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GOVERNMENT  
Gazette**

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## ADVERTISING RATES AND PAYMENTS

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

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

## ALTERATION TO CLOSING DATE AND TIME

(AUSTRALIA DAY 2005)

Because of the Australia Day public holiday on Wednesday 26<sup>th</sup> January the normal closing date and time for the Friday edition of the *Government Gazette* will be a day earlier on Tuesday 25<sup>th</sup> January 2005.

***Copy for the Friday 28<sup>th</sup> January edition must be received at State Law Publisher by 2 pm on Tuesday 25<sup>th</sup> January.***

# — PART 1 —

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## PROCLAMATIONS

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AA101\*

**CRIMINAL LAW AMENDMENT (SIMPLE OFFENCES) ACT 2004**

70 of 2004

## PROCLAMATION

Western Australia

*By His Excellency*

*Lieutenant General John Murray Sanderson,  
Companion of the Order of Australia,  
Governor of the State of Western Australia*

[L.S.]

JOHN SANDERSON  
Governor

I, the Governor, acting under section 2 of the *Criminal Law Amendment (Simple Offences) Act 2004*, and with the advice and consent of the Executive Council, fix 31 May 2005 as the day on which the provisions of that Act, other than sections 37 and 39, come into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

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AA102\*

**ACTS AMENDMENT (COURT OF APPEAL) ACT 2004**

45 of 2004

## PROCLAMATION

Western Australia

*By His Excellency*

*Lieutenant General John Murray Sanderson,  
Companion of the Order of Australia,  
Governor of the State of Western Australia*

[L.S.]

JOHN SANDERSON  
Governor

I, the Governor, acting under section 2 of the *Acts Amendment (Court of Appeal) Act 2004* and with the advice and consent of the Executive Council—

(a) fix 1 February 2005 as the day on which the provisions of that Act, other than—

- sections 14, 20(c) and (d), 28(3) and 31;
- in section 28(4), the amendment to “s. 7A(1)”; and
- Schedule 1 clauses 22, 23 and 29,

come into operation;

(b) fix 2 May 2005 as the day on which sections 20(c) and (d), 28(3) and 31 and the balance of section 28(4) come into operation; and

(c) fix 1 July 2005 as the day on which Schedule 1 clause 29 comes into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA103\*

**MINING AMENDMENT ACT 1996**

54 of 1996

## PROCLAMATION

Western Australia  
By His Excellency  
Lieutenant General John Murray Sanderson,  
Companion of the Order of Australia,  
Governor of the State of Western Australia

[L.S.]

JOHN SANDERSON  
Governor

I, the Governor, acting under section 2 of the *Mining Amendment Act 1996*, and with the advice and consent of the Executive Council, fix 31 March 2005 as the day on which sections 3, 4, 6, 8, 11, 12 and 14 to 22 of that Act come into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

CLIVE BROWN, Minister for State Development.

GOD SAVE THE QUEEN !

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AA104\*

**MINING AMENDMENT ACT 2002**

15 of 2002

## PROCLAMATION

Western Australia  
By His Excellency  
Lieutenant General John Murray Sanderson,  
Companion of the Order of Australia,  
Governor of the State of Western Australia

[L.S.]

JOHN SANDERSON  
Governor

I, the Governor, acting under section 2 of the *Mining Amendment Act 2002*, and with the advice and consent of the Executive Council, fix 30 March 2005 as the day on which section 12 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

CLIVE BROWN, Minister for State Development.

GOD SAVE THE QUEEN !

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AA105\*

**MINING AMENDMENT ACT 2004**

39 of 2004

## PROCLAMATION

Western Australia  
By His Excellency  
Lieutenant General John Murray Sanderson,  
Companion of the Order of Australia,  
Governor of the State of Western Australia

[L.S.]

JOHN SANDERSON  
Governor

I, the Governor, acting under section 2 of the *Mining Amendment Act 2004*, and with the advice and consent of the Executive Council, fix 30 March 2005 as the day on which the provisions of that Act, other than Part 9, come into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

CLIVE BROWN, Minister for State Development.

GOD SAVE THE QUEEN !

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**ARMADALE REDEVELOPMENT AUTHORITY**

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AB301\*

Armadale Redevelopment Act 2001

**Armadale Redevelopment (Extension of  
Redevelopment Area) Regulations 2005**

Made by the Governor in Executive Council under sections 4 and 68 of the Act, following consultation between the Minister and the Council of the City of Armadale.

**1. Citation**

These are the *Armadale Redevelopment (Extension of Redevelopment Area) Regulations 2005*.

**2. The Act amended**

The amendments in these regulations are to the *Armadale Redevelopment Act 2001*\*.

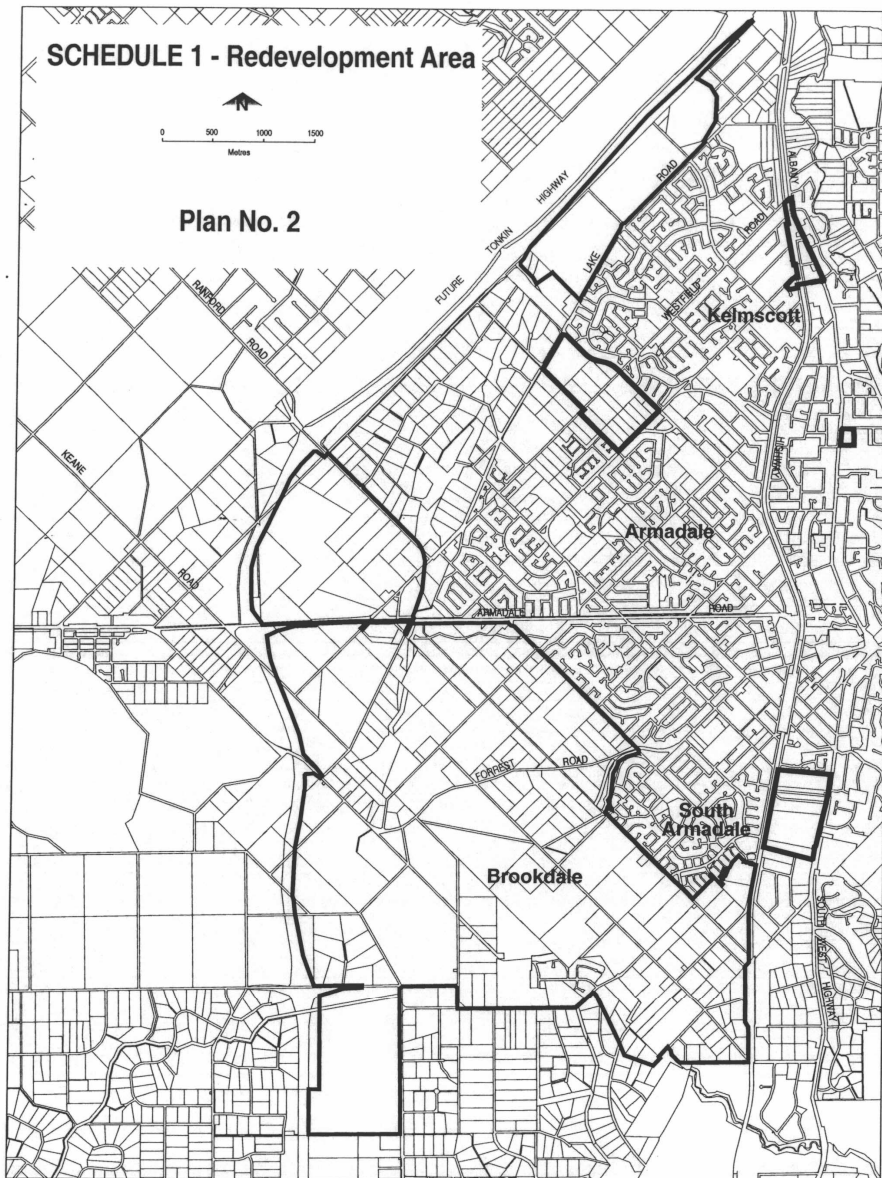
[\* *Act No. 25 of 2001*.

*For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 23.*]

**3. Schedule 1 amended**

Schedule 1 is amended by deleting Plan No. 2 and inserting the following plan instead —

“



”

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Town of Vincent*

#### PARKING FACILITIES LOCAL LAW (AMENDMENT NO 2, 2004)

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 23 November 2004 to amend the Town of Vincent Parking

Facilities Local Law published in the Government Gazette on 23 May 2000 and its amendment published in the Government Gazette on 24 August 2004 by—

- (1) Delete the existing Second Schedule relating to Parking Stations and replace it with a new Second Schedule, as set out below—

## PART 5

## SECOND SCHEDULE

DESCRIPTION	NIGHT/DAY PARKING	DAYS & HOURS OF OPERATION
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
That portion of The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
The Village Square Car Park situated at 323 Charles Street, North Perth	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Loftus Centre Car Park	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the Multi-Purpose Rectangular Sports Stadium	DAY PARKING	Monday to Sunday, 8.00am to 10.00pm inclusive

Dated 7 January 2005.

The Common Seal of the Town of Vincent was affixed in the presence of—

NICK CATANIA, JP, Mayor.  
MIKE ROOTSEY, Acting Chief Executive Officer.

