

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

1291



PERTH, TUESDAY, 29 APRIL 2003 No. 61

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

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Proclamations—Control of Vehicles (Off-Road Areas) Act 1978.....	1293
Water Agencies (Powers) Act 1984—Water Agencies (Charges) Amendment By-laws 2003.....	1293-4

PART 2

Agriculture	1295
Consumer and Employment Protection	1295
Heritage.....	1296
Land Administration	1296
Local Government.....	1296
Planning and Infrastructure	1297-356
Public Notices.....	1357
Transport.....	1356
WorkSafe.....	1356-7

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

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

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

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

Postal address:

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

Delivery address:

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

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2002 (Prices include GST).

Deceased Estate notices, (per estate)—\$21.10

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$49.20

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).

All other Notices

Per Column Centimetre—\$9.80

Bulk Notices—\$183.00 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

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*

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

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 4(3) of the *Control of Vehicles (Off-road Areas) Act 1978* and with the advice and consent of the Executive Council, vary the proclamation published in the *Government Gazette* on 5 October 1979 at pages 3079-80 and subsequently varied from time to time by inserting, in the Schedule after Part 33, the following Part—

“

PART 34

All that portion of land comprising the Shire of York as promulgated in the *Government Gazette* of—

5 December 1919, p. 2126;
13 January 1922, p. 38;
10 September 1937, p. 1503;
19 August 1955, p. 1961;
23 June 1961, p. 1999;
8 May 1964, p. 2114; and
12 February 1965, p. 511-2.

”.

Given under my hand and the Public Seal of the State on 15 April 2003.

By Command of the Governor,

TOM STEPHENS, Minister for Local Government and
Regional Development.

GOD SAVE THE QUEEN !

WATER

WA301*

Water Agencies (Powers) Act 1984

Water Agencies (Charges) Amendment By-laws 2003

Made by the Minister under section 34(1).

1. Citation

These by-laws may be cited as the *Water Agencies (Charges) Amendment By-laws 2003*.

2. The by-laws amended

The amendments in these by-laws are to the *Water Agencies (Charges) By-laws 1987**.

[* Reprinted as at 16 February 2001.

For amendments to 13 January 2003 see 2001 Index to Legislation of Western Australia, Table 4, p. 366, and Gazette 1 March and 1 July 2002.]

3. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in item 10 by deleting “Division 2” and inserting instead —
“ item 9 ”;
- (b) in item 29 by deleting “Division 2” and inserting instead —
“ item 9 ”.

4. Schedule 3 amended

Schedule 3 item 10 is amended in the Table by inserting after the line commencing “Mukinbudin” —

“

Nannup	12.000	12.000
--------	--------	--------

”.

JUDY EDWARDS, Minister for the Environment and Heritage.

— PART 2 —

AGRICULTURE

AG401*

PLANT DISEASES ACT 1914
APPOINTMENTS

Department of Agriculture,
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the Plant Diseases Act 1914, hereby appoint the following Department of Agriculture officers as Authorized Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations—

Di Girolami, Paolo (Paul)
Murphy, Yvette
Robins, Craig
Taylor, Jill
Wilkins, Philip

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

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943
(Section 296(5))
COMPANIES STRUCK OFF THE REGISTER

Notice is hereby given that the following company has been struck off the register in accordance with s296(5) of the Act and is hereby dissolved—

Emu Marketing Co-operative (Western Australia) Limited

Dated this 22nd day of April 2003.

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

CE402

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—

- The Teddybear Foundation Inc.
- World Childrens Fund Australia Inc.

Dated this 16th day of April 2003.

JOHN KOBELKE MLA, Minister for Consumer and
Employment Protection.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990 DELEGATION OF POWERS AND DUTIES

Take notice that on 29 April 2003 in accordance with section 22(2) of the Heritage of Western Australia Act 1990 ("the Act") I delegate to each of Councillor Philip Griffiths and Councillor Gerry Gauntlett all of my powers and duties as Chairperson under the Act in relation to the meetings of the Council.

Dated this day the 29th April 2003.

Mrs MARLI WALLACE, Chairperson.

LAND ADMINISTRATION

LA401

TRANSFER OF LAND ACT, 1893 Application 1232097

Take notice that Frederick Alan Passmore and Vicki Irene Passmore both of Lot 42 Sussex Location 1, Busselton, Western Australia.

Have made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land.

Being the southern portion of Busselton Town Lot 107 and being the whole of the land comprised in Memorial Book XXIX-209 which will become known as Lot 1 on Diagram 11226.

ALL PERSONS other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 20 May 2003 a caveat forbidding the land being brought under the operation of the Act.

IAN HYDE, Registrar of Titles.

LOCAL GOVERNMENT

LG101

PRINTERS CORRECTION TOWN PLANNING AND DEVELOPMENT ACT 1928 ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME *Shire of Gosnells* Town Planning Scheme No. 21

An error occurred in the notice published under the above heading on page 1280 of *Government Gazette* No. 60 dated Thursday, 24 April 2003 and is corrected as follows.

Delete from heading "Shire"
and insert " City ".

 LG401

DOG ACT 1976 *Shire of Ashburton* APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that the following persons have been appointed as authorised officers for the registration of dogs under the Dog Act 1976 (as amended)—

Geraghty, Colby	Curtis, Rebecca	Santalab, Linda
Brennan, Marcia	Bowditch, Brodie	Brown, Kerry
Puttman, Mavis	Gerreyn, Nerolie	Pollard, Yvonne
Lyons, Janet	Page, Graham	Roberston-Green, Narelle
Bonser, Melanie	Pearson, Keith	

All previous appointments are hereby cancelled.

STEVEN J. DECKERT, Chief Executive Officer.
BRIAN HAYES, Shire President.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Albany

Town Planning Scheme No. 1A—Amendment No. 131

Ref: 853/5/2/15 Pt 131

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Albany Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

- 1 deleting clause 1.9 and inserting therein—
 - “1.9 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—
 - (a) in the Act; or
 - (b) if they are not defined in the Act—
 - (i) in Appendix IX; or
 - (ii) in the Residential Design Codes.
- 1.9A If there is a conflict between the meaning of a word or expression in Appendix IX and the meaning of that word or expression in the Residential Design Codes—
 - (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
 - (b) in any other case the definition in Appendix IX prevails.”;
- 2 substituting “planning consent” for “special consent” wherever the term occurs in the Scheme;
- 3 substituting “Commission” for “Town Planning Board” wherever the term occurs in the Scheme;
- 4 substituting “Residential Design Codes” for “Residential Planning Codes” wherever the term occurs in the Scheme;
- 5 deleting clause 4.10 and the heading “RELAXATION OF GENERAL PROVISIONS” and inserting therein—

“VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.10 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
 - 4.10.1 In considering an application for planning consent under this clause, where, in the opinion of the Council, 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 Council is to—
 - (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 7.5; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
 - 4.10.2 The power conferred by this clause may only be exercised if the Council is satisfied that—
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 7.8; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”;
- 6 deleting clauses 4.11 to 4.15 inclusive and inserting therein—
 - “4.11 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
 - 4.12 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
 - 4.13 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design 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.
 - 4.14 repealed.
 - 4.15 repealed.”;

- 7 in clause 4.16 deleting "...of Sub clause 21(1) and Table 1...."; deleting "...any single dwelling." and inserting therein "...any single house.";
- 8 in clause 4.17 deleting "...of Sub clause 21(6)";
- 9 in clause 4.18 deleting "...of Sub clause 23(2)";
- 10 deleting clause 4.19;
- 11 in clause 4.20 deleting "...for Attached Houses and Group Dwellings..." and inserting therein "...for grouped dwellings...";
- 12 in clause 4.25(c) deleting "...in the house;" and inserting therein "...in the dwelling;"
- 13 in clause 4.25(e) deleting "...or adjoining residence..." and inserting therein "...or adjoining dwelling...";
- 14 in clause 4.25(e) deleting "The 25 square metres shall not be additional to any limitation set out in the Uniform Building Bylaws.";
- 15 in clause 4.25A deleting "...to a single residence..." and inserting therein "...to a single house...";
- 16 in clause 4.34 deleting "...planning consent or...";
- 17 in clause 4.36 deleting "...of multiple dwelling units..." and inserting therein "...of multiple dwellings..."; and deleting "...clause 30(2) of...";
- 18 deleting clause 6.2 and inserting therein;

"6.2 Despite any other provision of the Scheme a person is not to—

- (a) erect, demolish, or alter any building or structure;
- (b) clear land, or fell, lop, top, or damage any tree or otherwise damage the place; or
- (c) erect any advertising sign;

unless in accordance with planning consent granted by the Council."

- 19 deleting clauses 7.1 and 7.2 and inserting therein—

"7.1 Requirement for Approval to Commence Development

Subject to clause 7.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme.

Note: 1. The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part III).

2. Development includes the erection, placement and display of any advertisement.

7.2 Permitted Development

Except as otherwise provided in the Scheme, for the purpose of the Scheme the following development does not require the planning consent of the Council—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
- (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 Council under the Scheme to vary the provisions of the Residential Design Codes;
 - (ii) the development will be located in a Heritage Area designated under the Scheme;
 - (iii) the proposed single house is a transported building.
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Municipal Inventory;
- (d) a home office; and
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees.

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

- 20 in Part VII deleting the text headings "APPLICATION FOR PLANNING CONSENT" and "APPLICATION FOR SPECIAL CONSENT"
- 21 deleting clause 7.3(a) and re-numbering paragraphs (b) to (d) as (a) to (c) respectively;

- 22 in clause 7.5 deleting “..permission to carry on...” and inserting therein “...planning consent for...”;
- 23 in clause 7.8 inserting the following paragraphs (k) and (l), and renumbering paragraph (k) as (m);
 - “(k) any approved Statement of Planning Policy of the Commission;
 - “(l) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;”
- 24 in clauses 7.9(a) and 7.10 deleting “..planning or ...” wherever the words occur;
- 25 in clause 7.9(a) substituting “Appendix VI” for “Appendix VII”;
- 26 in clauses 7.9(b), (c), and (d) deleting “..its planning consent or ...”;
- 27 in clause 7.16 deleting “..planning consent or ...”;
- 28 deleting clause 7.20 and inserting therein—

“7.20 Appeals

An applicant aggrieved by a determination of the Council in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Act.”;

- 29 in “**Appendix I—Zoning Table**” deleting rows 4, 19, 20, and 46; and in row 28 deleting the Use Class “Group Dwelling” and inserting therein “Grouped Dwelling”.
- 30 in “**Appendix I—Zoning Table**” inserting the following row after row 67.

“67A Single House	P	AA	X	X	P	X	X	X	X	X	X	P	P	AA”
--------------------------	----------	-----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	------------

- 31 in “**Appendix I—Zoning Table**” renumbering all rows in alphabetic order
- 32 in “**Appendix III—Zone Development Table**” deleting the entries in columns 1 to 9 inclusive in the row commencing “1. Residential” and inserting therein across columns 1 to 8 inclusive “As per Residential Design Codes”.
- 33 in “**Appendix IV—Use Development Table**” deleting the rows commencing “4 Attached House”, and “6 Dwelling House”; substituting “14 Multiple Dwellings” for “14 Multiple Housing”; and inserting the following row after row 26—

26A SINGLE HOUSE	As per Residential Design Codes	Sewer connection to be available or waste water disposal to Council requirements.
------------------	---------------------------------	---

- 34 in “**Appendix IV—Use Development Table**” arranging all rows in alphabetic order and renumbering;
- 35 in Note 2 in APPENDIX VI (i) deleting “...provisions of clause 7.21 of Town Planning Scheme No. 1A—District.....”;
- 36 in the Note in APPENDIX VI (ii) deleting “...provisions of clause 7.21 of Town Planning Scheme No. 1A—District.....”;
- 37 in “**Appendix IX—Interpretations**” deleting the interpretations for “aged persons dwelling”, “attached house”, “dwelling house”, “dwelling unit”, “effective frontage”, “grouped dwelling”, “habitable room”, “multiple dwelling”, “noxious industry”, “plot ratio”, “residential building”, “Residential Planning Codes”, “setback line”, “street alignment” and “Uniform Building By-laws” and inserting the following in alphabetic order—

“**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.

