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Gazette**

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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2004 AND NEW YEAR HOLIDAY PERIOD 2005

*NOTE: Due to Tuesday 28th December being a public holiday there will not be a gazette published on that day*

#### Publishing Dates and times

Friday 31 December 2004 at 3.30 pm

Tuesday 4 January 2005 at 3.30 pm

#### Closing Dates and Times for copy

Wednesday 29 December 2004 at 12 noon

Friday 31 December 2004 at 12 noon



# — PART 1 —

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE301\*

Residential Tenancies Act 1987

### Residential Tenancies Amendment Regulations 2004

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Residential Tenancies Amendment Regulations 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Residential Tenancies Regulations 1989\**.

[\* *Reprint 2 as at 19 September 2003.*]

**3. Regulation 2A inserted**

After regulation 2 the following regulation is inserted —

“

**2A. Definitions**

In these regulations, unless the contrary intention appears —

“**park operator**”, in relation to a site-only agreement, means the grantor to the tenant of the rights under the agreement, or the grantor’s successor where the succession is subject to the interest of the tenant;

“**relocatable home**” means a vehicle or building that is fitted or designed for use as a place of residence (whether or not it includes bathroom or toilet facilities) and that is or can be parked, assembled or erected on a site in a caravan park;

“**residential park**” means —

- (a) a caravan park that is operated or required to be operated under a licence issued under the *Caravan Parks and Camping Grounds Act 1995*;
- (b) a caravan park operated by a local government under the *Caravan Parks and Camping Grounds Act 1995*; or
- (c) a caravan park that is operated by a public sector body;

“**site**” means an area of land in a residential park that is set aside for the use of one relocatable home, except such an area that is a lot in relation to a survey-strata scheme under the *Strata Titles Act 1985*;

“**site-only agreement**” means a residential tenancy agreement under which a park operator grants to the tenant the rights to occupy a site and to keep on the site a relocatable home that is provided by the tenant.

”.

**4. Regulation 5E inserted**

After regulation 5D the following regulation is inserted —

“

**5E. More notice required to terminate certain tenancies**

- (1) The modifications set out in subsections (2) and (3) are prescribed for the purposes of section 6(a) and (b) of the Act.
- (2) Section 63 applies to a site-only agreement for a periodic tenancy that has continued for 3 months or longer as if —
  - (a) a reference to an owner were a reference to the park operator;
  - (b) a reference to an agreement were a reference to the site-only agreement;
  - (c) the reference to a contract for sale of the premises were a reference to a contract for sale of the residential park, or for sale of a part of the residential park that includes the site that the tenant is entitled to occupy under the site-only agreement;
  - (d) the reference to vacant possession of the premises were a reference to vacant possession of the site that the tenant is entitled to occupy under the site-only agreement; and

- (e) the reference in section 63(2) to 30 days were a reference to 60 days.
- (3) Section 64 applies to a site-only agreement for a periodic tenancy that has continued for 3 months or longer as if —
- (a) a reference to an owner were a reference to the park operator;
  - (b) a reference to an agreement were a reference to the site-only agreement; and
  - (c) the reference in section 64(2) to 60 days were a reference to 120 days.

”.

## 5. Schedule 2 amended

Schedule 2 clause 18 is amended as follows:

- (a) in paragraph (c) by deleting “If an owner” and inserting instead —

“

Except where paragraph (ca) applies, if an owner

”.

- (b) after paragraph (c) by inserting the following paragraph —

“

- (ca) If the operator of a residential park sells park premises that include a site occupied by a tenant under a site-only agreement for a periodic tenancy that has continued for 3 months or longer, the park operator may give notice to the tenant ending the tenancy, but must not require the tenant to give vacant possession of the site sooner than 60 days after the notice is given.

”.

- (c) in paragraph (d) by deleting “An owner” and inserting instead —

“

Except where paragraph (da) applies, an owner

”.

- (d) after paragraph (d) by inserting the following paragraph —

“

- (da) Where a tenant occupies a site in a residential park under a site-only agreement for a periodic tenancy that has continued for 3 months or longer, the operator of the residential park may, without giving any reason, give notice to the tenant ending the tenancy, but must not require the tenant to give vacant possession of the site sooner than 120 days after the notice is given.

”.

## 6. Schedule 4 amended

Schedule 4 Form 1C is amended as follows:

- (a) by deleting “**DELETE THE OTHER THREE**” and inserting instead —  
“ **DELETE THE OTHER FIVE** ”;
- (b) in item “B” by inserting before “This” the subitem designation “(1)”;
- (c) by deleting the note at the end of item B and inserting instead —

“

*(Notes:*

- 1. *This notice cannot be given during the term of a fixed term residential tenancy agreement.*
- 2. *This notice cannot be given to a tenant who occupies a site in a residential park under a site-only agreement for a periodic tenancy that has continued for 3 months or longer.)*

- (2) This notice of NOT LESS THAN 60 DAYS is given to you on the ground that the park operator has entered into a contract for sale of residential park premises and under the contract the park operator is required to give vacant possession of the premises. (See section 63 of the *Residential Tenancies Act 1987* as modified by regulation 5E(2) of the *Residential Tenancies Regulations 1989*.)

*(Note: This notice can be given to a tenant who occupies a site in a residential park under a site-only agreement for a periodic tenancy that has continued for 3 months or longer.)*

”.

- (d) in item “C” by inserting before “This” the subitem designation “(1)”;
- (e) by deleting the note at the end of item C and inserting instead —

“

*(Notes:*

- 1. *This notice cannot be given during the term of a fixed term residential tenancy agreement.*
- 2. *This notice cannot be given to a tenant who occupies a site in a residential park under a site-only agreement for a periodic tenancy that has continued for 3 months or longer.)*

- (2) This notice of NOT LESS THAN 120 DAYS is given to you in exercise of the park operator’s right to give notice without specifying any ground for doing so. (See section 64 of the *Residential Tenancies Act 1987* as modified by regulation 5E(3) of the *Residential Tenancies Regulations 1989*.)

*(Note: This notice can be given to a tenant who occupies a site in a residential park under a site-only agreement for a periodic tenancy that has continued for 3 months or longer.)*

”

By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.

**CE302\***

**RETAIL TRADING HOURS ACT 1987**

**RETAIL TRADING HOURS EXEMPTION ORDER (NO. 2) 2004**

Made by the Minister for Consumer and Employment Protection.

**1. Citation**

This order may be cited as the Retail Trading Hours Exemption Order (No. 2) 2004.

**2. Interpretation**

In this order—

“**motor shop**” means a general retail shop or portion of a general retail shop, as the case requires—

- (a) in, on or from which motor vehicles are sold by way of retail sale; or
- (b) in, on or from which spare parts are sold by way of retail sale in conjunction with the sale of motor vehicles;

**3. Exemptions from Act provisions**

**Sunday 12 December 2004**

Each general retail shop to which this order applies is exempted from section 12(1)(d) of the Act on 12 December 2004 provided the shop is closed on that day until 10.00am and from and after 5.00pm.

**Sunday 19 December 2004**

Each general retail shop to which this order applies is exempted from section 12(1)(d) of the Act on 19 December 2004 provided the shop is closed on that day until 10.00am and from and after 5.00pm.

**Tuesday 21 December 2004**

Each general retail shop to which this order applies is exempted from section 12(1)(a) of the Act on 21 December 2004 provided the shop is closed on that day until 8.00am and from and after 9.00pm.

**Wednesday 22 December 2004**

Each general retail shop to which this order applies is exempted from section 12(1)(a) of the Act on 22 December 2004 provided the shop is closed on that day until 8.00am and from and after 9.00pm.

**Tuesday 28 December 2004**

Each general retail shop to which this order applies is exempted from section 12(1)(e) of the Act on 28 December 2004 provided the shop is closed on that day until 8.00am and from and after 6.00pm.

**Monday 3 January 2005**

Each general retail shop to which this order applies is exempted from section 12(1)(e) of the Act on 3 January 2005 provided the shop is closed on that day until 8.00am and from and after 6.00pm.

**4. Application**

- (1) This order applies to all general retail shops, other than motor shops, within the municipal boundaries of the Local Government Authorities specified in the Schedule.
- (2) This order does not affect the operation of the Retail Trading Hours Exemption Order (No. 12) 1994.

**5. Schedule**

Shire of Beverley	Shire of Boddington	Shire of Boyup Brook
Shire of Bridgetown- Greenbushes	Shire of Broomehill	Shire of Brookton
Shire of Bruce Rock	City of Bunbury	Shire of Capel
Shire of Carnamah	Shire of Chapman Valley	Shire of Chittering
Shire of Coolgardie	Shire of Collie	Shire of Corrigin
Shire of Cranbrook	Shire of Coorow	Shire of Cue
Shire of Cunderdin	Shire of Cuballing	Shire of Dalwallinu
Shire of Dumbleyung	Shire of Dowerin	Shire of Gnowangerup
Shire of Goomalling	Shire of Gingin	Shire of Greenough
Shire of Jerramungup	Shire of Kellerberrin	Shire of Kent
Shire of Kojonup	Shire of Kondinin	Shire of Koorda
Shire of Kulin	Shire of Lake Grace	Shire of Laverton
Shire of Leonora	City of Mandurah	Shire of Meekatharra
Shire of Merredin	Shire of Menzies	Shire of Moora
Shire of Mount Magnet	Shire of Morawa	Shire of Mt Marshall
Shire of Mullewa	Shire of Murchison	Shire of Mukinbudin
Shire of Murray	Shire of Nannup	Shire of Narrogin
Town of Narrogin	Town of Northam	Shire of Nungarin
Shire of Perenjori	Shire of Plantagenet	Shire of Pingelly
Shire of Quairading	Shire of Ravensthorpe	Shire of Sandstone
Shire of Tambellup	Shire of Tammin	Shire of Three Springs
Shire of Toodyay	Shire of Trayning	Shire of Victoria Plains
Shire of Wagin	Shire of Wandering	Shire of Waroona
Shire of Westonia	Shire of West Arthur	Shire of Wickepin
Shire of Williams	Shire of Wyalkatchem	Shire of Wongan-Ballidu
Shire of Woodanilling	Shire of Yalgoo	

JOHN KOBELKE, MLA, Minister for Consumer and Employment Protection.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

#### *City of Fremantle*

#### AMENDMENTS TO THE LOCAL LAWS RELATING TO OUTDOOR EATING AREAS

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on 13 December 2004 to make the following amendments to the *Local Laws Relating to Outdoor Eating Areas*.

#### Clause 1

The following definitions are inserted at the appropriate alphabetical position—

“barrier” means an obstruction that impedes or is a hindrance to pedestrian movement;

“GRV” means Gross Rental Value in relation to land and has the same meaning as under the Valuation of Land Act 1978;

The “Restricted Tables and Chairs” definition is deleted.

#### Clause 2

After the words “within the municipality” delete the words “or within the areas designated on Map 1”.

#### Clause 3

After the words “or flower boxes within the licensed area,” delete the words “advertising control within licensed areas”.

#### Clause 5(a)

Delete the sentence “Areas described as a public place on private land are exempt from payment for the space occupied.”

#### Clause 5(b)(ii)

After the words “tables and chairs.” delete the words “, (relevant to areas of private land only)”.

Clause 5(e)(iii)  
 Delete clause 5(e)(iii).  
 Clause 5(e)(vii)  
 After the words “and form of” delete the words “advertising signs and”.  
 Clause 8(a)  
 After the words “expiring on 30” delete the word “June” and insert the word “December”.  
 Clause 8(c)  
 After the words “on or after 1” delete the word “August” and insert the word “February”.  
 After the words “months since 1” delete the word “July” and insert the word “January”.  
 Clause 9(a)(i)  
 After the words “prior to 1” delete the word “June” and insert the word “January”.  
 Clause 10  
 After the words “structured on the” delete the words “three zones as identified in Map 2” and insert the words “GRV fee”.  
 Clause 14  
 Delete “(a)”.  
 Delete clause 14(b) entirely.  
 Delete clause 14 (c) entirely.  
 Clause 16  
 Delete clause 16 entirely.  
 Schedule 1  
 Delete the current Schedule 1 and replace it with the new Schedule 1 as set out below—  
 “

**SCHEDULE 1**

**CITY OF FREMANTLE**

**APPLICATION FOR: *(Please tick one)***



- NEW Outdoor dining licence.....
- AMENDMENT TO EXISTING Outdoor dining licence.....

**PROPERTY DETAILS:**

Lot No. ....House/Street No. ....Suburb.....  
 Owned Or Leased Property Area (m<sup>2</sup>).....  
 Outdoor Dining Area only (m<sup>2</sup>).....  
 Annual Gross Rental Value of Property.....  
**This figure must be supported by a letter from your Landlord or Real Estate bearing date & signature.**  
 Name of Premises and Usage details.....  
 .....  
 Title Encumbrances (*eg .easements restrictive covenants*) .....  
 .....  
 Nearest Street Intersection.....

**PROPERTY OWNER DETAILS:**

Name .....  
 Address..... Post Code.....  
 Phone (work) ..... (Home) ..... Fax .....  
 Contact Person .....  
 Signature ..... Date .....  
 Signature ..... Date .....  
 Signature ..... Date .....  
 Signature ..... Date .....

*If the owner’s name and address is NOT to be made available to agencies other than the Statutory authorities, please tick—*

*The signature of the landowner(s) is required for all applications. This application will not proceed without all signatures.*

**APPLICANT DETAILS:** *(to be completed **only** if different from the owner)*

Name .....  
 Address..... Post Code.....  
 Phone (work) ..... (Home) ..... Fax .....  
 Contact Person .....  
 Signature ..... Date .....

**CHECKLIST:**

	✓
1. A completed application form signed by the applicant.	
2. <b>Two (2) copies (A3 size)</b> of site plans/drawings <i>scale 1:100 or 1:200</i> showing:— <ul style="list-style-type: none"> <li>• The front of the business.</li> <li>• The footpath and verge including the road, street furniture, bins, trees.</li> <li>• The proposed position and number of the tables &amp; chairs, including dimensions, and umbrellas, planter boxes, if applicable.</li> <li>• Details of a cross section plan to show how the umbrellas will be inserted into the footpath and installation of the safety covers.</li> </ul>	
3. A photo/brochure of the tables, chairs, umbrellas and planters.	
4. The total area of the premises (including toilets and kitchen areas) in square metres. Provide information in 'Property Details' of this application form.	
5. A <b>Non-Redeemable</b> Application Fee of (insert fee)* to cover inspection, administration and processing costs. NB: For amendment of existing Outdoor Dining Licence Fee = (insert fee)*. *fees are adopted each year by Council within the fees and charges schedule.	

**PAYMENT DETAILS (Cashiers will issue a receipt number upon payment of fee)**

Application Fee (new outdoor dining applications only)	(insert fee)*
Amendment to Existing Outdoor Dining Licence	(insert fee)*

<b>Total Fee Paid (Choose one from above list)</b> *Fees are adopted each year by Council within the fees and charges schedule.	
--	--

Cheques to be made payable to the "City Of Fremantle"  
 Account no. 2314553.4019 Receipt No \_\_\_\_\_ Date \_\_\_\_\_

Schedule 2

Delete the existing Schedule 2 and replace it with the new Schedule 2 as set out below—

**City Of Fremantle**

**Schedule 2**

**Local Laws Relating to Outdoor Eating Areas**

*LICENCE FORM*

**Licence Number:**

This Licence is issued to:

Full Name:

Address

This licence authorises the person named above to set up and conduct an outdoor dining eating area.

- (a) On those portions of the street or public place shaded in on the licence plan attached hereto and forming part of this licence and;

(b) In compliance with the attached conditions specified hereunder.

**This Licence is valid from the (insert date) and expiring at (insert time) on (insert date) or on the sooner cancellation of this licence.**

In accepting this licence, the person so named above hereby agrees to indemnify and hold indemnified the Crown and the Council against any claims for compensation howsoever arising from the operation of the eating area and further agrees not to seek from the Crown or the Council or any person action on their behalf, compensation by way of damages or loss of income from any public work within the street.

*For:*

CHIEF EXECUTIVE OFFICER

“

Dated this 17th day of December 2004.

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

P. TAGLIAFERRI, Mayor.

G. MACKENZIE, Acting Chief Executive Officer.

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## **WATER**

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WA301\*

Water Agencies (Powers) Act 1984

### **Water Agencies (Charges) Amendment By-laws (No. 2) 2004**

Made by the Minister under section 34(1).

**1. Citation**

These by-laws are the *Water Agencies (Charges) Amendment By-laws (No. 2) 2004*.

**2. The by-laws amended**

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

[\* *Reprint 3 as at 9 May 2003.*

*For amendments to 21 October 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 415, and Gazette 29 June 2004.]*

**3. Schedule 3 amended**

Schedule 3 Division 2 is amended in the Table to clause 10 as follows:

- (a) after the item commencing “Collie” by inserting the following item —

“

Coral Bay	12.000	12.000
-----------	--------	--------

”;

- (b) after the item commencing “Kojonup” by inserting the following item —

“

Kulin	12.000	12.000
-------	--------	--------

”.

J. EDWARDS, Minister for the Environment.

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## — PART 2 —

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### AGRICULTURE

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AG401\*

**PLANT DISEASES ACT 1914**  
APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the *Plant Diseases Act 1914*, hereby appoint—

Maurice John Darlington  
Michael David Fitzgerald  
Laurence Gordon MacKay  
Melissa Ann Meaney

Joanna Eva Negus  
Kate Joanne Russell  
Danielle Anne Wetherspoon

as Authorised Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations.

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

AG402\*

**PLANT DISEASES ACT 1914**  
APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the *Plant Diseases Act 1914*, hereby appoint Larry Albert Dyson as an Authorised Inspector pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations. Previous appointments for this officer under the *Plant Diseases Act 1914* are hereby revoked.

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

AG403\*

**SEEDS ACT 1981**  
APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries being the Minister responsible for the administration of the *Seeds Act 1981*, hereby appoint the following as an Inspector pursuant to Section 14 of the said Act—

Joanne Eva Negus

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

AG404\*

**SOIL AND LAND CONSERVATION ACT 1945**

## APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries being the Minister responsible for the administration of the *Soil and Land Conservation Act 1945* hereby appoint Nevill John Blake and Lyle Norman Mildenhall as Authorised persons pursuant to Section 8 and 21 of the *Soil and Land Conservation Act 1945*.

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

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**EDUCATION**

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ED401\*

**SCHOOL EDUCATION ACT 1999**

## DECLARATION OF LOCAL-INTAKE AREAS FOR SCHOOLS WITH PRIMARY STUDENTS

(Pursuant to Sections 60, 78, 79 and 80)

The Hon. Minister for Education has declared that the local-intake areas for the schools listed hereunder shall be as stated in this notice. Children of compulsory school age who reside within the local-intake areas stated shall be entitled to attend the schools to which such local-intake areas apply if there is an appropriate educational program for them at that school. Children who reside outside these local-intake areas may apply to attend the schools to which such local-intake areas apply.

PAUL ALBERT, Director-General of Education.

**ASHDALE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Wanneroo Road and Ocean Reef Road, south along Wanneroo Road to Hepburn Avenue, west along Hepburn Avenue and its proposed extension to Rangeview Road, north along Rangeview Road to Kingsway, west along Kingsway to the proposed alignment of Madeley Street (and the locality boundary between Darch and Landsdale), north along the proposed Madeley Street and locality boundary to the junction of the existing section of Madeley Street and Furniss Road, north along the existing section of Madeley Street to Gnangara Road, east along Gnangara Road to the proposed section of Ocean Reef Road, and west along the proposed and existing sections of Ocean Reef Road to Wanneroo Road. The boundary parts of Wanneroo Road (east side), the existing and proposed sections of Hepburn Avenue (north side), Rangeview Road (west side), Kingsway (south side), the existing and proposed sections of Madeley Street (west side) and Gnangara Road (north side) are included within the local-intake area of this primary school. The existing and proposed sections of Ocean Reef Road (both sides) are excluded from the local-intake area of this primary school.

The following defines an optional local-intake area between Ashdale Primary School and Landsdale Primary School—

The locality of Gnangara as delineated in the 2005 edition of the Perth Streetsmart Street Directory.

**BALDIVIS PRIMARY SCHOOL**

The following defines a local-intake area of this school—

From the junction of Mandurah Road and Stakehill Road, north along Mandurah Road to Pike Road, east along Pike Road to Eighty Road, south along Eighty Road to the southern boundary of Lot 23, east along the southern boundary of Lot 23 and continuing east along the southern boundaries of both Lot 9106 and Lot 105 to the south eastern corner of Lot 105, north along the eastern boundary of Lot 105 to Clyde Avenue, west along Clyde Avenue to the proposed alignment of Nairn Drive, north along the proposed Nairn Drive to Safety Bay Road and west along Safety Bay Road to Mandurah Road, north along Mandurah Road to Millar Road, east and north east along Millar Road West to Wellard Road, generally east along the locality boundary of Baldivis to the bridge over the drain near the junction of Mundijong Road and Duckpond Road, south along the drain to a point due north of the junction of Karnup Road and Yangetti Road, south along Yangetti Road to Henderson Road, west along Henderson Road and its westward extension to the Serpentine River, south along the Serpentine River to the southern boundary of the locality of Karnup, west along the southern boundary of the locality of Karnup to Mandurah Road and north along Mandurah Road to Stakehill Road.

The boundary parts of Mandurah Road (northern and southern sections, east side in both cases), Clyde Avenue (north side), Safety Bay Road (north side), the roads to and from Tamworth Hill (north side in both cases), Millar Road West (both sides), Yangetti Road (both sides) and Henderson Road (both sides) are included within the area for Baldivis Primary School. The boundary parts of Pike Road (both sides) and Eighty Road (northern and southern sections, both sides in each case) are excluded from this local-intake area.

The following will define an optional area between Baldivis Primary School and Settlers Primary School—

From the intersection of Safety Bay Road and Mandurah Road, north along Mandurah Road to the road leading to Tamworth Hill, north east along the road to Tamworth Hill, east along the road to Eighty Road, south along Eighty Road to Safety Bay Road and west along Safety Bay to Mandurah Road. The boundary parts of Mandurah Road (east side), the roads to and from Tamworth Hill (south side in both cases), Eighty Road (both sides) and Safety Bay Road (north side) are included within this optional area.

The following is an optional area between Baldivis Primary School, Marri Grove Primary School and Mundijong Primary School—

From the junction of Duckpond Road and Mundijong Road, west along Mundijong Road to the locality boundary between Baldivis and Oldbury, north west along this locality boundary and continuing east and north east along the locality boundary between Oldbury and Wellard to the railway line, east along the railway line to a drain, south south east along the drain to the Birraga Main Drain, south and south west along the main drain to Mundijong Road and west along Mundijong Road to Duckpond Road. The boundary parts of Mundijong Road (north side) are included in this optional area.

#### **CARALEE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of Leach Highway and Stock Road, south along Stock Road to Garling Street, east along Garling Street to North Lake Road, north along North Lake Road to Leach Highway and west along Leach Highway to Stock Road. The boundary parts of Stock Road (east side), Garling Street (north side), North Lake Road (west side) and Leach Highway (south side) are included in the local intake area of this school.

#### **CARRAMAR PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Wanneroo Road and Flynn Drive, north and east along Flynn Drive to the locality boundary between Banksia Grove and Carramar (as shown in the Perth 2005 StreetSmart street directory), south along this locality boundary to Pinjar Road, south along Pinjar Road to Conti Road, west along Conti Road and the western extension of Conti Road to and across Wanneroo Road, and continuing west to the locality boundary between Joondalup and Wanneroo, north along this locality boundary to Joondalup Drive, east along Joondalup Drive to Wanneroo Road, and north along Wanneroo Road to Flynn Drive. The boundary parts of Flynn Drive (east and south sides), Pinjar Road (west side), Joondalup Drive (south side) and Wanneroo Road (east side) are included within the local-intake area of this school. The boundary parts of Conti Road (both sides) are excluded from the local-intake area of this school.

The localities of Mariginiup and Neerabup are optional areas for Carramar Primary School and Wanneroo Primary School.

#### **CAMPBELL PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of Ranford Road and Nicholson Road, north east along Nicholson Road to Birnam Road, south east along Birnam Road to Fraser Road North, north east along Fraser Road North to Amherst Road, south east along Amherst Road to the intersection with Campbell Road, south through the public open space and lakes - with the following three streets on the east - Corsham Gardens, Ladham Turn, Welbeck Road and Repton Loop, and the following two streets on the west - Prior Close and Sandringham Promenade- to the intersection of Sandringham Promenade and Welbeck Road, south east along Sandringham Promenade to Warton Road, south west along Warton Road to Ranford Road, and north west along Ranford Road to Nicholson Road. The boundary parts of Nicholson Road (east side), Birnam Road (south west side), Fraser Road North (south east side), Amherst Road (south west side), Prior Close (both sides), Sandringham Promenade (both sides), Warton Road (north west side) and Ranford Road (north east side), are included within the local-intake area of this school. The boundary parts of Corsham Gardens, Ladham Turn, Welbeck Road and Repton Loop (both sides in all cases) are excluded from the local-intake area of this school.

The following defines an optional area between Campbell Primary School and Ranford Primary School—

From the intersection of Ranford Road and Warton Road, south west along Warton Road to Nicholson Road, north along Nicholson Road to the south westerly extension of Campbell Road, north east along this extension and north east along Campbell Road to Ranford Road. The boundary parts of Warton Road (north side), Nicholson Road (east side), Campbell Road (south side) and Ranford Road (west side) are included within this optional area.

**COOLBELLUP COMMUNITY SCHOOL (proposed name)**

The following defines the local-intake area of this school—

From the intersection of Stock Road and Winterfold Road, east along Winterfold Road to North Lake Road, south along North Lake Road to Forrest Road, west along Forrest Road to Stock Road and north along Stock Road to Winterfold Road. The boundary parts of Winterfold Road (south side), North Lake Road (west side), Forrest Road (north side) and Stock Road (east side) are included within this local-intake area.

The following defines an optional area between Coolbellup Community School and Southwell Primary School—

From the intersection of Stock Road and Forrest Road, east along Forrest Road to North Lake Road, south along North Lake Road to Phoenix Road, west along Phoenix Road to Stock Road and north along Stock Road to Forrest Road. The boundary parts of Forrest Road (south side), North Lake Road (west side), Phoenix Road (north side) and Stock Road (east side) are included within this optional area.

**DAWSON PARK PRIMARY SCHOOL**

The following defines an optional area for Forrestfield Primary School, Dawson Park Primary School and Woodlupine Primary School—

From the intersection of Tonkin Highway and Hale Road, northeast along Hale Road to Cypress Road, northwest along Cypress Road and its extension to Roe Highway, southwest along Roe Highway to Tonkin Highway, and southeast along Tonkin Highway to Hale Road. The boundary parts of Hale Road (north west side), Roe Highway (south east side) and Tonkin Highway (north east side) are included within the optional area, while the boundary street of Cypress Road (both sides) is excluded from the optional area.

The following defines an optional area between Maida Vale Primary School, Dawson Park Primary School and Woodlupine Primary School—

From the junction of Hawtin Road and Kent Road, south along Hawtin Road to Sultana Road East, west and north west along Sultana Road East to Bruce Road, east along Bruce Road to Brewer Road, north along Brewer Road to Kent Road and east along Kent Road to Hawtin Road. The boundary parts of Hawtin Road (west side), Sultana Road East (north side), Bruce Road (south side), Brewer Road (east side) and Kent Road (south side) are included within this optional area.

The following defines an optional area between Maida Vale Primary School and Dawson Park Primary School—

All of Ravenswood Road (both sides) and all of Rhodes Place (both sides).

