



**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

1021



PERTH, FRIDAY, 4 APRIL 2003 No. 50

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

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ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2002 (Prices include GST).

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Other articles in Public Notices Section—\$49.20 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

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Per Column Centimetre—\$9.80

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PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

ANIMAL WELFARE ACT 2002

33 of 2002

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Animal Welfare Act 2002*, and with the advice and consent of the Executive Council, fix the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 1 April 2003.

By Command of the Governor,

T. G. STEPHENS, Minister for Local Government
and Regional Development.

GOD SAVE THE QUEEN !

AGRICULTURE

AG301*

Western Australian Meat Industry Authority Act 1976

Western Australian Meat Industry Authority Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Western Australian Meat Industry Authority Amendment Regulations 2003*.

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 March 2003 see 2001 Index to Legislation of Western Australia, Table 4, p. 386, and Gazette 13 December 2002.]

3. Regulation 34 replaced

Regulation 34 is repealed and the following regulation is inserted instead —

“

34. Midland Saleyard fees

- (1) The fees set out in Part 2 of Schedule 6 are to be paid for stock yarded in Midland Saleyard for sale.
- (2) The fees set out in Part 3 of Schedule 6 are to be paid for each 24 hours (or part thereof) for which stock is yarded in Midland Saleyard for transshipment unless the sum of those fees for a period of 24 hours (or part thereof) is less than \$5.00, in which case the fee to be paid for yarding stock in Midland Saleyard for transshipment for that period is \$5.00.
- (3) A fee payable under subregulation (1) or (2) shall be paid to the Authority by the stock agent on behalf of the owner within 28 days of the stock being yarded.
- (4) If stock which is not sold when first submitted for sale is resubmitted for sale on the same day and by the same stock agent, no fee is payable under subregulation (1) in respect of the second and each subsequent time the stock is so offered for sale.

”

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Hairdressers Registration Act 1946

Hairdressers Registration Amendment Regulations 2003

Made by the Board under section 21 of the Act.

1. Citation

These regulations may be cited as the *Hairdressers Registration Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Hairdressers Registration Regulations 1965**.

[*Reprinted as at 16 April 1999.]

3. Regulation 26 replaced

Regulation 26 is repealed and the following regulation is inserted instead —

“

26. Fees

Subject to regulation 26A there shall be paid to the Board the fees in the following Table —

Table

Fee to be paid by a person to take for the first time an examination on the theory of a particular prescribed class of hairdressing	\$50.00
Fee to be paid by a person to take for the first time a practical examination on a particular prescribed class of hairdressing	\$145.00
Fee to be paid by a person to take for a second or subsequent time a practical examination on a particular prescribed class of hairdressing —	
(a) if the examination is on one subject	\$50.00
(b) if the examination is on 2 subjects	\$75.00
(c) if the examination is on 3 subjects or more	\$100.00
Fee to be paid by a person to apply for registration —	
(a) as a principal hairdresser	\$100.00
(b) as an employee hairdresser	\$100.00
Fee to be paid by a person registered as an employee hairdresser for registration as a principal hairdresser	\$10.00
Fee to be paid by a person, other than a person registered as an employee hairdresser, for registration as a principal hairdresser	\$62.00
Fee to be paid by a person registered as a principal hairdresser for registration as an employee hairdresser	\$10.00
Fee to be paid by a person, other than a person registered as a principal hairdresser, for registration as an employee hairdresser	\$40.00
Fee to be paid for any certificate of registration ..	\$10.00
Fee to be paid for voluntary suspension or for re-instatement of registration	\$10.00

”

The common seal of the Hairdressers
Registration Board of Western Australia
was affixed hereto in the presence of:

JACKIE McKIERNAN, Chairperson, HRBWA.

Approved by the Governor,

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

LOCAL GOVERNMENT

LG301*

Local Government (Miscellaneous Provisions) Act 1960

Building Amendment Regulations 2003

Made by the Governor in Executive Council under section 433A of the Act and section 9.60 of the *Local Government Act 1995*.

1. Citation

These regulations may be cited as the *Building Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Building Regulations 1989**.

[* Reprinted as at 2 March 2001.

For amendments to 25 March 2003 see 2001 Index to Legislation of Western Australia, Table 4, p. 206, and Gazette 5 April 2002.]

3. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) by deleting the item relating to Jerramungup and inserting the following item instead —

“

Jerramungup	Whole district except areas zoned rural by a town planning scheme	Whole district except areas zoned rural by a town planning scheme	Whole district
-------------	---	---	----------------

”
;

- (b) by deleting the item relating to Wyndham-East Kimberley and inserting the following item instead —

“

Wyndham-East Kimberley	Whole district	Whole district	Whole district
---------------------------	----------------	----------------	----------------

”
;

(c) after the item relating to Yilgarn by inserting the following item —

“
York Whole district Whole district Whole district
”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

LG302*

Dog Act 1976

Dog (Restricted Breeds) Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Dog (Restricted Breeds) Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Dog (Restricted Breeds) Regulations (No. 2) 2002**.

[* *Published in Gazette 9 August 2002, p. 3883-91.*]

3. Regulation 14 amended

Regulation 14 is amended by deleting “22 April 2003” and inserting instead —

“ 22 April 2004 ”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

BEEKEEPERS ACT 1963
STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970
STOCK DISEASES (REGULATIONS) ACT 1968
 APPOINTMENTS

Department of Agriculture,
 SOUTH PERTH WA 6151.

The Governor is pleased to appoint the following as Inspectors pursuant to—

Section 5 of the *Beekeepers Act 1963*—

Esquibel, Sonia
 Fleming, David
 Mann, Krishna
 Rigby, Eleanor
 Thompson, Tim
 Treacy, Joanne
 Wirth, Nadine

Section 37 of the *Stock (Identification and Movement) Act 1970*—

Thompson, Tim

Section 8 (1) of the *Stock Diseases (Regulations) Act 1968*—

Thompson, Tim

KIM CHANCE MLC, Minister for Agriculture,
 Forestry and Fisheries.

CONSUMER AND EMPLOYMENT PROTECTION

CE401*

RETAIL TRADING HOURS ACT 1987
RETAIL TRADING HOURS (EASTER/ANZAC DAY) EXEMPTION ORDER 2003

Made by the Minister for Consumer and Employment Protection under Section 5 of the Act.

Citation

1. This Order may be cited as the Retail Trading Hours (Easter/ANZAC Day) Exemption Order 2003.
2. Thursday 17 April 2003 and Thursday 24 April 2003 – Perth area hours extended.

A condition of Clause 5 of the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996* is not breached even though a shop is not closed until after 7.00pm on Thursday 17 April 2003 and until after 7.00pm on Thursday 24 April 2003 if the shop is closed from and after 9.00pm on those days.

JOHN KOBELKE MLA, Minister for Consumer and Employment Protection.

CE402

COMPANIES (CO-OPERATIVE) ACT 1943
REGISTRATION OF LIQUIDATORS
 Section 403

Notice is hereby given that the following person is registered as qualified to act as a liquidator pursuant to s402 of the Act with effect from 28th March 2003.

Christopher John Munday

DENIS M. BLAKEWAY, Delegate of the Registrar,
 (the Commissioner for Corporate Affairs).

CE403

CHARITABLE COLLECTIONS ACT 1946

REVOCATION OF LICENCES

I, John Kobelke being the Minister administering the Charitable Collections Act 1946, acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- Goomalling & Districts Frail Aged Lodge Inc.
- Kulin Retirement Home Inc.

Dated this 26th day of March 2003.

JOHN KOBELKE MLA, Minister for Consumer and Employment Protection.

COMMUNITY DEVELOPMENT

CX401

ADOPTION ACT 1994

CONTACT AND MEDIATION AGENCY LICENCE

I, Sheila McHale, Minister for Community Development, Women's Interests, Seniors and Youth, issue the following persons with a licence to act as a Contact and Mediation Agency under Sections 105 and 106 of the Adoption Act 1994 and subject to the Adoption Regulations and Code of Practice 1995—

Geertruda Maria Matthea Rosenwald
60 John Street
Northbridge 6003
Western Australia

Dated this 4th day of February 2003.

SHEILA McHALE, Minister for Community Development,
Women's Interests, Seniors and Youth.

FISHERIES

FI401*

FISHERIES ADJUSTMENT SCHEMES ACT 1987SOUTH WEST TRAWL MANAGED FISHERY VOLUNTARY FISHERIES ADJUSTMENT SCHEME
NOTICE 2003

FD 1136/00 [542]

Made by the Minister under section 10B of the Act.

