

WESTERN AUSTRALIAN GOVERNMENT Gazette

2737



PERTH, FRIDAY, 11 JULY 2003 No. 117

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

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

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

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

Postal address:

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

Delivery address:

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

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- 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 2003 (Prices include GST).

Deceased Estate notices, (per estate)—\$21.80

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Other articles in Public Notices Section—\$50.85 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

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Per Column Centimetre—\$10.15

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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*

GAS PIPELINES ACCESS (WESTERN AUSTRALIA) (REVIEWS) AMENDMENT ACT 2003

42 of 2003

PROCLAMATION

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

I, the Governor, acting under section 2 of the *Gas Pipelines Access (Western Australia) (Reviews) Amendment Act 2003*, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 8 July 2003.

By Command of the Governor,

ERIC RIPPER, Minister for Energy.

GOD SAVE THE QUEEN !

AGRICULTURE

AG301*

Agriculture and Related Resources Protection Act 1976

Agriculture and Related Resources Protection (Property Quarantine) Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Agriculture and Related Resources Protection (Property Quarantine) Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981**.

[* Reprinted as at 14 September 2001.]

3. Regulation 3 amended

Regulation 3(3) is repealed and the following subregulations are inserted instead —

“

- (3) An inspector or authorised person may, by notice in writing given to the owner and the occupier of land to which a property quarantine notice applies, revoke the notice if the inspector or authorised officer considers that it is appropriate to do so.
- (3a) If an inspector or authorised person revokes a property quarantine notice under subregulation (3) the land to which the notice applied ceases to be quarantined land.

”

By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RG301*

WESTERN AUSTRALIAN TROTTING ASSOCIATION ACT 1946

BY-LAWS OF THE WESTERN AUSTRALIAN TROTTING ASSOCIATION

NOTICE OF AMENDMENT

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 24th day of June 2003, it was resolved by an absolute majority of the Committee of the Association that the By-laws of the Western Australian Trotting Association made under the Western Australian Trotting Association Act 1946 (“the Act”) be amended as follows—

AMEND BYLAW 63

Present wording

- 63. (a) The financial year for the season 1988/89 shall run from the 1st day in August 1988 to the 31st day of August 1989 and the accounts of the Association shall be closed on the 31st day of August 1989, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.
- (b) From and after the 31st day of August 1989 the financial year shall run from the 1st day of September to the 31st day of August in the following year and the accounts of the Association shall be closed on the 31st day of August in each year, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.

Amended wording

63. (a) The financial year for the season **2002/03** shall run from the **1st day in September 2002 to the 31st day of July 2003** and the accounts of the Association shall be closed on the **31st day of July 2003**, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.
- (b) From and after the **31st day of July 2003** the financial year shall run from the **1st day of August to the 31st day of July in the following year** and the accounts of the Association shall be closed on the **31st day of July in each year**, and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.

Dated: 24 June 2003.

GARRY SCOTT, President.

RG302*

Liquor Licensing Act 1988

Liquor Licensing Amendment Regulations (No. 4) 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 4) 2003*.

2. The regulations amended

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

[* Reprinted as at 8 March 2002.

For amendments to 7 April 2003 see Gazette 28 June, 22 October and 19 November 2002 and 28 February 2003.]

3. Regulation 6 replaced

Regulation 6 is repealed and the following regulation is inserted instead —

“

6. Exception to section 4(8)

For the purposes of section 4(8) of the Act, the sale of liquor —

- (a) by a liquor merchant who is authorised under the law of another State, or of a Territory, to sell liquor; and

(b) the delivery of which is effected in the State,
is not deemed to be concluded in the State.

”.

By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

SOIL AND LAND CONSERVATION ACT 1945

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Yvonne Joy Fokkema of Capel is appointed a member of the Capel Land Conservation District (*the Committee was established by an Order in Council, published in the Gazette of 23 April 1993 at pp. 2170-72 and Amendment Orders approved by Executive Council on 2 July 1996, 13 August 1996 and 1 December 1998 (Department of Agriculture reference: 881848V02P0T)*). The appointment is for a term ending on 31 December 2004.

DAVID HARTLEY, Commissioner of Soil and
Land Conservation.

Dated this 3rd day of July 2003.

AG402*

SOIL AND LAND CONSERVATION ACT 1945

HARVEY RIVER LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2003

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Harvey River Land Conservation District (Appointment of Members) Instrument 2003*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Harvey River Land Conservation District) Order 1997**, the following members are appointed to the land conservation district committee for the Harvey River Land Conservation District—

- (a) on the nomination of the Shire of Harvey: Fiona Skilbeck of Myalup;
- (b) on the nomination of the Shire of Waroona: John “Michael” Walmsley of Waroona
- (c) to represent the Western Australian Farmers Federation (Inc): Bradley Russell Riegert of Harvey
- (d) to represent the Pastoralists and Graziers Association: Anthony John Hiscock of Waroona; and
- (e) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Frank William Bellairs of Harvey
 - (ii) Richard Francis Hordacre of Waroona
 - (iii) Andrew Charles Hookham of Harvey
 - (iv) Lois Daphne Harris of Yarloop
 - (v) Debra Tyler of Waroona
 - (vi) Ian Young of Harvey
 - (vii) Ellis John Fielder of Harvey

(**This Committee was established by an Order in Council and approved by Executive Council on 11 February 1997 and an amendment order was approved by Executive Council on 27 January 1999 (Department of Agriculture reference: 960905V01P0U) and amended on 20 June 2003*).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 June 2006.

DAVID HARTLEY, Commissioner of Soil and
Land Conservation.

Dated this 3rd day of July 2003.

AG403*

SOIL AND LAND CONSERVATION ACT 1945**NULLARBOR-EYRE HIGHWAY LAND CONSERVATION DISTRICT
(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2003**

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Nullarbor-Eyre Highway Land Conservation District (Appointment of Members) Instrument 2003*.

2. Appointment of members

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

- (a) on the nomination of the Shire of Dundas: Peter Brown of Arubiddy Station;
- (b) on the nomination of the City of Kalgoorlie-Boulder: Donald John Hogg of Kinclaven Station; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Ronald Behsman of Southern Hills Station
 - (ii) Damien Brown of Arubiddy Station
 - (iii) Dougal McQuie of Madura Plains Station
 - (iv) Mark Forrester of Kanandah Station
 - (v) Anthony (Tony) Thomas of Balgair Station
 - (vi) Paul Ryan of Fraser Range Station
 - (vii) Ross Wood of Rawlinna Station
 - (viii) Colvin Day of Gunnadorah Station
 - (ix) Roderick Campbell of Kybo Station
 - (x) Robert Eglinton of Mundrabilla Station
 - (xi) James Ferguson of Noondoonia Station
 - (xii) Greg Campbell of Kybo Station
 - (xiii) Regional Manager, Department of Conservation and Land Management, Goldfields region

(*Published in the Gazette of 6 May 1988 at pp. 1567-68, amended in the Gazette of 26 June 1992 at pp. 2655-56 and an Amendment Order approved by Executive Council on 16 November 1999 {Department of Agriculture reference: 881783V02P0D}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 31 May 2006.

DAVID HARTLEY, Commissioner of Soil and
Land Conservation.

Dated this 13th day of June 2003.

AG404*

SOIL AND LAND CONSERVATION ACT 1945**NOTICE OF APPOINTMENT**

Pursuant to section 23(2b)(c) of the Soil and Land Conservation Act 1945, on the nomination of the Pastoralists and Graziers Association, David Klemm is appointed a member of the Serpentine-Jarrahdale Land Conservation District (*the Committee was established by an Order in Council, Published in the Gazette 17 March 1989 at pp. 795-96 and amended in the Gazettes of 26 May 1989 at pp. 1580-81, 11 September 1992 at p. 4594, 14 November 1995 at pp. 5283-84 and Amendment Orders approved by Executive Council on 2 July 1996 and 4 November 1997 {refer to Department of Agriculture reference: 88178V04POT}*).

The appointment is for a term ending on 30 September 2004.

DAVID HARTLEY, Commissioner of Soil and
Land Conservation.

Dated this 13th day of June 2003.

AG405*

SOIL AND LAND CONSERVATION ACT 1945

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Geoffrey Peter James Upston of Bengier and Caris Ann Upston of Bengier are appointed members of the Wellesley Land Conservation District (*the Committee was established by an Order in Council, published in the Gazette of 19 October 1990 at pp. 5267-69 and Amendment Orders approved by Executive Council on 4 November 1997 and 30 November 1999 (Department of Agriculture reference: 881827V02POG)*). The appointment is for a term ending on 30 September 2003.

DAVID HARTLEY, Commissioner of Soil and
Land Conservation.

Dated this 3rd day of July 2003.

AG406*

SOIL AND LAND CONSERVATION ACT 1945

NOTICE OF APPOINTMENT

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the Wellesley Land Conservation District, which Committee was established by an Order in Council, *published in the Government Gazette of 19 October 1990 at pp. 5267-69 and Amendment Orders approved by Executive Council on 4 November 1997 and 30 November 1999 (Department of Agriculture reference: 881827V02POG)*. The appointment is for a term ending on 30 September 2003—

- (1) pursuant to Section 23 (2b) (b) of the Act, Francis Roy Burgoyne of Brunswick Junction is appointed a member of the Committee on the nomination of the Shire of Harvey.
- (2) delete Peter Monagle of Roelands from representing the Shire of Harvey.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

Dated this 3rd day of July 2003.

AG407*

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

APPOINTMENTS

Department of Agriculture,
South Perth, WA 6151.

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

Section 5 of the Beekeepers Act 1963—

Chilby, John Richard
De Haan, Lisa
Hinchliffe, Gaye
Hobbs, Barry
Moore, Mandy
Pearce-Ferguson, Sandra
Prindiville, Olivia
Smith, Murray
Szewczyk, Helen
Wallace, Shartrell
Strutt, Renee Louise

Section 37 of the Stock (Identification and Movement) Act 1972—

Collins, Chris
Hobbs, Barry

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

Collins, Chris
Hobbs, Barry

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

CONSUMER AND EMPLOYMENT PROTECTION

CE401

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—

- GENESIS SUPPORT GROUP INC.
- SECOND HARVEST (AUSTRALIA) INC.

Dated this 24th day of June 2003.

JOHN KOBELKE, Minister for Consumer and Employment Protection.

ELECTORAL COMMISSION

EC401

MARKETING OF POTATOES ACT 1946 ELECTION OF OFFICERS PURSUANT TO SECTION 8 Potato Marketing Corporation of Western Australia

Nominations are called from eligible candidates for election to the following position—

One (1) Elective Member

Nominations will be accepted from Wednesday 30 July 2003.

Nomination forms are to be completed in accordance with the *Marketing of Potatoes Regulations 1987* and must reach me no later than 12.00 noon on Tuesday 12 August 2003, Should an election be necessary, voting will close at 10.00 am on Friday 12 September 2003.

Note: Nomination forms shall be signed by the candidate, a proposer and seconder, all of whom shall be persons enrolled on the electoral roll to be used at the election.

HOW TO LODGE NOMINATIONS

- **By Hand:** Western Australian Electoral Commission
Level 2, 111 St George's Terrace
PERTH WA 6000
- **By Post:** GPO Box F316
PERTH WA 6841
- **By Fax:** 9226 0577

Nomination forms are available either from the Potato Marketing Corporation of Western Australia office or from me at the Western Australian Electoral Commission. Originals of faxed nominations must be mailed or hand-delivered to the Returning Officer,

All Members! Have you changed your address?

If so, please advise the Potato Marketing Corporation of Western Australia of your new address.

RAYMEN ZNAOR, Returning Officer.

Phone: 13 63 06

Email: waec@waec.wa.gov.au

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST ROCK LOBSTER FISHERY MANAGEMENT PLAN AMENDMENT 2003

FD 1064/01 [544]

Made by the Minister under section 54(2).

Citation

1. This instrument may be cited as the *West Coast Rock Lobster Fishery Management Plan Amendment 2003*.

Management plan amended

2. The amendments in this instrument are to the *West Coast Rock Lobster Management Plan 1993**.

Arrangement amended

3. The arrangement is amended in item 20 by inserting immediately before “Director” the following—
“ Executive ”.

Clause 2 amended

4. Clause 2 is amended by deleting the definition of “take”.

Clause 10 amended

5. Clause 10 is amended in subclauses (4), (6) and (7) by inserting immediately before “Director” in each place where it appears the following—
“ Executive ”.

Clause 13 amended

6. Clause 13 is amended—

(a) in subclause (1)(c)(ii) by deleting “and not more than 150”; and

(b) by deleting subclause (3) and inserting instead—

“ (3) For the purposes of subclause (1)(c) an application made in connection with the surrender of a licence pursuant to clause 14H shall be taken to be an application to transfer units of usual entitlement. ”.

Clause 13A amended

7. Clause 13A is amended by deleting “30 September” and inserting instead—

“ 31 October ”.

Clause 14F amended

8. Clause 14F is amended in subclause (2)(b) by deleting “or greater than 150”.

Clause 14G amended

9. Clause 14G is amended in subclause (1)(c) by deleting “or greater than 150”.

Clause 14H amended

10. Clause 14H is amended by deleting subclause (2) and inserting instead—

“ (2) The entitlement of a licence must not be increased by more than the usual entitlement of the surrendered licence. ”.

Clause 14I amended

11. Clause 14I is amended by—

(a) deleting subclause (1) and inserting instead—

“ (1) The maximum number of pots that may be operated under the authority of a licence is the product of the current entitlement of the licence and the relevant unit value. ”; and

(b) deleting subclause (2) and inserting instead—

“ (2) If the result of the multiplication in subclause (1) is not a whole number, then any fraction greater than half is rounded upwards, and any other fraction is rounded downwards, to a whole number. ”.

Clause 15 amended

12. Clause 15 is amended by deleting subclauses (2)(b) and (2)(c).

Clause 20 deleted and inserted

13. Clause 20 is deleted and the following clause is inserted instead—

“ How the Executive Director may give notice

20. The Executive Director may, by letter, or by notice published in *The West Australian* newspaper or in the *Western Fisheries* magazine published by the Department, give notice of the names and addresses of the persons who hold licences to engage in the Fishery and the zones to which those licences apply. ”.

[*Published in the Gazette of 2 November 1993. For amendments to 26 June 2003 see Notice No. 684 published in the Gazette of 25 November 1994, Notice No. 688 published in the Gazette of 13 December 1994, Notice No. 706 published in the Gazette of 12 May 1995, Notice No. 731 published in the Gazette of 29 September 1995, the West Coast Rock Lobster Management Plan Amendment 1996 published in the Gazette of 5 November 1996, the West Coast Rock Lobster Management Plan Amendment 1997 published in the Gazette of 21 February 1997, the West Coast Rock Lobster Management Plan Amendment (No. 2) 1997 published in a Gazette of 30 September 1997, the West Coast Rock Lobster Management Plan Amendment 1998 published in the Gazette of 13 November 1998, the West Coast Rock Lobster Management Plan Amendment (No.2) 1999 published in the Gazette of 12 November 1999, the West Coast Rock Lobster Fishery Management Plan Amendment 2000 published in the Gazette of 29 August 2000, the West Coast Rock Lobster Fishery Management Plan Amendment 2001 published in the Gazette of 10 August 2001, the West Coast Rock Lobster Fishery Management Plan Amendment (No.2) 2001 published in the Gazette of 12 October 2001 and the West Coast Rock Lobster

Fishery Management Plan Amendment 2002 published in the Gazette of 22 January 2002. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices made under the Fisheries Act 1905 immediately before the commencement of those regulations.]

