	#	*
Place of Worship	A	P	X	D	X	X	P	X	X	D	#	*
Plantation	X	X	X	X	X	X	X	X	X	P	#	*
Reception Centre	X	P	D	D	X	X	D	X	X	X	#	*
Recreation—Private	X	D	P	P	P	X	P	D	X	A	#	*
Residential Building	A	P	D	D	X	X	X	X	X	D	#	*
Restaurant	A	P	P	X	D	X	X	X	X	X	#	*
Restricted Premises	X	A	A	A	X	X	X	X	X	X	#	*
Rural Pursuit	X	X	X	X	X	X	X	X	X	P	#	*
Serviced Apartments	P	P	D	X	X	X	X	D	X	X	#	*

Use Class	Zones											
	Residential	City Centre	Shopping Centre	Mixed Business	Industry	Port Industry	Place of Assembly	Education	Service Station	Rural	Special Use	Development (Residential or Industrial)
Service Station	X	D	D	D	D	D	X	X	P	X	#	*
Shop	X	P	P	X	X	X	X	X	D	X	#	*
Showroom	X	D	D	P	D	X	X	X	X	X	#	*
Single House	P	P	D	D	X	X	X	X	X	P	#	*
Storage	X	D	D	D	P	D	X	X	X	D	#	*
Tavern	X	P	D	X	X	X	X	X	X	X	#	*
Telecommunications Infrastructure	A	D	D	D	P	D	D	A	D	A	#	*
Trade Display	X	D	D	P	D	X	X	X	X	X	#	*
Transport Depot	X	X	X	A	P	D	X	X	X	X	#	*
Veterinary Centre	X	X	X	A	D	X	X	X	X	A	#	*
Warehouse	X	X	X	D	P	D	X	X	X	X	#	*
Winery	X	X	X	A	D	X	X	X	X	P	#	*

• *Restricted to premises where the use lawfully existed at the date of gazettal of the Scheme (refer Clause 4.2.1.4)*

- 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 9.4 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

4.5.1 There are no Additional Uses which apply to the Scheme.

#### 4.6 Restricted Uses

4.6.1 There are no Restricted Uses which apply to the Scheme.

#### 4.7 Special Use Zones

4.7.1 Special Use zones are set out in **Schedule 2** 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 2** and such other use(s) which, in the opinion of the local government, is considered to be incidental to the predominant use(s) listed against the land under **Schedule 2** and subject to compliance with any conditions set out in **Schedule 2** with respect to that land.

4.7.3 The site requirements of lot area, minimum effective frontage, development type, plot ratio, car parking, setbacks, and other development provisions are to be determined by the local government and such standards are not to be less than that pertaining to similar uses under the Scheme.

4.7.4 The Special Use zone is only to be applied to a parcel of land in association with a particular use or development, a description of which will be included in **Schedule 2** to this Scheme, with a numeric reference to the Scheme Map.

4.7.5 Where applied, the Special Use zone will be maintained for as long as the use lawfully continues to operate, after which time the zoning for the land may be reconsidered by the local government.

*Note—*

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

“Land” has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

#### 4.8 Non-Conforming Uses

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

- 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 authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

#### **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 9.4.

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 shall not 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**

4.10.1 When a non-conforming use of any land has been discontinued for a period of six (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**

4.11.1 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 the 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**

4.12.1 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.

#### **4.13 Incidental Uses**

4.13.1 The Local Government may grant approval to an incidental use(s) on a site, providing that the use(s) is considered subordinate and ancillary to the predominant use and may include—

- (a) car parking associated with the predominant use of the site;
- (b) offices directly associated with administration of the predominant use; or
- (c) any other use(s) that may be deemed by the local government to be subordinate, ancillary and necessary to the function of the predominant use.

#### **5.1 Compliance with Development Standards and Requirements**

5.1.1 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, as amended, 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 to the provisions of those Codes.

5.2.3 The Residential Planning Code 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.

5.2.4 Where there is a dual coding, the higher coding will apply as determined by the local government.

5.2.5 Where the Residential Planning Code density as indicated on the Scheme Map is 'R15/30' (being the area bounded by Parade Road, Hudson Road, Minnipup Road and Westwood Street and located immediately south of Westwood Street), the 'R30' code is only applicable when the following has been undertaken—

- (i) Withers Outline Development Plan has been adopted by Council and endorsed by the Commission in accordance with clause 5.9.13 Structure Plans of the Scheme.
- (ii) The proposal is consistent with the Withers Outline Development Plan; and

- (iii) Road links as depicted in the Withers Outline Development Plan have been constructed or a suitable legal agreement is in place which commits the following schedule of works within the agreed timeframe—
- Road link between Hooper Place and Stallard Place.
  - Road link between Davenport Way and Rand Court.
  - Road link from Hudson Road through to Whitley Place intersection (ie. not inclusive of the extension of Jacaranda Crescent).

### 5.3 Special Application of Residential Planning Codes

#### 5.3.1. Special Housing Developments

5.3.1.1 Special housing developments including aged persons homes/villages and housing for the disabled and similar type development up to a maximum density of R60 may be approved by the local government in the Residential Zone, notwithstanding the R Code designation upon the Scheme maps, subject to being advertised for public comment in accordance with clause 9.4, prior to being considered by the local government.

5.3.2 Prior to considering a variation(s) to any development standard(s) as prescribed under the Residential Planning Codes, the local government may advertise its intention to consider the variation in accordance with clause 9.4.

#### 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 9.4.

#### 5.5 Variations to Site and Development Standards and Requirements

5.5.1 Zoning Table (Table No 1) controls are not subject to this clause. 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 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 pursuant to clause 9.4; and
- (b) have regard to any expressed views prior to making its decision 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 10.2; and
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

#### 5.6 Environmental Conditions

5.6.1 There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

*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 Site And Development Requirements

##### 5.7.1 Car Parking

5.7.1.1 **Table No. 2** 'Car Parking Guidelines' lists the various car parking requirements that are to apply to the various uses of land specified therein.

5.7.1.2 Subject to clause 5.5.1, no person is to develop any land for a use or purpose specified in **Table 2** otherwise than in accordance with the relevant standards contained therein.

5.7.1.3 Where a particular use of land is not specified in **Table 2**, the local government shall determine the number of car parking spaces to be provided on the site having regard to the nature of the proposed development, the number of employees likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area.

5.7.1.4 Where it is demonstrated to the satisfaction of the local government that the combined or shared parking of different uses would result in the same effective number of parking spaces, the local government may vary the requirements of **Table 2**.

5.7.1.5 Where the number of car parking spaces proposed to be provided on land, or in a building, the subject of an application for planning approval is less than the number required under **Table 2**, the local government may approve the application if the applicant can demonstrate to the satisfaction of the local government that—

- (a) off street parking facilities in the near vicinity are adequate to cater for the parking requirements of the land use and/or development; and,
- (b) arrangements to the satisfaction of the local government have been made to enable those facilities to be used for that purpose on an on-going basis.

5.7.1.6 When considering an application for its planning approval, the local government may impose conditions regarding the required number and/or method of provision of car parking spaces. In particular, the local government may impose conditions relating to—

- (a) the proportion of car parking spaces to be roofed or covered;
- (b) the proportion of car parking spaces to be below natural ground level;
- (c) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (d) the design and location of the car parking spaces on the site and their effect on the existing streetscape and the amenity of adjoining development and the locality generally, including the potential effect if those spaces should later be roofed or covered;
- (e) the extent to which car parking spaces are located within required building setback areas;
- (f) the location of proposed public footpaths, vehicular crossings of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety; and
- (g) the design of the car parking areas to address the impacts of the natural elements including wind, rain, sun, etc.

5.7.1.7 Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided are to be calculated separately for each part of the land or building used for each use.

5.7.1.8 Where greater than 50% of the total floor space of a building is used for residential purposes, and where the balance of the floor space is used substantially between the hours of 9.00 a.m. and 5.00 p.m., the total number of spaces required to be provided under **Table 2** may be reduced by up to 25 per cent.

**Table No 2**  
Car Parking Guidelines

Use	Parking Guidelines
Housing of all types	As per the Residential Planning Codes.
Shop	1 space for every 20 sqm of gross floor area.
Industry	4 spaces for up to the first 200 sqm gross floor area, plus 1 space for every additional 100 sqm or part thereof.
Office	1 space for every 50 sqm gross floor area.
Hotels, Motels, Taverns & Restaurants	1 space for every 2 sqm of public drinking area, plus 1 space for every 4 sqm of eating area, plus 1 space for each bedroom.
Place of Public Assembly	1 space for every 4.5 sqm of assembly area.
Hospital	1 space for every 3 bed spaces provided.
Consulting rooms, clinics, etc	4 spaces for each consulting room up to 4 such rooms plus 2 spaces for each additional consulting room.
Funeral Parlour	6 spaces.
Motor Repair & Service Stations	1 space for each lubrication and maintenance bay plus 1 for each person working on the site.
Open Air Display	1 space for every 200 sqm of display area.
Squash Centre	3 spaces for every court.
Video Hire Outlet	1 space for every 20 sqm gross floor area.
Warehouse/Showroom	As for industry.
Civic Use	1 space for every 30 sqm of gross floor area.
Community Purposes/Home	Number of spaces required to be at the discretion of the local government.
Convenience Store/Lunch Bar	1 space for each employee plus 1 space per 20 sqm gross floor area.
Educational Establishment	1 space per employee plus parking spaces for students to be at the discretion of the local government.
Home Based Businesses/Cottage Industry	1 space per employee in addition to residential requirements.
Service Industry	1 space per employee plus one space per 100 sqm gross floor area.
Other Retail	1 space for every 25 sqm gross floor area.

Use	Parking Guidelines
All Other Uses	The number of spaces required is to be at the discretion of the local government provided that the parking requirements for the use proposed are not found in any other provisions of the Scheme or adopted policies of the local government under Part 2 (Local Planning Policy Framework) of the Scheme.

5.7.1.9 Within the City Centre zone, car parking spaces associated with developments of up to 2,000m<sup>2</sup> gross floor area may not be required, however, any development in excess of 2,000m<sup>2</sup> gross floor area is to provide for adequate on-site car parking as determined by the local government.

5.7.1.10 Car parking spaces are to be provided in accordance with the **Table 2** unless determined otherwise by Council and shall be designed, constructed and maintained to the satisfaction of the local government.

5.7.1.11 The dimensions of car parking spaces, parking angle, driveway widths and landscaping detail specified in **Austroroads, Australian Standards** are to be used by the local government as a guide in determining the layout of car parking areas. The local government may vary the dimensions specified by up to 10 percent where obstructions, site dimensions or topography result in the loss of a car parking space in a run of car parking spaces. This provision is to be used in order to obtain one additional space in a run of spaces and is not to be used to modify landscaping, shade tree or driveway access requirements.

5.7.1.12 Where the provisions contained under clause 5.7.1 conflict with any policy adopted by the local government relating to car parking requirements within a specific part of the Scheme Area then the policy relating to the specific area is to apply.

#### 5.7.2 Plot Ratios, Site Coverage, Building Setbacks And Landscaping

5.7.2.1 Subject to clause 5.5.1, development within the zones listed in the first column of **Table 3** is to conform with the relevant standards contained therein.

5.7.2.2 Where an application is made for planning approval in a zone for which development standards are not presented in **Table 3**, the local government shall determine the plot ratios, site coverage and building setbacks which shall apply to the development having regard to the nature of the proposed development and the orderly and proper planning of the locality, the preservation of its amenities and any other relevant consideration.

5.7.2.3 With the objective of achieving attractive development and streetscapes, the local government may—

- (a) require applicants for planning approval to provide a landscape plan that clearly shows the landscape design, including the type and location of trees, shrubs and other landscape elements proposed as well as the proposed landscape maintenance regime; and
- (b) require landscaping to be provided at the front of a development and may permit all or a portion of the landscaping requirement to occur within the street verge.

5.7.2.4 The local government will require the planting of predominantly (not less than 90 per cent) indigenous trees and shrubs that require little maintenance, reduce radiant heat and encourage water infiltration. The local government may vary the composition of indigenous vegetation, if in the opinion of the local government, the use of non indigenous species would be appropriate to maintain continuity of existing plantings, boulevard treatments and/or distinctive features.

**Table 3**  
Development Standards

Zone	Maximum Plot Ratio	Maximum Site Coverage	Minimum Building Setback (From Street)	% of Site to be Landscaped
Residential	As per the Residential Planning Codes except for non-residential development in which case the standards shall be as required by the local government in each particular case.			
City Centre	3.5	100 percent	As required by the local government.	As required by the local government.
Shopping Centre	2.0	92 percent	As required by the local government.	12 percent.
Mixed Business	1.5	70%	7.5 metres	8 percent
Industry and Development Zone-Industrial	0.8	65 percent	9 metres	5 percent
Port Industry	0.8	65 percent	9 metres	5 percent
Place of Assembly	As required by the local government in each particular case.			
Education				
Service Station				
Rural				
Special Use				

5.7.2.5 Landowners are required to maintain all landscaped areas to the satisfaction of the local government. Failure to maintain approved landscaped areas as specified in the Notice of Determination on Application for Planning Approval is an offence under the Scheme. The local government may, after due notice to the owner of the property, undertake remedial works at the expense of the owner.

5.7.2.6 Landscaped areas as specified under the Notice of Determination on Application for Planning Approval are to be planted in accordance with an approved landscape plan and within thirty (30) days of Practical Completion of the development or any relevant part thereof, as determined by the local government, or at such later time as may be agreed in writing by the local government.

5.7.2.7 Where the provisions contained under clause 5.7.2 conflict with any policy adopted by the local government relating to plot ratios, site coverage, building setbacks and landscaping requirements within a specific part of the Scheme Area then the policy relating to the specific area is to apply.

## 5.8 Detailed Area Plans

5.8.1 Where the Commission, as a condition of subdivision, requires development to comply with **Detailed Area Plans**, the local government will not approve development on the lots created by the subdivision unless the proposed development complies with the Detailed Area Plans.

*Note—*

The Community Code provides for Detailed Area Plans to be prepared by applicants for subdivision for approval in association with the subdivision application. The Code requires Detailed Area Plans for all lots less than 350m<sup>2</sup>. They are also recommended for lots of 350m<sup>2</sup>-450m<sup>2</sup>, and for larger lots with special siting and design requirements.

## 5.9 Specific Objectives and Development Requirements For Particular Zones

### 5.9.1 Residential zone

5.9.1.1 The local government's specific objectives in controlling development within the Residential zone are—

- (a) To promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their residents;
- (b) To provide sufficient zoned land to meet the needs of the projected population;
- (c) To safeguard and promote the heritage architectural style of buildings within the Scheme Area;
- (d) To provide for a wide range of housing types and architectural styles and therefore, housing choice and lifestyle opportunities;
- (e) To promote urban consolidation in suitable locations;
- (f) To encourage residential development that will achieve efficient use of existing physical and social infrastructure, is economically serviced and affordable.
- (g) To require subdivision to have regard to any structure plan adopted by the local government;
- (h) To provide for home-based employment where such use does not cause injury to, or prejudicially affect, the amenity of the locality within which it is situated.

### 5.9.1.2 Building Height

5.9.1.2.1 Before determining an application for any type of residential development in the Residential zone which incorporates a building or buildings where the average building height in respect of the existing ground level exceeds 9 metres and, in the opinion of the local government, the proposed development may have a detrimental effect on the nearby/adjoining properties, the local government shall advertise the proposal in accordance with the provisions of clause 9.4 of the Scheme.

### 5.9.1.3 Neighbourhood Centres

5.9.1.3.1 To facilitate the comprehensive planning of Neighbourhood Centres, the local government may designate any residential area as a Special Neighbourhood Development Area as a guide to future rezoning and formulation of policies and special planning controls required to address issues such as landuse, amenity, landscaping and urban design guidelines.

### 5.9.2 City Centre zone

5.9.2.1 The local government's specific objectives in controlling development within the City Centre zone are—

- (a) To encourage development of a high environmental standard appropriate to the Central Business District;
- (b) To promote convenient and safe shopping facilities and relate these to the social, business and entertainment functions of the Central Business District;
- (c) To provide for the development or redevelopment of land within the zone for a broad range of compatible uses which the local government considers are appropriate to the City Centre function and serve the residents of, and visitors to, the City of Bunbury; and
- (d) To place a high priority of the function, ambience and regional primacy of the Central Business District and to only approve uses within the zone which are of a scale, appearance and/or character which positively contribute to these values and are consistent with any relevant policy requirements of the local government.

### 5.9.2.2 Plot Ratio

5.9.2.2.1 In the City Centre zone, the local government may permit a building to have a plot ratio up to 20 percent in excess of that prescribed in **Table 3** if the development proposed to be carried out—

- (a) incorporates on the site of the development at street level and adjoining a street, an area or areas freely accessible to the public and open to the sky or such an area or areas at some other level in circumstances which the local government considers justify an increase in the permissible plot ratio;
- (b) preserves an historical building which the local government considers warrants preservation and any other building on the site is located at least 6 metres from the building preserved;
- (c) incorporates a courtyard between two streets freely accessible to the public with pedestrian access to such courtyard from one or both streets through arcades;
- (d) includes a colonnade adjacent to a street or courtyard of a width of at least 4.5 metres and of a height which the local government considers justifies an increase in the permissible plot ratio;
- (e) is set back from the side boundaries of the site at such level or levels and at such distances as the local government considers justifies an increase in the permissible plot ratio—
- (f) includes a community or other facility or amenity which the local government considers justifies an increase in the permissible plot ratio.