Citation

1. This notice may be cited as the *South West Trawl Managed Fishery Voluntary Fisheries Adjustment Scheme Notice 2003*.

Interpretation

2. In this notice—

- “authorization” means a managed fishery licence that authorises fishing in Zone C of the Fishery;
- “committee” means the South West Trawl Managed Fishery Voluntary Fisheries Adjustment Scheme Committee of Management established by written instrument dated 22 October 2002 and made under section 11 of the Act;
- “Fishery” means the South West Trawl Managed Fishery as declared in the *South West Trawl Management Plan 1989**;
- “scheme” means the *South West Trawl Managed Fishery Voluntary Fisheries Adjustment Scheme 2003* established in clause 3.

Establishment of fisheries adjustment scheme

3. There is established a fisheries adjustment scheme in respect of the Fishery to be known as the *South West Trawl Managed Fishery Voluntary Fisheries Adjustment Scheme 2003*.

Objective

4. The objective of the scheme is to reduce the area in which fishing is engaged in within the Fishery.

The fishery to which this scheme applies

5. The fishery to which this scheme applies is the Fishery.

Who may offer to surrender part of an entitlement

6. Any person who is the holder of an authorization is entitled to offer the surrender of the Zone C entitlement of the authorization.

Manner of operation

7. The manner of operation of the scheme shall be—

- (a) invitations for offers to surrender the Zone C entitlement of the authorization shall be made in accordance with section 10C(4) of the Act;
- (b) any offer shall be submitted to the committee in the form approved by that committee;
- (c) the committee shall forward any offers to the Minister and advise the Minister whether to accept or decline any offer or to make a counter offer;
- (d) the Minister shall respond to any offer in accordance with section 10(5) of the Act after considering any advice of the committee.

Duration of the scheme

8. This scheme shall operate from 11 April 2003 to 10 October 2003.

Terms of the scheme

9. The terms of the scheme are that provided that the objective specified in clause 4 will be attained, compensation in an amount agreed between the Minister and the holder of an authorisation shall be paid for the surrender of the Zone C entitlement of the authorisation.

*[*Published in the Gazette of 8 September 1989. For amendments to 18 March 2003 see Notice No. 418 published in the Gazette of 10 November 1989, Notice No. 448 published in the Gazette of 3 August 1990, Notice No. 473 published in the Gazette of 25 January 1991, Notice No. 510 published in the Gazette of 20 September 1991, Notice No. 583 published in the Gazette on 20 November 1992, the South West Trawl Management Plan Amendment 1997 published in the Gazette of 8 August 1997, the South West Trawl Fishery Management Plan Amendment 2002 published in the Gazette of 4 June 2002 and the South West Trawl Fishery Management Plan Amendment (No. 2) 2002 published in the Gazette of 4 June 2002.*

See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices made under the Fisheries Act 1905 immediately before the commencement of those regulations.]

Dated this 22nd day of March 2003.

K. M. CHANCE, Minister for Agriculture, Forestry and Fisheries.

HEALTH

HE401*

ALCOHOL AND DRUG AUTHORITY ACT 1974
WA ALCOHOL AND DRUG AUTHORITY BOARD
(APPOINTMENT OF MEMBERS)
INSTRUMENT 2002

Made by the Governor under section 5 of the Act.

1. Citation

This notice may be cited as the *WA Alcohol and Drug Authority Board (Appointment of Members and Chairman) Instrument 2002*.

2. Appointment of Members

The following persons listed are appointed as members of the WA Alcohol and Drug Authority Board pursuant to section 5(1) of the Act for the period ending 31 December 2003.

Member
Mr Michael Matthew DAUBE
Dr Denzil Ann McCOTTER
Professor Timothy Richard STOCKWELL
Dr Margaret Frances STEVENS

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

JUSTICE

JU401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

PERMIT DETAILS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has issued the following person with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Barnes	Michael Paul Hewson	CS3-044	28/03/2003	27/03/2003	30/07/2005

BRIAN YEARWOOD, A/Director, Custodial Contracts.

JU402*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

REVOCATIONS

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Mayerhofer	Kurt John	CS2-208	28/03/2003
Mills	John Gerald	CS2-095	28/03/2003
Marsh	Barry John	CS2-269	28/03/2003
Peters	Robert Neil	CS2-110	28/03/2003

This notice is published under section 57(1) of the Court Security and Custodial Services Act 1999.

BRIAN YEARWOOD, A/Director, Custodial Contracts.

LOCAL GOVERNMENT

LG401

DOG ACT 1976*City of Geraldton***DOG REGISTRATION OFFICERS**

The City of Geraldton wishes to advise for public information that Anthony Kreuger has been appointed as a Dog Registration Officers for the City of Geraldton in accordance with the *Local Government Act 1995*.

The appointment of Patricia Adele Carroll as a Dog Registration Officer is to be cancelled.

R. W. JEFFERIES, Chief Executive Officer.

LG402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME

City of Swan Town Planning Scheme No. 16

Notice is hereby given that the Council of the local government of the City of Swan on 11th July 2001 passed the following Resolution—

Resolved that the City of Swan, in pursuance of section 7 of the *Town Planning and Development Act 1928* (as amended), prepare the above Town Planning Scheme with reference to an area situate wholly within the City of Swan and enclosed within the inner edge of broken black dotted

border on a plan now produced to the Council of the City of Swan and marked and certified by the Chief Executive Officer under his hand dated the 11 July 2001 as "Scheme Area Map".

Dated this 25th day of March 2003.

ERIC LUMSDEN, Chief Executive Officer.

LG403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME

City of Swan Town Planning Scheme No. 17

Notice is hereby given that the Council of the local government of the City of Swan on 21st November 2001 passed the following Resolution—

Resolved that the City of Swan, in pursuance of section 7 of the *Town Planning and Development Act 1928* (as amended), prepare the above Town Planning Scheme with reference to an area situate wholly within the City of Swan and enclosed within the inner edge of the black broken border on a plan now produced to the Council of the City of Swan and marked and certified by the Chief Executive Officer under his hand dated the 21st November 2001 as "Scheme Area Map".

Dated this 25th day of March 2003.

ERIC LUMSDEN, Chief Executive Officer.

LG404

DOG ACT 1976

Shire of Coolgardie

Registration Officer

At the Ordinary Council Meeting of 27 March 2003, the following person was appointed as registration officer under the provisions of the Dog Act 1976 for the Municipality of the Shire of Coolgardie.

Miss Ana Narvaez

JIM FRASER, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954

Town of Kwinana

Changes to the Provisions of Section 24F to apply during the – prohibited burning period

Pursuant to the powers contained in Section 24G(2) of the above Act, the Town of Kwinana prohibits the burning of all garden refuse during the Prohibited Burning Season within its district.

BOB SEARLE, Chief Executive Officer.

MINERALS AND PETROLEUM

MP402

MINING ACT 1978

FORFEITURES

Department of Mineral and Petroleum Resources,
Perth WA 6000.

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

CLIVE BROWN MLA, Minister for State Development.

Number	Holder	Mineral Field
30/12	Perks, Robert Keith	North Coolgardie
70/998	Ladyman, Christopher Robin	South West

MP401

MINING ACT 1978
APPLICATION FOR AND ORDER FOR FORFEITURE

Department of Industry Resources,
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach covenant, viz, non-payment of rent.

S. SHARRATT (SM), Warden.

To be heard in the Warden's Court at Leonora on 15th May, 2003.

MOUNT MARGARET MINERAL FIELD

Mount Malcolm District

Prospecting Licences

37/4550—Sons of Gwalia Ltd
37/5211—Sons of Gwalia Ltd
37/5212—Sons of Gwalia Ltd
37/5213—Sons of Gwalia Ltd
37/5218—Acclaim Exploration NL
37/5219—Acclaim Exploration NL
37/5159—Tarmoola Australia Pty Ltd

Mount Morgans District

Prospecting Licences

39/3691—Heron Resources Ltd
39/4095—Andrei, Frederick
39/4098—Andrei, Frederick
39/4100—Andrei, Frederick
39/4101—Andrei, Frederick
39/4103—Andrei, Frederick

NORTH COOLGARDIE MINERAL FIELD

Niagara District

Prospecting Licences

40/1024—Barmenco Pty Ltd; Kookynie Resources NL
40/1041—Barmenco Pty Ltd; Kookynie Resources NL
40/1042—Barmenco Pty Ltd; Kookynie Resources NL
40/1043—Barmenco Pty Ltd; Kookynie Resources NL
P40/1044—Barmenco Pty Ltd; Kookynie Resources NL

MP403

MINING ACT 1978
FORFEITURES

Department of Industry Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN MLA, Minister for State Development.

Number	Holder	Mineral Field
47/983	Gardner, Robert Charles	West Pilbara

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Bill 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 date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

Short Title of Bill	Date of Assent	Act No.
Police Amendment Bill 2002	March 27 2003	7 of 2003

L. B. MARQUET, Clerk of the Parliaments.

March 31 2003.