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

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

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

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

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

home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

plot ratio in the case of residential dwellings has the same meaning as in the Residential Design Codes;

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

residential building has the same meaning as in the Residential Design Codes;”

38 amending the table of Contents as follows—

- (a) in PART IV deleting “Relaxation Of General Provisions” and inserting therein “Variations to Site and Development Standards and Requirements”;
- (b) in PART VII deleting “Application for Planning Consent” and “Application for Special Consent”, and inserting therein “Requirement for Approval to Commence Development” and “Permitted Development”.

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

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Albany

Town Planning Scheme No. 3—Amendment No. 221

Ref: 853/5/4/5 Pt 221

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Albany Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

1. in clause 1.6 deleting the first paragraph commencing with the words “In this Scheme the terms used...” and inserting therein—
“Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—
 - (a) in the Town Planning and Development Act; or
 - (b) if they are not defined in that Act—
 - (i) in this clause; or
 - (ii) in the Residential Design Codes; or
 - (iii) in Schedule 1 in Appendix B to the *Town Planning Regulations 1967*.
- 1.6A If there is a conflict between the meaning of a word or expression in this clause and the meaning of that word or expression in the Residential Design Codes or in Schedule 1 in Appendix B to the *Town Planning Regulations 1967* —
 - (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
 - (b) in any other case the definition in this clause prevails.”
2. in clause 1.6 inserting the following in alphabetic order—
“**Commission** means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*;
“**Residential Design Codes** means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;”;
3. in clause 1.6 in the definition of “Home Occupation” deleting the word “house” wherever it occurs and inserting therein the word “dwelling”;
4. in clause 1.6 in the definition of “Relocated Dwelling” deleting “...a residential dwelling...” and inserting therein “...a dwelling...”;
5. in clause 1.6 in the definition of “Rural-Residential Dwelling” deleting “...a building used primarily for living purposes as one separate family unit...” and inserting therein “...a single house...”; deleting “...in which the building is situated,” and inserting therein “...in which the dwelling is situated,”; and deleting “..dwelling house..” and inserting therein “..dwelling...”;
6. in clause 1.6 deleting the definitions for “effective frontage”, “patio housing”, “quadruplex”, “terrace housing”, and “triplex”;
7. substituting “single house” for “residential dwelling house” whenever the term occurs in the Scheme;
8. substituting “grouped dwelling” for “residential duplex house” whenever the term occurs in the Scheme;
9. substituting “multiple dwellings” for “residential flats” whenever the term occurs in the Scheme;
10. substituting “Western Australian Planning Commission” for “Town Planning Board” or “State Planning Commission” whenever the terms occur in the Scheme;
11. substituting “planning consent” for “planning scheme consent” whenever the term occurs in the Scheme;
12. in clause 3.4 substituting “clause 5.2” for “clauses 5.2.1 to 5.2.3 inclusive of the Scheme”;

13. deleting clause 3.10 and inserting therein—

“3.10 DWELLINGS IN THE RURAL ZONE

Despite anything elsewhere in the Scheme not more than 2 dwellings are to be developed on a lot in the Rural Zone.”;

14. in Table 1—Zones in the row commencing “58. Single House” replacing the symbol “P” with the symbol “A” in the column headed “Residential Development”;
15. in Table 1—Zones deleting rows: “Row 43. Patio Housing”, “Row 52. Quadruplex”, “Row 67 Kennels”, “Row 68 Piggeries”, “Row 81. Terrace Housing”, and “Row 84. Triplex”;
16. in Table 1—Zones rearranging all of the “Use Classes” into alphabetic order, and renumbering all Rows accordingly;
17. in clause 4.2(b) deleting “.....the Uniform Building By-laws made under the *Local Government Act 1960 (as amended)*, or by any other by-laws made under that Act...” and inserting therein “...any law, Code, by-law, or local law.”; and deleting “.....distance form boundaries...” and inserting therein “...distance from boundaries..”;
18. deleting clause 5.1 and inserting therein—

“5.1 DEVELOPMENT

5.1.1 Requirement for Approval to Commence Development

Subject to clause 5.1.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme.

Note: 1. The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part III).

2. Development includes the erection, placement and display of any advertisement.

5.1.2 Permitted Development

Except as otherwise provided in the Scheme, for the purpose of the Scheme the following development does not require the planning consent of the Council—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
- (i) located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
- (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 Council under the Scheme to vary the provisions of the Residential Design Codes;
 - (ii) the development will be located in a Heritage Area designated under the Scheme;
 - (iii) the proposed single house is a relocated dwelling; or
 - (iv) the development will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (c) the demolition of any building or structure except where the building or structure is—
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Municipal Inventory;
- (d) a home office; and
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees.

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

5.1.3 Without limiting the generality of the expression “development”, for the purposes of the Scheme the Council’s planning consent is required for—

- (a) the deposit of refuse or waste materials on land;
- (b) the excavation or filling of or other earthworks on land which change the natural contours of the land by more than 600mm;
- (c) a change from one use to another.

5.1.4 The Council shall in the case of an application for permission to carry on a use marked AA in the Zoning Table, cause—

- (a) notice of the proposed development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;

- (b) *notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within 21 days from the publication thereof; and*
- (c) *a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) hereof.*
- 5.1.5 Where notice is given in terms of clause 5.1.4, the Council shall, after the expiration of 21 days of publication of such notice, consider the application together with any submissions which may be lodged in response to such notice, and decide whether to grant or refuse its planning consent, or to grant its planning consent subject to conditions.
- 5.1A MATTERS TO BE CONSIDERED**
- 5.1A.1 In considering and making its decision on an application for planning consent under the Scheme, the Council shall, where appropriate, take into consideration the following matters—
- (a) the proposed alignment of future roads and services shown in the Town of Albany Strategic Plan, Town Planning Scheme No 1A, or on any plan prepared by a public authority; and except where the public authority concerned consents to the proposal, shall not approve development within the reserves proposed for the future roads or services shown on such plans;
 - (b) the adequate disposal of effluent, stormwater, drainage, household wastes and trade wastes, having regard to the intended development in relation to the topography, hydrography, vegetation, and any other features of the land and its surrounding area and may either of its own volition or acting on the advice of the Commission, the Environmental Protection Authority, the Health Department of WA, or other appropriate public authority, apply development conditions relating thereto;
 - (c) the provisions of the Scheme and of any other town planning scheme affecting the land the subject of the application or affecting land in the vicinity;
 - (d) the size, shape and character of the land to which the application relates;
 - (e) any policy adopted by the Council for the development of the locality, zone and or use;
 - (f) the existing and likely future character and amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury thereto including injury caused by the appearance of the proposed building or due to the emission of light, noise electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust grit, oil, liquid wastes or waste products;
 - (g) the availability and adequacy of public utilities;
 - (h) the nature of roads giving access to the land;
 - (i) the provision of car parking, access for the manoeuvring of vehicles and likely traffic hazards;
 - (j) the presence of vegetation on the site, the desirability of retaining portion of that vegetation and provision of adequate landscaping;
 - (k) any submissions received by the Council including representations made by any public authority;
 - (l) the position of proposed buildings and their effect on adjoining buildings or land;
 - (m) any approved Statement of Planning Policy of the Commission;
 - (n) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
 - (o) any other matters the Council considers relevant.
- 5.1A.2 The Council may grant planning consent with or without conditions or may refuse to grant its consent. The decision shall be conveyed to the applicant.
- 5.1A.3 The Council may limit the time for which its planning consent remains valid.
- 5.1A.4 A person shall not, without the prior written approval of the Council, use or occupy any land or building in respect of which the Council has granted its planning consent subject to conditions until all the conditions which are not of a continuing nature have been carried out and complied with to the satisfaction of the Council.
- 5.1A.5 The Council may require an applicant as a condition of planning consent to enter into a bond pledging a fund of money as security for the carrying out of works required as conditions of planning consent.”;
19. deleting the heading “5.2.1 Development Zones” and inserting therein the heading “**5.2 DEVELOPMENT ZONES**”, and numbering the clause commencing “Before granting approval for any...” as “5.2.1”;
20. in clause 5.3(a)(ii) deleting “...Rural Planning Strategy...” and inserting therein “...Local Rural Strategy...”;
21. deleting clause 5.3(e) and inserting therein—
“(e) only one dwelling is to be erected on a lot.”;
22. deleting clause 5.4;

23. deleting clauses 5.5 and 5.6 and inserting therein—

“5.5 RESIDENTIAL DESIGN CODES

- (a) A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- (b) Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- (c) The Residential Design Codes density applicable to land within the Scheme Area is set out in Table II.

5.5A SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

In areas where the R20 code is applicable, Council may vary the minimum site area per dwelling and the minimum lot area/rear battleaxe requirements in Columns 3 and 4 of Table 1 of the R Codes by permitting grouped dwellings on any lot with an average area of 450 m² per dwelling or greater but in all other aspects the development shall conform with the requirements of the R20 code.

5.6 PARKING SPACES

Parking spaces are to be provided in accordance with Table III to the satisfaction of the Council.”;

24. in clause 5.7 deleting “Subject to the provisions of this Text no person shall...” and inserting therein “A person is not to...”;

25. deleting clause 5.13 and inserting therein—

“5.13 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 5.13.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 5.13.2 In considering an application for planning consent under this clause, where, in the opinion of the Council, 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 Council is to—
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 5.1.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.13.3 The power conferred by this clause may only be exercised if the Council is satisfied that—
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 5.1A; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”;

26. deleting clause 5.16(d)(i) and inserting therein—

“(i) only one dwelling is to be erected on a lot.”;

27. deleting clause 5.16(d)(v) and inserting therein—

“(v) despite anything else in the Scheme planning consent is required for all development including a single house.”;

28. in clause 5.17(a) deleting “...as a residential dwelling...” and inserting therein “...as a dwelling...”;

29. in clause 5.17(b)(v) deleting “...relating to dwelling houses...” and inserting therein “...relating to dwellings...”;

30. deleting clause 5.18(c) and inserting therein—

“(c) despite anything else in the Scheme planning consent is required for all development including a single house.”;

31. inserting the following after clause 5.21—

“5.22 ON-SITE EFFLUENT DISPOSAL

The Council may require that on-site effluent disposal systems are in accordance with the requirements of the Environmental Protection Authority and the Department of Health.”;

32. deleting Table II—Standards for Development Within Residential Zones and inserting therein—

“TABLE II—RESIDENTIAL DESIGN CODES DENSITY APPLICABLE TO LAND WITHIN THE SCHEME AREA

Lots connected to sewerage	R20
Lots not connected to sewerage	R5 subject to the <i>Country Sewerage Policy</i>”

33. in Schedule II for Code No. 8 in the column headed "Additional Use" deleting the terms "patio housing", "quadruplex", "terrace housing", and "triplex";
34. amending the TABLE OF CONTENTS as follows—
- (a) deleting the heading of 3.10 and inserting therein:
"3.10 DWELLINGS IN THE RURAL ZONE"
 - (b) inserting in numeric order—
**"5.1 A MATTERS TO BE CONSIDERED
 5.2 DEVELOPMENT ZONES"**
 - (c) deleting 5.5 and 5.6 and inserting therein—
**"5.5 RESIDENTIAL DESIGN CODES
 5.5A SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES
 5.6 PARKING SPACES"**
 - (d) deleting 5.13 and inserting therein—
"5.13 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS"
 - (e) inserting in numeric order—
"5.22 ON-SITE EFFLUENT DISPOSAL"
 - (f) amending the heading of Table II to—
"RESIDENTIAL DESIGN CODES DENSITY APPLICABLE TO LAND WITHIN THE SCHEME AREA"

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

PI403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Augusta-Margaret River

Town Planning Scheme No. 19—Amendment No. 4

Ref: 853/6/3/19 Pt 4

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 Augusta-Margaret River Town Planning Scheme Amendment on 15 April 2003 for the purpose of amending the definition of a Noxious Industry as contained within Schedule 1 of the Scheme to—

"Industry—Noxious" means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collector's yard, laundromat, piggery, poultry farm, or fish smoking premises.