**EAST FREMANTLE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of Stirling Highway and Marmion Street, east along Marmion Street to Coode Street, south along Coode Street to High Street, west along High Street to Montreal Street, south along Montreal Street to Knutsford Street, west along Knutsford Street to Swanbourne Street, north along Swanbourne Street to High Street, west along High Street to Ord Street, north along Ord Street to James Street, north west along James Street to the Fremantle Harbour, north east along Victoria Quay to the southern bank of the Swan River foreshore, north east along the Swan River foreshore to Stirling Bridge and Stirling Highway, south east and south along Stirling Highway to Marmion Street. The boundary parts of Marmion Street (south side), Coode Street (west side), High Street (eastern section, north side), Montreal Street both sides, Knutsford Street (both sides), Swanbourne Street (east side), High Street (western section, north side), Ord Street (east side), James Street (east side) and Stirling Highway (south west side) are included within this local-intake area.

The following defines an optional area between East Fremantle Primary School and Richmond Primary School—

From the junction of Marmion Street and Moss Street, north along Moss Street to George Street, west along George Street and its extension to Stirling Highway, south along Stirling Highway to Marmion Street, and east along Marmion Street to Moss Street. The boundary parts of Moss Street (west side), George Street (south side), Stirling Highway (east side) and Marmion Street (north side) are included within this optional area.

The following defines an optional area between East Fremantle Primary School and Fremantle Primary School—

From the intersection of High Street and Ord Street, east along High Street to Swanbourne Street, south along Swanbourne Street to Knutsford Street, west along Knutsford Street to Ord Street and north along Ord Street to High Street. The boundary parts of High Street (south side), Swanbourne Street (west side), Knutsford Street (both sides) and Ord Street (east side) are included within this optional area.

**EAST WANNEROO PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Wanneroo Road and Dundebur Road, east along Dundebur Road to Griffiths Road, north along Griffiths Road and continuing north, west, and north along the locality boundary between Sinagra and Wanneroo to Caporn Street, east along Caporn Street to Franklin Street, south along Franklin Street to Trichet Road, east along Trichet Road to Hawkins Road,

south along Hawkins Road to Badgerup Road, south along Badgerup Road to the locality boundary of Wangara, west along the locality boundary of Wangara to Ocean Reef Road, continuing west along Ocean Reef Road to Wanneroo Road and north along Wanneroo Road to Dundobar Road. The boundary parts of Dundobar Road (south side), Griffiths Road (east side), Caporn Street (south side), Franklin Street (west side), Trichet Road (south side), Hawkins Road (west side), Badgerup Road (west side), Ocean Reef Road (north side) and Wanneroo Road (east side) are included within the local-intake area of this school.

The localities of Jandabup and Sinagra are optional areas for East Wanneroo Primary School and Wanneroo Primary School.

The locality of Gnangara is optional between Ashdale Primary School, East Wanneroo primary School and Landsdale Primary School.

#### **EXCELSIOR PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Nicholson Road and Garden Street, south west along Nicholson Road to Birnam Road, , south east along Birnam Road to Fraser Road North, north east along Fraser Road North to Amherst Road, south east along Amherst Road to the intersection with Campbell Road, south through the public open space and lakes - with the following three streets on the east - Corsham Gardens, Ladham Turn, Welbeck Road and Repton Loop, and the following two streets on the west – Prior Close and Sandringham Promenade- to the intersection of Sandringham Promenade and Welbeck Road, south east along Sandringham Promenade to Warton Road, south west along Warton Road to Ranford Road, south east along Ranford Road to Southern River Road, north east along Southern River Road to the locality boundary between Huntingdale and Southern River, north west along the locality boundary to the junction of Garden Street and Warton Road, north west along Garden Street to Nicholson Road. The boundary parts of Nicholson Road (south east side), Birnam Road (north east side), Fraser Road North (north west side), Amherst Road (north east side), Corsham Gardens (both sides), Ladham Turn (both sides), Welbeck Road (both sides), Repton Loop (both sides), Warton Road (south east side), Ranford Road (north east side), Southern River Road (north west side) and Garden Street (west side) are included within the local-intake area of this school. The boundary parts of Prior Close (both sides) and Sandringham Promenade (both sides) are excluded from the local-intake area of this school.

#### **FOREST CRESCENT PRIMARY SCHOOL**

The following defines the local-intake area of this school —

From the junction of Warton Road and Forest Lakes Drive, north west along Forest Lakes Drive to Murdoch Road, north west along Murdoch Road to Yale Road, south west along Yale Road to Garden Street, south east along Garden Street to Warton Road and north east along Warton Road to Forest Lakes Drive. The boundary parts of Forest Lakes Drive (both sides), Murdoch Road (south side), Yale Road (both sides), Garden Street (north east side) and Warton Road (north side) are included within the local-intake area of Forest Crescent Primary School.

The following defines an optional area between Forest Crescent Primary School and Huntingdale Primary School—

From the junction of Warton Road and Gay Street, south east along Gay Street to Southern River Road, south west along Southern River Road to the locality boundary between Huntingdale and Southern River, north west along the locality boundary to the junction of Garden Street and Warton Road, and north east along Warton Road to Gay Street. The boundary parts of Gay Street (both sides), Southern River Road (north west side) and Warton Road (south east side) are included within this optional area.

#### **FORRESTFIELD PRIMARY SCHOOL**

The boundary between Forrestfield Primary School and Woodlupine Primary School is as follows—

From the intersection of Tonkin Highway and Hale Road, in a general northeasterly direction along Hale Road to Hawtin Road and north north east along Hawtin Road to Sultana Road East. The boundary parts of Hale Road (south and south east sides) and Hawtin Road (east side) are included within the area for Forrestfield Primary School.

The following is an optional area for Forrestfield, Dawson Park and Woodlupine Primary School—

From the intersection of Tonkin Highway and Hale Road, northeast along Hale Road to Cypress Road, northwest along Cypress Road and its extension to Roe Highway, southwest along Roe Highway to Tonkin Highway, and southeast along Tonkin Highway to Hale Road. The boundary parts of Hale Road (north west side), Roe Highway (south east side) and Tonkin Highway (north east side) are included within the optional area, while the boundary street of Cypress Road (both sides) is excluded from the optional area.

The following defines an optional area between Maida Vale Primary School and Forrestfield Primary School—

From the junction of Holmes Road and Maud Road, west along Maud Road to Hawtin Road, south along Hawtin Road to Sultana Road East, east to Holmes Road and north along Holmes Road to Maud Road. The boundary parts of Maud Road (south side), Hawtin Road (east side) and Holmes Road (both sides) are included within this optional area.

**FREMANTLE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of South Street and Hampton Road, north along Hampton Road to Ord Street, continuing north along Ord Street to James Street, north west along James Street and its north west extension to the Fremantle Harbour, south west along Victoria Quay to the South Mole, generally south east along the Indian Ocean foreshore to the southern end of the northern breakwater of the Challenger Harbour, east to the southern breakwater of the Fishing Boat Harbour, south east along Capo Dorlando Drive to Marine Terrace, north along Marine Terrace to South Street and east along South Street to Hampton Road. The boundary parts of Hampton Road (west side), Ord Street (west side), James Street (south west side) and South Street (north side) are included within this local-intake area. The boundary parts of Marine Terrace (both sides) are excluded from this local-intake area.

The following defines an optional area between Fremantle Primary School and Beaconsfield Primary School—

From the intersection of Hampton Road and South Street, south along Hampton Road to Douro Road, west along Douro Road to Marine Terrace, north along Marine Terrace to South Street and east along South Terrace to Hampton Road. The boundary parts of Hampton Road (west side), Douro Road (north side), Marine Terrace (both sides) and South Street (south side) are included within this local-intake area.

The following defines an optional area between Fremantle Primary School and White Gum Valley Primary School—

From the intersection of Hampton Road and South Street, east along South Street to Wray Avenue, north along Wray Avenue to Solomon Street, north along Solomon Street to Samson Street, north east along Samson Street to Swanbourne Street, north along Swanbourne Street to Knutsford Street, west along Knutsford Street to Hampton Road and south along Hampton Road to South Street. The boundary parts of South Street (north side), Wray Avenue (west side), Solomon Street (west side), Samson Street (north side), Swanbourne Street (west side) and Hampton Road (east side) are included within this optional area. The boundary parts of Knutsford Street (both sides) are excluded from this optional area.

The following defines an optional area between East Fremantle Primary School and Fremantle Primary School—

From the intersection of High Street and Ord Street, east along High Street to Swanbourne Street, south along Swanbourne Street to Knutsford Street, west along Knutsford Street to Ord Street and north along Ord Street to High Street. The boundary parts of High Street (south side), Swanbourne Street (west side), Knutsford Street (both sides) and Ord Street (east side) are included within this optional area.

**HELENA VALLEY PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the bridge carrying the Roe Highway over the Helena River, south east along the locality boundary between Bellevue and Helena Valley that follows the Helena River to a point on the westerly extension of Frederic Street, east along this extension and Frederic Street (and the locality boundary) and continuing east on the easterly extension of Frederic Street to Coulston Road, south east along Coulston Road to the junction with Marriott Road, east from this junction to the intersection of the locality boundaries of Boya, Darlington and Greenmount, south from this point to the Helena River and the local government boundary between the Shire of Kalamunda and the Shire of Mundaring, generally west along the local government boundary to Ridge Hill Road, south along Ridge Hill Road to the local government boundary between the Shire of Mundaring and the Shire of Swan, generally north west along this local government boundary to the Roe Highway and north along the Roe Highway to the bridge over the Helena River. The boundary parts of Frederic Street (south side), Coulston Road (both sides), Ridge Hill Road (west side) and Roe Highway (east side) are included within this local-intake area.

The following defines an optional area between Helena Valley Primary School and Maida Vale Primary School—

From the junction of Ridge Hill Road and Sadler Drive, north along Sadler Drive to the locality boundary of Hazelmere, south east along this locality boundary to Ridge Hill Road and south west along Ridge Hill Road to Sadler Drive. The boundary parts of Sadler Drive (east side) and Ridge Hill Drive (north west side) are included within this optional area.

**HUNTINGDALE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Warton Road and Gay Street, north east along Warton Road to Corfield Street, south east along Corfield Street to the Southern River, generally south along the Southern River to Southern River Road, south west along Southern River Road to Gay Street and north west along Gay Street to Warton Road.

The boundary parts of Warton Road (south east side) and Corfield Street (south side), Southern River Road (north east side) are included within the local-intake area of this school. The boundary street, Gay Street (both sides), is excluded from this area.

The following defines an optional area between Forest Crescent Primary School and Huntingdale Primary School—

From the junction of Warton Road and Gay Street, south east along Gay Street to Southern River Road, south west along Southern River Road to the locality boundary between Huntingdale and Southern River, north west along this locality boundary to the junction of Garden Street and Warton Road, and north east along Warton Road to Gay Street. The boundary parts of Gay Street (both sides), Southern River Road (north west side) and Warton Road (south east side) are included within this optional area.

#### **INGLEWOOD PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Walter Road West and central Avenue, southeast along Central Avenue to Carrington Street, northeast along Carrington Street to Kennedy Street, south east along Kennedy Street and its extension to the railway line, north east along the railway line to Grand Promenade, north west along Grand Promenade to Beaufort Street, north east along Beaufort Street to Drummond Street, north west along Drummond Street to Walter Road West and south west and south along Walter Road West to Central Avenue. The boundary parts of Central Avenue (north side), Grand Promenade (both sides), Beaufort Street (both sides), Drummond Street (both sides), and Walter Road West (east side) are included within the area for Inglewood Primary School, while the boundary parts of Carrington Street (both sides) and Kennedy Street (both sides) are excluded from the area for Inglewood Primary School.

The following defines an optional area between Maylands Peninsula Primary School and Inglewood Primary School—

From a point on the railway line on the south eastern extension of Central Avenue, north east along the railway line to the south east extension of Kennedy Street, north west to and along Kennedy Street to Carrington Street, south west along Carrington Street to Central Avenue and south east along Central Avenue and its extension to the railway line. The boundary parts of Kennedy Street (both sides), Carrington Street (both sides) and Central Avenue (north side) are included within this optional area.

#### **KARDINYA PRIMARY SCHOOL**

The boundary for this school is as follows—

From the junction of Somerville Boulevard and North Lake Road, north along North Lake Road to Garling Street, west along Garling Street to the locality boundary between Kardinya and O'Connor, south along this boundary to South Street, east south east along South Street to North Lake Road, south along North Lake Road to Gwilliam Drive, east and north along Gwilliam Drive to Farrington Road, northeast along Farrington Road to Windelya Road, north along Windelya Road to South Street, east and northeast along South Street to Prescott Drive, in a general northerly direction along Prescott Drive to Sommerville Boulevard, and in a general westerly direction along Somerville Boulevard to North lake Road.

The boundary parts of North Lake Road (north section, west side, southern section, east side), Garling Street (south side), South Street (western section, north side, eastern section, both sides), Progress Drive (both sides), Farrington Road (both sides), and Somerville Boulevard (south side), and the boundary road of Windelya Road (both sides), are included within the area for Kardinya Primary School, while the boundary street of Prescott Drive (both sides) is excluded from the area for Kardinya Primary School.

The following defines an optional area between Kardinya Primary School, Bateman Primary School and Winthrop Primary School—

The area bounded by Prescott Drive (both sides), South Street (north side), Murdoch Drive (west side) and Somerville Boulevard (south side).

The following defines an optional area between Kardinya Primary School and Winthrop Primary School—

From the junction of Somerville Boulevard and North Lake Road, north along North Lake Road to Hackett Pass, east along Hackett Pass to Aitken Drive, south and southeast along Aitken Drive to Keall Pass, south and southeast along Keall Pass to Somerville Boulevard, and southwest and west along Somerville Boulevard to North Lake Road. The boundary parts of North lake Road (east side), Hackett Pass (both sides), Aitken Drive (both sides), Keall Pass (both sides) and Somerville Boulevard (north side) are included within the optional area.

#### **LANDSDALE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Gnangara Road and Alexander Drive, south along Alexander Drive to the proposed alignment of Hepburn Avenue, west along the proposed Hepburn Avenue to Rangeview Road, north along Rangeview Road to Kingsway, west along Kingsway to the proposed alignment of Madeley Street (and the locality boundary between Darch and Landsdale), north along the proposed Madeley Street and locality boundary to the junction of the existing section of Madeley Street and Furniss Road, north along the existing section of Madeley Street to Gnangara Road and east along Gnangara Road to Alexander Drive. The boundary parts of Alexander Drive (west side), proposed Hepburn Avenue (north side), Rangeview Road (east side), Kingsway (north side), proposed and existing sections of Madeley Street (east side) and Gnangara Road (south side) are included within the local-intake area of Landsdale Primary School.

The following defines an optional local-intake area between Ashdale Primary School and Landsdale Primary School—

The locality of Gnangara as delineated in the 2005 edition of the Perth Streetsmart Street Directory.

#### **MAIDA VALE PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the junction of Ridge Hill Road and Watsonia Road, south along Watsonia Road to Kalamunda Road, north west along Kalamunda Road to West Terrace, south along West Terrace to Northwood Road, west along Northwood Road to Holmes Road, south along Holmes Road to Maud Road, west along Maud Road to Hawtin Road, north along Hawtin Road to Kent Road, west along Kent Road to Brewer Road, south along Brewer Road to Ravenswood Road, west, north and west along Ravenswood Road to Rhodes Place, north along Rhodes Place to the northern end of the cul-de-sac, west from this point to the Roe Highway, north along the Roe Highway to the intersection with the local government boundary between the Shire of Mundaring and the Shire of Swan, south east from this point along this local government boundary to Ridge Hill Road, south along Ridge Hill Road to John Farrant Drive, north west along the Hazelmere locality boundary to Sadler Drive, south along Sadler Drive to Ridge Hill Road and south west along Ridge Hill Road to Watsonia Road. The boundary parts of Watsonia Road (both sides), Kalamunda Road (north side), West Terrace (both sides), Norwood Road (both sides), Holmes Road (both sides), Maud Road (north side), Hawtin Road (east side), Kent Road (north side), Brewer Road (west side), Roe Highway (east side) and Ridge Hill Road (northern section, west side), Sadler Drive (west side) and Ridge Hill Road (southern section, north side) are included within the local-intake area of this school.

The following defines an optional area between Helena Valley Primary School and Maida Vale Primary School—

From the junction of Ridge Hill Road and Sadler Drive, north along Sadler Drive to the locality boundary of Hazelmere, south east along this locality boundary to Ridge Hill Road and south west along Ridge Hill Road to Sadler Drive. The boundary parts of Sadler Drive (east side) and Ridge Hill Drive (north west side) are included within this optional area.

The following defines an optional area between Kalamunda and Maida Vale Primary Schools—

From the junction of Kalamunda Road with West Terrace, south along West Terrace to Norwood Road, west along Norwood Road to Holmes Road, south along Holmes Road to Maud Road, east from this point to Simeon Close, east along Simeon Close to West Terrace, south and southeast along West Terrace to the walk trail, east along the walk trail to a point just east of Brie Brie Crescent, north from this point to Nangana Way, north along the north-south alignment of Nangana Way to Kalamunda Road and northwest along Kalamunda Road to West Terrace. The boundary parts West Terrace (southern section, both sides), Nangana Way (both sides) and Kalamunda Road (south side) and the boundary street of Simeon Close (both sides) are included within the optional area, while the boundary parts of West Terrace (northern section, both sides), Norwood Road (both sides) and Holmes Road (both sides) are excluded from the optional area.

The following defines an optional area between Maida Vale Primary School and Forrestfield Primary School—

From the junction of Holmes Road and Maud Road, west along Maud Road to Hawtin Road, south along Hawtin Road to Sultana Road East, east to Holmes Road and north along Holmes Road to Maud Road. The boundary parts of Maud Road (south side), Hawtin Road (east side) and Holmes Road (both sides) are included within this optional area.

The following defines an optional area between Maida Vale Primary School, Dawson Park Primary School and Woodlupine Primary School—

From the junction of Hawtin Road and Kent Road, south along Hawtin Road to Sultana Road East, west and north west along Sultana Road East to Bruce Road, east along Bruce Road to Brewer Road, north along Brewer Road to Kent Road and east along Kent Road to Hawtin Road. The boundary parts of Hawtin Road (west side), Sultana Road East (north side), Bruce Road (south side), Brewer Road (east side) and Kent Road (south side) are included within this optional area.

The following defines an optional area between Maida Vale Primary School and Dawson Park Primary School—

All of Ravenswood Road (both sides) and all of Rhodes Place (both sides).

#### **MAYLANDS PENINSULA PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of Guildford Road and Garratt Road, south east along Garratt Road to the Swan River, south, west, north and west along the Swan River to the south eastern extension of Pakenham Street, north west along this extension to Pakenham Street, north west along Pakenham Street and its extension to the railway line, north east along the railway line to the railway crossing at Caledonian Avenue, south east along Caledonian Avenue to Guildford Road, and north east along Guildford Road to Garratt Road. The boundary parts of Garratt Road (south side), Pakenham Street (both sides), Caledonian Avenue (both sides) and Guildford Road (south side) are included within this local-intake area.

The following defines an optional area between Maylands Peninsula Primary School and Bayswater Primary School—

From the junction of Caledonian Avenue and Guildford Road east north east along Guildford Road to Garratt Road, north west along Garratt Road and its extension to the railway line, south west along the railway line to Caledonian Avenue and south east along Caledonian Avenue to Guildford Road. The boundary parts of Guildford Road (north side) and Garratt Road (both sides) are included within the optional area, while the boundary parts of Caledonian Avenue (both sides) are excluded from this optional area.

The following defines an optional area between Maylands Peninsula Primary School and Inglewood Primary School—

From a point on the railway line on the south eastern extension of Central Avenue, north east along the railway line to the south east extension of Kennedy Street, north west to and along Kennedy Street to Carrington Street, south west along Carrington Street to Central Avenue and south east along Central Avenue and its extension to the railway line. The boundary parts of Kennedy Street (both sides), Carrington Street (both sides) and Central Avenue (north side) are included within this optional area.

#### **NEERABUP PRIMARY SCHOOL**

The local-intake area for this school is the locality of Banksia Grove as shown in the Perth 2005 StreetSmart street directory.

#### **NORTH COTTESLOE PRIMARY SCHOOL**

The following defines the local-intake area of this school for kindergarten students subject to available accommodation—

From the junction of Stirling Highway and Forrest Street, north east along Stirling Highway to Airlie Street, east along Airlie Street to Bindaring Parade, north along Bindaring Parade to Richardson Avenue and continuing north along Richardson Avenue to Stirling Highway, continuing north across Stirling Highway to Parry Street, north along Parry Street to the railway line, south west along the railway line to the closest point to the junction of West Coast Highway and Claremont Crescent, north west from this point to West Coast Highway, north along West Coast Highway to North Street, west along North Street to Marine Parade, south along Marine Parade to Jarrad Street, east along Jarrad Street to Curtin Avenue, north along Curtin Avenue to Forrest Street (western section), east along the easterly extension of Forrest Street and east along Forrest Street (eastern section) to Stirling Highway.

The boundary parts of Stirling Highway (west side), Airlie Street (both sides), Bindaring Parade (both sides), Richardson Avenue (both sides), Parry Street (west side), West Coast Highway (west side), North Street (south side), Marine Parade (both sides), Jarrad Street (both sides), Curtin Avenue (both sides) and Forrest Street (eastern section, north side) are included within this school's local-intake area for kindergarten students.

#### **SETTLERS PRIMARY SCHOOL**

The following will define the local-intake area of this school when it opens part way through 2005—

From the intersection of Safety Bay Road and Mandurah Road, south along Mandurah Road to Pike Road, east along Pike Road to Eighty Road, south along Eighty Road to the southern boundary of Lot 23, east along the southern boundary of Lot 23 and continuing east along the southern boundaries of both Lot 9106 and Lot 105 to the south eastern corner of Lot 105, north along the eastern boundary of Lot 105 to Clyde Avenue, west along Clyde Avenue to the proposed alignment of Nairn Drive, north along the proposed Nairn Drive to Safety Bay Road and west along Safety Bay Road to Mandurah Road. The boundary parts of Mandurah Road (east side), Pike Road (both sides), Eighty Road (both sides), Clyde Avenue (south side) and Safety Bay Road (south side) are included within this local-intake area.

The following will define an optional area between Settlers Primary School and Baldivis Primary School—

From the intersection of Safety Bay Road and Mandurah Road, north along Mandurah Road to the road leading to Tamworth Hill, north east along the road to Tamworth Hill, east along the road to Eighty Road, south along Eighty Road to Safety Bay Road and west along Safety Bay to Mandurah Road. The boundary parts of Mandurah Road (east side), the roads to and from Tamworth Hill (south side in both cases), Eighty Road (both sides) and Safety Bay Road (north side) are included within this optional area.

#### **SOUTHWELL PRIMARY SCHOOL**

The following defines the local-intake area for this school—

From the junction of Carrington Street and Forrest Road, south along Carrington Street to Rockingham Road, southeast and then south along Rockingham Road to Phoenix Road, east along Phoenix Road to Stock Road, north along Stock Road to Forrest Road, in a general north westerly and westerly direction along Forrest Road to Carrington Street. The boundary parts of Carrington Street (east side), Rockingham Road (east side), Phoenix Road (north side), Stock Road (west side), and Forrest Road (south side) are included in the local-intake area for Southwell Primary School.

The following defines an optional area between Southwell Primary School and Coolbellup Community School—

From the intersection of Stock Road and Forrest Road, east along Forrest Road to North Lake Road, south along North Lake Road to Phoenix Road, west along Phoenix Road to Stock Road and north along Stock Road to Forrest Road. The boundary parts of Forrest Road (south side), North Lake Road (west side), Phoenix Road (north side) and Stock Road (east side) are included within this optional area.

#### **WANNEROO PRIMARY SCHOOL**

The following defines the local-intake area of this school—

From the intersection of Wanneroo Road and Ocean Reef Road, north along Wanneroo Road to Pinjar Road, north east along Pinjar Road to Conti Road, west along Conti Road and the western extension of Conti Road to and across Wanneroo Road, and continuing west to the locality boundary between Joondalup and Wanneroo, south along this locality boundary to Ocean Reef Road and east along Ocean Reef Road to Wanneroo Road. The boundary parts of Wanneroo Road (west side), Pinjar Road (west side), Conti Road (both sides) and Ocean Reef Road (north side) are included within the local-intake area of this school.

The localities of Mariginiup and Neerabup are optional areas for Carramar Primary School and Wanneroo Primary School.

The localities of Jandabup and Sinagra are optional areas for East Wanneroo Primary School and Wanneroo Primary School.

#### **WHITE GUM VALLEY PRIMARY SCHOOL**

The following defines the local-intake area of this school —

From the intersection of Carrington Street and High Street, south along Carrington Street to South Street, west along South Street to Wray Avenue, north along Wray Avenue to Solomon Street, north along Solomon Street to Samson Street, north east along Samson Street to Swanbourne Street, north along Swanbourne Street to Knutsford Street, east along Knutsford Street to Montreal Street, north along Montreal Street to High Street, and east along High Street to Carrington Street. The boundary parts of Carrington Street (west side), South Street (north side), Wray Avenue (east side), Solomon Street (east side), Samson Street (south side), Swanbourne Street (east side), and High Street (south side) are included within the local-intake area of this school. The boundary parts of Knutsford Street (both sides) and Montreal Street (both sides) are excluded from the local-intake area of White Gum Valley Primary School.

The following defines an optional area between Fremantle Primary School and White Gum Valley Primary School—

From the intersection of Hampton Road and South Street, east along South Street to Wray Avenue, north along Wray Avenue to Solomon Street, north along Solomon Street to Samson Street, north east along Samson Street to Swanbourne Street, north along Swanbourne Street to Knutsford Street, west along Knutsford Street to Hampton Road and south along Hampton Road to South Street. The boundary parts of South Street (north side), Wray Avenue (west side), Solomon Street (west side), Samson Street (north side), Swanbourne Street (west side) and Hampton Road (east side) are included within this optional area. The boundary parts of Knutsford Street (both sides) are excluded from this optional area.

#### **WICKHAM PRIMARY SCHOOL**

The following defines the local-intake area of this school—

The localities of Cossack, Point Sampson and Wickham.

#### **WINTHROP PRIMARY SCHOOL**

The following defines the local-intake area for this school—

From the intersection of Leach Highway and North Lake Road, south along North Lake Road to Hackett Pass, east along Hackett Pass to Aitken Drive, south along Aitken Drive to Keall Pass, south and southeast along Keall Pass to Somerville Boulevard, east along Somerville Boulevard to Murdoch Drive, north along Murdoch Drive to Leach Highway and west along Leach Highway to North Lake Road. The boundary parts of North Lake Road (east side), Hackett Pass (both sides), Aitken Drive (both sides), Keall Pass (both sides), Somerville Boulevard (north side), Murdoch Drive (west side) and Leach Highway (south side) are included within the local-intake area for Winthrop Primary School.

The following defines an optional area between Kardinya Primary School, Bateman Primary School and Winthrop Primary School—

The area bounded by Prescott Drive (both sides), South Street (north side), Murdoch Drive (west side) and Somerville Boulevard (south side).

The following defines an optional area between Kardinya Primary School and Winthrop Primary School—

From the junction of Somerville Boulevard and North Lake Road, north along North Lake Road to Hackett Pass, east along Hackett Pass to Aitken Drive, south and southeast along Aitken Drive to Keall Pass, south and southeast along Keall Pass to Somerville Boulevard, and southwest and west along Somerville Boulevard to North Lake Road. The boundary parts of North lake Road (east side), Hackett Pass (both sides), Aitken Drive (both sides), Keall Pass (both sides) and Somerville Boulevard (north side) are included within the optional area.