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**LG302\***

**LOCAL GOVERNMENT ACT 1995**

*Town of Vincent*

**LOCAL LAW RELATING TO STANDING ORDERS**

In pursuance of the powers conferred upon it by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 23 November 2004 to amend the principal Town of Vincent Local Law Relating to Standing Orders published in the *Government Gazette* on 11 September 2001 and its amendment published in the *Government Gazette* on 25 June 2004 as follows—

1. Delete subclause (2) of clause 4.7—Forums.

Dated 7 January 2005.

The Common Seal of the Town of Vincent was affixed in the presence of—

NICK CATANIA, JP, Mayor.  
MIKE ROOTSEY, Acting Chief Executive Officer.

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**LG303\***

**LOCAL GOVERNMENT ACT 1995**

*Town of Vincent*

**REPEAL OF LOCAL LAW RELATING TO BY-LAW NO. 62 (BUILDING LINE)**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 21 December 2004 to make the following Local Law—

Repeal Local Law relating to 'By Law No. 62 (Building Line)', published in the *Government Gazette* on 15 June 1960.

Dated 7 January 2005.

The Common Seal of the Town of Vincent was affixed in the presence of—

NICK CATANIA, JP, Mayor.  
MIKE ROOTSEY, Acting Chief Executive Officer.

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## — PART 2 —

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### CONSERVATION

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CO401\*

#### CONSERVATION AND LAND MANAGEMENT ACT 1984

##### MANAGEMENT PLAN FOR THE NINGALOO MARINE PARK AND MUIRON ISLANDS MARINE MANAGEMENT AREA

Under section 60(3) of the *Conservation and Land Management Act 1984* (CALM Act) notice is given that the Management Plan for the Ningaloo Marine Park that was approved by notice in the *Gazette* on 24 November 1989 at p.4352, is hereby revoked in accordance with section 61 of the Act and is replaced with a revised management plan approved with modifications by the Minister for the Environment on 7 January 2005, in accordance with section 60(2) of the Act.

Under section 14(9) of the CALM Act notice is also given that an indicative management plan, prepared in accordance with sections 13 and 14 of the CALM Act for the additions to the Ningaloo Marine Park and for the Muiron Islands Marine Management Area, was approved with modifications by the Minister for the Environment on 7 January 2005.

The approved indicative management plan and the approved management plan for the Ningaloo Marine Park comprise the *Management Plan for the Ningaloo Marine Park and the Muiron Islands Marine Management Area 2005-2015*, and this will come into operation on the day of publication of this notice in the *Gazette*.

The *Management Plan for the Ningaloo Marine Park and the Muiron Islands Marine Management Area 2005-2015* was approved by the Minister for the Environment under section 14(7) and 60(2) of the CALM Act with the following modifications—

- The boundaries of the following zones have been modified—
  - Lighthouse Bay sanctuary zone;
  - Jurabi sanctuary zone;
  - Winderabandi sanctuary zone;
  - Cloates/Dugong sanctuary zone;
  - Maud sanctuary zone; and
  - Pelican sanctuary zone.
- The following new zones were included—
  - Mandu special purpose (benthic protection) zone; and
  - Special purpose (shore-based activities) zones adjacent to some sanctuary zones.
- Amendments to Table 5 & 7 (activities permitted in specific zones).
- Amendments to general text, objectives, targets, management strategies, desired trends and current status parts for the ecological and social values and other sections of the management plan.
- Other minor changes were made to the text of the indicative management plan that will not significantly affect management of the reserves (i.e. formatting, minor text amendments and timelines for the implementation of management strategies).

Copies of the *Management Plan for the Ningaloo Marine Park and the Muiron Islands Marine Management Area 2005-2015* can be inspected at the Shire of Exmouth office and library. Copies of the Plan and an analysis of public submissions can also be inspected at the following Department of Conservation and Land Management offices—

- State Operational Headquarters, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151
- Marine Conservation Branch, 47 Henry St, Fremantle WA 6160
- Pilbara Regional Office, Mardie Rd, Karratha Industrial Estate, Karratha, WA 6714
- Exmouth District Office, 20 Nimitz St, Exmouth WA 6707

The *Management Plan for the Ningaloo Marine Park and the Muiron Islands Marine Management Area 2005-2015* and an analysis of public submissions can also be viewed on the Department of Conservation and Land Management's Naturebase website at <http://www.naturebase.net>.

KEIRAN MCNAMARA, Executive Director,  
Department of Conservation and Land Management.

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE401

### CHARITABLE COLLECTIONS ACT 1946

#### REVOCATION OF LICENCES

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

- Mundaring & Districts Senior Citizens' Association Inc
- King Edward Memorial Hospital

Dated this 23rd day of December 2004.

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.

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CE402

### ASSOCIATIONS INCORPORATION ACT 1987

#### CANCELLED ASSOCIATION

##### Section 35

Urban Aboriginal Community of Henley Brook Inc

Notice is hereby given that the incorporation of the above-named association has been cancelled as from the date of this notice.

Dated the 11th day of January 2005.

BRAD JOLLY, A/Manager, Registration Services  
for Commissioner for Fair Trading.

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## ENVIRONMENT

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EV401

### ENVIRONMENTAL PROTECTION ACT 1986

#### DELEGATION

##### (Section 18)

Delegation under section 18 of the *Environmental Protection Act 1986* ("The Act")

1. Subject to 2, the Minister by this instrument delegates to the holder for the time being of the office of Deputy Chairman of the Environmental Protection Authority all the powers and duties conferred or imposed under Section 45C of the Act.

2. This delegation may be exercised in the absence of the Chairman; on business, on leave, through illness or due to a conflict of interest.

Dated this 24th day of November 2004.

Dr WALTER COX, Chairman, Environmental Protection Authority.  
Dr JUDY EDWARDS, Minister for the Environment.

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EV402

### ENVIRONMENTAL PROTECTION ACT 1986

#### DELEGATION

##### (Section 18)

Delegation under section 18 of the *Environmental Protection Act 1986* ("The Act")

The Minister by this instrument delegates to the holder for the time being of the office of Chairman of the Environmental Protection Authority all the powers and duties conferred or imposed under Section 45C of the Act.

Dated this 24th day of November 2004.

Dr WALTER COX, Chairman, Environmental Protection Authority.  
Dr JUDY EDWARDS, Minister for the Environment.

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## JUSTICE

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JU401\*

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

## PERMIT DETAILS

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

Surname	First Name(s)	Permit Number	Date Permit Revoked
Cronin	Francis Peter	CS2-296	04/01/05
Bradley	Terrence	CS4-009	04/01/05
Moppett	Stephen Craig	CS5-002	04/01/05
Decorsey	Brad Kevin	CS2-031	04/01/05

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

BRIAN YEARWOOD, Director, Contracted Services.

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## LOCAL GOVERNMENT

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LG401

*SHIRE OF SANDSTONE*

## AUTHORISED PERSONS

It is hereby notified for public information that the following persons have been appointed as Authorised and registered officers under the provisions of the *Dog Act 1976* and Regulations—

Bill Atkinson  
 Jenny Goodbourn  
 Clive Lovell  
 Craig Fisher  
 Sandy Scrivener  
 John Thompson  
 Geoff Mongoo  
 Andy Scrivener  
 Ian Tressidder  
 David Thompson

All previous appointments are hereby cancelled.

W. T. ATKINSON, Chief Executive Officer.

LG402\*

**LOCAL GOVERNMENT ACT 1995***Shire of Greenough*

(Basis of Rates)

Department of Local Government  
 and Regional Development  
 11 January 2005

DLGRD: GR5-4#2

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and

Regional Development under delegation from the Hon Ljiljanna Ravlich MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be unimproved value and gross rental value for the purposes of rating with effect from 1 January 2005.

CHERYL GWILLIAM, Director General.

---

SCHEDULE

Additions to Unimproved Value Area

*Shire of Greenough*

All that portion of land being Lot 200 and Lot 201 as shown on Deposited Plan 41398.

ADDITIONS TO GROSS RENTAL VALUE AREA

*Shire of Greenough*

All that portion of land being Lot 1 as shown on Diagram 71566 and Lots 90 to 101 inclusive as shown on Deposited Plan 33830.

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**LG403\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Nannup*

(Basis of Rates)

Department of Local Government  
and Regional Development  
11 January 2005

DLGRD: NP5-4#3

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon Ljiljanna Ravlich MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be unimproved value for the purposes of rating with effect from 8 December 2004.

CHERYL GWILLIAM, Director General.

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SCHEDULE

Addition to Unimproved Value Areas

*Shire of Nannup*

All that land being Lot 1 as shown on Diagram 93751.

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**LG404\***

**LOCAL GOVERNMENT ACT 1995**

*City of Wanneroo*

(Basis of Rates)

Department of Local Government  
and Regional Development  
11 January 2005

DLGRD: WC5-4#4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and

Regional Development under delegation from the Hon Ljiljanna Ravlich MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 15 December 2004.

CHERYL GWILLIAM, Director General.