N. DORNAN, President.
 I. BODILL, Chief Executive Officer.

PI404***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Bridgetown-Greenbushes

Town Planning Scheme No. 3—Amendment No. 59

Ref: 853/6/5/3 Pt 59

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 Bridgetown-Greenbushes Town Planning Scheme Amendment on 15 April 2003 for the purpose of deleting Clause 4.10.3 and replacing it with a new Clause 4.10.3 which states—

"Unless a specific building envelope has been declared for a lot, the minimum setback requirements shall be—

- 12 metres from front and rear boundaries; and
- 4 metres from a side boundary."

N. J. OAKS, President.
 A. MacNISH, Chief Executive Officer.

PI405

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 15

Ref: 853/6/6/21 Pt 15

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 Busselton Town Planning Scheme Amendment on 15 April 2003 for the purpose of—

1. Rezoning a portion of Part Lot 1 Causeway Road, Busselton from “Agriculture” to “Special Purpose” (Service Station and Plant Nursery); and removing that portion from the Development Investigation Area and including it in the Special Provision Area as depicted on the Scheme Amendment Map.
2. Amending the Scheme Text by adding to Schedule 7—Special Provision Areas particulars relating to the above described land as follows—

PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
Part Lot 1 Causeway Road, Busselton	Special Purpose-Service Station & Plant Nursery	<ol style="list-style-type: none"> 1. Development of the land shall generally be in accordance with a Development Guide Plan adopted by the Shire of Busselton and endorsed by the Western Australian Planning Commission. 2. Access along Causeway Road is restricted to “left out” only. 3. Road widening of Causeway Road will be provided at the subdivision stage to the satisfaction of MRWA. 4. Proposed landscaping areas shown on the Development Guide Plan will be subject to detailed design and approval by MRWA and Council prior to implementation at the subdivision and development stage and shall address the following to Council’s satisfaction— <ol style="list-style-type: none"> (a) effective screening of buildings and fences; (b) planting density and height; (c) the function of Causeway Road as an entry corridor to Busselton; and (d) sight distances. 5. The architectural design and proposed, colour schemes associated with any development on the land will be subject to approval by Council and will need to address the following matters to Council’s satisfaction— <ol style="list-style-type: none"> (a) The function of Causeway Road as an entry corridor to Busselton; (b) Landscape and streetscape impacts; (c) Setbacks to road frontages; and (d) Building height.

3. Amending the Scheme Map accordingly.

B. MORGAN, President.
 M. SWIFT, Chief Executive Officer.

PI407*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 26

Ref: 853/6/6/21 Pt 26

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 Busselton Town Planning Scheme Amendment on 15 April 2003 for the purpose of

rezoning Lot 39 Bussell Highway, West Busselton, from "Residential R15" to "Residential R15—Additional Use" in accordance with the Scheme Amendment Map; and adding the following particulars to Schedule 4 of the Scheme—

No.	Particulars of Land	Land Use Permitted/Specified	Conditions
53.	Lot 39 of Location 5 Bussell Highway, West Busselton	The Additional Use permitted on the specified land is— Training and Consulting Rooms	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be an "AA" use for the purpose of Clause 20 of the Scheme. 2. A maximum floor area of 170m² shall be permitted. 3. A maximum of 6 staff shall operate from the premises at any one time. 4. Vehicular access shall be gained from Abbey Street exclusively, with no future access to Bussell Highway.

B. MORGAN, President.
S. SMITH, Acting Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 21

Ref: 853/6/6/21 Pt 21

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 Busselton Town Planning Scheme Amendment on 15 April 2003 for the purpose of—

1. Modifying Clause 91 to read as follows—
 91. (a) A person must not—
 - (i) alter or extend a non-conforming use;
 - (ii) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
 - (iii) change the use of land from a non-conforming use to another non-conforming use.
 - (b) The Council may grant planning consent to the change of the use of any land from one non-conforming use to another non-conforming use if the proposed use is, in the opinion of Council—
 - (i) less detrimental to the amenity of the neighbourhood than the existing use; and
 - (ii) closer to the policies, objectives and intended use of the zone.
 - (c) The Council may grant planning consent to the rebuilding or extension of a non-conforming use provided that such rebuilding or extension is—
 - (i) contained wholly within the lot or location on which the non-conforming use was situated at the gazettal date;
 - (ii) in the opinion of Council no more detrimental to the amenity of the neighbourhood than the existing use; and
 - (iii) in the opinion of Council no further from the objectives and policies and intended use of the zone than the existing use.
 - (d) An application for planning consent under Sub-Clauses (b) and (c) is to be advertised in accordance with Clause 12.
 - (e) In determining applications for planning consent the Council shall take into consideration elements which are of relevance to the development, specified in Clause 13.
2. Inserting the following interpretation in appropriate alphabetical order into Schedule 1:

"Gazettal Date" means 7 September 1999

B. MORGAN, President.
S. SMITH, Acting Chief Executive Officer.

PI408

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Dalwallinu

Town Planning Scheme No. 1—Amendment No. 12

Ref: 853/3/5/1 Pt 12

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 Dalwallinu Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

- (a) Rezoning Portion Lot 137 McNeill Street, DALWALLINU, from 'Residential (R10/R30)' to 'Special Use—Church', as more clearly shown on the Scheme Amendment Map A, and inserting the words 'Lot 137 and' in the front of the Lot description for the 7th Special Use in Schedule II as follows—

'SCHEDULE II— SCHEDULE OF USES IN SPECIAL USE ZONE

	Lot Description	Permitted Special Use	Scheme Map Designation
7	Lot 137 and 138 McNeill Street, DALWALLINU	Church	Ch

- (b) Rezoning Portion Lot 51 Clinch Road, DALWALLINU, from 'Residential (R10/R30)' to 'Commercial', as more clearly shown on the Scheme Amendment Map B;

- (c) Rezoning Lot 129 McNeill Road, DALWALLINU, from 'Residential (R10/R30)' to 'Special Use—Telecommunications Infrastructure' as more clearly shown on the Scheme Amendment Map C, and inserting the special use into Schedule II as follows—

'SCHEDULE II— SCHEDULE OF USES IN SPECIAL USE ZONE

	Lot Description	Permitted Special Use	Scheme Map Designation
	Lot 129 McNeill Street, DALWALLINU	Telecommunications Infrastructure	TI

- (d) Deleting all the interpretations from 'Schedule I—Interpretations' other than those listed below—

Institutional Building
 Lodging House
 Single House
 Amusement and Recreation
 Camping Area
 Holiday Accommodation
 Dry Cleaning Premises
 Garden Centre
 Kiosk
 Liquor Store
 Medical Clinic
 Plant Nursery
 Professional Office
 Transport Depot
 Vehicle Hire Station
 Vehicle Sales Premises
 Wineshop
 Factoryettes
 Hazardous Industry
 Noxious Industry
 Day Care Centre
 Kindergarten
 Public Utility
 Radio and TV Installation
 Veterinary Hospital
 Stockyard
 Wayside Stall
 Stable

- (e) and amending the Schedule I title to 'Schedule I—Dictionary of Defined Words and Expressions' with the added text as shown below

'SCHEDULE I—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Subject to Clause 1.9 and unless otherwise provided for in this Schedule, words and expressions shall have the same meaning as they have in Schedule 1 of the *Town Planning Amendment Regulations 1999*.

- (f) Adding a new Clause 1.9.4 as follows;

'1.9.4 Where there is a conflict between the interpretations listed in Schedule 1 of this Scheme, the Residential Planning Codes or Schedule 1 of the Town Planning Amendment Regulations 1999 the latter interpretation shall prevail.'

- (g) Adding a new Schedule as follows—

'SCHEDULE VIII SCHEDULE OF ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
		There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

- (h) Inserting a new Clause as follows—

'5.17 Environmental Conditions

- 5.17.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule VIII environmental conditions to be applied to specific land areas.
- 5.17.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by a symbol EC to indicate that environmental conditions apply to the land.
- 5.17.3 The local government is to—
- maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
 - make the statements available for public inspection at the offices of the local government.

- (i) Delete part (c) of clause 5.1.2, and insert the following—

'(c) The erection of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table, except where the dwelling is not the first erected on the lot or it is determined by the Council that the following circumstances exist—

- the location, siting and/or access to the proposed dwelling raises significant issues of fire risk or fire protection;
- the location, siting and/or access to the proposed dwelling could result in the amenity of adjacent and nearby owners or residents being adversely affected;
- the proposed external materials of the dwelling are considered below the acceptable standard for the amenity and landscape of the surrounding area;
- where proposed earthworks to accommodate the dwelling raise issues of landscape protection, soil erosion and stormwater drainage;
- where the subject lot does not have gazetted or legal road access;
- where specific concerns about the method and/or siting of effluent disposal are identified on the subject land; and/or
- if aspects of the proposed development fall under the objectives and contents of any of the Council's Town Planning Scheme Policies.

- (j) Amending TABLE I—ZONING TABLE by substituting the Use Class 'Veterinary Consulting Rooms' with 'Veterinary Centre'.

- (k) Amending 'Schedule II—Schedule of Uses in Special Use Zone' by adding the following uses to the 'Permitted Special Use' column of Item 16 as follows—

Veterinary Centre	AA
Veterinary Hospital	AA

- (l) Replacing Clause 7.6 with the following—

'7.6 POWER TO MAKE POLICIES**7.6.1 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—

- generally or for a particular class or classes of matters; and
- throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy

7.6.2 Relationship of Local Planning Policies to Scheme

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

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

7.6.3 Procedure for making or amending a Local Planning Policy

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

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

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

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

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

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

7.6.3.4 A Policy has effect on publication of a notice under clause 7.6.3.3(a).

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

7.6.3.6 Clauses 7.6.3.1 to 7.6.3.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

7.6.4 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by —

- (a) the adoption by a local government of a new Policy under clause 7.6.3 that is expressed to supersede the existing Local Planning Policy; or
 - (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.
- (m) Amending Clause 6.3.1 by inserting the following text after the word ‘appropriate’ in line 2;
 ‘and shall have due regard to those matters as listed in Part 10.2 of Appendix B of the Town Planning Amendment Regulations 1999’
- (n) Renumbering the existing clauses 5.1.1 and 5.1.2 to 5.1.2 and 5.1.3 respectively and inserting a new clause 5.1.1 as follows;
 ‘5.1.1 Any development of land is to comply with the provisions of the Scheme.’
- (o) Replacing Clause 5.2 with the following;
 ‘5.2 Operation of Special Control Areas
 5.2.1 The following Special Control Areas are shown on the Scheme Maps;
 There are no special control areas that apply to the Scheme.
 5.2.2 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.’
- (p) Deleting the Special Design Area boundary around the Dalwallinu Town Centre.
- (q) Substituting the Special Design Area notation on the Scheme Map legend to ‘Special Control Area’.
- (r) Amending Table I—Zoning Table to delete the land use categories ‘Animal Boarding House’ and ‘Community Use’ and substitute ‘Animal Establishment’ and ‘Community Purpose’ respectively.

R. T. ALLAN, President.
 W. T. ATKINSON, Chief Executive Officer.

PI410*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Exmouth

Town Planning Scheme No. 3—Amendment No. 8

Ref: 853/10/7/3 Pt 8

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved

the Shire of Exmouth Town Planning Scheme Amendment on 17 April 2003 for the purpose of amending Special Use Zone—Wilderness Estate, Lyndon Location 222 and 223 by—

1. Adding the use “Bed and Breakfast” under Condition No. 2 of the list of land uses, subject to the “AA” requirements of the Scheme.
2. Deleting the words:
“consist of dual leach drain systems and”
from Condition No. 5 (v) of the Special Use Provisions.
3. Inserting under Condition 5. Services—
“(viii) Access from all lots onto Minilya-Exmouth Road (Murat Road) to be to the satisfaction of Main Roads WA.”