5.9.2.2.2 The local government is not to permit a building to have a plot ratio in excess of that prescribed in clause 5.9.2.2 unless—

- (a) it is satisfied that the development complies with at least one of the criteria set out in that clause;
- (b) it is satisfied that the design, standard and nature of the development as a whole is such as to constitute a significant improvement to the amenities or environment of the Central Business District.

### 5.9.2.3 Residential Accommodation

5.9.2.3.1 Residential development within the City Centre zone may be constructed up to the R100 density code development standards of the Residential Planning Codes.

5.9.2.3.2 In addition to a caretaker's residence, one unit of self-contained living accommodation for a single family may be incorporated in every building for every complete 450 square metres of area of the lot on which such building is erected and the floor area of such unit shall be excluded in calculating the plot ratio of the building.

5.9.2.3.3 All residential accommodation within the City Centre zone, whether in a mixed development or not, shall conform with the standards prescribed in the Residential Zone and the Residential Planning Codes where applicable.

### 5.9.2.4 Loading and Unloading

5.9.2.4.1 Where areas for the loading and unloading of vehicles carrying goods or commodities to or from premises are to be provided such areas are to be provided and maintained in accordance with the approved plan relating thereto and to the satisfaction of the local government.

### 5.9.2.5 Upper Floors

5.9.2.5.1 Where the ground floor of a multi-storey building is used for the purpose of shops, the upper floors of such building may be used for such purpose or purposes as may be permitted or approved of in the CBD zone.

### 5.9.2.6 Site Coverage

5.9.2.6.1 The site coverage of up to 100 percent is to be permitted subject to the satisfaction of the local government on matters relating to access, car parking, circulation, servicing, loading and unloading and other matters which the local government, in its absolute discretion, may take into consideration.

### 5.9.2.7 Road Widening

5.9.2.7.1 Council is to have due regard for the road widening requirements of the City at the time of assessment of any proposal.

## 5.9.3 Shopping Centre zone

5.9.3.1 The local government's specific objectives in controlling development within the Shopping Centre zone are—

- (a) To encourage a high standard of visually aesthetic development in the zone; and
- (b) To promote areas for warehouse/showrooms, shops and comprehensive commercial businesses which are safe, convenient and attractive for people and traders alike.
- (c) To encourage residences above local shopping centres.

### 5.9.3.2 Plot Ratio

5.9.3.2.1 In the Shopping Centre zone the maximum site coverage permitted is to be 92 percent subject to the satisfaction of the local government on matters relating to access, car parking, circulation, servicing, loading and unloading and other matters which the local government in its absolute discretion may take into consideration.

5.9.3.2.2 The local government is not to permit a building to have a plot ratio in excess of that prescribed in **Table 3** unless—

- (a) it is satisfied that the development complies with one or more of the design elements set out in clause 5.9.2.1; or,

- (b) it is satisfied that the design, standard and nature of the development as a whole is such as to constitute a significant improvement to the amenities or environment of the Shopping Centre Zone.

#### 5.9.3.3 Residential Accommodation

5.9.3.3.1 Within the Shopping Centre zone, in addition to a caretaker's residence, one unit of self-contained living accommodation for a single family may be incorporated in every building for every complete 450 square metres of area of the lot on which such building is erected provided always that the floor area of such unit is to be included in calculating the plot ratio of the building.

#### 5.9.3.4 Setbacks

5.9.3.4.1 Every building within the Shopping Centre zone shall be set back such distance from the boundaries of the lot on which it is to be erected as may be required by the local government as a condition of approval of the application for Planning Approval relating to the building.

#### 5.9.3.5 Landscaped Areas

5.9.3.5.1 Where, in the opinion of the local government, sufficient landscape features exist in the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50 percent.

#### 5.9.3.6 Loading and Unloading

5.9.3.6.1 Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Shopping Centre Zone shall be provided and maintained in accordance with the approved plan relating thereto and to the satisfaction of the local government.

#### 5.9.3.7 Upper Floors

5.9.3.7.1 Where the ground floor of a multi-storey building is used for the purpose of shops, the upper floors of such building may be used for such purpose or purposes as may be permitted or approved of in Shopping Centre zone or for the purpose of offices notwithstanding that such offices may not be a use which is incidental to the use of the building in question for the purpose of shops.

### 5.9.4 Mixed Business zone

5.9.4.1 The local government's specific objectives in controlling development within the Mixed Business zone are to provide for a range of development which complements, but does not compete with, the City Centre and Shopping Centre zones in terms of regional primacy of the City Centre (especially as the principal retail, office, civic, cultural, entertainment and administrative centre) nor the main retail and related functions of Shopping Centre zones.

#### 5.9.4.2 Land Use

5.9.4.2.1 In considering proposed uses and development within the Mixed Business Zone, the local government is to ensure the proposal will complement, and not adversely impact on, the City Centre or Shopping Centre zones.

5.9.4.2.2 Notwithstanding any other provision of the Scheme relating to the Mixed Business zone, the local government may permit an office use or development within the zone providing it is, in the opinion of the local government, ancillary to the predominant use of the land and such use is not to comprise more than 20% of the nett lettable area of development on the land or each individual business premises.

#### 5.9.4.3 Setbacks

5.9.4.3.3 Where a lot is situated at the intersection of two or more streets, the local government may reduce the distance of the building line from any road reserve other than that which, in the opinion of the local government, the lot fronts.

#### 5.9.4.4 Building Height

5.9.4.4.1 In considering any application for its planning approval within the Mixed Business zone the local government is to give due consideration to the building height and possible impacts on the use and amenity of any adjoining residential land.

#### 5.9.4.5 Minimum Floor Area

5.9.4.5.1 In the Mixed Business zone the minimum net lettable area of each individual showroom or business premises that will be permitted by the local government is to be 200m<sup>2</sup>. The minimum floor area for showrooms and other premises is to apply whether the use has developed under a single lot or under a strata title development.

5.9.4.5.2 The above minimum floor area of 200m<sup>2</sup> does not apply to lunch bars, home stores and other uses which are specifically restricted to a lower floor area as stated under Schedule 1—"Dictionary of Defined Words" and Expressions or as determined by Council.

5.9.4.5.3 Office floor space in the Mixed Business Zone shall be limited to not more than 200m<sup>2</sup> NLA.

#### 5.9.4.6 Special Development Areas

5.9.4.6.1 The local government may designate any area contained within the Mixed Business zone as a Special Development Area where, in the opinion of Council, special planning controls are needed to address amenity issues, interface with surrounding land uses, investigate land use options, development control standards, landscaping, and design guidelines. Any Special Development Area and associated special planning controls will be established and implemented under the policy provisions set out under Part 2 of the Scheme.

### 5.9.5 Industry zone

5.9.5.1 The local government's specific objectives in controlling development within the Industry zone are—

- (a) To encourage pleasant and efficient industrial facilities;

- (b) To encourage the consolidation and improvement of appropriately located industrial areas;
- (c) To enable industrial areas to expand where the need for such expansion can be sustained;
- (d) To promote the safe movement of vehicular and pedestrian traffic; and
- (e) To protect the amenity of adjacent areas.

#### 5.9.5.2 Setbacks

5.9.5.2.1 Within each of the various Industrial zones under the Scheme, the side and rear setbacks are to be at the discretion of the local government.

5.9.5.2.2 Where a lot is situated at the intersection of two or more streets, the local government may reduce the distance of the building line from any road reserve other than that which, in the opinion of the local government, the lot fronts.

#### 5.9.5.3 Loading and Unloading

5.9.5.3.1 Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the various Industrial zones of the Scheme are to be provided and maintained in accordance with the approved plan relating thereto and to the satisfaction of the local government.

#### 5.9.5.4 Wastewater Disposal

5.9.5.4.1 Within unsewered areas of the various Industrial zones of the Scheme, the local government is not to approve the establishment of industries which, in the opinion of the local government, following consultation with the Health Department of Western Australia, generate large volumes of wastewater or toxic wastes which cannot be adequately disposed of other than by reticulated sewerage means.

#### 5.9.5.5 Industrial Buffer Areas

5.9.5.5.1 The local government is not to permit the establishment of non-industrial uses within existing or proposed industrial buffer areas as determined under the State Industrial Buffer Policy (SPP4) unless they are considered to be, in the opinion of the local government, compatible with adjoining industrial uses.

#### 5.9.5.6 Environmental Considerations

5.9.5.6.1 The local government will not determine an application for any use or development within the various Industrial zones which, in the opinion of the local government, appears likely, if implemented, to have a significant effect on the environment, unless—

- (a) the use or development has been referred to the Environmental Protection Authority (“the Authority”) pursuant to section 38 of the *Environmental Protection Act 1986* (“the EP Act”); and
- (b) either:—
  - (i) the local government has been informed under section 40(1)(a) of the EP Act that the Authority considers that the use or development should not be assessed by the Authority, and the period within which an appeal against that decision may be lodged under the EP Act has expired without the lodging of such an appeal or, if an appeal has been lodged, the appeal has been determined; or
  - (ii) the Minister administering the EP Act has informed the local government under section 45(7) of the EP Act that the use or development may be implemented.

5.9.5.6.2 The local government is not to permit any use or development within the various Industrial zones unless the applicant or other responsible person has applied for and obtained any works approvals or licences required in respect of the use or development under Part VI of the EP Act.

5.9.5.6.3 The local government is not to permit any use or development within the various Industrial zones which, in the opinion of the local government, would require a buffer zone, other physical device or special restrictions to apply outside the boundary of the site containing the use or development in order to make it environmentally acceptable.

5.9.5.6.4 The local government may require an applicant (at the applicant’s expense) to provide it with scientific and/or technical information or analysis in respect of any Industrial use or development.

#### 5.9.6 Port Industry zone

5.9.6.1 The local government’s specific objective in controlling development within the Port Industry zone is to accommodate industrial uses which are consistent with the definition given to Port Industry within Schedule 1 or uses which are port related and require, or could reasonably be considered to benefit from, close proximity to the Bunbury Port.

5.9.6.2 Development requirements are prescribed as for the Industry zone in clauses 5.9.5.2—5.9.5.6.

#### 5.9.7 Place of Assembly zone

5.9.7.1 The local government’s specific objective in controlling development within the Place of Assembly zone is to provide for uses where people may assemble for a variety of religious, cultural, recreational, sporting or other group activities.

5.9.7.2 The local government may permit any other use or development on land within the Place of Assembly zone which the local government considers to be dependent upon, incidental and subservient to the predominant use or development existing upon the land.

#### 5.9.8 Education zone

5.9.8.1 The local government’s specific objective in controlling development within the Education zone is to provide for educational establishments, whether public or private, including kindergartens,

pre-primary, primary and secondary schools, tertiary institutions, business colleges, academies or other educational centres.

5.9.8.2 The local government may permit any other use or development on land within the Education zone which the local government considers to be dependent upon, incidental and subservient to the predominant use or development existing upon the land.

#### 5.9.9 Service Station zone

5.9.9.1 The local government's specific objective in controlling development within the Service Station zone is to accommodate only those uses consistent with the definition given to Service Station in **Schedule 1**.

5.9.9.2 The local government may permit any other use or development on land within the Service Station zone which the local government considers to be dependent upon, incidental and subservient to the predominant use or development existing upon the land.

#### 5.9.10 Rural zone

5.9.10.1 The local government's specific objective in controlling development within the Rural zone is to provide for the sustainable use of land for a range of rural pursuits and other uses reasonably and/or commonly associated with rural areas which are compatible with the capability of the land and retain the rural character and amenity of the locality.

5.9.10.2 The local government is to apply such development standards to a proposal the subject of an application for Planning Approval as it thinks fit providing such standards are not less than that pertaining to similar uses under the Scheme.

#### 5.9.11 Special Use zone

5.9.11.1 The local government's specific objective in controlling development within the Special Use zone is to accommodate particular land uses or developments which the local government considers appropriate, but under circumstances where the location of the site and/or the nature of the particular use or development makes it impracticable for the use or development to be included within another zone.

5.9.11.2 Refer to clause 4.7. for development guidelines and requirements.

#### 5.9.12 Development (Residential or Industrial) zones

5.9.12.1 The local government's specific objective in controlling development within the Development (Residential or Industrial) zones is to facilitate the comprehensive planning and development of future urban areas in accordance with adopted structure plans.

5.9.12.2 Land within the Scheme Area may be designated on the Scheme Map as either Development Zone (Residential) or Development Zone (Industrial) as the case may be and such designation indicates the local government's general intentions as to the predominant future use applicable to the land so designated.

5.9.12.3 No Development within the Development zone is to be permitted unless the local government considers that it complies with a structure plan that has been adopted by the local government and endorsed by the Commission in accordance with clause 5.9.13.

5.9.12.4 The local government shall from time to time amend the Scheme to more particularly zone and reserve land after an approved structure plan has been adopted by the local government and endorsed by the Commission.

5.9.12.5 Uses within a development zone that existed at the time that the scheme came into operation which do not comply with an adopted structure plan are non-complying uses and are subject to clause 4.9.

#### 5.9.13 Structure Plans

5.9.13.1 The local government may from time to time designate one or more parts of the Scheme Area as a structure plan area including areas incorporated within a 'Development Investigation Area' and prepare, or cause to be prepared, a structure plan for that area for the purposes of—

- (a) describing in appropriate detail the local government's intentions regarding the types and design of development and/or land uses which the local government wishes to establish or facilitate within the structure plan area; and
- (b) describing in appropriate detail any legal, financial, physical or other means by which it is proposed to establish or facilitate the desired development and/or land uses within the structure plan area;

and subsequently adopt the structure plan area and structure plan.

5.9.13.2 A person may, on their own initiative or at the request of the local government, submit a structure plan for an area in which that person has a proprietary interest and request adoption of the structure plan by the local government.

5.9.13.3 A structure plan submitted in accordance with clause 5.9.13.1 is to, for the purposes of its consideration by the local government, be dealt with in the same manner as an Application for Planning Approval and the provisions of clauses 10.1, 10.2 and 9.4 are to apply.

5.9.13.4 The local government may enter into formal agreements with any person, organisation or public authority for the purposes of implementing or facilitating an adopted structure plan, and any such agreements are to be considered as part of the structure plan.

5.9.13.5 Where an Industry zone or a Development zone intended for future industrial development abuts or is in proximity to a Residential Zone, or a Development zone intended for residential development; any structure plan for the existing or future industrial area shall ensure that suitable land use buffer areas are provided to protect the environment of the existing or future residential area.

5.9.13.6 Where a Residential zone or Development zone intended for future residential development abuts or is in proximity to an Industrial zone or Development zone intended for industrial development or major transport corridor; any structure plan for the existing or future residential area shall provide suitable land use buffer areas to ensure that reasonable amenity standards are provided.

5.9.13.7 Prior to the local government adopting any structure plan, the structure plan is to be forwarded to the Commission for its endorsement and the local government is not to adopt a structure plan unless it has first been endorsed by the Commission. The local government is to forward its recommendations together with public submissions to the Commission in seeking endorsement from the Commission.

5.9.13.8 The consideration and adoption by the local government of a structure plan is not in any way to diminish the further requirement under clause 8.1 for an applicant to obtain planning approval for any development or subdivision subsequently proposed within the area covered by the structure plan.

5.9.13.9 An adopted structure plan area and structure plan may be amended or rescinded in accordance with this Part as if such amendment or rescission was itself a structure plan, provided that any such amendment or rescission shall not have effect unless it has first been endorsed by the Commission.

5.9.13.10 In relation to a structure plan prepared in accordance with this Part, the elapsed period after which a refusal is deemed to have occurred under clause 10.9.1 is to be ninety (90) days.

5.9.13.11 Should the local government not adopt a structure plan prepared in accordance with the provisions of this Scheme, then an aggrieved applicant may submit the structure plan to the Commission for its determination.

5.9.13.12 Should an applicant be aggrieved by a determination of the Commission made under clause 5.9.13.10 the applicant may appeal in accordance with the provisions of clause 10.11.

5.9.13.13 An applicant shall not lodge an appeal under clause 10.11 in relation to the local government's failure to adopt a structure plan unless the applicant has first obtained a determination of the Commission in accordance with clause 5.9.13.11.

5.9.13.14 When determining applications for planning approval within a designated structure plan area, the local government is to, when exercising any discretion available to it under the relevant zone provisions, have regard to any adopted structure plan for that area.

5.9.13.15 In the event of any conflict occurring between the Scheme and a specific intention or provision of an adopted structure plan, the intention and provision of the Scheme shall prevail.

#### 5.9.14 **Unkempt Land**

5.9.14.1 For the purpose of maintaining amenity—

- (a) the local government may cause a notice to be served on the owner or occupier of any land within the Scheme Area that contains any undergrowth, refuse, vehicles and or parts, rubbish or disused material which in the opinion of the local government is likely to adversely affect the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, such notice requiring that within a specified time the owner or occupier shall clear and/or remove from the land such undergrowth, refuse, vehicles and or parts, rubbish, or disused material;
- (b) every owner or occupier of land upon whom a notice is served shall comply with such notice within the time period therein specified;
- (c) where the owner or occupier does not clear the land or remove the refuse, vehicles and or parts, rubbish or disused material as required by the notice given by the local government, the local government may, without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of the owner or occupier, and recover in a court of competent jurisdiction, the amount of the expense from the owner or occupier to whom the notice is given; and,
- (d) any person who fails to comply with any notice served commits an offence and is liable to action under the Scheme.