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SCHEDULE

Additions to Gross Rental Value Area

*City of Wanneroo*

All those portions of land being Lot 13 as shown on Diagram 18036 and Lot 573, Lot 576 and Lot 622 as shown on Deposited Plan 41452.

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LG405

**DOG ACT 1976**

*Town of Northam*

APPOINTMENTS

It is hereby notified for public information that the following person has been appointed as a Dog Registration Officer for the Town of Northam—

- Michaela Sermon
- The previous appointment of Linda Ann Roser is hereby cancelled.

Dated 11 January 2005.

D. S. BURNETT, Chief Executive Officer.

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## MINERALS AND PETROLEUM

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MP101

*CORRECTION*

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

NOTICE OF GRANT OF EXPLORATION PERMITS

The notice at page 16 of the *Government Gazette* dated 4 January 2005 is corrected as follows—

In the paragraphs beginning with EXPLORATION PERMIT NO. WA-354-P, EXPLORATION PERMIT NO. WA-355-P, EXPLORATION PERMIT NO. WA-356-P and EXPLORATION PERMIT NO. WA-357-P insert 20 before December 2004.

W L TINAPPLE, Director, Petroleum and Royalties Division.

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MP401\*

State of Western Australia

**PETROLEUM ACT 1967**

SECTION 112—RELEASE OF INFORMATION

I, William Lee Tinapple, Director, of the Petroleum Division in the Department of Industry and Resources in the State of Western Australia the delegate of the Minister for State Development under

the above Acts, by virtue of an instrument of delegation dated 26 March 2004 and published in the *Government Gazette* of Western Australia on 2 April 2004, do hereby advise that in accordance with Section 112—

- (i) As of 1 April, 2005, it is my intention to make available all interpreted data submitted prior to 31 December 1999 in accordance with the Petroleum Act, 1967;
- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Director Petroleum and Royalties Division  
Department of Industry and Resources  
Level 11, Mineral House  
100 Plain Street  
EAST PERTH WA 6004  
Tel: (08) 9222 3291  
Fax: (08) 9222 3799

WILLIAM LEE TINAPPLE, Director Petroleum and Royalties Division.

#### MP402\*

State of Western Australia

### PETROLEUM (SUBMERGED LANDS) ACT 1982

#### SECTION 118—RELEASE OF INFORMATION

I, William Lee Tinapple, Director, of the Petroleum Division in the Department of Industry and Resources in the State of Western Australia the delegate of the Minister for State Development under the above Acts, by virtue of an instrument of delegation dated 26 March 2004 and published in the *Government Gazette* of Western Australia on 2 April 2004, do hereby advise that in accordance with Section 118—

- (i) As of 1 April, 2005, it is my intention to make available all interpreted data submitted prior to 31 December 1999 in accordance with the Petroleum (Submerged Lands) Act, 1982;
- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Director Petroleum and Royalties Division  
Department of Industry and Resources  
Level 11, Mineral House  
100 Plain Street  
EAST PERTH WA 6004  
Tel: (08) 9222 3291  
Fax: (08) 9222 3799

WILLIAM LEE TINAPPLE, Director Petroleum and Royalties Division.

**MP403\***

Commonwealth of Western Australia  
**PETROLEUM (SUBMERGED LANDS) ACT 1967**

**SECTION 118—RELEASE OF INFORMATION**

I, William Lee Tinapple, Director of the Petroleum Division in the Department of Industry and Resources for the State of Western Australia the delegate of the Designated Authority in respect of the area specified as being adjacent to the State of Western Australia by virtue of an instrument of delegation dated 26 March 2004 and published in the *Government Gazette* of Western Australia on 2 April 2004, do hereby advise that in accordance with Section 118—

- (i) As of 1 April, 2005, it is my intention to make available all interpreted data submitted prior to 31 December 1999 in accordance with the Petroleum (Submerged Lands) Act, 1967;
- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Director Petroleum and Royalties Division  
Department of Industry and Resources  
Level 11, Mineral House  
100 Plain Street  
EAST PERTH WA 6004  
Tel: (08) 9222 3291  
Fax: (08) 9222 3799

WILLIAM LEE TINAPPLE, Director Petroleum and Royalties Division.

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## **PLANNING AND INFRASTRUCTURE**

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**PI401\*****METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME**

## Notice of Resolution—Clause 27

Lot 10 Flynn Drive, Carramar

*City of Wanneroo*

Amendment No.1102/27File No.: 812-2-30-54

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Metropolitan Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 14 December 2004 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1486.

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

The plan may be viewed at the offices of—

- Department for Planning and Infrastructure, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Wanneroo

IAN PATTERSON, Secretary,  
Western Australian Planning Commission.

PI701\*

**PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*Shire of Northampton*  
Town Planning Scheme No. 9

Ref: 853/3/14/11

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 Northampton Town Planning Scheme No. 9 on 23 December 2004, the Scheme Text of which is published as a Schedule annexed hereto.

G. V. PARKER, President.  
G. L. KEEFFE, Chief Executive Officer.

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*The Northampton Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby makes the following Town Planning Scheme for the purposes laid down in the Act.*

### **Part 1—PRELIMINARY**

#### **1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Northampton Town Planning Scheme No 9—Kalbarri Townsite hereinafter called the ‘Scheme’ and shall come into operation on the publication of the Scheme in the *Government Gazette*.

#### **1.2 RESPONSIBLE AUTHORITY**

The Authority responsible for implementing the Scheme is the Council of the Shire of Northampton hereinafter called the ‘Council’.

#### **1.3 SCHEME AREA**

The Scheme shall apply to the whole of the area within the inner edge of the broken black border on the Scheme Map, which area is hereinafter called the ‘Scheme Area’.

#### **1.4 CONTENTS OF THE SCHEME**

The Scheme comprises this Scheme Text and the Scheme Map (Maps 1-5).

#### **1.5 ARRANGEMENT OF THE SCHEME TEXT**

The Scheme Text is divided into the following parts—

Part I	Preliminary
Part II	Reserves
Part III	Zones
Part IV	Non-Conforming Uses
Part V	General Provisions
Part VI	Planning Consent
Part VII	Places of Heritage Value
Part VIII	Administration

#### **1.6 SCHEME OBJECTIVES**

The Scheme Objectives are as follows—

- (a) to reserve land required for public or community purposes;
- (b) to protect the alignment of proposed roads and road widening from inappropriate developments;
- (c) to zone land within the Scheme Area for the various purposes in order to promote orderly and proper development within the Kalbarri area;
- (d) to provide for the protection of the natural environment and landscape from inappropriate uses;
- (e) to recognise and protect buildings and places of importance to the historic, townscape and cultural heritage of the Kalbarri area;
- (f) to provide for such development as is required to accommodate the lifestyles appropriate to the area;
- (g) to outline objectives and a development strategy for the Scheme Area;
- (h) to expand upon existing tourist accommodation and to improve their amenities in accordance with demand;
- (i) to respect demands for higher density living in accordance with changing demographics and provide a broad mix of housing types;
- (j) to set aside as reserves for public use land required for active and passive recreational purposes;
- (k) to establish a balanced hierarchy of retail, commercial and community facilities in accordance with the needs of Kalbarri residents and visitors to the area.

#### **1.7 REVOCATION OF EXISTING SCHEME**

The Shire of Northampton Town Planning Scheme No 4 as amended, which came into operation by publication in the *Government Gazette* on the 17<sup>th</sup> of January 1986, is hereby revoked.

#### **1.8 INTERPRETATION**

1.8.1 Except as provided in Clause 1.8.2 or 1.8.3 the words and expressions of the Scheme shall have their normal and common meaning.

1.8.2 Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Design Codes.

1.8.3 Where a word or term is defined in the Residential Design 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 Design Codes.

## PART 2—RESERVES

### 2.1 RESERVED LAND

The Scheme hereby creates the following reserves—

- National Parks and Conservation;
- Parks and Recreation;
- Major Road;
- Public Purposes (as marked);
- Civic and Cultural (as marked);
- Waterway.

The land shown as reserves on the Scheme Map, are lands reserved under the Scheme for the purposes shown on the Scheme Map.

### 2.2 USE AND DEVELOPMENT OF RESERVED LAND

2.2.1 A person shall not use or commence or carry out development on reserved land without first having obtained the planning approval of Council under Part VI of the Scheme, and in determining an application for planning approval Council shall have regard to—

- (a) the matters set out in Clause 6.5; and
- (b) the ultimate purpose intended for the reserved land,

and Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its approval.

2.2.2 Any applicant intending to undertake development or scheme amendment on land adjacent to National Parks and Conservation Reserve shall be required to consult with the appropriate vesting agency prior to approvals being granted in order to ensure that adjacent land uses do not have detrimental impacts on conservation values of the National Parks and Conservation Reserve.

### 2.3 COMPENSATION

2.3.1 Where Council refuses Planning Consent for the development of reserved land on the grounds that the land is reserved for local authority purposes or for other purposes shown on the Scheme Map, or grants consent subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose, the owner of the land may seek compensation from Council.

2.3.2 Claims for such compensation shall be lodged at the office of Council not later than 6 months after the date of the decision of Council refusing Planning Consent or granting it subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose.