Dated this 6th day of July 2003.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

FI402*

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON COMMERCIAL FISHING FOR CORAL AND RELATED FISH
(CLEAVERVILLE BEACH) ORDER 2003
Order No. 6 of 2003

FD 1620/98 [552]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Commercial Fishing for Coral and Related Fish (Cleaverville Beach) Order 2003*.

Interpretation

2. In this order "coral and related fish" means any fish of the following scientific classifications—

- (a) Class—
Anthozoa;
Hydrozoa;
Polychaeta;
Crinoidea;
Ascidiacea;
- (b) Phylum—
Bryozoa;
Porifera.

Prohibition on fishing

3. A person must not fish for coral and related fish for a commercial purpose in the waters described in the Schedule.

Schedule

All waters of the Indian Ocean bounded by a line commencing at the intersection of the high water mark and 116° 58.607' east longitude; thence north along the meridian to the intersection of 20° 38.984' south latitude and 116° 58.607' east longitude; thence east north east along the geodesic to the intersection of 20° 37.796' south latitude and 117° 02.230' east longitude; thence south along the meridian to the intersection of the high water mark; thence generally in a westerly and south westerly direction along the water mark to the commencement point.

Dated this 2nd day of July 2003.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

HEALTH

HE401

HEALTH ACT 1911
APPOINTMENTS

Health Department of WA,
Perth, 30 June 2003.

In accordance with the provisions of section 28 of the Health Act 1911, the appointment of the following persons as Environmental Health Officers is approved—

Environmental Health Officer	Date Effective	Local Government
Tadic, Ana	16 June 2003-7 May 2004	City of Stirling
Gosatti, Nicola	11 June 2003-18 July 2003	City of South Perth
Langford, Shiralee	9 June 2003	Town of Narrogin

**Environmental
Health Officer**

Devereux, Christine
Thomas, Linton Keith
Kempf, Elysha Elaine

Date Effective

5 June 2003
30 June 2003
19 June 2003

Local Government

Town of Victoria Park
Shire of Goomalling
Town of Cambridge

Dr MARGARET STEVENS, Executive Director,
Public Health.

HE402***HOSPITALS AND HEALTH SERVICES ACT 1927**

**HOSPITALS AND HEALTH SERVICES (PATHCENTRE BOARD APPOINTMENT OF MEMBERS)
INSTRUMENT 2003**

Made by the Governor under section 7c of the *Hospitals and Health Services Act 1927*.

1. Citation

This instrument may be cited as the *Hospitals & Health Services (PathCentre Board Appointment of Members) Instrument 2003*.

2. Appointment of Members

The following persons listed are appointed to the PathCentre Board for the periods as shown:

Name	Term
Dr Brian Lloyd	30/6/2006
Ms Elizabeth Rohwedder	30/6/2005
Mr Andrew Cletus Mathews	30/6/2005
Mr Arthur John Griffiths	30/6/2006
Ms Julie Margaret Feeney	30/6/2006

By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.

JUSTICE

JU401***COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

REVOCATIONS

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

Surname	First Name(s)	Permit Number	Date Permit Revoked
Toovey	Elisa Joan	CS2-144	03/07/2003
Powell	Grayham Kenneth	CS2-223	03/07/2003
Lynch	David John	CS2-344	25/06/2003
Stewart	Fergus Christopher	CS2-357	03/07/2003

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

MARC DIAZ, A/Director, Custodial Contracts.

LOCAL GOVERNMENT

LG401

SHIRE OF MERREDIN
SHIRE OF KELLERBERRIN
SHIRE OF KOORDA
SHIRE OF KONDININ
SHIRE OF MT MARSHALL
SHIRE OF MERREDIN
SHIRE OF MUKINBUDIN
SHIRE OF TAMMIN
SHIRE OF TRAYNING
SHIRE OF WESTONIA
SHIRE OF WYALKATCHEM
 APPOINTMENT OF RANGER

It is hereby notified for public information that Andrew Driver has been appointed by the Council of the Shire of Merredin, Shire of Kellerberrin, Shire of Trayning, Shire of Tammin, Shire of Kondinin, Shire of Mt Marshall, Shire of Koorda, Shire of Wyalkatchem, Shire of Mukinbudin and Shire of Westonia, as an Authorised Officer to enforce the provisions of the following—

Local Government (Miscellaneous Provisions) Act 1960
 Local Government Act 1995
 Caravan Parks and Camping Grounds Act 1995
 Dog Act 1976 and Regulations
 Bush Fires Act 1954 and Regulations
 The Litter Act 1979
 Control of Vehicles (Off Road Areas) Act 1978 and Regulations (as amended)
 And applicable Shire Council Local Laws

The previous appointment of Mr Stuart Hopwood is hereby cancelled.

PHILLIP ANASTASAKIS, Chief Executive Officer.	KENN DONOHOE, Chief Executive Officer.
FRANK PECZKA, Chief Executive Officer.	GRAEME McDONALD, Chief Executive Officer.
KEVIN DICKSON, Chief Executive Officer.	MICHAEL KEEBLE, Chief Executive Officer.
GREG HADLOW, Chief Executive Officer.	ANDREW BORRETT, Chief Executive Officer.
	JULIAN MURPHY, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM ACT 1967

PARTIAL SURRENDER OF EXPLORATION PERMIT EP 414

The surrender of Parts 2 and 3 of Exploration Permit No. EP 414, in respect to the following graticular blocks—

Perth Map Sheet			
6604	6605	6676	6677
7250	7322	7323	7394
7395			

has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Division.

MP402*

PETROLEUM PIPELINES ACT 1969

VARIATION OF PIPELINE LICENCE

Pipeline Licence PL24 held by Duke Energy WA Power Pty Ltd, Southern Cross Pipelines Australia Pty Limited, Southern Cross Pipelines (NPL) Australia Pty Limited, has been varied by instrument of Variation 5P/02-3, to authorise the Licensee to construct and operate the proposed new compressor station facilities at Paraburdoo and to increase operating pressure of the existing down stream line to upgrade the delivery capacity of this pipeline.

W. L. TINAPPLE, Director Petroleum Division.

MP403*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Norseman.

In accordance with Regulation 49(2)(c) of the *Mining Act 1978*, notice is hereby given that the licences are liable to forfeiture under the provision of Section 96(1)(a) for breach of covenant, viz, failure to comply with the prescribed expenditure conditions.

STEPHEN SHARRATT SM, Warden.

To be heard in the Warden's Court Norseman on Tuesday 2nd September, 2003.

DUNDAS MINERAL FIELD

P63/743—Croesus Mining NL; Gasgoyne Gold Mines NL
P63/744—Croesus Mining NL; Gasgoyne Gold Mines NL
P63/745—Croesus Mining NL; Gasgoyne Gold Mines NL
P63/746—Croesus Mining NL; Gasgoyne Gold Mines NL
P63/747—Croesus Mining NL; Gasgoyne Gold Mines NL

MP404*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Norseman.

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

STEPHEN SHARRATT SM, Warden.

To be heard in the Warden's Court Norseman on Tuesday 2nd September, 2003.

DUNDAS MINERAL FIELD

P63/1074—Tantalum Australia; Operations Pty Ltd
P63/1075—Tantalum Australia; Operations Pty Ltd

MP405*

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A of the *Mining Act 1978* that the undermentioned Exploration Licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
EXPLORATION LICENCE		
20/449	St Barbara Mines Ltd	Murchison

MP406*

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

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

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
53/416	Delta Gold Exploration Pty Ltd Brewer, Gerard Victor	East Murchison

MP407*

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

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

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
EXPLORATION LICENCE		
04/1154	Green, Peter Edward Waterford Bay Pty Ltd	West Kimberley
MINING LEASE		
59/299	Fremantle Park Homes Pty Ltd	Yalgoo

MP408*

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

In accordance with Section 97A(1) of the *Mining Act 1978* I hereby cancel the forfeiture on the undermentioned mining lease previously declared forfeited for non compliance with the prescribed expenditure conditions under Section 97(1) and restore the lessee to his former estate.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
80/309	Ynema, Marten Hendrick	Kimberley Mineral Field

MP409***MINING ACT 1978
FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

In accordance with Section 97A(1) of the *Mining Act 1978* I hereby cancel the forfeiture on the undermentioned mining lease previously declared forfeited for non compliance with the prescribed expenditure conditions under Section 97(1) and restore the lessee to his former estate.

CLIVE BROWN, Minister for State Development.

Number	Holder	Mineral Field
63/71	Sharpe, Clifford	Dundas Mineral Field

MP410***MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Industry and Resources,
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Act 1978* notice is hereby given that the following Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. Non compliance with the expenditure condition & / or non compliance with the reporting requirement.

S. SHARRATT (SM), Warden.

To be heard in the Warden's Court, Kalgoorlie on the 20/08/2003.

BROAD ARROW MINERAL FIELD

P24/3290—Heron Resources Ltd
P24/3415—Jeffrey James Jones
P24/3439—George's Reward NL
P24/3440—George's Reward NL

EAST COOLGARDIE MINERAL FIELD

P26/2078—Yamarna Goldfields NL
P26/2079—Yamarna Goldfields NL
P26/2080—Yamarna Goldfields NL
P26/2081—Yamarna Goldfields NL
P26/2082—Yamarna Goldfields NL
P26/2083—Yamarna Goldfields NL
P26/2084—Yamarna Goldfields NL
P26/2085—Yamarna Goldfields NL
P26/2090—Yamarna Goldfields NL
P26/2091—Yamarna Goldfields NL
P26/2999—Peter Romeo Gianni; Michael Harry Lewis

NORTH EAST COOLGARDIE MINERAL FIELD

P27/1314— Ross Alan Neve
P27/1545— Stephen Eric Dale

NORTH COOLGARDIE MINERAL FIELD

P29/1309— Latrobe Magnesium Ltd
P29/1513— Advent Mining Pty Ltd
P29/1640— Centaur Mining Exploration Ltd

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA
Bill Assented To

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

Short Title of Bill	Date of Assent	Act No.
Corruption and Crime Commission Bill 2003	July 3 2003	48 of 2003

L. B. MARQUET, Clerk of the Parliaments.

July 7 2003.

PLANNING AND INFRASTRUCTURE

PI401

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Albany
Town Planning Scheme No. 3—Amendment No. 224

Ref: 853/5/4/5 Pt 224

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 4 July 2003 for the purpose of—

- i. Updating the Zone Identification for Special Rural Zone No. 10 as follows—

AREA	LOCALITY	LOTS	LOCATION
10	Roberts Road	100	
	Ackley Road	67	
	Allmore Road	117 & 118	
	Rowney Road	109, 110, 113, 114, 115 & 116	
	Home Road	70, 106, 107 & 108	
	Princess Avenue	Pt 4, 119, 120, 121 & 150	Pt 2480
	ROBINSON		

- ii. Replacing the Provision 1.3 of Special Rural Zone No. 10 with the following—
1.3 *The minimum lot size shall be 4ha or, in the instance of Lot 100 Roberts Road and Lots 117 & 118, a minimum average of 2ha in accordance with the Subdivision Guide Plan.*
- iii. Replacing the Provision 9.0 of Special Rural Zone No. 10 with the following—
9.0 **EFFLUENT DISPOSAL**
9.1 *On-site effluent disposal shall be the responsibility of the individual landowner.*
9.2 *The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council, the Health Department of WA and the Waters & Rivers Commission. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or ground water. Conventional effluent disposal areas for new dwellings shall be setback a minimum of 100 metres from any natural permanent watercourse or public water bore and situated 2 metres above the highest known ground water level.*
9.3 *Council shall require the use of alternative effluent disposal systems, such as amended soil and/or aerobic systems in the following situations—*
— *where a 100 metre setback from a creek line or water course cannot be achieved;*
— *where soil conditions are not conducive to the retention of nutrients; and*
— *in low-lying areas.*
Separation from waterways, ground water and public water-bores shall be determined by Council in accordance with the Health Department of WA and Waters & Rivers Commission guidelines.
9.4 *Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Health Department of WA.*
9.5 *No more than one effluent disposal system will be permitted per lot.*
- iv. Deleting Provision 10.6 and renumbering Provisions 10.7 & 10.8 accordingly.

- v. Replacing the Subdivision Guide Plan for Special Rural Zone No. 10 with the following plan.
- vi. Adding the following sentence to Provision 8.0 WATER SUPPLY—
Lots less than 4ha shall be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder.

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

PI402

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Murray

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 158

Ref: 853/6/16/7 Pt 158

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 Murray Town Planning Scheme Amendment on 4 July 2003 for the purpose of—

- (a) Rezoning Lot 25 Lakes Road, Nambeelup, from 'Rural' to 'Special Use—Kennels', as more clearly shown on the Scheme Amendment Map.
- (b) Amending Schedule 5 by inserting a new Special Use as follows—

'SCHEDULE 5—SPECIAL USE ZONE

(A) Specified Land	(B) Special Provisions Relating to (A)
Lot 25 Lakes Road, Nambeelup.	<p>1. The land may be used for kennels, including the keeping, breeding, training and boarding of dogs.</p> <p>2. No person shall keep dogs or permit dogs to be kept unless the person responsible for the dogs is resident of the land, unless specific approval of the Council is granted in the cases of boarding kennel or veterinary clinic.</p> <p>3. The following uses are permitted—</p> <ul style="list-style-type: none"> • Kennels; • Public Recreation, where it is an incidental use; • Dwelling House, where it is an incidental use; • Community Purposes, where it is an incidental use; • Public Utility. <p>In this part "Community Purposes" means buildings and facilities for the communal use of residents of the estate.</p> <p>The following uses require the planning approval of the Council—</p> <ul style="list-style-type: none"> • Dog Training Track. <p>The following uses shall not be permitted unless the planning approval of the Council is granted—</p> <ul style="list-style-type: none"> • Veterinary Clinic; • Boarding kennels. <p>In this part "Boarding kennels" means a place where dogs, other than those of the resident, are kept on a temporary basis.</p> <p>All other uses are prohibited.</p> <p>4. No other stock apart from dogs shall be permitted within the estate.</p> <p>5. Subdivision shall be generally in accordance with the Subdivision Guide Plan dated September 2002 or any variation to that plan approved by the Western Australian Planning Commission.</p> <p>6. Within any application for subdivision, building envelopes and driveway locations are to be shown within each lot with the objective of protecting the maximum amount of remnant vegetation possible.</p> <p>7. All lots shall have memorials placed on the titles advising prospective purchasers of potential aircraft noise impacts from the Murrayfield Airpark.</p> <p>8. All lots shall have memorials placed on the titles advising prospective purchasers of the potential of odour impacts from the Wandalup Farm Piggery.</p> <p>9. Building and development (including kennels) shall be restricted to the allocated building envelopes shown on the approved subdivision plan. Clearing of vegetation outside of this area is prohibited, except for provision of firebreaks in accordance with the approved Fire Management Plan and the area allocated for a designated driveway of which a maximum width of 4m is allowable.</p>

(A)
Specified Land

(B)
Special Provisions Relating to (A)

10. Prior to subdivision, a Fire Management Plan shall be prepared by the subdivider with the objective of protecting life and property whilst minimising the amount of clearing of remnant vegetation.