#### 5.9.15 **Commercial Vehicles in Residential Areas**

5.9.15.1 No more than two commercial vehicles may be parked on a lot within a Residential Zone, provided that—

- (a) only one vehicle may exceed ten tonnes gross weight;
- (b) the vehicles are parked on a lot containing only a single house;
- (c) the vehicles form an essential part of the occupation of an occupant of the dwelling;
- (d) no vehicle either exceeds either 2.7 metres or 15 metres in length;
- (e) any vehicles exceeding 8 metres in length are screened from view outside the lot;
- (f) no vehicle is brought to or taken from the lot between the hours of 10pm and 6.30 am;
- (g) no major repairs to either of the vehicles are undertaken on the lot; and
- (h) any minor repairs, servicing or cleaning of either of the vehicles is carried out in areas which are screened from view from outside the lot.

5.9.15.2 Notwithstanding the provisions of Clause 5.9.15.1 above, the special approval of the Council is required for the parking of a commercial vehicle exceeding ten tonnes gross weight, on a lot within a Residential Zone.

5.9.15.3 An approval of the Council granted under 5.9.15.2—

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

5.9.15.4 A person whom an approval has been granted under 5.9.15.2 shall not park or cause to be parked such a vehicle on any lot within a Residential Zone other than on the Lot in respect of which the approval was granted.

5.9.15.5 If a vehicle has been parked with the approval of the Council under 5.9.15.2 and if in the opinion of the Council, such vehicle is causing nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, park a commercial vehicle exceeding ten tonnes gross weight unless approval to do so shall subsequently be granted by the council.

5.9.15.6 Except as hereinafter provided, no person within any residential lot may without the approval of Council in writing, keep, park, allow to remain, repair, service or maintain any boat, launch, yacht, dinghy or other watergoing vessel or any caravan in front of the building setback line.

5.9.15.7 A person shall not stack or place any fuel or raw material or products of waste or manufacture in front of the building line other than the building line of a service station or petrol filling station.

#### 5.10 Telecommunications Infrastructure

5.10.1 An application for Council Planning Consent will be required for overhead cabling, radio communication dishes (greater than 1.2 metres in diameter) and mobile telecommunications towers for the purposes of protecting visual amenity, landscape or urban character of an area, as well as addressing safety concerns, and areas of landscape and environmental significance.

5.10.2 Where Council Planning Consent is required to be obtained, Council may resolve to seek public comment, subject to advertising procedures as stipulated in Clause 9.4, prior to considering the application for planning consent.

5.10.3 Applications for the development of telecommunications facilities shall be accompanied by information as listed in Clause 9.2 and considered in relation to the following—

- (i) consistency with the objectives of the zone or reserve;
- (ii) social and economic benefits;
- (iii) telecommunication based services for people and businesses throughout the state;
- (iv) protection of the environment and heritage values;
- (v) safeguarding visual amenity and streetscape;
- (vi) public safety; and
- (vii) coordination with other services.

5.10.4 Subclauses 5.10.1 to 5.10.3 also relate to Crown land. Such applications must be accompanied by written consent of the Department of Land Administration and the vesting/management authority.

#### 6.1 Operation of Special Control Areas

6.1.1 The following Special Control Areas are shown on the map contained in Schedule 7 or the Scheme Map—

- (a) **Development Investigation Policy Area**—Related to areas considered suitable for further investigation for urban development.
- (b) **Flood Prone Land**—Related to areas liable to flooding.

6.1.2 In respect of a Special Control Area, the provisions applying to 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 Special Control Area Provisions

##### 6.2.1 Development Investigation Policy Areas

6.2.1.1 Development Investigation Policy Areas, as depicted on the Scheme Maps, are designated for further strategic planning and investigations in relation to land use options, environmental issues, servicing requirements, transportation infrastructure needs, landscaping and design guidelines.

##### 6.2.1.2 Structure Plans or Development Guide Plans

6.2.1.2.1 Structure Plans or Development Guide Plans shall be prepared consistent with Clause 5.9 as a framework to guide Planning Consent applications or subdivision proposals or rezoning amendment proposals.

##### 6.2.1.3 Development or Subdivision

6.2.1.3.1 No development or subdivision is permitted within the Development Investigation Policy Area until the respective structure plan or development guide plan has been adopted by Council and endorsed by the Commission.

##### 6.2.1.4 Structure Plans or Development Guide Plans

6.2.1.4.1 Structure Plans or Development Guide Plans shall be prepared consistent with the State Planning Strategy, State Planning Framework Policy, provisions of Statement of Planning Policy No. 1 and other strategic plans of the Commission.

### 6.2.2 Flood Prone Land

6.2.2.1 Land within the Scheme Area which may be prone to flooding is depicted on the map in Schedule 7.

6.2.2.2 When determining applications for planning approval within the area identified as flood prone land on the Schedule 7 map, the local government may—

- (a) refuse to grant planning approval for proposed developments within areas determined by the local government from time to time to be unsuitable for all development or particular types of development having regard to the varying proximity of those areas to the Preston River Levees or the Preston River Relief Floodway; or
- (b) require minimum height finished floor levels or other relevant matters in order to reduce the potential of future property damage due to flooding.

### 7.1 Heritage List

7.1.1 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.

7.1.2 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.

7.1.3 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 7.1.1 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.

7.1.4 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.

7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection during normal office hours.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

*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.

### 7.2 Designation of a Heritage Area

7.2.1 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.

7.2.2 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.

7.2.3 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 two 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.

7.2.4 Notice of a proposal under clause 7.2.3(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.

7.2.5 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.

7.2.6 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.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

### 7.3 Heritage Agreements

7.3.1 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*.

### 7.4 Heritage Assessment

7.4.1 Despite any existing assessment on record, the local government may require a heritage assessment to be carried out, at the expense of the applicant, prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place included on the Heritage List.

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

7.5.1 Where desirable to—

- (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 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

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.

### 8.1 Requirement for Approval to Commence Development

8.1.1 Subject to clause 8.2, 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 9.

*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.

### 8.2 Permitted Development

8.2.1 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 works 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 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools in the Residential zone, 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 is proposed on land which is included, or contains buildings which are included, on the Municipal Inventory or will be located in a Heritage Area designated

- under the Scheme or abuts a place that is listed on the Register of Heritage Places under the *Heritage of Western Australia Act, 1990*;
- (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 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 7.1 of the Scheme; or
    - (iv) located within a Heritage Area designated under the Scheme;
  - (d) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
  - (e) the erection or displaying of signage which shall be subject to the provisions of Council's local laws unless otherwise specified;
  - (f) the use of land in a reserve, where such land is vested in or held by the local government or vested in a public authority—
    - (i) for the purpose for which the land is reserved under the Scheme; or
    - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
  - (g) the erection of a boundary fence except as otherwise required by the Scheme;
  - (h) a change in use to a use of a similar type, scale and character provided that—
    - (i) the local government considers the change of use to be of a minor or insignificant nature; and
    - (ii) the change in use does not involve any change to the external appearance or structure of any building;
  - (i) a change in the intensification of a land use which, in the opinion of the local government, will not impact on the nature and scale of the development, amenity of the area and levels of infrastructure existing on the land;
  - (j) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
  - (k) the carrying out of urgent works considered necessary in the interests of public safety or for the safety or security of plant or equipment or for the maintenance of essential services; and
  - (l) The carrying out of works which do not, in the opinion of the local government, give rise to adverse environmental impacts and/or nuisance.

### 8.3 Amending or Revoking a Planning Approval

8.3.1 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.

### 8.4 Unauthorized Existing Developments

8.4.1 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.

8.4.2 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 9 .
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.

### 9.1 Form of Application

9.1.1 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) continuation of a non-conforming use under clause 4.12;
- (g) variation of a site or development requirement under clause 5.5;
- (h) commencement of development under clause 8.1;
- (i) continuation of development already commenced or carried out under clause 8.4;
- (j) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (k) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 3 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 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 4.

Note—

1. If jointly owned then both parties are to sign.
2. If owned by a strata company then all strata owners are to sign and, where applicable, the strata company seal or a copy of the corporate body resolution approving the application is to be provided.

## 9.2 Accompanying Material

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

- (a) two copies of 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;
  - (viii) the nature and extent of any open space and landscaping proposed for the site including, where required by the local government, the proposed landscaping maintenance regime;
  - (ix) the location, dimensions and material of any fencing, screen walls, retaining walls, pools, tennis courts or other improvements;
  - (x) the location of existing and proposed service infrastructure, including power, water, sewerage, gas, drainage etc;
  - (xi) the location of any existing street verges, street trees, power poles, crossovers, footpaths, kerbing and any other obstructions;
  - (xii) any abutting sites showing locations of buildings, windows, doors, adjacent room uses, floor levels and street number(s);
  - (xiii) the location and nature of any existing or proposed easements;
  - (xiv) the location, dimensions, materials and design of any existing or proposed signage or advertising located on the subject land;
  - (xv) the proximity of existing infrastructure including public transport (bus route location and nearest bus stop), pedestrian access path, bike access, commercial centre, recreation facility, medical centre, school etc;
  - (xvi) calculations of plot ratio, site coverage and floor area (gross leasable floor area and gross floor area) if applicable; and
  - (xvii) details of any variations to the Town Planning Scheme provisions and/or Residential R Code provisions with justifications in which Council is required to exercise its discretion.
- (b) a copy of the property's certificate of title, and/or copy of transfer detailing restrictive covenants, if applicable, and/or copy of the Offer and Acceptance if the land is under offer.
- (c) two copies of the elevations, plan or plans of a scale of not more than 1:100 showing—
  - (i) existing and proposed finished floor levels and existing ground levels (contours, spot levels and datum point);
  - (ii) all fill and/or excavation areas to be indicated in cross section, in hatched line markings and levels in RL;
  - (iii) retaining wall heights in metres and levels in RL;
  - (iv) roof pitches and materials, all wall finishes (face brick, cement/paint render, colours), windows (clear and/or obscure glazing);
  - (v) window sills, wall and general height dimensions in metres (not brick courses); and
  - (vi) location of boundary fencing/walls in respect to buildings.

9.2.2 Where it deems necessary, the local government may require some or all of the following information following lodgment of the application for planning approval—

- (a) photographs of the property and street frontages on either side in their present state;
- (b) one coloured elevation or perspective;

- (c) an environmental impact assessment report, including measures proposed to protect the environment;
- (d) a shadow plan indicating proposed building shadow envelopes affecting neighbouring lots;
- (e) a statement explaining how the proposed development addresses any relevant Council policies contained within Schedule 8 (Current Policies of the Scheme) and/or any other relevant provisions of the scheme which affect the proposed development;
- (f) if the building is on the Municipal Heritage Inventory, and the proposal involves the full or partial demolition of the building, the applicant will need to include photographs of the building's exterior from all sides;
- (g) supporting technical studies including but not limited to wind/air quality modelling, noise modelling, ground water studies, flood management studies, cultural surveys, energy efficiency rating, light management studies, master plans, infrastructure studies, social impact studies, traffic management studies, commercial strategies, design guidelines, etc;
- (h) two copies of plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (i) any specialist studies that the local government may require the applicant to undertake in support of the application such as transport, traffic, economic, heritage, environmental, social, engineering or urban design studies;
- (j) community consultation and/or public relations processes; and
- (k) any other plan or information that the local government may require to enable the application to be determined.

### 9.3 Additional Material for Heritage Matters

9.3.1 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.

### 9.4 Advertising of Applications

9.4.1 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 given in accordance with the provisions of clause 9.4.3.

9.4.2 Despite clause 9.4.1, 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 9.4.3.

9.4.3 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 date being not less than fourteen 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.

9.4.4 The notice referred to in clause 9.4.3 (a) and (b) is to be in the form prescribed in Schedule 5 with such modifications as are considered appropriate by the local government.

9.4.5 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.

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

### 9.5 Application Fees

9.5.1 Unless the local government waives any particular fee, every application for planning approval shall be accompanied by full payment of all relevant planning fees including planning application fees, inspection fees, advertising fees and any bonds as may be imposed by the local government.

9.5.2 In the event that additional works or information are required by the local government (including consultation with other authorities in accordance with clause 10.1.1) following the

completion and lodgment of the application for planning approval, the local government may, prior to processing the application, impose additional fees not covered by the original application fee.

### 10.1 Consultation With Other Authorities

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

10.1.2 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.

### 10.2 Matters To Be Considered By Local Government

10.2.1 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;
- (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 7.2.2, 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 7.1, 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, maneuvering 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 10.1.1;
- (za) any other planning consideration the local government considers relevant.

### 10.3 Determination Of Applications

10.3.1 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.

**10.4 Form And Date Of Determination**

10.4.1 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 6 and the date of determination is to be the date given in the notice of the local government's determination.

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

**10.5 Term Of Planning Approval**

10.5.1 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.

10.5.2 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 10.5.1.

**10.6 Temporary Planning Approval**

10.6.1 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.

**10.7 Scope Of Planning Approval**

10.7.1 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.

**10.8 Approval Subject To Later Approval Of Details**

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the 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.

10.8.2 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.

10.8.3 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.

**10.9 Deemed Refusal**

10.9.1 Subject to clause 10.9.2, 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.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 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.

10.9.3 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 10.9.1 or 10.9.2, 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.

**10.10 Approval Of Existing Developments**

10.10.1 If it considers it necessary and/or desirable, the local government may grant approval to a development already commenced or carried out, regardless of when it was commenced or carried out.

10.10.2 Any approval granted pursuant to clause 10.10.1 shall have the same effect for all purposes as if it had occurred prior to the commencement or carrying out of the development.

10.10.3 The local government is not to approve any development already commenced or carried out unless the development complies with the provisions of the Scheme in every respect other than clause 10.10.1 which requires the local government's approval prior to the commencement of development.

10.10.4 Any application to the local government for approval under clause 10.10.1 is to be made on the form prescribed in Schedule 3.

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

### 10.11 Appeals

10.11.1 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.

#### 11.1 Powers Of The Local Government

11.1.1 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.

11.1.2 An employee of the local government authorized 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.

#### 11.2 Removal And Repair Of Existing Advertisements

11.2.1 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.

11.2.2 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.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 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.

11.2.4 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.

#### 11.3 Delegation Of Functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a Full Council 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.

11.3.2 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 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 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.

#### 11.4 Person Must Comply With Provisions Of Scheme

11.4.1 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.

### 11.5 Compensation

11.5.1 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.

11.5.2 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 11.5.1.

*Note—*

A claim for compensation may be made in the Form No. 7 in Appendix A of the Town Planning Regulations, 1967.

### 11.6 Purchase Or Taking Of Land

11.6.1 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.

11.6.2 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.

### 11.7 Notice For Removal Of Certain Buildings

11.7.1 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.

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

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## Schedules

**Schedule 1**—Dictionary of defined words and expressions

- 1.1 General definitions
- 1.2 Land use definitions

**Schedule 2**—Special use zones

**Schedule 3**—Form of application for planning approval

**Schedule 4**—Additional information for advertisements

**Schedule 5**—Notice of public advertisement of planning proposal

**Schedule 6**—Notice of determination on application for planning approval

**Schedule 7**—Special Control Areas—flood prone land

**Schedule 8**—Current policies of the scheme

**Schedule 9**—Exempted advertisements

**Schedule 10**—Environmental conditions

### Schedule 1—Dictionary of Defined Words and Expressions

#### 1.1 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;

**“commercial vehicle”** A vehicle, whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of them or any wheeled article designed to be an attachment to any of them, and any bus or omnibus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. If a truck, prime mover or any other vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer of other attachment is regarded as a separate commercial vehicle. A loaded combination, such as a bobcat, forklift or other vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle.

**“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;

**“gross leasable area” (G.L.A.)** Means the area in square metres derived from measuring all floors occupied by a tenant for exclusive use from the centre line of inter-tenancy walls or partitions and from the outside faces of external walls of the building alignment including shop fronts.

**“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 Bunbury;

**“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;

**“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 7 (Heritage Protection) has the same meaning as it has in the Heritage of Western Australia Act 1990; Town Planning Regulations 1967

**“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;

**“region scheme”** means a regional planning scheme made under the Western Australian Planning Commission Act 1985, as amended from time to time;

**“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.

## 1.2 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;

**“amusement centre”** has the same meaning as “amusement parlour”.

**“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;

**“boatel”** A building, or of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or guesthouse but in which special provision is made for the accommodation of patrons with boats;

**“builders yard”** Means land and buildings used for the storage of materials used in the construction industry, at the discretion of Council.

**“canal”** An artificial watercourse uniting rivers, lakes or seas, for purposes of ornamentation, inland navigation, irrigation, or conveyance of water-power.

**“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 hall”** Means any building which is used or designed for use or adapted for use primarily for the purpose of hiring the same for use by others or in respect of the use of which an admission charge is made and which building is not otherwise classified under the provisions of the Scheme.