**WOODLUPINE PRIMARY SCHOOL**

The boundary between Woodlupine Primary School and Forrestfield Primary School is as follows—

From the intersection of Tonkin Highway and Hale Road, in a general north easterly direction along Hale Road to Hawtin Road north north east along Hawtin Road to Sultana Road East. The boundary parts of Hale Road (north and north west sides) and Hawtin Road (west side) are included within the area for Woodlupine Primary School.

The following defines an optional area for Forrestfield Primary School, Dawson Park Primary School and Woodlupine Primary School—

From the intersection of Tonkin Highway and Hale Road, northeast along Hale Road to Cypress Road, northwest along Cypress Road and its extension to Roe Highway, southwest along Roe Highway to Tonkin Highway, and southeast along Tonkin Highway to Hale Road. The boundary parts of Hale Road (north west side), Roe Highway (south east side) and Tonkin Highway (north east side) are included within the optional area, while the boundary street of Cypress Road (both sides) is excluded from the optional area.

The following defines an optional area between Maida Vale Primary School, Dawson Park Primary School and Woodlupine Primary School—

From the junction of Hawtin Road and Kent Road, south along Hawtin Road to Sultana Road East, west and north west along Sultana Road East to Bruce Road, east along Bruce Road to Brewer Road, north along Brewer Road to Kent Road and east along Kent Road to Hawtin Road. The boundary parts of Hawtin Road (west side), Sultana Road East (north side), Bruce Road (south side), Brewer Road (east side) and Kent Road (south side) are included within this optional area.

**ED402\*****SCHOOL EDUCATION ACT 1999****DECLARATION OF LOCAL-INTAKE AREAS FOR SCHOOLS WITH SECONDARY STUDENTS**

(Pursuant to Sections 60, 78, 79 and 80)

The Hon. Minister for Education has declared that the local-intake areas for the secondary schools listed hereunder shall be as stated in this notice. Children of compulsory school age who reside within the local-intake areas of the following secondary schools shall be entitled to attend the schools to which such local-intake areas apply if there is an appropriate educational program for them at that school. The local-intake area of a secondary school may be defined in this notice by listing the names of the contributory primary schools, the local-intake areas and the traditional catchment areas of which, when amalgamated, constitute the local-intake area of that secondary school. Children who reside outside these local-intake areas may apply to attend the schools to which such local-intake areas apply.

PAUL ALBERT, Director-General of Education.

**CANNINGTON COMMUNITY COLLEGE**

The local-intake area of this school contains all or part of the local-intake areas of the following primary schools: Cannington Community College, Gibbs Street and Beckenham Primary Schools, and the traditional catchment areas of Queens Park and Wilson Primary Schools.

The following defines the local-intake area of this school for students in Year 8 to Year 10—

From the junction of Albany Highway and Leach Highway, south west along Leach Highway to the Shelley Bridge, generally east and south east along the Canning River to the Roe Highway, north east and north along the Roe Highway to the Tonkin Highway, north west along the Tonkin Highway to Kewdale Road, south west along Kewdale Road to Welshpool Road, west along Welshpool Road to the railway line, south east along the railway line to Leach Highway and south west along Leach Highway to Albany Highway. The boundary parts of Leach Highway (south east side), Roe Highway (west side), Tonkin Highway (south west side), Kewdale Road (south east side) and Welshpool Road (south side) are included within the local-intake area of this school.

The following defines an optional area between Cannington Community College and Kent Street Senior High School—

From the intersection of Albany Highway and Leach Highway, north east along Leach Highway to the railway line, north west along the railway line to Welshpool Road, west along Welshpool Road to Albany Highway, and south east along Albany Highway to Leach Highway. The boundary parts of Leach Highway (north west side), Welshpool Road (south side) and Albany Highway (north east side) are included within this local-intake area.

**COMO SECONDARY COLLEGE**

The local-intake area of this school contains all or part of the local-intake areas of the following primary schools: Collier and Como Primary Schools, and the traditional catchment areas of Curtin, Manning and Wilson Primary Schools.

The following defines the local-intake area of this school—

From the Shelley Bridge, north east along Leach Highway to Manning Road, east along Manning Road to a point due south of the southern extension of Hill View Terrace, north along this extension and Hill View Terrace to Walpole Street, north east along Walpole Street to Holder Street, west along Holder Street to Maquis Street, south west along Marquis Street to Hayman Road, generally north west along Hayman Road to South Terrace, west along South Terrace to the Swan River foreshore, south along the Swan River foreshore and continuing south along the Canning River foreshore, and east along the Canning River foreshore to the Shelley bridge. The boundary parts of Leach Highway (north west side), Manning Road (south side), Hill View Terrace and extension (west side), Walpole Street (north west side), Holder Street (south side), Marquis Street (south east side), Hayman Road (south west side) and South Terrace (south side) are included within this local-intake area.

The following defines an optional area between Como Secondary College and Kent Street Senior High School—

From the junction of Douglas Avenue and South Terrace, north west along Douglas Avenue and its north westerly extension to the Swan River foreshore, north west and south along the Swan River foreshore to a point on the westerly extension of South Terrace, east along this extension and east along South Terrace to Douglas Avenue. The boundary parts of Douglas Avenue (south west side) and South Terrace (north side) are included within this optional area.

Students resident within the former local-intake area of the (now closed) Kewdale Senior High School are entitled to attend Como Secondary College. This area is described in the Belmont City College local-intake area notice.

#### **KENT STREET SENIOR HIGH SCHOOL**

The local-intake area of this school contains all or part of the local-intake areas of the following primary schools: Cannington Community College, East Victoria Park and Kensington Primary Schools, and the traditional catchment areas of Bentley, Millen and Victoria Park Primary Schools.

The following defines the local-intake area of this school—

From the intersection of Great Eastern Highway and the railway line, south and south east along the railway line to Welshpool Road, west along Welshpool Road to Albany Highway, south along Albany Highway to Leach Highway, south west along Leach Highway to Manning Road, west along Manning Road to a point due south of the southern extension of Hill View Terrace, north along this extension and Hill View Terrace to Walpole Street, north east along Walpole Street to Holder Street, west along Holder Street to Maquis Street, south west along Marquis Street to Hayman Road, generally north west along Hayman Road to Douglas Avenue, north west along Douglas Avenue and its north west extension to the Swan River foreshore, east along the foreshore to the Causeway, south east from the Causeway to Great Eastern Highway, and north east along Great Eastern Highway to the railway line.

The boundary parts of Welshpool Road (north side), Albany Highway (south west side), Leach Highway (north west side), Manning Road (north side), Hill View Terrace and extension (east side), Walpole Street (south east side), Holder Street (north side), Marquis Street (north west side), Hayman Road (north east side), Douglas Avenue (north east side) and Great Eastern Highway (both sides) are included within the local-intake area for this school.

The following defines an optional area between Como Secondary College and Kent Street Senior High School—

From the junction of Douglas Avenue and South Terrace, north west along Douglas Avenue and its north westerly extension to the Swan River foreshore, north west and south along the Swan River foreshore to a point on the westerly extension of South Terrace, east along this extension and east along South Terrace to Douglas Avenue. The boundary parts of Douglas Avenue (south west side) and South Terrace (north side) are included within this optional area.

The following defines an optional area between Cannington Community College and Kent Street Senior High School—

From the intersection of Albany Highway and Leach Highway, north east along Leach Highway to the railway line, north west along the railway line to Welshpool Road, west along Welshpool Road to Albany Highway, and south east along Albany Highway to Leach Highway. The boundary parts of Leach Highway (north west side), Welshpool Road (south side), and Albany Highway (north east side) are included within this local-intake area.

Students resident within the former local-intake area of the (now closed) Kewdale Senior High School are entitled to attend Kent Street Senior High School. This area is described in the Belmont City College local-intake area notice.

**ED403\***

#### **SCHOOL EDUCATION ACT 1999**

##### **SCHOOLS THAT HAVE BEEN DECLARED AS LOCAL-INTAKE SCHOOLS**

(Pursuant to Section 60, Subsection 3a)

The Hon. Minister for Education has advised that the following schools shall have local-intake areas from 1 January 2005.

PAUL ALBERT, Director-General of Education.

ADAM ROAD PS	ALBANY PS	ALBANY SHS
ALINJARRA PS	ALLENDALE PS	APPLECROSS PS
APPLECROSS SHS	ARBOR GROVE PS	ARDROSS PS
ARMADALE PS	ASHBURTON DRIVE PS	ASHDALE PS
ATTADALE PS	ATWELL PS	AUSTRALIND PS
AUSTRALIND SHS	BALCATTA PS	BALCATTA SHS
BALDIVIS PS	BALER PS	BALGA PS
BALGA SHS	BALLAJURA COM COL	BALLAJURA PS
BAMBARA PS	BANKSIA PARK PS	BATEMAN PS
BAYSWATER PS	BEACHLANDS PS	BEACONSFIELD PS
BEAUMARIS PS	BEECHBORO PS	BEELIAR PS
BELDON PS	BELMONT CITY COLL	BELMONT PS
BELRIDGE SHS	BIBRA LAKE PS	BICTON PS
BLACKMORE PS	BLUFF POINT PS	BOORAGOON PS
BOULDER PS	BOYARE PS	BRAESIDE PS
BRAMFIELD PARK PS	BRENTWOOD PS	BRIDGETOWN PS
BROOKMAN PS	BROOME PS	BULL CREEK PS
BUNBURY PS	BUNBURY SHS	BUNGAREE PS
BURRENDAH PS	BUSSELTON PS	BUSSELTON SHS
BUTLER PS	BYFORD PS	CABLE BEACH PS
CALISTA PS	CAMBERWARRA PS	CAMBOON PS
CAMPBELL PS	CANNING VALE COLL	CANNING VALE PS
CANNINGTON COMM CO	CARALEE PS	CAREY PARK PS
CARINE PS	CARINE SHS	CARNARVON PS
CARRAMAR PS	CASSIA PS	CASTLETOWN PS
CHALLIS ECEC	CHALLIS PS	CHARTHOUSE PS
CHIDLOW PS	CHURCHLANDS PS	CHURCHLANDS SHS
CITY BEACH HS	CITY BEACH PS	CLARKSON COMM HS
CLARKSON PS	CLIFTON PARK PS	CLOVERDALE PS
COLLIER PS	COMO PS	COMO SEC COLLEGE
CONNOLLY PS	COODANUP COMM COL	COOGEE PS
COOINDA PS	COOLBELLUP COMM SCH	COOLOONGUP PS
CRAIGIE PS	CREANEY PS	CURRAMBINE PS
DALMAIN PS	DALYELLUP PS	DARLINGTON PS
DAVALLIA PS	DENMARK HS	DIANELLA HTS PS
DRYANDRA PS	DUDLEY PARK PS	DUNCRAIG PS
DUNCRAIG SHS	E BEECHBORO PS	E CARNARVON PS
E FREMANTLE PS	E GREENWOOD PS	E KALGOORLIE PS
E KENWICK PS	E MADDINGTON PS	E MANJIMUP PS
E NARROGIN PS	E VICTORIA PARK PS	E WAIKIKI PS
E WANNEROO PS	EASTERN HILLS SHS	EDDYSTONE PS
EDEN HILL PS	EDGEWATER PS	EDNEY PS
ELLENBROOK PS	ENDEAVOUR PS	ESPERANCE PS
EXCELSIOR PS	FALCON PS	FALLS ROAD PS
FERNDALE PS	FLINDERS PARK PS	FLOREAT PARK PS
FOREST CRESCENT PS	FORRESTDAL PS	FORRESTFIELD PS
FORRESTFIELD SHS	FREMANTLE PS	GEOGRAPHE PS
GERALDTON PS	GIBBS STREET PS	GIDGEGANNUP PS
GIRRAWHEEN PS	GIRRAWHEEN SHS	GLEN FORREST PS
GLENCOE PS	GLENGARRY PS	GOOSEBERRY HILL PS
GOSNELLS PS	GOSNELLS SHS	GOV STIRLING SHS
GREENFIELDS PS	GREENWOOD SHS	GWYNNE PARK PS
HAINSWORTH PS	HALLS HEAD COMM CO	HALLS HEAD PS
HAMILTON SHS	HAMPTON PARK PS	HAMPTON SHS
HANNANS PS	HARMONY PS	HARVEY SHS
HAWKER PARK PS	HEATHRIDGE PS	HELENA VALLEY PS
HERNE HILL PS	HIGH WYCOMBE PS	HILLARYS PS
HILLMAN PS	HUNTINGDALE PS	ILLAWARRA PS
INGLEWOOD PS	JANDAKOT PS	JARRAHDAL PS
JOHN CURTIN COTA	JOHN FORREST SHS	JOONDALUP PS
KALAMUNDA PS	KALAMUNDA SHS	KALGOORLIE PS
KARDINYA PS	KARRATHA PS	KATANNING PS
KELMSCOTT SHS	KENSINGTON PS	KENT STREET SHS
KEWDALE PS	KINGSLEY PS	KINLOCK PS
KINROSS COLLEGE	KINROSS PS	KOONDOOLA PS
KOORANA PS	KWINANA SHS	LAKE GWELUP PS
LAKELAND SHS	LANDSDALE PS	LEDA PS
LEEMING PS	LEEMING SHS	LESMURDIE PS
LESMURDIE SHS	LITTLE GROVE PS	LOCKRIDGE PS
LOCKRIDGE SHS	LYNWOOD PS	LYNWOOD SHS
MADDINGTON PS	MAIDA VALE PS	MANDURAH HS
MANDURAH PS	MANJIMUP PS	MARANGAROO PS
MARGARET RIVER SHS	MARMION PS	MARRI GROVE PS
MAYLANDS PENINSULA PS	MEDINA PS	MELVILLE PS
MELVILLE SHS	MERRIWA PS	MIDDLE SWAN PS
MILLARS WELL PS	MINDARIE PS	MIRRABOOKA SHS

MONTROSE PS	MORLEY PS	MORLEY SHS
MT HAWTHORN JPS	MT HAWTHORN PS	MT LAWLEY PS
MT LAWLEY SHS	MT LOCKYER PS	MT PLEASANT PS
MT TARCOOLA PS	MULLALOO BEACH PS	MULLALOO HTS PS
MUNDARING PS	MUNDIJONG PS	N ALBANY SHS
N BALGA PS	N COTTESLOE PS	N FREMANTLE PS
N KALGOORLIE PS	N MANDURAH PS	N MORLEY PS
N PARMELIA PS	N TOM PRICE PS	N WOODVALE PS
NARROGIN PS	NEDLANDS PS	NEERABUP PS
NEERIGEN BROOK PS	NEWMAN PS	NEWTON MOORE SHS
NEWTON PS	NORANDA PS	NORTHAM PS
NORTHAM SHS	NULSEN PS	O'CONNOR PS
OBERTHUR PS	OCEAN REEF PS	OCEAN REEF SHS
ORELIA PS	PADBURY PS	PADBURY SHS
PALMYRA PS	PARKFIELD PS	PARKWOOD PS
PEGS CREEK PS	PERTH MODERN SCH	PHOENIX PS
PINJARRA SHS	POSEIDON PS	POYNTER PS
PT KENNEDY PS	QUINNS BEACH PS	QUINNS ROCKS PS
RANFORD PS	RANGEWAY PS	RAWLINSON PS
RICHMOND PS	RIVERSIDE PS	RIVERTON PS
ROCKINGHAM BCH PS	ROCKINGHAM LAKES PS	ROCKINGHAM SHS
ROEBUCK PS	ROSALIE PS	ROSSMOYNE PS
ROSSMOYNE SHS	ROSTRATA PS	S BALLAJURA PS
S BUNBURY PS	S COOGEE PS	S FREMANTLE SHS
S HEDLAND PS	S KALGOORLIE PS	S NEWMAN PS
S PADBURY PS	S PERTH PS	S THORNIE PS
SAFETY BAY PS	SAFETY BAY SHS	SAMSON PS
SCARBOROUGH PS	SECRET HARBOUR PS	SERPENTINE PS
SETTLERS PS	SHELLEY PS	SHENTON COLLEGE
SINGLETON PS	SORRENTO PS	SOUTH LAKE PS
SOUTHWELL PS	SPENCER PARK PS	SPRINGFIELD PS
SUBIACO PS	SUTHER DIAN PS	SWAN VIEW PS
SWAN VIEW SHS	SWANBOURNE PS	TAKARI PS
TAMBREY PS	THORNIE SHS	TOM PRICE PS
VASSE PS	W BALCATTA PS	W BEECHBORO PS
W BUSSELTON PS	W LEEDERVILLE PS	W LEEMING PS
W MORLEY PS	WADDINGTON PS	WAGGRAKINE PS
WAIKIKI PS	WALLISTON PS	WANNEROO PS
WANNEROO SHS	WARNBRO COM HS	WARNBRO PS
WARRIAPENDI PS	WARWICK SHS	WATTLEUP PS
WELD SQUARE PS	WEMBLEY DOWNS PS	WEMBLEY PS
WESTFIELD PARK PS	WHITE GUM VAL PS	WICKHAM PS
WILLANDRA PS	WILLETTON PS	WILLETTON SHS
WINTERFOLD PS	WINTHROP PS	WIRRABIRRA PS
WITHERS PS	WOODBIDGE PS	WOODLANDS PS
WOODLUPINE PS	WOODVALE PS	WOODVALE SHS
WOOROLOO PS	WUNDOWIE PS	YAKAMIA PS
YANCHEP DHS	YANGEBUP PS	YOKINE PS
YULUMA PS		

**ED404\*****SCHOOL EDUCATION ACT 1999****SCHOOLS THAT HAVE NOT BEEN DECLARED AS LOCAL-INTAKE SCHOOLS**

(Pursuant to Section 60, Subsection 3b)

The Hon. Minister for Education has advised that, from 1 January 2005, the following schools shall not be local-intake schools.

PAUL ALBERT, Director-General of Education.

ABROLHOS ISL SCH	ALLANSON PS	ALLENSWOOD PS
AMAROO PS	ANZAC TERRACE PS	ARMADALE SHS
ASHFIELD PS	AUGUSTA PS	AVONVALE PS
BABAKIN PS	BADGINGARRA PS	BAKERS HILL PS
BALINGUP PS	BALLIDU PS	BASSENDAN PS
BAYULU RCS	BEACON PS	BECKENHAM PS
BELMAY PS	BENCUBBIN PS	BENTLEY PS
BEVERLEY DHS	BINDOON PS	BINNU PS
BLACKSTONE RCS	BODDINGTON DHS	BOLGART PS
BORDEN PS	BOYANUP PS	BOYUP BROOK DHS

BREMER BAY PS	BRIDGETOWN HS	BROOKTON DHS
BROOME SHS	BROOMEHILL PS	BRUCE ROCK DHS
BRUNSWICK JUNCT PS	BULLSBROOK DHS	BUNTINE PS
BURRINGURRAH RCS	CADOUX PS	CALINGIRI PS
CANNING COLLEGE	CAPEL PS	CARCOOLA PS
CARLISLE PS	CARNAMAH DHS	CARNARVON SCH AIR
CARNARVON SHS	CASCADE PS	CAVERSHAM PS
CECIL ANDREWS SHS	CENT MIDLANDS SHS	CERVANTES PS
CHAPMAN VALLEY PS	CHRISTMAS IS DHS	CLAREMONT PS
CLAYTON VIEW PS	CLIFTON HILLS PS	COCOS ISLAND DHS
COLLIE SHS	CONDINGUP PS	COOLBINIA PS
COOLGARDIE PS	COOROW PS	CORRIGIN DHS
COSMO NEWBERRY RCS	COTTESLOE PS	COWARAMUP PS
CRANBROOK PS	CUE PS	CUNDERDIN DHS
CURTIN PS	CYRIL JACK SNR CAM	DALKEITH PS
DALWALLINU DHS	DAMPIER PS	DANDARAGAN PS
DARDANUP PS	DARKAN DHS	DAWSON PARK PS
DAWUL RCS	DEANMORE PS	DENMARK PS
DERBY DHS	DJIDI DJIDI AB SCH	DJUGERARI RCS
DONGARA DHS	DONNYBROOK DHS	DOODLAKINE PS
DOUBLEVIEW PS	DOWERIN DHS	DUMBLEYUNG PS
DUNSBOROUGH PS	DWELLINGUP PS	E CLAREMONT PS
E HAMERSLEY PS	E HAMILTON HILL PS	EASTERN GOLDFIS SHS
EATON COMM COLL	EATON PS	EMBLETON PS
ENEABBA PS	ESPERANCE SHS	EXMOUTH DHS
FAIRVIEW PS	FITZROY CROSSG DHS	FRANKLAND PS
GAIRDNER PS	GASCOYNE JUNCT RCS	GERALDTON SENIOR C
GINGIN DHS	GLEN HUON PS	GLENDALE PS
GNOWANGERUP AG SCH	GNOWANGERUP DHS	GOOLLELAL PS
GOOMALLING PS	GRASS PATCH PS	GRAYLANDS PS
GREENBUSHES PS	GREENMOUNT PS	GROVELANDS PS
GUILDFORD PS	HALIDON PS	HALLS CREEK DHS
HARVEY PS	HEDLAND SHS	HIGHGATE PS
HILLCREST PS	HILTON PS	HOLLYWOOD PS
HYDEN PS	JAMESON RCS	JERDACUTTUP PS
JERRAMUNGUP DHS	JIGALONG RCS	JOHN WILLCOCK COLL
JOLIMONT PS	JUNGDRANUNG RCS	JURIEN BAY DHS
KALANNIE PS	KALBARRI DHS	KALGOORLIE SCH AIR
KALUMBURU RCS	KAMBALDA PS	KAMBALDA WEST DHS
KAPINARA PS	KARLGARIN PS	KARRATHA SHS
KARRIDALE PS	KARRINYUP PS	KATANNING SHS
KELLERBERRIN DHS	KELMSCOTT PS	KENDENUP PS
KIMBERLEY SCH AIR	KIRUP PS	KIWIRRKURRA RCS
KOJONUP DHS	KONDININ PS	KOORDA PS
KUKERIN PS	KULIN DHS	KUNUNURRA DHS
KYILLA PS	LA GRANGE RCS	LAKE GRACE DHS
LAKE KING PS	LAKE MONGER PS	LANCELIN PS
LATHAM PS	LATHLAIN PS	LAVERTON PS
LEEMAN PS	LEINSTER PS	LEONORA DHS
LOOMA RCS	MANDURAH SNR COLL	MANJIMUP SHS
MANNING PS	MARBLE BAR PS	MARGARET RIVER PS
MARVEL LOCH PS	MECKERING PS	MEEKATHARA SCH AIR
MEEKATHARRA DHS	MENZIES RCS	MERREDIN SHS
MIDLAND PS	MIDVALE PS	MILING PS
MILLEN PS	MINDARIE SENIOR CO	MINGENEW PS
MIRRABOOKA PS	MOORA PS	MOORDITJ NOONGAR C
MOORINE ROCK PS	MORAWA DHS	MOSMAN PARK PS
MT BARKER PS	MT BARKER SHS	MT HELENA PS
MT MAGNET DHS	MT MANYPEAKS PS	MT MARGARET RCS
MT WALKER PS	MUKINBUDIN DHS	MULLEWA DHS
MULUDJA RCS	MUNGLINUP PS	MUNTADGIN PS
N DANDALUP PS	N MERREDIN PS	N PERTH PS
NANNUP DHS	NAREMBEEN DHS	NARROGIN SHS
NEWBOROUGH PS	NEWDEGATE PS	NEWMAN SHS
NGALAPITA RCS	NGURRAWAANA RCS	NOLLAMARA PS
NORSEMAN DHS	NORTH BEACH PS	NORTH LAKE SNR CAM
NORTHAMPTON DHS	NORTHCLIFFE DHS	NULLAGINE PS
NUNGARIN PS	NYABING PS	OCEAN ROAD PS
ONE ARM POINT RCS	ONGERUP PS	ONSLow PS
OOMBULGURRI RCS	ORANGE GROVE PS	OSBORNE PS
PANNAWONICA PS	PARABURDOO PS	PARKERVILLE PS
PEMBERTON DHS	PERENJORI PS	PIA WADJARRI RCS
PICKERING BROOK PS	PICTON PS	PINGELLY DHS
PINGRUP PS	PINJARRA PS	PT HEDLAND PS
PT HEDLAND S AIR	QUAIRADING DHS	QUEENS PARK PS
RAVENSTHORPE DHS	REDCLIFFE PS	RIVER VALLEY PS

ROEBOURNE PS	ROLEYSTONE DHS	ROLEYSTONE PS
ROTTNEST ISLAND PS	S MERREDIN PS	S STIRLING PS
SALMON GUMS PS	SANDSTONE PS	SAWYERS VALLEY PS
SCADDAN PS	SCH OF ISOL & DIST	SEAFORTH PS
SEVENOAKS SNR COLL	SHARK BAY PS	SOUTHERN CROSS DHS
SPEARWOOD ALT SCH	SPEARWOOD PS	TAMBELLUP PS
TAMMIN PS	THORNIE PS	THREE SPRINGS PS
TINCURRIN PS	TJIRRKARLI RCS	TJUKURLA RCS
TOM PRICE SHS	TOODYAY DHS	TRANBY PS
TRAYNING PS	TUART COLLEGE	TUART HILL PS
UPPER SWAN PS	USELESS LOOP PS	VICTORIA PARK PS
W GREENWOOD PS	W NORTHAM PS	WACA - CUNDERDIN
WACA - DENMARK	WACA - HARVEY	WACA - MORAWA
WACA - NARROGIN	WAGIN DHS	WALKAWAY PS
WALPOLE PS	WANANAMI RCS	WANARN RCS
WANDERING PS	WANGKATJUNGKA RCS	WARAKURNA RCS
WARBURTON RANGE RC	WAROONA DHS	WATHEROO PS
WATTLE GROVE PS	WELLSTEAD PS	WESTMINSTER JPS
WESTMINSTER PS	WESTONIA PS	WICKEPIN PS
WILLIAMS PS	WILSON PARK PS	WILSON PS
WILUNA RCS	WINGELLINA RCS	WONGAN HILLS DHS
WOODANILLING PS	WUBIN PS	WYALKATCHEM DHS
WYNDHAM DHS	YALE PS	YALGOO PS
YANDEYARRA RCS	YARLOOP PS	YEALERING PS
YERECOA PS	YINTARRI RCS	YORK DHS
YULE BROOK COLLEGE	YULGA JINNA RCS	YUNA PS

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## FISHERIES

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FI401\*

### FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST DEEP SEA CRAB FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT 2004

FD 948/02 [676]

Made by the Minister under section 54(2).

#### 1. Citation

This instrument may be cited as the *West Coast Deep Sea Crab Fishery (Interim) Management Plan Amendment 2004*.

#### 2. Management plan amended

The amendments in this instrument are to the *West Coast Deep Sea Crab Fishery (Interim) Management Plan 2003\**.

#### 3. Clause 3 amended

Clause 3 is amended by deleting "31 December 2004" and inserting instead —

“ 31 December 2005 ”.

[\*Published in the Gazette of 28 January 2003.]

Dated this 18<sup>th</sup> day of December 2004.

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

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## HERITAGE

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HR401\*

### HERITAGE OF WESTERN AUSTRALIA ACT 1990

INTENTION TO AMEND AN ENTRY IN THE REGISTER OF HERITAGE PLACES

In accordance with the requirements of Section 54(2) of the Heritage of Western Australia Act 1990, the Heritage Council hereby gives notice that it is proposed to amend the entry in the Register on a permanent basis in respect of the Place being the Church of Our lady of Mount Carmel and the Holy Apostles St. Peter and St. Paul, and the Priesthouse, corner of Bowes and Doney Streets, Mullewa.