PA402*

PARLIAMENT OF WESTERN AUSTRALIA

Bill 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 date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

Short Title of Bill	Date of Assent	Act No.
Adoption Amendment Bill (No. 2) 2002	April 1 2003	8 of 2003

L. B. MARQUET, Clerk of the Parliaments.

April 2 2003

PLANNING AND INFRASTRUCTURE

PI401***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Harvey

Town Planning Scheme No. 1—Amendment No. 36

Ref: 853/6/12/18 Pt 36

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Harvey Town Planning Scheme Amendment on 26 March 2003 for the purpose of—

1. Rezoning Lot 14 Old Coast Road, Australind from “Reserve for Recreation” to “Residential Development” zone.
2. Amending the Scheme Maps accordingly.

J. W. OFFER, President.
K. J. LEECE, Chief Executive Officer.

PI402*

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

Town of Narrogin

Town Planning Scheme No. 2—Amendment No. 24

Ref: 853/4/2/10 Pt 24

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 Town of Narrogin Town Planning Scheme Amendment on 29 March 2003 for the purpose of—

1. Including Lot 1239 Herald Street, Narrogin, within the Additional Use Zone described in Clause 2.3 of the Scheme Text.
2. Amending the Additional Use Zone Table in Clause 2.3 of the Scheme Text by including the following entry—

Code No.	Particulars of Land (as shown on Scheme Map)	Base Zone / Area	Additional Use	Conditions
33.	Lot 1239 Herald Street	Single Residential	Veterinary Consulting Rooms	<ol style="list-style-type: none"> 1. No large animals such as horses, cattle and pigs are to be stabled on the premises. 2. No extension or change of land use without special approval of the Council. 3. A maximum of two veterinarians shall operate from the property at any time.

3. Amending the Scheme Map in accordance with the Scheme Amendment Map.

S. A. HIGGINS, Mayor.
G. K. O'NEIL, Chief Executive Officer.

PI403*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985
AS READ IN CONJUNCTION WITH THE
METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959
PEEL REGION SCHEME

Regional Planning Scheme Now Legally Effective

It is hereby notified for public information that the Peel Region Scheme has been laid before both Houses of Parliament, in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act.

This Scheme, as depicted on the Scheme map sheets numbered 1 to 20 (1:25,000 scale) and printed in the Scheme text prepared by the Western Australian Planning Commission and published in the Government Gazette on 23 October 2002, is effective from 20 March 2003.

The Peel Region Scheme can be inspected at the offices of the Western Australian Planning Commission, at the following locations—

1. Peel Region Planning Office (11 Pinjarra Road, Mandurah); and
2. Perth Office (Albert Facey House 469 Wellington Street, Perth).

P. M. MELBIN, Secretary, Western Australian Planning Commission.

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
Shire of Dumbleyung
 Town Planning Scheme No. 1

Ref: 853/5/8/1

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Dumbleyung Town Planning Scheme No. 1 on 29 March 2003, the Scheme Text of which is published as a Schedule annexed hereto.

G. J. DAVIDSON, President.
 I. CRAVEN, Chief Executive Officer.

Schedule

Shire of Dumbleyung
 Town Planning Scheme No.1
DISTRICT ZONING SCHEME

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

TABLE OF CONTENTS

- Part 1 Preliminary**—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme Area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 Local Planning Policy Framework**—sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.
- Part 3 Reserves**—sets out the reserves which apply in the Scheme Area and related provisions.
- Part 4 Zones and the Use of Land**—sets out the zones which apply in the Scheme Area and the uses which may require approval or may be prohibited.
- Part 5 General Development Requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 Special Control Areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 Heritage Protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 Development of Land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 Applications for Planning Approval**—sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 Procedure for Dealing with Applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 Enforcement and Administration**—sets out the general provisions for the administration and enforcement of the Scheme.

Schedules

PART 1—PRELIMINARY

1.1 Citation

1.1.1 The Shire of Dumbleyung Scheme No. 1 ('the Scheme') comes into operation on its Gazettal date.

1.2 Responsible Authority

The Shire of Dumbleyung is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme Area which covers all of the local government district of the Shire of Dumbleyung as shown on the Scheme Maps.

1.4 Contents of Scheme

The Scheme comprises—

- (a) The Scheme Text; and
- (b) The Scheme Map (Sheets 1-6)

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

Note: The Scheme Map comprises six separate sheets. Sheets 1 to 4 are at a scale of 1:50,000 and cover the whole of the local government district of the Shire of Dumbleyung. Sheets 5 and 6 are at a scale of 1:5,000 and cover the Dumbleyung and Kukerin townsites respectively.

1.5 Purposes of the Scheme

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

The aims of the Scheme are—

- to protect and enhance the environmental values and natural resources of the Scheme Area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land;
- to promote ecologically sustainable land use and development;
- to respond to social changes and facilitate the creation of vibrant, accessible, safe and self reliant rural communities;
- to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;
- to actively assist the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles;
- to facilitate strategic development by ensuring land use, transport and public utilities are mutually supportive;
- to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- to assist the effective implementation of the State Planning Strategy as it applies to the Wheatbelt Region; and
- to make provision for other matters necessary or incidental to town planning and development generally.

1.7 Definitions

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

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

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

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

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

Note: Reference to the Residential Planning Codes and their application in respect of the Scheme are contained in clause 5.2.

1.8 Relationship with Other Laws

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

1.9 Relationship with Other Schemes

There are no other Schemes of the Shire of Dumbleyung which apply to the Scheme Area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

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

Note: A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

2.3.2 A Local Planning Policy is not part of the Scheme and shall 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.

2.4 Procedures for making or amending a Local Planning Policy

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

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

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

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

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

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

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

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

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

2.5 Revocation of a Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1 Reserves

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

3.2 Regional Reserves

There are no Regional Reserves in the Scheme area.

3.3 Local Reserves

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

3.4 Use and Development of Local Reserves

3.4.1 A person must not—

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

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

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

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

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

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

4.2 Objectives of the Zones

The objectives of each of the zones shown on the Scheme Map are as follows—

Residential Zone

Zone Objectives

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

Commercial Zone

Zone Objectives

- To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

Industrial Zone

Zone Objectives

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

Regional Rural Zone

Zone Objectives

- To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To provide for a range of commercial and industrial land uses that are appropriately located and will not cause land use conflicts or adverse impacts on the amenity and character of the zone;
- To prevent the fragmentation of broad-acre farming properties through the process of subdivision;
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by—
 - (i) minimising the clearing of remnant vegetation on public and private lands;
 - (ii) encouraging the retention and protection of existing remnant vegetation;
 - (iii) encouraging the development and protection of corridors of native vegetation;
 - (iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
 - (v) encouraging the rehabilitation of salt affected land;
 - (vi) controlling the introduction and spread of alien species of flora and fauna;
 - (vii) encouraging soil conservation through the application of cultural vegetational land management measures.

Local Rural Zone

Zone Objectives

- To provide for a mix of residential and business related uses in a rural setting which achieves a high standard of visual amenity, facilitates landscape protection and conservation and will not cause land use conflicts or adverse impacts on the amenity and character of the zone.

Special Use Zone

Zone Objectives

- To provide for special categories of land use which are not fully compatible with other zones in the Scheme.

Townsite Zone

- To provide for residential development and a range of commercial, industrial and other uses in small towns.

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 by granting planning approval after giving special notice in accordance with clause 9.4.
- ‘X’ means a use that is not permitted by the Scheme.

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

- the local government has exercised its discretion by granting planning approval;
- 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;
- 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
- the change is to an incidental use that does not change the predominant use of the land.