**“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;

**“day care centre”** has the same meaning as “child care premises”.

**“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;

**“holiday cottages”** means two or more detached dwellings on one lot let for holiday purposes none of which is occupied by the same tenant for a continuous period of more than four months;

**“home based business”** has the same meaning as “home business”.

**“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; Town Planning Regulations 1967

**“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;

**“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, rural or service industry;

**“industry—hazardous”** An industry which, by reason of the processes involved, the method of manufacture, the nature of the materials used or produced, and / or the emissions or other by-products released into the atmosphere, water or ground, requires separation from other land uses and / or buildings in the interests of human safety.

**“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”** An industry:—

- (a) which by reason of the processes involved, the method of manufacture, the nature of the materials used or produced, and / or the emissions or other by-products released into the atmosphere, water or ground requires separation from other land uses and / or buildings in the interests of human enjoyment or comfort; and / or
- (b) within which the processes involved constitute an offensive trade within the meaning of the Health Act 1911-1979 (as amended) but does not include a fish shop, dry cleaning premises, marine collectors yard or laundromat.

**“industry—port”** Means land and structures used for or incidental to the transit, storage of goods and materials, loading or unloading of ships, building and maintaining ships, and port related industries for which it is necessary to have direct access to the port and shipping facilities but except with the approval of both the City of Bunbury and the Port Authority does not include extractive or noxious industries, or other activities that may be accommodated elsewhere.

**“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;

**“local shop”** has the same meaning as “home store”.

**“lodging house”** has the same meaning as “residential building”.

**“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 and having a maximum net lettable area (N.L.A) of 100m<sup>2</sup>;

**“marina”** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

**“marine filling station”** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

- “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);
- “medical clinic”** has the same meaning as 'medical centre'.
- “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;
- “nursery”** Means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and gardening pursuits.
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “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;
- “plantation”** has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “public assembly—place of”** means any building or land set aside, designed or intended for use by the public for the purpose of amusement, entertainment or recreation not being a building or land which is otherwise classified under the provisions of the Scheme;
- “public utility”** means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes
- “recreational facilities”** has the same meaning as “recreation—private”;
- “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;
- “resort facilities”** Means land and buildings for temporary accommodation with a percentage of park homes as determined by Council and used for tourist and holiday activities with principal activities including Caravan Parks, Holiday Cottages and Motel and approved incidental activities including Art Gallery, Boatel, Caretaker's House, Commercial Hall, Eating House (Licensed), Local Shop, Office, Recreational Facilities and similar approved uses;
- “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;
- “serviced apartments”** Means group or multiple dwellings for permanent tenancy exceeding three months duration which is provided with facilities such as tennis courts, sauna, spa, common dining and recreation areas for the primary use of the residents living within the complex

“**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**” Land or buildings designed, used or adapted for use—

- (a) for the garaging of vehicles used or intended for use for the carriage of goods and people for hire or reward;

or

- (b) for the transfer of goods and people from one such vehicle to another such vehicle; and
- (c) for the storage of goods associated with the reasonable functioning of such depot;
- (d) for a waiting station, depot terminal, together with the provision of ancillary services;

“**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;

“**veterinary hospital**” means any premises used or designed or adapted for use in the practice of his/her profession by a registered veterinary surgeon which premises include provision for the hospitalisation or boarding of animals whilst receiving treatment;

“**video hire outlet**” A building or portion of building wherein pre-recorded video films are kept, displayed and offered for hire to the public and may include the following incidental activities—

- (a) the display and sale of promotional materials related to films;
- (b) the sale of blank video tapes and pre-recorded cassettes;

“**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—Special Use Zones

No.	Description of land	Special Use(s)	Conditions
1.	Lot 76 Ocean Drive	Hotel	As determined by Council
2.	Lots 8, 9, 10 & 11 Ocean Drive	Tavern	As determined by Council
3.	Lot 752 Koombana Drive (Koombana Caravan Park site) and Portion of Reserve 5275 Koombana Drive	Resort Facilities	<ol style="list-style-type: none"> <li>1. Site Coverage 50%</li> <li>2. Communal Recreation Area 20% of site.</li> <li>3. All jetty and associated boating facilities being confined to the area west of the existing jetty.</li> <li>4. Deep sewerage and underground power to be provided to the satisfaction of Council.</li> <li>5. Development of the site being of a high quality and enhancing and complimenting the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of Council.</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>6. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</p> <p>7. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of Council.</p> <p>8. Landscape Management Plan being provided and approved to the satisfaction of Council.</p> <p>9. A 10 metre setback area being imposed around the identified shipwreck "Agro" located on the western boundary of Reserve 5275.</p>
4.	Lot 74 Winton Street	Pre-Primary School, Church, Hall	As determined by Council
5.	Lots 69 Bussell Highway and Lot 132 Brittain Road	1. Land may be used in accordance with uses outlined under the Shopping Centre zone.	<p>1. The Commercial Development located in the "Special Use-Shopping Centre" zone is to comprise up to a maximum Shop floor space of 7999 sqm GLA for the combined lots 69 Bussell Highway and 132 Brittain Road (and any changes thereto).</p> <p>2. All uses within the "Special Use-Shopping Centre" zone shall comply with the provisions of clause 5.9.3 of the Scheme text.</p> <p>3. All Commercial Development in the "Special Use - Shopping Centre" zone shall be in accordance with a comprehensive Development Plan approved by Council or any approved variations thereto which address the following requirements:</p> <ul style="list-style-type: none"> <li>• Pedestrian access and movement</li> <li>• Vehicular access and movement</li> <li>• Building height and scale</li> <li>• Building appearance</li> <li>• Landscaping</li> <li>• Car parking</li> <li>• Loading and servicing areas</li> <li>• Signage</li> <li>• Public transport</li> <li>• Integration with the adjoining residential area</li> </ul>
6.	Lots 249 & 248 Bussell Highway, Cnr Timperley Road	Caravan Park	As determined by Council
7.	Lots 210 & 211 Ocean Drive, Cnr Hayward Street	Caravan Park	As determined by Council
8.	Lots 11, 12, 13 & 14 Picton Road	Hotel	As determined by Council

No.	Description of land	Special Use(s)	Conditions
9.	Lot 2 Bussell Highway Cnr Washington Avenue	Caravan Park	As determined by Council
10.	Portion of the Outer Harbour adjoining Casuarina Harbour	Boat Launching facilities, car parking, trailer parking, marina related facilities	As determined by Council.
11.	Land contained within the Specific Use Zoning - Residential R15 adjacent to the Casuarina Drive extension	Residential Buildings to the standards prescribed by the R15 Code	<ol style="list-style-type: none"> <li>1. All residential buildings within this zone are to be constructed in accordance with the following conditions to achieve an internal noise standard of 35dB<sub>(A)</sub> L<sub>eq</sub> at night and an instantaneous noise level of 45dB<sub>(A)</sub> maximum between 2200 and 0700 hours.</li> <li>2. Some or all of the following development conditions shall be used to achieve the above standards— <ul style="list-style-type: none"> <li>• bedrooms shall preferably be placed in the part of the house furthest away from the road;</li> <li>• all walls should be constructed of double brick;</li> <li>• all roof materials should be either clay or concrete tiles;</li> <li>• appropriate acoustic insulation measures to windows and sliding doors;</li> <li>• all external doors should be of solid core construction with seals;</li> <li>• all ceilings should be insulated;</li> <li>• all plasterboard in the ceilings should be 19mm thick;</li> <li>• mechanical ventilation in the bedrooms.</li> </ul> </li> <li>3. Should it be necessary to have the windows shut to achieve the internal noise standard, then the air quality in the bedrooms must meet the standards specified in Australian Standard 1668.2 - 1991, when the windows are shut.</li> </ol>
12.	Land contained within the Special Use Zoning – Marlston Waterfront Precinct comprising Lots 810 and 814 Casuarina Drive, Bunbury	Marlston Waterfront Precinct – as identified on the Development Guide Plan and as specified for each precinct referred to below	<p><b>General Provisions</b></p> <p><i>Land Use Planning</i></p> <p>Council shall consider all land use and development proposals in the Marlston Waterfront Precinct, within the context of the Marlston Waterfront Development Guide Plan adopted by Council and the Western Australian Planning Commission, or any variation thereto, and have regard to the general goals and provisions included within this Scheme.</p> <ol style="list-style-type: none"> <li>1. Residential densities for permanent accommodation shall be R100.</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>2. Residential densities for short stay accommodation shall be at the discretion of Council in accordance with the Development Design Guidelines endorsed by Council.</p> <p>3. Council will require the preparation of development design guidelines to the satisfaction of Council prior to the approval of any development.</p> <p>4. Any land use or development proposal within the Marlston Waterfront Precinct must be accompanied by a site development plan at a suitable scale which addresses but is not limited to the following issues:</p> <ul style="list-style-type: none"> <li>(a) overall site layout;</li> <li>(b) description of proposed land uses;</li> <li>(c) residential density (if applicable);</li> <li>(d) relationship to the Marlston Waterfront Precinct Development Guide Plan;</li> <li>(e) Vehicle access and egress;</li> <li>(f) On-site and street car parking arrangements;</li> <li>(g) Landscaping and aesthetics;</li> <li>(h) Building materials and the general built form, and their compliance with the Marlston Waterfront Precinct Design Guidelines;</li> <li>(i) Pedestrian access/walkways; and</li> <li>(j) Land tenure and management arrangements (if applicable).</li> </ul> <p>5. Vehicle access to the precinct shall be limited to nominated points along Casuarina Drive as identified on the approved Marlston Waterfront Development Guide Plan.</p> <p>6. All residential buildings within the Marlston Waterfront Precinct are to be constructed in accordance with the following conditions to achieve an internal noise standard of 35dB<sub>(a)Leg</sub> at night and instantaneous noise level of 45 dB<sub>(a)</sub> maximum between 2200 and 0700 hours. Some or all of the following development conditions shall be used to achieve the above standards:</p> <ul style="list-style-type: none"> <li>• Bedrooms to be preferably placed as far away from Casuarina Drive as possible</li> <li>• All walls shall be constructed of double brick;</li> <li>• All roof materials should either be clay or concrete tiles;</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<ul style="list-style-type: none"> <li>• Appropriate acoustic insulation measures to windows and sliding doors;</li> <li>• All external doors should be of solid core construction with seals;</li> <li>• All ceilings should be insulated;</li> <li>• All plasterboard in the ceilings should be 19mm thick;</li> <li>• Mechanical ventilation in the bedrooms.</li> </ul> <p>Should it be necessary to have the windows shut to achieve the internal noise standard, then the air quality in the bedrooms must meet the standards specified in Australian Standard 1668.2-1991, when the windows are shut.</p> <p>7. Council may consider alternative design standards than those specified above subject to satisfactory certification being provided by the developer from a qualified acoustic engineer which achieves the required minimum dB levels outlined above.</p> <p>8. All ground floor development with frontage to the Market Square shall comprise non residential activities only as depicted on the Marlston Waterfront Precinct Development Guide Plan (Plan No. 96/50/2B dated March 1999) and be constructed in a form that acknowledges the nature of the activities of the Square.</p> <p>9. A 15 metre setback being provided from the edge of Casuarina Drive for all residential lots and/or development or as may otherwise be approved by the Department of Environmental Protection.</p> <p>10. A nil setback be provided on the boundary of all commercial lots and/or development or as may otherwise be approved by the Department of Environmental Protection.</p> <p>11. Prior to any development proceeding on the amendment site a detailed traffic management report will be required to be prepared by a suitably qualified traffic consultant (acceptable to Council). All costs associated with the preparation of traffic management reports and required works recommended by the report shall be borne by the land owners contained within the amendment area (Lots 810,</p>

No.	Description of land	Special Use(s)	Conditions
		<p>Marlston Waterfront Precinct – as identified on the Development Guide Plan and as specified for reach precinct referred to below.</p> <p>A. <u>Northern Precinct</u></p> <p>The following uses are listed as permitted 'P' uses:</p>	<p>811 and 814 Casuarina Drive, Bunbury).</p> <p><i>Aesthetics and Landscape</i></p> <p>12. Every application for planning consent shall include detail relating to the character, architectural theme, colours and materials to be used in the development and demonstrate consistency with the Marlston Waterfront Precinct Design Guidelines.</p> <p>13. Council shall not grant planning approval to any development within the Marlston Waterfront Precinct unless it is satisfied that:</p> <p>(a) the design and siting of any structure and the materials used will not create an adverse visual impact on the amenity of the area.</p> <p>(b) Colours, materials and character of the development is in keeping with the amenity of the area</p> <p>(c) The materials used therein being in keeping with the character and amenity of the area and to the satisfaction of Council</p> <p>(d) No building within the Marlston Waterfront Precinct shall exceed 3 storeys in height above natural ground level</p> <p>(e) Council may require the preparation and implementation of a landscaping plan as a condition of approval to any land use proposal or development application.</p> <p>14. Council shall encourage the design of buildings suitable for mixed use development within the Marlston Waterfront Precinct.</p> <p>15. The mixing of land uses shall be encouraged predominantly along street edges and at street level, and upper floor uses may be predominantly residential in character.</p> <p>16 The following conditions relate specifically to the Precincts shown on the Marlston Waterfront Precinct:</p> <p>A. <u>Northern Precinct</u></p> <p>(i) Residential densities for permanent accommodation to be R100.</p>

No.	Description of land	Special Use(s)	Conditions
		<p>Art Gallery; Grouped Dwelling; Civic Buildings; Dwelling House, Multiple Dwelling, Lodging House; Offices, Residential Building, Shop, Home Occupations and Hotel.</p> <p>The following uses are classified as 'A' uses;</p> <p>Amusement Centre, Boatel, Club, Commercial Hall, Consulting Rooms, Fast Food Outlet, Car Park, Day Care Centre, Restaurant, Health Studio, Holiday Cottages, Educational Establishment, Fish Shop, Licensed Restaurant, Liquor Store, Local Shop, Medical Centre, Motel, Museum, Nightclub, Public Assembly, Place of Public Worship, Recreational Facility, Tavern, Theatre and Video Hire Outlet and other incidental and ancillary retail uses.</p> <p><b>B. <u>Central Precinct</u></b></p> <p><i>The following uses are listed as permitted 'P' uses:</i></p> <p>Art Gallery, Grouped Dwelling, Civic Building, Dwelling House, Multiple Dwelling, Offices, Residential Building, Shop, Home Occupations and Hotel.</p> <p><i>The following uses are classified as 'A' uses:</i></p> <p>Amusement Centre, Boatel, Club,</p>	<p>(ii) Land uses and development within this precinct shall be consistent with the Marlston Waterfront Precinct Development Guide Plan adopted by Council and the Western Australian Planning Commission.</p> <p>(iii) The aim of this precinct is to promote development of a variety of uses, including resort hotel, commercial, tourist and residential. However, Council shall encourage a mixture of commercial activity, particularly along the waterfront edge, the jetty road and Casuarina Drive.</p> <p>(iv) Development north of the jetty road shall have regard for the location of the children's beach.</p> <p><b>B. <u>Central Precinct</u></b></p> <p>(i) Land uses and development within this precinct shall be consistent with the Marlston Waterfront Precinct Development Guide Plan adopted by Council and Western Australian Planning Commission;</p> <p>(ii) The aim of the precinct is to promote development predominantly for residential purposes. However, Council shall encourage a mixture of commercial activity, particularly along the waterfront edge, the waterfront square and Casuarina Drive;</p> <p>(iii) Development around the waterfront market square shall be predominantly commercial in nature, to promote a high level of useage and activity within the waterfront square.</p>

No.	Description of land	Special Use(s)	Conditions
		<p>Commercial Hall, Consulting Rooms, Fast Food Outlet, Car park, Day Care Centre, Restaurant, Health Studio, Holiday Cottages, Educational Establishment, Fish Shop, Licensed Restaurant, Liquor Store, Local Shop, Medical Centre, Motel, Museum, Nightclub, Public Assembly, Place of Public Worship, Recreational Facility, Tavern, Theatre and Video Hire Outlet and other incidental and ancillary retail and tourist uses.</p> <p>C. <u>Eastern Precinct</u></p> <p>The following uses are listed as permitted 'P' uses: Eating House, Licensed Restaurant</p> <p>The following uses are classified as 'A' uses:  Art Gallery, fish shop, hotel, museum, tavern and any other incidental retail and tourist uses consistent with the aim of the Eastern Precinct as specified in C(ii).</p>	<p>C. <u>Eastern Precinct</u></p> <p>(i) Land uses and development within this Precinct shall be consistent with the Marlston Waterfront Precinct Development Guide Plan adopted by Council and the Western Australian Planning Commission.</p> <p>(ii) The aim of the precinct is to promote development for tourist and entertainment purposes.</p> <p>(iii) Development within this precinct shall promote a high level of usage and activity adjacent to the Market Square.</p> <p>(iv) A minimum setback of 10 metres from the seawall crest to the building line is required to the satisfaction of Council.</p> <p>(v) No building within this Precinct shall exceed 2 storeys in height above natural ground level.</p>
13.	Lot 102, corner Old Coast Road and Estuary Drive	Mixed Use - Local Centre	<p>1. Development shall be in accordance with the Comprehensive Development Plan approved by Council, or any variation thereto.</p> <p>2. Total commercial floorspace on Lot 102 is limited to a maximum of 600m<sup>2</sup> NLA.</p> <p>3. All uses within the Special Use site on Lot 102 Estuary Drive Cnr Old Coast Road (these uses being fast foods outlet, service station (normal hours unless appropriate buffers included), local shop, car wash, medical centre, plant nursery, pharmacy, video hire outlet, shop, day care centre and Residential R30) are hereby classified as</p>