2.3.3 In lieu of paying compensation Council may purchase the land affected by such decision of Council at a price representing the unaffected value of the land at the time of refusal of Planning Consent or of the granting of consent subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose.

## PART 3—ZONES

### 3.1 ZONES

#### 3.1.1 Creation of Zones

The various Zones created in the Scheme Area are set out hereunder—

- Residential Zone;
- Commercial Zone;
- General Industry Zone;
- Light Industry Zone;
- Tourist Accommodation Zone;
- Special Rural Zone;
- Rural Zone;
- Special Use Zone;
- Tourist Development Zone.

These Zones are delineated and depicted on the Scheme Map according to the legend thereon.

#### 3.1.2 Purpose and Intent of the Zones

The primary purposes and intent of the various Zones is to allocate land to achieve the following objectives—

##### 3.1.2.1 Residential zone—

- (a) to ensure that land uses are compatible and complementary to the residential purpose of the Zone;
- (b) provide a mix of housing types to cater for the range of demands created by a diverse population, which chooses to live and visit the town;
- (c) promote and safeguard health, safety, convenience, the general welfare and the amenities of residential areas and their inhabitants;
- (d) ensure that other uses and activities compatible with the predominant use are allowed for;
- (e) promote “modified grid” subdivision patterns for new development as a means of improving legibility in preference to the widespread use of culs-de-sac;

- (f) promote the use of water sensitive urban design; and
  - (g) promote the orientation of dwellings and lots to encourage energy efficiency.
- 3.1.2.2 Commercial zone—
- (a) expand, enhance, and promote the existing main commercial areas;
  - (b) to ensure that commercial developments are designed to encourage pedestrian and disabled access;
  - (c) to ensure adequate on-site car parking is provided;
  - (d) encourage the removal of inappropriate land uses to more desirable locations within the Scheme area; and
  - (e) to prevent unsuitable and inappropriate developments (such as light industrial uses) from occurring.
- 3.1.2.3 Industrial zones—
- (a) encourage industrial activity within Kalbarri to the Industrial area;
  - (b) provide clean, efficient and pleasant industrial facilities;
  - (c) provide safe movement of vehicular and pedestrian traffic;
  - (d) provide adequate room for expansion without detrimental effects on adjoining land uses;
  - (e) encourage relocation of existing industries from residential and commercial zoned land;
  - (f) land within the General Industry Zone shall comply with the following additional objectives—
    - (i) to provide for manufacturing, storage, servicing and associated industrial activities;
    - (ii) to provide land for allied activities such as fuel depots, vehicle wrecking and repairs, bulk good sales, warehouses etc; and
    - (iii) to prevent any further development of Caretaker's Dwellings within the Zone;
  - (g) land within the Light Industry Zone shall comply with the following additional objectives—
    - (i) to provide for limited retailing, wholesaling, trade centres and allied services and other commercial activities that due to their nature and/or size are not appropriate, or cannot be accommodated, in the Commercial Zone; and
    - (ii) to prevent any further development of Caretaker's Dwellings within the Zone.
- 3.1.2.4 Tourist Accommodation zone—
- (a) encourage the diversification of tourist accommodation to meet the requirements of the tourist population;
  - (b) ensure that development proposals provide for on-site recreation, management and service areas and facilities to accommodate boat/trailer parking, in addition to the provision of walkways to allow separation of pedestrians and traffic;
  - (c) provide for bus or coach parking associated with the development; and
  - (d) require a high standard of building design and landscaping which complements the natural setting of the town generally and the particular site.
- 3.1.2.5 Special Rural zone—
- (a) provide land close to the existing urban centre for such uses as hobby farms, nurseries, cottage industries, the keeping of horses, stables or residential retreats; and
  - (b) make provision for the retention and enhancement of the rural landscape consistent with the existing land uses and the amenity of the adjoining properties.
- 3.1.2.6 Rural zone—
- (a) for land north of the Murchison River, to provide for retention and enhancement of the rural landscape in a manner consistent with sound land use management principles; and
  - (b) for land south of the Murchison River, to maintain the rural character and to prevent the use of the land for any use which may adversely affect potential future expansion of the urban area.
- 3.1.2.7 Special Use zone—
- (a) to encourage development of a high environmental standard appropriate to the use of the land within the Zone;
  - (b) to protect the amenity of the adjoining properties;
  - (c) to set aside and protect developments and land of heritage and landscape value.
- 3.1.2.8 Tourist Development zone—
- (a) provide for the development of all forms of tourist related activities in specified areas where advantages by means of location and accessibility may promote this type of development;
  - (b) encourage a high standard of development in terms of design and amenity commensurate with the image of Kalbarri as a growing resort and holiday destination.

## 3.2 ZONING TABLE

3.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the various uses permitted in the Scheme Area in the various Zones. These uses are determined by cross reference between the list of Use Classes on the left side and the list of Zones at the top of the Zoning Table.

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

- “P” means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme;
- “IP” means that the use is not permitted unless Council considers such use is incidental to the predominant use of the land and/or buildings;
- “AA” means that the use is not permitted unless Council has granted Planning Consent;
- “SA” means that the use is not permitted unless Council has granted Planning Consent after giving notice in accordance with Clause 6.4.

3.2.3 Where no symbol appears in the cross reference of a use class against a Zone in the Zoning Table a use of that class is not permitted in that Zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category Council may—

- (a) determine that the use is consistent with the objectives and purpose of the particular Zone and is therefore permitted; or
- (b) determine that the use may be consistent with the objectives and purpose of the particular Zone and thereafter follow the advertising procedures of Clause 6.4 in considering an Application for Planning Consent; or
- (c) determine that the use is not consistent with the objectives and purpose of the particular Zone and is therefore not permitted.

**Table 1—ZONING TABLE**

ZONES	RESIDENTIAL	COMMERCIAL	GENERAL INDUSTRY	LIGHT INDUSTRY	TOURIST ACCOMMODATION	SPECIAL RURAL	RURAL	TOURIST DEVELOPMENT	SPECIAL USE
Abattoir							SA		#
Aged or Dependent Persons' Dwelling	AA								#
Amenity Building		IP	IP	IP	IP			IP	#
Amusement Parlour		AA		SA					#
Aquaculture			SA	SA		SA	AA	SA	#
Art Gallery		AA				SA		AA	#
Bed and Breakfast	AA				AA	AA	AA		#
Betting Agency		AA							#
Builder's Storage Yard			AA	AA					#
Camping Area					AA				#
Caravan Park					AA				#
Caretaker's Dwelling		AA			IP			IP	#
Car Park	AA	P	IP	IP	IP			IP	#
Cattery			AA	AA			AA		#
Chalet Park					AA				#
Child Care Premises	SA								#
Cinema/Theatre		AA			AA			AA	#
Civic Building	SA	AA							#
Club Premises		SA							#
Community Services Depot		AA	P	P		AA	AA		#
Consulting Rooms	SA	AA							#
Convenience Store		P			SA				#
Drive-In Theatre				SA				AA	#
Dry Cleaning Premises		AA	P	AA					#
Educational Establishment	SA					SA	SA	SA	#



ZONES	RESIDENTIAL	COMMERCIAL	GENERAL INDUSTRY	LIGHT INDUSTRY	TOURIST ACCOMMODATION	SPECIAL RURAL	RURAL	TOURIST DEVELOPMENT	SPECIAL USE
LAND USE CLASS									
Plant Nursery		P	AA	P		AA	AA		#
Poultry Farming									#
Private Recreation		AA					SA	AA	#
Produce Store		AA	SA	AA					#
Public Amusement		AA	SA					AA	#
Public Utility	P	P	P	P	P	P	P	P	#
Public Worship	SA	SA							#
Radio & TV Installation			P	P					#
Reception Centre		SA			SA			SA	#
Residential Building	SA	SA							#
Resort Development					AA				#
Restaurant		P			AA			AA	#
Rural Pursuit						AA	P		#
Salvage Yard			P	P					#
Service Station		AA	P	AA					#
Shop		P	IP	IP	IP			SA	#
Showroom		P	AA	P				SA	#
Single House	P				AA	P	P		#
Stable						SA	P	SA	#
Tavern		SA			SA				#
Temporary Accommodation	AA				AA	AA	AA	AA	#
Trade Display		AA	AA	AA					#
Transport Depot			P	AA					#
Veterinary Consulting Rooms		AA		AA		AA	AA		#
Veterinary Hospital				SA		SA	AA		#
Warehouse		AA	AA	P					#
Wayside Stall						AA	AA		#
Zoological Gardens						SA	SA	AA	#

# Refer to Clause 3.3

3.2.6 Notwithstanding anything contained within the Zoning Table, with respect to the Special Rural Zone, limitations to permitted uses apply in some areas, and are set out in Appendix 8.

3.2.7 Notwithstanding anything contained within the Zoning Table, with respect to the Tourist Accommodation Zone, limitations to permitted uses apply in some areas, and are set out in Clause 5.31.

3.2.8 Notwithstanding anything contained within the Zoning Table, limitations on the development of Multiple Dwellings within the Residential Zone are set out in Clause 5.5.5.

### 3.3 SPECIAL USE ZONES

Notwithstanding anything contained within the Zoning Table the land specified in Appendix 7 may subject to compliance with any condition specified in the Appendix with respect to the land, be used only for the purposes set against the land in that Appendix.