Note—

- 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.*
- The local government will not refuse a ‘P’ use because of the unsuitability 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.*
- In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.*
- The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use may only proceed by way of an amendment to the Scheme.*

TABLE 1—ZONING TABLE

P—Permitted D—Discretionary A—Special Notice X—Not Permitted

USE CLASSES	ZONES						
	Residential	Commercial	Industrial	Townsite	Regional Rural	Local Rural	Special Use
1 Abattoir	X	X	X	X	A	X	*
2 Aged Persons Hostel	D	D	X	D	X	D	*
3 Agriculture— Extensive	X	X	X	X	P	D	*
4 Agriculture— Intensive	X	X	X	X	D	A	*
5 Agroforestry	X	X	X	X	P	A	*
6 Amusement Parlour	X	D	D	D	X	X	*
7 Animal Establishment	X	X	X	X	P	D	*
8 Animal Husbandry— Intensive	X	X	X	X	P	X	*
9 Art & Craft Centre	A	P	D	D	D	D	*
10 Auction Mart	X	D	D	D	D	D	*
11 Bed & Breakfast	D	D	X	D	D	D	*
12 Betting Agency	X	P	X	D	X	X	*
13 Caravan Park	X	X	X	A	A	A	*
14 Caretakers Dwelling	P	D	D	D	D	D	*

USE CLASSES	ZONES						
	Residential	Commercial	Industrial	Townsite	Regional Rural	Local Rural	Special Use
15 Car Park	A	D	D	D	D	D	*
16 Child Care Premises	A	A	X	D	A	D	*
17 Cinema / Theatre	X	P	X	D	X	X	*
18 Civic Use	X	D	D	A	D	D	*
19 Club Premises	A	D	D	A	D	D	*
20 Communications Antennae— Domestic	D	D	D	D	D	D	*
21 Communications Antennae— Commercial	A	D	D	D	D	D	*
22 Community Purpose	D	D	D	D	D	D	*
23 Consulting Room(s)	A	P	X	D	D	A	*
24 Convenience Store	X	D	D	D	X	X	*
25 Corrective Institution	X	X	X	X	A	X	*
26 Drive-in-Cinema	X	X	X	D	D	A	*
27 Dry Cleaning Premises	X	P	P	D	X	X	*
28 Educational Establishment	A	D	A	D	A	A	*
29 Equestrian Activity	X	X	X	X	P	A	*
30 Exhibition Centre	A	P	D	D	D	D	*
31 Family Day Care	A	A	X	A	A	A	*
32 Farm Supply Centre	X	D	P	D	A	A	*
33 Fast Food Outlet	X	D	D	D	X	X	*
34 Fuel Depot	X	X	D	A	A	X	*
35 Funeral Parlour	X	D	D	D	X	X	*
36 Health Club	X	D	D	D	X	X	*
37 Hobby Farm	X	X	X	X	A	P	*
38 Home Business	A	D	X	A	A	A	*
39 Home Occupation	A	P	X	A	A	A	*
40 Home Office	P	P	X	P	P	P	*
41 Home Store	A	D	X	A	A	A	*
42 Hospital	X	A	X	A	X	X	*
43 Hotel / Tavern	X	A	X	D	X	X	*
44 Industry—Cottage	D	P	P	D	P	P	*
45 Industry—Extractive	X	X	X	X	A	X	*
46 Industry—General	X	X	D	A	A	X	*
47 Industry—Light	X	X	P	D	A	X	*
48 Industry—Mining	X	X	X	X	A	X	*
49 Industry—Rural	X	X	D	A	A	X	*
50 Industry—Service	X	A	P	D	A	A	*
51 Landscape Supplies	X	A	P	D	D	A	*
52 Laundromat	X	P	P	D	X	X	*
53 Market	X	D	D	D	D	X	*
54 Market Garden	X	X	X	X	P	D	*
55 Medical Centre	X	P	X	D	X	X	*
56 Motel	X	A	X	D	X	X	*
57 Motor Vehicle, Boat or Caravan Sales	X	P	P	D	X	X	*
58 Motor Vehicle Repairs	X	D	P	D	D	A	*
59 Motor Vehicle Wrecking	X	X	D	A	A	A	*
60 Museum	X	D	D	D	A	A	*
61 Nursing Home	D	X	X	D	X	D	*
62 Office	D	P	X	D	X	X	*
63 Park Home Park	X	X	X	D	A	A	*
64 Place of Worship	A	D	X	D	A	A	*
65 Piggery	X	X	X	X	D	X	*
66 Plant Nursery	X	D	D	D	D	D	*
67 Poultry Farm	X	X	X	X	D	X	*
68 Public Utility	D	D	D	D	D	D	*

USE CLASSES	ZONES						
	Residential	Commercial	Industrial	Townsite	Regional Rural	Local Rural	Special Use
69 Reception Centre	X	A	X	D	A	X	*
70 Recreation—Private	X	P	D	D	A	A	*
71 Recreation—Public	X	P	D	D	A	A	*
72 Residential							
Aged & Dependent Persons Dwelling	D	A	X	D	D	D	*
Grouped Dwelling	D	A	X	D	D	D	*
Multiple Dwelling	D	A	X	D	X	X	*
Single House	P	D	X	P	P	P	*
73 Restaurant	X	P	X	D	A	D	*
74 Restricted Premises	X	D	D	D	X	X	*
75 Retirement Village	D	X	X	D	X	D	*
76 Rural Pursuit	X	X	A	X	P	A	*
77 Roadhouse	X	A	D	D	X	X	*
78 Salvage Yard	X	X	D	D	D	A	*
79 Sawmill	X	X	A	X	D	X	*
80 Service Station	X	A	D	D	X	X	*
81 Shop	X	P	D	D	X	X	*
82 Showroom	X	P	D	D	X	X	*
83 Stable	X	X	X	X	P	A	*
84 Stock Yards	X	X	X	X	P	A	*
85 Storage Yard	X	A	D	D	D	A	*
86 Telecommunications Infrastructure	A	D	D	D	D	D	*
87 Trade Display	X	P	P	D	X	A	*
88 Transport Depot	X	X	D	D	D	A	*
89 Veterinary Centre	X	D	P	D	P	D	*
90 Warehouse	X	D	P	D	X	X	*
91 Winery	X	X	D	X	D	D	*

*Special Use: Use in accordance with the conditions specified in Schedule 4 of the Scheme.

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—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) 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
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 Additional Uses

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

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

4.6 Restricted Uses

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

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

4.7 Special Use Zones

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

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

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

4.8 Non-Conforming Uses

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to 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.

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

4.9 Extensions and Changes to a Non-Conforming Use

4.9.1 A person must not—

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

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

4.9.2 An application for planning approval under this clause is to be advertised in accordance with Clause 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 is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 Discontinuance of Non-Conforming Use

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

4.11 Termination of a Non-Conforming Use

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

Note: Section 13 of the Town Planning and Development Act enables the Council 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

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

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

5.2 Residential Planning Codes

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

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes is to conform with the provisions of those Codes.

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

5.3 Special Application of Residential Planning Codes

The following variations to the Residential Planning Codes apply in the Scheme area—

- (a) In areas coded R10/30 the development standards of the R10 code shall apply except that the development standards of the R30 code shall apply if the development is to be connected to a reticulated sewerage system.

5.4 Site and Development Requirements

5.4.1 Site and development requirements for various land uses are shown on Table 2 which may be supplemented by specific requirements for particular land uses.

5.4.2 The site and development requirements for the development of uses not referred to in Table 2 shall be in accordance with the local government's requirements.

5.5 Variations to Site and Development Requirements

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

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is 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;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 Restrictive Covenants

5.6.1 Subject to the provisions of sub-clause 5.6.2, 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.

5.6.2 Where clause 5.6.1 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 5.6.1, 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.

5.7 Environmental Conditions

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

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

5.7.3 The local government is to—

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

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

5.8 Regional Rural Zone

The Regional Rural Zone is intended primarily for the preservation of agriculturally significant land. Land classified as Regional Rural Zone within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. The local government shall therefore seek to ensure that no action is taken to jeopardize this potential.

The local government may also permit the development of other non-rural land uses including limited commercial and industrial uses in the Regional Rural zone, but only where they can be appropriately located, will not cause land use conflicts, will not have an adverse impact upon the amenity and character of the zone and can be shown to be of benefit to the District.

5.8.1 In considering applications for subdivision, rezoning and planning consent in the Regional Rural Zone the local government shall have regard to the objectives for that zone as specified in Clause 4.2.

5.8.2 Having regard to the prime agricultural importance of land in the Regional Rural Zone the local government will only recommend to the Commission support for further subdivision of existing lots where—

- (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads) ;
- (b) the lots are for farm adjustment or conservation purposes;
- (c) the lots are for a horticultural or intensive agricultural use and the local government with advice from Agriculture WA is satisfied the lot size is adequate;
- (d) the lots are for specific uses such as recreation facilities and public utilities; or

- (e) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.

5.8.3 The local government will favourably consider application for the adjustment of lot boundaries in the Regional Rural Zone where the application if approved will not result in the creation of one or more additional lots.

5.8.4 The local government does not recognise precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the Regional Rural Zone.

5.8.5 The existence of more than one dwelling house on a lot zoned Regional Rural shall not be construed as a basis for the local government's support to the subdivision of the lot.

5.8.6 No more than one dwelling shall be erected on a lot zoned Regional Rural unless the local government is satisfied that an additional dwelling is necessary or desirable for the continuation of bona fide agricultural activity.

5.8.7 The minimum setback from all lot boundaries for any building on a lot zoned Regional Rural shall be 20 metres except for buildings used for commercial or industrial purposes which may be setback a further distance in accordance with the specific requirements of the local government as determined on a case-by-case basis.