No.	Description of land	Special Use(s)	Conditions
			<p>'A' uses and the following conditions apply:</p> <p>(a) Council will only consider a shop where it is consistent with the function of a mixed use local center;</p> <p>(b) Residential development to be in accordance with the Residential Planning Codes of Western Australia (as amended);</p> <p>(c) Development Design Guidelines to the satisfaction of Council will need to be prepared prior to the issuing of the first development approval for the site. These guidelines are to include but are not limited to the following matters:</p> <ul style="list-style-type: none"> <li>• Land use</li> <li>• Built form</li> <li>• Vehicular access and management</li> <li>• Car parking</li> <li>• Landscaping</li> <li>• Integration of mixed uses and the establishment of special criteria for building design of those buildings which will face the residential area</li> <li>• Other special controls;</li> </ul> <p>(d) Any land use or development within this Special Use zone must be accompanied by an Overall Development Guide Plan at a suitable scale which addresses but is not limited to the following matters;</p> <ul style="list-style-type: none"> <li>• Issues raised by the Bunbury Port Authority, Department of Environmental Protection, Department for Planning and Infrastructure and Main Roads WA in relation to port expansion, potential land use conflicts and upgrading requirements of Old Coast Road;</li> <li>• Overall site layout</li> <li>• Description of proposed land uses;</li> <li>• Residential density if applicable;</li> <li>• Vehicle access and egress;</li> <li>• On-site parking requirements;</li> <li>• Landscaping and aesthetics;</li> <li>• Building materials and the general built form</li> <li>• Appropriate landscape buffers along Old Coast Road in the vicinity of any proposed residential development;</li> <li>• Provision of adequate buffers around any service station development to address the</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<p>possible impacts of noise, odour or risk on sensitive land uses within or in close proximity to the subject site;</p> <ul style="list-style-type: none"> <li>• Noise attenuation measures to be included in the design of the residential development to alleviate potential land use conflicts and the impact of heavy traffic along Old Coast Road.</li> <li>• Maximum retail floorspace restriction is 600m<sup>2</sup> net lettable area and any increase in retail floorspace is required to be appropriately justified in context of the City of Bunbury Commercial Strategy. Any support for increased floorspace is not permitted until the scheme is amended;</li> <li>• Appropriate mix of Local Centre uses;</li> <li>• Appropriate interface treatment between the residential and commercial uses to address suitable residential amenity requirements; and</li> <li>• Traffic safety concerns with the adjoining roads (ie. Estuary Drive and Old Coast Road) and the proposed subdivisional road and direct access points.</li> </ul>
14.	Part of "A" Reserve 9997 and "C" 18574 Ocean Drive	Public Entertainment Tourist Facilities Recreation Facilities Convention Facilities Public Assembly Kiosk/Restaurant Surf Club Public Ablutions  Related beach facilities to the above activities	As determined by Council.
15.	Lots 2 & 4 Tuart Street and Lot 554 Francis Street Bunbury	The following uses are not permitted unless Council gives its approval in writing under the provisions of clause 5.9.11, Part 9 and clause 10.2 of the Scheme <ul style="list-style-type: none"> <li>- Residential R40</li> <li>- Consulting Rooms</li> </ul>	<b>Proximity to Treatment Plant</b> <ol style="list-style-type: none"> <li>1. Prior to application to Council for development approval of lots adjacent the Bunbury Water Board's Treatment Plant, the developer shall apply for written advice from the Department of Environmental protection specifying development requirements.</li> <li>2. As a condition of subdivision or development Council shall request that a solid brick or masonry wall be constructed adjacent to the boundary of</li> </ol>

No.	Description of land	Special Use(s)	Conditions
		<ul style="list-style-type: none"> <li>- Recreational Facilities</li> <li>- Medical Centre</li> <li>- Motel</li> <li>- Museum</li> <li>- Art Gallery</li> <li>- Club</li> <li>- Educational Establishment</li> <li>- Library</li> <li>- Public Assembly</li> <li>- Car Park</li> <li>- Civic Building</li> <li>- Commercial Hall</li> <li>- Offices</li> <li>- Licensed Restaurant</li> <li>- Hospital</li> <li>- Public Utility</li> <li>- Showroom/warehouse</li> </ul> <p>2. All other uses are not permitted</p>	<p>the Lot 167 which contains the water treatment plant.</p> <p><b>Built Form</b></p> <p>3. Council shall require that as a component of the development application that the developer provide a comprehensive set of design criteria which incorporates—</p> <ul style="list-style-type: none"> <li>• Maximum two storey development.</li> <li>• Maximum aspect and views over Big Swamp</li> <li>• Central design theme addressing: architectural style, colours, materials and identifying features.</li> <li>• Maximising pedestrian access to public open space.</li> </ul> <p><b>Landscaping</b></p> <p>4. Council shall require that a comprehensive landscape plan accompany the development application which shall include—</p> <ul style="list-style-type: none"> <li>• Integrated landscaping proposals with regard to the adjoining Big Swamp area.</li> <li>• Details of the type and location of tree and shrub planting that will enhance and compliment Big Swamp vegetation.</li> <li>• Incorporation of Council verge tree planting proposals with regard to “avenue” style of planting</li> </ul> <p><b>Geo-technical Report</b></p> <p>5. Prior to the submission of an application for development, the developer shall provide to Council a geo-technical report of the site which shall include details of the extent of excavation, fill and compaction required in order that the land is physically capable of development to the satisfaction of Council. The report shall be undertaken by a certified practising engineer.</p> <p><b>Drainage</b></p> <p>6. A comprehensive drainage plan shall be included with the development application which addresses redirection of the existing drainage channels, nutrient stripping and release into Council’s system so as not to detrimentally interfere with the Big Swamp conservation area.</p>
16.	Lot 12 of Wellington Location 1135, Bussell Highway	Veterinary Hospital	<p>Refer Scheme Provisions.</p> <p><b>Development</b></p> <p>1. Development of the subject land, shall be generally in accordance with the Development Guide Plan, endorsed by</p>

No.	Description of land	Special Use(s)	Conditions
			<p>the Chief Executive Officer and forming part of this Amendment.</p> <p>2. Development of the subject land to have noise and dust control measures to safeguard amenity of surrounding land uses.</p>
17.	Part Lot 5, and Part Lot 1, Boyanup Road, Bunbury off Rawling Road to the North and the existing drainage reserve to the South.	<p>“Special Use Abattoir – Primary Zone”</p> <p>The nature of activities presently conducted and proposed to be conducted from the site include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Slaughtering stock</li> <li>• Processing sheep skins and beef hides</li> <li>• Processing of sheep runners</li> <li>• Boning of carcasses</li> <li>• Transport operations associated with abattoirs</li> <li>• Processing of blood to remain unchanged</li> <li>• Collection of fat/bone depot to continue</li> <li>• Rendering of fat</li> <li>• Canning</li> <li>• Pet food processing</li> <li>• Manure-drying/transport off site</li> <li>• Crops for nutrient uptake</li> <li>• Processing of all edible livestock product materials</li> <li>• Caretakers residence</li> </ul>	Approval of the proposed abattoir operations on the subject land is conditional on a management plan being prepared that satisfies the requirements of the Environmental Protection Authority (EPA) and Water Authority of Western Australia (WAWA). The requirements of these Authorities have been determined from the current operating licence issued by the EPA under the Environmental Protection Act 1986, a letter from the EPA’s Pollution Control Director to V & V Walsh dated 6 April 1993, which identifies a number of issues that need to be addressed.
18.	Part 5 and Part Lot 1 Boyanup – Bunbury Road (South Western Highway), Bunbury	<p>“Special Use Abattoir Secondary Zone”</p> <p>All uses associated with the abattoir that are permitted in the Primary one with the exception of</p>	Approval of the proposed abattoir operations on the subject land is conditional on a management plan being prepared that satisfies the requirements of the Environmental Protection Authority (EPA) and Water Authority of Western Australia (WAWA). The requirements of these Authorities have been determined

No.	Description of land	Special Use(s)	Conditions
		<p>those uses requiring a 500 metre buffer in accordance with EPA policy requirements.</p> <p>Such uses may include rural uses approved by Council and/or uses ancillary to the abattoir operation approved by Council.</p>	<p>from the current operating licence issued by the EPA under the Environmental Protection Act 1986, a letter from the EPA's Pollution Control Director to V &amp; V Walsh dated 6 April, 1993, which identifies a number of issues that need to be addressed.</p>
19	Spencer Street Cnr Halsey Street	<ul style="list-style-type: none"> <li>• Transport Depot / Service Station</li> </ul>	As determined by Council
20	Lot 749 Koombana Drive (resort site)	<p><u>Resort</u></p> <p><u>Accommodation:-</u></p> <ul style="list-style-type: none"> <li>• Serviced Apartments</li> <li>• Hotel &amp; Motel</li> </ul> <p><u>Mixed Use:-</u></p> <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Motel</li> <li>• Commercial Hall</li> <li>• Caretaker's House</li> <li>• Eating House</li> <li>• Licensed Restaurant</li> <li>• Local Shop</li> <li>• Office</li> <li>• Recreational Facilities</li> <li>• Other incidental and ancillary Retail and Tourist Uses</li> </ul> <p><u>Residential Development (as defined in the Residential Planning Codes:-</u></p> <ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Grouped Dwelling</li> <li>• Multiple Dwelling</li> </ul>	<ol style="list-style-type: none"> <li>1. Council shall require an overall concept development plan to be submitted to its satisfaction prior to the issue of any development approval addressing the following requirements: <ul style="list-style-type: none"> <li>• Land use allocation;</li> <li>• Relationship to existing north shore developments;</li> <li>• Orientation toward Koombana Drive and the Leschenault Inlet;</li> <li>• Ingress and egress;</li> <li>• Pedestrian access and movement;</li> <li>• Building height and scale;</li> <li>• Building appearance;</li> <li>• Landscaping;</li> <li>• Car parking;</li> <li>• The boundary between the recreation reserve and the resort lots along Koombana Channel and peninsula being delineated by appropriate landscape techniques;</li> </ul> </li> <li>2. Development to address the uses proposed on the site and the relationship between those uses and adjoining land uses to the satisfaction of Council.</li> <li>3. Development of the site being of a high quality and enhancing and complimenting the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of Council.</li> <li>4. Council may approve permanent residential development on the site including single and grouped dwellings as defined by the Residential Planning Codes up to a maximum of 35% of the accommodation units and the area taken up by the permanent residential units is not to exceed 35% of the total area of the site.</li> <li>5. Any residential development shall be accompanied with the mixed use or resort accommodation development in a proportion 1.86 times greater in</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>terms of area and units to ensure integrated land use development.</p> <ol style="list-style-type: none"> <li data-bbox="831 315 1318 488">6. Residential development shall not exceed the equivalent of Residential R100 standards of the Residential Planning Codes. Non-residential development shall be in accordance with standards specified by Council.</li> <li data-bbox="831 495 1318 636">7. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</li> <li data-bbox="831 642 1318 869">8. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of Council.</li> <li data-bbox="831 875 1318 1308">9. The height of any development or redevelopment for the site shall be generally limited to up to three (3) storeys in height with a portion of the site as determined by the specific approval of Council being able to be developed to a height of four (4) storeys. The overall concept plan being advertised for public comment in accordance with Clause 9.4 of Town Planning Scheme No. 7 if any development above three storeys is proposed landscaping Management Plan being provided and approved to the satisfaction of Council.</li> <li data-bbox="831 1314 1318 1599">10. All proposed car parking for the development to be provided in accordance with Scheme provisions and to be provided under cover where possible or otherwise screened from external view from outside the development site so as to not negatively affect the external appearance of the development to the satisfaction of Council.</li> <li data-bbox="831 1606 1318 1666">11. No vehicular access points being provided from Koombana Drive.</li> <li data-bbox="831 1673 1318 1756">12. Development to provide pedestrian access along the Koombana Drive frontage to the satisfaction of Council.</li> <li data-bbox="831 1762 1318 1935">13. Communal Recreation Area/Facilities to comprise a minimum of 20% of the site and may include but not be restricted to such facilities as gymnasium, pool, spa and tennis court.</li> <li data-bbox="831 1942 1318 2024">14. All jetties and associated boating facilities being confined to the area west of the existing jetty.</li> <li data-bbox="831 2031 1318 2114">15. Deep sewerage and underground power to be provided to the satisfaction of Council.</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>16. All permanent residential development be set back a minimum distance of 25 metres from the southern paved edge of Koombana Drive.</p> <p>17. All residential development and resort accommodation constructed within the 25 metre setback area from Koombana Drive to be constructed with doubled glazed glass.</p> <p>18. Appropriate setbacks being imposed around two monitoring bores located in the north western corner of the lot as recommended by the Waters and Rivers Commission</p>
21	Lots bounded by Beach, Spencer, Banting and Tuart	Offices, Consulting Rooms and Residential R40	<p>1. No building shall have a plot ratio exceeding 2 with a bonus plot ratio of up to 20 percent and the site coverage shall not exceed 70 percent with a bonus site coverage of up to 20 percent. Council may permit a building to have a plot ratio up to 20 percent in excess of that prescribed and may permit the site coverage of that building to be increased by adding a further 20 percent to that prescribed if the development proposed to be carried out:-</p> <ul style="list-style-type: none"> <li>(i) incorporates on the site of the development at street level and adjoining a street, an area or areas freely accessible to the public and open to the sky or such an area or areas at some other level in circumstances which the Council considers justify an increase in the permissible plot ratio and/or site coverage;</li> <li>(ii) is set back from the boundaries of the site at such level or levels and at such distances as the Council considers justifies an increase in the permissible plot ratio;</li> <li>iii) includes a community or other facility or amenity which the Council considers justifies an increase in the permissible plot ratio and / or site coverage.</li> </ul> <p>2. <b>Setback</b> – Every building within the zone shall be setback 7.5 metres from a street to which the lot has a frontage.</p> <p>3. Where a lot is situated at the intersection of two or more streets the Council may at its discretion reduce the distance of the building line from any road reserve other than that which in the opinion of the Council the lot fronts.</p> <p>4. <b>Car Parking</b> - A person shall not develop or use land or erect, use or adapt any building for use as an office, professional office, or consulting room unless car parking spaces are provided</p>

No.	Description of land	Special Use(s)	Conditions
			in the ratio of 1 car parking space for each 50 sq. m of gross floor area or part thereof.
22	Lot 37 Corner of Ecclestone Street and Nuytsia Avenue	Council Depot	As determined by Council
23	Pt Loc 26 and Lot 11 and portion Lot 100 Estuary Drive	The Sanctuary Pelican Point Resort Development	<ol style="list-style-type: none"> <li>1. Subdivision and development shall generally be in accordance with the Pelican Point Development Plan No 89/31/25 (September 1995 and 89/31/31 (October 1998)) endorsed by the Mayor and Chief Executive Officer; or any subsequent structure plan prepared and adopted in accordance with clause 5.9.13 of the Scheme.</li> <li>2. In the event that construction of a resort development has not been substantially started by 30<sup>th</sup> June 2000 in accordance with an approved works program indicating staged progress and completion dates, the developer shall be called before a full Council meeting to give reason why the land should not be re-zoned to Residential R20. In the event that the developer gives insufficient reason for the delay or within 90 days has not commenced work on the site, then the Council may re-zone the land and no compensation shall be payable by the Council.</li> <li>3. The Resort Development shall include a Tavern, a Restaurant, and a Hotel which shall be developed in accordance with the provisions of the Scheme.</li> <li>4. An application for development on the site should incorporate a comprehensive site development plan which shall, in addition to the requirements of clause 9.2, and any other relevant requirements of the Scheme, address the issues of lighting and the impact of the development on the canals and surrounding area.</li> </ol>
24	Reserve 28322 Casuarina Drive, Bunbury	Bunbury Port Authority administration offices	As determined by Council.
25	Lots 811 and 812 Casuarina Drive, Bunbury (Land contained within the Special Use: Silo's Mixed Use Precinct)	<p>The following uses are listed as permitted uses:            Art Gallery, Grouped Dwelling, Civic Building, Dwelling House, Multiple Dwelling, Offices, Residential Building, Shop, Home Occupation and Hotel.</p> <p>The following uses are classified as 'A'</p>	<ol style="list-style-type: none"> <li>(i) All ground floor development with frontage to the Market Square and the intersection of Koombana and Casuarina Drive shall comprise non-residential activities only as depicted on the Marlston Waterfront Precinct Development Guide Plan (Plan No. 96/50/2B dated March 1999) and be constructed in a form that acknowledges the nature of the activities of the Square.</li> <li>(ii) A 15 metre setback being provided from the edge of Casuarina Drive for all residential lots and/or development</li> </ol>