11. Land within 50 metres of areas identified as Vegetated Wetlands on the Subdivision Guide Plan shall be revegetated with local native species.

12. Additional revegetation with local native species shall be carried out as required to achieve a 50% native vegetation cover over the whole estate.

13. Prior to the issue of titles a Revegetation Plan shall be prepared by the subdivider detailing—

- the local native species proposed for use in revegetation;
- the methods of revegetation; and
- the area of each lot required to be revegetated.

14. No fencing shall be constructed through vegetated wetlands as identified on the subdivision guide plan.

15. The areas identified as vegetated wetlands on lots 8 and 20 (as shown on the subdivision guide plan) shall be fenced.

16. Prior to the issue of development approval for a dog training track within the community facility site, a minimum width of 10m along the western boundary of the community facility site shall be revegetated with local native species. A fence shall be erected on the eastern boundary of this vegetated strip.

17. Buildings shall only be permitted within building envelopes as indicated on the subdivision guide plan but shall not be less than 10 metres from the front and side boundaries and 20 metres from the rear boundary. Where, in the opinion of the Council, topography, shape of the lot, water table levels or natural flora upon it, makes it desirable to alter these provisions, the Council may approve a lesser distance.

Front setback requirements for lots having more than one road frontage, shall be as determined by the Council.

18. Dwelling shall only be permitted where a kennels exists on each property and no property shall be permitted to exceed 20 adult dogs and up to 20 puppies less than six months old unless permitted by the Council.

19. Building setbacks for kennels shall be in accordance with the Shire of Murray's Dog Local Laws. Where, in the opinion of the Council, topography, shape of the lot, water table levels or natural flora upon it, makes it desirable to alter these provisions, the Council may vary the setbacks.

20. Minor ancillary buildings may also be permitted outside building envelopes with Council approval provided that no native vegetation beyond scattered paddock trees is cleared for construction.

21. Not more than one dwelling house per lot shall be erected.

22. Training tracks shall not be permitted closer than 5 metres from a side boundary.

23. All buildings shall be constructed in accordance with Council's Design Guidelines for the estate.

24. Any person being the owner or the occupier of land or buildings whereon more than two dogs are kept, shall provide a kennel or kennels which shall comply with Council's local dog laws.

25. Prior to the issue of a development approval for any lot, the developer shall implement the revegetation measures described in the approved Revegetation Plan for the estate as they apply to that lot.

26. Lot owners shall collect dog faeces daily from all areas accessible to dogs outside sewerred kennel areas for off-site disposal at an approved landfill or waste treatment facility.

27. No dwelling, kennel or community facility shall be approved by Council unless it is connected to an alternative domestic wastewater treatment system with an adequate phosphorus retention capacity, as approved by the Health Department of Western Australia. The base of the system(s) or modified irrigation area(s) shall be above the highest known ground water table to the satisfaction of the Council.

28. All stormwater and subsoil drainage generated within lots shall be disposed of by infiltration within each lot.

29. Subsoil drainage shall be confined to the area within each lot required for house pads, kennels and community facility buildings. Subsoil drains shall be installed at a height no lower than the average annual maximum groundwater level (AAMGL).

(A)
Specified Land

(B)
Special Provisions Relating to (A)

30. All fence materials to be in accordance with Council's Fencing Local Laws. No other materials shall be used without the written approval of Council.

31. All dog carcasses and other putrescible organic refuse shall be disposed offsite at an approved landfill.

32. Prior to subdivision, a Wastewater Management Plan, including a water-monitoring program, is to be prepared by the subdivider to the satisfaction of the Shire of Murray and the Water and Rivers Commission. The objective of the management plan should be to ensure the protection of the proposed Karnup-Dandalup water reserve (Priority 2 UCPWA), and compliance with nutrient loading for the site.

33. A landscape planting buffer, to a standard approved by the Shire of Murray, is to be planted along the northern and western perimeter of the estate prior to the subdivision of the land.

N. H. NANCARROW, President.
N. LEACH, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF MURRAY
TOWN PLANNING SCHEME No. 4—AMENDMENT No. 163

Ref: 853/6/16/7 Pt 163

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 Murray Town Planning Scheme Amendment on 4 July 2003 for the purpose of—

1. Rezoning Pt Lot 1 Pinjarra Road, Ravenswood from "Rural" to "Special Rural" and "Public Recreation/Conservation".
2. Amending the Scheme maps accordingly.
3. Including the following in Schedule 4 of the Scheme Text.

Schedule 4

(A)
Specified Land
Pt Lot 1 Pinjarra
Road, Ravenswood

(B)
Special Provisions Relating to (A)

1. Subdivision shall be in accordance with the approved Subdivision Guide Plan dated November 2002 (attached) or any variation to that plan approved by the Western Australian Planning Commission.

2. a) The following uses are permitted ("P")—

- Single House
- Outbuilding
- Public Utility

b) Notwithstanding the list of uses permitted under Zoning Table No. 1, the following uses may be permitted at the discretion of the Council ("A")—

- Home Occupation

c) All other uses are not permitted ("X").

3. Land uses, other than a single house, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when Council is satisfied, following consultation with the Department of Environmental Protection, that the land use does not involve excessive nutrient application or the clearing of the land.

4. Each dwelling shall be connected to a reticulated water supply.

5. Each lot shall be not less than 1 hectare.

6. Building shall only occur in the building envelope shown on the approved Subdivision Guide Plan. Building envelopes shall be located in areas that are already cleared, be setback at least 50 metres from the watercourse and 50 metres from the foreshore reserve. For those lots not containing a building envelope on the Subdivision Guide Plan, buildings shall not be constructed within 20 metres of any boundary, except where in the opinion of the Council there are special circumstances to justify a minor variation of this boundary setback requirement.

Schedule 4

(A)
Specified Land(B)
Special Provisions Relating to (A)

7. Within the building envelope an area of not more than 1000m² may be cleared of vegetation to allow for the construction of a single house and outbuildings.

8. In order to conserve the landscape, natural vegetation shall not be felled or cleared without the prior written approval of the Council except where required for the erection of a single house, outbuildings, effluent disposal system, accessways, fences and firebreaks.

9. All remnant vegetation along the watercourse, and land within at least 30 metres of each bank of the watercourse shall be fenced to the requirements of the Shire of Murray.

10. Fencing shall generally be of open post and rail or post and wire construction and shall be maintained to the satisfaction of the Council, except those lot boundaries delineated by marker poles either side of the creekline as shown on the Subdivision Guide Plan which includes remnant vegetation to be protected in consultation with Agriculture WA.

11. To assist in reducing nutrient export, minimising land erosion potential and to provide screening between buildings, Council shall adopt a Landscape Planting Programme for the subject land, and will require affected landowners to implement requirements pertaining to their land under the adopted Landscaping Planting Programme to the satisfaction of the Council.

12. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system with an adequate phosphorous retention capacity, as approved by the Health Department of Western Australia, and with the base of the system or modified irrigation area being as specified in the condition of approval of the wastewater system.

13. With the intention of preventing overstocking or other practices detrimental to the amenity of the zone, the breeding or keeping of animals shall not be permitted without the approval in writing of Council. In considering any applications for breeding or keeping of stock, Council will be guided by advice from Agriculture WA. Notwithstanding the above, in cases where stocking approval has been given but where environmental problems develop, Council, after consultation with the Agriculture WA, may take appropriate action to ban or reduce the stocking of animals. Individual landowners shall be responsible for organising and meeting all costs associated with obtaining advice from Agriculture WA where the keeping of any stock is proposed.

14. Firebreaks shall be established and maintained to the specifications and satisfaction of the Council, and strategic firebreaks shall be provided in accordance with the requirements of the Bush Fires Board.

15. A Foreshore Management Plan shall be prepared by the subdivider to the satisfaction of the Water and Rivers Commission and the Shire of Murray, prior to the subdivision of the land.

The Foreshore Management Plan shall provide details on the following—

- a) specific measures to protect the wetlands, foreshore vegetation, and fauna habitats;
- b) fencing requirements of the foreshore reserve;
- c) management of human pressures and public access to the foreshore;
- d) rehabilitation of degraded areas;
- e) maintenance of the foreshore reserve;
- f) timing and responsibilities for the above.

The Foreshore Management Plan shall be implemented by the subdivider.

16. A Conservation Agreement to Reserve is to be placed on the Titles of Lots 19 and 20 to protect the existing wetland vegetation and creekline.

17. A Drainage Management Plan is to be prepared by the subdivider to the requirements of the Water and Rivers Commission and the Shire of Murray, prior to the subdivision of the land.

18. A Revegetation Plan is to be prepared by the subdivider to the requirements of the Shire of Murray, prior to the subdivision of the land. This Plan is to detail such things as, but is not limited to—

- the local native species proposed for use in revegetation;

Schedule 4

(A)
Specified Land—
—(B)
Special Provisions Relating to (A)
methods of revegetation; and
the area of each lot required to be revegetated.N. H. NANCARROW, President.
N. LEACH, Chief Executive Officer.**PI404*****WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985**

PEEL REGION SCHEME

Notice of Resolution—Clause 13

Pt Lot 10 Delta Drive, South Yunderup

Shire of Murray

Amendment No. 1/13

File No.: 837-6-16-2

Notice is hereby given that in accordance with Clause 13 of the Peel Region Scheme the Western Australian Planning Commission resolved on 20 June 2003 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1494.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- | | |
|--|--|
| (i) Department for Planning and Infrastructure
Pinjarra Road
MANDURAH WA | (iii) J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE WA |
| (ii) Municipal offices of the Shire of Murray
Pinjarra Road
PINJARRA WA | (iv) Department for Planning and Infrastructure
469 Wellington Street
PERTH WA |

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

PI501***METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

METROPOLITAN REGION SCHEME AMENDMENT NO. 1065/33

EDITH COWAN UNIVERSITY CAMPUS, CHURCHLANDS

Call For Public Submissions

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the City of Stirling. Public comment is invited

The purpose of this proposed amendment is to transfer the land within the Edith Cowan University Campus in Churchlands from the Public Purposes—University reservation to the Urban zone.

Full details of the proposal can be found in the Commission's explanatory *Amendment Report*. This document, along with the amending plan and detail plan showing the proposed change to the reservation of the Scheme, will be available for public inspection from Friday, 13 June 2003 to Friday, 19 September 2003 at the following locations—

- | | |
|--|--|
| <ul style="list-style-type: none"> • Department for Planning and Infrastructure
1st Floor, Albert Facey House
469 Wellington Street
PERTH • J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE | <p>Council Offices of the municipalities of—</p> <ul style="list-style-type: none"> • City of Stirling • City of Fremantle • City of Perth • Town of Cambridge |
|--|--|

Documents are also available from the Commission's Internet Site www.planning.wa.gov.au.

Any person who wishes to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a submission form (Form 6A). This form is available from the display locations, the *Amendment Report* and the Internet.

Submissions must be lodged with the—

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

on or before 5.00pm Friday, 19 September 2003. Late submissions will not be considered.

IAN PATTERSON, A/Secretary, Western Australian Planning Commission.

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
Shire of Ravensthorpe
Town Planning Scheme No. 5

Ref: 853/5/20/7

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 that the Hon. Minister for Planning and Infrastructure approved the Shire of Ravensthorpe Town Planning Scheme No. 5 on 4 July 2003, the Scheme Text of which is published as a Schedule annexed hereto.

G. C. LEE, President.
S. TAYLOR, Chief Executive Officer.

Schedule
Shire of Ravensthorpe
Town Planning Scheme No 5
District Planning Scheme

The Ravensthorpe Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), hereinafter referred to as The Act, makes the following Town Planning Scheme for the purposes set out in The Act.

Table of Contents

Part 1—Preliminary—contains the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme Area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2—Local Planning Policy Framework—sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.

Part 3—Reserves—sets out the reserves which apply in the Scheme Area and related provisions.

Part 4—Zones and the Use of Land—sets out the zones which apply in the Scheme Area and the uses which may require approval or may be prohibited.

Part 5—General Development Requirements—contains the planning requirements which may apply to a particular use or development in a zone.

Part 6—Special Control Areas—sets out particular provisions which may apply in addition to the zone requirements and generally concern landscape, environmental, built form, and land and site management issues.

Part 7—Heritage Protection—contains special provisions which apply for heritage places and areas.

Part 8—Development of Land—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.

Part 9—Application for Planning Approval—sets out the process for applying for planning approval including both the use and development of land.

Part 10—Procedure for Dealing with Applications—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.

Part 11—Enforcement and Administration—contains the general provisions for the administration and enforcement of the Scheme.

Part 12—Schedules—contains schedules of definitions, forms of application and decision notice, list of amendments, environmental conditions and other matters relevant to the Scheme.

PART 1—PRELIMINARY

1.1 Citation

1.1.1 The Shire of Ravensthorpe Town Planning Scheme No 5 ('the Scheme') comes into operation on its publication in the *Government Gazette*.

1.1.2 The following Scheme is revoked—

The Shire of Ravensthorpe Town Planning Scheme No 4 (District Scheme)
Date of Gazettal 14 July 1989

1.2 Responsible Authority

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

1.3 Scheme Area

This Scheme applies to the Scheme area which covers all of the local government district of the Shire of Ravensthorpe as shown on the Scheme Map.

1.4 Contents of Scheme

This Scheme comprises—

- (a) this Scheme Text; and
- (b) the Scheme Map (sheets 1-9).

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

1.5 Purpose of the Scheme

The purpose of this Scheme is to—

- (a) set out the local government's planning aims and intentions for the Scheme Area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters contained in the First Schedule of the Town Planning Act.

1.6 The Aims of the Scheme

The aims of this Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is 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 neighbourhoods 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 natural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the local government 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 Shire.
- To provide for essential infrastructure consistent with and as needed to support the other aims of the Scheme.

1.7 Relationship with Other Laws

Where a provision of this Scheme is inconsistent with any local law, the provisions of this Scheme shall prevail.

1.8 Definitions

1.8.1 In the Scheme, unless the context otherwise requires or unless the Scheme otherwise provides, words and expressions have the respective meanings given to them in the Act, Schedule 1 of the Scheme, the Residential Planning Codes, and the Model Scheme Text.

1.8.2 If there is a conflict between the meanings of the words and expressions in those instruments then—

- (a) in the case of residential development the definitions in the Residential Planning Codes shall prevail; and
- (b) otherwise the definition in the Act, followed by Schedule 1 of the Scheme, and the Model Scheme Text will prevail in that order.

1.8.3 Words and expressions used in the Scheme but not defined in the Model Scheme Text, the Act, Schedule 1 of the Scheme, elsewhere in the Scheme or in the Residential Planning Codes, shall have their normal and common meanings.

1.8.4 Headings of parts of this Scheme shall be used as an aid to construction of this Scheme but the table of contents, notes, headings of clauses, sub-clauses and paragraphs are intended for reference purposes only and do not affect the construction of this Scheme.

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

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.

2.3 Relationship of Local Planning Policies to Scheme

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

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

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedures for making or amending a Local Planning Policy

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

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

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

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

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

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

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

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1 Reserves

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

3.2 Local Reserves

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

3.3 Use and Development of Local Reserves

3.3.1 A person shall not use, or commence or carry out development on a Local Reserve without first having obtained planning approval under Part 9 of the Scheme.