5.8.8 The development of commercial and industrial uses in the Regional Rural Zone is required to be set well back from roads and screened from public view to the satisfaction of the local government.

5.8.9 In considering an application for planning consent for a non-rural use in the Regional Rural Zone the local government shall have regard for the impact of the proposed development on the streetscape, local amenities and adjoining residents and may impose conditions relating but not limited to the following matters—

- (i) building appearance, height and scale;
- (ii) building materials;
- (iii) building location including boundary setbacks;
- (iv) landscaping and visual screening;
- (v) vehicle access and parking;
- (vi) location of open storage areas;
- (vii) control of dust, noise, odour and vibration;
- (viii) management of wastes and stormwater disposal;
- (ix) fire management;
- (x) advertising signage.

5.8.10 Applications for planning consent for the development of non-rural uses in the Regional Rural Zone that have potential to cause land use conflicts or adverse impacts upon the visual amenity and character of the locality will not be approved by the local government unless it can be demonstrated to the satisfaction of the local government that such usage can be suitably managed so as to minimise any detrimental impacts.

5.8.11 Prior to issuing planning approval for an industry in the Regional Rural Zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.

5.8.12 In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environmental Protection, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

5.9 Local Rural Zone

5.9.1 In considering applications for subdivision and planning consent in the Local Rural Zone the local government shall have regard to the objectives for that zone as specified in Clause 4.2.

5.9.2 All future lots in the Local Rural Zone shall have a minimum area of two (2) hectares.

5.9.3 All development in the Local Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape and rural character of the zone.

5.9.4 All buildings to be constructed in the Local Rural Zone shall be finished in non-reflective materials. The use of zincalume and other reflective building materials is not permitted unless specifically approved by the local government.

5.9.5 Tree planting or other approved landscaping may be required to be established and maintained within the front building setback area or other areas of a lot where the preservation of privacy or amenity is considered by the local government to be desirable.

5.9.6 The minimum setback from lot boundaries for any building on a lot zoned Local Rural shall be ten (10) metres to any front and rear boundary and five (5) metres to any side boundary.

5.9.7 The land within forty (40) metres of the front boundary of a lot classified as Local Rural Zone shall be used for residential purposes or landscaping only.

5.9.8 Commercial, industrial or other non-residential uses shall be sited no closer to a lot's major road frontage than half the depth of the lot.

5.9.9 Prior to the development of commercial or industrial uses in the Local Rural Zone, 'Development Guide Plans' are to be adopted by the local government as Town Planning Scheme Policies for both the Dumbleyung and Kukerin Townsites to ensure effective coordination of residential and non-residential land use.

5.9.10 No person shall on land classified as Local Rural Zone—

- (i) Develop or establish or allow to develop the land for commercial or industrial purposes unless a residence is first erected;
- (ii) Allow such a house to be occupied by any person other than the owner or manager or an employee of the commercial or industrial use;
- (iii) Establish or permit to establish more than one business or industry to operate from each lot;
- (iv) Develop or allow the development of a residence that precludes vehicle access to the rear of the lot with a minimum width of five (5) metres.

5.9.11 In considering any application for planning consent in the Local Rural Zone the local government shall have regard for the impact of the proposed development on the streetscape, local amenities and adjoining residents and may impose conditions relating but not limited to the following matters—

- (i) building appearance, height and scale;
- (ii) building materials;
- (iii) building location including boundary setbacks;
- (iv) landscaping and visual screening;
- (v) vehicle access and parking;
- (vi) location of open storage areas;
- (vii) control of dust, noise, odour and vibration;
- (viii) management of wastes and stormwater disposal;
- (ix) fire management;
- (x) advertising signage.

5.9.12 Applications for planning consent for development in the Local Rural Zone that have potential to cause land use conflicts or adverse impacts upon the visual amenity and character of the locality will not be approved by the local government unless it can be demonstrated to the satisfaction of the local government that such usage can be suitably managed so as to minimise any detrimental impacts.

5.9.13 Prior to issuing planning approval for an industry in the Local Rural Zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.

5.9.14 In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environmental Protection, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

5.9.15 No more than one dwelling shall be erected on a lot zoned Local Rural unless the local government is satisfied that an additional dwelling is necessary or desirable for the continuation of an approved commercial or industrial use on the lot.

5.10 Rehabilitation of Degraded Land

5.10.1 Where in the opinion of the local government, and with the advice of Agriculture WA and/or the Department of Environmental Protection, land the subject of an application to commence development, is degraded, the local government may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.

5.10.2 Where land is degraded as a result of development and use the local government may require the landowner to implement soil conservation measures in accordance with the requirements and specifications of the local government in the interests of preventing further land degradation.

5.10.3 With the intention of preventing soil erosion, salinity, flooding or any other land degradation the local government may, with the advice of Agriculture WA and/or the Department of Environmental Protection, take any soil conservation action necessary to reduce or eliminate the adverse affects of any land use or development on the environment, and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.

For the purposes of this Clause "Land Degradation" means—

- (a) Wind and water erosion of soil, salinity and flooding; and
- (b) The removal or deterioration of natural and introduced vegetation that may be detrimental to the present or future.

"Soil Conservation" means the application to land of cultural vegetational land management measures, either individually or in combination, to attain and maintain an appropriate level of land use and stability of that land in perpetuity and includes the use of measures to prevent or mitigate the effects of land degradation.

5.11 Clearing of Land including Remnant Vegetation

5.11.1 No clearing of any remnant native vegetation shall occur without the prior approval of the local government except the following—

- (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
- (b) Clearing as may be reasonably required to construct an approved building and curtilage thereto;
- (c) Clearing of trees that are dead, diseased or dangerous;
- (d) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the local government;
- (e) Clearing required to establish a low fuel area; and
- (f) Clearing so as to remove invasive plant species.

5.11.2 The clearing of any land of an area greater than one (1) hectare requires the prior approval of the Commissioner of Soil Conservation.

5.12 Fencing of Remnant Vegetation

In considering any application to subdivide or commence development the local government may require the erection of fencing around areas of remnant native vegetation to assist in the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.

5.13 Revegetation

In considering any application to commence development the local government may, as a condition of development approval, require the planting of additional endemic native tree species. Such revegetation areas shall be maintained to the satisfaction of the local government for a minimum of three years.

5.14 Drainage

Prior to issuing development approval for the development of a lot the local government will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that all drainage is to the local government's satisfaction.

5.15 Land Liable to Flooding

A building shall not be constructed upon any land defined by the local government or the Water and Rivers Commission as being liable to flooding or inundation.

5.16 Waste Disposal

No land within the Scheme Area shall be used for the purposes of storage and or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the written consent of the local government.

5.17 Sewerage Disposal

5.17.1 In recognition of the Dumbleyung townsite's classification as a mandatory sewer town in the Country Sewerage Policy, the local government will generally require the provision of reticulated sewerage to residential and other developments within the townsite which exceed the R5 density code. The local government may however permit further development in the townsite without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.

5.17.2 In considering applications for unsewered development for industrial, commercial and residential purposes outside the Dumbleyung townsite and within other unsewered towns, the local government will have regard for the provisions of the Country Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without connection to reticulated sewerage.

5.18 General Townscape, Landscape and Development Improvement

Notwithstanding the specific provisions of the Scheme or any general policies detailed within the same, the local government shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Townscape or Soil Conservation Plan which relates to land within the Shire and may impose conditions relating to the following—

- (a) The need to protect and rehabilitate water courses and catchment areas;
- (b) The need for the preservation of existing trees and nature corridors and the planting of additional trees and other vegetation within all zones and reservations within the Scheme Area in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil, prevent erosion and assist in the proper balancing of the greenhouse effect;
- (c) The height, bulk and location of buildings in order to preserve a streetscape, enhance views, preserve local character and the amenity of the area generally;
- (d) The preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.

TABLE 2—SITE AND DEVELOPMENT REQUIREMENTS TABLE **

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45sqm of gross lettable area.
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30sqm of gross lettable area, plus 1 per employee
Day Care Centre	7.5	7.5	*	*	*	1 for every 4 children plus 1 per employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Fast Food Outlet	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the Council (minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per room plus 1 per 2 employees
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 3 per 25 sqm bar and lounge area plus 1 space per 2 employees
Industrial Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial General	7.5	7.5	*	*	15	1 per 2 employees
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 3 spaces per 25sqm of service area plus 1 space per 2 employees
Office	*	*	*	*	*	1 for every 10sqm gross lettable area.
Professional Office	*	*	*	0.5	*	1 for every 10sqm gross lettable area.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	*	*	10 for every 100sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	5 for every 100sqm of gross lettable area.
Showroom	*	*	*	*	10	2 for every 100sqm of gross lettable area.
Vehicle Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Consulting Rooms	*	*	*	*	30	1 for every 10msq gross floor area, plus 1 for each person employed.