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

PI409*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION
Shire of East Pilbara
Town Planning Scheme No. 4

Ref: 853/8/2/5

Notice is hereby given that the local government of the Shire of East Pilbara has prepared the abovementioned Town Planning Scheme for the purpose of—

1. setting out the Council’s planning aims and intentions for the Scheme Area;
2. setting aside land as reserves for public purposes;
3. zoning land within the Scheme Area for the purposes defined in the Scheme;
4. controlling and guiding land use and development;
5. setting out procedures for the assessment and determination of planning applications;
6. making provision for the administration and enforcement of the Scheme; and
7. addressing other matters contained in the First Schedule to the Town Planning Act.

Plans and documents setting out and explaining the Town Planning Scheme have been deposited at Council Offices, Kalgan Drive, Newman and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 28 July 2003.

Submissions on the Town Planning Scheme may be made in writing on Form No. 4 and lodged with the undersigned on or before 28 July 2003.

A. COOPER, Chief Executive Officer.

PI411*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Manjimup
Town Planning Scheme No. 2—Amendment No. 78

Ref: 853/6/14/20 Pt 78

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 Manjimup Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

1. Amending Clause 5.3.3 Precinct Walpole 1 by replacing the words “Boronia Ridge Estate, Stage One” with “Boronia Ridge Residential Estate”.
2. Amending Appendix 6 Policy Precinct Walpole 1 (Special Design) as follows—
 - (a) Replacing the words “Boronia Ridge Estate Stage One” with the words “Boronia Ridge Residential Estate”.
 - (b) Replacing provision (i) with the following—
 - (i) Prior to subdivision occurring in the Policy area, a Subdivision and Development Guide Plan shall be prepared to the satisfaction of, and endorsed by, Council and the Western Australian Planning Commission.

- (c) Including the following provision within Appendix 6—
 - (ii) This Policy Precinct Area provides for special landuse and development control provisions, which apply to the subject land. The Precinct boundary as shown on the Scheme Map does not indicate the developable area of this land as this will be determined by the endorsed Subdivision and Development Guide Plan required by point (i) above.
 - (d) Deleting provision (iii).
 - (e) Replacing provision (viii) with the following—
 - (viii) All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of materials or be of a colour, which is considered by Council to be detrimental to the character of the natural landscape of the locality.
 - (f) Amending provision (xii) as follows—

No residence or any part of a residence shall be built or cause to be built on land which is outside the building envelope as shown on the Subdivision and Development Guide Plan as endorsed by the Chief Executive Officer. Council may at the request of a landowner vary the position, shape or size of a building envelope where it is of the opinion that the slope, vegetation or site conditions justify a variation. Building envelopes shall be sized to maximise the retention of native vegetation.
 - (g) Renumbering the provisions accordingly.
3. Amending the boundary of the Policy Precinct Walpole 1 (Special Design) as shown on the Amendment Plan.

K. D. LIDDELOW, President.
V. McKAY, Chief Executive Officer.

PI412

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Serpentine-Jarrahdale
 Town Planning Scheme No. 2—Amendment No. 121

Ref: 853/2/29/3 Pt 121

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 Serpentine-Jarrahdale Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

- 1 Rezoning Pt Lot 80 Thomas Road, Byford from Urban Development to Rural Living 'A' Zone as depicted on the Scheme Amendment Map; and.
- 2 Amending Appendix 4A of the Scheme to include special provisions relating to the Rural Living 'A' zone described hereunder—

(a) SPECIFIED AREA OF LOCALITY

Pt Lot 80 Thomas Road, Byford.

SPECIAL PROVISIONS

1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.

Use classes permitted (P)

Single House

Public Recreation

Public Utility

Discretionary Uses (AA)

Ancillary Accommodation

Home Occupation

Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.

- | (a) SPECIFIED AREA OF LOCALITY | SPECIAL PROVISIONS |
|---------------------------------------|---|
| | <p>2 The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.</p> |
| | <p>3 No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.</p> |
| | <p>4 The subdivider shall, in accordance with the endorsed Subdivision Guide Plan prepare a Schedule of Landscaping for this estate and plant indigenous trees and shrubs of a species and a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> |
| | <p>5 The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> |
| | <p>6 The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the Council and the Bush Fire Services.</p> |
| | <p>7 Notwithstanding the obligations of the subdivider under Clause 5.12.9e of the Scheme, the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or the Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.</p> |
| | <p>8 At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> |
| | <p>9 The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and responsible use of fertiliser is crucial to the health of the catchment and estuary. The application, type and distribution of fertiliser to the land shall be within limits set by the Department of Environmental Protection for irrigated and non-irrigated land.</p> |

(a) SPECIFIED AREA OF LOCALITY**SPECIAL PROVISIONS**

- 10 The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
- 11 A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3.
- 12 The Subdivision Guide Plan referred to in Clause 10 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use of development of land to overcome problems which would occur, should the land be developed.
- 13 Multiple use paths shall be constructed by the subdivider in accordance with the Subdivision Guide Plan.
- 14 Direct vehicle access is to be restricted in accordance with the endorsed Subdivision Guide Plan.
- 15 Only one horse per lot may be permitted by Council.
- 16 The effective buffer between the stables on 4,000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be not less than 100 metres (including the road reserve) to Urban Development zoned land to the north.
- 17 The proposed multiple use path at the rear of 4,000 square metre Rural Living A lots providing the buffer to the Byford Trotting Complex is to be created and retained as a road reserve (unconstructed) for access by horse transport to the lots.
18. The drainage system is to be designed to maximise infiltration of roof and hard surfaces runoff as close to source as possible. Piped networks, where installed, are to be kept as small as practicable and incorporate gross pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into Public Open Space or Multiple Use Corridors.

J. C. STAR, President.
D. E. PRICE, Chief Executive Officer.

PI413*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Swan

Town Planning Scheme No. 9—Amendment No. 405

Ref: 853/2/21/10 Pt 405

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Swan Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

A. Deleting Clauses 2.1.4 and 2.1.5 and replacing them with the following—

2.1.4 Use and development of Local Authority Reservations

2.1.4.1 Except as provided in subclause 2.1.4.2 a person must not—

- (a) Use a Local Authority Reservation; or
- (b) Commence or carry out development on a Local Authority Reservation, without first having obtained planning approval under the Scheme.

2.1.4.2 An application for approval to commence development is not required for any of the following development of Local Authority Reservations—

- (a) the erection of fencing where the fence is located greater than 6 metres from a street boundary and is no greater than 1.8 metres in height;
- (b) advertising signs fixed to or painted on—
 - bus shelters and bus seats;
 - rubbish bins in public places; and
 - recreation / sporting and community facilities if the signs are visible only from within such facilities.
- (c) the construction of a vehicle crossover;
- (d) the temporary sale of food where the food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time; or if the food is sold by traders at weekend markets;
- (e) the temporary sale of non-food merchandise where it is sold at fetes, shows, swapmeets and the like.

B. Renumber the remaining clauses in this Part as follows: 2.1.6 to 2.1.5, 2.1.7 to 2.1.6, 2.1.8 to 2.1.7, 2.1.9 to 2.1.8 and 2.1.10 to 2.1.9.

Amending Clause 2.3.1.3 to read as follows—

2.3.1.3

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 use or development listed in Appendix 8 of the Scheme in the zone and in accordance with the conditions corresponding to that use in that Appendix.

C. Adding the word “that” after the word “development” and before “ and adding the word “not” after the word “shall” and before the word “be” in Clause 2.5.7 and deleting subclauses 2.5.7(1) and (2) and replacing them with the following—

- (1) affects a place listed in Council's Municipal Heritage Inventory; or
- (2) is within a conservation precinct; or
- (3) affects a place the subject of an order under Part 6 of the Heritage of Western Australia Act, 1990; or
- (4) affects a place the subject of a Heritage Agreement under the Scheme or Part 4 of the Heritage of Western Australia Act, 1990; or
- (5) affects a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act, 1990.

D. Deleting sub-clause 8.2.1.9(r) and amending sub-clause 2.3.1.3 to delete the words “and Item 8.2.1.9r” after the words “paragraph 2.5.8” and before the words “,the Council's”.

E. Inserting the following new clause—

2.3.21 Removal and repair of existing advertisements

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

2.3.21.2 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.

2.3.21.3 For the purpose of clauses 2.3.21.1 and 2.3.21.2 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.

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

F. Inserting the following new definitions in Schedule 1 of the Scheme in alphabetical order—

“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.

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

“Driveway” means a road or path constructed for the purpose of providing access to a property or building on a property.

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

“Fence” has the same meaning given to it in the Building Code of Australia and does not include a retaining wall.

“Flagpole” means a pole installed on land for the purpose of supporting a flag.

“Floodplain” means that area of land subject to flooding during a 1 in 100 year flood event that includes both the floodway and flood fringe areas, as designated on floodplain mapping produced by the Water and Rivers Commission, pursuant to Section 10 of the *Water and Rivers Commission Act 1995*.

“Incidental Domestic Structure” means a structure or apparatus that is incidental to and associated with the domestic environment of a residence, and includes structures such as letter boxes, hot water heating systems, air-conditioning units, clothes-lines and under-eave water tanks.

“Residential Outbuilding” means any building incidental to a dwelling and includes a cubby house, bird aviary, green house, hot house, gazebo and garden shed.

“Retaining Wall” means a walled structure erected for the purpose of supporting land at a level higher than land immediately adjacent to it.

“Shade Structure” means a roofed structure that is incidental to a commercial or industrial building on a site, and is either freestanding or fixed to such building for the purpose of providing shade and shelter from the weather over entrances to the building, external entertaining areas, vehicles, loading / unloading areas, or the like, but does not include the use of land under that structure, which would otherwise require a separate development approval.

“Temporary Building” means any building that is placed on land for a limited period of time that is used incidental to a public event or approved development and will be removed at the completion of such event or development and is used as an office, store, work room, lunch room and the like and includes any temporary plant or equipment associated with the same.

“Water Storage Tank” means a structure constructed to store water.

G. Amending the definition of “Development” under the Scheme to read as follows—

“Development” has the same meaning as is given to it in and for the purposes of the Act.

H. Inserting the following permissibility of Ancillary Accommodation in Tables 3A and 3B

Table 3A:

As an ‘AA’ use in the “City Centre—Commercial Deferred”, “City Centre—Residential and Mixed Uses” and “City Centre—Residential 1 & 2” zones.

Table 3B

As an ‘AA’ use in the “Residential Development”, “Residential 1, 2 and 3” zones and all Rural zones.

I. Deleting the existing definition of “Child Family Care Centre” and any reference to that use in Tables 3A and 3B

J. Inserting the following permissibility of Bed and Breakfast in Tables 3A and 3B

Table 3A:

As a ‘P’ use in the “City Centre—Residential 1 and 2”, “City Centre—Business”, “City Centre—Commercial Deferred” and “City Centre—Residential and Mixed Uses” zones.

Table 3B:

As a ‘P’ use in the “Residential 1, 2 and 3”, “Residential Development”, “General Rural”, “Special Rural”, “Swan Valley Rural”, “Rural Living”, “Rural Residential”, “Landscape”, “Resource”, “Private Clubs and Institutions”, “Place of Public Assembly” and “Caravan Park” zones.

K. Inserting the following permissibility of Family Day Care in Tables 3A and 3B

Table 3A:

As a ‘P’ use in the “City Centre—Residential 1 and 2”, “City Centre—Business”, “City Centre—Commercial Deferred” and “City Centre—Residential and Mixed Uses” zones.

Table 3B:

As a 'P' use in the "Residential 1, 2 and 3", "Residential Development", "General Rural", "Special Rural", "Swan Valley Rural", "Rural Living", "Rural Residential", "Landscape", "Resource", "Private Clubs and Institutions", "Place of Public Assembly" and "Caravan Park" zones.

L. Deleting Clause 6.3.8(c)

Amending clause 2.3.1.1 to delete the word "paragraph" and replace it with the words "paragraphs 2.1.4 and".