The reason for the proposed amendment is to give effect to the original intention to include in the entry in the Register the Presentation Convent (fmr) which is situated on Lots 14 and 15 on Plan 886 and which forms an integral part of the Place but was omitted from the original description due to an administrative oversight and to amend the name and description of the Place. The amended name and description of the Place will be—

Church of Our lady of Mount Carmel and the Holy Apostles St. Peter and St. Paul, Priesthouse and former Presentation Convent. Lots 11 to 15 inclusive on Plan 886, being the whole of the land contained in Certificate of Title Volume 1850 Folio 658.

The Heritage Council invites submissions on the proposal. Submissions must be in writing and should be forwarded to the following address not later than 5pm on 4 February 2005.

Dated this 24th day of December 2004.

IAN BAXTER, Director,  
Office of The Heritage Council of W.A.,  
108 Adelaide Terrace, East Perth WA 6004.

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## LOCAL GOVERNMENT

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LG401

### BUSH FIRES ACT 1954

*Town of Northam*

#### APPOINTMENT OF OFFICERS

It is hereby notified for public information that in accordance with section 38 of the Act, the Council of the Town of Northam has appointed the following officers—

- Mr Paul Leslie du Boulay (Chief Bush Fire Control Officer)
- Mr Aiton Campbell Sheppard (Deputy Bush Fire Control Officer)
- Mr Luc Patrice Thirion (Fire Permit Issuing Officer)

The previous appointment of Mr Luc Patrice Thirion as Chief Bush Fire Control Officer is hereby cancelled.

D. A. FRIEND, Acting Chief Executive Officer.

LG402\*

### JUSTICES ACT 1902

*City of Swan*

#### APPOINTMENTS

The following appointed persons listed below are authorised in accordance with the Justices Act 1902, to perform functions under various Acts and Regulations and Local Laws for the Municipality of the City of Swan as detailed hereunder—

- Emma Louise McCauley
- Rachael Louise Wendy Wilson
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Dog Act 1976, Regulations and Local Laws thereunder

Restrictions to these authorised appointments apply under the Chief Executive Officer of the City of Swan's Delegation of Authority and are valid until termination of appointment.

LG403\*

### BUSH FIRES ACT 1954

*Shire of Northam*

#### APPOINTMENT

It is hereby notified for public information that Mr Alexander Ross MacKenzie has been appointed a Fire Control Officer for the Shire of Northam.

Additionally, the appointments of Mr Bruce Smart and Mr Malcolm Lawrence have been cancelled.

A. J. MIDDLETON, Chief Executive Officer.

**LG404\***

**DOG ACT 1976**  
*City of Rockingham*  
**APPOINTMENTS**

It is hereby notified for public information that Christine Margaret Schubert and Maeve Frances Kenny have been appointed as Dog Registration Officers for the City of Rockingham.

G. G. HOLLAND, Chief Executive Officer.

**LG405\***

**CITY OF ROCKINGHAM**  
Authorised Officer

It is hereby notified for general information that Clinton Guy Venables has been appointed as Ranger for the City of Rockingham and is authorised on behalf of the Council of the City of Rockingham to administer the following legislation within the district—

1. The Litter Act 1979.
2. The Dog Act 1976—as authorised Officer and Registration Officer.
3. The Bush Fires Act 1954-1977 and to issue Infringement Notices under section 59(A) of the Bush Fires Act 1954-1977.
4. The Control of Vehicles (Off Road Areas) Act 1978.
5. To exercise power under—
  - (i) Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
  - (ii) Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger;
  - (iii) Part 9, Division 2 of the Local Government Act 1995;
  - (iv) Section 9.13, 9.16 of the Local Government Act 1995 as Authorised Person;
  - (v) Part 3, Sub-division 4 of the Local Government Act 1995;
  - (vi) Section 3.39 of the Local Government Act 1995 as Authorised Removal and Impounding Employee.
6. The City of Rockingham Parking and Parking Facilities Local Law 2000 as Authorised Person.
7. All City of Rockingham Local Laws.

G. G. HOLLAND, Chief Executive Officer.

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## **MINERALS AND PETROLEUM**

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**MP401**

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

Department of Industry and Resources,  
Leonora.

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

K. H. AUTY (SM), Warden.

To be heard in the Warden's Court at Leonora on 2nd February 2005.

**MOUNT MARGARET MINERAL FIELD**  
*Mount Malcolm District*  
Prospecting Licences

P37/5572—Trevor John Dixon

P37/6113—Trevor John Dixon; Ross Frederick Crew

## NORTH COOLGARDIE MINERAL FIELD

*Niagara District*

Prospecting Licence

P40/968— Thomas O'Reilly

**MP402****MINING ACT 1978**

## APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,  
Leonora.

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

K. H. AUTY (SM), Warden.

To be heard in the Warden's Court at Leonora on 2nd February 2005.

## MOUNT MARGARET MINERAL FIELD

*Mount Morgans District*

Prospecting Licences

P37/6288—Great Gold Mines NL  
P37/6289—Great Gold Mines NL  
P37/6290—Great Gold Mines NL  
P37/6291—Great Gold Mines NL  
P37/6292—Great Gold Mines NL  
P37/6293—Great Gold Mines NL  
P39/4079—Mark Gareth Creasy  
P39/4177—Axis Consultants Pty Ltd

**MP403\***

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

## RENEWAL OF EXPLORATION PERMIT WA-268-P (R1)

The renewal of Exploration Permit No. WA-268-P (R1) has been approved and will take effect from the 16/12/04.

W. L. TINAPPLE, Director Petroleum &amp; Royalties Division.

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**PLANNING AND INFRASTRUCTURE**

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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Peppermint Grove*

Town Planning Scheme No. 3—Amendment No. 13

Ref: 853/2/19/5 Pt 13

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the Shire of Peppermint Grove Town Planning Scheme Amendment on 16 December 2004 for the purpose of—

1. Recoding of a portion of Lot 101 Keane Street, Peppermint Grove from Residential R10 to Residential R25.

2. Amending the Scheme Map accordingly.

I. WALLACE, President.  
T. MAYOR, Acting Chief Executive Officer.

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**PI402\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Shire of Greenough*  
Town Planning Scheme No. 4—Amendment No. 107

Ref: 853/3/7/6 Pt 107

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the Shire of Greenough Town Planning Scheme Amendment on 21 December 2004 for the purpose of reclassifying and rezoning Part Lot 1 Geraldton - Mount Magnet Road, Deepdale from the Important Regional Road Reserve and the General Farming Zone to the Special Rural Zone and amending the Scheme Map accordingly.

E. J. SEWELL, President.  
W. T. PERRY, Chief Executive Officer.

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**PI403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*City of Joondalup*  
District Planning Scheme No. 2—Amendment No. 26

Ref: 853/2/34/2 Pt 26

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the City of Joondalup Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

1. Rezoning Lot 143 (3) Elwood Court, Craigie from Mixed Use R20 to Residential R40.
2. Rezoning Lot 1 (110) Eddystone Avenue, Craigie from Mixed Use R20 to Residential R40.
3. Rezoning Lot 2 (112) Eddystone Avenue, Craigie from Mixed Use R20 to Residential R40.

J. PATERSON, Chairman of Commissioners.  
C. HIGHAM, Acting Chief Executive Officer.

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**PI404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Town of Kwinana*  
Town Planning Scheme No. 2—Amendment No. 71

Ref: 853/2/26/3 Pt 71

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the Town of Kwinana Town Planning Scheme Amendment on 21 December 2004 for the purpose of rezoning a portion of Lot E27 Challenger Avenue, Parmelia, from 'Local Road Reservation', 'Parks, Recreation and Drainage' and 'Rural A' to 'Residential R20'.

J. H. D. SLINGER, Mayor.  
C. STOCKWELL, Chief Executive Officer.

PI405\*

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

*Town of Kwinana*

Town Planning Scheme No. 2—Amendment No. 87

Ref: 853/2/26/3 Pt 87

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the Town of Kwinana Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

1. Adding new Clauses 4.16 and 4.17 in Part IV – Policies, Zones & Development Areas with the following—

**“4.16 SPECIAL CONTROL AREAS**

4.16.1 Operation of Special Control Areas

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

- (a) Development Areas shown on the Scheme Map as DA with a number and included in the Fourth Schedule.
- (b) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in the Fifth Schedule.

4.16.1.2 In respect of a special control area shown on a 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.

4.16.2 Development Areas

4.16.2.1 Interpretation

In clause 4.16.2, unless the context otherwise requires—

‘Proponent’ means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan;

‘Proposed Structure Plan’ means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 4.16.2.4; and

‘Structure Plan’ means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under clause 4.16.2.5.15.

4.16.2.2 Purpose

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

4.16.2.3 Planning requirements

4.16.2.3.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.

4.16.2.3.2 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in the Fourth Schedule.

4.16.2.3.3 The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

4.16.2.3.4 The Fourth Schedule describes the Development Areas in more detail and sets out the purpose and particular requirements that may apply to the Development Area.

4.16.2.4 Preparation of Structure Plans

4.16.2.4.1 A Structure Plan may include plans and other documents.

4.16.2.4.2 A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages.

4.16.2.4.3 A Structure Plan may relate to only part of a Development Area.

4.16.2.4.4 A Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Development Area, and, without limiting the generality of the foregoing, may include the following details—

- (a) the area to which the Structure Plan applies;
- (b) key opportunities and constraints of the Development Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (c) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;

- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (e) the proposed indicative lot pattern and general location of any major buildings;
- (f) estimates of future lots, dwellings, population, employment and retail floor space;
- (g) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (h) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (i) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (j) details as appropriate relating to—
  - (i) vehicular access and parking;
  - (ii) the location, orientation and design of buildings and the space between buildings;
  - (iii) conservation areas;
  - (iv) heritage places; and
  - (v) special development control provisions; and
- (k) such other information as may be required by the local government.

4.16.2.4.5 In considering a Proposed Structure Plan for part of a Development Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

#### 4.16.2.5 Adoption and approval of Structure Plans

4.16.2.5.1A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the local government.

4.16.2.5.2 Upon receiving a Proposed Structure Plan, the local government is to either—

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

4.16.2.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 4.16.2.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

#### 4.16.2.5.4

- (a) Where the Proponent is aggrieved by a determination of the local government under clause 4.16.2.5.2(b) or (c) or clause 4.16.2.5.3, the Proponent may request the local government by notice in writing to forward the Proposed Structure Plan to the Commission.
- (b) Within 21 days of receiving a notice from the Proponent under clause 4.16.2.5.4(a), the local government is to forward to the Commission—
  - (i) a copy of the Proposed Structure Plan;
  - (ii) details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
  - (iii) any other information the local government considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.
- (c) Upon receiving a Proposed Structure Plan in accordance with clause 4.16.2.5.4(b), the Commission is to make one of the determinations referred to in clause 4.16.2.5.2 and advise the local government and the Proponent accordingly.
- (d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to making its determination under clause 4.16.2.5.4(c).
- (e) If within 60 days of receiving a Proposed Structure Plan under clause 4.16.2.5.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.16.2.5.2, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

4.16.2.5.5 Where the local government, or the Commission under clause 4.16.2.5.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the local government is to—

- (a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 2.3 of the Scheme; and

- (b) give notice or require the Proponent to give notice in writing to—
  - (i) all landowners affected by the Proposed Structure Plan; and
  - (ii) such public authorities and other persons as the local government nominates, and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the local government by a specified date being at least 21 days from the date of the notice and advertisement.

4.16.2.5.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government is to forward a copy of the Proposed Structure Plan to the Commission.

4.16.2.5.7 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 4.16.2.5.5 is to either—

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

4.16.2.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 4.16.2.5.7, the local government is deemed to have refused to adopt the Proposed Structure Plan.

4.16.2.5.9 Within 21 days of the local government making its determination under clause 4.16.2.5.7, or deemed refusal under clause 4.16.2.5.8, the local government is to forward to the Commission—

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

4.16.2.5.10 The Commission is to either—

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

4.16.2.5.11 If within 60 days of receiving the information referred to in clause 4.16.2.5.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.16.2.5.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.

4.16.2.5.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.

4.16.2.5.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause 4.16.2.5.10.

4.16.2.5.14 If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may—

- (a) readvertise the Proposed Structure Plan; or
- (b) require the Proponent to readvertise the Proposed Structure Plan and, thereafter, the procedures set out in clause 4.16.2.5.5 onwards are to apply.

4.16.2.5.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to—

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

4.16.2.5.16 A Structure Plan 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.

4.16.2.6 Change or Departure from Structure Plan

4.16.2.6.1 The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

4.16.2.6.2

- (a) The local government is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Commission considers that the change or departure adopted by the local government under clause 4.16.2.6.1 materially alters the intent of the Structure Plan, then the Commission—
  - (i) may require the local government to follow the procedures set out in clause 4.16.2.5 in relation to the change or departure; and
  - (ii) is to notify the local government of this requirement within 10 days.

4.16.2.6.3 Any change to or departure from a Structure Plan that is not within clause 4.1 6.2.6.1 is to follow the procedures set out in clause 4.16.2.5.

#### 4.16.2.7 Detailed Area Plans

##### 4.16.2.7.1

- (a)
  - (i) The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.
  - (ii) A person may prepare and submit to the local government a detailed area plan.
- (b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted—
  - (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
  - (ii) in place of a development approval required to comply with clause 2.5 of the Residential Planning Codes; or
  - (iii) for any other planning purpose.
- (c) The local government is to—
  - (i) approve with or without conditions; or
  - (ii) refuse to approve the detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 4.16.2.7.1(a), or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 4.16.2.7.1(c), the local government is deemed to have refused to approve the detailed area plan.
- (e) The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- (f) The local government's refusal to approve a detailed area plan under clause 4.16.2.7 is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 4.16.2.5.

4.16.2.7.2 Unless clause 4.16.2.7.1(b)(ii) applies, once approved by the local government, the detailed area plan is to be used as the basis for—

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

4.16.2.7.3 A detailed area plan may include details as to—

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

##### 4.16.2.7.4

- (a) An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.
- (b) The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

#### 4.16.2.8 Operation of Structure Plan

4.16.2.8.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 4.16.2.5.15.

4.16.2.8.2 Subject to clause 4.16.2.8.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Planning Codes then—

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

4.16.2.8.3 Without limiting the generality of clause 4.16.2.8.2, under a Structure Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (b) the standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;
- (d) where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in clause 8.4 applies as if the land were correspondingly reserved under the Scheme; and
- (e) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

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

4.16.2.8.5 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Planning Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

4.16.2.9 Appeal

4.16.2.9.1 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any—

- (a) determination or decision made by the Commission;
- (b) requirement imposed by or modification sought by the Commission; or
- (c) determinations deemed to have been made by the Commission under clauses 4.16.2.5.4 or 4.16.2.5.11 in the exercise of the Commission's powers under clause 4.16.2.

4.16.2.9.2 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any decision made by the local government under clause 4.16.2.6.1.

4.16.2.9.3 A person who has submitted a detailed area plan under clause 4.16.2.7 may appeal, in accordance with Part V of the Town Planning Act, any decision made by the local government under clauses 4.16.2.7.1 or 4.16.2.7.4.

### **4.17.3 DEVELOPMENT CONTRIBUTION AREAS**

4.17.3.1 Interpretation

In clause 4.17.3, unless the context otherwise requires—

“Cost Contribution” means the contribution to the cost of Infrastructure payable by an Owner under clause 4.17.3 and the applicable Development Contribution Plan;

“Infrastructure” means services and facilities which, in accordance with the Commission's policy, it is reasonable for Owners to make a Cost Contribution towards; and

“Owner” means an owner of land that is located within a Development Contribution Area.

4.17.3.2 Purpose

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

4.17.3.3 Development Contribution Plan Pre-requisite to Subdivision and Development.

4.17.3.3.1 Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in the Fifth Schedule and the provisions of clause 4.17.3.

4.17.3.3.2 The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Fifth Schedule as part of the Scheme.

4.17.3.3.3 Subject to clause 4.17.3.3.5, the local government is not to support subdivision or approve development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 4.17.3.6.1 for the payment of the Owner's Cost Contribution.

4.17.3.3.4 Clause 4.17.3.3.3 does not apply to the development of a single house or outbuildings associated with a single house on a lot which has not been subdivided since the coming into operation of clause 4.17.3.

4.17.3.3.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area.

4.17.3.4 Content and Principles of Development Contribution Plans.

4.17.3.4.1 The Development Contribution Plan is to specify—

- (a) the Development Contribution Area to which the Development Contribution Plan applies;
- (b) the Infrastructure to be funded through the Development Contribution Plan; and
- (c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan.

4.17.3.4.2

- (a) A Development Contribution Plan is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.
- (b) The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.

4.17.3.4.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

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

4.17.3.4.4 For the purposes of paragraph 4.17.3.4.3(d), in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for—

- (a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
- (b) existing public open space;
- (c) government primary and secondary schools; and
- (d) such other land as is set out in the Development Contribution Plan,

Is to be excluded.

4.17.3.4.5

- (a) Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the local government in accordance with the best and latest information available to the local government until the expenditure on the relevant item of Infrastructure has occurred.
- (b) Where requested in writing by an Owner, the local government is to have such estimated costs independently certified by an appropriate qualified person.

4.17.3.4.6 Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the local government may—

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

4.17.3.4.7 Where an Owner's Cost Contribution is adjusted under clause 4.17.3.4.6, the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

4.17.3.5 Liability for Cost Contributions

An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of—

- (a) the local government confirming to the Commission that conditions of subdivision approval supervised by the local government and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;

- (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;
- (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- (d) at the time of applying to the local government or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
- (e) on the expiry of the Development Contribution Plan.

#### 4.17.3.6 Collection and Enforcement

##### 4.17.3.6.1

- (a) The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by—
  - (i) cheque or cash;
  - (ii) transferring to the local government land to the value of the Cost Contribution;
  - (iii) some other method acceptable to the local government; or
  - (iv) any combination of these methods.
- (b) The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the local government.

##### 4.17.3.6.2

- (a) The amount of any Cost Contribution for which an Owner is liable under clause 4.17.3.5, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat against the Owner's title to that land.
- (b) The local government may, at the Owner's expense and subject to such other conditions as the local government thinks fit, withdraw a caveat lodged under clause 4.17.3.6.2(a) to permit a dealing and then re-lodge the caveat to prevent further dealings.
- (c) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 4.17.3.6.2.

#### 4.17.3.7 Administration of Funds

4.17.3.7.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

4.17.3.7.2 The local government is to provide to every Owner an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

#### 4.17.3.8 Shortfall or Excess in Cost Contributions

4.17.3.8.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 4.17.3.8.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.

4.17.3.8.2 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

#### 4.17.3.9 Valuation

##### 4.17.3.9.1

- (a) Unless Part 10 of the *Land Administration Act 1997* applies, clause 4.17.3.9 applies if it is necessary to ascertain the Value of any land for the purposes of clause 4.17.3.
- (b) In clause 4.17.3.9—

“Value” means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require—

- (i) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
- (ii) on the assumption that any rezoning necessary for the purpose of the development has come into force; and

- (iii) taking into account the added value of all other improvements on or appurtenant to the land.

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

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

4.17.3.9.3 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 4.17.3.9.6.

4.17.3.9.4

- (a) At the request of the local government or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.
- (b) The Valuer may—
- (i) reconsider the Values placed on other land in the Development Contribution Area; and
  - (ii) make such revisions as considered just and equitable to those Values if the Valuer considers this is necessary as a result of a re-valuation made under clause 4.17.3.9.2.

4.17.3.9.5 The date of valuation is the date that the Owner’s liability to pay the Owner’s Cost Contribution to the local government arises under clause 4.17.3.5, or such other date as is agreed between the local government and the Owner.

4.17.3.9.6

- (a) Where there is a dispute or difference between the local government and the Owner regarding a Value, the dispute or difference is to be resolved as follows—
- (i) by any method agreed upon by the local government and the Owner; or
  - (ii) if the local government and the Owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.
- (b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the local government or the Owner.

4.17.3.10 Land Acquisition

The local government may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the Town Planning Act.

4.17.3.11 Arbitration

Subject to clause 4.17.3.9.6, any dispute between any Owner and the local government in connection with the Cost Contribution required to be made by an Owner under clause 4.17.3 is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

2. Renaming the existing Fourth Schedule from “Residential Development Areas” to “Development Areas” and renaming in the Fourth Schedule existing “Residential Development Area No.1 Casuarina” to “Development Area No.1 Bertram”

3. Adding at the end of existing Clause 2 of Residential Development Area No.1 Casuarina renamed in accordance with 2 above the following—

Nothing within Clause 4.16 (Part IV Policies, Zones & Development Areas) will serve to undermine the Approval to Commence Development or conditions imposed therein for the Casuarina Structure Plan, approved by Council.

4. Amending Clause 3 of Residential Development Area renamed in accordance with 2 above to read—

Prior to consideration and adoption a local structure plan shall be advertised in accordance with Clause 4.16.2.8 of the Scheme

5. Defining Developer Contribution Area No 1 (DCA1) on the Scheme Maps as shown on Attached Plan No 1.

6. Inserting a Fifth Schedule to the Scheme titled “Development Contribution Plans”

7. Inserting into the new Fifth Schedule the following Development Contribution Plan for DCA1 (Bertram/Parmelia (north east)/Orelia (east))

## DEVELOPMENT CONTRIBUTION PLAN

1.

	DCA 1
Area:	Bertram/ Parmelia (north east)/Orelia (east)
Provisions:	<p><b>1.0 Purpose</b></p> <p>Subdividing landowners within DCA 1 shall make a contribution to—</p> <p>1.1 Item 1 Bridge</p> <p>100% of the cost of construction of the road bridge over the railway line immediately south of the proposed Thomas Road Station except where contributions cannot be secured by virtue of prior subdivision approvals.</p>

	DCA 1
Area:	Bertram/ Parmelia (north east)/Orelia (east)
	<p>1.2 Items 2 Roads and Drainage</p> <p>1.2.1 The development of a nutrient stripping basin on the Peel Main Drain north of Bertram Road.</p> <p>1.2.2 Upgrades to Bertram and Johnson Roads</p> <p>1.2.3 The construction of two (2) road linkages across the Parks and Recreation Reserves in the Bertram locality reflected on the approved Casuarina Structure Plan</p> <p><b>2.0 Contributions Methodology</b></p> <p>2.1 Item 1 Bridge (Applies to all Landholdings within DCA1)</p> <p>The development contribution in relation to the construction of the bridge the should be proportional on the traffic volume generated by each landholding at a residential density of R20 within DCA1 likely to use the bridge as a percentage of the total traffic volumes from within DCA1 likely to use the bridge (as adopted by Council and the Western Australian Planning Commission)</p> <p>Where land is subdivided at a residential density less than R20 the contribution for each landholding will be continue to be calculated based on traffic generated at a residential density of R20.</p> <p>2.2 Items 2. Roads and Drainage (Applies to Casuarina Structure Plan Area and area bounded by Bertram/ Mortimer Road, Kwinana Freeway Thomas Road the Metropolitan Region Scheme Railway Purposes Reserve and Johnson Road only)</p> <p>2.2.1 The development contribution in relation to the development of the Nutrient Stripping Basin should be based on the installation having two distinct functions being:</p> <p>2.2.1.1 an installation for the biological and chemical removal of nutrients with a 50% cost contribution made by landowners within DCA1 of which contributions are calculated based on a pro rata land area</p> <p>2.2.1.2 a landscape/recreation feature with a 50% cost contribution made by landowners within DCA 1of which contributions are calculated on a reducing scale (based on distance from the installation) as follows: 0-400m (50%), 400-800m (25%), 800-1200m (12.5%), 1200m-1600m (6%) and 1600-2000m (3%)</p> <p>2.2.2 The development contribution in relation to the upgrade of Bertram/Mortimer Roads and Johnson/Bertram Intersection Traffic Lights (Earthworks, Drainage, Sealing, Bridge, &amp; any other works.) on a pro rata land area basis</p> <p>2.2.3 The development contribution in relation to the upgrade of Johnson Road (North of Peel Lateral Drain to Holden Close)</p> <p>2.2.3.1 western side kerbing, drainage, &amp; landscaping on a pro rata land area basis.</p> <p>2.2.3.2 eastern side kerbing, drainage, lighting &amp; landscaping based on frontage of landholding or landowner to construct.</p> <p>2.2.4 The development contribution in relation to the upgrade of Johnson Road (South of Peel Lateral Drain to Bertram Rd)</p> <p>2.2.4.1 Kerbing, drainage, lighting &amp; landscaping contribution based on frontage or landowner to construct.</p> <p>2.2.4.2 Roundabout (2) construction on a pro rata land area basis</p> <p>2.2.5. The development contribution to the construction of Dual Use Path on eastern side of Johnson Road (North of Peel Lateral Drain to Holden Close) with landowners on the eastern side of Johnson Road constructing the path and all landowners participating in the Casuarina Structure Plan contributing half the cost of the path</p> <p>2.2.6 The development contribution to the construction of Dual Use Path on eastern side of Johnson Road (south of Peel Lateral Drain to Bertram Rd), with contribution from landowners fronting both sides of road based on length of frontage.”</p> <p>2.2.7 The development contributions to the construction of the two (2) new road links across the Parks and Recreation Reserve in the centre of the Bertram locality reflected on the Casuarina Structure Plan and Department of Housing and Works to the north of the Parks and Recreation Reserve based on a pro rata land area contribution.</p>

	DCA 1
Area:	Bertram/ Parmelia (north east)/Orelia (east)
	<p>2.3 Generally</p> <p>2.3.1 The contribution is to be determined in accordance with the provisions of Clause 4.17.3 and contained on the Development Contribution Plan.</p> <p>2.3.2 Contributions are not required for residential lots already created at the time of gazettal of Town Planning Scheme No.2 87 or subject to a current valid subdivision approval which does not require contribution to the cost of the above infrastructure or for the construction of residential development</p> <p>2.3.3 The Development Contribution Plan should be in operation for a period of 5 years from the date of gazettal but may be extended in accordance with Clause 4.17.3.4.2(b)</p>
Participants and Contributions:	<p><b>3.0 Participants and Contributions</b> – In accordance with a Cost Contribution Schedule adopted by the Local Government for DCA1. The Cost Contribution Schedule may identify undeveloped land beyond DCA1 which may be included in DCA1 in the future and for which future contributions may be payable. Contributions for Future Areas identified will not be payable unless and until these areas are included within DCA1 by virtue of future Town Planning Scheme Amendments.</p> <p>3.1 Likely traffic volumes generated by Future Areas may be used for the purposes of the calculation of contributions from landowners within DCA1</p>

8. Renumbering the existing Fifth and Sixth Schedules to the Sixth and Seventh Schedules respectively

J. H. D. SLINGER, Mayor.  
C. STOCKWELL, Chief Executive Officer.

PI406\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*City of Mandurah*  
Town Planning Scheme No. 3 - Amendment No. 52

Ref: 853/6/13/12 Pt 52

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the City of Mandurah Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

- (a) Deleting Clause 4.1 of the Scheme Text and replacing with the following—

**4.1 CITY CENTRE DEVELOPMENT ZONE**

**4.1.1 Purpose and Intent of Zone**

The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved Outline Development Plan.

**4.1.2 Permitted Uses and Development Standards**

4.1.2.1 The permissibility of uses in the City Centre Development Zone and the relevant development and subdivision standards are specified in an Outline Development, prepared and approved pursuant to Clause 7.11 of the Scheme.

4.1.2.2 Where an Outline Development Plan has not been prepared and approved pursuant to Clause 7.11 of the Scheme, the permissibility of uses in the City Centre Development Zone and the relevant development and subdivision standards are specified in Zoning Table 1.

**4.1.3 Specific Provisions**

**4.1.3.1 Maximum Retail Floorspace**

Development of retail floorspace in the City Centre Development Zone will be encourage to expand to a level commensurate with Mandurah's status as a Regional Centre as identified in Council's Local Commercial Strategy.