## PART 4—NON-CONFORMING USES

### 4.1 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 being lawfully used at the time of coming into force of the Scheme; or



- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

#### 4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Planning Consent of Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

#### 4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table Council may grant its Planning Consent 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 Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of Council, closer to the intended uses of the Zone or Reserve.

#### 4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or buildings has been discontinued for a period of 6 months or more, such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

#### 4.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75 percent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme, except with the approval of Council.

#### 4.6 RECORDING NON-CONFORMING USES

4.6.1 A land owner who requests Council to record the existence of a non-conforming use shall submit to Council in writing full details of the nature, location, extent of the non-conforming use and approvals so granted.

4.6.2 Where Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.

### PART 5—GENERAL PROVISIONS

#### 5.1 DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme the standards for development in the various Zones, except for development provided for in the Residential Design Codes, are set out below in Table 2—Development Standards.

TABLE 2—DEVELOPMENT STANDARDS

ZONE	MINIMUM SETBACK			MAXIMUM SITE COVERAGE (percent)	MINIMUM LOT SIZE	LANDSCAPING (percent)
	FRONT (metres)	SIDE (metres)	REAR (metres)			
RESIDENTIAL	7.5 (A)	3 (A)	7.5 (A)	30 (A)	(A) & (B)	10 (A)
COMMERCIAL	Nil	Nil	6	(B)	500m <sup>2</sup>	10
GENERAL INDUSTRY	9	5	7.5	50	2,000m <sup>2</sup>	10
LIGHT INDUSTRY	7.5	3	7.5	60	1,000m <sup>2</sup>	10
TOURIST ACCOMMODATION	10	3	(B)	(B)	(B)	10
SPECIAL RURAL	15	10	10	(B)	(C)	(B)
RURAL	20	20	30	(B)	(B)	(B)
TOURIST DEVELOPMENT	(B)	(B)	(B)	(B)	(B)	(B)

Notes—

(A) These standards only apply to those developments not covered by the Residential Design Codes.

(B) As determined by Council on application.

(C) *Lot sizes shall be determined by the approved Subdivision Guide Plan or standard adopted in Appendix 8 for each Special Rural Zone.*

(D) *Refer also to Clause 5.13 for land abutting a Residential Zone.*

## **5.2 TWO STOREY BUILDING HEIGHT LIMIT**

5.2.1 No building on any lot within the Scheme Area shall contain more than two storeys (excluding any basement or undercroft level), or in any event exceed 8.5 metres to the highest portion of the building from the mean natural ground level of the site measured at right angles to the wall, but does not include any architectural feature or decoration (other than a free-standing sign) which may be approved by Council. Freestanding structures such as promotional towers and tank stands shall also be subject to the 8.5m height limit.

### **5.2.2 Variation to Height Limit**

5.2.2.1 Council may, after following the procedures set out in Clause 6.4, approve buildings which exceed the height specified in Clause 5.2.1 when it is satisfied that the proposed building—

- (a) will not adversely affect the visual amenity of the locality;
- (b) will be in harmony with the character and height of buildings in the locality; and
- (c) will not adversely affect the existing beauty, character, quality of environment or streetscape generally.

5.2.2.2 Proposals to vary the height restrictions pursuant to Clause 5.2.2.1 shall be accompanied by such plans, elevations and sketches as is determined by Council to assess the affect on the visual amenity of the locality, including—

- (a) the natural screening effect of any existing vegetation to be maintained on the site;
- (b) the natural screening effect of the existing topography of the site;
- (c) any proposed siteworks including recontouring of the site; and
- (d) any proposed landscaping to be provided.

## **5.3 DEVELOPMENT OF LAND SUBJECT TO DAMPNES OR FLOODING**

5.3.1 Where in the opinion of Council, the dampness of the site on which a building is proposed to be constructed so warrants, Council may require that one or all of the following measures shall be carried out—

- (a) the subsoil shall be effectively drained;
- (b) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
- (c) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.

5.3.2 Where a development is proposed on a site such that, in the opinion of Council, that development may be impacted upon by flooding, Council may require the proponents to provide technical advice from an appropriately qualified person to demonstrate that the development will not be adversely impacted on by flooding.

## **5.4 SETBACKS FROM WATERCOURSES**

Within the Scheme Area, Council shall not permit the erection of any building or effluent disposal system on any land within 50 metres of the nearest definable bank of any watercourse with permanent water, or within 40 metres of the nearest definable bank of any seasonally flowing watercourse or within 75 metres of the nearest definable bank of a river or estuary unless specific approval to vary this requirement is granted by Council.

## **5.5 RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES**

5.5.1 For the purpose of this Scheme 'Residential Design Codes' means the Residential Design Codes set out in Appendix 1 to the Statement of Planning Policy No 3.1, together with any amendments thereto.

5.5.2 A copy of the Residential Design Codes, as amended, shall be kept and made available for public inspection at the offices of Council.

5.5.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.

5.5.4 The Residential Density Coding of land shall be in accordance with that shown on the Scheme Map.

5.5.5 Variation to Residential Design Codes: Multiple Dwellings—

- (a) The general site requirements of Table 1 of the Residential Design Codes for Multiple Dwellings at the R35 Code shall apply to any proposal for Multiple Dwellings(s) on land coded R30.
- (b) Notwithstanding Table 1, Multiple Dwellings are not permitted on land with a density coding below R30.

5.5.6 Variation to Residential Design Codes: Car Parking

Parking requirements for Grouped Dwellings and Multiple Dwellings have been varied from those contained in the Residential Design Codes and are set out in Table 3—Car Parking Standards.

5.5.7 Variation to Residential Design Codes: Design Guidelines

Clause 5.32 provides for Design Guidelines to be required in areas which are visually prominent and/or of landscape significance. To the extent of any inconsistency between the Residential Design Codes and Design Guidelines adopted by Council pursuant to Clause 5.32, the Design Guidelines shall apply.

### 5.6 COMMERCIAL/RESIDENTIAL MIXED DEVELOPMENTS

Where the ground floor of a multi-storey building in the Commercial Zone is used for the purposes of shops, offices or other similar commercial activities, the upper floor of such buildings may be used for similar commercial activities, or residential accommodation providing that—

- (a) the residential use is confined to the upper floor; and
- (b) the residential unit is used only by the owner/occupier of a commercial activity within the building.

### 5.7 CAR PARKING

5.7.1 With the exception of rural pursuits, on-site car parking shall be provided to accommodate normal car parking requirements of that use as determined by Council, in accordance with the Table 3—Car Parking Standards and Appendix 9 Car Parking Area Design.

TABLE 3—CAR PARKING STANDARDS

LAND USE	CAR PARKING SPACES REQUIRED
Bank	1 bay per 20m <sup>2</sup> GLA
Bed and Breakfast	1 bay per bedroom
Bowling Alley	2.5 bays per lane
Caravan Park	1 bay per site plus 1 visitor bay per 5 sites
Child Care Premises	1 bay per 5 children
Church	1 bay per 4 persons
Cinema/Theatre	1 bay per 4 persons
Consulting Rooms	4 bays per consultant
Convenience Store	6 bays per 100m <sup>2</sup> GLA
Factory Unit Building	1 bay per 100m <sup>2</sup> GLA plus 1 bay per 2 units
Fast Food Outlet	1 bay per 10m <sup>2</sup> GLA
Grouped Dwelling	2 bays per dwelling plus 1 bay per each 2 dwellings, in excess of 2 dwellings, served by a common access
Health Centre	3 bays per consulting room
Holiday Accommodation	As determined by Council in accordance with Clause 5.7.4 of the Scheme
Hospital	1 bay per 4 beds plus 1 bay per employee
Hotel	1 bay per bedroom plus 1 bay per 4m <sup>2</sup> of lounge/bar area
Industry—General	1 bay per 100m <sup>2</sup> GLA
Industry—Light	1 bay per 50m <sup>2</sup> GLA
Industry—Service	1 bay per 50m <sup>2</sup> GLA service area plus 1 bay per 20m <sup>2</sup> GLA commercial area
Library	1 bay per 35m <sup>2</sup> floor area
Motel	1 bay per bedroom plus 1 bay per 10m <sup>2</sup> of restaurant/public area
Multiple Dwelling	0.35 bays per dwelling plus 1 bay per bedroom with a maximum of 3 bays per dwelling
Museum	1 bay per 35m <sup>2</sup> floor area
Office	1 bay per 20m <sup>2</sup> GLA
Private Club	1 bay per 4 seats
Reception Centre	1 bay per 4 seats
Restaurant	1 bay per 4 seats
School	Primary—1 bay per classroom Secondary—2 bays per classroom
Service Station	2 bays per workshop bay plus 1 bay per employee
Shop	1 bay per 20m <sup>2</sup> GLA
Showroom	1 bay per 50m <sup>2</sup> GLA
Single House	As per the Residential Design Codes
Sports Hall	1 bay per 20m <sup>2</sup> floor area
Tavern	1 bay per 5m <sup>2</sup> of restaurant/public area
Warehouse	1 bay per 200m <sup>2</sup> GLA

LAND USE	CAR PARKING SPACES REQUIRED
Other Uses	The parking requirements for those uses not listed shall be as determined by Council in accordance with clause 5.7.4 of the Scheme

*GLA means Gross Leasable Area.*

5.7.2 All car-parking areas shall be designed, constructed and drained to the satisfaction and specifications of Council.