M. Adding the following as Appendix 8—**APPENDIX 8—EXEMPTED DEVELOPMENTS (ZONED LAND)**

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Advertisements (excepting balloons, bunting and flags)	All zones	Where the advertisement meets at least one of the following criteria— <ul style="list-style-type: none"> • is required to be displayed pursuant to any written law; • is erected for a limited period of time (not exceeding 6 months in any calendar year) during the construction of a building and / or sale of a property;
	Residential Development; Residential 1, 2 and 3; City Centre—Residential and Mixed Uses; City Centre—Residential 1 and 2; All Special Purpose zones.	Where there is only one advertisement on site and it meets all of the following criteria— <ul style="list-style-type: none"> • is fixed to or painted on an existing building, fence or wall; • is not illuminated; • is not a pylon sign; • is no more than 0.2m² in area;
	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial	Where the advertisement is not a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> • is fixed to or painted on an existing building or fence at a height of no greater than 5 metres above ground level; • the combined area of all such advertisements on the lot does not exceed 20m²; • the sign predominantly displays the name or nature of the business existing on site; Where the advertisement is a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> • there is no more than one pylon sign per lot; • has a surface area of no more than 6m² per side; • the sign and its supporting pylon have a combined height of no more than 6m; • the sign predominantly displays the name or nature of the business existing on site. Where the advertisement is a portable sign with a surface area not more than 1.5m ² per each side.
	All City Centre zones (excluding City Centre—Residential 1 and 2 zones)	Where the advertisement is not a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> • Is fixed to or painted on an existing building or fence at a height of no greater than 5 metres above ground level; • The combined area of all such advertisements on the lot does not exceed 10m²;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
	<p>General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.</p>	<ul style="list-style-type: none"> • the sign predominantly displays the name or nature of the business existing on site; <p>Where the advertisement is a portable sign with a surface area not more than 1.5m² per each side.</p> <p>Where there is only one sign on site and it meets all of the following criteria—</p> <ul style="list-style-type: none"> • is fixed to or painted on an existing building, fence or wall; • is not illuminated; • is no more than 0.6m² in area; • the sign displays the name of the owner, the name of the property or the predominant nature of business conducted from the property or all of these details.
Ancillary Accommodation	Residential Development; Residential 1, 2 and 3; All Special Purpose zones.	<p>Where the ancillary accommodation meets all of the following criteria—</p> <ul style="list-style-type: none"> • does not exceed 50m² in area (excluding verandah, patios, pergolas and carports); • is not affected by Clause 3.1.12 of the Scheme; • is not located within a floodplain area. • there is no more than one dwelling of any description on the lot.
Bed and Breakfast	<p>City Centre—Residential 1 and 2; City Centre—Business; City Centre—Commercial Deferred; City Centre—Residential and Mixed Uses; Residential 1, 2 and 3; Residential Development; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; Place of Public Assembly; Caravan Park zones; All Special Purpose zones.</p>	<p>Where the Bed and Breakfast provides accommodation for a maximum of 4 persons, exclusive of the resident's family.</p>
Balloons & Bunting	<p>General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; all City Centre zones (excluding City Centre—Residential 1 and 2 zones)</p>	<p>Where the balloon is displayed on the roof of the building for no more than 4 consecutive weeks and for no more than 3 months per year.</p> <p>Bunting—No conditions.</p>

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Change of Use	All zones	<p>Where the proposed use does not involve any construction and complies with all relevant development standards / requirements of the Scheme, or conditions of approval to which the previous use was subject and meets at least one of the following criteria—</p> <ul style="list-style-type: none"> • the use is a permitted ('P') use in that zone; • the use is an incidental ('IP') use and does not alter the predominant use of the land. • the use falls within the same use class as that previously approved by Council and existing on the site;
Demolition	All zones	Where such development is not affected by the provisions of clause 2.5.7.
Driveways and crossovers	All zones	<p>Where the driveway or crossover meets all of the following criteria—</p> <ul style="list-style-type: none"> • does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically; • does not incorporate a bridge greater than five metres in length; • is no wider than 6 metres.
Single Dwelling / Individual Grouped Dwelling on a Vacant Strata Lot / Addition to an existing Single or Grouped Dwelling / Residential Outbuilding or addition thereto, including Incidental Domestic Structures.	Residential Development; Residential 1, 2 and 3; City Centre—Commercial Deferred; City Centre—Residential 1 and 2 zones; All Special Purpose zones.	<p>In all cases except where the development</p> <ul style="list-style-type: none"> • is a habitable building that is affected by Clause 3.1.12 of the Scheme, or is located within a floodplain area; or • is a Residential Outbuilding that is greater than 10m² in area; or • is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	<p>Where the development meets all of the following criteria—</p> <ul style="list-style-type: none"> • it is proposed to be located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • if a habitable building is not affected by Clause 3.1.12 of the Scheme and not located within a floodplain area.
Family Day Care	City Centre—Residential 1 and 2; City Centre—Business; City Centre—Commercial Deferred; City Centre—Residential and Mixed Uses; Residential 1, 2 and 3; Residential Development; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential;	No conditions.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Family Day Care— <i>continued</i>	Landscape; Resource; Private Clubs and Institutions; Place of Public Assembly; Caravan Park; All Special Purpose zones.	
Flags and Flagpoles	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; all City Centre zones (excluding City Centre—Residential 1 and 2 zones)	Where there are no more than 2 flagpoles on a lot and each flagpole is no more than 6 metres in height.
	City Centre—Residential 1 and 2; Residential Development; Residential 1, 2 and 3 General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Purpose zones.	Where the flag and flagpole meet all of the following criteria— <ul style="list-style-type: none"> • there is no more than one flagpole on the lot; • the height of the pole does not exceed 6 metres; • the flag is not used for commercial advertising.
Fences	All zones except— General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the fence meets all of the following criteria— <ul style="list-style-type: none"> • is located within 4.5 metres of a street boundary and is no greater than 1.0 metre in height; • is located greater than 4.5 metres from a street boundary and is no greater than 2.4 metres in height; • is not used as a retaining wall.
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the fence meets all of the following criteria— <ul style="list-style-type: none"> • is located within a 14 metre visual truncation on a corner lot as shown in Appendix 3A and is no higher than 1.2 metres; • is located within a 3 metre visual truncation to a vehicular accessway as shown in Appendix 3B and is no higher than 1.2 metres; • is no higher than 1.8 metres in all other cases; • is constructed of post and wire or post and rail;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Home Occupation	City Centre—Commercial Deferred; City Centre—Residential 1 and 2; Residential Development; Residential 1, 2 and 3; General Rural; Special Rural; Swan Valley Rural; Rural Living;	Where a home occupation complies with the Scheme definition of a Home Occupation.
	Rural Residential; Landscape; Resource; Private Clubs and Institutions; Place of Public Assembly; Caravan Park; All Special Purpose zones.	
Outdoor lighting and supporting poles	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; All City Centre zones (excluding City Centre—Residential 1 and 2 zones)	Where the lighting meets all of the following criteria— <ul style="list-style-type: none"> • is not set more than 5 metres above ground level; • floodlighting is directed only into the land on which it is located.
	City Centre—Residential 1 and 2; Residential Development; Residential 1, 2 and 3; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly zones; All Special Purpose zones.	Where the lighting meets all of the following criteria— <ul style="list-style-type: none"> • is not set more than 2.5 metres above ground level; • is fixed to a building on the property; • floodlighting is directed only into the land on which it is located.
Radio and TV Installation—Private (excepting satellite dishes)	All zones	No conditions
Retaining Wall	All zones except— General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape and Resource zones	Where the retaining wall meets all of the following criteria— <ul style="list-style-type: none"> • has a maximum height of 500mm above adjoining lower level; • is not located within a floodplain area.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Rural Home Occupation	General Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape and Resource zones	Where the use complies with the Scheme definition of a Rural Home Occupation.
Rural shed or outbuilding or addition thereto, including railway carriages and shade structures	General Rural; Swan Valley Rural	Where the building meets all of the following criteria— <ul style="list-style-type: none"> • the combined area of sheds (and other outbuildings) on the land would not exceed 300m²; • the height does not exceed 5 metres; • the outbuilding is set back from the boundaries in accordance with the requirements of Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;
	Special Rural; Rural Living; Rural Residential; Landscape; Resource	Where the building meets all of the following criteria— <ul style="list-style-type: none"> • the combined area of sheds (and other outbuildings), on the land would not exceed 200m²; • the height does not exceed 5 metres; • the outbuilding is located within an approved Building Envelope, or where no Building envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;
Satellite Dish	All zones	Where— <ul style="list-style-type: none"> • a ground mounted dish has a maximum diameter of 2.5m and height not exceeding 3.0m and is located in the rear set-back of the property; or • a roof-mounted dish has a maximum diameter of 1.5m and is not positioned on any part of the roof facing a street.
Shade Structure	General Commercial; Highway Service; Industrial Development; General Industrial; Light Industrial;	Where the structure meets all of the following criteria— <ul style="list-style-type: none"> • complies with the setback standards prescribed under Tables 5B and 7 of the Scheme for the development existing on the site, or where no setbacks are prescribed the structure shall not be closer than 9m to the front boundary, 3m to the side boundary and 6m to the rear boundary; • is no greater than 5m in height. • Is incidental to an existing commercial or industrial building on the site.
Swimming Pool/Spa	Residential Development, Residential 1, 2 and 3; City Centre—Residential 1 and 2; All Special Purpose zones.	Where the pool/spa meets all of the following criteria— <ul style="list-style-type: none"> • the area of the pool/spa is no greater than 100m²; • the pool/spa is to be used only for domestic purposes.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Swimming Pool/Spa — <i>continued</i>	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	Where the pool/spa meets all of the following criteria— <ul style="list-style-type: none"> • the area of the pool/spa is no greater than 100m²; • it is located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • no part of the pool/spa is located more than 20 metres away from an existing approved dwelling on the land; • the pool/spa is to be used only for domestic purposes.
Temporary Building (including temporary plant and equipment)	All zones	Where the building meets all of the following criteria— <ul style="list-style-type: none"> • is necessary for the construction of a current approved development that is being constructed on the same site as that temporary building; • will not be located on the lot for more than 6 months.
Temporary Sale of Goods or Foods	All zones	Where the non-food merchandise is sold at fetes, shows, swap-meets and the like. Where the sale of food meets one of the following criteria— <ul style="list-style-type: none"> • the food is sold by traders at weekend markets; • the temporary food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time.
Water Storage Tank	All rural zones	Where it is located within an approved Building Envelope, or where no Building Envelope exists, is set back no less than 15m from any lot boundary.
Works by Council or Public Authorities	All zones	Where the works involve any of the developments listed as (a) to (j) under Clause 2.1.5.2 of the Scheme.

C. ZANNINO, Mayor.
E. W. LUMSDEN, Chief Executive Officer.

PI414

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Waroona
Town Planning Scheme No. 7—Amendment No. 9

Ref: 853/6/10/10 Pt 9

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 Waroona Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

1. Deleting existing clause 1.2 and replacing with the following—

1.2 Responsible Authority

The Authority responsible for implementing the Scheme is the Council of the Shire of Waroona, hereinafter called "the Council".