This table is intended as a guideline and may be varied at the discretion of the local government

* means 'to be determined by the local government in each particular case'.

Φ Landscaping to be generally at street frontage.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

The following special control areas are shown on the Scheme Map—

1. Water Supply Protection Area

In respect of a special control area shown on the Scheme Map, 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 Water Supply Protection Area

- (i) The purpose of the water supply protection area is to protect water resources which provide a potable water supply to the Dumbleyung townsite.

- (ii) Planning approval is required for any proposed use or development within the water supply protection area, except for a Single House.
- (iii) In considering any rezoning, change of use or development proposal, the local government shall—
 - consult with and have regard to the comments of the Water & Rivers Commission and Water Corporation; and
 - ensure that the proposed use or development will not have a detrimental impact on the water resource.
- (iv) Notwithstanding that a use or development may be classified as 'P' on the Zoning Table, where the Water & Rivers Commission and/or Water Corporation advises that a use or development should be refused on the basis of potential impact on water resources, the local government may refuse that use or development.

PART 7—HERITAGE PROTECTION

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 shall keep a copy of the Heritage List with the Scheme documents for public inspection.

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, declare 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

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

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

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

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 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.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

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

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

- (a) the carrying out of any building or work which affects only the interior of a building and which do not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been registered 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 except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) the development will be located in a Heritage Area designated under the Scheme;
 - (iii) the proposal is for the development of an ancillary outbuilding with a total floor area greater than 50 square metres.
- (c) the demolition of any building or structure except where the building or structure is;
 - (i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a Heritage Area designated under the Scheme.
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area.

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

8.3 Amending or Revoking a Planning Approval

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

8.4 Unauthorised 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 be 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.*

PART 9—APPLICATIONS FOR 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) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

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 7.

9.2 Accompanying Material

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;

- (ii) the existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
 - (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

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

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

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 is given in accordance with 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 fourteen (14) days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than fourteen (14) days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than fourteen (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 8 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 Council is to consider and determine the application.

PART 10—PROCEDURES FOR DEALING WITH APPLICATIONS

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

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—

- (i) the aims and provisions of the Scheme and any other relevant town planning scheme(s) operating within the Scheme area;
- (ii) 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;
- (iii) any approved Statement of Planning Policy of the Commission;
- (iv) any approved Environmental Protection Policy under the Environmental Protection Act 1986;
- (v) any relevant policy or strategy of the Commission and any relevant planning policy adopted by the Government of the State;
- (vi) 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;
- (vii) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (viii) the conservation of any place that has been registered in the Register of Places under 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;
- (ix) the compatibility of a use or development with its setting;
- (x) any social issues that have an effect on the amenity of the locality;
- (xi) the cultural significance of any place or area affected by the development;
- (xii) 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;
- (xiii) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (xiv) the preservation of the amenity of the locality;
- (xv) 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;
- (xvi) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (xvii) 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;
- (xviii) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (xix) whether public utility services are available and adequate for the proposal;
- (xx) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (xxi) whether adequate provision has been made for access by disabled persons;
- (xxii) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (xxiii) whether the proposal is likely to cause soil erosion or land degradation;
- (xxiv) the potential loss of any community service or benefit resulting from the planning approval;
- (xxv) any relevant submissions received on the application.
- (xxvi) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (xxvii) any other planning consideration the local government considers relevant.

10.3 Determination of Applications

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

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

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 9 and the date of the 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 two 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

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

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, or 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 the expiration of two 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 sub-clause 10.9.2, an application for planning approval shall be 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 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 and 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 Appeals

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

PART 11—ENFORCEMENT AND ADMINISTRATION

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 existing advertisements 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 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 the Scheme

A person must not—

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

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

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

is guilty of an offence. Penalty: \$ 50 000, and a daily penalty of \$ 5 000.

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

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 three 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, twenty eight (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 Council may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

SCHEDULES

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SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

abattoir means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

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.

aged and dependent persons dwelling has the same meaning given to the term in the Residential Planning Codes.

aged persons hostel means premises used for the accommodation of aged persons in independent units and where meals and other facilities are provided.

agriculture—extensive means premises used for the raising of stock or crops but excludes agriculture—intensive and 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 and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms); and
- (d) aquaculture.

agroforestry means land used commercially for both tree production and agriculture where trees are planted in blocks of more than one (1) hectare.

amenity means all those factors which combine to form the character of an area and shall include the present and likely future amenity

amusement parlour means premises, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.

- ancillary use** means a use which is incidental to the predominant use of land and buildings.
- animal establishment** means premises used for the breeding, boarding, training, caring and sale of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.
- animal husbandry—intensive** means premises used for the breeding, 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.
- appendix** means an appendix to the Scheme.
- aquaculture** shall have the same meaning as given to the term in and for the purposes of *the Fish Resources Management Act 1994*.
- art and craft centre** means premises used to manufacture, display, and sell, works of art or craft.
- auction mart** means premises on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
- battle-axe lot** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- bed and breakfast** means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.
- betting agency** means a building operated in accordance with *the Totalisator Agency Betting Board Act 1960*.
- building** means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports garages, verandahs and retaining walls, but shall exclude a boundary fence, pergolas, garden sheds and the like, and swimming pools where no part is more than 600mm above surrounding ground level.
- Building Code of Australia** means the *Building Code of Australia 1996*.
- 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.
- cafe** means restaurant.
- caravan park** has the same meaning given to the term 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.
- car park** 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 given to the term 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 Council, for administrative, recreational or other purposes.
- club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest.
- commercial vehicle** means a vehicle whether 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 attachment to any of them or any article designed to be attached to any of them, and any bus 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.
- Commission** means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*.
- communications antennae-domestic** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre.
- communications antennae-commercial** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre but does not include telecommunications infrastructure.
- community purpose** means the use of premises designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

conservation has the same meaning given to the term in the *Heritage of Western Australia Act 1990*.

consulting room(s) means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The floor area associated with a convenience store shall not exceed 300 m² net lettable area.

corrective institution means premises used to hold and reform persons committed to it by the Courts such as a prison and other type of detention facility.

Council means the Council of the Shire of Dumbleyung.

cultural heritage significance has the same meaning given to the term in the *Heritage of Western Australia Act 1990*.

development has the same meaning given to the term in the *Town Planning and Development Act 1928* (as amended).

district shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

drive-in cinema means premises used to make provision for an audience to view the entertainment while seated in motor vehicles.

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

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

equestrian activity means premises used for the showing, competition or training of horses and includes a riding school.

exhibition centre means premises used for the display of materials, of an artistic, cultural or historical nature, or for educational purposes and includes a museum or art gallery and may include sales of such materials.

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

family day care has the same the same meaning given to the term in the Community Services (Child Care) Regulations 1988.

farm supply centre means premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

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 premises.

floor area has the same meaning given to the term 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 given to the term in the Residential Planning Codes; or

(b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.

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 the final users vehicle of such fuel from the premises.

funeral parlour means premises used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.

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

gross floor area shall have the same meaning as Floor Area in the *Building Code of Australia 1990*.

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

grouped dwelling has the same meaning given to the term in the Residential Planning Codes.

health club means premises used for physical exercise and associated activities.

health consultant means a person practising in the investigation or treatment of human injuries or ailments or for general patient care.

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

(a) residential purposes, has the same meaning given to it 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.

heritage area means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and enhance that character, even though each individual place in the area may not itself be of significance.

heritage list means a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted.

hobby farm means any land or buildings used for the keeping of farm animals or the growing of vegetables, fruit or flowers for non commercial purposes or sale.

home business means a business, service or profession carried out in a dwelling or on land around a dwelling which—

- (a) does not employ more than two 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 m²;
- (d) does not entail the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

home occupation means an occupation carried on in a dwelling or on land around a dwelling by a resident 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 prejudicially affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 m²;
- (d) does not display a sign exceeding 0.2 m² in area.
- (e) does not entail the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes 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—

- (a) does not entail clients or customers travelling to and from the dwelling;
- (b) does not involve any advertising signs on the premises; and
- (c) does not require any external changes to the appearance of the dwelling.

home store means any shop with a net lettable area not exceeding 100 m² attached to a dwelling and which is operated by a person resident in the dwelling.

hospital means premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital.

hotel means premises providing accommodation the subject of a hotel license granted under the provisions of the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Board Betting Act 1960, but does not include a tavern the subject of a tavern license or a motel.

incidental use means a use of premises which is ancillary and subordinate to the predominant or primary use.

industry means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance and repairing of goods and products, and, if on the same land as any of these operations, the storage of goods, the work of administration or accounting, the selling of goods by wholesale or retail, and the provision of amenities for employees where incidental to the industrial operations carried out on the land.

industry—cottage means a trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to 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 within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m²;
- (e) does not display a sign exceeding 0.2 m² in area.

industry—extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials 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, hazardous, light, mining, noxious, rural or service industry.