3.3.2 In determining an application for planning approval the local government shall have regard to—

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

3.3.3 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 THE 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
To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.
- Town Centre zone
To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.
- Industry zone
To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.
- Light and Service Industry zone
To provide for light and service industries and associated uses which are compatible with adjacent residential uses.
- General Agriculture zone
To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- Rural Conservation zone
To provide for residential use in an area where the primary purpose is to conserve the natural environment.
- Rural Small Holding zone
This zone is for rural lots used for residential purposes in conjunction with a rural pursuit such as hobby farming or keeping animals.

4.3 Zoning Table

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

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

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

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 the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

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 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 category the local government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 Additional Uses

There are no additional uses which apply to the Scheme.

4.6 Restricted Uses

There are no restricted uses which apply to the Scheme.

4.7 Special Use Zones

Special Use Zones are set out in Schedule 2 and are in addition to the zones in the Zoning Table. No person shall use any land or any structure or buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions set out in Schedule 2 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.

Zoning Table & Use Classes
Zoning Table

Use Classes	Residential	Town Centre	Light & Service Industry	Industry	General Agriculture	Rural Conservation	Rural Small Holding	Special Use
RESIDENTIAL & ASSOCIATED USES								
Aged Persons' Dwelling	D	D	X	X	X	X	X	Refer to Schedule 2
Ancillary Accommodation	D	X	X	X	D	D	D	
Bed & Breakfast	D	D	X	X	D	D	D	
Caretaker's Dwelling	D	D	D	D	X	X	X	
Caravan Park	X	X	X	X	X	X	X	
Grouped Dwelling	D	A	X	X	X	X	X	
Family Day Care	P	D	X	X	P	P	P	
Home Business	A	P	X	X	D	A	A	
Home Occupation	D	P	X	X	D	D	D	
Industry Cottage	A	D	X	X	D	A	A	
Multiple Dwelling	A	A	X	X	X	X	X	
Residential Building	A	A	X	X	D	X	A	
Single House	P	D	X	X	P	P	P	
Transportable Residence Second Hand Purpose Built	D	D	X	X	D	D	D	
Relocated Dwelling	X	X	X	X	D	X	X	

Use Classes	Residential	Town Centre	Light & Service Industry	Industry	General Agriculture	Rural Conservation	Rural Small Holding	Special Use	
PUBLIC & COMMUNITY USES									
Childcare Premises	D	A	X	X	X	D	D	Refer to Schedule 2	
Civic Use	A	P	D	X	D	X	X		
Club Premises	A	D	D	X	D	X	X		
Consulting Rooms	A	P	X	X	X	A	A		
Educational Establishment	A	P	X	X	D	X	X		
Exhibition Centre	X	P	X	X	A	X	X		
Health Studio	A	D	X	X	X	X	X		
Hospital	A	D	X	X	X	X	X		
Medical Centre	A	P	X	X	X	X	X		
Place of Worship	A	P	A	X	D	X	X		
Public Utility	D	D	P	P	P	A	A		
Telecommunications Infrastructure	A	A	A	A	A	A	A		
Veterinary Centre	X	D	D	D	D	X	A		
COMMERCIAL USES									
Car Park	X	P	P	P	X	X	X		
Dry Cleaning Agency	X	D	P	P	X	X	X		
Entertainment Centre	X	D	D	D	X	X	X		
Funeral Parlour	X	D	D	X	X	X	X		
Fast Food Outlet	X	D	D	X	X	X	X		
Holiday Accommodation	A	D	X	X	A	X	X		
Hotel	X	D	X	X	X	X	X		
Laundrobar	X	P	P	D	X	X	X		
Liquor Store	X	D	X	X	X	X	X		
Motel	X	D	X	X	X	X	X		
Motor Vehicle/Boat or Caravan Sales	X	D	D	D	X	X	X		
Night Club	X	A	A	X	X	X	X		
Office	X	P	X	X	X	X	X		
Private Recreation	X	P	D	D	D	X	X		
Reception Centre	X	D	D	X	D	X	X		
Restaurant	X	P	X	X	D	X	X		
Service Station	X	D	D	D	X	X	X		
Shop	X	P	X	X	X	X	X		
Showroom	X	P	P	P	X	X	X		
Tavern	X	D	X	X	X	X	X		
Trade Display	X	D	P	P	X	X	X		
Warehouse	X	X	P	P	X	X	X		
Wine Bar	X	D	X	X	X	X	X		

Use Classes	Residential	Town Centre	Light & Service Industry	Industry	General Agriculture	Rural Conservation	Rural Small Holding	Special Use
INDUSTRIAL USES								
Extractive Industry	X	X	X	X	A	X	X	Refer to Schedule 2
Fuel Depot	X	X	X	P	X	X	X	
General Industry	X	X	X	P	X	X	X	
Hazardous Industry	X	X	X	A	X	X	X	
Light Industry	X	D	P	P	X	X	X	
Mining Industry	X	X	A	A	P	X	D	
Motor Vehicle Repair	X	D	D	P	X	X	X	
Salvage Yard	X	X	X	D	D	X	X	
Service Industry	X	D	P	P	X	X	X	
Storage	X	X	D	P	D	X	X	
Transport Depot	X	X	X	P	X	X	X	
RURAL USES								
Agriculture—Extensive	X	X	X	X	P	X	D	
Agriculture—Intensive	X	X	X	X	D	X	A	
Animal Establishment	X	X	A	A	A	X	A	
Animal Husbandry—Intensive	X	X	X	X	A	X	X	
Market	X	D	D	D	X	X	X	
Plantation	X	X	X	X	D	X	X	
Rural Industry	X	X	D	P	D	X	X	
Rural Pursuit	X	X	X	X	D	X	D	
Wayside Stall	X	X	X	X	D	X	D	
Winery	X	A	D	D	D	X	X	

4.8 Provisions for Specific Zones

4.8.1 Residential Zone

Council, in considering development in the Residential Zone, will give regard to—

- i. the quality of architectural design with the objective of achieving a level of integration and consistency with the surrounding built environment.
- ii. the materials and colours used on the exterior surfaces of all buildings with the objective of buildings blending in with the surrounding landscape and environment.

4.8.2 General Agriculture Zone

(a) Homestead Lots

The local government may support a subdivision application to excise a homestead lot, containing an existing farm residence, within the General Agricultural Zone, subject to—

- i. there having been a decline in population over two intercensal periods in the Census Collection District within which the subject land is located;
- ii. any such homestead lot being between 4ha and 10ha in size, excluding any battleaxe leg; and
- iii. any such homestead lot having its own frontage, and constructed vehicular access, to a constructed road.

4.8.3 Rural Conservation & Rural Small Holding Zones

The following provisions shall apply to all land included in the Rural Conservation or Rural Small Holding Zones, in addition to any other provisions which are more generally applicable to such land under this Scheme—

- (a) The objective of the Rural Conservation and Rural Small Holding Zones is to select areas within the rural areas wherein closer subdivision will be permitted to provide for conservation and retention of the rural and natural landscape, and provide for uses such as hobby farms, rural retreats and keeping of animals.

- (b) The provisions for controlling subdivision, landuses and development relating to specific areas will be as laid down in Schedules 9 & 10 to the Scheme. Subdivision within these areas shall be in accord with the Subdivision Guide Plan for the specified area referred to in the Schedule and such Plan shall form part of the Scheme. Before making provision for a Rural Conservation or Rural Small Holding Zone, the local government will prepare or require the proponent to prepare a submission supporting the creation of the Rural Conservation or Rural Small Holding Zone and such submission shall be in accordance with the Western Australian Planning Commission's Rural Land Use Planning Policy.
- (c) The Scheme provisions for a Rural Conservation or Rural Small Holding Zone shall include a Subdivision Guide Plan showing—
 - (i) The proposed ultimate subdivision including approximate lot sizes and dimensions.
 - (ii) Areas to be set aside for Public Open Space, pedestrian accessways, horse trails, community facilities, etc as may be considered appropriate.
 - (iii) Those physical features it is intended to conserve.
 - (iv) Any other features relevant from the Local Rural Strategy.
- (d) In addition to the Subdivision Guide Plan, the Scheme provisions for a specific Rural Conservation or Rural Small Holding Zone shall specify—
 - (i) The facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid and solid waste disposal system etc).
 - (ii) Provisions for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
 - (iii) Any special provisions appropriate to secure the objectives of the zone.
- (e) In addition to building envelopes required in Schedules 9 and 10, development is to incorporate hazard separation zones to adequately separate habitable buildings from bush fire hazards in order to protect them from burning debris (spotting, airborne embers) radiant heat and direct flame contact. Subject to written confirmation by the Fire and Emergency Services Authority or their agent, all development in this Zone is to incorporate building protection zones to minimise fire intensity around buildings.
- (f) Council, in considering development in these zones, will give regard to—
 - (i) the quality of architectural design with the objective of achieving a level of integration and consistency with the surrounding built environment.
 - (ii) the materials and colours used on the exterior surfaces of all buildings with the objective of buildings blending in with the surrounding landscape and environment.

4.9 Non-Conforming Uses

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed 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 of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, 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: The definition of "non-conforming use" and "Gazettal date" are contained in Schedule 1.

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

4.10 Extensions and Changes to a Non-Conforming Use

4.10.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or 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.

4.10.2 An application for planning approval under this clause shall be advertised in accordance with clause 9.4.

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

4.11 Discontinuance of Non-Conforming Use

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

4.12 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.

4.13 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 shall not be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Planning Codes

5.2.1 A copy of the Residential Planning Codes, as amended, shall 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 shall conform to the provisions of those Codes.

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

5.3 Special Application of Residential Planning Codes

5.3.1 In areas with dual or split codings such as R10/20 and R 10/30 or other as marked on the Scheme Maps, the development standards of the lower density code shall apply, except that the local government may permit development to the higher coding relevant to that land providing the development is connected to the reticulated sewerage system.

5.3.2 Where land included in the Residential Zone is unsewered the R10 Code shall apply unless the local government is satisfied in any particular case, that the drainage conditions are suitable to ensure that on-site effluent disposal methods will continue to function effectively on a permanent basis, in which case the R12.5 Code may apply.

5.4 Restrictive Covenants

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

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

5.5 Variations to Site and Development Standards and Requirements

5.5.1 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, notwithstanding 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 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 shall—

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 9.4; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

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

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

5.6 Environmental Conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 8 of the Scheme.

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

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

5.6.3 The local government is to—

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

5.7 Site and Development Requirements

5.7.1 Development within the Scheme Area shall conform with the standards set out in Table 1 below.

TABLE 1—DEVELOPMENT AND CAR PARKING STANDARDS

CONTROLS	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Side			
Club Premises	*	*	*	0.5	*	Car parking will be determined by the local government on a case by case basis.
Consulting Rooms	*	*	*	0.4 in Res zone 0.5 Other	30 in Res zone	4 for each practitioner.
Day Care Centre	7.5	7.5	*	*	*	1 for every employee plus set down and pick up area.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government.
Funeral Parlour	*	*	*	*	10	As determined by the local government (minimum 5).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.4 in Res zone 0.5 Other	20	1 per 4 beds and 1 per employee.
Hotel/Tavern	*	*	*	*	10	1 per every bedroom plus 1 per 3m ² of bar and lounge area.
Industry – Light & Service	7.5	7.5	*	*	10	1 per 50m ² gross floor area.
Industry – General	7.5	7.5	*	*	15	1 per 50m ² gross floor area.
Motel	7.5	7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Office	*	*	*	*	*	1 for every 50m ² gross floor area.
Public Worship	9	3	7.5	*	10	1 car bay per 4 seats in the main auditorium.
Restaurant	*	*	*	*	*	1 for every 10m ² of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 20m ² of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.
Car Sales Premises	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.

Notes: (i) * means 'to be determined by the local government' in each particular case having due regard to streetscape, amenity and the merit of the proposal.

(ii) Landscaping to be generally at street frontage.

5.7.2 Where requirements for a particular use are not noted within Table 1, the development shall conform to the requirements for the predominant use of the zone in which it is situated as determined by the local government. Where the local government considers such requirements are inappropriate the local government may determine other requirements having due regard to streetscape, amenity and the merit of the proposal.

5.8 Caretaker's Dwellings

The provisions of this clause apply for all caretaker's dwellings in the Industry and Light & Service Industry Zones.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with 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 under 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 local government and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to contain one bedroom only within a total floor area that does not exceed 100 square metres measured from the external face of walls; and
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e).

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—

- 1. Water Supply Protection Area.
- 2. Development Area

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 Water Supply Protection Area

- (i) The purpose of the water supply protection area is to protect both surface and groundwater resources which provide a potable water supply to townsites within the Shire.
- (ii) Planning approval is required for any proposed use or development within the water supply protection area, except for a Single House.
- (ii) In considering any rezoning request, development or subdivision, the local government shall—
 - have regard to the comments of the Water & Rivers Commission; and
 - ensure that the proposed use or development will not have a detrimental impact on the water resource.
- (iv) Notwithstanding that a use or development may be classified as 'P' on the Zoning Table, where the Water & Rivers Commission advises that a use or development should be refused on the basis of potential impact on surface and/or groundwater resources, Council may refuse that use or development.

6.3 Development Areas

6.3.1 Interpretation

In clause 6.3, unless the context otherwise requires—

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

'structure plan' means a structure plan that has come into effect in accordance with clause 6.3.12.1.

6.3.2 Purpose of Development Areas

6.3.2.1 The purposes of Development Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

6.3.2.2 Schedule 11 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

6.3.3 Subdivision and Development in Development Areas

6.3.3.1 The development of land within a Development Area is to comply with Schedule 11.

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

6.3.4 Structure Plan required

6.3.4.1 The local government is not to—

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

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

6.3.4.2 Notwithstanding clause 6.3.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

6.3.5 Preparation of proposed structure plans

6.3.5.1 A proposed structure plan may be prepared by—

- (a) the local government; or
- (b) an owner.

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

6.3.6 Details of proposed structure plan

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

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including arterial routes and neighbourhood connector alignments, public transport routes and bus stops (if applicable) and strategic cycle routes;
 - (iii) existing and future land use;
- (d) for local structure plans a map showing proposals for—
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network (if applicable), and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) school(s) and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
- (e) a written report to explain the mapping and to address the following—
 - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 6.3.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 6.3.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

6.3.6.2 The maps referred to in clause 6.3.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.3.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

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

6.3.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

6.3.7 Submission to local government and Commission

6.3.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

6.3.7.2

Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

6.3.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

6.3.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

6.3.8 Advertising of structure plan

6.3.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.3.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

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

6.3.8.2 The advertisement and notice are to—

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

6.3.9 Adoption of proposed structure plan

6.3.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

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

6.3.9.2 (a) In making a determination under clause 6.3.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 6.3.9.1.

6.3.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 6.3.8.1 onwards are to apply.

6.3.9.4 If within the period referred to in clause 6.3.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 6.3.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

6.3.10 Endorsement by Commission

6.3.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.3.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

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

6.3.10.3 The Commission is to notify the local government of its determination under clause 6.3.10.2.

6.3.11 Notification of structure plan

6.3.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.3.9.1 and if clause 6.3.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.3.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

6.3.12 Operation of structure plan

6.3.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.3.10.2; or
- (b) on the day on which it is adopted by the local government under clause 6.3.9.1 in all other cases.