2. Deleting existing clause 4.2.5 and replacing with the following—
 - 4.2.5 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 Council may —
 - (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the “SA” procedures of clause 8.2 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.
3. Deleting the existing third dot point of clause 4.14.3 and replacing with the following—

Seek advice from the Department of Environment, Water and Catchment Protection and, where the proposal is located within the Peel-Harvey Coastal Plain Catchment, as indicated on the Scheme Maps, the Environmental Protection Authority, and have due regard for that advice in making its determination or defer the decision pending formal assessment under Part IV of the Environmental Protection Act.
4. Deleting clause 4.14.6 and renumbering subsequent clauses accordingly.
5. Amending clause 4.14.11(c) to read—
 - 4.14.11 (c) referring any proposal for development, other than Rural Pursuits, to the Department of Conservation and Land Management, the Department of Environment, Water and Catchment protection and the Department of Agriculture for advice and comment, prior to granting Planning Consent. Any advice received will be taken into consideration when determining the application.
6. Deleting clause 4.15.2 and renumbering subsequent clauses accordingly.
7. Modifying clause 4.15.4 (a) to read—
 - 4.15.4 (a) Where a building envelope is defined for the lot on a subdivision guide plan, the dwelling shall be confined to that envelope.
8. Deleting existing clause 6.1.2 and replacing with the following—
 - 6.1.2 Except as otherwise provided in the Scheme, the following development does not require the planning approval of the Council—
 - (a) use of land in a Reserve where such land, is held by the Council or vested in a Public Authority—
 - (i) for the purpose for which the land is reserved by the Scheme; and/or
 - (ii) in the case of land vested in a Public Authority for any purpose for which such land may be lawfully be used by that Authority;
 - (b) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
 - (c) 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 Council under the Scheme, including the Residential Planning Codes;
 - (ii) the development will be located in a Heritage Area designated under the Scheme;
 - (iii) the development will be taking place on a lot that does not have constructed road access and/or legal road frontage;
 - (iv) the development will occur on a lot that abuts the Harvey or Murray Rivers;
 - (v) the development will occur on land that is within the Peel Inlet Management Authority area unless such development is deemed by Council to be of a minor nature; or
 - (vi) the development will be taking place on any land that is within the “Rural 6 — Rural Residential” Zone;
 - (d) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*,
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a Heritage Area designated under the Scheme’

- (e) any of the exempted classes of advertisements listed in Schedule V, except in respect of a place included in the Heritage List or in a Heritage Area;
 - (f) erection of a boundary fence or internal fencing except as otherwise required by the Scheme;
 - (g) "Intensive Agriculture—Horticulture" utilising less than 1,500 kL of water per annum;
 - (h) a "Rural Pursuit" and works associated therewith that are shown as a "P" use in the Zoning Table, except for any buildings associated with the activity;
 - (i) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
 - (j) any works urgently necessary in the interests of public safety, or for the safety or security of plant or equipment, or for the maintenance of essential services;
 - (k) any works by a Public Authority acting pursuant to the provisions of any Act on, in, over or under a street or road; or
 - (l) the carrying out of earthworks that do not, at any point, cause the resultant ground level to deviate by greater than 1.0 metres in height above or below natural ground level, including the construction of a retaining wall. Earthworks in the Rural Zones may alter the natural ground level to any height or depth, where the works are carried out as a result of the rural use of that land.
9. Renumbering clause 6.11 as clause 6.13.
10. Inserting new clause 6.11 as follows—

6.11 Outbuildings

- 6.11.1 Unless otherwise approved by Council, the size and height of outbuildings shall comply with the provisions of Table 3.

TABLE 3—OUTBUILDINGS

Zone	Maximum Total Area of Outbuildings (m ²)	Maximum Roof Height Above Natural Ground Level (m)
URBAN ZONES		
Urban 2— Community & Civic	100	4.2
Urban 4—Residential	100	4.2
Urban 5—Special Residential	100	4.2
Urban 6—Rural Living	200	5.0
Urban 8—Hamel	100	4.2
Urban 9— Preston Beach	100	4.2
RURAL ZONES (LOTS LESS THAN 2HA IN SIZE)	200	5.0

- 6.11.2 No restriction on size is placed on outbuildings the Rural zones for lots of 2ha and above within
- 6.11.3 Unless otherwise approved by Council, no outbuilding in the Urban 4—Residential, Urban 5—Special Residential, Urban 8—Hamel or Urban 9—Preston Beach Zone shall be erected within the front building setback.
11. Inserting additional definition into Schedule 1 (Interpretation) of Scheme as follows—
- Outbuilding:** means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
12. Inserting clause 6.12 as follows—
- ### 6.12 Building height
- 6.12.1 Unless otherwise approved, no building shall be erected with the apex of the roof, exclusive of masts, aerials or the like, exceeding 9.0 metres in height above natural ground level, except on "Urban 9—Preston Beach" Zoned land, where, unless otherwise approved, no building shall be erected with the apex of the roof, exclusive of masts, aerials or the like, exceeding 7.5 metres in height above natural ground level.
- 6.12.2 Notwithstanding clause 6.13, buildings of a height exceeding the maximum heights specified in clause 6.12.1 may only be approved following the advertising and consideration of the application in a manner consistent with clause 8.2 and where Council is satisfied that the proposed development
- (c) Will not cause unacceptable impacts to the general amenity of the streetscape or landscape; and
 - (d) Will not cause unacceptable to impacts to the amenity of adjoining or nearby properties.
13. Inserting additional definition into Schedule 1 (Interpretation) of Scheme as follows—
- Natural Ground Level**—means the levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development.

14. Deleting clause 8.4.
15. Renumbering clause 8.5 as clause 8.7.
16. Inserting new clause 8.4 as follows—
 - 8.4 Temporary planning approval**
Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the approval is granted.
17. Inserting new clause 8.5 as follows—
 - 8.5 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.
18. Inserting clause 8.6 as follows—
 - 8.6 Approval subject to later approval of details**
 - 8.6.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent planning approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
 - 8.6.2 In respect of an approval requiring subsequent planning approval, the Council may require such further details as it thinks fit prior to considering the application.
 - 8.6.3 Where the Council has granted approval subject to matters requiring the later planning approval of the Council, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.
19. Deleting existing clause 9.6 and replacing with the following—
 - 9.6 Delegation of functions**
 - 9.6.1 The Council 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.
 - 9.6.2 The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.6.1.
 - 9.6.3 The exercise of the power of delegation under clause 9.6.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.
 - 9.6.4 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.

K. REP, President.
K. T. O'CONNOR, Chief Executive Officer.

PI415*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959
IMPROVEMENT PLAN NO. 32
William Street Station Precinct

It is hereby notified for public information that the Western Australian Planning Commission acting pursuant to Section 37A of the Metropolitan Region Town Planning Scheme Act 1959 has certified and recommended that for the purpose of advancing the planning, development and use of the land described below, that the land should be made the subject of an Improvement Plan.

The land comprises the area bounded by Wellington, William and Murray Streets and the civic buildings fronting Forrest Place, as depicted on Western Australian Planning Commission plan numbered 3.1692.

The recommendation has been accepted by the Minister for Planning and Infrastructure and His Excellency the Governor, and will be known as Improvement Plan No. 32. Improvement Plan No. 32 is effective on and from 15 April 2003.

A copy of the Improvement Plan No. 32 document can be viewed at—

1. The Department for Planning and Infrastructure, Wellington Street, Perth;
2. The municipal office of the City of Perth, St George's Terrace, Perth; and
3. JS Battye Library, Alexander Library Building, Francis Street, Northbridge.

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

PI701

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

Shire of Mukinbudin
Town Planning Scheme No. 4

Ref: 853/4/20/4

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 Mukinbudin Town Planning Scheme No. 4 on 17 April 2003, the Scheme Text of which is published as a Schedule annexed hereto.

C. W. GERAGHTY, President.
A. J. BORRETT, Chief Executive Officer.

Schedule

Shire of Mukinbudin
TOWN PLANNING SCHEME No. 4

The Shire of Mukinbudin, under the powers conferred by the Town Planning and Development Act 1928, hereby makes the following town planning scheme.

Scheme Text

Contents

Part 1—Preliminary

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

Part 2—Local Planning Policy Framework

- 2.1 Scheme Determinations to Conform with Local Planning Strategy
- 2.2 Local Planning Policies
- 2.3 Relationship of Local Planning Policies to Scheme
- 2.4 Procedure for Making or Amending a Local Planning Policy
- 2.5 Revocation of Local Planning Policy

Part 3—Reserves

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

Part 4—Zones and the Use of Land

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

Part 5—General Development Requirements

- 5.1 Compliance with Development Standards and Requirements
- 5.2 Residential Planning Codes
- 5.3 Special Application of Residential Planning Codes
- 5.4 Restrictive Covenants
- 5.5 Variations to Site and Development Standards and Requirements
- 5.6 Environmental Conditions
- 5.7 Development of Lots Abutting Unconstructed Roads

- 5.8 Parking Requirements
- 5.9 Transported Buildings
- 5.10 Use of Setback Areas
- 5.11 Home Business
- 5.12 Caretaker's Dwellings
- 5.13 Residential Zone
- 5.14 Townsite Zone
- 5.15 Town Centre Zone
- 5.16 Industrial Zone
- 5.17 Rural-Residential Zone
- 5.18 Rural Zone

Part 6—Special Control Areas

- 6.1 Operation of Special Control Areas
- 6.2 Wastewater Treatment Plant Buffer

Part 7—Heritage Protection

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

Part 8—Development of Land

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

Part 9—Applications for Planning Approval

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

Part 10—Procedure for Dealing with Applications

- 10.1 Consultation with Other Authorities
- 10.2 Matters to be Considered by Local Government
- 10.3 Determination of Applications
- 10.4 Form and Date of Determination
- 10.5 Term of Planning Approval
- 10.6 Temporary Planning Approval
- 10.7 Scope of Planning Approval
- 10.8 Approval Subject to Later Approval of Details
- 10.9 Deemed Refusal
- 10.10 Appeals

Part 11—Enforcement and Administration

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

Schedules

- 1 Dictionary of defined words and expressions
 - General definitions
 - Land use definitions
- 2 Additional Uses
- 3 Restricted Uses
- 4 Special Use Zones
- 5 Exempted Advertisements
- 6 Form of Application for Planning Approval
- 7 Additional Information for Advertisements
- 8 Notice of Public Advertisement of Planning Proposal
- 9 Notice of Determination on Application for Planning Approval
- 10 Environmental Conditions
- 11 Rural-Residential Zone

PART 1—PRELIMINARY**1.1 Citation**

1.1.1 The Shire of Mukinbudin Town Planning Scheme No. 4 “the Scheme” comes into operation on its gazettal date.

1.1.2 The Shire of Mukinbudin Town Planning Scheme No. 3 published in the *Government Gazette* of 11 June, 1971 and all amendments thereto is hereby revoked.

1.2 Responsible Authority

The Shire of Mukinbudin 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 Mukinbudin as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets numbers 1 to 5 inclusive);

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

1.5 Purposes of 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 contained in the First Schedule to the Town Planning Act.

1.6 The Aims of the Scheme

The aims of the Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To provide for housing choice and variety in townsites with a community identity and high levels of amenity.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment, and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings 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 meanings 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.

1.8 Relationship with Local Laws

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

1.9 Relationship with Other Schemes

There are no other Schemes of the Shire of Mukinbudin, 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.

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 a Policy so prepared.

2.3 Relationship of Local Planning Policies to Scheme

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

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

Note: Local Planning Policies are guidelines used to assist the local government in making determinations 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 Procedure for Making or Amending a Local Planning Policy

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

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the 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 draft 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 the publication of a notice under clause 2.4.3(a).

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES**3.1 Reserves**

Certain lands within the Scheme Area are classified as 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 thereon.

4.2 Objectives of the Zones

The Objectives of the Zones are—

- Residential Zone
 - to provide for the predominant form of residential development to be single houses whilst providing for lifestyle choice with dual residential densities, for grouped dwellings.
 - to achieve a high standard of residential development.
 - to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.
- Townsite Zone
 - to allow for a wide range of uses such as may be part of a small rural town.
 - to provide for lifestyle choice.
 - to protect and maintain local amenities.
- Town Centre Zone
 - to ensure the established town centre in Mukinbudin remain the principal place for retail, commercial, civic, and administrative functions in the district.
 - to ensure development will not adversely affect local amenities, and will enhance the character of the townsite.
 - to provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
 - to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
 - to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
 - to provide for expansion of commercial activity and community facilities to meet future demands.
- Industrial Zone
 - to provide for the needs of industry to support the community.
 - to provide appropriate buffers to industrial areas.
 - to avoid non-industry related uses establishing in the industrial areas, which may constrain industrial activities.
- Rural Residential Zone
 - to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
 - to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
 - having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the Mukinbudin townsite, the local government will generally favour Rural-Residential zones be located close to the townsite and then only where the environmental impacts are manageable.
- Rural Zone
 - to ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
 - to provide for intensive agricultural use in suitable areas.
 - to consider 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 allow for facilities for tourists and travellers, and for recreation uses.