5.7.3 All car-parking areas with 10 or more car parking bays shall include landscaped areas equal to 10 per cent of the area of the car park.

5.7.4 Where the purpose for which the land and/or building is to be used is not specified in Table 3—Car Parking Standards, Council shall determine the number of car parking bays to be provided on the land having regard to the nature of the proposed development.

5.7.5 Council shall have regard to and may impose conditions concerning—

- (a) the proportion of car parking spaces roofed or otherwise covered;
- (b) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (c) the location of the car parking spaces on the site and their effect on the amenity to adjoining development of land, including the potential effect of those spaces should the latter be roofed or otherwise covered;
- (d) the extent to which car parking spaces are located within required building setback areas;
- (e) the location of the proposed public footpaths, vehicular crossings, of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety.

## 5.8 SHARED OR COMBINED CAR PARKING

5.8.1 Council may permit land uses to share car parking facilities provided it is satisfied—

- (a) no conflict will occur as a result of the joint use of the car parking facilities; and
- (b) the peak demands for car parking from the activities sharing the car parking area do not coincide.

5.8.2 Where Council permits the joint use of car parking facilities it may require the landowners to enter into a suitable legal agreement with each other landowner to ensure reciprocal rights to the shared car parking facilities.

## 5.9 CAR PARKING FUND

Council may accept a cash payment in lieu of the provision of on-site car parking provided—

- (a) such cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the car parking spaces otherwise required by the Scheme, plus the value as estimated by Council, of that area of land, which would have been occupied by the car parking spaces.
- (b) before Council agrees to accept a cash-in-lieu payment of the provision of car parking spaces, Council shall either have already provided a public car park area nearby or must have firm proposals for providing a public car park area nearby within a period of not more than 4 years from the time of agreeing to accept the cash-in-lieu payment.
- (c) payments made under this Clause shall be deposited into a Special Fund to be used exclusively for the provision of public car parking facilities.
- (d) If an owner shall object to the amount of the costs or values determined by Council pursuant to sub-clause (a), the matter shall be referred to arbitration.

## 5.10 USE OF SETBACKS

The setback areas within any Zone, except for residential use within the Residential Zone, shall not be used for any purpose other than one or more of the following without the approval of Council—

- (a) a means of access/egress;
- (b) landscaping;
- (c) the loading and unloading (but not storage) of goods;
- (d) the parking of vehicles;
- (e) trade display provided no more than 10 percent of the area is used.

## 5.11 REFUSE STORAGE AREAS

Council shall require all grouped and multiple dwelling, tourist, commercial and industrial developments provide a refuse bin storage area, readily accessible to service vehicles and screened from view from public places by a closed fence, wall or screen landscaping no less than 1.2 metres in height.

## 5.12 LANDSCAPING

5.12.1 Landscaping shall be provided in accordance with the provisions set out in the Table 2—Development Standards.

5.12.2 Landscaping shall be provided and maintained in accordance with a landscape plan approved by Council within 30 days of completion of the development, or such other time as agreed by Council and shall be maintained by the occupier.

#### **5.13 DEVELOPMENT ON LAND ABUTTING A RESIDENTIAL ZONE**

Any non-residential development on land abutting a Residential Zone shall conform to such standards as Council determines. These standards shall be assessed on the basis of the potential nuisance or conflict of the proposed development on the existing residential area.

#### **5.14 FACTORY UNIT BUILDINGS**

All factory unit buildings shall—

- (a) be constructed so that no occupancy has a floor area less than 100m<sup>2</sup> or either its width or length less than 8 metres;
- (b) have an adjacent open yard no smaller than one-third of the floor area of the occupancy; and
- (c) together with its open yard, have direct access to a service road not less than 6 metres in width.

#### **5.15 OUTDOOR STORAGE OF MATERIALS**

All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other products or wastes in connection with a commercial or industrial use shall be screened from view from any public place by a closed wall, fence or screen landscaping as determined by Council.

#### **5.16 VEHICLE ACCESS/EGRESS POINTS**

5.16.1 Council may refuse to permit more than one vehicle access/egress point from any lot or may require separate access/egress points.

5.16.2 All vehicle accessways, other than in the Residential Zone, shall be constructed so that all vehicles can enter and leave the lot in forward gear.

5.16.3 All vehicle accessways shall be designed, constructed and drained to the satisfaction and specifications of Council.

5.16.4 No vehicle accessway shall be located within the corner truncation of any lot having two or more street frontages.

#### **5.17 LOADING AND UNLOADING OF VEHICLES**

Council shall require an area (other than a car parking space) for loading and unloading of materials, and parking of vehicles associated with any commercial, tourist or industrial use to be provided on-site of the lot on which the uses are located.

#### **5.18 BUS AND COACH PARKING**

Council shall require an area (other than a car parking space) for the loading/unloading and parking of tourist buses and coaches associated with any tourist use to be provided on-site of the lot on which the uses are located.

#### **5.19 VEHICLES, CARAVANS, TRAILERS AND BOATS IN RESIDENTIAL AREAS**

Except as hereinafter provided, no person on any lot within the Residential Zone may without the written approval of Council—

- (a) allow any commercial vehicle or truck to remain or park for a period of more than 48 hours consecutively;
- (b) repair, maintain, service or clean a commercial vehicle or truck;
- (c) keep, park, repair or store any boat, trailer, caravan or any associated material not specifically for the immediate use by the occupant in front of the building setback line.

#### **5.20 TEMPORARY ACCOMMODATION**

5.20.1 Council may approve the occupation of a caravan or other temporary accommodation on a lot only if it has approved an application for the development of a habitable building in accordance with the Building Code of Australia.

5.20.2 The permit for such occupation of a temporary accommodation shall not exceed 12 months.

5.20.3 Council shall not issue another permit or extension unless it is satisfied that there has been a genuine effort to complete the approved building pursuant to the original temporary accommodation permit.

#### **5.21 RELOCATED BUILDINGS**

5.21.1 A relocated building may not be transported to and placed on any lot or utilised for any purpose within the Scheme Area without the prior written approval of Council and in accordance with any conditions contained in such approval.

5.21.2 In considering whether or not to grant approval for a relocated building Council shall have special regard to—

- (a) the existing appearance and proposed external materials and finishes of the building; and any alterations proposed thereto;

- (b) the amenity of the locality, including the existing buildings in the area;
- (c) the visual prominence of the site on which the building is to be located;
- (d) any landscaping or screening proposed for the site; and
- (e) all applicable statutes, by-laws and regulations relating to buildings applicable both to the relocated building and the lot upon which it is to be located following transportation.

5.21.3 In granting an approval for a relocated building Council may impose conditions which require landscaping to be established within a specified time and thereafter maintained.

## **5.22 HOME OCCUPATIONS**

### **5.22.1 Application for Home Occupations**

Every application for a home occupation shall be made in the form prescribed in Appendix 3 of the Scheme and shall contain the following information—

- (a) location of the home occupation;
- (b) the area of the floor space to be devoted to the activity;
- (c) the times during which the activity will occur;
- (d) details of the precise nature of the activity and statement that the activity will be managed so as to not adversely impact on the residential amenity of the area.

5.22.2 All approvals granted for a home occupation shall be for a maximum period of 12 months.

## **5.23 COTTAGE INDUSTRIES**

### **5.23.1 Application for Cottage Industry**

Every application for a cottage industry shall be made in the form prescribed in Appendix 3 of the Scheme and shall contain the following information—

- (a) location of the cottage industry;
- (b) the area of building and floor space to be devoted to the activity;
- (c) the times during which the activity will occur;
- (d) details of the precise nature of the activity and statement that the activity will be managed so as to not adversely impact on the amenity of the area.

5.23.2 All approvals granted for a cottage industry shall be for a maximum period of 12 months.

## **5.24 KALBARRI WASTEWATER TREATMENT PLANT BUFFER**

In considering any application for planning consent for development or land use within the Wastewater Treatment Plant Buffer (as shown in the Scheme Report, or as varied from time to time), Council shall have regard to—

- (a) whether the proposed development or use is compatible with the existing and future use of the Kalbarri Wastewater Treatment Plant; and
- (b) relevant policies of the Commission, Statements of Planning Policy, and the Department of Environment guidelines with respect to land use in close proximity to wastewater treatment plants; and
- (c) where the nature of the proposal warrants referral to these agencies, the recommendations of the Department of Environment, the Department of Health and the public authority responsible for control and management of the Wastewater Treatment Plant.

## **5.25 DOMESTIC WATER SUPPLIES**

No new dwelling house or tourist accommodation unit shall be constructed within the Scheme Area unless—

- (a) it is connected to the Water Corporation reticulated water supply; or
- (b) it is connected to an approved supply of potable water; or
- (c) it incorporates into the approved plans a roof catchment water tank having a minimum capacity of 92,000 litres.