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

6.3.13 Inspection of structure plan

6.3.13.1 The structure plan and the Commission's notification under clause 6.3.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

6.3.14 Variation to structure plan

6.3.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 6.3.6 onwards.

6.3.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

6.3.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

6.3.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.3.14.3, the Commission is to determine whether to endorse the proposed variation.

6.3.14.5 The Commission is to notify the local government of its determination under clause 6.3.14.4.

6.3.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.3.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 6.3.14.1 (a).

6.3.15 Detailed area plan

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

- (a) the local government; or
- (b) an owner.

6.3.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

6.3.15.3 When a proposed detailed area plan is prepared under clause 6.3.15.1, the local government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
 - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;

- (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed detailed area plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
 - (iii) such public authorities and other persons as the local government nominates.

6.3.15.4 The advertisement and notice are to—

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

6.3.15.5 The local government is to consider all submissions received and—

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

6.3.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.3.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.3.15.5, the local government is deemed to have refused to approve the detailed area plan.

6.3.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

6.3.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.3.15 onwards provided such variations do not prejudice the intention of any related structure plan.

6.3.16 Appeal

6.3.16.1 An owner who has submitted a proposed structure plan under clause 6.3.7.1 may appeal, under Part V of the Town Planning Act—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.3.8.1;
- (b) any determination of the local government—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

6.3.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.3.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 6.3.15.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

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

Note: 1. The purpose and intent of the heritage provisions are—

- (a) *to facilitate the conservation of places of heritage value;*
- (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.

7.1.2 In the preparation of the Heritage List the local government shall have regard to the Municipal Inventory prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act 1990* and will include on the List such of those entries on the Inventory it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the local government shall—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description referred to in clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

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

7.1.5 The local government shall keep copies 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.

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 shall adopt for each Heritage Area a Local Planning Policy which shall comprise—

- (a) a map showing the boundaries of the Heritage Area;
- (b) places of heritage significance; and
- (c) objectives and guidelines for the conservation of the Heritage Area;

and shall keep a copy of the Local Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.

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

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
 - (b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;
- and
- (c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

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

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

7.2.6 If the local government resolves to adapt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

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

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

7.3 Heritage Agreements

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

Note—

1. *A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.*
2. *Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.*

7.4 Heritage Assessment

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

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

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 7.1.1; or

(b) enhance or preserve heritage values in a heritage area 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 of the scheme.

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 this Scheme requires the prior approval of the local government. No person shall 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 of this Scheme.

Note—

1. *The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
2. *Development includes the erection, placement and display of any advertisements.*

8.2 Permitted Development

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

- (a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building unless 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*;
 - (iii) included on the Heritage List under clause 7.1 of this Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where the proposal—
 - (i) necessitates the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Planning Codes;
 - (ii) is located in a Heritage Area designated under the Scheme; and
 - (iii) is located within the Rural Conservation or Rural Small Holding 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 the Scheme;
 - (iv) located within a Heritage Area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area.

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

8.3 Amending or Revoking a Planning Approval

The local government may, on application in writing 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, providing the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced shall be deemed to be lawful development upon the grant of planning approval.

Note—

1. *Applications for approval to an existing development are made under Part 9 of this Scheme.*
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—APPLICATION FOR PLANNING APPROVAL**9.1 Form of Application**

9.1.1 Every application for approval for one or more of the following—

- (a) use or commencement of development on a Local Reserve under clause 3.3;
- (b) commencement of a 'P' use which does not comply with all the relevant development standards and requirements of the Scheme under clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use under clause 4.3;
- (d) commencement of a use not listed in the Zoning Table under sub-clause 4.4.2(b);
- (e) commencement of development under clause 8.1;
- (f) continuation of development already commenced or carried out under clause 8.4;
- (g) variation of a site or development requirement under clause 5.5;
- (h) a subsequent planning approval pursuant to an approval under clause 10.8.1;
- (i) alteration or extension of a non-conforming use under clause 4.10;
- (j) changing a non-conforming use under clause 4.10;
- (k) continuing to use a non-conforming use under clause 4.13; and
- (l) subject to clause 9.1.2, the erection, placement or display of an advertisement;

shall be made in the form prescribed in Schedule 4 to the Scheme as an application for planning approval and shall be signed by the owner, and accompanied by such plans and other information as is required by the Scheme.

9.1.2 Applications for the erection, placement or display of an advertisement shall be accompanied by the additional information set out in the form at Schedule 5 to the Scheme.

9.2 Accompanying Material

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

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

9.3 Additional Material for Heritage Matters

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

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

9.4 Advertising of Applications

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

- (a) an 'A' use under clause 4.3.2; or
- (b) a use not listed in the Zoning Table under sub-clause 4.4.2(b);

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

9.4.2 Notwithstanding the provisions of clause 9.4.1, where an application is made for planning approval for any other purpose, the local government may require that notice is first given in accordance with the provisions of clause 9.4.3.

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

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the local government by a specified date being not less than fourteen days from the day the notice is served;
- (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 sub-clause 9.4.3 (a) and (b) shall be in the form contained in Schedule 6 with such modifications as 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 shall 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 shall 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 shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application—

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;
- (b) the Local Planning Strategy;
- (c) 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;
- (d) any approved Statement of Planning Policy of the Commission;
- (e) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (f) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State of Western Australia;
- (g) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (i) the conservation of any place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*, or which is subject of an order under Part VI of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1 of this Scheme, and the effect of the proposal on the character or appearance of a Heritage Area;
- (j) the compatibility of a use or development with its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) 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;

- (n) 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;
- (o) the preservation of the amenity of the locality;
- (p) 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;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, maneuvering and parking of vehicles;
- (r) 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;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (aa) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (bb) any other planning consideration the local government considers relevant.

10.3 Determination of Applications

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

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

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a decision in relation to the application, the local government shall convey its decision to the applicant in the form prescribed in Schedule 7 to the Scheme and the date of determination shall be the date given in the notice of the local government's decision.

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

10.5 Term of Planning Approval

10.5.1 Where the local government grants planning approval, that approval—

- (a) shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
- (b) 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;
- (c) for a specified part or aspect of that use or development.

10.8 Approval Subject to Later Approval of Details

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

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

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

10.9 Deemed Refusal

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

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

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

10.10 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 Additional Powers of the Local Government

11.1.1 The local government in implementing the Scheme has, in addition to all other powers vested in it, the following powers—

- (a) the local government may 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 matters pertaining to the Scheme;
- (b) the local government may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Town Planning Act; and
- (c) the local government may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An officer 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 sub-clauses 11.2.1 and 11.2.2 any notice shall be served upon the advertiser and shall specify—

- (a) the advertisement(s) 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, not being less than 60 days from the date of the local government's decision, within which the action specified shall 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 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

A person must not—

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

Note—

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

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

is guilty of an offence.

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

11.5 Compensation

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

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

11.6 Purchase or Taking of Land

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

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

Note—

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

11.7 Notice for Removal of Certain Buildings

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

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

PART 12—SCHEDULES

Schedule 1	Dictionary of defined words and expressions
	1. General definitions
	2. Land use definitions
Schedule 2	Special use zones
Schedule 3	Exempted advertisements
Schedule 4	Form of application for planning approval
Schedule 5	Additional information for advertisements
Schedule 6	Notice of public advertising of planning approval
Schedule 7	Notice of determination on application for planning approval
Schedule 8	Environmental Conditions
Schedule 9	Rural Conservation Zone Provisions
Schedule 10	Rural Small Holding Zone Provisions
Schedule 11	Development Areas

SCHEDULE 1—DEFINITIONS

1. GENERAL DEFINITIONS

“**absolute majority**” has the same meaning given to the term in the *Local Government Act 1995*.

“**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 shall include the present and likely future amenity.

“**Building Code of Australia**” means the *Building Code of Australia 1996*.

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

“**Commission**” means the Western Australian Planning Commission constituted under the Commission Act 1985.

“**Commission Act**” means the *Western Australian Planning Commission Act 1985*.

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

“**Council**” means the Council of the Shire of Ravensthorpe.

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

“**development**” has the same meaning given to the term in the Town Planning Act.

“**floor area**” has the same meaning given to the term in the *Building Code of Australia 1996*.

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

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

“**Gazettal date**” means the date on which the Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the *Government Gazette*.

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

- (a) residential purposes, has the same meaning given to the term in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the 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 or primary use.

“**land**” has the same meaning given to the term in the Town Planning Act.

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

“**lot**” has the same meaning given to the term in the Town Planning Act but shall not include a strata or survey strata lot.

“**minerals**” has the same meaning given to the term in the Mining Act.

“**Minister**” means the Minister for Planning.

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

“**place**” for the purposes of Part 7 dealing with places of cultural heritage significance, has the same meaning given to the term in the *Heritage of Western Australia Act 1990*.

“**plot ratio**” shall have the same meaning given to the term in the *Building Code of Australia 1996* except for residential dwellings where the term shall have the same meaning given to the term in the Residential Planning Codes.

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

“**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.

“**premises**” means land or buildings.

“**public authority**” shall have the same meaning given to term in the Town Planning Act.

“**Residential Planning Codes**” means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No 1.

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

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

“**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

“**aged persons' dwelling**” shall have the same meaning given to the term in the Residential Planning Codes

“**aged persons' home**” means a residential building or group of buildings proved by a religious or charitable organisation, Government authority or other body approved by the local government for the accommodation of aged persons and designed and used solely for that purpose.

“**aged persons' village**” means a building or group of buildings consisting of either—

- (a) an aged persons' home; or
- (b) an aged persons' home and aged persons' dwellings

“**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive and animal husbandry—intensive.

“**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms); or
- (d) aquaculture.

“**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 two amusement machines operating within the premises.

“**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.

- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of breakfast.
- “**betting agency**” means premises operated in accordance with the *Totalisator Agency Board Betting Act 1960*.
- “**caravan park**” has the same meaning given to the term in the *Caravan Parks and Camping Grounds Act 1995*.
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
- “**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 given to the term in the *Community Services (Child Care) Regulations 1988*.
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production.
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the 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.
- “**consulting rooms**” means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
- “**dry cleaning agency**” means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- “**dwelling**” has the same meaning given to the term in the Residential Planning Codes.
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.
- “**entertainment centre**” means land and buildings used for the amusement and entertainment of the public and includes amusement parlour, cinema/theatre and drive-in cinema.
- “**exhibition centre**” means premises used for the display of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and may include sales of such materials.
- “**family day care**” has the same meaning given to the term in 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.
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation.
- “**grouped dwelling**” has the same meaning given to the term in the Residential Planning Codes.
- “**health studio**” means any land and building designed and equipped for physical exercises, recreation and sporting activities including outdoor recreation.
- “**holiday accommodation**” means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, is made available for holiday purposes for occupation by persons other than the proprietor.
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling which—
- (a) does not employ more than two people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 m², except that for land in the General Agriculture Zone the local government may permit an area up to 200 m²;
 - (d) does not entail the retail sale, display or hire of goods of any nature;
 - (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of 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 General Agriculture Zone the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and
 - (f) does not involve the use of an essential service of greater capacity than normally required in the zone.
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which—
- (a) does not employ any person not a member of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;

- (c) does not occupy an area greater than 20 m²;
 - (d) does not display a sign exceeding 0.2 m² in area;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
- “home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which—
- (a) does not entail clients or customers travelling to and from the dwelling;
 - (b) does not involve any advertising signs on the premises; or
 - (c) does not require any external changes to the appearance of the dwelling.
- “hospital”** means premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital.
- “hotel”** means premises providing accommodation the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988* and may include a betting agency operated in accordance with the *Totalisator Agency Board Betting Act 1960*, but does not include a tavern the subject of a tavern licence or a 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 cannot be carried out under the provisions relating to a home occupation and which—
- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a Residential zone, does not employ any person other than a member of the occupier’s household;
 - (c) is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
 - (d) does not occupy an area in excess of 50m²;
 - (e) does not display a sign exceeding 0.2m² in area.
- “industry—extractive”** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining.
- “industry—general”** means an industry other than a cottage, extractive, hazardous, light, mining, rural or service industry.
- “industry—hazardous”** means an industry which needs to be isolated from other buildings by reason of the possible danger to persons or property by the processes involved, by the method of manufacture, or by the nature of the materials used, produced or stored.
- “industry—light”** means an industry—
- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality; and
 - (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.
- “industry—mining”** means land used commercially to extract minerals from the land.
- “industry—rural”** means an industry handling, treating, processing or packing rural products and a workshop servicing plant or equipment used for rural purposes.
- “industry—service”** means 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 premises having a retail shop front and used as a depot for receiving goods to be serviced.
- “laundrobar”** means an establishment for the operation or use of mechanical cleaning devices by any member of the public.
- “liquor store”** means premises in respect of which a store licence has been granted under the *Liquor Act 1970*.

- “**market**” means premises used for the display and sale of goods from stalls by independent vendors.
- “**medical centre**” means premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
- “**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.
- “**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans.
- “**motor vehicle repair**” means premises used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
- “**multiple dwelling**” has the same meaning given to the term in the Residential Planning Codes.
- “**night club**” means premises used for entertainment with or without eating facilities and to which a licence and other provisions of the *Liquor Licensing Act 1988* has been granted.
- “**office**” means premises used for administration, clerical, technical, professional or other like business activities.
- “**park home park**” shall have the same meaning as given to the term 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 and temple.
- “**plantation**” has the same meaning given to the term in the *Code of Practice for Timber Plantations in Western Australia (1997)*.
- “**public utility**” means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- “**recreation—private**” means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.
- “**reception centre**” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
- “**relocated dwelling**” means a residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than on the lot upon which it is to be erected.
- “**residential building**” has the same meaning given to the term 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 the term shall include a licensed restaurant.
- “**rural pursuit**” means any land or buildings used for—
- the rearing or agistment of animals;
 - the stabling, agistment or training of horses;
 - the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
 - the sale of produce grown solely on the lot;
- but does not include agriculture—extensive or agriculture—intensive.
- “**salvage yard**” means land used for the storage or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
- “**service station**” means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles, but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- “**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.
- “**showroom**” means premises used for displaying or offering for sale by wholesale or retail, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.
- “**single house**” has the same meaning given to the term in the Residential Planning Codes, except that it excludes a second hand transportable residence, purpose built, or relocated dwelling.
- “**storage**” means premises used for the storage of goods, equipment, plant or materials.
- “**tavern**” means premises used to sell liquor for consumption on the premises and the subject of a tavern licence granted under the provisions of the *Liquor Licensing Act 1988*.
- “**telecommunications infrastructure**” means 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.

“**transportable residence second hand purpose built**” means a building which has been specifically designed as a transportable residence and which has been used as a residential dwelling at any place other than on the lot upon which it is to be erected.

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

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

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

“**wayside stall**” means a stall located adjacent to a street in which only fruit, vegetables and artifacts grown, produced or made on the land are sold or offered for sale.

“**wine bar**” means premises in respect of which a winehouse licence has been granted under the *Liquor Act 1970*.