The amount of retail floorspace shall relate to the resident population within the catchment area of the Regional centre. Council may require the submission of a commercial viability report in conjunction with applications for commercial development to prove there is sufficient population in the catchment area to warrant the expansion.

#### 4.1.3.2 Tourist Retail Facilities

Apart from retail facilities that service the daily needs of the resident population, retail facilities in the City Centre Development Zone that that service the needs of tourists shall be encouraged and shall be primarily tourist related catering for the demands of short term residents in tourist facilities.

Where the retail facility provides a tourist facility, it may be provided over and above the retail floorspace specified in Council's Local Commercial Strategy.

#### 4.1.3.3 Office Development

Given the status of land within the City Centre Development Zone that has been designated as a Regional Centre, all future office development within the District will be promoted and encouraged by Council to be located in the City Centre Development Zone and not in district or local centres.

Unless otherwise provided on an Outline Development Plan, offices shall be encouraged to be located east of Sholl Street. Offices to the west of Sholl Street shall only be permitted above ground floor level.

#### 4.1.3.4 Residential Development

Council may permit residential development to the Residential Density as provided in an Outline Development Plan and will encourage mixed use development with a residential component in the City Centre Development Zone, provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area.

In considering such proposals, regard shall be given to measures taken to minimise any potential conflict between residential and non-residential uses and the City Centre Skyline Policy.

#### 4.1.3.5 Cash In Lieu - Car Parking and Landscaping

Notwithstanding other car parking requirements, within the City Centre Development Zone, Council may accept a cash payment in lieu of the provision of parking or landscaping required for a development in accordance with an Outline Development Plan or adopted Policy, which from time to time is applicable to the City Centre Development Zone. Separate trust funds will be established for the management of cash-in-lieu contributions for parking and landscaping.

#### 4.1.3.6 Car Parking Agreements

Within the City Centre Development Zone, Council may enter into agreements with landowners so that the Council may provide the whole or portion of the parking required to be provided for development.

### 4.1.4 General Provisions

#### 4.1.4.1 Outline Development Plan for City Centre Development Zone

Notwithstanding the specific provisions relating to the preparation and content of an Outline Development Plan, as detailed in Clause 7.11 of the Scheme, the following provisions shall be addressed in an Outline Development Plan for land within the City Centre Development Zone—

- (a) The Outline Development Plan should allow the City Centre to continue to grow as the main focus for tourism and business for Mandurah and be orientated towards the waterfront and Mandurah Terrace;
- (b) Development and revitalisation opportunities existing in the area of Davey Street, Gibson Street, Sutton Street and George Street;
- (c) The Outline Development Plan needs to address urban form, mixed use development, accessibility, provision and access to car parking, and encouragement and provision for safe pedestrian activity;
- (d) Design guidelines should encourage live/work opportunities in the City Centre;
- (e) Address linkages from the City Centre to the Mandurah Ocean Marina and Cultural Precinct;
- (f) Retain the current grid system of streets that provide permeability, flexibility and a high level of connectivity.

#### 4.1.4.2 Applications for Planning Approval

In assessing applications for planning approval within the City Centre Development Zone, Council shall have regard to and may attach conditions relating to—

- (a) the Commission's Mandurah Inner Area Strategic Plan and any other study or policy applicable for the area;
- (b) consolidation of car parking in public and decked car parking facilities;
- (c) cash in lieu for the provision and construction of car parking;
- (d) variation of car parking requirements in accordance within any policy of Council;
- (e) cash in lieu of landscaping requirements;
- (f) architectural and landscape design;
- (g) impact and uniformity of signage;
- (h) the safe and convenient movement of pedestrians;
- (i) provision of access for the disabled;
- (j) the provision of shelter to pedestrians in the form of colonnades, canopies over footpaths, awnings over doorways and arcades; and
- (k) the location of public transport transit stops in respect to vehicle crossovers.

- (b) Deleting the 'Policy Statement' from Table 1 and replacing with the following—  
 "The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved Outline Development Plan. Where no Outline Development Plan has been prepared and approved, the following Uses and Development Standards shall apply."
- (c) Making the necessary modifications to the contents, list of zones and legend in the Scheme Text and Maps to delete the 'City Centre' zone and replace with the 'City Centre Development' zone;
- (d) Rezoning all existing lots zoned 'City Centre' to 'City Centre Development' and retaining the existing R-Code densities as provided on the Scheme Maps;
- (e) Rezoning the following parcels of land to 'City Centre Development'—
- Lots 504, 162-167, Pt 600, 169-171, 500, 174-176 and 4 Davey Street, Mandurah;
  - Location Numbers 4277 – 4288, 4508 and 4510, Reserve Numbers 9633 and 31876 and Water Feature (PIN 1208378) Mandurah Terrace, Mandurah;
- (f) Amending the Scheme maps accordingly.

K. HOLMES, Mayor.  
 M. NEWMAN, Chief Executive Officer.

**PI407\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

*Shire of Mullewa*

Interim Development Order No. 10

Ref: 26/3/13/1

Notice is hereby given that in accordance with the provisions of Sub-section (2) of Section 7B of the *Town Planning and Development Act 1928* and by direction of the Minister for Planning and Infrastructure, a summary as set out hereunder of the Shire of Mullewa Interim Development Order No 10 made pursuant to the provisions of Section 7B of that Act is published for general information.

The Minister for Planning and Infrastructure has made copies of this Order available for inspection by any person free of charge at the offices of the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and at the office of the Mullewa Shire Council during normal office hours.

SUMMARY

1. The Shire of Mullewa Interim Development Order No. 10 contains provisions inter alia—
  - (a) That the Order applies to that part of the Shire of Mullewa specified in the Order.
  - (b) That, subject as therein stated, the Mullewa Shire Council is the authority responsible for its administration.
  - (c) That the carrying out of certain development on land within the scope of the Order without approval as stated therein is prohibited.
  - (d) Relating to the application for, and grant of approval for, development other than development permitted by the Order.
  - (e) Relating to development by a public authority.
  - (f) Relating to certain development permitted by this Order.
  - (g) Relating to the continuance of the lawful use of land and buildings.
  - (h) Relating to appeals against refusal of approval for development or against conditions subject to which approval to carry out development is granted.
2. The Order has effect from and after the publication of this Summary in the Government Gazette. 15 November 2004.

G. S. WILKES, Chief Executive Officer.

**PI408\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Town of Narrogin*

Town Planning Scheme No. 2—Amendment No. 27

Ref: 853/4/2/10 Pt 27

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the Town of Narrogin Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

1. Rezoning Lot 166 Doney Street, Narrogin, from 'Community' to 'Other Commercial'.

2. Rezoning Lot 167 Doney Street, Narrogin, from 'Community' to 'Shops and Offices'.
3. Amending the Scheme Maps in accordance with the Scheme Amendment Map.

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

**PI409\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Nedlands*

Town Planning Scheme No. 2—Amendment No. 154

Ref: 853/2/8/4 Pt 154

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the City of Nedlands Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

1. Inserting into Schedule 1 - Additional Uses - the following wording: 'Lot 380', 'Carrington Street', 'Light Industrial', and 'Child Day Care Centre and Child Care Training Facility'.
2. Amending the Scheme Map to denote A101 on Lot 380 Carrington Street, Nedlands as shown on the Scheme Amendment.

L. G. TAYLOR, Mayor.  
M. TIDY, Acting Chief Executive Officer

**PI410\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Wanneroo*

District Planning Scheme No. 2—Amendment No. 44

Ref: 853/2/30/19 Pt 44

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Minister for Planning and Infrastructure approved the City of Wanneroo Town Planning Scheme Amendment on 21 December 2004 for the purpose of—

1. Rezoning Lot 500 Prindiville Drive, Wangara, from 'Service Industrial' to 'Service Industrial and Additional Use'.
2. Including the following in Section 1 of Schedule 2 of District Planning Scheme No. 2—  
Number: 1-30  
Street/Locality: Prindiville Drive, Wangara  
Particulars of Land: Lot 500  
Additional Use and Conditions (Where Applicable): Office

S. SALPIETRO, Mayor.  
C. JOHNSON, Chief Executive Officer.

**PI411\*****METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

## METROPOLITAN REGION SCHEME

## NOTICE OF MODIFIED RESOLUTION

*CLAUSE 32 (RESOLUTION NO 46)*

Kwinana Industrial Area

File: 810-2-26-1

The Western Australian Planning Commission (the Commission) acting pursuant to Clause 32 of the Metropolitan Region Scheme has resolved to—

- (1) Revoke resolution No. 46 made by the Commission and published in the *Government Gazette* of 7 March 1986 and 25 October 2002.
- (2) Require the Town of Kwinana to refer for determination by the Commission all applications made under clause 28 of the Metropolitan Region Scheme for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the Commission.

IAN PATTERSON, Secretary, Western Australian Planning Commission.

PI701\*

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

*Shire of Ashburton*

Town Planning Scheme No. 7

Ref: 853/10/3/7

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Ashburton Town Planning Scheme No. 7 on 13 December 2004, the Scheme Text of which is published as a Schedule annexed hereto.

G. MUSGRAVE, President.  
S. J. DECKERT, Chief Executive Officer.

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**SCHEDULE**

The Local Government of the Shire of Ashburton, in accordance with the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended), referred to here as The Act, makes the following Town Planning Scheme for the purposes set out in the Act.

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**SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7**

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**PART 1—PRELIMINARY****1.1 Commencement**

- 1.1.1 The Shire of Ashburton Town Planning Scheme No. 7 (“the Scheme”) comes into operation on its publication in the *Government Gazette*.
- 1.1.2 The following Schemes are revoked—  
 Town Planning Scheme No. 3—Tom Price  
 Gazetted February 12, 1988  
 Town Planning Scheme No. 4—Paraburdoo  
 Gazetted September 14, 1990  
 Town Planning Scheme No. 5—Onslow  
 Gazetted April 7, 1995

Note: The Gazetted date is defined in Schedule 1.

**1.2 Responsible Authority**

The Shire of Ashburton (the “Local Government”) is the responsible authority for implementing the Scheme.

Note: The “Local Government” is defined in Schedule 1.

**1.3 Scheme Area**

The Scheme applies to the Local Government district of the Shire of Ashburton as generally shown by the Scheme area boundary on the Scheme Maps. All offshore islands are included in the Scheme (except Doole, Whitmore, Roberts, North and South Muiron Islands) and including False and Weld in the east and Barrow Island in the North.

**1.4 Contents of the Scheme**

The Scheme comprises—  
 (a) This Scheme Text  
 (b) The Scheme Maps (Sheets 1-12)

**1.5 Purpose of the Scheme**

The general purpose of the scheme is to—

- (a) facilitate community input into planning for the appropriate balance between economic and social development, conservation of the natural environment, heritage structures and places, and improvements in lifestyle and amenity,
- (b) respond to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Local Government,
- (c) reserve certain portions of land required for public and other purposes,
- (d) zone the balance of the land within the Scheme Area for purposes described in the Scheme, define the uses and types of development to be permitted on land within the Scheme Area, and
- (e) control and regulate the development of land, erection and demolition of buildings and the carrying out of works,
- (f) make provision for the conservation of areas and places of heritage interest,
- (g) make provisions for development having regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.
- (h) make provision for the administration and enforcement of the Scheme,
- (i) address other matters contained in Schedule 1 of the Act.

**1.6 Aims of the Scheme**

The following Aims of the Scheme provide the strategic basis for decisions made by the Local Government in accordance with the Scheme.

- (a) To facilitate development that responds to the character and amenity, geographical context and environmental constraints of the Shire and its urban and rural areas.
- (b) To provide areas available for urban development where there is a perceived potential for population growth and provide development standards for urban development.

- (c) To locate recreation, commercial and community services in central places within urban centres to maximise access and efficiency of infrastructure provision.
- (d) To respond to potential strategic industry and resource development.
- (e) To provide areas and development standards for local industrial and mixed business development.
- (f) To provide sites and development standards for recreation, community uses and public infrastructure, including infrastructure corridors for transporting multiple types of materials and energy of regional and state significance.
- (g) To identify the location and land requirements of roads within a defined State, regional and local hierarchy.
- (h) To allow the continued use of rural land for pastoral and other associated rural and remote uses, particularly rural settlements.
- (i) To identify areas for conservation, recreation and natural landscapes which are important for ecological, heritage and amenity purposes in addition to the major tourist assets of the Shire.
- (j) To facilitate development that takes account of the heritage value of places, buildings and objects.
- (k) To acknowledge the health risks within the Wittenoom townsite.
- (l) To facilitate development that has regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.
- (m) To facilitate the orderly development of Onslow Structure Plan.
- (n) To assist in the effective implementation of regional plans and policies, including the State Planning Strategy.

#### 1.7 Relationship with Local Laws

Where a provision of this Scheme is inconsistent with a Local Law, the provisions of this Scheme shall prevail.

#### 1.8 Definitions

- 1.8.1 Words and expressions used in the Scheme, and requiring a specific interpretation for the purpose of the Scheme, shall have the respective meanings given to them in the Act, Appendix 2, elsewhere in the Scheme or the Residential Planning Codes.
- 1.8.2 The definitions in Appendix 2 apply to the Scheme unless State Government Model definitions or other standard definitions in the Residential Planning Codes are modified and subsequently endorsed by the Local Government.
- 1.8.3 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes, unless the word has been specifically redefined by Appendix 2.

Note: Reference to the Residential Planning Codes and their application in respect of the Scheme are contained in clause 6.5.

### PART 2—PLANNING POLICY

#### 2.1 Local Planning Policies

- 2.1.1 Local Government may adopt policy (Policy Statements), for any matter it considers relevant to land use planning and for all or any part of the Scheme area, and may amend, add to or revoke a Policy Statement.
- 2.1.2 Any Development Plan, prepared in accordance with the Scheme, or other plan or strategy may be adopted by Local Government as a Policy Statement.

#### 2.2 Relationship of Local Planning Policies to Scheme

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

**2.3. Procedure for making or amending a Local Planning Policy**

- 2.3.1 If a local government resolves to prepare a Policy Statement, the Local Government
- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of ;
    - (i) where the draft Policy may be inspected;
    - (ii) the subject and nature of the draft Policy; and
    - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
  - (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 2.3.2 After the expiry of the period within which submissions may be made, the Local Government is to;
- (a) review the proposed Policy in the light of any submissions made; and
  - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.3.3 If the local government resolves to adopt the Policy, the Local Government is to;
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
  - (b) if, in the opinion of the Local Government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.3.4 A Policy has effect on publication of a notice under clause 2.3.3(a).
- 2.3.5 A copy of each Policy Statement, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.
- 2.3.6 Clauses 2.3.1 to 2.3.5, with any necessary changes, apply to the amendment or revoking of a Policy Statement.

Note: Policy Statements are guidelines used to assist the Local Government in making decisions under the Scheme. Although Policy Statements 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 had due regard to relevant Policy Statements as required under clause 5.9

**2.4 Revocation of Local Planning Policy**

A Policy Statement may be revoked by

- (a) the adoption by a Local Government of a new Policy under clause 2.3 that is expressed to supersede the existing Policy Statement; or
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

**PART 3—RESERVES****3.1 Categories**

The land shown as Scheme Reserves on the Scheme Maps (Reserves) is land which is intended to be used or developed for public purposes or other purposes indicated on the Scheme Maps. The following Reserves apply—

Public Purposes

- (a) Open Space—
  - i. Parks, Recreation and Drainage
  - ii. Conservation, Recreation and Natural Landscapes
- (b) Roads—
  - i. Local
  - ii. State/Regional
- (c) Other Public Purposes—
  - i. Port Facilities
  - ii. Telecommunications
  - iii. Energy
  - iv. Waste Disposal and Treatment
  - v. Water and Drainage
  - vi. Cemetery

Other Purposes—

- (d) Infrastructure

### 3.2 Use and Development of Reserves

- 3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.
- 3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.
- 3.2.3 The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.
- 3.2.4 The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.
- 3.2.5 The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.
- 3.2.6 The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application on this reserve.
- 3.2.7 In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.

Note: Under Section 32 of the Act, the Crown, statutory authorities and local governments undertaking, constructing or providing public works are exempt from the requirements to obtain planning approval but are required to consult with the Local Government and to have regard to the intent of the scheme and local amenity.

Note: This requirement for planning approval may also be extinguished by any Act of Parliament which grants any party the exclusive right to develop, operate and maintain infrastructure within an infrastructure reserve.

## PART 4—ZONES

### 4.1 Categories

The zones on the Scheme Maps have the following categories and objectives—

- (a) Residential
- i. Residential - This zone provides for residential development at a range of densities as indicated on the Scheme Maps.
  - ii. Urban Development - This zone is intended for future urban land, encompassing residential, community, commercial or industrial uses, open space and other reserves. Development is to proceed in accordance with a ‘Development Plan’
- (b) Commercial
- i. Commercial and Civic - This zone allows for a variety of uses and is intended to be developed as the administrative and commercial centre of each town.
  - ii. Tourism - This zone is intended to accommodate development which has a primary focus on providing a tourism service.

- (c) Industrial
- i. Mixed Business - This zone is intended to provide a range of light and service industrial land uses, showrooms and wholesale businesses which, by reason of their scale, character and operational requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Commercial or Industrial zones.
  - ii. Industry - This zone is for Industrial and associated land uses, providing for manufacturing, extraction or processing industries, public utilities, storage or wholesaling or any business that can be considered within one of the 'Industrial' definitions in the Scheme.
  - iii. Industrial and Mixed Business Development areas - This zone is intended for new Industrial and Mixed Business Development Business areas. Development is to proceed in accordance with a 'Development Plan'.
  - iv. Strategic Industry - This zone is intended to accommodate industrial and associated land uses which are consistent with the provisions on the Onslow Structure Plan.
- (d) Rural
- i. Rural - This zone allows for a variety of Rural activities, providing for agriculture, horticulture, viticulture, grazing, dairying or farming generally and may include market gardens, stables, horse training, nurseries and the like. It also provides for extractive industry.
  - ii. Rural Living - This zone is allows for smaller allotments where dwellings are located within a rural setting and other associated uses may occur, which may include agriculture and intensive agriculture.
- (e) Community
- i. Community - This zone is intended to accommodate organisations involved in activities for community benefit.
  - ii. Education - This zone is intended to accommodate organisations involved in educational activities for community benefit.
  - iii. Airport - This zone allows for the provision of aerodrome facilities.

<b>ZONING TABLE</b>		<b>Residential</b>	<b>Urban Development</b>	<b>Commercial and Civic</b>	<b>Tourism</b>	<b>Mixed Business</b>	<b>Industry</b>	<b>Industrial &amp; Mixed Business Development</b>	<b>Strategic Industry</b>	<b>Rural</b>	<b>Rural Living</b>	<b>Community</b>	<b>Education</b>	<b>Airport</b>
	<b>Residential</b>													
1	Aged or Dependent Persons Dwelling	D	D	D	D	X	X	X	X	D	D	I	X	X
2	Caretaker's Dwelling	I	D	I	I	I	D	X	X	I	I	I	I	I
3	Grouped Dwelling	D	D	D	D	X	X	X	X	A	D	I	X	X
4	Holiday Accommodation	X	X	D	P	X	X	X	X	I	I	X	X	X
5	Hotel	X	X	D	D	X	X	X	X	A	X	X	X	I
6	Motel	X	X	D	D	X	X	X	X	A	A	X	X	I
7	Movable Dwelling	I	I	X	D	I	X	X	X	D	X	X	X	X
8	Multiple Dwelling	A	A	A	A	X	X	X	X	X	X	I	I	X
9	Residential Building	D	D	D	X	X	X	X	X	D	D	I	I	X
10	Rural Settlement	X	X	X	X	X	X	X	X	A	A	X	X	X
11	Single House	P	D	X	X	X	X	X	X	P	P	X	X	X
12	Transient Workforce Accommodation	D	D	X	D	I	X	D	D	D	D	I	I	I
	<b>Industry</b>													
13	Abattoir	X	X	X	X	X	D	D	X	D	X	X	X	X
14	Agriculture	X	X	X	X	X	X	X	X	P	D	I	X	X
15	Arts and Crafts Centre	A	D	P	P	D	X	X	X	D	A	P	I	I
16	Harbour and Marina Facilities	X	X	X	X	X	D	D	P	X	X	X	X	X
17	Hire Service (Industrial)	X	X	X	X	P	P	D	X	X	X	X	X	X
18	Home Business	A	D	A	A	X	X	X	X	D	A	X	X	X
19	Home Occupation	D	D	D	D	X	X	X	X	D	D	X	X	X
20	Industry—Extractive	X	D	X	X	X	D	D	I	D	A	X	X	X
21	Industry—General	X	X	X	X	X	D	D	A	X	X	X	X	X
22	Industry—Light	X	X	X	X	P	P	D	X	X	X	X	X	X
23	Industry—Noxious	X	X	X	X	X	D	D	A	X	X	X	X	X
24	Industry—Resource Processing	X	X	X	X	X	D	A	P	A	A	X	X	X
25	Industry—Rural	X	X	X	X	X	D	D	X	D	D	X	X	X
26	Industry—Service	X	X	X	X	P	P	D	X	X	X	X	X	X
27	Infrastructure	D	D	D	D	D	D	D	P	D	D	D	D	D
28	Intensive Agriculture	X	X	X	X	D	D	D	X	D	D	I	I	X
29	Research Laboratory	X	X	D	X	P	P	D	I	D	X	D	I	X
30	Stockyard	X	X	X	X	X	D	D	X	P	X	X	X	X
31	Storage facility/depot/laydown area	X	X	X	X	D	P	D	I	D	X	X	X	I
	<b>Commerce</b>													
32	Aerodrome	X	X	X	X	X	X	X	X	A	X	A	X	P
33	Display Home Centre	D	D	X	X	X	X	X	X	D	D	X	X	X
34	Exhibition, Display and Outdoor Sales Facilities	X	D	P	D	P	A	D	X	I	I	I	I	I
35	Market	X	X	P	D	D	D	D	X	D	X	I	I	X
36	Motor Vehicle and/or Marine Repair	X	X	I	X	P	P	D	I	I	X	X	I	I
37	Motor Vehicle and/or Marine Sales & Hire	X	X	D	I	P	P	D	X	I	X	X	X	I

<b>ZONING TABLE</b>		<b>Residential</b>	<b>Urban Development</b>	<b>Commercial and Civic</b>	<b>Tourism</b>	<b>Mixed Business</b>	<b>Industry</b>	<b>Industrial &amp; Mixed Business Development</b>	<b>Strategic Industry</b>	<b>Rural</b>	<b>Rural Living</b>	<b>Community</b>	<b>Education</b>	<b>Airport</b>
38	Motor Vehicle and/or Marine Service Station	X	A	D	I	D	D	D	I	A	X	X	X	X
39	Motor Vehicle and/or Marine Wrecking	X	X	X	X	X	P	D	X	X	X	X	X	X
40	Motor Vehicle Wash	X	X	D	D	D	P	D	I	X	X	X	X	X
41	Office	A	D	P	D	D	I	D	I	I	I	I	I	I
42	Outdoor Display	X	X	D	I	P	P	D	X	D	X	X	X	X
43	Restaurant	X	D	P	P	X	X	X	X	I	X	I	I	I
44	Shop	A	A	P	D	D	D	D	X	A	X	I	I	I
45	Showroom	X	X	D	X	P	P	D	X	X	X	X	X	I
46	Take-away Food Outlet	X	D	P	D	D	D	D	X	A	X	I	I	I
47	Warehouse	X	X	X	X	P	P	P	I	X	X	X	X	I
	<b>Health, Welfare and Community Services</b>													
48	Carpark	X	D	D	D	D	D	I	I	X	X	I	I	I
49	Childcare Service	A	A	D	D	X	X	X	X	D	A	P	I	X
50	Community Use	A	D	D	D	X	X	X	X	X	A	P	P	X
51	Consulting Rooms	A	D	P	D	X	X	X	X	D	A	D	I	X
52	Education Establishment	A	D	D	X	X	X	X	X	D	X	I	P	X
53	Emergency Services	X	D	D	X	D	D	D	D	D	X	D	X	P
54	Funeral Parlour	X	D	D	X	D	D	D	X	A	X	D	X	X
55	Hospital	X	X	D	X	X	X	X	X	X	X	X	X	X
56	Detention Centre`	X	X	X	X	X	X	X	X	A	X	A	X	X
57	Medical Centre	X	A	P	X	X	X	X	X	X	X	D	X	X
58	Nursing Home	A	D	D	X	X	X	X	X	D	A	D	X	X
59	Place of Animal Care	X	D	D	X	D	D	X	X	D	A	X	I	I
60	Place of Public Meeting, Assembly or Worship	A	D	D	D	X	X	X	X	D	A	P	I	X
61	Public Utility	D	D	D	D	D	D	D	D	D	D	D	D	D
	<b>Entertainment, Recreation and Culture</b>													
62	Clubrooms	X	X	D	X	D	X	X	X	D	X	P	I	X
63	Equestrian Centre	X	X	X	A	X	X	X	X	A	X	X	X	X
64	Entertainment Venue	X	X	A	A	A	X	X	X	A	X	A	I	I
65	Private Recreation	X	D	D	D	D	X	X	X	D	X	D	I	X
66	Public Recreation	D	D	D	D	X	X	X	X	D	D	D	I	I
67	Reception Centre	X	X	D	D	X	X	X	X	D	X	D	X	X

The symbols used 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 5.7.
- I means that the use is not permitted unless the development is incidental to the predominant development on the lot as decided by Local Government.
- X means a use is not permitted by the Scheme.

**4.3 Definitions in the Zoning Table**

- 4.3.1 Where a specific use is included in the definition of specific use in Appendix 1 it is deemed to be excluded from the definition of any other development which may include it by more general reference.
- 4.3.2 If the use for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, the Local Government may determine—
- (a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or
  - (b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.

**4.4 Special Use Zones**

- 4.4.1 Special use zones are set out in Schedule 3 and are in addition to the zones in the Zoning table.
- 4.4.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purposes set out against that land in Schedule 3 and subject to compliance with any conditions set out in Schedule 3 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.

**PART 5—PLANNING APPROVALS****5.1 Requirement for Planning Approval**

- 5.1.1 Subject to the exemptions in clause 5.3 the planning approval of Local Government is required for all development, including building, works, changes in use and new uses, on zoned and reserved land in the Scheme.
- 5.1.2 Any person proposing to undertake development is required to submit a planning application in accordance with subclause 5.5, unless it is exempted from this requirement by subclause 5.3.1
- 5.1.3 Any person who proposes development, and is in doubt as to whether planning approval is required, may seek written clarification from the Local Government.
- 5.1.4 Unless otherwise varied by the planning approval of Local Government, and this variation is exercised by the discretion of Local Government in accordance with the Scheme, all development is to be in accordance with the provisions of this Scheme.

**5.2 Definition of Development**

For the purpose of this Scheme “development” means—

- (a) the physical alteration or use of land, including the modification or removal of vegetation
- (b) excavation
- (c) extraction of materials from land
- (d) removal, demolition, erection, construction, alteration, improvement of a building or structure on land
- (e) the erection, placement, display of any advertising device and the development or use of land, buildings or structures for that purpose
- (f) the provision of infrastructure
- (g) In relation to any building, object or place in the Municipal Heritage Inventory, or identified in a development plan as having heritage value, any act or thing that—
  - is likely to change the character of the place, or the external appearance of any buildings, or
  - would constitute an irreversible alteration to the fabric of any building.