## **5.26 POWER TO CONTROL ADVERTISEMENTS**

5.26.1 Council's objectives in the control of advertising are to secure the orderly and proper planning and amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of—

- (a) the impact of new advertisements upon residential, rural and recreational areas;
- (b) the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area;
- (c) the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising;
- (d) requiring advertising to be directly associated with the approved use of the property on which it is displayed.

5.26.2 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of Council.

5.26.3 Applications for Planning Consent pursuant to this Part shall be submitted in accordance with the provisions of Part VI of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 6 giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 5.26.4 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by Council prior to the approval of this Scheme,

hereinafter in this Part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

#### 5.26.5 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and Clause 5.26.1 and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety.

#### 5.26.6 Exemptions from the Requirement to Obtain Planning Consent

5.26.6.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.26.2, Council's prior Planning Consent is not required in respect of those advertisements listed in Appendix 10 which for the purpose of this Clause are referred to as 'exempted advertisements'.

5.26.6.2 The exemptions listed in Appendix 10 do not apply to land, buildings, objects, structures and places included in the Municipal Heritage Inventory or within a Heritage Precinct established or designated under Part VII of this Scheme.

#### 5.26.7 Discontinuance

Notwithstanding the Scheme Objectives and Clause 5.26.6, where Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.26.8 Derelict or Poorly Maintained Signs

Where, in the opinion of Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to—

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

#### 5.26.9 Notices

5.26.9.1 'The advertiser' shall be interpreted as any one person or any group comprised of the owner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

5.26.9.2 Any notice served in exceptional circumstances pursuant to Clauses 5.26.7 or 5.26.8 shall be served upon the advertiser and shall specify—

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) the period, not being less than 30 days, within which the action specified shall be completed by the advertiser.

5.26.9.3 Any person upon whom a notice is served pursuant to this Clause may, within period of 60 days from the date of the notice, appeal to the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 5.26.10 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of Council's Signs Policy or adopted by-law relating to Signs, the provisions of the Scheme shall prevail.

#### 5.26.11 Enforcement and Penalties

The offences and penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this Clause.

### 5.27 OPERATION OF SPECIAL CONTROL AREAS

5.27.1 The following Special Control Areas are shown on the Scheme Map—  
Development Area.

5.27.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

## 5.28 DEVELOPMENT AREAS

### 5.28.1 Interpretations

In Clause 5.28, unless the context otherwise requires—

“owner” means an owner or owners of land in the development area; and

“structure plan” means a structure plan that has come into effect in accordance with clause 5.28.12.1.

### 5.28.2 Purpose of Development Areas

5.28.2.1 The purposes of Development Areas are to—

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

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

### 5.28.3 Subdivision and Development in Development Areas

5.28.3.1 The development of land within a development area is to comply with Appendix 11.

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

### 5.28.4 Structure Plan Required

5.28.4.1 Council is not to—

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

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

5.28.4.2 Notwithstanding Clause 5.28.4.1, Council may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if Council is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

### 5.28.5 Preparation of Proposed Structure Plans

5.28.5.1 A proposed structure plan may be prepared by—

- (a) the Council; or
- (b) an owner.

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

### 5.28.6 Details of Proposed Structure Plan

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

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table; and
  - (iv) sites and features of Aboriginal and European heritage value.
- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including arterial routes and neighbourhood connector alignments, public transport routes and bus stops (if applicable) and strategic cycle routes; and
  - (iii) existing and future land use.
- (d) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network (if applicable), and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) school(s) and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas.



- (e) a written report to explain the mapping and to address the following—
- (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in Clause 5.28.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in Clause 5.28.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services; and
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

5.28.6.2 The maps referred to in Clause 5.28.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in Clause 5.28.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

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

5.28.6.4 A proposed structure plan must, in the opinion of Council, be consistent with orderly and proper planning.

5.28.7 Submission to the Council and Commission

5.28.7.1 A proposed structure plan prepared by an owner is to be submitted to Council.

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

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

5.28.7.4 The Commission must provide its comments to Council within 30 days of receiving the proposed structure plan.

5.28.8 Advertising of Structure Plan

5.28.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with Clause 5.28.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and Council), Council is to—

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

5.28.8.2 The advertisement and notice are to—

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

5.28.9 Adoption of Proposed Structure Plan

5.28.9.1 Council is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or

- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

5.28.9.2 In making a determination under Clause 5.28.9.1, Council is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

5.28.9.3 If the Commission requires modifications to the proposed structure plan, Council is to consult with the Commission prior to making a determination under Clause 5.28.9.1.

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

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

and thereafter, the procedures set out in Clause 5.28.8.1 onwards are to apply.

5.28.9.5 If within the period referred to in Clause 5.28.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and Council, Council has not made a determination under Clause 5.28.9.1, Council is deemed to have refused to adopt the proposed structure plan.

#### 5.28.10 Endorsement by Commission

5.28.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under Clause 5.28.9.1, Council is to forward the proposed structure plan to the Commission for its endorsement.

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

5.28.10.3 The Commission is to notify Council of its determination under Clause 5.28.10.2.

#### 5.28.11 Notification of Structure Plan

As soon as practicable after adopting a proposed structure plan under Clause 5.28.9.1 and if Clause 5.28.10 applies, as soon as practicable after being notified of the Commission's decision under Clause 5.28.10.3, Council is to forward a copy of the structure plan to—

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

#### 5.28.12 Operation of Structure Plan

5.28.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to Clause 5.28.10.2; or
- (b) on the day on which it is adopted by Council under Clause 5.28.9.1 in all other cases.

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

#### 5.28.13 Inspection of Structure Plan

The structure plan and the Commission's notification under Clause 5.28.10.3 is to be kept at Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### 5.28.14 Variation to Structure Plan

5.28.14.1 Council may vary a structure plan—

- (a) by resolution if, in the opinion of Council, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.28.6 onwards.

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

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

5.28.14.4 As soon as practicable after receiving the copy of the variation referred to in Clause 5.28.14.3, the Commission is to determine whether to endorse the proposed variation.

5.28.14.5 The Commission is to notify Council of its determination under Clause 5.28.14.4.

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

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to Clause 5.28.14.4; or
- (b) on the day on which Council resolves to make the variation under clause 5.28.14.1 (a).

#### 5.28.15 Detailed Area Plan

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

- (a) the Council; or
- (b) an owner.

5.28.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection enclosures;
- (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 Council.

5.28.15.3 When a proposed detailed area plan is prepared under Clause 5.28.15.1, Council is to—

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

5.28.15.4 The advertisement and notice are to—

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

5.28.15.5 Council is to consider all submissions received and—

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

5.28.15.6 If within 60 days of receiving a detailed area plan prepared under Clause 5.28.15.1 (b), or such longer period as may be agreed in writing between the owner and Council, Council has not made one of the determinations referred to in Clause 5.28.15.5, Council is deemed to have refused to approve the detailed area plan.

5.28.15.7 Once approved by Council, the detailed area plan constitutes a variation of the structure plan.

5.28.15.8 Council may vary a detailed area plan in accordance with the procedures set out in Clause 5.28.15 onwards provided such variations do not prejudice the intention of any related structure plan.

5.28.16 Appeal

5.28.16.1 An owner who has submitted a proposed structure plan under Clause 5.28.7.1 may appeal, under Part V of the Town Planning Act—

- (a) any failure of Council to advertise, or require the owner to advertise, a proposed structure plan within the required time period under Clause 5.28.8.1;
- (b) any determination of Council—
  - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
  - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

5.28.16.2 An owner who has submitted a detailed area plan in accordance with Clause 5.28.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by Council under clause 5.28.15.

## 5.29 COASTAL AND RIVER FORESHORE PLANNING AREA

5.29.1 The Coastal and River Foreshore Planning Area is that area shown on the Scheme Map as such and includes the landforms of—

- (a) inshore reefs;
- (b) nearshore waters;
- (c) beaches, mobile dunes and vegetated foreshore areas exposed to onshore winds;
- (d) a fringe of stable land suitable for coast-related activities; and
- (e) the Murchison River estuary and adjacent foreshore reserves.

5.29.2 Within the Coastal and River Foreshore Planning Area, Council may prepare policies for coastal planning and management, and prepare management strategies in order to implement any such policy.

5.29.3 The principal use of land within the Coastal and River Foreshore Planning Area shall be related to the environmental, cultural, recreational, and/or scenic values of the area.

### 5.30 DEVELOPMENT IN SPECIAL RURAL ZONES

The provisions for controlling subdivision, land uses and development relating to specific Special Rural Zones shall be as set out in Appendix 8. These provisions apply in addition to those contained elsewhere in the Scheme. To the extent of any inconsistency, the provisions in Appendix 8 shall apply.

### 5.31 PROVISIONS FOR SPECIFIC TOURIST ACCOMMODATION ZONES

5.31.1 The following provisions apply to the Tourist Accommodation Zone on a portion of Victoria Location 11493 Ajana-Kalbarri Road, in addition to those contained elsewhere in the Scheme. To the extent of any inconsistency, the provisions of this Clause shall apply.