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

SCHEDULE 2—SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
1.	Esplanade and Reynolds Street, Hopetoun Lots 285 & 286	Holiday Accommodation or Aged Persons' Dwellings	1. Subject to connection to reticulated sewer development may be permitted up to the maximum density permissible under the R35 Code. 2. The local government will not support any application to further subdivide land in this zone unless it reflects a development approval issued by the local government.
2.	Esplanade, Price Street, Chapman Street, Hopetoun Lot 282, 283 & 284	Residential Uses, Holiday Accommodation, Elderly Persons Units	1. Subject to connection to reticulated sewer development may be permitted up to the maximum density permissible under the R35 Code 2. 2. The local government will not support any application to further subdivide land in this zone unless it reflects a development approval issued by the local government.
3.	Morrel Street and Yandee Street, Munglinup Lot 186	Loading Ramp	
4.	CBH Premises, Ravensthorpe-Esperance Road, Munglinup Pt Oldfield Location 858	CBH Depot and ancillary uses	
5.	Yorrel Street, Munglinup Reserve 26297, Pt Lot 3	Caravan Park	
6.	Yorrel Street, Munglinup	Equestrian Centre	
7.	Hamersley Drive, Hopetoun Lot 50 Location 95	(Respite Holiday Accommodation:) One dwelling house and twelve single bedroom accommodation units (in six pairs), and ancillary outbuildings.	1. All buildings shall be located within building envelopes in locations agreed to by the local government. Such envelopes shall be sited to minimise the visual impact of development and shall be set back from boundaries in accordance with the following minimum requirements— • Hamersley Drive—50 metres.

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> • Any other road—20 metres. • Any other boundary—15 metres. <p>2. The maximum size of building envelopes shall be as follows and no clearing will be permitted outside the building envelope except that required for approved driveways and firebreaks—</p> <ul style="list-style-type: none"> • Dwelling outbuildings—3,000m² • Duplex accommodation—10,000m² <p>3. Strategic firebreaks, water tank and standpipe facilities shall be provided to the satisfaction of the Bush Fires Board and the local government, and the local government may require the use of fire retardant building design and materials.</p> <p>4. The dwelling shall be connected to a rain water storage tank of minimum capacity of 92,000 litres, and will not be considered fit for human habitation unless such a supply has been installed and is operating. The 12 accommodation units shall be served with rainwater tanks of minimum total capacity of 184,000 litres and will not be considered fit for human habitation unless such a supply has been installed and is operating.</p> <p>5. Effluent disposal for the dwelling and accommodation units shall be provided via the installation of on site effluent disposal systems designed to prevent pollution of ground or surface water resources.</p> <p>6. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the local government and these animals shall be restricted to fenced areas of the lot to the satisfaction of the local government. The owner/tenant shall be responsible for the maintenance of stock-proof fencing to protect remnant vegetation and revegetation areas. The keeping of animals shall not result in the removal or damage of significant vegetation and trees or result in soil degradation or dust pollution.</p> <p>Where in the opinion of the local government, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution, soil degradation or the removal of significant vegetation, notice may be served on the owner of the said land, requiring immediate removal of those animals specified in the notice.</p> <p>7. No person shall use or permit to be used any lot or part of a lot for any purpose which would—</p> <ul style="list-style-type: none"> • detract from the rural/residential amenity of adjoining lots.

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> • detract from the rural character of the area generally. <p>8. Should it appear to the local government that, by virtue of its use, any land is in, or is approaching a condition where wind or water erosion may occur, or where the conservation of local vegetation is at risk or where weed control poses a problem, it may, pursuant to the provisions of this Scheme, serve notice upon the owners and/or occupier's expense to remedy the condition of the land to the local government's satisfaction.</p>
8.	Spence Street, Hopetoun Reserve 25270	Caravan Park	
9.	Elston Street, Ravensthorpe Lot 778	Caravan Park	
10.	Canning Street, Hopetoun Portion of Lot 466, portion of adjacent Vacant Crown Land	Holiday Accommodation	
11.	Hopetoun-Ravensthorpe Road Pt Location 638	Caravan Park	
12.	Hamersley Drive, Hopetoun Portion of Lot 1 Oldfield Location 95	Caravan Park, Chalet Park, Motel, other uses considered by the local government to be complementary and/or incidental to the special uses	<p>These Conditions shall apply in addition to all other requirements of the Scheme. If any of these Conditions is consistent with a requirement of the Scheme, the condition shall prevail.</p> <p>In considering development of the land, the local government shall have regard to—</p> <ol style="list-style-type: none"> 1. Prior to the issue of planning consent or the commencement of any development, the following requirements shall be satisfied— <ol style="list-style-type: none"> (a) Preparation of a Development Guide Plan in consultation with and based on advice provided by CALM, Water & Rivers Commission, Water Corporation and other relevant government agencies. (b) Referral/advertising of the Development Guide Plan to government agencies and the public for advice/comment. (c) Approval of the Development Guide Plan by the Western Australian Planning Commission. (d) Demonstration to the satisfaction of the Water & Rivers Commission and Health Department of WA that all development would be served with an adequate supply of potable water,

No.	Description of land	Special use	Conditions
			<p>and effluent disposal systems which prevent pollution of groundwater and Culham Inlet.</p> <p>(e) Preparation of a Foreshore Management Plan for the ocean and inlet foreshore areas to the satisfaction of the Water & Rivers Commission and CALM. Such plans are to be implemented by the proponent prior to commencement of use of the land for tourist purposes.</p> <p>2. Visual Impact— (To ensure negligible diminution of visual amenity to public vantages that includes surrounding roads, national parks and other reserves in accordance with Council, CALM and Water and Rivers Commission Policy.)</p> <p>The specific conditions relating to protection of the visual amenity include—</p> <ul style="list-style-type: none"> (i) The retention of all roadside vegetation and replanting as necessary (ii) Suitability of location of access point(s) to the site—preferably in the south east corner (iii) Retention of stands of Eucalypts, vegetation adjoining the foreshore reserve and fringing vegetation (iv) Planting of additional trees on the site both within and between developments. <p>The local government may also require a Landscape Plan to be prepared to the satisfaction of the local government.</p> <p>Landscaping should be with materials that are sympathetic to the natural landscape.</p> <ul style="list-style-type: none"> (v) Buildings shall not be constructed of a height greater than 8 metres above natural ground level and local government reserves the right to determine a lesser height requirement upon assessment of topographical and visual constraints.

No.	Description of land	Special use	Conditions
			<p>(vi) Buildings should be of a sympathetic design, materials (including non reflective roofing materials) and colour to compliment surrounding landscape elements, to the satisfaction of the local government.</p> <p>3. Culham Inlet—Foreshore Management</p> <p>The foreshore area between the Special Use site and the Culham Inlet water body shall be managed in accordance with recommendations of the Land Capability and Environmental Management Plan for the site prepared by Landform Research 30 April 1998.</p> <p>4. Servicing</p> <p>(i) Water Supply</p> <p>Potable water is to be supplied via extension of the Hopetoun mains supply subject to Water corporation of WA approval—unless an alternative on-site supply can be established to the satisfaction of the Health Department of WA, and Water and Rivers Commission.</p> <p>(ii) Effluent Disposal</p> <p>The disposal of liquid and solid waste shall be carried out by the installation of an approved effluent disposal system(s) located no closer than 300 metres from the edge of the inlet with the base of the system being the required distance above the higher known water table.</p> <p>(iii) Rubbish Disposal</p> <p>The site will be serviced by an extension of the existing Hopetoun rubbish collection service. Rubbish and waste products shall be contained within an approved waste disposal area and removed regularly.</p> <p>(iv) Electricity and Telecommunication Services</p> <p>As a condition of development, it will be necessary to provide details relating to the provision of electricity and telecommunication extensions and connection to the site.</p>

No.	Description of land	Special use	Conditions
			<p>5. Bushfire Management As a condition of development, the local government may require a bushfire management Plan to be prepared to the satisfaction of the local government and the bushfires Board of WA.</p> <p>6. Development</p> <p>(i) Standards All development shall be of a high standard and in keeping with the character and amenity of the area.</p> <p>(ii) Use Mix and Facilities It is essential that the various forms of tourist development provided meet market requirements and expectations. In addition, it is essential that the appropriate facilities and human services are provided commensurate with the need to provide a high quality tourist accommodation venture.</p> <p>(iii) Form and Style Design guidelines shall be prepared by the applicant for adoption by the local government as a condition of development approval. The design guidelines are intended to ensure development accords with the requirements of the Visual Impact assessment as well as to ensure that all development is coordinated in form and style.</p> <p>(iv) Environmental Considerations Any development application for the site must have regard for the land capability and management requirements of the environmental issues outlined in the Environmental Report prepared by Landform Research 30 April, 1998.</p> <p>(v) Site Development Plan A site development plan at a scale of not less than 1:500 shall be prepared for each phase of the development showing: All proposed buildings (and intended uses), existing contours and proposed floor levels, site access/entry points, vehicular and pedestrian systems, effluent disposal areas, and other service infrastructure, vehicle parking, open</p>

No.	Description of land	Special use	Conditions
			space/recreation areas, buffers, existing vegetation and proposed landscape treatments.
13.	Veal Street, Hopetoun	Service Station	
14.	Martin Street, Ravensthorpe Lots 52 & 53	Medical Centre	

SCHEDULE 3—EXEMPTED ADVERTISEMENTS

Land use and/or development	Exempted sign ¹	Maximum size
Dwellings.	One professional nameplate as appropriate.	0.2m ²
Home Occupation.	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres.	Two signs (illuminated and 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 Sign Hoarding and Bill Postings Bylaws.	N/A
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the buildings but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other buildings. A maximum of two freestanding advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showgrounds, 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.	N/A
Public Places and Reserves.	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of 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 council of a local government, and	N/A N/A

Land use and/or development	Exempted sign ¹	Maximum size
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Advertisements within buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

¹. Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

Temporary signs	Exempted sign ² type and number (All non-illuminated unless otherwise stated)	Maximum area
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—		
(a) Dwellings.	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(b) Multiple Dwellings, Shops, Commercial and industrial projects.	One sign as for (a) above	5m ²
(c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3-storeys in height.	One sign as for (a) above One additional sign showing the name of the project builder.	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	One sign per street frontage for each property relating to the sale, leading or impeding auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for (a) above	Each sign shall not exceed an area of 2m ² .
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above	Each sign shall not exceed an area of 2m ² .

Temporary signs	Exempted sign ² type and number (All non-illuminated unless otherwise stated)	Maximum area
Display Homes. Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

² Includes the change of posters on poster signs and applies to non-illuminated sign unless otherwise stated.

SCHEDULE 4—FORM OF APPLICATION FOR PLANNING APPROVAL
APPLICATON FOR PLANNING APPROVAL

[cl. 9.1.1]

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

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

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants)—		
Street name:		Locality:
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 5—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

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

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—
2. Details of proposed sign— (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): (b) Height: Width:..... Depth:..... (c) Colours to be used: (d) Height above ground level— • (to top of advertisement): • (to underside): (e) Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source
3. Period of time for which advertisement is required—
4. Details of signs (if any) to be removed if this application is approved— Note: This application should be supported by photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above. Signature of advertiser(s): (if different from land owners)..... Date:.....

SCHEDULE 6—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

Town Planning Act 1928

Shire of Ravensthorpe

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: _____ Locality: _____

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 theday of.....

Signed: _____ Dated: _____

for and on behalf of the Shire of Ravensthorpe.

SCHEDULE 7—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING PROPOSAL

[cl. 10.4.1]

Town Planning Act 1928

Shire of Ravensthorpe

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 shall lapse and be of no further effect.

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

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

Signed: _____ Dated: _____

for and on behalf of the Shire of Ravensthorpe.

SCHEDULE 8—ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal date	Environmental Conditions

SCHEDULE 9—RURAL CONSERVATION ZONE PROVISIONS

(a) Specified Area of Locality	(b) Provisions relative to (a)
Rural Conservation Zone No 1 Lot No 2 of Oldfield Location 95	<ol style="list-style-type: none"> 1. Subdivision shall not be carried out until an acceptable subdivision guide plan has been prepared for the total area of land zoned Rural Conservation. That plan should wherever possible avoid the use of culs-de-sac and must incorporate the following— <ol style="list-style-type: none"> (i) Road and lot layout designed to suit environmental conditions and to minimise any potential erosion hazard (ii) Method of staging. (iii) Approximate location of building envelopes which should be selected by on-site analysis of the physical characteristics with consideration being given to the location of effluent disposal systems particularly in relation to water table levels and the water catchment for the Culham Inlet. (iv) Contours (with ridgelines highlighted). (v) Vegetated areas and areas to be revegetated and/or landscaped. (vi) Landscape protection areas. (vii) Location of strategic firebreaks and the location of a water supply tank for firefighting purposes to the satisfaction of the Bush Fires Board and the local government. (viii) Lots that after adequate justification and proof of a secondary water supply, that may be used for rural use other than rural residential, bush blocks or rural retreats. 2. The local government will not recommend lot sizes less than 2 hectares. 3. No building or structure shall be erected closer than— <ol style="list-style-type: none"> (i) 50m to the Hamersley Drive Reserve; (ii) 15m to any other street frontage; (iii) 7.5m to any other boundary. 4. Clearing of each lot, other than the area required by the Fire and Emergency Services Authority or the local government, pursuant to Clause 4.8.3 e) or for firebreaks and access, shall be limited to a 1000m² building envelope approved by the local government, which shall include any dwelling or other outbuilding.