### 5.3 Exemptions from Planning Approval

5.3.1 The planning approval of Local Government is not required for the following use of land—

- (a) The use of land which is a permitted (P) or incidental (I) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works or requires the provision of additional car parking as outlined in clause 6.17.
- (b) any extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (c) any change in an incidental (I) use that does not change the predominant use of the land.
- (d) The erection, construction, maintenance, improvement or alteration of a boundary fence or wall, or other means of boundary enclosure except as otherwise required by the Scheme.
- (e) The erection, construction, maintenance, improvement or alterations to a single house, including ancillary accommodation, outbuildings, landscaping and swimming pools, in a zone in which a single house is a permitted (P) use, provided the proposal—
  - (i) does not include variations to the Residential Planning Codes,
  - (ii) is not within a Special Control Area,
  - (iii) does not relate to a building, object or place listed on the Municipal Heritage Inventory,
  - (iv) is not a second dwelling on a lot,
  - (v) does not require planning approval in accordance with (f) below.
  - (vi) does not require the exercise of discretion.
- (f) The carrying out of building or works which involve removal or demolition of buildings, affect only the interior of buildings, or do not affect the external appearance of buildings, provided the buildings
  - (i) are not located in a place that has been entered in the Register of Places under the Heritage of WA Act, 1990
  - (ii) are not subject to an Order under Part 6 of the Heritage of WA Act 1990
  - (iii) are not included in the Municipal Heritage Inventory
- (g) An existing advertising device that was lawfully erected, placed or displayed prior to the approval of this Scheme or may be erected placed or displayed pursuant to a license or other approval granted by the Local Government prior to the approval of this Scheme
- (h) Any of the exempted classes of advertising devices in Appendix 4 except in respect of a place included in the Municipal Heritage Inventory.
  - (i) The carrying out of works undertaken by Local Government, a public authority, or authorised agent of either, for any public utility or works or in connection with the maintenance or improvement of a public street, provided it is not located within an Infrastructure Reservation.
  - (j) any works which, provided Local Government has prior notification, are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees.
- (k) The development of land in a reserve, where such land is held by the Local Government or a public authority, for the purpose for which the land—
  - (i) is reserved under the Scheme, or
  - (ii) may be lawfully developed by the Local Government or public authority.

Notes—

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

(P) permitted and (I) incidental developments require a planning application if they include building, works or the need for additional carparking. Local Government does not have the discretion to refuse the application on the basis that the development category is inappropriate for the location. It may, however, refuse the application, or apply conditions to an approval, on the basis that the characteristics of the proposal do not fully satisfy the requirements of the Scheme

- (l) The carrying out of minor works or the maintenance of infrastructure within the Infrastructure reservation, where in the opinion of Local Government it is not likely to impact on other infrastructure providers or users within the reservation, by either a public authority or other authorised user of the reservation, provided Local Government has prior notification of the works.
- (m) The carrying out of works associated with low impact telecommunications facilities as defined by the Low Impact Facilities Declaration 1997.
- (n) The carrying out of works urgently necessary for public safety, the safety or security of plant or equipment or the maintenance of essential services.
- (o) The development of land in a rural settlement where Local Government has resolved that an endorsed development plan adequately addresses Local Government requirements for planning approval,
- (p) The parking of a movable dwelling where Local Government has previously approved the use of the site for that purpose.
- (q) The development of land which, under State or Commonwealth legislation is exempt from the requirement of planning approval.

Note: Subject to the zoning table Local Government may approve any site for the parking of a movable dwelling. This may be one dwelling on one lot or many dwellings on one lot, for example in conjunction with planning approval for a holiday accommodation development.

#### **5.4 Unauthorised Existing Development**

- 5.4.1 The Local Government may require a planning approval for development or use already commenced or carried out if it considers this work is not excluded from this requirement by subclause 5.3.1.
- 5.4.2 The Local Government may grant planning approval to development already commenced or carried out provided it is in accordance with the requirements of the Scheme or Local Government has exercised its discretion in accordance with the Scheme to vary these requirements.
- 5.4.3 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval.
- 5.4.4 In granting planning approval for unlawful development Local Government may require additional works, demolition or modifications to ensure the development complies with the provisions of the Scheme.

#### **5.5 Applications for Planning Approval**

- 5.5.1 Every application for planning approval shall be made in the form prescribed by Appendix 5 and, unless Local Government waives a particular requirement, shall be accompanied by such plans and other information outlined in Appendix 5.
- 5.5.2 Where the undertaking of building or works will result in one or more uses these uses are to be specified on the application for planning approval and Local Government shall determine which of these is or is not approved.

#### **5.6 Additional Heritage Information**

In addition to the requirements of other provisions of the Scheme, the Local Government may require an application for planning approval, where the proposed development may affect a place of cultural heritage significance or an entry on the Inventory, to include one or more of the following to assist the Local Government in its determination—

- (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) Side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100.
- (c) A site plan including existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be

removed, such a plan shall be drawn to the same scale as the site plan.

- (d) Notwithstanding any existing assessment on record, an assessment of the cultural and heritage significance of any existing buildings and the development site to Local Government's satisfaction.
- (e) 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, also the existing developments on the subject lot immediately adjoining the subject lot.
- (f) any other information that Local Government considers relevant.

#### **5.7 Advertising of Applications**

- 5.7.1 Where an application is made for planning approval to carry out development which involves an "A" use, the Local Government shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of subclause 5.7.3.
- 5.7.2 Despite clause 5.7.1 where an application is made for planning approval to carry out any other development the Local Government may give notice of the application in accordance with the provisions of subclause 5.7.3.
- 5.7.3 Where the Local Government is required or decides to give notice of an application for planning approval it shall do so in one or more of the following ways—
  - (a) allow for relevant calendar events, determine a submission period no less than 14 days and being appropriate to the potential impact of the development.
  - (b) give notice of the proposed development on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Local Government within the submission period,
  - (c) publish notice of the proposed development in a local newspaper circulating in the Scheme area stating that submissions may be made to the Local Government within the submission period.
  - (d) erect a sign or signs displaying notice of the proposed development in a conspicuous position on the land for the duration of the submission period.
- 5.7.4 The Local Government shall ensure further reports, plans, sketches, scale models, photographs or other similar aids to explain the proposal, are deposited at the offices of the Local Government for viewing, during normal office hours by any persons wishing to tender a submission or objection.
- 5.7.5 All costs associated with the advertising and display of a proposed development shall be borne by the applicant.
- 5.7.6 After expiration of the submission period the Local Government shall consider and determine the application.

#### **5.8 Consultation with Other Authorities**

In considering an application for planning approval, the Local Government may consult any other statutory, public or planning authority it considers appropriate.

#### **5.9 Matters to be Considered**

The Local Government, in considering an application for planning approval, shall have due regard to the following—

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,
- (b) the requirements of orderly and proper planning including any relevant proposed new Town Planning Scheme of the Local Government or any proposed amendment to an existing Scheme operating within the district,
- (c) any approved Statement of Planning Policy of the Commission,
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,

- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,
- (f) the conservation of any building, structure, object or place of heritage significance, including—
  - (i) the Management Category and associated recommendations in the Municipal Heritage Inventory
  - (ii) an endorsed development plan containing heritage provisions,
  - (iii) the views of the Heritage Local Government of WA, the National Trust of Australia (WA) or any other relevant bodies.
- (g) the conservation and management of the natural environment including—
  - (i) any approved Environmental Protection Policy under the Environmental Protection Act 1986
  - (ii) likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.
  - (iii) impact on soil erosion and land degradation.
  - (iv) landscaping proposals and existing vegetation.
- (h) the capacity of the site and surrounding locality to support the development including—
  - (i) access, egress, unloading, manoeuvring and parking of vehicles
  - (ii) traffic generated from the development
  - (iii) need for public transport services
  - (iv) public and utility infrastructure and community services
  - (v) whether adequate provision has been made for access for pedestrians, cyclists and disabled persons
  - (vi) impact of the development on the amenity of the locality
  - (vii) any relevant submissions or objections received or sought on the application.
  - (viii) any other planning consideration that Local Government considers relevant.
- (i) 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 6.14, and any other plan or guideline adopted by the Local Government under the Scheme;
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (k) the conservation of any place that has been entered in the register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage Inventory under clause 6.14, and the effect of the proposal on the character or appearance of a heritage area;
- (l) the compatibility of a use or development with its setting;
- (m) any social issues that have an effect on the amenity of the locality;
- (n) the cultural significance of any place or area affected by the development, including Aboriginal heritage considerations;
- (o) 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;
- (p) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (q) whether adequate protection is provided to protect drinking water, as well as ground and surface water bodies from degradation;
- (r) whether adequate provision is made to protect buffer requirements;

- (s) 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;
- (t) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (u) the potential loss of any community service or benefit resulting from the planning approval;
- (v) any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6, and
- (w) any relevant submissions or objections received or sought on the application;
- (x) any other planning consideration that Local Government considers relevant.

#### 5.10 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

#### 5.11 Form and Date of Determination

The Local Government shall convey its decision to the applicant in writing clearly stating the date of the decision, the conditions to be satisfied to validate the approval or the reasons for refusal and informing the applicant of the available avenues of appeal.

Note: Refer to Clause 5.18 for avenues of appeal available to applicants aggrieved by the decision of Local Government.

#### 5.12 Term of Planning Approval

5.12.1 Where the Local Government grants planning approval, that approval—

- (a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved, and
- (b) lapses if the development has not substantially commenced and in continuation before the expiration of that period.

5.12.2 An application may be made to the Local Government, in the form prescribed in subclause 5.5.1, for an extension of the term of approval at any time prior to the expiry of the approval period in clause 5.12.1 (a). The length of the extended approval period shall be determined at Local Government's discretion.

#### 5.13 Amending or revoking a Planning Approval

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

#### 5.14 Temporary Planning Approval

Where the Local Government grants planning approval, it may impose conditions limiting the period of time for which the development is permitted.

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.

#### 5.15 Compliance with Conditions

5.15.1 If the Local Government grants planning approval subject to conditions, no person shall use or develop any land or building affected by the conditions or suffer or permit them to be used or developed otherwise than in accordance with the conditions

- 5.15.2 Upon written application being made by an owner of land the Local Government may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed.
- 5.15.3 If the Local Government grants its approval subject to conditions, and any of the conditions are not fulfilled or complied within the time stipulated by Local Government, or stipulated subsequently on reasonable notice to the applicant, the Local Government may in addition to any other remedies available to it, revoke its approval.
- 5.15.4 Where the Local Government revokes its planning approval, it may also remove buildings or undertake any other necessary works pursuant to section 10 of the Act and recover the cost of doing so from the applicant.

Note: Notwithstanding this subclause, the requirements of the Local Government Act (1995) apply to the revocation of planning approvals.

#### **5.16 Approval Subject to Later Approval of Details**

- 5.16.1 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 approval of the Local Government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the Local Government thinks fit.
- 5.16.2 When considering an application for planning approval which may require later approval of details, the Local Government may request further details prior to considering the application.
- 5.16.3 Where the Local Government has granted approval, subject to matters requiring later approval, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval, or other such period as specified in the approval.

#### **5.17 Deemed Refusal**

- 5.17.1 An application for planning approval shall be deemed to have been refused where a decision has not been conveyed to the applicant by the Local Government within 60 days of the receipt of it by the Local Government, or 90 days in the case of a planning approval subject to subclause 5.7.2, or within such time as agreed in writing between the applicant and the Local Government.
- 5.17.2 Notwithstanding that an application for planning approval may be deemed to be refused, the Local Government may issue a valid decision in respect of the application at any time after the expiration of the 60 or 90 day period referred to in subclause 5.17.1.

#### **5.18 Appeals**

An applicant aggrieved by a decision of the Local Government in respect of the exercise of a discretionary power under the Scheme, including the granting of approval with conditions, may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

Notes—

1. The reference to the Act is to the Town Planning and Development Act 1928.
2. Applicants may appeal to either the Minister for Planning or the Town Planning Appeals Tribunal.
3. A discretionary power does not extend to a refusal of a planning approval where a use is (x) not permitted in the zoning table.

### **PART 6—DEVELOPMENT REQUIREMENTS**

#### **6.1 General Requirements**

- 6.1.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a development requirement prescribed by the Scheme, the Local Government may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.

- 6.1.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to;
- (a) consult the affected parties by following one of more of the provisions for advertising uses under clause 5.7 and;
  - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 6.1.3 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 5.9 and;
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## 6.2 Restrictive Covenants

- 6.2.1 Subject to the provisions of sub-clause 6.2.2, a restrictive covenant affecting any land in the Scheme Area whereby, or the effect of which is that, the restrictive covenant is inconsistent with the provisions of the Scheme or the Residential Planning Codes, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of this Scheme.
- 6.2.2 Where sub-clause 6.2.1 operates to extinguish or vary a restrictive covenant the Local Government shall not grant planning approval to the development of the land which would but for the operation of sub-clause 6.2.1 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 5.7.3.

## 6.3 Environmental Conditions

- 6.3.1 In accordance with Section 7A4 of the Act, environmental conditions imposed by the Minister for the Environment on the present scheme or amendments to the present scheme are incorporated into the Scheme by Appendix 6 of the Scheme.
- 6.3.2 Where appropriate, the environmental conditions are indicated on the Scheme maps by the symbol EC to indicate that environmental conditions apply to the land together with the amendment number.

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.

## 6.4 Development Plans

- 6.4.1 Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for—
- (a) Urban Development zones
  - (b) Industrial and Mixed Business Development zones
  - (c) Rural Living zones
  - (d) Rural Settlement developments
- 6.4.2 Local Government shall, upon endorsement of development plans, or parts of development plans, ensure they are included in the Shire of Ashburton Land Use Planning Policy Manual as a policy statement.
- 6.4.3 Notwithstanding the requirements of this scheme, all development is to comply with the requirements of endorsed development plans.
- 6.4.4 The proponent of a Development Plan, required by this scheme, may appeal in accordance with Part V of the Act against—
- (a) The failure of the Local Government to make a determination on the content and requirements of a development plan (or an amendment to a development plan) within 60 days of receiving a request for direction.

- (b) A decision by Local Government not to endorse a development plan (or an amendment to a development plan).
- (c) The imposition of conditions on Local Government's endorsement of a development plan (or alterations to a development plan).
- 6.4.5 Development Plans shall address the matters outlined in Appendix 7.
- 6.4.6 The Local Government shall request the Western Australian Planning Commission to adopt Development Plans as the basis for approval of subdivision applications within the areas covered by the plans.
- 6.4.7 The Local Government shall request Development Plans, or any departure from or alterations it considers substantial, to be advertised seeking public submissions in accordance with subclauses 5.7.3 and 5.7.4, prior to considering endorsement of the plans.
- 6.4.8 Any departure from or alterations to Development Plans may, subject to the approval of the Commission, be permitted if the Local Government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.
- 6.4.9 A Development Plan may indicate development categories in the zoning table which should be considered permitted (P) by Local Government in the area of the plan. In the absence of an endorsed Development Plan the symbols in the zoning table apply.
- 6.4.10 Local Government may, when it considers subdivision and development in an area the subject of a development plan has proceeded to an extent where detailed zones and Reserves should be defined, amend the Scheme to indicate these zones and Reserves.
- 6.4.11 Appeals
  - 6.4.11.1 The proponent may appeal in accordance with Part V of the Town Planning Act, any—
    - a. determination or decision made by the Commission;
    - b. requirement imposed by or modification sought by the Commission; or
    - c. determinations deemed to have been made by the Commission under clauses 6.4.6 or 6.4.8 in the exercise of the Commission's powers under clause 6.4.
  - 6.4.11.2 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any decision made by the Local Government under clause 6.4.7 or 6.4.8.

## 6.5 Residential Planning Codes

- 6.5.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Western Australian Planning Commission's Statement of Planning Policy No. 1, together with any amendments to these codes.
- 6.5.2 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.
- 6.5.3 The Residential Planning Code density applicable to land in the residential zone within the Scheme Area shall be R20 unless otherwise determined by reference to the Residential Planning Code density number superimposed on the particular areas shown on the Scheme maps as being contained within the black line borders.
- 6.5.4 The appropriate density for residential development on land not subject to the residential zone shall be determined by Development Plans, where required and prepared in accordance with this Scheme, or in the absence of this requirement or a prepared Development Plan, at the discretion of Local Government.

Note: The Residential Planning Codes are the statewide standards for residential development in Western Australia.

Note: The Residential Planning Codes include different standards for a range of dwelling densities from R2 (low density) through to R160 (high density). Town Planning Schemes are required to identify the intended density for different residential areas

**6.6 Special Application of the Residential Planning Codes**

- 6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available.

**6.7 Residential Zone**

- 6.7.1 Unless prior planning approval has been granted by Local Government, no person shall, within a residential zone—
- (a) park or allow to remain stationary for more than four hours consecutively—
    - (i) more than one commercial or industrial vehicle on a particular lot,
    - (ii) a commercial or industrial vehicle, boat trailer, boat, movable dwelling, recreational vehicle, freight container or other storage device unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive,
    - (iii) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 45 square metres in which no horizontal dimension is more than 15 metres,
    - (iv) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works,
  - (b) build, repair, paint, service, or renovate any marine vessel, caravan, commercial or industrial vehicle in front of the building line.
- 6.7.2 Notwithstanding clauses 3.5.1 and 4.7.1 of the Residential Planning Codes every dwelling shall be provided with a store room of not less than four square metres in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.
- 6.7.3 Applications for development under the R Codes for land zoned Residential and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Water and Catchment Protection.

**6.8 Urban Development Zone**

- 6.8.1 Before considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government may require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government.
- 6.8.2 Applications for development under the R Codes for land zoned Urban Development and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Water and Catchment Protection.
- 6.8.3 In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require staging of development and subdivision to minimise land use conflict during the life of the extractive industry operation.

**6.9 Transient Workforce Accommodation**

- 6.9.1 All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.
- 6.9.2 Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.
- 6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the site.
- 6.9.4 Local Government may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclause 6.9.3.

**6.10 Commercial Zones**

- 6.10.1 Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statements contained in the Scheme Report, or strategic statements contained in the Scheme Report, or policy in the policy manual.
- 6.10.2 In the absence of strategic or policy statements for land within the zones referred to in subclause 6.10.1 Local Government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.
- 6.10.3 The density of residential development in the Commercial and Civic and Tourism zones shall not exceed R50, with the exception of land located within the Onslow Hazard Special Control Areas, where residential development shall not exceed R30.

**6.11 Industry****General Provisions**

- 6.11.1 Development in the Mixed Business, Industry and Industrial/Mixed Business Development Zones should generally be in accordance with the strategic statements contained in the Scheme Report or a policy statement in the Policy Manual.
- 6.11.2 In considering planning applications within the industrial zones, community zones, public purpose Reserves, infrastructure reservation or the industry buffers identified in the Policy Manual, Local Government shall have regard for the—
- (a) compatibility of the proposed uses with other surrounding uses,
  - (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes, and
  - (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.
  - (d) restricting unsewered industrial developments to low wastewater producing type of industries, that is industries predicted to produce a daily wastewater volume of less than 540 litres per 200m<sup>2</sup> of lot area intended for disposal on site.
  - (e) the capacity for infrastructure to accommodate additional loads (particularly where development involves the expansion of existing operations);

Note: The WAPC Industrial Buffer Policy requires buffers to be identified where land uses have a potential off-site impacts relating to air and noise emissions, safety risks, etc. It indicates residential development should not be permitted within buffers where this is incompatible with these off-site impacts. Other development should be permitted having regard for these impacts and the effect of the development on existing industry.

Note: Industrial buffers applicable to the Shire of Ashburton shall be identified in the Shire's Land Use Planning Policy Manual.

- (f) measures to prevent soil and groundwater contamination; and
- (g) separation of stormwater and process liquids and the onsite containment of process liquids.

### **Industry Zones**

- 6.11.3 When considering applications for planning approval in the Mixed Business, Industry or Industrial/Mixed Business Development zones Local Government shall not permit development to be set back less than five metres from the front boundary or buildings to cover more than fifty percent of the lot and should be generally in accordance with any other minimum development standard contained in the Policy Manual.
- 6.11.4 Local Government, in considering applications for subdivision/amalgamation of land under clause 24(2) of the Act, shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000m<sup>2</sup> or include battleaxe access legs.
- 6.11.5 Development of factory unit buildings shall include—
- (a) a minimum floor area of 100m<sup>2</sup> for each unit,
  - (b) a service yard screened from view of the street, which is appurtenant to the unit, located separate from the principal access to the unit and to the rear or side of the building, with a minimum size of fifty percent of the unit floor area,
  - (c) off-street carparking in accordance with the carparking requirements of Appendix 6 and which may include a reduction to one visitor bay per unit and may be accommodated in one area of the overall site.

Note: Local Government has a preference for mixed business and industrial zones to have a range of lot sizes to accommodate diversity in industrial activity.

### **Industrial and Mixed Business Development Zone**

- 6.11.6 All development requirements related to the Mixed Business and Industry Zones also apply to the Industrial and Mixed Business Development Zone.
- 6.11.7 Before considering any proposal for subdivision or development of land within the Industrial and Mixed Business Development Zone, the Local Government may require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government.

### **Strategic Industry Zone**

- 6.11.8 When considering applications for planning approval in the strategic industry zone Local Government shall ensure that the proposal—
- (a) optimises the effectiveness of the zone as a strategic industrial area and utilises major infrastructure, creates symbiosis with other industries or includes resource processing industry,
  - (b) is significant to the regional and/or state economies, or
  - (c) provides goods and services which directly support or compliment industries described in (a) and (b) of this subclause, and
  - (d) minimises or offsets impacts on local infrastructure, economic and community development.
- 6.11.9 The purpose of the Strategic Industry zone is to accommodate strategic industries and, notwithstanding the provisions of any other part of the Scheme, development which may impede the operation of such industries shall not be permitted within the Strategic Industry Zone or Industrial Buffers Special Control Areas.
- 6.11.10 Local Government shall consult with the relevant State Government or other relevant organisations, when assessing planning applications in the strategic industry zone, to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone.

**6.12 Rural Zones**

- 6.12.1 In considering any proposed development within the Rural Zone, but in an area subject to strategic proposals for urban or industrial development, the Local Government shall only grant approval where that proposed development or use will not, in the opinion of Local Government, prejudice the future development of those proposals.

**6.13 Community Zones**

In considering applications for planning approval in the community, health, education or airport zones Local Government shall have regard for the—

- (a) aims relating to the entire Scheme in clause 1.6,
- (b) Strategic statements contained in the Scheme Report or policy statements in the Policy Manual.
- (c) broad intentions for the particular zone and any existing development within the zone, and
- (d) potential impact of the proposal on the surrounding locality.

**6.14 Heritage Matters****Purpose and Intent**

- 6.14.1 The purpose and intent of the heritage provisions is to—
- (a) facilitate the conservation of any place, area, building, object or structure of heritage value,
  - (b) afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and character of the locality,
  - (c) ensure that development within or adjacent to places of heritage value has due regard to the value of the heritage place and is in harmony with the character of the locality.

**Inventory of Heritage Places and Buildings**

- 6.14.2 The Local Government shall establish and maintain an Inventory of buildings, objects, structures and places considered by the Local Government to be of heritage significance and worthy of conservation.
- 6.14.3 For the purposes of this Part, Inventory means the Municipal Heritage Inventory prepared and amended by the Local Government pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended).
- 6.14.4 The Local Government shall keep copies of the Inventory with the Scheme documents for public inspection during normal office hours.
- 6.14.5 The Local Government may amend, add to or delete entries of buildings, objects, structures or places in the Inventory in accordance with the procedures for adoption in subclause 6.14.6.
- 6.14.6 The Local Government, before adopting a proposal to establish or amend the Inventory, shall—
- (a) notify in writing the owner(s) and the occupier(s) of the land and any other persons whose names appear on the Certificate of Title of the land as having an interest in the land,
  - (b) advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign or signs displaying notice of the proposal, adequately describing and illustrating the proposal, to be erected in a conspicuous position on the land for a period of twenty-eight days from the date of publication of the notice in the newspaper, and use such other methods as the Local Government considers appropriate to ensure widespread notice of the proposal,
  - (c) invite submissions on the proposal within a period of not less than 28 days of the date specified on the notice under (b) of this clause,
  - (d) carry out such other consultations as it thinks fit,

- (e) consider any submissions made and resolve to adopt the proposal with or without modification or reject the proposal, and
- (f) forward notice of its decision to the Heritage Local Government of WA and Western Australian Planning Commission.

#### **Development Plans**

- 6.14.7 Where the Local Government requires a Development Plan to be prepared for any zone in the Scheme, that plan shall document the heritage values and character of the development area, including any buildings, objects, structures and places included in the inventory, and include measures to conserve or enhance these to the satisfaction of Local Government.
- 6.14.8 Where heritage matters are a significant component of a Development Plan, Local Government shall—
- (a) undertake the advertising procedures in subclause 5.7.3 and
  - (b) advise the Commission and the Heritage Local Government of Western Australia of Local Government's decision in relation to endorsement of the Development Plan.

#### **Variations to Scheme Provisions and Conservation Incentives**

- 6.14.9 Where desirable to facilitate the conservation of a heritage place or to enhance or conserve heritage values, the Local Government may vary any provision of the Scheme provided that, where in the Local Governments opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the subject site, the Local Government shall—
- (a) consult the affected parties by following one or more of the provisions in subclause 5.7.3, and
  - (b) have regard to any expressed views prior to granting the variation.
- 6.14.10 The Local Government may permit, on a lot zoned residential and listed in the Inventory, an increase up to fifty percent of permitted dwelling density which otherwise would not apply on that lot. The density bonus shall only be granted where the increased development would not adversely affect the cultural or heritage significance and character of the place, street or precinct, and if one or more of the following circumstances apply—
- (a) provision is made for the preservation of significant landscape features, including significant trees or other vegetation,
  - (b) provision is made for carrying out of conservation works approved by the Local Government on a heritage place, or
  - (c) a cash contribution is made to a fund set up by Local Government for the purpose of heritage conservation.
- 6.14.11 In a case where the Local Government has permitted an increase in density in accordance with subclause 6.14.10, the standards and provisions of the higher density code shall apply.
- 6.14.12 The Local Government may enter into a heritage agreement in accordance with the Heritage of Western Australia Act 1990 with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

#### **6.15 Transportable Structures**

- 6.15.1 When considering planning applications which include transportable buildings and structures Local Government shall have regard for—
- (a) whether the structure is to be permanent or temporary,
  - (b) the location and design of the structure in relation to surrounding structures and other physical features,

- (c) the footings or other methods of stabilising the structure, and
- (d) proposed landscaping to be associated with the structure.

- 6.15.2 Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.
- 6.15.3 Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.

#### **6.16 Advertising Devices**

- 6.16.1 Where the Council can demonstrate exceptional circumstances which cause an existing advertising device to seriously conflict with the objectives of this Scheme, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement.

#### **6.17 Vehicle Parking and Access**

##### **Carparking Requirements**

- 6.17.1 Unless otherwise provided by the Scheme, no development is permitted without providing onsite carparking in accordance with the requirements in Appendices 8 and 9 and subclause 6.17.2.
- 6.17.2 Where a development is not specified in Appendix 8 the Local Government shall determine carparking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards.
- 6.17.3 As an alternative to subclause 6.17.1, and subject to Local Government approval, a cash-in-lieu payment, to the equivalent cost of providing the required carparking plus the value of the area of land which would have been occupied by the spaces, shall be paid to the Local Government. This payment is to contribute to a fund set aside by Local Government for the purposes of providing public carparking areas.
- 6.17.4 Where the amount of cash-in-lieu payable under clause 6.17.3 cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Local Government and the developer.

Note: Calculations of the equivalent cost of providing the required carbays shall include all requirements of clause 6.17 including sealing, kerbing, marking and drainage of carbays and associated accessways and areas for turning.