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

industry—light means an industry—

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

industry—mining means land used commercially to extract minerals from the land.

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

industry—rural means an industry handling, treating, processing or packing rural products and a workshop servicing plant or equipment used for rural purposes.

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

land has the same meaning given to the term in the Town Planning and Development Act.

landscape supplies means premises used for the storage and sale of items such as woodchips, logs, rocks, sand stone and other such materials.

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

Local government means the Shire of Dumbleyung

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 given to the term in the Town Planning and Development Act but does not include a strata or survey strata lot.

market means premises used for the display and sale of goods from stalls by independent vendors.

market garden means any land used for market gardening purposes.

medical centre means premises 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).

Minerals has the same meaning as in the Mining Act 1978

Minister means the Minister for Planning.

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 to which a licence under the Liquor Licensing Act 1988 may have been granted.

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 electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

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

multiple dwelling has the same meaning given to the term in the Residential Planning Codes.

museum means any land or buildings used to exhibit cultural or historical artefacts.

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, cleaners’ 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; and

(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.

nursing home means a hospital in which patients reside.

office means premises used for administration, clerical, technical, professional or other like business activities.

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

(a) is entitled to the land for an estate in fee simple in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land; or

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

park home shall have the same meaning as given to the term in *the Caravan Parks and Camping Grounds Act 1995*.

park home park shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Regulations 1997*.

Place, in Part 7 (Heritage Protection) has the same meaning as it has in *the Heritage of Western Australia Act 1990*.

place of worship means premises used for religious activities such as a church, chapel, mosque, synagogue and temple.

plantation has the same meaning given to the term in the Code of Practice for Timber Plantations in Western Australia (1997).

piggery shall have the same meaning given to the term in and for the purposes of *the Health Act 1911*.

plant nursery means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.

plot ratio, in the case of residential dwellings, has the same meaning as in the Residential Planning Codes.

potable water means water in which levels of physical, chemical and microbiological constituents do not exceed the guideline values set out in the National Health and Medical Research Council publication Australian Drinking Water Guidelines 1996.

poultry farm means premises used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of *the Health Act 1911*.

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.

public authority shall have the same meaning given to the term in *the Town Planning and Development Act 1928*.

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

reception centre means premises used for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

recreation—private means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.

recreation—public means premises used for indoor and outdoor leisure, recreation and sport which are usually open to the public without charge.

reserve means any land reserved for a public purpose.

residential building has the same meaning given to the term in the Residential Planning Codes.

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

restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and the term shall include a licensed restaurant.

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 publications pursuant to the *Indecent Publications and Articles Act 1902*; or

- (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.

retail means the sale or hire of goods or services to the public.

retirement village means premises used to accommodate retirees together with ancillary facilities.

rural pursuit means 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;
- (d) the sale of produce grown solely on the lot;

but does not include extensive agriculture or intensive agriculture.

roadhouse means premises used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

salvage yard means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

sawmill means premises where logs or large pieces of timber are sawn.

service station means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

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

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

stable means premises used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

stock yards means premises used for holding and/or sale of animal stock.

storage yard means premises used for the storage of goods, equipment, plant or materials.

structure plan means a plan which indicates broad land use options for the subdivision and development of an area and provides a policy framework for such future subdivision and development.

substantially commenced means that work or development the subject of a planning approval has been begun by the performance of some substantial part of that work or development.

tavern means premises used to sell liquor for consumption on the premises and the subject of a tavern license granted under the provisions of the *Liquor Licensing Act 1988*.

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

Town Planning Act means the *Town Planning and Development Act 1928*.

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement.

transport depot means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.

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

warehouse means premises used to store or display goods and which may include sale by wholesale.

wholesale means the sale of any goods or materials to be sold by others.

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

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.

SCHEDULE 2—ADDITIONAL USES

[cl. 4.5]

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

—

SCHEDULE 3—RESTRICTED USES

[cl. 4.6]

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

SCHEDULE 4—SPECIAL USE ZONES

[cl. 4.7.1]

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1.	Lot 1, 36, 37 & 38 Harvey Street, Dumbleyung	Caravan Park and Caretaker's Dwelling	Nil
2.	Reserve No. 41655 (Lot 178) Bath Street, Kukerin	Caravan Park and Caretaker's Dwelling	Nil
3.	Lot 300 Collier Street and Lots 302 & 303 Manser Street, Kukerin	Industry—Light & Industry—Service	Nil

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
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 ²
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 ² .
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 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
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	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a local government, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the 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 ² 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 ²

Note: Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

TEMPORARY SIGNS	EXEMPTED SIGN ² TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows—		
(a) Dwellings.	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (a) above	5m ²

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
(c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (a) above	10m ²
	One additional sign showing the name of the project builder.	5m ²
Sales of Goods or Livestock	One sign per lot displayed 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. Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—	2m ²
	(a) Dwellings	Each sign shall not exceed an area of 2m ² .
	(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	Each sign shall not exceed an area of 5m ² .
	(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	Each sign shall not exceed an area of 10m ² .
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 ² .
	(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 ²

Note: Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

**SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL [cl. 9.1.1]
APPLICATION FOR PLANNING APPROVAL**

OWNER DETAILS

Name

Address Post Code.....

Phone (work) (home) Fax.....

Contact Person

Signature Date

Signature Date

The signature of the landowners is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS

Name

Address Post Code.....

Phone (work) (home) Fax.....

Contact Person

Signature Date

PROPERTY DETAILS

Lot No..... House/Street No. Location No..... Diagram or Plan No.....
 Certificate of Title No. Folio Lot Area (m²).....
 Title Encumbrances (eg. easements, restrictive covenants)
 Street Name Suburb
 Nearest Street Intersection Assessment No: (property rate no.)

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

OFFICE USE ONLY

Acceptance Officer's Initials: Date Received:
 Council Reference No:.....
 Collector District:..... Checking Inspector:.....
 Permit/Licence No:..... Approval Date:.....

Notes—

In accordance with Clause 9.2 of the Scheme, unless the local government waives any particular requirement, every application for planning approval shall be accompanied by—

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

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS [cl. 9.1.2]

NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

1. Name of Advertiser (if different from owner)—

2. Address in full—

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—

4. Details of Proposed Sign—
- (a) Type of structure on which advertisement is to be erected (ie freestanding, wall mounted, other)—
.....
 - (b) Height:..... Width:..... Depth:
 - (c) Colours to be used:.....
 - (d) Height above ground level —(to top of advertisement):.....
—(to underside):
 - (e) Materials to be used:
- Illuminated: Yes / No. If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source—
.....
5. Period of time for which advertisement is required:
6. Details of signs (if any) to be removed if this application is approved:.....
.....
.....
- Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.
- Signature of Advertiser(s):.....
(if different from land owners)
- Date:.....

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

TOWN PLANNING AND DEVELOPMENT ACT 1928

Shire of Dumbleyung

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

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 20

Signed: Dated:
for and on behalf of the Shire of Dumbleyung.

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

TOWN PLANNING AND DEVELOPMENT ACT 1928

Shire of Dumbleyung

DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING SCHEME NO.1

Name and address of Owner and land on which development is proposed—

NAME: ADDRESS:

LOCATION:

LOT: PLAN/DIAGRAM:.....

VOL NO: FOLIO NO:
 Application Date: Received on:
 Description of proposed development:

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

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

CONDITIONS / REASONS FOR REFUSAL—

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval, after the date of the decision, 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 and Development Act 1928. An appeal must be lodged within 60 days of the determination.

Signed: Dated:

 for and on behalf of the Shire of Dumbleyung.

SCHEDULE 10—ENVIRONMENTAL CONDITIONS

[cl. 5.7.1]

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

ADOPTION

Adopted by resolution of the Council of the Shire of Dumbleyung at the meeting of the Council held on the 20th day of August 1998.

Dated 20th August 1998.

D. G. SMITH, Deputy Shire President.
I. CRAVEN, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Dumbleyung at the meeting of the Council held on the 13th day of December 2001 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

D. G. SMITH, Deputy Shire President.
I. CRAVEN, Chief Executive Officer.

2. Submitted and recommended for final approval by the Western Australian Planning Commission.

Dated 27 March 2003.

P. WOODWARD, Delegated under S.20 of WAPC Act 1985.

3. Final approval granted.

Dated 29 March 2003.

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

POLICE

PO501***POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892-1992, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 3rd May 2003 at 10.00am.

The auction is to be conducted by Mr Grant Walton.