No.	Description of land	Special Use(s)	Conditions
		<p>uses;</p> <p>Amusement Centre, Boatel, Club, Commercial Hall, Consulting Rooms, Fast Food Outlet, Car Park, Day Care Centre, Restaurant, Health Studio, Holiday Cottages, Educational Establishment, Fish Shop, Licensed Restaurant, Liquor Store, Local Shop, Medical Centre, Motel, Museum, Nightclub, Public Assembly, Place of Public Worship, Recreational Facility, Tavern, Theatre and Video Hire Outlet and other incidental and ancillary retail and tourist uses.</p> <p>Uses which are deemed by Council to be either contentious in nature or require public comments prior to Council consideration shall be advertised in accordance with Clause 9.4 of the Scheme Text (including night clubs, liquor store, tavern, fish shop, etc.).</p>	<p>or as may otherwise be approved by the Department of Environmental Protection.</p> <p>(iii) A nil setback be provided on the boundary of all commercial lots and/or development or as may otherwise be approved by the Department of Environmental Protection.</p> <p>(iv) All residential buildings within the Marlston Waterfront Precinct are to be constructed in accordance with the following conditions to achieve an internal noise standard of 35dB<sub>(a)Leg</sub> at night and instantaneous noise level of 45 dB<sub>(a)</sub> maximum between 2200 and 0700 hours. Some or all of the following development conditions shall be used to achieve the above standards:</p> <ul style="list-style-type: none"> <li>• Bedrooms to be preferably placed as far away from Casuarina Drive as possible.</li> <li>• All walls shall be constructed of double brick.</li> <li>• All roof materials should either be clay or concrete tiles.</li> <li>• appropriate acoustic insulation measures to windows and sliding doors.</li> <li>• All external doors should be of solid core construction with seals</li> <li>• All ceilings should be insulated</li> <li>• All plasterboard in the ceilings should be 19mm thick</li> <li>• Mechanical ventilation in the bedrooms.</li> </ul> <p>Should it be necessary to have the windows shut to achieve the internal noise standard then the air quality in the bedrooms must meet the standards specified in Australian Standard 1668.2.1991, when the windows are shut.</p> <p>Council may consider alternative design standards than those specified above subject to satisfactory certification being provided by the developer from a qualified acoustic engineer which achieves the required minimum DB levels outlined above.</p> <p>(v) Council will require the preparation of Development Design Guidelines to the satisfaction of Council, prior to the approval of any development.</p> <p>(vi) Residential densities for permanent accommodation to be Residential R100 coding.</p> <p>(vii) Residential densities for short stay accommodation to be at the discretion of Council in accordance with the Marlston Waterfront Precinct Design Guidelines endorsed by Council.</p>

No.	Description of land	Special Use(s)	Conditions
			<p>(viii) Any future development of land within this precinct shall have regard to the following:</p> <ul style="list-style-type: none"> <li>• The principles of the Marlston Waterfront Development Guide Plan;</li> <li>• Access egress opportunities to Casuarina Drive, linkages with development to the north and waterfront foreshore reserves and beaches;</li> <li>• Buildings to address Casuarina and Koombana Drives; and</li> <li>• Development to be consistent with and reflect the character, architectural theme, colours and materials identified within the Marlston Waterfront Precinct Design Guidelines.</li> </ul> <p>(ix) Prior to any development proceeding on the amendment site a detailed traffic management report will be required to be prepared by a suitably qualified traffic consultant (acceptable to Council). All costs associated with the preparation of traffic management reports and required works recommended by the report shall be borne by the land owners contained within the amendment area (Lots 810, 811 and 814 Casuarina Drive, Bunbury).</p> <p>(x) Council shall encourage the design of buildings suitable for mixed use development within the Marlston Waterfront Precinct.</p> <p>(xi) All development within the Silo's Mixed Use Precinct shall be generally in accordance with a comprehensive development plan approved by Council or any approved variation thereto which address the following requirements:</p> <ul style="list-style-type: none"> <li>• Overall site layout</li> <li>• Description of proposed land uses</li> <li>• Residential Density</li> <li>• Access and egress</li> <li>• Pedestrian access and movement</li> <li>• Vehicular access and movement</li> <li>• Building height, scale, materials, colour and general built form in relation to the Marlston Waterfront Precinct Design Guidelines</li> <li>• Landscaping and aesthetics</li> <li>• Relationship to the adjoining land</li> <li>• Car parking (onsite and street)</li> <li>• Public transport and integration with the potential railway diversion and station</li> <li>• Integration with adjoining land uses and harbour related uses.</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<p>(xii) Council shall consider all land use and development proposals in the Silos Mixed Use Precinct within the context of the Marlston Waterfront Precinct.</p> <p>(xiii) All office and commercial development should encourage a "Mainstreet" type of development with office and commercial uses which Council regards as compatible under the Scheme.</p> <p>(xiv) Vehicle access and egress points to be limited to the nominated points along Casuarina Drive as shown on the approved Marlston Waterfront Precinct Development Guide Plan.</p> <p>(xv) All applications for planning and development approval shall address detailed construction design, siting, materials and appearance to ensure that any land use or development is not to the detriment of the visual integrity of the surrounding area, does not have an adverse impact on the general amenity of the area and is consistent with the Marlston Waterfront Precinct Design Guidelines, to the satisfaction of the Council.</p> <p>(xvi) All development shall recognise the dual frontage of the site to both Koombana Drive and Casuarina Drive.</p> <p>(xvii) All development application plans will be required to incorporate a detailed landscape management plan to be approved by Council at the time of development.</p> <p>(xiii) No building within the Marlston Waterfront Precinct shall exceed 3 storeys in height with the exception of development associated with the redevelopment of the existing Silo<sup>o</sup> and associated development to the satisfaction of Council.</p> <p>(xix) Any development proposals concerning the silo's will be required to be referred to the Heritage Council for consideration by the Heritage Commission.</p>
26	Lot 14 Spencer Street and portion of Lots 11 and 12 Sampson Road, Bunbury St John of God Hospital Site	All permitted uses as detailed within the City Centre Zone, Zoning Table (Table 1) and subject to the provisions of clauses 5.2, 5.3 and 5.5	<p><b>Land Use Planning</b></p> <p>(i) Council shall consider all land use and development proposals on Lot 14 Spencer Street and portion of Lots 11 and 12 Sampson Road in accordance with an overall Development Guide Plan approved by Council prior to the issue of a development approval addressing the following matters;</p> <ul style="list-style-type: none"> <li>• Overall site layout</li> <li>• Description of proposed land uses</li> <li>• Residential densities (if applicable)</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<ul style="list-style-type: none"> <li>• Vehicle ingress and egress to the site</li> <li>• On site and street car parking arrangements</li> <li>• Landscaping and aesthetics</li> <li>• Traffic management</li> <li>• Relationship of land uses and their internal integration</li> <li>• Relationship of the proposed land uses to the Central Business District</li> <li>• Integration of the development with adjoining land</li> <li>• Servicing requirements including sewerage, water, power, gas etc</li> <li>• Compliance with relevant Scheme provisions</li> <li>• Pedestrian access and walkways</li> <li>• Land tenure and any management agreements</li> <li>• Interface with existing residential land uses</li> <li>• Treatment of heritage buildings on Spencer Street</li> <li>• Any other matters which may be considered by Council relevant to the site.</li> </ul> <p>(ii) All residential development shall be in accordance with the Development Guide Plan. Permanent residential development shall not exceed the equivalent of R100 (Special Use: City Centre Zone) and R20 (Residential Zone) standards of the Residential Planning Codes. Non residential development shall be in accordance with the provisions of Council's Town Planning Scheme and any relevant Council policies.</p> <p>(iii) Council will require the preparation of development design guidelines to the satisfaction of Council prior to any development occurring on the sites.</p> <p>(iv) All office and commercial development should encourage a <b>Mainstreet</b> type of development particularly along the Spencer and Edward Street frontage of the site.</p> <p>(v) Council shall not grant planning approval to any development of the subject site unless it is satisfied that:</p> <p>(a) The design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area.</p> <p>(b) Colours, materials and character of the development is in keeping with the amenity of the area, particularly with regard to the development interface with adjoining residential and historical buildings in the area.</p>

No.	Description of land	Special Use(s)	Conditions
			<p>(c) The development of the subject site demonstrates an overall integration with the City Centre.</p> <p>(vi) No new buildings within the subject site shall exceed 4 storeys in height above the natural ground level.</p> <p>(vii) Council shall require the preparation and implementation of a landscaping plan as a condition of approval to any land use proposed or development application.</p> <p>(viii) Council shall encourage the design of buildings suitable for mixed use development which compliments the expansion of the City Centre area and promotes the principles of "New Urbanism" design.</p> <p>(ix) A comprehensive car parking plan and traffic management plan shall be submitted to Council with any development application. Car parking shall be provided in accordance with the requirements of Council's Town Planning Scheme No. 7, Clause 5.7.1 of the Scheme Text (The provisions of the City Centre Car Parking Strategy shall not apply to this particular zone).</p>
27	Lots 13, 14, 15 and 100 all being Portion of Leschenault Location 26 situated at the corner of Charles and Hayes Streets	Residential R40 Car Park Consulting Rooms Health Centre Lodging House Medical Centre Office	<p><i>Architectural Theme</i></p> <p>1. The architectural theme of all development facing Charles Street and Hayes Street is to recognise and be consistent with the residential character of the street and to incorporate the following elements:</p> <ul style="list-style-type: none"> <li>• Pitched roofs at a minimum of 25° and use of gables.</li> <li>• Preferred materials are timber, masonry, rendered finishes and corrugated iron roofing</li> <li>• Use of verandahs</li> <li>• Minimising expansive areas of glass</li> <li>• Visually permeable front fencing</li> <li>• Landscaping in the front setback.</li> </ul> <p><i>Precinct Plan</i></p> <p>2. Planning of the site will be generally in accordance with a Development Concept Plan approved by Council for the precinct bounded by Charles Street, Blair Street, Stirling Street and Hayes Street</p> <p><i>Comprehensive Development</i></p> <p>3. Development of the site will be in accordance with a comprehensive Planning Application approved by Council which addresses the following matters:</p> <ul style="list-style-type: none"> <li>• Provision of a 6 metre vehicular access from Charles Street to the service lane.</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<ul style="list-style-type: none"> <li>• Creation of a facade to Hayes and Charles Street which is consistent with residential uses and architectural themes in the vicinity.</li> </ul> <p><i>Setbacks</i></p> <p>4. The setback requirements for all development including residential shall be as follows:</p> <ul style="list-style-type: none"> <li>• Front setbacks shall be a minimum of 1.0 metre and a minimum average of 2.0 metres.</li> <li>• Side setbacks shall be a minimum of 0 metres</li> </ul> <p><i>Building Height</i></p> <p>5. The maximum building height is two storeys.</p> <p><i>Car parking</i></p> <p>6. The provision of car parking for the site will be as determined by Council however a credit of 4 bays shall be given for provision of a 6 metre vehicular access from Charles Street to the service lane.</p> <p><i>Design Guidelines</i></p> <p>7. Council may produce design guidelines to further explain or clarify the development conditions applicable to this zone.</p> <p><i>Service Lane Contribution</i></p> <p>8. Council may request as a condition of subdivision or Planning Approval a pro-rata contribution to the construction of the service lane.</p>
28	Lots 1,2,2,3,5,6,7,9, part of lot 10, balance of title 879/180 all being Portion of Leschenault Location 26	Residential R40 Home Based Business	<p><i>Architectural Theme</i></p> <p>1. The architectural theme of all development facing Charles Street is to recognise and be consistent with the residential character of the street and to incorporate the following elements:</p> <ul style="list-style-type: none"> <li>• Pitched roofs at a minimum of 25° and use of gables.</li> <li>• Preferred materials are timber, masonry, rendered finishes and corrugated iron roofing.</li> <li>• Use of verandahs</li> <li>• Minimising expansive areas of glass</li> <li>• Visually permeable front fencing</li> <li>• Landscaping in the front setback.</li> </ul> <p>2. The architectural theme of all development facing the service lane is to recognise the visual importance of the site from Blair Street and its importance as an entrance statement to the city centre. Design and development of lots should address the following elements:</p> <ul style="list-style-type: none"> <li>• Home Based Business uses should be oriented to the service lane and</li> </ul>

No.	Description of land	Special Use(s)	Conditions
			<p>encouraged to have an active facade.</p> <ul style="list-style-type: none"> <li>• Fencing along the service lane is to be of masonry construction of similar.</li> <li>• Vehicular access to lots is to be encouraged from the service lane.</li> <li>• Pitched roofs at a minimum of 25° and use of gables.</li> <li>• Preferred materials are timber, masonry, rendered finishes and corrugated iron roofing.</li> <li>• Landscaping is encouraged along the Blair Street side of fencing to the service lane.</li> </ul> <p><i>Precinct Plan</i></p> <p>3. Planning of the site will be generally in accordance with a Development Concept Plan approved by Council for the precinct bounded by Charles Street, Blair Street Stirling Street and Hayes Street.</p> <p><i>Land use</i></p> <p>4. The Charles Street frontage of lots will only be used for residential purposes. Home based business will be located at the rear of lots and encouraged to orientate onto the service lane.</p> <p><i>Service Lane Contribution</i></p> <p>5. Council may request as a condition of subdivision or Planning Approval a pro-rata contribution to the construction of the service lane.</p> <p><i>Setbacks</i></p> <p>6. The setback requirements for all development including residential shall be as follows:</p> <ul style="list-style-type: none"> <li>• Front setbacks shall be a minimum of 1.0 metre and a minimum average of 2.0 metres.</li> <li>• Rear setbacks to the service lane shall be a minimum of 1.0 metre and a minimum average of 2.0 metres.</li> <li>• Side setbacks shall be a minimum of 0 metres.</li> </ul> <p><i>Building Height</i></p> <p>7. The maximum building height is two storeys.</p> <p><i>Car parking</i></p> <p>8. The provision of car parking for the site will be as determined by Council.</p> <p><i>Design Guidelines</i></p> <p>9. Council may produce design guidelines to further explain or clarify the development conditions applicable to this zone.</p>
29	C/T 855/74 Charles Street	Parks, Recreation and Drainage	As determined by Council

No.	Description of land	Special Use(s)	Conditions
30	Lot 1, and all of lots 2, 3, 4, 52 and part of the land on diagram 6019 all being Portion of Leschenault Location 26 situated at the corner of Charles and Stirling Streets	Residential R60 Car Park Consulting Rooms Health Centre Lodging House Medical Centre Offices	<p><i>Architectural Theme</i></p> <p>1. Council is looking for a landmark building on this site given its prominence and proximity to the city centre. The architectural theme of all development facing Charles Street is to recognise and be consistent with the residential character of the street and to incorporate the following elements:</p> <ul style="list-style-type: none"> <li>• Pitched roofs at a minimum of 25° and use of gables.</li> <li>• Preferred materials are timber, masonry, rendered finishes and corrugated iron roofing.</li> <li>• Use of verandahs</li> <li>• Minimising expansive areas of glass</li> <li>• Visually permeable front fencing.</li> <li>• Landscaping in the front setback.</li> </ul> <p><i>Precinct Plan</i></p> <p>2. Planning of the site will be generally in accordance with a Development Concept Plan approved by Council for the precinct bounded by Charles Street, Blair Street Stirling Street and Hayes Street.</p> <p><i>Comprehensive Development</i></p> <p>3. Development of the site will be in accordance with a comprehensive Planning Application approved by Council which addresses the following matters:</p> <ul style="list-style-type: none"> <li>• Provision of a 6 metre vehicle access from Charles Street to the service lane.</li> <li>• Creation of a facade to Charles Street which is consistent with residential uses and architectural themes in the vicinity.</li> </ul> <p><i>Setbacks</i></p> <p>4. The setback requirements for all development including residential shall be as follows:</p> <ul style="list-style-type: none"> <li>• Front setbacks shall be a minimum of 1.0 metre and a minimum average of 2.0 metres.</li> <li>• Side setbacks shall be a minimum of 0 metres.</li> </ul> <p><i>Building Height</i></p> <p>5. The maximum building height is two storeys.</p> <p><i>Car parking</i></p> <p>6. The provision of car parking for the site will be as determined by Council however a credit of 4 bays shall be given for provision of a 6 metre vehicular access from Charles Street to the service lane.</p> <p><i>Design Guidelines</i></p> <p>7. Council may produce design guidelines to further explain or clarify the development conditions applicable to this zone.</p>