##### **Variations to Carparking Requirements**

- 6.17.5 Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1.
- 6.17.6 Where the Local Government is of the opinion that it is necessary to increase the required number of carparking spaces in order to maintain desirable standards of safety, convenience and amenity, such extra carparking spaces as Local Government considers necessary shall be provided. In imposing such extra carparking requirements, the Local Government shall explain the reasons for the increase to the owner of the lot.
- 6.17.7 Where there are two separate and different developments with different hours of peak operation, but being located on the same or adjoining lots, the Local Government may permit some discounting of the required number of carparking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety standards and there is agreement between the parties and Local Government to the reciprocal rights of access to all carparking bays.
- 6.17.8 Where a proposed development is located adjacent to a constructed public carpark, the Local Government may, where it is satisfied there would be no lowering of safety standards, reduce the amount of required onsite carparking for that development by the amount it considers the public carpark serves the development.

Local Government may also require a cash-in-lieu payment to the value referred to in subclause 6.17.3.

#### **Design and Maintenance of Carparking**

- 6.17.9 When considering any application for planning approval the Local Government shall have regard to and may impose conditions concerning—
- (a) the proportion of carparking bays to be roofed or covered and the design criteria of this covering,
  - (b) the proportion of carparking bays to be below natural ground level or on the roof of buildings and the design criteria of these structures,
  - (c) the means of access to each carparking bay and the adequacy of any vehicular manoeuvring area,
  - (d) the location of the carparking bays and the impact the aesthetic character of adjoining development, including the potential effect if those spaces should later be roofed or covered,
  - (e) the extent to which carparking bays are located within required building setbacks,
  - (f) the location of proposed public footpaths, vehicular crossings, and private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movement and safety,
  - (g) materials for the sealing, paving and kerbing of carpark surfaces, associated islands and pedestrian spaces and the landscaping of these areas.
- 6.17.10 The owner and occupier of premises on which carparking bays are provided shall ensure that the carpark, its markings, associated structures, landscaping and drainage are provided and maintained to the satisfaction of Local Government.

#### **Carparking Bays for People with Disabilities**

- 6.17.11 Local Government shall ensure the provision and location of carparking bays designed to accommodate persons with disabilities and vehicles designed for use by persons with disabilities as required by the Building Code of Australia and relevant Australian Standards.

#### **Dimensions of Carparking**

- 6.17.12 The dimensions of carparking bays, parking angles and carriageway widths specified in Appendix 8 shall be used by Local Government in determining the layout of carparking areas.

#### **Sealed Areas**

- 6.17.13 All areas to be used for carparking, accessways, loading bays and for turning or manoeuvring of vehicles shall be sealed, kerbed, marked and drained to the specification and satisfaction of the Local Government.
- 6.17.14 Where Local Government considers it appropriate, it may permit an alternative method of surface treatment/dust suppression where, by reason of the development characteristics or the area of bitumen required, the Local Government considers the seal required in subclause 6.17.13 would be either impractical or unduly expensive and the alternative would serve the same function without lessening the standards of health and safety.
- 6.17.15 All carparking surfaces shall be permanently maintained to the satisfaction of the Local Government and the Local Government may order an owner to effect repairs where it considers that the sealed area has unduly deteriorated.
- 6.17.16 Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or grassed to the satisfaction of Local Government and maintained in good condition.

**6.18 Caretaker's Dwelling**

- 6.18.1 The provisions of this clause are to apply for all caretakers' dwellings in the industrial zone.
- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used accordance with the Scheme;
  - (b) only one caretaker's dwelling is permitted on a lot, for the purposes of this clause "lot" excluded a strata lot or survey-strata lot created under the Strata Titles Act 1985;
  - (c) A caravan or park home is not 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 1 bedroom only within a total floor area that does not exceed 80 square metres measured from the external face of walls;
  - (f) Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 80 square metres referred to in paragraph (e).

**6.19 Landscaping, Screening and Fencing**

- 6.19.1 All applications for Planning Approval, except those for residential development involving two dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing—
- (a) the percentage of the site devoted to landscaping,
  - (b) the areas subject to landscaping works,
  - (c) the percentage and condition of remnant vegetation to be retained
  - (d) location and species of plants, including shade trees planted within and adjacent to carparking areas at the rate of one tree per two carbays,
  - (e) other materials imported, arranged and/or constructed on the site,
  - (f) areas to be irrigated and the systems to be used, and
  - (g) the proposed staging, if any, and timing of works.
- 6.19.2 Local Government may require modifications or additions to the landscaping work proposed by any planning application.
- 6.19.3 Implementation of the landscaping component of a proposal shall occur within six calendar months of the completion of any other approved works or the date of occupancy if occupancy commences prior to the completion of the development.
- 6.19.4 The owner or occupier of the land shall not use the area shown as landscaping on an approved plan for any purpose other than landscaping unless otherwise approved by Local Government. All elements of the landscaped area are to be provided and maintained in a condition to the satisfaction of Local Government.
- 6.19.5 Within the Commercial and Civic and Tourism zones any outside area, which Local Government considers detrimental to the amenity of the locality or adjoining lots, shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Local Government.
- 6.19.6 Within the Industry and Industrial Development zones any outside area, which Local Government considers may become untidy or is currently untidy when visible from the street, shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Local Government.

**6.20 Flood and Storm Surge Prone Land**

- 6.20.1 When considering applications for planning approval Council shall have regard to the requirements for the Onslow Coastal Hazard Special Control Area in clause 7.3.
- 6.20.2 In areas not subject to clause 7.3, and Council considers the form of development the subject of a planning application to be potentially incompatible with and prone to flood and storm surge events, it may have regard for information about these events and may permit, with or without conditions, or refuse proposals at its discretion.
- 6.20.3 Council shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.
- 6.20.4 Council may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.

Note: Flood and Storm Surge advice is available for some areas from the Bureau of Meteorology and the Water and Rivers Commission.

**PART 7—SPECIAL CONTROL AREAS****7.1 Operation of Special Control Areas**

- 7.1.1 The following special control areas are shown on the Scheme map—
- (a) Tidal Inundation Areas
  - (b) Onslow Coastal Hazard Area
  - (c) Onslow Strategic Planning Area
  - (d) Onslow Airport Height Restrictions Area
  - (e) Cane River Water Reserve Area
  - (f) Turee Creek, Mt Lionel and Mt Stevenson Borefields
  - (g) Wittenoom
- 7.1.2 Where a special control area is shown on the Scheme map, the provisions of the special control area apply in addition to the provisions of the zone or reserve and any general provisions of the Scheme.

**7.2 Tidal Inundation Areas**

- 7.2.1 When considering planning applications relating to land within the Tidal Inundation Area, Local Government shall have regard for—
- (a) the potential impact of the development on the natural environment, in particular the mangrove ecosystem, and
  - (b) the potential impact of storm surge events on the desirability, location and construction standards of development.
- 7.2.2 Local Government may require additional information or investigation from applicants outlining the potential environmental impacts and the likelihood and nature of storm surge events.

**7.3 Onslow Coastal Hazard Area**

- 7.3.1 The Special Control Area applies to all land up to 4m AHD in the coastal zone and 5m AHD in the frontal dune areas of the townsite, between Four Mile Creek in the south-west and Beadon Creek in the north-east.
- 7.3.2 Applications for planning approval for land within the Special Control Area shall be assessed in the context of coastal plans, where these have been prepared and endorsed by the WAPC, for each sector of the Special Control Area and development shall conform with the requirements of the endorsed plan.
- 7.3.3 Applications for planning approval not in conformity with the plan shall be referred to the Ministry for Planning and the Registrar of Aboriginal Sites for advice.
- 7.3.4 In areas not subject to clause 7.3, and Local Government considers the form of development the subject of a planning application to be potentially incompatible with and prone to flood and storm surge events, it may have

regard for information about these events and may approve, with or without conditions, or refuse proposals at its discretion.

- 7.3.5 Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.

Note: Flood and Storm Surge advice is available for some areas from the Bureau of Meteorology and the Water and Rivers Commission.

- 7.3.6 Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.

- 7.3.7 After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme—

- (a) approve the development proposal,
- (b) refuse the development proposal, or
- (c) approve the development proposal subject to conditions, which may include the requirement to prepare and implement a foreshore management plan.

- 7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters—

- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.
- (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.
- (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.
- (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.
- (e) That any building development or building alteration approval in the hazard area be endorsed with the following—

*“The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events”.*

#### 7.4 **Onslow Strategic Industrial Buffer**

- 7.4.1 When considering application for planning approval within the industrial Buffer Local Government shall have regard to—

- (a) The existing, proposed or likely risks, hazards and nuisance (odour, noise, light) associated with the adjoining Strategic Industrial Area.
- (b) Compatibility of uses,
- (c) The impact of the proposal on the efficient development of the strategic industrial area; and
- (d) The requirements of the State Industrial Buffer Policy.

- 7.4.2 Caretakers dwelling shall not be permitted within the Onslow Strategic Industrial Buffer Area.

#### 7.5 **Onslow Airport Height Restrictions Area**

- 7.5.1 In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome.

**7.6 Cane River Water Reserve Area**

- 7.6.1 The land within the Cane River Water Supply Reserve Special Control Area is for Priority 1 water source protection. The aquifer is unconfined and susceptible to contamination from intensification of development.
- 7.6.2 The purpose of the Cane River Reserve Area is to—
- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
  - (b) ensure that land use and development within PDWSPA's ins compatible with the protection and long term management of water resources for public water supply.
- 7.6.3 Applications for planning approval for land within the Special Control Area shall be referred to the Water and Rivers Commission for advice regarding the compatibility of the proposal with water source protection and any conditions which may be appropriate to apply to planning approvals.

**7.7 Turee Creek, Mt Lionel and Mt Stevens Borehelds**

- 7.7.1 The land within the Turee Creek Control Area is for Priority 1 water source protection. The aquifer is unconfined and susceptible to contamination from intensification of development.
- 7.7.2 The purpose of the Turee Creek Reserve Area is to—
- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
  - (b) ensure that land use and development within PDWSPA's ins compatible with the protection and long term management of water resources for public water supply.
- 7.7.3 Applications for planning approval for land within the Special Control Area shall be referred to the Water and Rivers Commission for advice regarding the compatibility of the proposal with water source protection and any conditions which may be appropriate to apply to planning approvals.

**7.8 Wittenoom**

- 7.8.1 Notwithstanding any other provision in the Scheme, development within the Wittenoom Special Control Area shall not be permitted where it is considered by Local Government that this would perpetuate or increase exposure to asbestos fibre and it's health risks.

**PART 8—NON CONFORMING USES****8.1 Non-Conforming Use Rights**

Except as otherwise provided in this Part, no provision of the Scheme shall prevent—

- (a) the continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or
- (b) the carrying out of any development for which, immediately prior to that time, a permit/s required to authorise the development to be carried out were obtained and are current.
- (c) Subject to clause 9.2, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date

**8.2 Extension of Non-Conforming Use**

A non-conforming use or development, on a zone or reservation, shall not be extended, altered or supplemented with an additional development or use without first receiving planning approval in accordance with the procedures contained in clause 5.1 and unless in conformity with any other provisions and requirements of the Scheme.

Note: An application to alter or extend a non-conforming use is made by way of an application for planning approval under Part 5 of the Scheme.

**8.3 Change Of Non-Conforming Use**

Notwithstanding anything contained in the Zoning Table, the Local Government may grant planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of Local Government, closer to the intended purpose of the zone or reserve.

**8.4 Discontinuance of Non-Conforming Use**

- 8.4.1 When a non-conforming use has been discontinued for a period of six months or more such land or building ceases to have the right for this to be a valid non-conforming use.
- 8.4.2 The Local Government may cause the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Town Planning and Development Act enables the Local Government to purchase, or, with the consent of the Governor, compulsorily acquire land on which there is a non-conforming use subject to the Public Works Act and this Scheme.

**8.5 Destruction Of Buildings**

When a building used for a non-conforming use is destroyed or damaged to an extent of 75% or more of its value as determined by Local Government, the land on which the building is built shall not subsequently be used otherwise than in conformity with the Scheme. The building shall not be repaired, altered or added to for the purpose of being used for a non-conforming use.

**PART 9—ADMINISTRATION****9.1 Powers of the Scheme**

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 or occupier of land or other person 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 Act. The Local Government may deal with or dispose of this land or buildings in accordance with the law and for this purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Local Government, authorised by Local Government for the purpose, 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.

**9.2 Removal and repair of existing advertisements**

- 9.2.1 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.
- 9.2.2 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.
- 9.2.3 For the purpose of clauses 9.2.1 and 9.2.2 and notice is to be served on the advertiser and is to specify—
- (a) the advertisement the subject of the notice;
  - (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
  - (c) the period, being not less than 60 days for the date of the Local Government's determination, within which the action specified is to be completed by the advertiser.

9.2.4 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.

### 9.3 Delegation of Functions

9.3.1 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 of the discharge of any of its duties under the Scheme, other than this power of delegation.

9.3.2 The CEO may delegate to any employee of the Local Government the exercise of any of the CEO's powers of the discharge of any of the CEO's duties under clause 9.3.1.

9.3.3 The exercise of the power of delegation under clause 9.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.

9.3.4 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.

### 9.4 Penalties

9.4.1 A person must not—

- (a) contravene or fail to comply with the provision of the Scheme;
- (b) use any land or commerce 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 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.

### 9.5 Compensation

9.5.1 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
- (b) where the land has been reserved for a public purpose and—
  - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
  - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose, not later than 6 months after the application is refused or the permission granted.

9.5.2 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 9.5.1.

### 9.6 Election to Purchase and Valuation

9.6.1 Where compensation for injurious affection is claimed pursuant to clause 9.5 the Local Government may, at its option elect to acquire the land so affected instead of paying compensation.

Notes—

1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Region Scheme should be made

- 9.6.2 Where the Local Government elects to acquire land, the subject of a claim for compensation for injurious affection, the Local Government shall give notice of this to the claimant in writing within three (3) months of the claim for compensation being made.
- 9.6.3 Where the Local Government and a landowner are unable to agree on a price to be paid for land to be acquired pursuant to subclause 9.6.1, the price shall be the value of the land on the date that the Local Government elects to acquire the land and shall be determined by—
- (a) arbitration in accordance with the Commercial Arbitration Act 1985, or
- (b) some other method agreed upon by the Local Government and the owner of the land,
- and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.
- 9.7 Notice for Removal of Certain Buildings**
- 9.7.1 Twenty eight (28) days written notice, to be given to the owners and occupiers of land where buildings are to be removed or other works undertaken, in accordance with section 10 of the Act.
- 9.8 Review and Amendment**
- 9.8.1 The Local Government shall keep the Scheme under constant monitor and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.
- 9.8.2 The Local Government may initiate amendments to the Scheme in accordance with the Act and Regulations and shall give consideration to any request to have the Scheme amended.
- 9.8.3 In the case of a proposed amendment to the zoning or reservation of land, other than requested by the owner(s), the Local Government shall, before initiating any amendment to the Scheme, invite comment from the owner(s) of the land concerned.
- 9.8.4 Amendments which have been made to the Scheme are listed in Appendix 9 of the Scheme.

under the (*Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985*).

2. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form of the *Town Planning Regulations 1967*.

#### APPENDIX 1—ADOPTION ADOPTION

Adopted by resolution of the Local Government of the Shire of Ashburton at the meeting of the Local Government held on the 18th day August 1998.

G. MUSGRAVE, Shire President.  
S. J. DECKERT, Chief Executive Officer.

#### FINAL APPROVAL

Adopted by resolution of the Local Government of the Shire of Ashburton at the meeting of the Local Government held on the 20th day March 2001.

and the seal of the Municipality was pursuant to that resolution affixed here in the presence of—

G. MUSGRAVE, Shire President.  
S. J. DECKERT, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved Scheme Maps to which approval was given by the Hon. Minister for Planning and Infrastructure on the date shown below.

Recommended for final approval by the Western Australian Planning Commission

Dated: 7 December 2004.

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

Final approval granted

Dated: 13 December 2004.

ALANNAH MacTIERNAN, Minister for Planning & Infrastructure.

**APPENDIX 2—DEFINITIONS**

These definitions apply unless State Government model definitions or other standard definitions in the Residential Planning Codes are modified and subsequently endorsed by the Local Government.

<b>abattoir</b>	any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
<b>Act</b>	the Town Planning and Development Act 1928 (as amended).
<b>advertising device</b>	any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used entirely or partly for advertisement, announcement or direction and includes any hoarding, structure or building used, or adapted for use, for the display of advertisement, any airborne device anchored to land or buildings and any vehicle or trailer placed or located for advertising purposes.
<b>aerodrome</b>	land, buildings and facilities provided for the purpose of landing, takeoff, refuelling, maintenance, loading and unloading aircraft.
<b>aged or dependent person</b>	a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care.
<b>aged or dependent persons dwelling</b>	a dwelling designed for the accommodation of aged or dependent persons.
<b>agriculture</b>	the use of land and associated buildings for the— (a) rearing or agistment of livestock (b) the stabling, agistment or training of horses, (c) the broadacre growing of crops, trees, plants, shrubs or flowers for harvest or replanting, and (d) the sale of produce grown solely on the lot, but does not include intensive agriculture.
<b>amenity</b>	natural and people made qualities of the environment from which people derive pleasure, enrichment and satisfaction and includes the conditions such as environmental quality, health and safety, or the facilities and features that make a place more pleasant and attractive
<b>ancillary accommodation</b>	self contained living accommodation, on the same site as a single house, where the lot is not large enough to accommodate grouped dwellings, and may be attached or detached from the single house existing on the lot
<b>appendix</b>	an appendix to the scheme
<b>aquaculture</b>	the farming of aquatic organisms, including fish, molluscs, crustaceans and aquatic plants. It includes the breeding, hatching, rearing and cultivation for sale of all aquatic organisms.
<b>arts and craft centre</b>	land or buildings used to create, display and/or sell works of art and craft.
<b>battleaxe access lot</b>	a lot having access to a public road by means of an access strip included in the Certificate of Title for that lot.
<b>Buffer area</b>	is the area within which sensitive uses are either restricted or prohibited.
<b>building</b>	any structure or associated appurtenance, whether fixed or moveable, temporary or permanent, placed or erected upon the land, and the term includes dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs, permanently covered patios and retaining walls, but shall exclude a boundary fence, cloth covered pergolas, garden sheds and the like and swimming pools where no part is more than 600mm above surrounding ground level.
<b>Building Code of Australia caretaker's dwelling</b>	the Building Code of Australia 1990 (as amended). a dwelling on the same site as a building, operations or plant, and occupied by a supervisor of that building, operation or plant.

<b>carpark</b>	land or buildings 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 a taxi rank, or any land or building in which cars are displayed for sale, and does not include approved carparking areas provided as incidental to a predominant use.
<b>childcare service</b>	land or buildings used for the daily or occasional care of five or more unrelated children in either a centre or a private dwelling.
<b>club rooms</b>	buildings, structures and associated land used for the meeting of sports clubs and organisations.
<b>commercial or industrial vehicle</b>	a vehicle which is used and designed for use for business, trade, industrial or commercial purposes and includes any trailer or other attachment to them and includes earthmoving machines, whether self propelled or not.
<b>Commission</b>	the Western Australian Planning Commission established by section 4 of the Western Australian Planning Commission Act 1985.
<b>community use</b>	land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
<b>consulting rooms</b>	a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners, dentists, physiotherapists, podiatrists or any other person ordinarily associated with a practitioner in the prevention, investigation or treatment of the physical or mental injuries or ailments.
<b>detention centre</b>	land or buildings used for the confinement or detention in custody of young offenders against the law with a view to their rehabilitation.
<b>developer</b>	a person or group of people undertaking development.
<b>development plan</b>	plans which are required to be prepared prior to the consideration of planning or subdivision applications which address the schematic layout of proposed development and lot boundaries in addition to various other matters as may be required by the Scheme and includes local structure plans, outline or comprehensive development plans.
<b>display home centre</b>	dwelling/s intended to be open for public inspection as an example of the dwelling design.
<b>district</b>	the municipality of the Shire of Ashburton
<b>dwelling</b>	a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by— <ul style="list-style-type: none"><li>• a single person,</li><li>• a single family,</li><li>• no more than six (6) persons who do not comprise a single family.</li></ul>
<b>education establishment</b>	a pre-school, kindergaten, school, college, university, technical institute, academy or other education centre including a residential school, but not including a detention centre.
<b>emergency services</b>	land or buildings used to store and maintain emergency vehicles and equipment, coordinate response to emergency events and may include training facilities and caretakers dwellings.
<b>entertainment venue</b>	any land, buildings or structures used for the teaching, practice and performance of music, dance or theatre, the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs, taverns, bars or concert auditoriums.
<b>equestrian centre</b>	land and buildings used for sport and recreation associated with horses including, harness and turf racing, rodeo, polocrosse, gymkhana, dressage and may or may not incorporate facilities for stabling, agistment or training of horses.

<b>exhibition, display and outdoor sales facilities</b>	any land, and where required, buildings including incidental structures, which may or may not be permanent, for the sale and/or display of goods, equipment, services and materials and includes museums or interpretive centres.
<b>factory unit building</b>	a building or structure where provision is made for two or more separate industries or storage areas, not owned or managed by the same person, are contained.
<b>Fish shop</b>	a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises
<b>floor area</b>	as defined by the Building Code of Australia 1990
<b>funeral parlour</b>	land or buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.
<b>grouped dwelling</b>	a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate.
<b>harbour or marina facilities</b>	any land or buildings used for and incidental to the purposes of loading, unloading and maintaining cargo and defence ships, or the mooring/berthing of passenger and/or recreational vessels, including premises at which berths or pens, and fuelling, servicing, storage (including storage on land) areas, sales facilities for boating gear and equipment, providores, other offices, storerooms, jetties, piers, embankments, quays and moorings associated with these facilities.
<b>Heritage Local Government</b>	the Heritage Local Government of Western Australia established pursuant to the Heritage of Western Australia Act 1990.
<b>hire service (industrial)</b>	any land or buildings used for the offering for hire or rent of bulky items including machines and mechanical equipment.
<b>holiday accommodation</b>	any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel.
<b>home business</b>	a business, service or profession carried out in a dwelling or on land around a dwelling which— <ul style="list-style-type: none"> <li>(a) does not employ more than two people not members of the occupier's household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 50m<sup>2</sup>,</li> <li>(d) does not retail the retail sale, display or hire of goods of any nature,</li> <li>(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; and</li> <li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone.</li> </ul>
<b>Home occupation</b>	means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which <ul style="list-style-type: none"> <li>(a) does not employ any person not a member of the occupier's household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 20m<sup>2</sup>;</li> <li>(d) does not display a sign exceeding 0.2m<sup>2</sup> in area;</li> <li>(e) does not involve the retail sale, display or hire of goods of any nature;</li> </ul>

- (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 involve 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.
- hospital** land and buildings where people are admitted for short term medical treatment or care and includes a maternity hospital.
- hotel** any land or buildings providing overnight accommodation, or lodging facilities for short stays (but not including bed/breakfast facilities—which are within the definition of home business) and may or may not incorporate an entertainment venue, shop, restaurant or sell liquor.
- incidental use** a use which is incidental to the predominant use on a lot due to its less frequent use or less importance compared to the operations of the predominant use and may or may not involve smaller structures or less land area.
- industry** the carrying out of any process for and incidental to one or more of the following—
- (a) the extraction, processing or treatment of minerals,
- (b) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article, the generation of electricity or the production of gas,
- (c) the manufacture of edible goods,
- and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include—
- (a) the carrying out of agriculture,
- (b) on-site work on buildings or land, and
- (c) in the case of edible goods the preparation of food for retail sale from the premises.
- industry—extractive** an industry which involves—
- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products, or
- (b) the production of salt by the evaporation of salt water.
- industry—general** an industry other than a home business, extractive, light, noxious, rural, resource processing or service industry.
- industry—light** an industry—
- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load, on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

<b>industry—noxious</b>	an industry which is subject to licensing as “Prescribed Premises” under the environmental Protection Regulations 1987 (as amended).
<b>industry—resource processing</b>	major industry which would normally involve— <ol style="list-style-type: none"> <li>(a) the processing of natural resources (including chemical industries),</li> <li>(b) substantial capital investment,</li> <li>(c) significant employment in either the construction or operational phase, and</li> <li>(d) a need for substantial separation or buffer distance to sensitive uses.</li> </ol>
<b>industry—rural</b>	an industry handling, treating, processing or packing primary goods grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
<b>industry—service</b>	a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
<b>infrastructure</b>	physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include domestic infrastructure less than one metre in width or height and does not include industry.
<b>intensive agriculture</b>	the use and development of land, whether for profit or pleasure, including such buildings and earthworks normally associated with— <ol style="list-style-type: none"> <li>(a) intensive production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts,</li> <li>(b) establishment and operation of plant and fruit nurseries,</li> <li>(c) irrigated fodder production and pasture (including turf farms),</li> <li>(d) 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,</li> <li>(e) dairy milking sheds</li> <li>(f) keeping, rearing or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type, or</li> <li>(g) aquaculture.</li> </ol>
<b>landscape, landscaping or landscaped</b>	land developed with or by the planting of vegetation, the recontouring or cut and fill of land, irrigation, placement of rocks, paving or laying of pathways and hard surfaces, creation of streams, wetlands and water features, including swimming pools and may include other fixtures such as shelters or sculpture and art installation.
<b>Local Government</b>	the elected Local Government of the Shire of Ashburton as recognised by the Local Government Act 1995.
<b>lot</b>	a defined portion of land— <ul style="list-style-type: none"> <li>• depicted on a plan or diagram publicly exhibited in the public office of the Department of Land Administration or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued, or</li> <li>• depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act 1928, approved by the Commission.</li> </ul>

<b>market</b>	any land or buildings used for the sale by auction, wholesale or retail of fresh food, fruit or vegetables, domestic items and services, arts and craft and includes a fair, farmer's or producer's mart, swap-meet or weekend market and undertaken by more than one operator.
<b>medical centre</b>	a building (other than a hospital) that contains or is designed to contain ancillary medical services and facilities such as chemists, pathologist and radiologists, health consultants and may or may not include consulting rooms.
<b>motel</b>	any land or buildings providing accommodation in a manner similar to a hotel but in which special design provision is made for easy access to rooms by patrons with motor vehicles and may or may not include an entertainment venue, restaurant or sell liquor.
<b>motor vehicle and/or marine repair</b>	land or buildings used for the mechanical or body repair and overhaul of motor vehicles, motor cycles, caravans and marine vessels, including tyre repair, retreading, panel beating, spray painting, chassis reshaping or hull scouring.
<b>motor vehicle and/or marine sales and hire</b>	land and buildings used for the display, sale and/or hire of motor vehicles, motor cycles, caravans and marine vessels, including storage, cleaning and minor repairs.
<b>motor vehicle and/or marine service station</b>	land or buildings used for the retail sale of petroleum products and motor vehicle, motor cycle or marine vessel accessories and may or may not include minor repairs, motor vehicle wash facilities, cafe/restaurant or sale of convenience items with a nett lettable retail floorspace not exceeding 300m <sup>2</sup> .
<b>motor vehicle and/or marine wrecking</b>	land or buildings used for the storage, breaking up or dismantling of motor vehicles, motor cycles, caravans and marine vessels and includes the sale of second hand motor vehicle and marine accessories and spare parts.
<b>motor vehicle wash</b>	land or buildings where vehicles are washed and cleaned.
<b>movable dwelling</b>	a caravan defined under the Caravan Parks and Camping Grounds Act 1995, park home or other dwelling constructed and maintained on its own chassis and wheels and capable of mobility at all times, although it may be stabilised by jacks, provided with skirtings or designed and constructed to permit independent occupancy for dwelling purposes.
<b>multiple dwelling</b>	a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.
<b>non-conforming use</b>	any use of land or buildings which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.
<b>nursing home</b>	a building used for the long term medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.
<b>office</b>	a building or part of a building used for the conduct of administration, the practice of a profession, research, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, but does not include administration facilities required in association with a predominant use on site.
<b>outdoor display</b>	means the use of land as a site for the display and/or sale of goods and equipment.
<b>owner</b>	in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity— <ol style="list-style-type: none"><li>is entitled to the land for an estate in fee simple in possession; or</li><li>is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or</li><li>is a lessor or licensee from the Crown; or</li></ol>

	(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
<b>place</b>	an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes— <ul style="list-style-type: none"> <li>(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;</li> <li>(b) any works or buildings situated therein, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and</li> <li>(c) as much of the land beneath the place as is required for the purposes of its conservation.</li> </ul>
<b>place of animal care</b>	any land or buildings used for the keeping, boarding, breeding, display, veterinary treatment of injuries or ailments of animals and may or may not include zoological gardens, enclosures or accommodation of animals.
<b>place of public meetings, assembly or worship</b>	any land or buildings used or designed for use by a body of persons united by a common interest such as private clubs or religions, organisations and may or may not include the serving of liquor, but does not include club rooms for sports organisations.
<b>policy manual</b>	the Shire of Ashburton Land Use Planning Policy Manual being the collection of policy statements adopted by Local Government in accordance with clause 2.3.1 of the Scheme.
<b>prison</b>	any land or buildings designed and used permanently for the confinement or detention in custody of adult offenders against the law with a view to their rehabilitation and does not include places proclaimed temporarily under section 5 of the Prisons Act for the same purposes.
<b>public authority</b>	a Minister of the Crown acting in his official capacity, a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.
<b>public purpose, development or use for</b>	development or use of land which is required to be permanently located on publicly owned land as it offers a public service, operates in the public interest or requires coordination and supervision by a public authority. Development may be owned and/or operated by either a public or private interest and may be the subject of a lease or other agreements as necessary. Development requiring co-ordination or supervision may or may not offer a service, or be of direct benefit, to the public.
<b>public utility</b>	any work or undertaking constructed or maintained by a public authority or the Local Government to provide water, sewerage, gas, drainage, communications or other similar services.
<b>publicly owned land</b>	land held by an authority with statutory responsibilities and this land may be owned as freehold land or be a Crown Reserve and vested with the authority.
<b>reception centre</b>	land or buildings used by parties for functions on formal, business, social or ceremonial occasions, but not for unhosted use or general entertainment purposes.
<b>recreation—private</b>	land or buildings used for parks, gardens, playgrounds, sports arenas, or other grounds which are not usually open to the public without charge and includes health clubs squash courts and other indoor sports facilities.