(a) Specified Area of Locality	(b) Provisions relative to (a)
Rural Conservation Zone No 2 Oldfield Locations 638 and 97, Hopetoun- Ravensthorpe Road.	<ol style="list-style-type: none"> 5. Buildings shall not be erected otherwise than within the building envelope prescribed for each lot. Notwithstanding this requirement, the local government may permit a variation to the Building Envelope if it is shown to the satisfaction of the local government that the proposed location of the Building Envelope will not be detrimental to the landscape of the environment. 6. In order to limit the destruction of natural vegetation, and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to around the building envelope only. The materials used in fencing shall be to the satisfaction of the local government and appropriate for an area where the keeping of stock is not permitted. 7. No owner shall use or permit his land to be used in such a manner as will adversely affect visual and rural/residential amenities or the preservation of natural vegetation in the locality. 8. Should it appear to the local government that, by virtue of its use, any land is in, or is approaching a condition where wind or water erosion may occur, or where the conservation of local vegetation is at risk or where weed control poses a problem, it may, pursuant to the provisions of this Scheme, serve notice upon the owners and/or occupiers of the land specifying the action which must be taken at the owner or occupier's expense to remedy the condition of the land to the local government's satisfaction. 9. On land currently cleared of vegetation the local government will require the owners of new lots to undertake a programme of revegetation and landscaping in accordance with the approved subdivisional guide plan. Details of the revegetation and landscaping require the prior approval of the local government. Such a programme shall also include details of the manner in which that landscaping and revegetation is to be maintained. 10. All roads shall be constructed and drained to the specifications and satisfaction of the local government. Any earthworks in connection with road construction should be kept to a minimum with the road sides slashed rather than permanently cleared to reduce the erosion risk. Controlled vehicular access onto the adjoining Reserve 33173 shall only be developed after the approval of the Department of Land Administration, the Western Australian Planning Commission and the local government. 11. No dwelling shall be constructed unless it is connected to a minimum of a 92 000 litre water storage tank, or has an alternative potable water supply that is acceptable to the local government. No dwelling shall be considered fit for human habitation unless such a supply has been installed and is operating. 12. Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment. 13. Effluent disposal shall be the responsibility of the individual land holder and shall be effected by septic waste disposal systems installed to the specifications of the local government. 14. The system proposed for strategic firebreaks, firefighting access shall be agreed to by the Bush Fires Service of WA and the local government. <ol style="list-style-type: none"> 1. Subdivision <ol style="list-style-type: none"> (a) Subdivision of Rural Conservation Zone No 2 shall be generally in accordance with the Subdivision Guide Plan as signed by the Chief Executive Officer. (b) No lot shall be less than 2 hectares except if supplied with reticulated water when the minimum lot size shall be 1 hectare. 2. Building Envelopes <ol style="list-style-type: none"> (a) Any building on a lot must be erected within a building envelope. Such building envelopes have a maximum area of 3000 square metres and are shown in a general manner on the Subdivision Guide Plan as signed by the Chief Executive Officer. (b) Notwithstanding this requirement, the local government may permit a variation to the Building Envelope if it is shown to

(a) Specified Area of Locality	(b) Provisions relative to (a)
	<p>the satisfaction of the local government that the proposed location of the Building Envelope will not be detrimental to the landscape of the environment.</p> <p>(c) In order to limit the destruction of natural vegetation, and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to around the building envelope only. The materials used in fencing shall be to the satisfaction of the local government and appropriate for an area where the keeping of stock is not permitted.</p> <p>(d) Within the requirements of (a) and (b) above, no building or structure shall be erected closer than 20 metres to a street frontage or 10 metres of any other boundary.</p> <p>(e) In considering a variation to a building envelope, the local government shall have regard to Clause 4.8.3 f).</p>
	<p>3. Tree Preservation</p> <p>(a) Within Rural Conservation Zone No 2 no trees or substantial vegetation shall be felled or removed except where—</p> <p>(i) in the opinion of the local government such trees or substantial vegetation are dead, diseased or dangerous;</p> <p>(ii) the establishment of a firebreak is required under a regulation or by-law;</p> <p>(iii) it is necessary for road construction;</p> <p>(iv) a building site and access to this site is required and approved by the local government;</p> <p>(v) subject to the approval of the local government, an area up to one metre in width for the purpose of erecting and maintaining the fenceline is required; the method of clearing should be by way of slashing to reduce the erosion risk.</p> <p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of the local government as a condition of granting consent; the local government may require the planting and maintenance, for a period of at least 3 years of endemic native trees of species and locations approved by the local government.</p>
	<p>4. Tree Planting</p> <p>(a) Upon submission of plans for development approval, the owners of lots within Rural Conservation Zone No 2, the local government shall require that the lot owner plant and maintain trees and shrubs of species and of a density of planting approved by the local government.</p> <p>(b) Within the area designated Public Open Space Buffer on the Subdivision Guide Plan, the local government shall require that the subdivider plant and maintain, for a period of at least 2 years, trees and shrubs of species and of a density of planting approved by the local government.</p>
	<p>5. Land Degradation</p> <p>With the intention of avoiding soil erosion and land degradation the local government shall require lot owners within Rural Conservation zone No 2 to maintain vegetation cover of their lot. Should land degradation occur then the local government shall require the lot owner to restore the land to a condition where it is no longer at risk of degradation.</p>
	<p>6. Servicing Requirements</p> <p>(a) No dwelling shall be constructed or approved for construction unless a minimum of 92000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>(b) The local government shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p>

(a) Specified Area of Locality	(b) Provisions relative to (a)
	<p>(c) Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment.</p> <p>(d) Where a lot is less than 2.0ha in area, reticulated water connection must be provided rather than the water storage tank in (a) above.</p>
	<p>7. General Amenity</p> <p>When considering any development within this Rural Conservation zone No 2 the local government will have regard to its proximity to the Fitzgerald River National Park with a view to ensuring development is tailored to blend in with the environment. This may include restriction of clearing, sensitive design and location of infrastructure and services and sensitive design and use of external materials for any buildings or structures.</p>
Rural Conservation Zone No 3 Oldfield Location 203 Springdale Road, Hopetoun	<p>1. Subdivision</p> <p>Subdivision shall generally be in accordance with the Subdivision Guide Plan as signed by the Chief Executive Officer; this shall not prevent the local government from recommending variations to the Subdivision Guide Plan but further subdivision to create additional lots shall not be permitted.</p> <p>2. Service Requirements</p> <p>(a) No dwelling shall be constructed or approved for construction unless a minimum of 92000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>(b) The local government shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>(c) Reference should be made to Department of Agriculture guidelines relating to water storage, tank size and area of roof catchment.</p> <p>(d) The local government may require road reserve widths in that part of the land north of Springdale Road to be increased for the purposes of stormwater drainage and disposal.</p> <p>(e) No vehicular access will be permitted to/from lots directly onto Springdale Road.</p> <p>3. Building Requirements</p> <p>(a) A building envelope with an area not exceeding 1000 square metres shall be defined in a position to be agreed by the local government before any building is constructed on a lot.</p> <p>(b) Building envelopes shall be setback at least 20.0 metres from any lot boundary, and 40.0 metres from a lot boundary with the Jerdacuttup River Foreshore Reserve. No building shall be constructed on a lot other than within the defined building envelope.</p> <p>(c) Notwithstanding (a) above, the local government may permit a variation to the Building Envelope, prior to the construction of any building, if it is shown to the satisfaction of the local government that the proposed location of the Building Envelope will not be detrimental to the landscape of the environment.</p> <p>(d) No effluent disposal system will be permitted within 100.0 metres of the Jerdacuttup River or any future Water Corporation production well.</p> <p>(e) The materials and colours used on the exterior surfaces of all buildings shall be designed to blend in with the landscape to the satisfaction of the local government. Zincolume roofs shall not be permitted.</p>

(a) Specified Area of Locality	(b) Provisions relative to (a)
Rural Conservation Zone No 4 Part of Oldfield Loc 628, Hopetoun	<p>4. Vegetation Protection and Enhancement</p> <p>(a) No trees or shrubs shall be felled or removed from a lot other than within an agreed Building Envelope except where in the opinion of the local government—</p> <ul style="list-style-type: none"> (i) such trees and shrubs are dead, diseased or dangerous; (ii) the establishment of a firebreak is required under a regulation or by-law; (iii) it is necessary for road or fence construction; <p>(b) Clearing for the purpose of creating firebreaks or for creating and maintaining a fence line shall be carried out by way of slashing to reduce any erosion risk.</p> <p>(c) In order to enhance the rural amenity of the land in areas the local government considers to be deficient in tree cover it may require the owner of any lot to plant trees and/or groups of trees of such species as may be specified by the local government.</p> <p>(d) In order to limit the destruction of natural vegetation, and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to around the building envelope only. The materials used in fencing shall be to the satisfaction of the local government and appropriate for an area where the keeping of stock is not permitted.</p> <p>(e) Notwithstanding (d) above, to avoid land degradation or degradation of the Jerdacuttup River and the River Foreshore Reserve the local government shall require fencing of a lot boundary with the Foreshore Reserve.</p>
	<p>5. Bush Fire Measures</p> <p>Clearing of each lot, other than the area required by the Fire and Emergency Services Authority or the local government, pursuant to Clause 4.8.3 e) or for firebreaks and access, shall be limited to a building envelope approved by the local government.</p>
	<p>6. Foreshore Management Plan</p> <p>(a) The subdivision and development of the land including the foreshore area shall be in accordance with the Foreshore Management Plan which forms part of the scheme amendment document.</p> <p>(b) Prior to the clearance of subdivision the local government will require the key management provisions as set out in the Foreshore Management Plan to be implemented including the provision of fencing along the foreshore reserve/lot boundaries and provision of signage to the satisfaction of the local government.</p> <p>(c) The subdivider is to ensure all prospective purchasers of lots and successors in title are provided with copies of the Foreshore Management Plan.</p> <p>(d) The local government shall be responsible for the monitoring of impact of the development on the foreshore area.</p>
<p>1. Objective</p> <p>The objective of this Special Rural Zone is for rural residential purposes in a natural bushland setting and the conservation of the existing natural vegetation is of paramount importance.</p> <p>2. Subdivision</p> <p>Subdivision shall generally be in accordance with the Subdivision Guide Plan signed by the Chief Executive Officer.</p> <p>3. Building Envelopes</p> <p>(a) Prior to the time of commencing development, the lot owner shall determine a building envelope with an area not exceeding 1000 square metres in consultation with and to the satisfaction of the local government.</p>	

(a) Specified Area of Locality	(b) Provisions relative to (a)
	<p>(b) When considering the location of a building envelope, the local government is to have due regard to the following—</p> <ul style="list-style-type: none"> (i) no building envelopes are to be located in the area so designated on the Subdivision Guide Plan; (ii) the effective operation of an on-site effluent disposal unit; (iii) building setback of 50 metres from any water body or wetland; (iv) building setback from roads and boundaries; (v) building setback for bush fire protection purposes; and (vi) the building envelope and access way do not adversely affect any rare flora and fauna. <p>(c) Subject to (b) above, the local government may permit a variation to the building envelope, prior to the construction of any building, if it is shown to the satisfaction of the local government that the proposed location of the building envelope will not be detrimental to the landscape of the environment.</p>
	<p>4. Service Requirements</p> <ul style="list-style-type: none"> (a) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating. (b) Effluent disposal systems are to be located where the vertical separation from natural ground level to the highest known water table meets relevant standards, and alternative treatment units are to be used where the vertical separation is inadequate for conventional septic systems. (c) The local government shall require that a prospective purchaser of a lot is made aware of the responsibility to install an individual supply of water and method of effluent disposal. (d) Reference should be made to Department of Agriculture guidelines relating to water storage, tanks size and area of roof catchment.
	<p>5. Vegetation Protection and Enhancement</p> <ul style="list-style-type: none"> (a) No trees or shrubs shall be felled or removed from a lot except where— <ul style="list-style-type: none"> (i) in the opinion of the local government, they are diseased or dangerous; (ii) the establishment of fire hazard reduction measures are required; (iii) it is necessary building, road and access way construction approved by the local government; and (iv) it is necessary for fence establishment and maintenance. (b) Upon the submission of an application planning approval in accordance with the Scheme, the local government may require that the lot owner plant and maintain trees and shrubs and of a density of planting approved by the local government.
	<p>6. Bush Fire Measures</p> <ul style="list-style-type: none"> (a) The local government, Department of Conservation and Land Management, and the Fire and Emergency Services Authority of WA may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a fire management plan. (b) Notwithstanding (a) above, clearing of each lot, other than the area required by the Fire and Emergency Services Authority or the local government, pursuant to Clause 4.8.3 e) or for firebreaks and access, shall be limited to the building envelope approved by the local government.

(a) Specified Area of Locality	(b) Provisions relative to (a)
	<p>7. Development Requirements</p> <p>(a) The local government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a stormwater disposal plan to the satisfaction of the local government and the Water and Rivers Commission.</p> <p>(b) During the construction of the roads and lot access ways, management practices shall be implemented to minimise the spread of dieback.</p> <p>(c) Approval must be sought from and granted by the Water and Rivers Commission before a bore is constructed.</p> <p>(d) The materials and colours used on the exterior surfaces of all buildings shall be designed to blend in with the landscape to the satisfaction of the local government. Zincalume roofs shall not be permitted.</p> <p>(e) In order to limit the destruction of natural vegetation, and allow ease of access for fauna and emergency vehicles, fencing is to be restricted to around the building envelope only. The materials used in fencing shall be to the satisfaction of the local government and appropriate for an area where the keeping of stock is not permitted.</p> <p>8. Advice and Notifications</p> <p>(a) The local government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to advise prospective purchasers of the implications for lot owners of the adjoining reserve land. This advice is to be prepared in consultation with and to the satisfaction of the Department of Conservation and Land Management.</p> <p>(b) At the subdivision stage the Western Australian Planning Commission may impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with section 12A of the Town Planning Act to be deposited which will inform lot owners and prospective purchasers of the potential mosquito risk and aircraft noise.</p>

SCHEDULE 10—RURAL SMALL HOLDING ZONE PROVISIONS

(a) Specified Area of Locality	(b) Provisions relative to (a)
Rural Small Holdings Zone No 1 Oldfield Location 853, Hopetoun-Ravensthorpe Road	<p>1. Subdivision Subdivision shall generally be in accordance with the Subdivision Guide Plan as signed by the Chief Executive Officer.</p> <p>2. Service Requirements—</p> <p>(a) No dwelling shall be constructed or approved for construction unless a minimum of 92000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>(b) The local government shall require that a prospective purchaser of a lot is aware of the responsibility to install and individual supply of water and method of effluent disposal.</p> <p>(c) Reference should be made to the Department of Agriculture Guidelines relating to water storage, tank size and area of roof catchment.</p>

(a) Specified Area of Locality	(b) Provisions relative to (a)
3.	<p>Stream Protection Area</p> <p>Within the Stream Protection Area defined on the Subdivision Guide Plan, no vegetation may be felled, removed or damaged, unless with the approval of the local government and with the advice of the Department of Agriculture.</p>
4.	<p>Vegetation Protection</p> <p>Except for the specific provisions applying to the Stream Protection Area defined on the Subdivision Guide Plan, within Rural Small Holdings Zone No 1, no trees or shrubs shall be felled or removed except where—</p> <ul style="list-style-type: none"> (i) in the opinion of the local government such trees and shrubs are dead, diseased or dangerous; (ii) the establishment of a firebreak is required under a regulation or by-law; (iii) it is necessary for road or fence construction; (iv) a building site and access to this site is required and approved by the local government; (v) subject to the approval of the local government, a cleared area up to one metre in width for the purpose of erecting and maintaining the fence line is required; the method of clearing should be by way of slashing to reduce the erosion risk; and (vi) required by the Fire and Emergency Services Authority or the local government pursuant to Clause 4.8.3 e).
5.	<p>Shelter Belts</p> <p>Shelter belts as shown on the Subdivision Guide Plan are to be planted with appropriate vegetation by the landowner to the satisfaction of the local government. Advice on the appropriate vegetation should be obtained from the Department of Agriculture.</p>
6.	<p>Land Degradation</p> <ul style="list-style-type: none"> (a) With the intention of preventing soil erosion and any other land degradation, whether by overstocking, land management practices, or destruction of vegetation, the local government may, with the advice of the Department of Agriculture, take any soil conservation action considered necessary to reduce or eliminate the adverse effects on the environment, including the removal of animals, and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner and/or occupier. (b) Prior to putting stock onto a lot landowners shall seek and comply with advice from the Department of Agriculture on suitable animal stocking rates. (c) Landowners are responsible for protecting remnant vegetation and vegetation in shelter belts by fencing such vegetation should stock be put on the lots. (d) Landowners are required to maintain to the satisfaction of the Department of Agriculture the erosion control grade banks.
7.	<p>Bush Fire Measures</p> <ul style="list-style-type: none"> (a) For the purpose of providing alternate egress from a lot in the event of a bush fire, the landowners shall construct a gate on the perimeter boundary of each lot. (b) The local government may require firebreaks of a greater width than normal along the perimeter boundary of the lots. (c) If firefighting facilities are installed for this subdivision then the subdivider, if required shall contribute to those facilities to the satisfaction of the local government and the Bush Fire Service of WA.

(a) Specified Area of Locality	(b) Provisions relative to (a)
	8. Setbacks No building or structure shall be erected closer than— <ul style="list-style-type: none"> • 25 m from a street frontage; • 15 m from any other boundary.