B. MATTHEWS, Commissioner of Police, Western Australia Police Service.

PO502***POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892-1992, unclaimed found and stolen property and bicycles will be sold by public auction at Esperance Police Station, 100 Dempster Street, Esperance on Saturday April 12, 2003 at 10.00am.

The auction is to be conducted by Mr Peter Pelliccione.

B. MATTHEWS, Commissioner of Police, Western Australia Police Service.

WATER

WA401***WATER AGENCIES (POWERS) ACT 1984****SAMSON BROOK WATER TREATMENT PLANT—SHIRE OF WAROONA****Notice of Proposal to Construct a New Water Treatment Plant**

The Water Corporation proposes to upgrade the Samson Brook water source development to meet an improved level of service criteria.

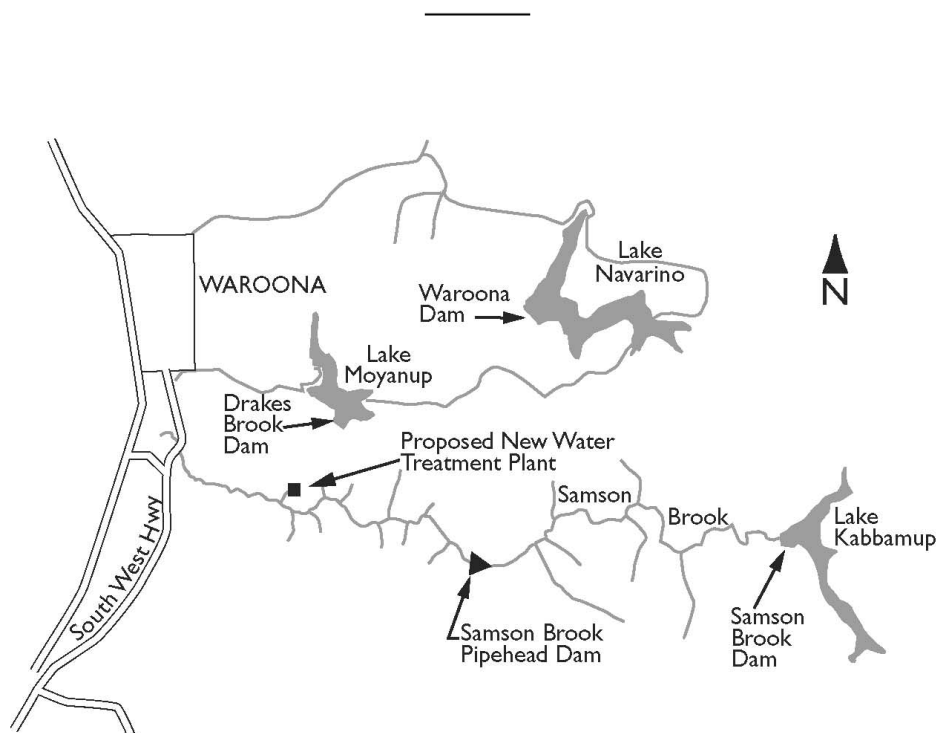
The Water Corporation proposes to construct: a new Water Treatment Plant at the existing Chemical Dosing Plant site including a direct filtration system, water storage and residuals handling facilities; a new chemical dosing plant for dosing alum and polyelectrolyte; a new filter backwash supernatant disposal pipeline to Samson Brook and an energy dissipation structure.

The proposed works are scheduled to commence in July 2003 and be completed by June 2004.

A copy of this Notice of Proposal (reference number GM42-00-01) is available for viewing during office hours at the Waroona Public Library.

Further information may also be obtained by contacting the Project Manager, Mr Lloyd Leith, telephone (08) 9420 3641.

Objections to the proposed works should be lodged in writing to the Project Manager, Mr Lloyd Leith, Water Corporation, 629 Newcastle Street, Leederville 6007, before the close of business on 2 May, 2003.



WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
 EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 15 of 2003)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Otis Elevator Company Pty Ltd from the requirements of section 17 "Suspension Means" of AS 1735.2—2001 as cited in regulation 4.56(1)(a)(i) of the *Occupational Safety and Health Regulations 1996* to the extent that will allow the use of flat coated steel belts instead of steel ropes with two GeN2 Machine Roomless Elevators in the offices of 240 St Georges Terrace, Perth.

Dated this 31st day of March 2003.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201**TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Harry Stewart Gibbons late of 222 Durlacher Street, Geraldton, Western Australia, Motor Mechanic, intestate.

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 the 8th May 2002 are required by the Administrator Mr Stephen DeSantis care of P. A. Martino, PO Box 564, West Perth WA 6872 to send particulars of their claim to him by the 4th May 2003, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ202**TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Marjorie Joan Gibbons late of 222 Durlacher Street, Geraldton, Western Australia, Homemaker, intestate.

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 the 10th August 2002 are required by the Administrator Mr Stephen DeSantis care of P. A. Martino, PO Box 564, West Perth WA 6872 to send particulars of their claim to him by the 4th May 2003, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which he then has notice.

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 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 4th May 2003 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bandi, Ben, late of Wyndham, died 29/12/2001, (DE33022129EM17)

Bell, Geoffrey Gordon Barton, late of 8 Broughton Street Albany, died 15/2/2003, (DE20000277EM10)

Bellingham, Steven Alexander James, late of 19 Kingfisher Avenue Ballajura. died 4/11/2000, (DE30333586EM17)

Brams, Nola Patricia, late of 11 Angalore Road Madora, died 30/1/2003, (DE19781207EM35)

Callanan Edna Jean, late of Rowethorpe Nursing Home Hayman Road Bentley, died 10/3/2003, (DE19752106EM22)

Coleman, Kathleen Maud Sunday, late of 6B Morrison Way Willetton, died 9/3/2003, (DE19801478EM110)

Collova, Vincenzo Salvatore, late of 12 Hubert Street East Victoria Park, died 6/10/2002, (DE33018664EM35)

Cornell, Bernard Samuel, late of Lot 5 Reserve Road Boddington formerly of 2 Leake Street Northam, died 22/2/2003, (DE33021673EM32)

Croxton, Raymond Vincent, late of 152 Ewen Street Doubleview, died 1/3/2003, (DE19920410EM13)

Jones, David Ronald, late of 28 Teranca Road Mandurah, died 19/2/2003, (DE19951726EM16)

Lewino, Ethel, late of Oakmont Avenue Mandurah, died 24/2/2003, (DE19850044EM110)

Lyons, Gilbert Bernard, late of 27 Russell Street Morley, died 10/3/2003, (DE19801463EM12)

Nguyen, Thi My Huong, late of 81 Walanna Drive Karawara, died 11/4/2001, (DE30335563EM25)

Royall, Dorothy Jean, late of Rowethorpe Nursing Centre John Wesley House Bentley formerly of Mertome Village 30 Winifred Road Bayswater, died 9/2/2003, (DE19914579EM36)

Schofield, Shirley Dawn, late of Shoalwater Nursing Home 72 Fourth Avenue Shoalwater formerly of 15 Forest Grove Casuarina, died 6/3/2003, (DE19992456EM26)

Shields, Mary McIntyre, late of Margaret Huberry House 36 Fifth Avenue Shelley formerly of 36 Aldgate Street Mandurah, died 20/2/2003, (DE19841787EM37)

Shying, Deborah Anne, late of Unit 6/6 Currie Street Jolimont, died 12/9/2002, (DE33020147EM13)

Tagliaferri, Phyllis Jeanette, late of 53 Skeahan Street Spearwood, died 21/1/2000 (DE33021782EM13)

White, Stanley, late of 4 Wilton Close Ballajura, died 22/3/2003, (DE19954367EM34)

Young, Iris Alma, late of 796 Canning Highway Applecross, died 23/2/2003, (DE19692695EM43)

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

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

Price: \$15.05 counter sales

Plus postage on 235 grams

RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$4.80 counter sales**

Plus postage on 40 grams

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$21.65 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.

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Existing hard copy subscriber	178.20
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<i>Gazettes on CD ROM from 1998</i>	
(per year)	711.70

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Industrial Gazette is published monthly.	
	\$
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Interstate	404.80
Overseas (airmail)	515.00

Electronic Gazette Online

(includes all Gazettes from Jan 1996)	
Existing hard copy subscriber	110.00
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Hansard is printed and distributed weekly during parliamentary sessions.	
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Interstate	906.40
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<i>Hansards on CD ROM from 1999</i>	
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STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

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Within WA	265.10
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Overseas	272.00
Half Calf Bound Statutes	729.30

<i>Bound Volumes on CD ROM from 1998</i>	
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	\$
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Overseas (airmail)	555.00

Electronic Statutes Online

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

	\$
1st user	697.40
2nd and each additional user (each)	348.70
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