No.	Description of land	Special Use(s)	Conditions
31	Lots 1 and 2 Ocean Drive (Welcome Inn)	Restaurant and Motel Use	As determined by Council
32	Hungry Hollow Restaurant Site Lot 8 Ocean Drive	Restaurant	<ol style="list-style-type: none"> <li>1. Development will be in accordance with standards specified by Council.</li> <li>2. Any development application will need to address the issue of building height, bulk and visual amenity, particularly in relation to adjoining residential development and impact on the appearance of the Bunbury Back Beach foreshore.</li> <li>3. The effectiveness of the parking provisions must be monitored and appropriate steps must be taken by Council and the owners of the lots if those provisions are found to be inadequate.</li> </ol>
33	Lot 150 (130) Strickland Street, Bunbury	Car Park	<ul style="list-style-type: none"> <li>• Council shall require an overall concept development plan for the car parking area. This plan shall be submitted prior to the issuing of a development approval and shall address the following requirements: <ul style="list-style-type: none"> <li>- Access to the car parking area to be provided from Strickland Street only.</li> <li>- Installation of controlled access gates at the Strickland Street entrance</li> <li>- Provision of suitable security lighting.</li> <li>- 6.0 metre landscaped setback area from Jipse Crescent</li> <li>- 1.5 metre landscaped setback along the western boundary of the subject site.</li> <li>- Landscaping to be maintained at all times to the satisfaction of Council</li> <li>- Erection of staff demarcation signs</li> </ul> </li> </ul> <p>Car parking dimensions shall be in accordance with Clause 5.7.1 (Car Parking) of Council's Town Planning Scheme No. 7.</p>
34	Sanctuary Golf Course Resort Lot 105 Australind Bypass Road	<ul style="list-style-type: none"> <li>• Clubhouse</li> <li>• Golf Merchandise Retail Sales</li> <li>• Motel/ Short Stay accommodation</li> <li>• Convention Centre</li> <li>• Restaurant</li> </ul>	<ol style="list-style-type: none"> <li>1. All landuse and development proposals on Lot 105 Old Coast Road shall be in accordance with a Development Guide Plan approved by Council which addresses the following matters; <ol style="list-style-type: none"> <li>(a) Overall site layout to clearly identify the existing and proposed development;</li> <li>(b) Site coverage;</li> <li>(c) Plot Ratio;</li> <li>(d) Height;</li> <li>(e) Traffic Management Plan relative to impact on the existing road network and vehicle access and egress and on site carparking; and</li> </ol> </li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>(f) Landscape Plan including an aesthetic impact assessment with suitable buffer toward land zoned 'Port Industry' and 'Development Investigation Policy Area' and any similarly zoned land in the vicinity of the subject land.</p> <p>2. Vehicle access to Lot 105 to be limited to the existing entry points from Old Coast Road.</p> <p>3. Issues of adequate buffers for any noise, dust, light or odour pollution impacts associated with the adjacent Primary Regional Road or the nearby land zoned for Industrial purposes shall be formally addressed to the satisfaction of Council.</p>
35	Lot 2 Bussell Highway, Leschenault Location Forrest Cinema Site	Aged Persons Dwelling Caravan Park Cinema Civic Building Consulting Rooms Day Care Centre Single House Grouped Dwelling – R40 Local Shop Medical Centre Offices Public Assembly Showroom Warehouse Veterinary Clinic	<p>1. All development in the "Special Use-Commercial and Residential Development" zone shall be in accordance with a comprehensive development plan approved by Council or any approved variations thereto which address the following requirements:</p> <ul style="list-style-type: none"> <li>• Access and egress</li> <li>• Pedestrian access and movement</li> <li>• Vehicular access and movement</li> <li>• Building height and scale</li> <li>• Landscaping</li> <li>• Car parking</li> <li>• Public transport</li> <li>• Integration with adjoining residential areas.</li> </ul> <p>2. All commercial uses within the "Special Use – Commercial and Residential Development" zone shall comply with the provisions of Clauses 9.2, 9.4 and 5.7.1 of Town Planning Scheme No.7.</p> <p>3. Residential uses within the "Special Use – Commercial and Residential Development" zone shall comply with the provisions of Clauses 5.9.1 and 5.9.3 of Town Planning Scheme No. 7.</p>
36	Pt Wellington Location 63, Lots 120, 332 and 382 corner Picton & Dodson Roads, Picton	Service industry Light Industry Showroom/Warehouse Medical Centre Consulting Rooms Incidental Office Eating House Trade Display Local Shop Nursery	<p>1. Council shall require an overall concept development plan to be submitted prior to the issue of any development approval addressing the following requirements:</p> <ul style="list-style-type: none"> <li>• Ingress and egress</li> <li>• Building height and scale</li> <li>• Building appearance</li> <li>• Landscaping</li> <li>• Car parking</li> </ul> <p>2. Development standards relating to plot ratio, site coverage, building setbacks, car parking, landscaping and all other relevant requirements</p>

No.	Description of land	Special Use(s)	Conditions
			<p>shall comply with the provisions of Clause 5.7.1 and 5.7.2 (Site and Development Requirements) set out in Town Planning Scheme No. 7.</p> <p>3. Development of the lots being of a high quality and enhancing and complementing the immediate area in order to provide a high standard of visual amenity to the locality to the satisfaction of Council.</p> <p>4. Development of the lots to address the issues of building appearance and bulk, particularly in relation to its aspect from the South Western Highway and Dodson Road frontages.</p> <p>5. <b>Landscaping:</b></p> <p>(a) A minimum 2 metre landscaping strip shall be provided along the road frontages of lot 63 South Western Highway and part lot 382 Dodson Road and maintained to the satisfaction of Council.</p> <p>(b) Verge areas along South Western Highway and Dodson Road are required to be appropriately landscaped in accordance with an approved landscape master plan to the satisfaction of Council to provide an attractive entrance and visual feature for the South West Highway/Dodson Road intersection.</p> <p>6. <b>Building Design</b></p> <p>In wanting to ensure a high quality "Business Park" development, proposals shall address the following requirements:</p> <p>(a) development being limited to a maximum building height of 8.0 metres for a single wall.</p> <p>(b) The front facade of the buildings being orientated to the street</p> <p>(c) Building materials to consist of masonry concrete tilt up panels, brick, limestone, colourbond or any other materials deemed appropriate by Council that is in keeping with the character and amenity of the locality.</p> <p>7. <b>Signage</b></p> <p>(a) While observing the need for commercial viability, emphasis will be placed on visual harmony and consistency to maintain the streetscape.</p> <p>(b) Signage that is integrated into the built facades is encouraged.</p> <p>8. <b>Access</b></p> <p>(a) Vehicular access from the South West Highway and Dodson Road north of Olive Road shall be discouraged.</p>

No.	Description of land	Special Use(s)	Conditions
			9. Council shall require the formulation and implementation of design guidelines to ensure a high standard of development within this area.
37	Lot 2 (No. 144) Forrest Avenue	<ul style="list-style-type: none"> <li>• Local Shop</li> </ul>	As determined by Council
38	Glen Padden Usher Medical Centre and Pharmacy Lots 1, 552 and 551 Crampton Avenue	<ul style="list-style-type: none"> <li>• Medical Clinic</li> <li>• Pharmacy</li> </ul>	As determined by Council
39	Portion of Bunbury Lot 731 and being part of Lot 298 Winthrop Avenue, College Grove	<ul style="list-style-type: none"> <li>• Dwelling House and Home Occupation</li> </ul>	<ol style="list-style-type: none"> <li>1. Subdivision to be generally in accordance with the Subdivision Guide Plan dated November 1997 attached to the Scheme Amendment Report and Council will not support any further subdivision.</li> <li>2. The minimum lot size for development shall be 1500m<sup>2</sup>.</li> <li>3. Only one dwelling shall be permitted on each lot.</li> <li>4. All buildings and structures shall be contained within a prescribed building envelope nominated at subdivision stage. No clearing of vegetation shall be permitted outside of this building envelope.</li> <li>5. Building Exclusion areas will be identified at subdivision stage and will require that no development shall occur within 10 m from the lot boundary. Council shall request that revegetation shall be required if the building exclusion area is not substantially vegetated, to the satisfaction of Council.</li> <li>6. Development shall conform to design guidelines adopted by Council which address the issues of: <ul style="list-style-type: none"> <li>- Building Height</li> <li>- Promoting the use of alternative styles and building techniques that encourage harmony with the character of the land, is sympathetic to the topography and minimise the potential for erosion through excavation.</li> <li>- Encouraging the use of pole housing.</li> <li>- Uniform battleaxe access leg sealing standards.</li> </ul> </li> <li>7. Council will request that as a condition of subdivision the Western Australian Planning Commission require the preparation of a landscape plan for the site. The landscape plan shall address the suitability of planting native vegetation.</li> <li>8. Boundary fences are to be constructed in a rural style with timber post and wire to the satisfaction of Council.</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>9. Battleaxe access legs are to be a minimum width of 4.5m except where an opportunity exists for reciprocal rights of access and a minimum width of 4m would be supported. The carriageway of the battle axe leg is required to be constructed to a minimum width of 2.7m or 5.4m where reciprocal rights of access exists to a minimum standard of concrete or hot mix and to the satisfaction of Council.</p> <p>10. Council will request the Western Australian Planning Commission to impose a condition requiring the preparation and implementation of a fire management plan at the time of subdivision.</p> <p>11. No excavation shall be permitted on the rear boundaries of lots abutting the existing and future reservoir site.</p> <p>12. Any outbuildings are to be included in the Building Envelope and are to be located at the rear of homes.</p> <p>13. Clearing of vegetation will not be permitted by Council unless:</p> <ul style="list-style-type: none"> <li>• Clearing complies with the requirements of the Bush Fires Act 1954 (as amended);</li> <li>• Clearing associated with approved subdivision or development works; and</li> <li>• Clearing to gain vehicular access to the prescribed building envelope.</li> </ul> <p>14. Council shall request as a condition of subdivision that the owner or subdivider to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p>
40	Lots 3 and 74 Forrest Avenue (Bunbury Motel)	• Motel	As determined by Council
41	Lot 12 Clifton Street (Clifton Beach Motel)	• Motel	As determined by Council
42	Lot 6 and 569 Ocean Drive (Ocean Drive Motel)	• Motel	As determined by Council
43	Lot 3 Ocean Drive (Fawltly Towers)	• Motel, Restaurant and Coffee Lounge	As determined by Council
44	Lots 1, 174, 154 and 153 Molloy Street, Symmons and Wellington Streets	• City Centre	<p>Development to have regard to:</p> <ol style="list-style-type: none"> <li>1. the residential scale and character of the existing buildings; and</li> <li>2. potential adverse impacts arising from commercial redevelopment on residential amenity</li> </ol>
45	Lot 174 Forrest Avenue, Bunbury	• The following uses are listed as permitted use	<ol style="list-style-type: none"> <li>1. A person shall not develop or use land or erect, use or adapt any building for use as an office unless car parking</li> </ol>

No.	Description of land	Special Use(s)	Conditions
		<ul style="list-style-type: none"> <li>• Consulting Rooms</li> <li>• Medical centre</li> <li>• Medical Offices</li> <li>• Office</li> </ul>	<p>spaces are provided in the ratio of 1 car parking space for each 30 square metres of gross floor area or part thereof, or in the case of consulting rooms, in accordance with the scheme provisions.</p> <ol style="list-style-type: none"> <li>2. All future development on the site shall be in accordance with the provisions of the City of Bunbury Town Planning Scheme.</li> <li>3. A Traffic Management Report to be provided and approved to the satisfaction of the Executive Manager prior to any development commencing on the site.</li> <li>4. A landscaping plan showing a landscape buffer to adjoining properties being provided and approved to the satisfaction of the Executive manager prior to any development commencing onsite o</li> </ol>
46	Part lots 19 and 54 Strickland Street, Bunbury.	<p>The following uses are listed as permitted uses:</p> <ul style="list-style-type: none"> <li>• Residential R40/R60</li> <li>• Grouped Dwelling</li> <li>• Multiple Dwelling</li> <li>• Nursing Home</li> </ul> <p>Other uses may be permitted by the Council provided that they are incidental to the predominant use of the land for residential purposes and may include, but are not necessarily confined to the following:</p> <ul style="list-style-type: none"> <li>• Eating House</li> <li>• Office</li> <li>• Local Shop</li> <li>• Public Amusement</li> <li>• Consulting Rooms</li> <li>• Public Assembly</li> <li>• Recreational Facility</li> </ul>	<ol style="list-style-type: none"> <li>1. The aim of this Special Use zone is to promote the development of a high quality aged person's development which is in keeping with its location in a residential area.</li> <li>2. The site to be developed to a maximum density of R40 (plus the 50% density bonus) with the exception of a Lodge (aged semi-care facility) which can be developed to a maximum density of R60 (plus the 50% density bonus).</li> <li>3. Any subdivision or development shall occur in accordance with an overall Development Concept Plan that is to be advertised in accordance with the special advertising provisions outlined in the Scheme and endorsed by Council. The Development Concept Plan is required to address, but is not limited to, the following issues: <ul style="list-style-type: none"> <li>• Overall site layout</li> <li>• Proposed land uses</li> <li>• Residential density</li> <li>• Vehicle access and egress</li> <li>• On-site parking requirements</li> <li>• Landscaping and aesthetics</li> <li>• Pedestrian access/walkways</li> <li>• Upgrading of surrounding roads, pedestrian access and drainage in the vicinity of adjoining sites and the immediate locality.</li> <li>• Traffic management and road connectivity on adjoining streets</li> <li>• Amenity assessment and outlook of adjoining properties (differences in ground level, fencing, landscaping, built form and setbacks).</li> </ul> </li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<ol style="list-style-type: none"> <li>4. 'R60' development is restricted to a maximum of 5000m<sup>2</sup> of the site.</li> <li>5. Every application for planning consent shall include details relating to the character, architectural theme, colours and materials to be used in the development and demonstrate consistency with the Development Plan.</li> <li>6. Every Application for Planning Consent will be required to address the design guidelines as contained in Council's Policy in relation to 'Aged and Dependent Persons Dwellings'.</li> <li>7. Council may at its discretion vary the development requirements of the Scheme, in relation to aged person's accommodation, where it is satisfied that the development is in accordance with the overall Development Concept Plan. This provision does not extend to varying any of the development conditions as stated in Schedule 2 – Special Use zones.</li> <li>8. In accordance with the provisions of the Residential Planning Codes and Council's Policy in relation to "Aged and Dependent Persons Dwellings", the occupancy of the residential units on the site is restricted to at least one permanent occupant of the dwelling being an aged person (that is a person who is aged 55 years or over) or the surviving spouse of that person.</li> <li>9. Prior to the submission of an application for development or subdivision, the developer shall provide to Council a geotechnical report which shall include details addressing ground water and extent of fill required in order that the land is physically capable of development. The report shall be undertaken by a certified practising engineer.</li> </ol>
47	Lots 742 and 760 Wattle Street and Upper Esplanade Bunbury.	<ul style="list-style-type: none"> <li>• Aged Persons Home</li> </ul>	<ol style="list-style-type: none"> <li>1. Subject to the A land use classification at Clause 4.3.2 of the Scheme.</li> <li>2. Subject to an R40 density as per the Residential Planning Codes (R Codes).</li> <li>3. Density bonus (of 50%) applicable in accordance with clause 5.1 (Aged or Dependent Persons Dwelling) of the R Codes.</li> <li>4. The preparation of an engineering report to examine works necessary to accommodate a 1 in 100 year storm at the applicants expense.</li> <li>5. All infrastructure required for a 1:100 year storm protection would be required to be contained within the drainage reserve, retaining a park like appearance and existing vegetation where possible.</li> </ol>

No.	Description of land	Special Use(s)	Conditions
			<p>6. The applicant is required to contribute to upgrading of suitable footpaths adjacent to the development, whilst providing pedestrian access through the site and connections to Councils existing path system.</p> <p>7. The applicant is required to contribute to the provision of appropriate landscaping within the proposed reserve.</p> <p>8. The applicant is required to provide adequate buffer distances and screening to all adjoining residential properties to protect the amenity of the residents, to the satisfaction of Council.</p>
48	Lot 366 Ocean Drive and Carey Street	<ul style="list-style-type: none"> <li>• Motel</li> </ul>	As determined by Council.

### Schedule 3—Application for Planning Approval

#### Application for Planning Approval

<b>Owner details</b>		
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>		

<b>Applicant Details</b>		
Name:		
Address:		
		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact Person for correspondence:		
Signature:		Date:

<b>Property details</b>		
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 (eg easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

<b>Existing building/land use:</b>
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

<b>OFFICE USE ONLY</b>	
Acceptance Officer's initials:	Data received

Schedule 4—Additional Information for Advertisements

Additional Information for Advertisements

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.	<p style="text-align: center;"><b>Details of proposed sign:</b></p> <p>(a) Type of structure on which advertisement is to be erected (ie freestanding, wall mounted, other): .....</p> <p>.....</p> <p>(b) Height: ..... Width: ..... Depth: .....</p> <p>(c) Colours to be used:</p> <p>(d) Height above ground level –</p> <ul style="list-style-type: none"> <li>• (to top of advertisement): .....</li> <li>• (to underside): .....</li> </ul> <p>(e) Materials to be used:</p> <p>.....</p> <p>  Illuminated:            Yes / No</p> <p>  If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:</p> <p>.....</p>
3.	Period of time for which advertisement is required:
.....	
4.	<p style="text-align: center;">Details of signs (if any) to be removed if this application is approved:</p> <p>.....</p> <p>.....</p> <p>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.</p> <p>Signature of advertiser(s):</p> <p>(if different from land owners) .....</p> <p>Date: .....</p>

**Schedule 5—Notice of Public Advertisement of Planning Proposal**

*Town Planning Act 1928*

City of Bunbury

**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.

Lot No: \_\_\_\_\_ 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 Bunbury

**Schedule 6—Notice of Decision on Application for Planning Approval**

*Town Planning Act 1928*

City of Bunbury

**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:

1. granted subject to the following conditions:
2. refused for the following reason(s):

Conditions/reasons for refusal:

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, 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 Bunbury	

### Schedule 7—Special Control Areas—Flood Prone Land

#### Special Control Areas Flood Prone Land

#### Schedule 8—Current Policies of the Scheme

Schedule of current policies to which the Council shall refer (if appropriate) when determining development applications or giving advice to prospective applicants.