SCHEDULE 11—DEVELOPMENT AREAS

Area	Provisions
Ravensthorpe Development Area	1. An approved structure plan (Ravensthorpe Development Area Outline Development Plan), together with any approved amendments, shall apply to the land in order to guide subdivision and development.
Hopetoun Development Area	1. An approved structure plan (Hopetoun Development Area Outline Development Plan), together with any approved amendments, shall apply to the land in order to guide subdivision and development. 2. Development of the Tourist Site on Canning Street is to comply with the special use and any conditions prescribed in Schedule 2 for Special Use Zone No. 15.

Adopted by resolution of the Council of the Shire of Ravensthorpe meeting of the Council held on the 17th day of December 1998.

G. C. LEE, Shire President.
S. TAYLOR, Chief Executive Officer.

Adopted for final approval by resolution of the Shire of Ravensthorpe at the meeting of the Council held on the 16th day of January 2003. and the Common Seal of the municipality was pursuant to that resolution hereunto affixed in the presence of—

G. C. LEE, Shire President.
S. TAYLOR, Chief Executive Officer.

Recommended/Submitted for final approval—

P. WOODWARD, Delegated under Section 20 of the WAPC Act 1985.

Dated 30/6/03

Final Approval Granted—

ALANNAH MacTIERNAN, Minister for Planning & Infrastructure.

Dated 4/7/03

POLICE

PO401*

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

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

Signed: R M Langford, Superintendent (Traffic Support)

Day 1 of Albany Rainbow Tour Cycle Event by members/entrants of the Albany Cycling Club on 14th June 2003 between the hours of 14:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Proudlove Parade, York Street, Albany Highway, Hanrahan Road, Frenchman's Bay Road, Princess Royal Drive, Bolt Terrace, Brunswick Road, Malcolm Street, Marine Drive, Forts Road and Apex Drive, Albany area.

All participants to wear approved head protection at all times.

Day 2 of Albany Rainbow Tour Cycle Event by members/entrants of the Albany Cycling Club on 15th June 2003 between the hours of 09:00 Hrs and 14:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Proudlove Parade, York Street, Albany Highway, Chester Pass Road, Mt Barker/Porongorup Road, Jackson Road and Settlement Road, Albany area.

All participants to wear approved head protection at all times.

A Cycling Race by members/entrants of the Estuary Cycling Club Inc on 22nd June 2003 between the hours of 09:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Hougham Road and Aclare Road in Barragup.

All participants to wear approved head protection at all times.

A Cycle Event by members/entrants of the Cyclewest Promotions/Midland on 29th June 2003 between the hours of 08:00 Hrs and 15:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Brookton Highway, Great Southern Highway, Kokeby East Road, Bremner Road, Lukin Street and Vincent Street, from Karragullen to Beverley.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Spokes Cycle Club on 29th June 2003, 20th July 2003, 3rd August 2003 and 17th August 2003, between the hours of 09:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Mullewa Road, Walkaway Road and Moonyoonooka/Narngulu Road in the Shire of Greenough.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Midland Cycle Club on 5th July 2003 between the hours of 13:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Bodeguero Way in Wooroloo.

All participants to wear approved head protection at all times.

A Sprint (Part of Car Rally) by members/entrants of the Mini Car Club of WA Inc on 5th July 2003 between the hours of 10:00 Hrs and 13:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Upper Capel Road in Kirup.

All participants to wear approved head protection at all times.

A Hillclimb (Part of Car Rally) by members/entrants of the Mini Car Club of WA Inc on 5th July 2003 between the hours of 13:15 Hrs and 16:15 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Grimwade Road, Grimwade.

All participants to wear approved head protection at all times.

A Motorkhana (as part of Car Rally) by members/entrants of the Mini Car Club of WA Inc on 5th July 2003 between the hours of 11:30 Hrs and 14:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the carriageway on Higgins Street in Nannup.

All participants to wear approved head protection at all times.

A Road Cycling Race – Mt Clarence (3km) by members/entrants of the Albany Cycling Club on 5th July 2003 between the hours of 13:30 Hrs and 15:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Adelaide Crescent, Marine Drive, Forts Road, Apex Drive, Albany Area.

All participants to wear approved head protection at all times.

A Cycling Race by members/entrants of the Northern Districts Cycle Club on 6th, 13th, 20th and 27th July 2003 between the hours of 07:30 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Shenton Avenue, Grand Boulevard and Joondalup Drive, Joondalup.

All participants to wear approved head protection at all times.

A Cycle Time Trial Race (15km) by members/entrants of the Australian Time Trials Association on 6th July and 14th September 2003 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Forrest Drive and Lovekin Drive in Kings Park, Perth.

All participants to wear approved head protection at all times.

A Club Level Bicycle Race by members/entrants of the Southern Districts Cycle Club on 6th, 13th, 20th, 27th July 2003 between the hours of 08:30 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

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

All participants to wear approved head protection at all times.

A Cycle Race, Hill Climb by members/entrants of the Karratha Cycle Club Inc on 6th July 2003 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on North West Coastal Highway and Madigan Road in Karratha.

All participants to wear approved head protection at all times.

A Sprint (Part of Car Rally) by members/entrants of the Mini Car Club of WA Inc on 6th July 2003 between the hours of 08:45 Hrs and 11:45 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Wellington Mills Road in Wellington Mills.

All participants to wear approved head protection at all times.

A Perth Marathon by members/entrants of the West Australian Marathon Club on 6th July 2003 between the hours of 07:30 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Goongoongup Bridge, Footpath to Victory Terrace, Brown Street, Footpath over Bridge to Claisebrook Cove, Footpath under and across Causeway to McCallum Park, Footpath through South Perth, under Narrows Bridge, along Freeway, over Canning Bridge, Haig Road, Burke Drive, Hislop Road and return.

A Road Cycling Race – Rutherford Road (56km) by members/entrants of the Albany Cycling Club on 12th July 2003 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on South Coast Highway, Rutherford Road, Lower Denmark Road, Roundhay Road, Balston Road, Albany Area.

All participants to wear approved head protection at all times.

An Experts Cup Car Rally by members/entrants of the West Australian Car Club (Inc) on 12th July 2003 between the hours of 05:30 Hrs and 23:59 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Wright Road, Bussell Road, Yabberup Brook Road, Cameron Gully Road, Blackbutt Road, Davis Road, Graphite Road, Fifty Six Road, Connell Road, Kelly Road, McClusky Road, Ardoretum Road, Humphrey Brook Road, Cherry Road, Best Road, Lyalls Log Road and various unnamed roads within the Bussell Plantation.

All participants to wear approved head protection at all times.

A Cycle Event by members/entrants of the Cyclewest Promotions/Midland on 13th, 20th and 27th July and 3rd August 2003 between the hours of 08:30 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on West Swan Road, Gngangara Road, Lord Street and Harrow Street in City of Swan.

All participants to wear approved head protection at all times.

A Bicycle Road Race by members/entrants of the Estuary Cycling Club Inc on 13th July and 3rd August 2003 between the hours of 09:00 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Quarry Way, Thornborough Road and Carleton Place in Greenfields.

All participants to wear approved head protection at all times.

A Hill Climb/Sprint by members/entrants of the Vintage Car Club of WA on 19th July 2003 between the hours of 07:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Lower Hotham Road (between Harvey Quindanning Road and Pinjarra Williams Road) in the Shire of Boddington.

All participants to wear approved head protection at all times.

A Road Cycling Race – JW Smith Cup (45km) by members/entrants of the Albany Cycling Club on 19th July 2003 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Frenchman's Bay Road, Quaranup Road, Albany Area.

All participants to wear approved head protection at all times.

A Cycle Race, Graded Mass by members/entrants of the Karratha Cycle Club Inc on 20th July 2003 between the hours of 10:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Karratha Road, Dampier Road, Madigan Road and North West Coastal Highway in Karratha.

All participants to wear approved head protection at all times.

A Biathlon by members/entrants of the Geraldton Harriers Inc on 26th July and 20th October 2003 between the hours of 15:00 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Collins Road, David Road, Cooper Street and Hall Road in the Shire of Greenough.

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

A Road Cycling Race – Long Course (100km) by members/entrants of the Albany Cycling Club on 26th July 2003 between the hours of 13:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Anson Road, Chester Pass Road, Wilyung Road, Rocky Crossing Road, Albany Highway, Albany Area.

All participants to wear approved head protection at all times.

A Lake Joondalup 5km and 10km by members/entrants of the West Australian Marathon Club on 27th July 2003 between the hours of 0800 Hrs and 1000 hrs do hereby approve the temporary suspension of the regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Scenic Drive in Wanneroo.

A Bicycle Road Race by members/entrants of the Estuary Cycling Club Inc on 27th July 2003 between the hours of 09:00 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Stock Road, Merrit Road, Mulga Drive and Red Road in Parklands.

All participants to wear approved head protection at all times.

A Cycling Race by members/entrants of the Northern Districts Cycle Club on 3rd, 10th, 17th and 24th August, 2003 between the hours of 07:30 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Shenton Avenue, Grand Boulevard and Joondalup Drive, Joondalup.

All participants to wear approved head protection at all times.

A Duathlon – Bike/Run by members/entrants of the Bunbury Triathlon Club on 3rd August, 24th August and 21st September 2003 between the hours of 08:00 Hs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Prince Philip Drive and Tuart Street, Bunbury.

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

A Road Cycling Race – Keyser Cup (44km) by members/entrants of the Albany Cycling Club on 9th August 2003 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Lancaster Road, Link Road, South Coast Highway and Albany Highway in the Albany area.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Spokes Cycle Club on 10th August 2003 between the hours of 09:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Hall Road, Collins Road, David Road and Cooper Street in Geraldton

All participants to wear approved head protection at all times.

A Biathlon by members/entrants of the Geraldton Harriers Inc on 16th August 2003 between the hours of 15:00 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Chapman Road, Chapman Valley Road, North West Coastal Highway, Stella Street, Alexander Drive and Okahoma Road in the Shire of Greenough.

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

A Road Cycling Race – Denmark to Albany by members/entrants of the Albany Cycling Club on 16th August 2003 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on South Coast Highway, Albany area.

All participants to wear approved head protection at all times.

A Road Cycling Race – Millbrook/Willyung by members/entrants of the Albany Cycling Club on 23rd August 2003 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Anson Road, Chester Pass Road, Millbrook Road, Albany Highway, Willyung Road, Rocky Crossing Road, Albany area.

All participants to wear approved head protection at all times.

A Cycle Race, Graded Mass by members/entrants of the Karratha Cycle Club Inc on 24th August 2003 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on The Esplanade, High Street, Church Street and Central Avenue in Dampier.

All participants to wear approved head protection at all times.

A Criterium by members/entrants of the Karratha Cycle Club Inc on 30th August 2003 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Orkney Road, Chiratta Road and King Way in Karratha.

All participants to wear approved head protection at all times.

A Road Cycling Race – young's Siding 75km by members/entrants of the Albany Cycling Club on 30th August 2003 between the hours of 13:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on South Coast Highway, Lower Denmark Road, Roundhay Road, Balston Road, Albany Area.

All participants to wear approved head protection at all times.

A Cycling Race by members/entrants of the Northern Districts Cycle Club on 31st August, 2003 between the hours of 07:30 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Shenton Avenue, Grand Boulevard and Joondalup Drive, Joondalup.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Spokes Cycle Club on 31 August 2003 between the hours of 09:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Mullewa Road, Walkaway Road and Moonyoonooka/Narngulu Road in the Shire of Greenough.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Spokes Cycle Club on 7th September 2003 between the hours of 09:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Mullewa Road in the Shire of Greenough.

All participants to wear approved head protection at all times.

PO501*

POLICE ACT 1892**POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 26th July 2003 at 10.00am.

The auction is to be conducted by Mr Jules Antenucci.

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

RACING, GAMING AND LIQUOR

RG401

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

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
9831	Sanori Developments Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Baldivis and known as Settlers Hill Liquor Store	3/8/03
APPLICATIONS FOR THE REMOVAL OF A LICENCE			
173822	Starasia Pty Ltd	Application for the removal of a Special Facility—Wine Club licence from premises situated in North Perth suburb to a new site in Mount Pleasant and known as Invinity Fine Wine Broker	30/7/03
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
16802	Sin-Aus-Nanga Bay Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Denham and known as Nanga Station Store	30/7/03
16782	CHB Charters Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as The Church Night Club	22/7/03

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

H. R. HIGHMAN, Director of Liquor Licensing.

PUBLIC NOTICES

ZZ201**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the Estates of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd C\—Ground floor, 39 Hunter Street, Sydney NSW, to send particulars of such claims to the Company by the undermentioned date, after which date the said company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Estate late Peter John Bell

Late of Unit 1/67 Addington Way, Marangaroo, Retired Postman

Died: 11/5/2003

Estate late Rita Jean Bevan

Late of Embleton Care Facility, 46 Broun Avenue, Embleton, Widow

Died: 22/5/2003

Estate late Elsie Goodrick

Late of Leslie Watson Nursing Home, 18 Roebuck Drive, Salter Point, Widow

Died: 9/6/2003

Estate late Trevor Rushforth

Late of 17 Chaparral Crescent, Willetton, Retired

Died: 24/5/2003

Stephen John Maxwell

Senior Estate Manager

Direct Phone (02) 9229 3419

ZZ202**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Keith Gordon Agnew, late of 12 Chrysostom Street, North Beach, Western Australia, Bank Manager, 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 21st day of May 2003, are required by the trustee Jeremy Robert Birman of C/- Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth, WA, 6832 to send particulars of their claims to him by the date being one month from the publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ203**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 11th August 2003 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Archer, Vernon John, late of 187 Pleasant Grove Circle Falcon, died 23/6/2003, (DE19983463EM32)

Bell, Dorothy Rita, late of Unit 32/12 McNicholl Street Rockingham, died 14/6/2003, (19701522EM15)

Carruthers, Frederick Arthur, late of Unit 5/22-24 Satellite Place Carlisle, died 15/6/2003 (DE33024604EM36)

Day, Norman John, late of Armadale Nursing Home 21 Angelo Street Armadale, died 4/10/2002, (DE30309131EM36)

D'Cruz, Lloyd Alonzio, late of 47 Camboon Road Morley formerly of Unit 77/16 Leeder Street Glendalough, died 18/5/2003, (DE19892407EM37)

Gullotti, Maria, late of 241 Bulwer Street Perth, died 20/10/2002, (DE19932517EM34)

Harper, Ellen, late of Rowethorpe Nursing Home Hillview Terrace Bentley, died 11/6/2003, (DE19640191EM23)

Johnston, James Alexander also known as Hamish Johnston, late of Rowethorpe Nursing Home Hayman Road Bentley formerly of 25 Edgeware Street Lynwood, died 30/5/2003, (DE19771852EM17)

Kuhl, Norman Modral, late of 9 Balista Street Riverton, died 4/6/2003, (DE19912785EM34)

Munday, Alethea Letitia, late of The Second Avenue Nursing Home 51-53 Second Avenue Mount Lawley, died 18/5/2003, (DE19842627EM22)

Scott, Alan David, late of 5 Oatlands Road Mount Barker, died 23/4/2003, (DE19882453EM32)

Wilkinson, Dennis, late of Unit 11/51 Wellington Street Mosman Park, died 16/6/2003, (DE19991481EM15)

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

Telephone: 9222 6777

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