- to have regard to use of adjoining land at the interface of the Rural zone with other zones to avoid adverse effects on local amenities.

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 uses 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 the 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—

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

- Note:
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 2. The local government will not refuse a ‘P’ use because of the 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.
 3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.
 4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

4.4 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 the local government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the proposed 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.

There are no Additional Uses which apply to the Scheme.

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 permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

There are no Restricted Uses which apply to the Scheme.

4.7 Special Use Zones

4.7.1 Special Use Zones are set out in Schedule 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 or building for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 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

Where a non-conforming use of any land or buildings has been discontinued for a period of six months such land or building 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 the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

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

4.12 Destruction of Non-Conforming Use Buildings

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.

TABLE 1
Zoning Table

Uses	Residential	Townsite	Town Centre	Industrial	Rural Residential	Rural
1 aged or dependent persons dwelling	D	D	X	X	X	X
2 agriculture—extensive	X	X	X	X	X	P
3 agriculture—intensive	X	X	X	X	X	D
4 ancillary accommodation	D	D	X	X	D	X
5 ancillary tourist use	X	D	X	X	A	D
6 animal establishment	X	X	X	X	A	D
7 animal husbandry—intensive	X	X	X	X	X	A
8 aquaculture	X	X	X	X	D	P
9 caretaker's dwelling	X	X	A	D	X	A
10 club premises	X	A	D	X	X	D

Uses	Residential	Townsite	Town Centre	Industrial	Rural Residential	Rural
11 educational establishment	A	A	X	X	X	A
12 fuel depot	X	A	X	P	X	X
13 grouped dwelling	D	D	A	X	A	A
14 home business	D	D	X	X	D	D
15 hotel	X	A	D	X	X	X
16 industry—extractive	X	X	X	X	X	D
17 industry—general	X	X	X	D	X	X
18 industry—light	X	A	A	P	X	X
19 industry—rural	X	X	X	D	X	D
20 motel	X	A	D	X	X	X
21 motor vehicle, boat, or caravan sales	X	A	D	P	X	X
22 motor vehicle repair	X	A	A	P	X	X
23 office	X	D	P	X	X	X
24 place of worship	D	A	P	X	X	A
25 plant nursery	A	A	X	P	D	D
26 residential building	D	A	X	X	X	D
27 restaurant	X	A	D	X	X	A
28 rural pursuit	X	X	X	X	A	P
29 service station	X	A	A	D	X	D
30 shop	X	A	D	X	X	X
31 single house	P	P	D	X	P	P
32 transport depot	X	X	X	P	X	A
33 veterinary centre	X	A	A	P	D	D
34 workers accommodation	X	X	X	X	X	P

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 Code density applicable to land within the Scheme Area is to be determined by reference to the Residential Planning Code 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 an 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

For land with a dual density code of R12.5/30 the local government may permit a variation to the R12.5 density up to a maximum of R30 subject to—

- any increase in density above R12.5 being conditional upon the development being connected to reticulated sewerage;
- development at a density higher than R12.5 being located close to services and facilities to the satisfaction of the local government; and
- any proposal involving an increase in density above R12.5 being advertised in accordance with clause 7.4 and the local government being satisfied the proposal, if implemented, will not have an adverse impact on local amenities.

5.4 Restrictive Covenants

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

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would but for the operation of clause 5.4.1 have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5 Variations to Site and Development Standards and Requirements

5.5.1 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 that 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 under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

5.6 Environmental Conditions

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

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

5.6.3 The local government is to—

- (a) maintain a register of all relevant Statements published under section 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*.

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

5.7 Development of Lots Abutting Unconstructed Roads

Despite anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the local government is to either—

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

5.8 Parking Requirements

A person is not to develop or use any land or erect use or adapt any building unless parking spaces as specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

5.9 Transported Buildings

5.9.1 A person is not to transport a building and place it on land in the Scheme Area and use it as a dwelling unless planning approval has been granted by the local government. The local government is not to grant planning approval if the land is within a Heritage Area designated in accordance with clause 7.2.

5.9.2 Planning approval may be granted by the local government under clause 5.9.1 only if the transported building—

- (a) complies with the provisions of the Scheme, the Residential Planning Codes, and any Local Laws applicable both to the transported building and the land on which it is to be situated; and
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

5.10 Use of Setback Areas

5.10.1 The land between a street alignment and the distance that buildings are required to be setback from such street alignment is not to be used for any purpose other than one or more of the following—

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) the loading and unloading of vehicles;
- (d) landscaping;
- (e) an awning, pergola, or similar structure for alfresco dining in front of a fast food outlet or restaurant in the Town Centre zone subject to planning approval of the local government.

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

5.11 Home Business

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

5.12 Caretaker's Dwellings

The provisions of this clause are to apply for all caretakers' dwellings in the Industrial zone.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;
- (b) only one caretaker's dwelling is to be permitted on a lot; for the purposes of this clause "lot" excludes a strata lot or survey-strata lot created pursuant to the *Strata Titles Act 1985*;
- (c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the Council and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to comply with the following—
 - (i) contain 1 bedroom only within an a total floor area which is not to exceed 100 square metres measured from the external face of walls;
 - (ii) open verandahs may be permitted but are not to be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (i).

5.13 Residential Zone

5.13.1 Site Requirements

In accordance with the R Codes.

5.14 Townsite Zone

5.14.1 Site Requirements

- (a) residential development is to comply with the requirements of the Residential Planning Codes.
- (b) the setbacks for development for other than residential purposes are to comply with the requirements of the Building Code of Australia.

5.15 Town Centre Zone

5.15.1 Site Requirements

At the discretion of the local government.

5.15.2 Development Requirements

- (a) development is not to exceed 2 storeys in height except where the local government is of the opinion that—
 - (i) the particular circumstances warrant an exception being made;
 - (ii) the objectives of the zone are not compromised; and
 - (iii) the amenity of the area in which the development is to be located will not be adversely affected.
- (b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following—
 - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3m to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;

- (vi) relationship to surrounding development; and
- (vii) other characteristics considered by the local government to be relevant;
- (c) landscaping is to be provided to complement the appearance of the proposed development and its setting;
- (d) the layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area.

5.16 Industrial Zone

5.16.1 Site Requirements

- (a) the minimum lot size should be 2,500 square metres to provide for building envelope, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear;
- (b) the minimum building setbacks are to be—
 - Front : 7.5m
 - Rear : 7.5m
 - Side : 5.0m on one side.

5.16.2 Development Requirements

- (a) the first 5 metres of the front setback on any lot is to be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced is to be landscaped to the satisfaction of the local government;
- (b) in addition to other requirements of the Scheme an application for planning approval for an industry is to demonstrate compliance with the buffer distance separation from dwellings in accordance with guidelines of the Environmental Protection Authority;
- (c) in determining an application for planning approval for an industry the local government may impose conditions to control industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Environmental Protection;
- (d) where a proposed industry would generate industrial liquid, solid, or gaseous wastes such wastes are to be treated and disposed of in accordance with Department of Environmental Protection advice/guidelines.

5.17 Rural-Residential Zone

5.17.1 Site Requirements: The minimum building setbacks are to be—

- Front : 30.0m
- Rear : 10.0m
- Side : 10.0m

5.17.2 Development Requirements—

- (a) the provisions for controlling subdivision and development in specific Rural-Residential Zones are set out in Schedule 11;
- (b) subdivision is to generally be in accordance with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision is to show the minimum lot size for subdivision;
- (c) planning approval is required for all development including a single house and such application is to be made in accordance with the Scheme;
- (d) as a condition of the issue of a planning approval each dwelling is to be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity to the satisfaction of the local government;
- (e) not more than one dwelling per lot is to be erected but the local government may, at its discretion, approve ancillary accommodation;
- (f) in order to conserve the rural environment or features of natural beauty all trees are to be retained unless their removal is authorised by the local government;
- (g) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government;
- (h) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government;
- (i) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural-Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action are to be recoverable by the local government from the landowner; and
- (j) provision is to be made for bush fire control.

5.17.3 Development Standards

In dealing with applications for planning approval within a Rural-Residential zone the local government will have regard to the following, to minimise the visual impacts of development—

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the local government to be relevant.

5.18 Rural Zone

5.18.1 Site Requirements: The minimum building setbacks are to be—

Front	:	20.0m
Rear	:	20.0m
Side	:	10.0m

5.18.2 General Development Requirements

In considering an application for planning approval the local government will have due regard for the following—

- (a) any sensitive or incompatible uses which may require buffer separation from the proposed use;
- (b) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;
- (c) existing vegetation, any measures proposed (such as fencing to exclude livestock) to protect it;
- (d) the potential for erosion of soil by wind or water, salinity, or flooding, and measures proposed to address such land degradation
- (e) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and
- (f) proposals for treatment and disposal of waste products.

5.18.3 Subdivision

When preparing recommendations to the Commission in response to referral of applications for subdivision the local government will have due regard for the following—

- (a) the potential impact on continuation of existing uses on adjoining lots;
- (b) the settlement pattern in the district;
- (c) the relationship of the land to services including (but not limited to) water supply (where appropriate), telecommunications, electricity, and community services and facilities;
- (d) the objectives of the Local Planning Strategy;
- (e) evidence of a sustainable water supply that does not rely on catchment outside the proposed lot or lots, or the damming of a stream that will impact on the water availability for another lot or lots; and
- (f) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following Special Control Areas are shown on the Scheme Map—

6.1.2 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 Wastewater Treatment Plant Buffer.

6.2.1 Purpose of Special Control Area

To avoid development of sensitive uses which may be affected by odour and noise within the buffer area of the wastewater treatment plant.

6.2.2 Application and referral requirements

- (a) planning approval is required for the use or development of any land including a single house.
- (b) the local government is to refer applications for planning approval to the Water Corporation for comment, and may refuse or approve with or without conditions such application having regard for the comments received.

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

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

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 to be 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 a Heritage Area, the local government is to:

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the Heritage Area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating within the Scheme Area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area affected by the designation; and
 - (iii) such other methods as the local government considers necessary to ensure widespread notice of the proposal;and
- (c) carry out such other consultations 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 during what period (being not less than 21 days from the date 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 modifications, 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 notice of its determination to the Heritage Council of WA, 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.

- 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*.

7.3 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 in so far as the interest of that owner or occupier permits.

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 or Heritage Area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a Heritage Area declared 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 pursuant to the provisions of 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 purpose 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 does 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 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;
- (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;
 - (ii) the development will be located in a Heritage Area designated under the Scheme;
 - (iii) the development will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road;
 - (iv) the proposed single house is a transported building; or
 - (v) the development will be located on a lot located in a Rural Residential zone.
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1; or
 - (iv) located in a Heritage Area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a Heritage Area.

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

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 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 development 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 under 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 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 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 those areas; 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 reasonably 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 under clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

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

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

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 material accompanying that application at the offices of the local government.

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultations with Other Authorities

10.1.1 In considering any 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—

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4 or clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register 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;
- (i) the compatibility of a use or development with its setting;

- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which 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;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submission received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant; and
- (zb) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses.

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 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 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 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed Refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clauses 10.9.1 or 10.9.2 as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Appeals

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

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

11.2 Removal and Repair of Existing Advertisements

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

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

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

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

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

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

11.3 Delegation of Functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those

expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

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

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

11.4 Person Must Comply With Provisions of Scheme

11.4.1 A person must not—

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

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

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

is guilty of an offence.

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

11.5 Compensation

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

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

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

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1

Note: A claim for compensation under section 11(1) of the Town Planning act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulation 1967*.