Policy No.	Policy Name	Subject of Policy
1.	Bunbury Planning Strategy	A Policy, adopted by the Council, which describes the strategic planning framework for the City of Bunbury, thus forming the basis and rationale for the provisions of TPS 7.
2.	Road Hierarchy	The City of Bunbury's criteria for the various classifications of its road hierarchy, together with access requirements and management issues associated with the classification.
3.	Marlston Hill Stage 1 Design Guidelines	Design Guidelines adopted by Council to facilitate development standards within the Marlston Hill Stage 1 Subdivision.
4.	Marlston Hill Stage 2 Design Guidelines	Design Guidelines adopted by Council to facilitate development standards within the Marlston Hill Stage 2 Subdivision.
5.	Marlston Hill Stage 3 Design Guidelines	Design Guidelines adopted by Council to facilitate development standards within the Marlston Hill Stage 3 Subdivision.
6.	Taunton Street Residential Precinct Design Guidelines	Design Guidelines adopted by Council to facilitate development and subdivision of the area bounded by Taunton Street, Austral Parade, Richmond and Oxford Streets.
7.	Bunbury Business Park Design Guidelines	Design Guidelines adopted by Council to facilitate development within the Bunbury Business Park (Industry) located south of the South West Highway (formerly North Boyanup Road).
8.	The Bunbury City Centre Car Parking Strategy	The City Centre Parking Strategy (policy) adopted by Council to provide a rationale for the provision of car parking within the City Centre zone.
9.	Group Dwellings Design Guidelines	Policy adopted by Council to ensure developers address the principles of good design for group dwelling developments within the City of Bunbury.
10.	The Koombana Cove Resort Design Guidelines	Design Guidelines adopted by Council to facilitate the development of permanent residential dwellings within the Koombana Cove Residential Subdivision.

Policy No.	Policy Name	Subject of Policy
11.	The College Grove Stage 5 Design Guidelines	Design Guidelines adopted by Council to facilitate the development of special residential type dwellings within College Grove Stage 5 Residential Subdivision.
12.	Pelican Point Canal and Residential Development	Design Guidelines for Pelican Point Estate

#### Schedule 9—Exempted Advertisements

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

Land Use and/or Development	Exempted Sign Type & Number	Maximum Area of Exempted Sign
	(Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	
	(ii) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed by or at the direction of a Government department, public authority or the council of a municipality, and	N/A
	(iii) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Building Construction Sites (advertisement displayed only for the duration of construction) as follows:		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	5m <sup>2</sup>

Land Use and/or Development	Exempted Sign Type & Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
(iii) Large development or redevelopment projects involving shopping centres office or other buildings exceeding 3 storeys in height.	One sign as for (i) above	10m <sup>2</sup>
	One additional sign showing the name of the project builder	5m <sup>2</sup>
Sales of Goods or Livestock	One sign per lot for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions.		
Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(i) Dwellings	One sign for each street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup>
(ii) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for (i) above	Each sign shall not exceed an area of 5m <sup>2</sup>
(iii) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (i) above	Each sign shall not exceed an area of 10m <sup>2</sup>

<b>Land Use and/or Development</b>	<b>Exempted Sign Type &amp; Number</b> (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	<b>Maximum Area of Exempted Sign</b>
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display.	2m <sup>2</sup>
	(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m <sup>2</sup>

**Schedule 10—Environmental Conditions**

<b>Scheme or Amendment No.</b>	<b>Gazettal Date</b>	<b>Environmental Conditions</b>

ADOPTION PAGE

Adopted by authority of the Council of the City of Bunbury at the Ordinary Meeting of the Council held on the 13th day of March 2001.

GIOVANNI MARIO CASTRILLI, Mayor.  
GREG TREVASKIS, Chief Executive Officer.

Adopted for Final Approval by Resolution of the Council of the City of Bunbury at the Ordinary Meeting of the Council held on the 4th day of September 2001, and the Common Seal of the Municipality was, pursuant to that resolution hereunto affixed in the presence of—

GIOVANNI MARIO CASTRILLI, Mayor.  
GREG TREVASKIS, Chief Executive Officer.

Recommended/Submitted for Final Approval—

M. SCHRAMM, Delegated under S20 of the WAPC Act 1985.

Date 28 November 2002.

Final Approval Granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date 3<sup>rd</sup> December 2002.

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**POLICE**

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**PO401\*****ROAD TRAFFIC ACT 1974****TEMPORARY SUSPENSION OF REGULATIONS**

I, Robin Michael Langford, Superintendent (Traffic Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of—

Signed: R M Langford, Superintendent (Traffic Support).

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A Cycle Time Trial Race by members/entrants of the Australian Time Trials Association on 10th November 2002 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Lillydale Road, Northcote Street, Old Northam Road and Government Road/Werribee Road in Chidlow and Wooroloo.

All participants to wear approved head protection at all times.

A Cycling Road Race by members/entrants of the West Coast Masters Cycling Council Inc on 17th and 24th November 2002 between the hours of 09:00 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Bradford Street, Chilver Street, Valentine Street and Hazelhurst Street in Kewdale.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Trievents WA on 20th November 2002 between the hours of 10:00 Hrs and 13:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on West Coast Drive, Whitfords Avenue, Hocking Parade and St Helier Drive in Sorrento.

All participants to wear approved head protection at all times for the cycle event.

A Cycle Time Trial Race (40km) by members/entrants of the Australian Time Trials Association on 24th November 2002 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Wright Street, Richardson Street to Karnup Road and return in the areas of Mardella and Serpentine.

All participants to wear approved head protection at all times.

A Cycle Time Trial Race (30km) by members/entrants of the Australian Time Trials Association on 1st December 2002 between the hours of 07:00 hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Pickering Brook Road, Bracken Road, Forrest Road, Repatriation Road in Pickering Brook.

All participants to wear approved head protection at all times.

A Cycle Road Race by members/entrants of the Wet Coast Masters Cycling Council Inc on 1st, 8th, 15th and 22nd December 2002 between the hours of 09:00 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Bradford Street, Chilver Street, Valentine Street and Hazelhurst Street in Kewdale.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Hedland Tri Sports Association on 1st and 15th December 2002 and on 19th January 2003 between the hours of 07:30 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Leake Street, Forrest Circle, Hamilton Road, Rason Court and Colebatch Way, South Hedland.

All participants to wear approved head protection during cycle event.

A Cycle Time Trial Race (50km) by members/entrants of the Australian Time Trials Association on 8th December 2002 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Brookton Highway from Eastern Boundary of Tomeo's Roadhouse for 25 kilometres.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Bunbury Triathlon Club Inc on 8th December 2002 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the side of the carriageway on Eaton Foreshore, Pratt Road and Leake Street  
All participants to wear approved head protection at all times for the cycle event.

A Deepwater Point Run by members/entrants of the West Australian Marathon Club on 8th December 2002 between the hours of 07:00 Hrs and 08:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the Dual Use Path on or near The Esplanade, Mt Henry Bridge, Kwinana Freeway and Canning Bridge in the area of Mt Pleasant/Salter Point/Manning.

A Cycle Time Trial Race (40km) by members/entrants of the Australian Time Trials Association on 22nd December 2002 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Park Street, Lord Street, Harrow Road and West Swan Road in Henley Brook/West Swan.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Trievents WA on 22nd December 2002 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the side of the carriageway on Rockingham Beach Road, East Rockingham.

All participants to wear approved head protection during the cycle event.

A Cycle Time Trial Race by members/entrants of the Australian Time Trials Association on 29th December 2002 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Great Southern Highway, Inkpen Road in Mundaring Shire.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Trievents WA on 9th February 2003 between the hours of 07:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the side of the carriageway on Unnamed Road leading from most southern carpark at Secret Harbour, Secret Harbour Boulevard, Secret Harbour.

All participants to wear approved head protection at all times for the cycle event.

A Triathlon by members/entrants of the Trievents WA on 13th April 2003 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the side of the carriageway on Safety Bay Road, Warnbro Beach Road, Shelton Street, Blakey Street, Fendham Street, (Safety Bay and Warnbro).

All participants to wear approved head protection during the cycle event.

A Point Walter Foot Race by members/entrants of the West Australian Marathon Club on 2nd February 2003 between the hours of 07:00 Hrs and 09:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the side of the carriageway on Dual Use Path from Point Walter Reserve to Tompkins Park and return.

All participants to wear approved head protection at all times.

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## RACING, GAMING AND LIQUOR

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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
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
9487	Ludovic Sabatier	Application for the grant of a Wholesaler licence in respect of premises situated in West Leederville and known as Cepage Mediterranee	1/1/03

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>			
9488	Jasper Corporation Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Northbridge and known as Morrisons Jazz & Blues Café	1/1/03
9495	Bacchante (WA) Pty Ltd	Application for the grant of a Special Facility—Packet/Transport licence in respect of premises situated in Margaret River and known as Wine For Dudes	14/1/03
9499	Luke Eckersley	Application for the grant of a Producer's licence in respect of premises situated in Harvey and known as Harvey River Wines	7/1/03
9503	Perth Social Club Pty Ltd	Application for the grant of a Special Facility—Caterer licence in respect of premises situated in Mullaloo and known as Perth Social Club Pty Ltd	14/1/03
9504	Perth City Hotel Pty Ltd	Application for the grant of a Hotel Restricted licence in respect of premises situated in East Perth and known as Perth City Hotel	9/1/03
9453	Katanning Wanderers Cricket Club (Inc.)	Application for the grant of a Club Restricted licence in respect of premises situated in Katanning and known as Katanning Wanderers Cricket Club (Inc.)	24/12/02
<b>APPLICATION FOR THE REMOVAL OF A LICENCE</b>			
159875	Santara Trading Pty Ltd	Application for the removal of a Wholesaler's licence from premises situated in O'Connor suburb to a new site in Booragoon and known as Santara Trading Pty Ltd	5/1/03
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
14102	Paul Anthony Dixon and Diane Kelly	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Carnarvon and known as Sandhurst Tavern.	24/12/02
14122	Ruben Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Wagin and known as Palace Hotel	30/12/02
<b>APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
159235	Windelya Sports Association Inc	Application to add, vary or cancel a condition of the Club Restricted licence in respect of premises situated in Kardinya and known as the Windelya Sports Association Inc	31/12/02

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

H. R. HIGHMAN, Director of Liquor Licensing.

## PUBLIC NOTICES

**ZZ101**

APPLICATION FOR WINDING UP ORDER  
Blue Lagoon Pearls Pty Ltd (ACN 064 619 969)  
In the Supreme Court of Western Australia

No. COR 355 of 2002.

1. A proceeding for the winding up of Blue Lagoon Pearls Pty Ltd (ACN 064 619 969) was commenced by the Plaintiff, Australian Mooring Services Pty Ltd (ACN 091 839 619) on 28 November 2002 and will be heard by the Master in Chambers at the Supreme Court of Western Australia, Stirling Gardens, Barrack Street, Perth at 9:15 am on Tuesday the 14th day of January 2003. Copies of the documents filed may be obtained from the Plaintiffs address for service.

2. The Plaintiffs address for service is c/- MacKinlays—Solicitors of 2 Sleet Road, Applecross in the State of Western Australia.

3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the Plaintiff at the Plaintiffs address for service at least 3 days before the date fixed for the hearing.

Date: 13 December 2002.

MacKINLAYS, Solicitors.  
Solicitors for the Plaintiffs Attorney.

**ZZ201**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estates of the undermentioned deceased persons, are required to send particulars of their claim to Trustees of Western Australia Limited of Level 22, 108 St George's Terrace Perth on or before the expiration of one month from the date of publication of this notice after which date the Company may convey or distribute the assets, having regard only to the claims of which it then has notice—

Paton, Robina Thomasina late of 29 Gardner Street Como, Widow died on 4th November 2002

Savage, Olive Vera late of Unit 2/103 South Coast Highway Albany, Home Duties died on 3rd November 2002

Silke, Allan Douglas late of 7 Jones Way Abbey via Busselton, Retired Dairy Farmer died on 25th September 2002

Windsor, Monica Cynthia of 99 Gascoyne Road Carnarvon, Retired Carer died on 4th November 2002

Williamson, Olive Beatrice of Unit 17/38 Marine Terrace Albany, Home Duties died on 30th September 2002

Dated this 9th day of December 2002.

HOWDEN McDONALD, Wills Officer.

**ZZ202**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Lindsay Oswald O'Connell, late of 19 Carey Street, Busselton, Western Australia, in the State of Western Australia.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the abovenamed deceased, who died on the 15th day of September 2002 are required by the trustee Verna May Roberts of care of Beere May & Meyer, Solicitors of 37 Kent Street, Busselton in the said State, to send particulars of their claims to the Executor by the 20th January 2003, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the Executor then has notice.

BEERE MAY & MEYER, Barristers & Solicitors, 37 Kent Street, Busselton,  
Phone: (08) 9752 4166 Fax: (08) 9754 1732.

**ZZ203**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relates in respect of the Estate of Fiona Maker, late of 3 Camelia Court, Greenwood, Western Australia who died on the 20th day of September 2002 are required by the personal representative to send particulars of their claims addressed to the Administrator of the Estate of Fiona Maker deceased, care of Pearman Grantham, Suite 15, 56 Creaney Drive, Kingsley by the 15th January 2003 after which date the personal representative may convey or distribute the assets, having regard only to the claims of which the personal representative then has notice.

ZZ204

**TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Eunice May Lovick, late of 17a May Street, Gosnells in Western Australia, Home Duties.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on 8 August 2002 at 23 Lenore Street, Roleystone, Western Australia in Western Australia, are required by the personal representative, being Raelene Adeline Lovick to send particulars of their claims to 12 Lovett Street, Scarborough WA 6019 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZZ205

**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 13th January 2003, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Babrich, Phillip Mathew, late of 21 Angelo Street Armadale, died 27/7/02, (DE30299321EM16)

Baker, Annie Margaret, late of 5 Osborne Street Joondanna, died 29/10/02, (DE19702209EM35)

Bernardi, Rosa Caterina Maria, late of 12 Evans Street Collie, died 9/6/02, (DE19881105EM25)

Bibby, Agnes Gertrude, late of Bassendean Lodge 24 Hamilton Street Bassendean, died 3/12/02, (DE19703546EM34)

Brennan, Dorothea Angelina, late of Catherine McCauley Nursing Home Barrett Street Wembley, died 6/11/02, (DE19962359EM35)

Carter, William, late of 16 Asteroid Way Carlisle, died 10/5/02, (DE33014372EM37)

Clements, Ronald Percy, late of Hamersley Nursing Home 441 Rokeby Road Subiaco, died 13/9/02, (DE31050693EM36)

Ensor, Betty, late of 14 Willis Cove Bunbury, died 2/11/02, (DE19954424EM33)

Forrest, Madeline Rose also known as Rose Madeline Forrest, late of 62 Thomas Street Busselton, died 23/9/02, (DE20010386EM34)

Godenzi, Withemenia Robina, late of 217 Holbeck Street Doubleview, died 2/6/02, (DE33017988EM22)

Gray, Betty Joan, late of Unit 47 40-44 Worley Street Willagee, died 4/12/02, (DE19692246EM15)

Jackson, Mary Emily, late of Swan Village of Care, Waminda 26 Plantation Drive Bentley, died 12/11/02, (DE32002680EM36)

McCabe, Kevin, late of 3 Lockyer Court Duncraig formerly of 20 Merton Street Victoria Park, died 2/11/02, (DE19773854EM13)

Ricks, Gerhard Arthur, late of Ascot Nursing Home 29 Neville Street Bayswater formerly of 23 Clandon Way Morley, died 29/9/02, (DE19862046EM23)

Stagg, Florence Edith, late of Kelmscott River Gardens 89 Clifton Street Kelmscott, died 13/8/02, (DE33017419EM17)

Stevenson, Kenneth Victorian, late of 11 Denston Way Girrawheen, died 21/10/02, (DE19781204EM34)

Tennant, Patrick Kevin, late of 12 The Grove Wembley, died 16/11/02, (DE19880879EM22)

Ugle, Baymis, late of 21 Angelo Street Armadale, died 17/7/01, (DE30315643EM17)

Willers, Edith Amelia, late of 20 Tillbrook Street Glen Forrest, died 21/11/02, (DE19990801EM12)

Zambellas, Rosalind, late of Kimberley Nursing Home, 76-78 Kimberley Street Leederville, died 11/8/02, (DE20001340EM14)

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

ZZ206

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claim (to which Section 63 of the Trustees Act (WA) 1962 relates) in respect of the undermentioned deceased person are required to send particulars of their claims to the Executor of care of Butlers, 83-85 Stirling Highway, Nedlands, Western Australia by Friday, 10 January 2003 after which date the Trustees may convey or distribute the assets having regard only to the claims of which notice has been given.

Details of Deceased Persons—

Surname	Given Names	Address	Occupation	Date of Death
Zendilis	Anthony Nicholas	33a Ryrie Street, Como	Retired Accountant	3 April 2002

WESTERN AUSTRALIA

**FREEDOM OF INFORMATION ACT 1992**

**\*Price: \$17.25 counter sales**  
**Plus postage on 300 grams**

\* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**YOUNG OFFENDERS ACT 1994**

**\*Price: \$17.25 counter sales**  
**Plus postage on 265 grams**

**YOUNG OFFENDERS REGULATIONS 1995**

**\*Price \$4.80 counter sales**  
**Plus postage on 65 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**THE CRIMINAL CODE**

(Reprinted as at 9 February 2001)

**\*Price: \$52.45 counter sales**  
**Plus postage on 1165 grams**

\* Prices subject to change on addition of amendments.