<b>recreation—public</b>	land or buildings used for public parks, gardens, playgrounds or other grounds for recreation and includes facilities for the enjoyment of natural features such as rivers and the coast.
<b>research laboratory</b>	land or buildings used to undertake research in a laboratory.
<b>residential building</b>	a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation— (a) temporarily by two or more persons, or (b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation.
<b>restaurant</b>	a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and includes cafes and coffee houses and may or may not be licensed to sell liquor.
<b>rural living</b>	subdivision and development of land where lots are no less than 2.0 ha, dwellings are located in a rural setting and other associated uses occur which may include agriculture and intensive agriculture.
<b>rural settlement</b>	a collection of two or more dwellings in proximity and located in a rural zone and may include other commercial or community development as approved by Local Government.
<b>Scheme</b>	the Shire of Ashburton Scheme No. 7.
<b>shop</b>	any building where goods are displayed or offered indoors for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency, laundromat, libraries and loan outlets, but excluding a showroom, take-away food outlet and garage sale.
<b>showroom</b>	any building or part of a building used or intended for use for displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature.
<b>single house</b>	an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act. The dwelling may or may not include ancillary accommodation.
<b>stockyard</b>	any land, building or other structure used for holding and/or sale of livestock
<b>storage facility/depot/laydown area</b>	any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots, salvage yards and landscape suppliers.
<b>subdivision</b>	the amalgamation and/or subdivision of land to create new lots in addition to other activity requiring the approval of the Commission under Part III of the Act or a strata plan, strata plan of consolidation required to be accompanied by a certificate of approval given under Section 25 of the Strata Titles Act.
<b>take-away food outlet</b>	any land or buildings 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.
<b>transient workforce accommodation</b>	dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.
<b>transportable structure</b>	a building or structure which has been prefabricated at another location and transported either whole or in parts to the intended location.

<b>urban development</b>	development which is undertaken by multiple land owners of lots in an area set aside for the range of uses associated with urban areas such as residential, commercial, community, roads and open spaces.
<b>use</b>	the occupation by people and objects of a building, structure or place and the carrying out of activity for a particular purpose. The use of buildings and places shall be regarded as a form of development.
<b>vehicle</b>	any motor vehicle, motor cycle or trailer, whether designed or used for domestic, commercial or industrial purposes, including boat trailers (and boats) but not including moveable dwellings.
<b>warehouse</b>	a building where goods are stored and may be offered for sale by wholesale.
<b>wholesale</b>	the sale of goods to any person or persons other than the ultimate consumer of those goods.

#### APPENDIX 3—SPECIAL USE ZONES

No.	Description of land	Special Use	Conditions
1	Unallocated Crown Land Tom Price Town Site generally to the North and East of Lot 851 Jacaranda Drive	Residential, Transient Workers Accommodation, Tourist Accommodation, Tourist related uses and ancillary uses	The use of the land shall be in accordance with a Local Government approved management plan which shall address, but not be limited to urban design, carparking, landscaping and environmental issues.

#### APPENDIX 4—EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN <sup>1</sup>	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Business	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Public Meeting, assembly or Worship.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Entertainment Venue	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
Shops, Showrooms and other uses appropriate to commercial development.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.  A maximum of one free-standing advertisement signs not exceeding 5m in height above ground level.	N/A  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements, shall not exceed 15m.

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN <sup>1</sup>	MAXIMUM SIZE
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or Local Government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Local Government of a local government, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single houses.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

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

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows—		
(a) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
(b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	5m <sup>2</sup>
(c) Large Development or redevelopment projects involving commercial centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above One additional sign showing the name of the project builder.	10m <sup>2</sup> 5m <sup>2</sup>
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 <sup>2</sup>
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 impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup> .
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for (a) above	Each sign shall not exceed an area of 5m <sup>2</sup> .
(c) Large properties comprised of commercial 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 10m <sup>2</sup> .
Display Home Centres		
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 <sup>2</sup> . 5m <sup>2</sup>

APPENDIX 5—FORM OF APPLICATION FOR PLANNING APPROVAL
APPLICATION FOR APPROVAL

Please tick which approval is being sought and fill out the appropriate sections of this form.

- PLANNING APPROVAL, BUILDING LICENCE, DEMOLITION LICENCE, SIGN APPROVAL

PROPERTY DETAILS—

Lot No. House/Street No. Lot Area (m²)
Title Encumbrances (eg, easements, restrictive covenants)
Street Name. Suburb.
Nearest Street Intersection

OWNER DETAILS—

Name
Address Post Code
Phone (work) (home) Fax
Contact Person
Signature Date
Signature Date
Signature Date

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

APPLICANT DETAILS—

Name
Address Post Code
Phone (work) (home) Fax
Contact Person
Signature Date

- PLANNING APPROVAL

Existing Building/Land Use
Approx. Cost of Development Est Date of Completion
Description of Development of Proposed Use

OFFICE USE ONLY
DATE RECEIVED: FEES PAID:
FILE REFERENCE: ASSESSMENT NUMBER:
LICENCE NO: DATE ISSUED:



**BUILDING LICENCE**

**BUILDING DETAILS—**

**Type of Work:**

**New Buildings Additions**

- New Building
- Display Home
- Preliminary Application
- Other (specify)

**Alterations/Internal**

- Habitable
- Internal Additions
- Garage
- Carport
- Verandah
- Other (specify)

**Outbuildings**

- Habitable
- Workshop
- Carport
- Above Ground Pool
- Below Ground Pool
- Garage
- Garden Shed
- Other (specify)

**Type of Building:**

**House**

- New Building
- Display Home
- Preliminary Application

**Multi-Residential**

- Single Storey
- 2 or more Storeys
- 1 or 2 storey units
- Other (specify)

**Other**

- Other (specify)

**Type of Building:**

**Walls**

- Double Brick
- Brick Veneer
- Thermalite interior
- 'Colourbond'
- 'Zincalume'
- Steel Columns
- Timber Posts
- Fibreglass (pools)
- Other (specify)

**Floor**

- Concrete
- Timber
- Other (specify)

**Roof**

- Tiles
- 'Colourbond'
- 'Zincalume'
- Other (specify)

Building Area (m <sup>2</sup> ):..... Approx. Cost of Development:..... Est. Date of Completion:.....
---

**BUILDER'S DETAILS—**

Name .....

Address .....Post Code .....

Registration No. .... Phone .....Fax.....

Signature .....



**DEMOLITION LICENCE**

Type of Structure: .....

Type/Date Laid: .....

Whole or Part Demolition—Details: .....



**SIGN APPROVAL**

Type of Sign: .....

Position: .....

Dimensions: .....Area: .....

Materials: .....Illumination—Internal/External: .....

Wording/Illustration (Plan/Design attached): .....

**INFORMATION TO ACCOMPANY APPLICATIONS FOR PLANNING APPROVAL OR A BUILDING LICENCE**

In accordance with Part 5.5 of this Scheme, unless Local Government waives any particular requirement, applications for planning approval shall be accompanied by the following reports, information, plans, diagrams or other material to the satisfaction of Local Government—

**Site Plans (3 Copies)**

- Title Block, name and date
- Suitable scale to allow assessment of detailed site characteristics and north arrow
- Lot boundaries, dimensions
- Contours
- Existing and proposed uses of land and buildings using, where possible, the definitions in the Scheme. Where more than one use exists or is proposed these should be listed and indicated on the site or building plans. The minimum requirements of each, including multiple carparking requirements, should be addressed by the application.
- Existing and proposed buildings including size and location on the lot
- Streets, location and names
- Lot number and other information including easements or restrictive covenants
- Existing and proposed means of access for pedestrians and vehicles to and from the site
- Location and dimensions of areas to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site
- Location, dimensions, design and construction of open storage or trade display areas
- Parking areas and dimensions
- Fencing—type, location and height
- Areas of open space, landscaping and screen planting, including materials, plant species and irrigation
- Existing structures on abutting properties, location height and uses
- Vegetation to be removed
- Excavation, cut and fill
- Buildings and structures to be demolished
- Plans, elevations and sections of structures, including exterior materials and finishes
- Existing and proposed arrangement of uses within the buildings on the lot
- Drainage information

**Advertisements**

- Location on the lot and position on the building or structure
  - Freestanding or attached to other structures
  - Height, width and depth
  - Colours
  - Illumination, flashing, alternating, digital, animated, scintillating, degree of intensity of light source
  - Period of time of display
  - Existing signs being removed
  - Photographs
-

**APPENDIX 6—ENVIRONMENTAL CONDITIONS**

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

**APPENDIX 7—MATTERS TO BE ADDRESSED BY DEVELOPMENT PLANS****APPENDIX 7—All development plans shall address the following matters—**

- (i) landform, topography, landscape, vegetation and soils of the area,
- (ii) location, existing roads, land uses and surrounding land uses and features,
- (iii) legal considerations, ownership, title description, area and encumbrances,
- (iv) existing and proposed services and infrastructure including reticulated or other potable water supply, sewerage, energy, communications, drainage and catchment considerations,
- (v) existing places and features of heritage and/or cultural significance, including natural landscapes, flora and fauna in addition to built structures and other modified environments,
- (vi) road layout and traffic assessment, communal and incidental parking areas, pedestrian/cycle network/underpasses, including impacts on the surrounding movement networks,
- (vii) public open space and recreation provision, environmental protection areas, and relationships to natural features,
- (viii) assessment of the impact of the proposal on the natural environment, including management of potential effluent, emissions and other forms of pollution,
- (ix) comprehensive drainage systems for stormwater runoff and natural drainage lines,
- (x) indicate the design of the proposal including lot layout, major buildings roads and landscaping proposals,
- (xi) the demand for the development in relation to the overall market for similar developments
- (xii) the method of carrying out the development including the projected times of completion of each stage,
- (xiii) provide provisions, as may be considered appropriate by Local Government, for inclusion in the Policy Manual,
- (xiv) other information as may be directed by the Local Government.

**Development plans in specific zones should also address the following additional matters—****Urban Development Zone**

- (i) location and density of housing areas, including lot and dwelling yield, population, outcomes, net residential density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale,
- (ii) indicate demand for commercial and community facilities, including schools, generated by the proposal and implications for the provision of these within the development area or elsewhere
- (iii) whether adequate provision is made to protect buffer requirements

**Industrial and Mixed Business Development Zone**

- (i) location and characteristics of industrial or mixed business precincts, including likely industrial uses, developments and materials processing,
- (ii) on-site and off-site buffers required to separate uses within industrial areas and industrial uses from adjacent incompatible uses

**Rural**

- (i) the impact of the proposal on the local settlement and rural land use patterns in the Scheme Area
- (ii) the demand for commercial and community facilities, including schools, generated by the proposal and implications for the provision of these within the development area or elsewhere
- (iii) the intended range of land uses and development for the site, particularly agriculture and intensive agriculture and any proposed limitations on these uses
- (iv) land tenure proposals including any cooperative arrangements for shared management of land

**Rural Living Zone**

- (i) the impact of the proposal on the local settlement
  - (ii) the demand for commercial and community facilities, including school, generated by the proposal and implications for the provision of these within the development area or elsewhere
  - (iii) the intended range of land uses and development for the site
  - (iv) stocking rates
  - (v) land capacity
  - (vi) water supply
  - (vii) landscaping and setbacks
-

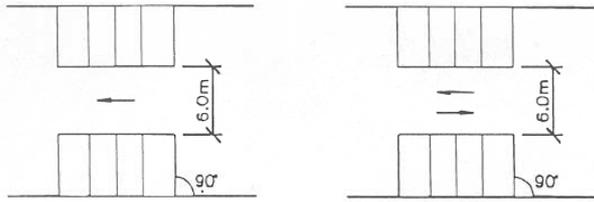
## APPENDIX 8—MINIMUM CARPARKING DIMENSIONS

NO.	DEVELOPMENT	CARPARKING REQUIREMENTS
<b>RESIDENTIAL</b>		
1	Aged and Dependent Persons Dwelling	As per Residential Planning Codes
2	Caretaker's Dwelling	One per dwelling
3	Grouped Dwelling	As per Residential Planning Codes and a minimum of one covered carbay per dwelling
4	Holiday Accommodation	One per accommodation unit, plus one per every three units for visitors
5/6	Hotel/Motel	One per accommodation unit, plus one per every five units for visitors and staff
7	Movable Dwelling	At Local Government's discretion
8	Multiple Dwelling	As per Residential Planning Codes
9	Residential Building	One per every two sleeping units, plus two per every seven units for visitors and staff
10	Rural Settlement	At Local Government's discretion
11	Single House	as per Residential Planning Codes and a minimum of one covered carbay per dwelling
12	Transient Workforce Accommodation	Two per every three sleeping units, plus one oversized vehicle parking bay per every 10 sleeping units (minimum two bays), plus at Local Government's discretion the provision of oversized vehicle bays.
<b>INDUSTRY</b>		
13	Abattoir	As per Light and General Industry
14	Agriculture	At Local Government's discretion
15	Arts and Crafts Centre	At Local Government's discretion
16	Harbour and Marina Facilities	At Local Government's discretion
17	Hire Service (Industrial)	One per 100 square metres of display area and one per employee, plus at Local Government's discretion the provision of oversized vehicle bays.
18	Home Business	One per employee plus up to three additional bays at Local Government's discretion.
19	Industry—Extractive	At Local Government's discretion
20	Industry—General	One per employee plus three visitors bays
21	Industry—Light	One per employee plus three visitors bays
22	Industry—Noxious	At Local Government's discretion
23	Industry—Resource Processing	At Local Government's discretion
24	Industry—Rural	One per employee plus three visitors bays
25	Industry—Service	One per employee plus three visitors bays
26	Infrastructure	At Local Government's discretion
27	Intensive Agriculture	At Local Government's discretion
28	Research laboratory	One per employee plus three visitors bays
29	Stockyard	At Local Government's discretion
30	Storage facility/depot/laydown area	At Local Government's discretion
<b>COMMERCE</b>		
31	Aerodrome	At Local Government's discretion
32	Display Home Centre	One per dwelling, in addition to those provided to each dwelling in accordance with the Residential Planning Codes
33	Exhibition, Display & Outdoor Sales Facilities	At Local Government's discretion
34	Market	As per Shop
35	Motor Vehicle and/or Marine Repair	Two per motor vehicle repair bay, one per employee and at Local Government's discretion in the case of marine repair.

NO.	DEVELOPMENT	CARPARKING REQUIREMENTS
36	Motor Vehicle and/or Marine Sales and Hire	One per 300 metres of sales area and one per employee
37	Motor Vehicle and/or Marine Service Station	One per motor vehicle repair bay, one per 20 square metres of nett lettable sales area, one per six square metres of dining space, one per employee and in the case of marine service station at Local Government's discretion
38	Motor Vehicle and/or Marine Wrecking	One per employee
39	Motor Vehicle Wash	One additional bay per wash bay and one per employee
40	Office	One per 30 square metres of nett lettable area
41	Outdoor Display	One per 100 square metres of display area plus one per employee
42	Restaurant	One per six square metres of dining space
43	Shop	One per 20 square metres of nett lettable area
44	Showroom	One per 50 square metres of nett lettable area
45	Take-away Food Outlet	One per two square metres of public floorspace and one per employee
46	Warehouse	One per employee and where goods are offered for wholesale one per 200 square metres of nett lettable area

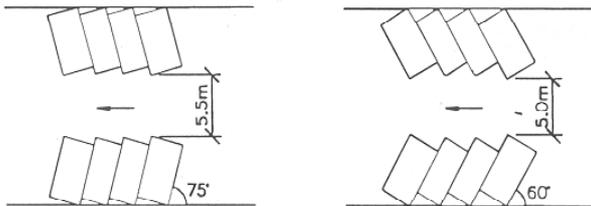
NO.	DEVELOPMENT	REQUIREMENT
<b>HEALTH, WELFARE AND COMMUNITY SERVICES</b>		
47	Carpark	At Local Government's discretion
48	Child Care Service	One per every 10 children plus one per employee
49	Community Use	At Local Government's discretion
50	Consulting Rooms	Four per consulting room for the first two rooms, one per additional consulting room plus one per employee at the time of peak operation
51	Education Establishment	At Local Government's discretion
52	Emergency Services	At Local Government's discretion
53	Funeral Parlour	Five bays plus one per employee at the time of peak operation
54	Hospital	One per three beds plus one per employee plus additional bays at Local Government's discretion for outpatient services
55	Detention Centre	At Local Government's discretion
56	Medical Centre	As per consulting rooms for consulting rooms within the centre, one bay per 20 square metres of nett lettable sales area within a pharmacy, two bays per every other premises within the centre and one per employee at the time of peak operation of each premises
57	Nursing Home	One per five beds plus one per employee at the time of peak operation
58	Place of Animal Care	Six per practitioner where practice is limited to domestic pets, all other places at Local Government's discretion
59	Place of Public Meeting, Assembly or Worship	One per four persons designed for the meeting, assembly or worship area
60	Prison	At Local Government's discretion
61	Public Utility	At Local Government's discretion
<b>ENTERTAINMENT, RECREATION AND CULTURE</b>		
62	Clubrooms	One per four square metres of meeting area.
63	Equestrian Centre	At Local Government's discretion
64	Entertainment Venue	At Local Government's discretion and in relation to areas designed to serve food and/or beverages on per four persons to be accommodated by the design of these areas.
65	Private Recreation	At Local Government's discretion
66	Public Recreation	At Local Government's discretion
67	Reception Centre	One per four square metres of function area

**APPENDIX 9—CARPARKING REQUIREMENTS**



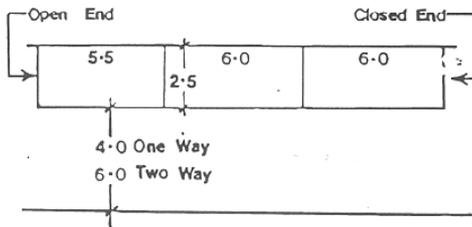
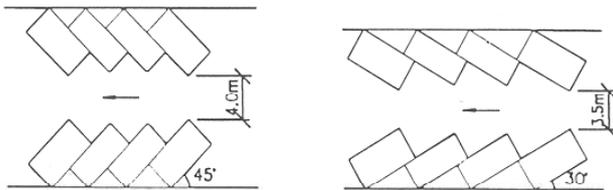
**90° Parking**

All intermediate Bays: 5.5m x 2.5m min.  
End Bays: 5.5m x 3.0m

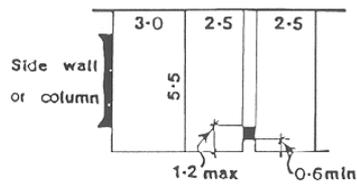


**Angle Parking**

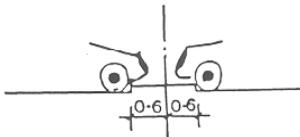
All intermediate Bays: 5.5m x 2.5m min.  
End Bays: 5.5m x 3.0m



**Parallel Parking**

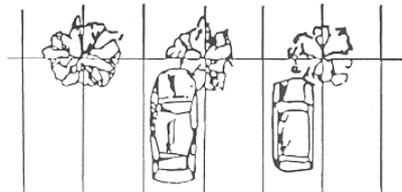


**Obstructions**



**Wheel Stop Modifications**

Not to affect drainage



**Shade Tree Landscaping**

Kerb ring not to exceed 900mm diam.

**APPENDIX 10—LIST OF AMENDMENTS**

NO.	DESCRIPTION OF LAND	PURPOSE	GAZETTAL DATE

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## REGIONAL DEVELOPMENT

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RD401

**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993**

## APPOINTMENT OF MEMBERS

Department of Local Government  
and Regional Development.

The following have been appointed as board members to the Pilbara Development Commission in Western Australia, in accordance with the Regional Development Commissions Act 1993.

## PILBARA DEVELOPMENT COMMISSION

## Board of Management

<b>Ministerial</b>	<b>Office</b>	<b>Term</b>
Ms Erica Smythe	Chair	31 December 2007
<b>Community</b>		
Dr Louise Russell	Member	31 December 2007
<b>Local Government</b>		
Cr Des Pike	Member	31 December 2007
Cr Des Roth	Deputy Chair	31 December 2007

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## RACING, GAMING AND LIQUOR

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RG401\*

**LIQUOR LICENSING ACT 1988**

## SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the *Liquor Licensing Act 1988* and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and 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
<b>APPLICATION FOR THE GRANT OF A LICENCE</b>			
10569	Kalamunda Dramatic Society Inc	Application for the grant of a Special Facility licence in respect of premises situated in Kalamunda and known as KADS	17/01/2005
<b>APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
22305	Parkridge Holdings Pty Ltd	Application for the grant of an extended trading permit - ongoing extended hours, in respect of premises situated in South Perth and known as Rosie O'Grady's The Irish Pub	16/01/2005
<b>APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
210683	H R Operations Pty Ltd	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Perth and known as Hyatt Regency	07/01/2005
210702	Success Venture Pty Ltd	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Perth and known as Sheraton Perth Hotel	02/05/2005
<b>APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES</b>			
209106	Nettie Holdings Pty	Application for approval to alter/redefine the Tavern in respect of premises situated in Scarborough and known as White Sands Tavern	18/01/2005
210103	Always Holdings Pty Ltd	Application for approval to alter/redefine the Tavern in respect of premises situated in Bicton and known as Leopold Hotel	20/01/2005

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

Dated: 22 December 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

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**PUBLIC NOTICES**

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

## Notice to Creditors and Claimants

Notice to Creditors and Claimants of Douglas Beveridge late of 5 Quorn Close, Dudley Park, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased, who died on 15 October 2004 are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of Level 21, 530 Collins Street, Melbourne, Vic 3000 to send particulars of their claim to them by 24 January 2005 after which date the Trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

## Notice to Creditors and Claimants

In the matter of the Estate of Thelma Lorraine Day late of 14 Church Street, Dwellingup in the State of Western Australia, Pensioner, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 26th day of October 2004, are required by the Executor, Robert Vojakovic to send the particulars of their claim to Messrs Taylor Smart of Level 8, 50 St George's Terrace, Perth in the State of Western Australia, by the 24th day of January 2005, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he then has had notice.

Dated the 17th day of December 2004.

ROCCO LOIACONO.  
TAYLOR SMART.

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

## Notice to Creditors and Claimants

In the matter of the Estate of Jan Iolie Pablo Granville, late of 688 Geographe Bay Road, Busselton in the State of Western Australia, Retired Fitter & Turner, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 6th day of October 2004, are required by the Executor, Robert Vojakovic to send the particulars of their claim to Messrs Taylor Smart of Level 8, 50 St George's Terrace, Perth in the State of Western Australia, by the 24th day of January 2005, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he then has had notice.

Dated the 17th day of December 2004.

GARRY E. SAME.  
TAYLOR SMART.

**ZZ204****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Stephen Paul Wain, late of 28 Mokuto Court, Quinns Rocks in Western Australia, Process Technician.

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 29th September 2004 at Cottage Hospice, Bedbrook Place, Shenton Park in Western Australia, are required by the personal representatives, being Frederick George Wain and Lorraine Melvie Shelley to send particulars of their claims to Locked Bag 10, South Perth WA 6951 within 30 days of publication of this notice after which date the personal

representatives may convey or distribute the assets, having regard only to the claims of which he then have notice.

**ZZ205****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 24th January 2005, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Coelho, Armando, late of 5 Trent Court Koondoola, died 15/6/04, (DE33033044EM22)

Connor, Angela Darlene Gaye also known as Angela Darlene Gaye Poole, late of 205 Fisher Street Cloverdale, died 9/6/01, (DE33035796EM113)

Diver, Ian Douglas, late of Frederick Guest Hostel 25 Gleddon Road Bull Creek formerly of 8 Clancy Way Thornlle, died 2/12/04, (DE19841438EM22)

Emery, Ada Ann, late of Kensington Park Nursing Home 62 Gwentyfred Road South Perth formerly of Unit 4 Jarrah House Geneff Village 39 Hertha Road Innaloo, died 27/11/04, (DE19810170EM37)

Gilmour, Archibald, late of Royal Australian Air Force Memorial Estate Dean Lodge Bullcreek Drive Bull Creek, died 10/10/04, (DE19770262EM37)

Jablonski, Marian, late of Unit 17/162 Epsom Avenue Belmont, died 17/11/04, (DE19853812EM17)

Kehoe, Carmel Mary, late of St John of God Villa McCourt Street Subiaco, died 17/11/04, (DE19621435EM313)

Nyiri, Gertrud also known as Gertrude Nyiri, late Unit 2/58 Clotilde Street Mount Lawley, died 6/12/04, (DE19662821EM15)

Plester, Frank, late of 25C Goongarrie Street Coo loongup, died 2/12/04, (DE19871741EM110)

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

**ZZ206****PUBLIC TRUSTEE ACT 1941****ADMINISTERING OF ESTATES**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act, 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 22nd day of December 2004.

A. R. McLAREN, Public Trustee,  
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Martin, Gladys (DE19960526EM17); Beechboro; 7/6/04; 10/12/04.

Birins, Ilgvars; (DE33032273EM12); Inglewood; Found on 23/4/04; 20/12/04.

**ZZ401****DISPOSAL OF UNCOLLECTED GOODS**

Notice of intention to sell brake parts left with us for repair by A. Justin on the 15th March 2004. Unless payment is received by the 15th January 2005, we will sell these Parts to recover our costs.

Brakes West—9330 7388.



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