11.6 Purchase or Taking of Land

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

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

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

11.7 Notice for Removal of Certain Buildings

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

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

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General definitions

In the Scheme—

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

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

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

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

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

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

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

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

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the Town Planning Act;

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

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

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

“**local government**” means the Shire of Mukinbudin;;

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

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

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

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

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

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

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

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

“**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;

“**precinct**” means a definable area where particular planning policies, guidelines or standards apply;

- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**region scheme**” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;
- “**Residential Planning Codes**” means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**Town Planning Act**” means the *Town Planning and Development Act 1928*;
- “**wholesale**” means the sale of goods or materials to be sold by others;
- “**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of fruit nurseries; or
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms).
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “**ancillary tourist use**” means premises used for—
- (a) recreation or entertainment,
 - (b) consumption of food and / or beverages,
 - (c) the sale of produce,
 - (d) the sale of arts and crafts, and / or
 - (e) conducting excursions for tourists,
- where such use is incidental to and directly related to the predominant use of the land;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “**aquaculture**” has the same meaning given to the term in the *Fish Resources Management Act 1994*;
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**carpark**” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;

- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means premises—
- used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - operated during hours which include, but may extend beyond, normal trading hours;
 - which provide associated parking; and
 - the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50 square metres, except that for land in the Rural zone under the Scheme the local government may permit an area up to 200 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Rural zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and
 - does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ any person not a member of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 20 square metres;
 - does not display a sign exceeding 0.2 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home office**” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
- entail clients or customers travelling to and from the dwelling;
 - involve any advertising signs on the premises; or
 - require any external change to the appearance of the dwelling;

“**home store**” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“**hospital**” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“**hotel**” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“**industry**” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

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

incidental to any of those industrial operations;

“**industry—cottage**” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“**industry—extractive**” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

“**industry—general**” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“**industry—light**” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“**industry—mining**” means land used commercially to extract minerals from the land;

“**industry—rural**” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“**industry—service**” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“**lunch bar**” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

“**market**” means premises used for the display and sale of goods from stalls by independent vendors;

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

“**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

“**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans;

“**motor vehicle repair**” means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles;

“**night club**” means premises—

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

“**office**” means premises used for administration, clerical, technical, professional or other like business activities;

“**park home park**” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

“**place of worship**” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“**plantation**” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“**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 décor.

“**poultry farm**” means premises used for rearing or keeping of poultry for breeding, commercial egg production, or commercial meat production;

“**reception centre**” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“**recreation—private**” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“**residential building**” has the same meaning as in the Residential Planning Codes;

“**restaurant**” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant

licensed under the *Liquor Licensing Act 1988*;

“**restricted premises**” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“**rural pursuit**” means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture—extensive or agriculture—intensive;

“**service station**” means premises used for—

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

“**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature but does not include a showroom or fast food outlet;

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

“**storage**” means premises used for the storage of goods, equipment, plant or materials;

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

“**telecommunications infrastructure**” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

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

“**transport depot**” means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such 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;

“**transported building**” means a building that has been constructed (whether within the district or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use;

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

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

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

“**workers accommodation**” means premises used for accommodation by a person or persons and the spouse and dependents of that person or persons engaged in agricultural uses on the same land and the term includes both permanent dwellings and temporary accommodation for seasonal workers.

SCHEDULE 2
ADDITIONAL USES

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

SCHEDULE 3
RESTRICTED USES

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

SCHEDULE 4
SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1.	Lot 3 Earl Drive/Salmon Gum Alley, Mukinbudin	Uses are to be a caravan park and such other uses which in the opinion of the local government are ancillary to a caravan park.	Any development that generates wastewater is to provide for effluent disposal to the satisfaction of the Department of Health.
2.	Lots 98—102 Crown Reserve 25406 Calder Street, Mukinbudin.	Club premises.	
3.	Lots 70 and 71 Calder Street, Mukinbudin.	Club premises, hall, parking.	

SCHEDULE 5
EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate.	0.2m ²
Home Business or Home Occupation	One advertisement describing the nature of the home business or 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

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
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 Local Laws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15m ² Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ² .
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (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 local government, and (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.	Not Applicable Not Applicable Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to 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.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

TEMPORARY SIGNS	EXEMPTED SIGN 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 (b) Multiple dwellings, shops, commercial and industrial properties (c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work. One sign as for (a) above. One sign as for (a) above One additional sign showing the name of the project builder.	2m ² 5m ² 10m ² 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.	2m ²
Property transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: (a) Dwellings (b) Multiple dwellings, shops, commercial and industrial properties (c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above. One sign as for (a) above	Each sign is not to exceed an area of 2m ² Each sign is not to exceed an area of 5m ² Each sign is not to exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display. (b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL
APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS—

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

The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS—

Name.....
Address..... Post Code.....
Phone (work).....(home)..... Fax..... E-Mail.....
Contact Person for correspondence.....
Signature Date.....

PROPERTY DETAILS—

Lot No House/Street No. Location No.
Diagram or Plan No. Certificate of Title No. Folio
Diagram or Plan No. Certificate of Title No. Folio
Title Encumbrances (eg, easements, restrictive covenants).....
Street Name Suburb.....
Nearest Street Intersection
Existing Building/Land Use.....
Description of proposed development and/or use.....
.....
Nature of any existing buildings and/or use
.....
Approximate cost of proposed development.....
Estimated time of completion

OFFICE USE ONLY

Acceptance Officer's Initials Date Received.....
Local government Reference No.

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

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

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—
.....
.....
2. Details of Proposed Sign—
 - (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other)—
.....
 - (b) Height Width:..... Depth:
 - (c) Colours to be used:
 - (d) Height above ground level —(to top of advertisement):
—(to the underside):
 - (e) Materials to be used.....
Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
.....
3. Period of time for which advertisement is required:
4. Details of signs (if any) to be removed if this application is approved—
.....
.....
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of Advertiser(s):

(if different from landowners)

Date:

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

Town Planning Act 1928

SHIRE OF MUKINBUDIN

TOWN PLANNING SCHEME NO. 4

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO. STREET.....

SUBURB.....

PROPOSAL

.....

.....

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

.....

CHIEF EXECUTIVE OFFICER

.....

DATE

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Town Planning Act 1928

SHIRE OF MUKINBUDIN

TOWN PLANNING SCHEME NO. 4

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

LOT: PLAN/DIAGRAM:.....

VOL: NO: FOLIO NO:

Application Date: Received on:

Description of proposed development:.....

.....

The application for planning approval is—

granted subject to the following conditions—

refused for the following reason(s)—

CONDITIONS / REASONS FOR REFUSAL—

.....

.....

.....

.....

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

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

.....

CHIEF EXECUTIVE OFFICER

DATE



SCHEDULE 10
ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

SCHEDULE 11
RURAL-RESIDENTIAL ZONE

No.	PARTICULARS OF LAND	REQUIREMENTS
1.	Lots 34—36, 45 Bonnie Rock—Lake Brown Road; Lots 37, 38, 40—44 Koorda—Southern Cross Road, Lake Brown	<p>1 The local government will not recommend to the Commission support for further subdivision, but this is not to preclude the local government recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lot sizes and shapes are to the satisfaction of the local government. The minimum lot size should be no less than 1.0 hectare.</p> <p>2</p> <p>(a) Second hand, relocated or transportable dwellings or buildings will not be permitted unless the local government determines that the design and appearance of the dwelling or building will not adversely affect the amenity of the area.</p> <p>(b) No materials, equipment or outbuildings, which are visually unsightly or could detract from the amenity of the area are to be permitted on the property unless they are screened to the local government's satisfaction.</p> <p>(c) Where the local government determines that a lot is not being maintained in a clean and tidy condition and that the lot has a detrimental effect on the amenity of the area, the local government is to require the owner/occupier to carry out improvements to the local government's specification and satisfaction.</p> <p>3 Each dwelling is to be provided with a supply of potable water, either from a reticulated system, underground bore(s), or rainwater storage tank with a minimum capacity of 90 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 700 square metres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes. A dwelling is not to be considered fit for human habitation until a potable water supply has been installed and is operating.</p> <p>4 Livestock may be kept on all lots subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the local government. The numbers of livestock on any lot is not to exceed standards of good animal husbandry to the satisfaction of the local government.</p>

ADOPTION

Adopted by Resolution of the local government of the Shire of Mukinbudin at the meeting of the local government held on the 20th day of June 2001.

C. W. GERAGHTY, President.
A. J. BORRETT, Chief Executive Officer.

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Mukinbudin at the meeting of the local government held on the 19th day of March 2003 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

C. W. GERAGHTY, President.
A. J. BORRETT, Chief Executive Officer.

The Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

P. WOODWARD, delegated under S. 20 of the Western
Australian Planning Commission Act 1985.

Dated: 15 April 2003.

FINAL APPROVAL GRANTED

ALANNAH MacTIERNAN, Minister for Planning
and Infrastructure.

Dated: 17 April 2003.

TRANSPORT

TR401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS
REVOCATION
RESTRICTED SPEED AREAS—ALL VESSELS
SWAN RIVER

Department for Planning and Infrastructure,
Fremantle WA, 29 April 2003.

Acting pursuant to the powers conferred Regulation 48A of the Navigable Waters Regulations the department by this notice revokes the 8-knot speed restrictions currently in force under the Narrows Bridge and the southern arch of the Causeway Bridges.

Providing that this revocation shall apply only between 0900 hrs and 1200 hrs on Sunday 18 May 2003, to official bona fide competitors competing in the "Spitpost Marathon Event" held by the Power Dinghy Racing Club.

On completion of the event all existing speed limits will be re-established.

GREG MARTIN, Chief Executive Officer,
Department for Planning and Infrastructure.

WORKSAFE

WS401*

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

(No. 17 of 2003)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to McConnell Dowell Constructors (Aust) Pty Ltd ("the main contractor") from the requirements of Regulation 3.117(1) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to hold a Class 1 demolition licence to remove the Calista Limit Beacon Navigational Aid

at Cockburn Sound. I further grant an exemption from the requirements of Regulation 3.118(a) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to ensure that any Class 1 demolition work is done by a holder of a Class 1 demolition licence during the removal of the beacon at the aforementioned address. This exemption is subject to the following conditions—

1. The main contractor applies, at least 10 working days before the demolition work is intended to begin, to the Commissioner for approval to do the work;
2. The application is in the approved form and is accompanied by—
 - (a) the work plan referred to in AS 2601 in respect of the demolition work; and
 - (b) such other information as the Commissioner requires to consider the application;
3. The demolition work does not proceed until the main contractor has received written approval of the work plan from the Chief Inspector, Construction, Plant and Primary Industries;
4. The demolition work is carried out in accordance with the approval which may include conditions;
5. All construction diving work is carried out in accordance with relevant requirements of AS 2299 – 1999.

This exemption does not relinquish or modify other obligations imposed under the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996*.

Dated this 23rd day of April 2003.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

William Douglas Lee, late of Unit 3, 10 Richardson Avenue, Claremont in the State of Western Australia (deceased).

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 28th day of November 2002 are required by the personal representative, Michael John McPhee care of Michell Sillar McPhee, Level 3, Allendale Square, 77 St George's Terrace, Perth in the State of Western Australia, to send particulars of their claims to him by the 6th day of June 2003, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ401

COMPANIES (CO-OPERATIVE) ACT 1943

NOTICE OF FINAL MEETING

WEST AUSTRALIAN CARPET WOOLS CO-OPERATIVE LTD (IN LIQUIDATION)

Notice is given that a Final Meeting of members of the company will be held at the offices of Melsom Robson, Chartered Accountants, Colmel House, 241 Stirling Street, Perth on Friday, 13 June 2003 at 2.30 pm.

AGENDA

1. To lay before the meeting the Liquidator's account showing how the winding up has been so far conducted and of his acts and dealings during the preceding year.
2. To approve the Liquidator's remuneration.
3. Any other general business.

Dated at Perth this 22nd day of April 2003.

E. R. VERGE, Liquidator.

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.

WESTERN AUSTRALIA

THE CRIMINAL CODE

(Reprinted as at 9 February 2001)

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

* Prices subject to change on addition of amendments.



2 0 0 3 0 0 0 6 1 6 6