#### Uses Not Permitted

- (a) Notwithstanding anything contained within the Zoning Table, the following uses are not permitted within this Tourist Accommodation Zone—
  - Bed and Breakfast
  - Cinema/Theatre
  - Hotel
  - Reception Centre
  - Restaurant
  - Single House
  - Tavern
  - Temporary Accommodation
- (b) Also, notwithstanding anything contained within the Zoning Table, the following uses may only be approved by Council if they are, in the opinion of Council, incidental to the use of the property for tourist accommodation purposes—
  - Convenience Store
  - Health Studio
  - Laundromat

#### Subdivision

- (c) Subdivision shall be generally in accordance with the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.

#### Building

- (d) All building on the lot shall be erected within the building envelope defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.
- (e) The building envelope shall not exceed 8,000m<sup>2</sup> in area.
- (f) No building envelope or effluent disposal system shall be located within the Landscape Protection Area defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.
- (g) Notwithstanding (d), Council may permit a variation to the location of the defined building envelope on the lot if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or environment and satisfies the following minimum setbacks—
  - Front Boundary 30 metres
  - Rear Boundary 20 metres
  - Side Boundaries 15 metres
- (h) All buildings shall be sympathetic to existing landscape elements, namely landform and vegetation, in terms of their design, building height, materials and cladding colours.
- (i) All buildings shall be constructed utilising roof and external wall materials comprising natural earth or green vegetation colours.

- (j) The use of zincalume, galvanised iron and other coloured (including white or off-white) roof and wall materials which, in the opinion of Council, prejudice the landscape amenity of the adjacent Kalbarri National Park and surrounding area, are not permitted.
- (k) All stormwater shall be disposed of within the lot and shall not be directed into the Landscape Protection Area.
- (l) No building shall exceed two (2) storeys in height.

#### Vegetation Protection

- (m) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to construct 'rural style' perimeter fencing (seven line ringlock and single strand top wire with posts at appropriate separations) for the lot.
- (n) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to undertake a tree planting program within cleared areas of the Landscape Protection Area with local indigenous species to the satisfaction of Council.

#### Servicing

- (o) Council shall require that any development on the site is connected to an approved alternative waste water treatment system or packaged sewerage system to the satisfaction of Council in consultation with the Department of Health. The maximum number of people that can be accommodated on the site will be determined by the capacity of the site for on-site effluent disposal.
- (p) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to prepare a fire management plan and undertake appropriate fire control measures within the Zone to the satisfaction of Council in consultation with the Fire and Emergency Services Authority of WA.
- (q) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to connect the lot to a potable reticulated water supply.
- (r) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to design and construct a sealed subdivisional road incorporating a suitable cul-de-sac head and drainage to the satisfaction of Council in consultation with Main Roads WA.
- (s) Council shall require that access/egress from the Tourist Accommodation site is restricted to the proposed subdivisional road only.

#### Surrounding Land Uses and Conflict

- (t) The development of the Tourist Accommodation Zone is undertaken with acknowledgement that special rural living, keeping of horses, equestrian centre and associated and incidental activities are undertaken within the immediate vicinity of the Zone and owner(s)/manager(s) and patrons are fully aware of this situation and shall operate in such a manner so as to not create conflict with these other land uses.

5.31.2 The following provisions apply to the Tourist Accommodation Zone on the corner of Walker Street and Nanda Drive, in addition to those contained elsewhere in the Scheme.

- (a) In considering any Application for Planning Consent in this Zone, Council will have regard to remnant vegetation on the lot and will require the retention of as much of this vegetation within any development as is considered practicable and desirable by Council.

### **5.32 WATER SENSITIVE URBAN DESIGN**

5.32.1 The objectives of this Clause are to—

- (a) increase the quality of stormwater runoff from all residential, commercial and industrial areas; and
- (b) promote sustainable development that incorporates the best management practices of water sensitive urban design.

5.32.2 Any subdivision or development (residential, commercial, industrial) that increases the area of impermeable surfaces should incorporate the principles and best management practices detailed in the Stormwater Management Manual for WA from the Department of Environment as amended from time to time.

### **5.33 DESIGN GUIDELINES**

5.33.1 Council may request the Commission to impose a condition at the time of any subdivision of the portion of the Port Kalbarri/Browne's Farm development north of Jacques Boulevard, or of any other area which is visually prominent and/or of landscape significance, that requires the preparation of design guidelines for adoption by Council to ensure development is of appropriate scale, form, materials and colours so as to minimise adverse impact on the landscape values of the area.

5.33.2 Within any such area all development shall comply with the design guidelines adopted by Council.

## **PART 6—PLANNING CONSENT**

### **6.1 PLANNING CONSENT**

6.1.1 Subject to Clause 6.1.2 a person shall not commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the Planning Consent of Council.

6.1.2 The Planning Consent of Council is not required for the following development of land—

- (a) the use of land in a Reserve, where such land is vested in the Council or Public Authority, for the purpose for which the land is Reserved under the Scheme, or in the case of land vested in a Public Authority, for any purpose for which such land may be lawfully used by that Authority;
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
- (d) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (e) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (f) the erection on a lot of a Single House, including ancillary outbuildings, in the Residential, Special Rural and Rural Zones where the symbol "P" appears in the cross-reference to that Zone in the Zoning Table, subject to compliance with the Scheme requirements, except for Lots 288 and 291 Stiles Road, and except where the proposal requires the exercise of a discretion by Council under the Scheme to vary the provisions of the Residential Design Codes.

## **6.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS**

6.2.1 If a development, other than a residential development, the subject of an Application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to signs, building height, setbacks, site coverage, car parking, landscaping and related matters, Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as Council thinks fit.

6.2.2 The power conferred by this Clause may only be exercised if Council is satisfied that—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

## **6.3 APPLICATION FOR PLANNING CONSENT**

6.3.1 Every Application for Planning Consent shall be made in the form prescribed in Appendix 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.3.2 Unless Council determines otherwise, every Application for Planning Consent shall be accompanied by such information as may be reasonably required to enable the application to be determined and a plan or plans to a scale of not less than 1:500 showing—

- (a) street names, lot number(s), north point and the dimensions of the site;
- (b) the location and proposed use of the site, including any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
- (c) the existing and proposed means of access for pedestrians and vehicles to and from the site;
- (d) the location, number, dimensions and layout of all car parking, tourist coach or bus parking spaces intended to be provided;
- (e) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods of commodities to and from the site and the means of access to and from those areas;
- (f) the location, dimensions and design of any landscaped areas, open space areas, open storage or trade display areas and particulars of the manner in which it is proposed to develop the same;
- (g) the location of any underground services;
- (h) plans, elevations and sections of any building(s) including all exterior finishes proposed to be erected or altered and of any building it is intended to retain.

## **6.4 PUBLIC NOTICE**

6.4.1 Council shall not grant its Planning Consent for the following classes of applications unless notice of the application is first given in accordance with the provisions of Clause 6.4.2—

- (a) an Application for Planning Consent which involves an 'SA' use as determined within Table 1—Zoning Table;
- (b) an Application for Planning Consent which involves a use not mentioned in Table 1—Zoning Table as determined by Clause 3.2.5;
- (c) any Application for Planning Consent of which Council determines public notice should be given;

- (d) an Application for Planning Consent to vary the height limit as determined in Clause 5.2.1.
- (e) an Application for Planning Consent which involves a non-conforming use as determined by Clause 4.2.

6.4.2 Council may require the applicant to give notice or decide to give notice of an Application for Planning Consent and one or more of the following shall be carried out—

- (a) notice of the proposed development to be served on the owners and occupiers who are likely to be affected by the granting of Planning Consent stating that submissions may be made to Council by a specified date being not less than fourteen days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to Council by a specified date being not less than fourteen days from the publication thereof;
- (c) sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for the specified period from the date of publication of the notice referred to in subclause (b).

6.4.3 The notice referred to in Clause 6.4.2 shall be in the form prescribed in Appendix 4 to the Scheme.

6.4.4 Written submissions in respect of an Application for Planning Consent advertised in accordance with Clause 6.4.2 are to be lodged with Council within the period prescribed in the relevant advertisement or notice.

6.4.5 After expiration of the period specified in Clause 6.4.2, Council shall consider any submissions received and determine the application.

6.4.6 Any costs incurred by Council pursuant to Clause 6.4.2 shall be recoverable from the applicant.

6.4.7 Council may decline to consider any submission that has not been lodged within the period specified in the relevant advertisement or notice or fails to comply with any other requirement applying to it.

## **6.5 DETERMINATION OF APPLICATIONS**

6.5.1 In determining an Application for Planning Consent Council may consult with any person, group or authority which, in the circumstances, it thinks appropriate.

6.5.2 In determining an application Council shall have regard to the objectives and provisions of the Scheme, and shall take into account inter alia—

- (a) the nature of the proposed development in relation to the development either existing or proposed on adjoining land;
- (b) the size, shape and character of the lot upon which the development is to be carried out and the influence which these factors may have on the siting and nature of any new building;
- (c) the design and external appearance (including the exterior cladding) of any building and its effect upon the amenity of existing buildings and the area generally;
- (d) the representations of any Statutory Bodies or other interested parties with whom it may confer;
- (e) submissions received in response to giving public notice in accordance with Clause 6.4.2 of the Scheme;
- (f) the existing and likely future amenity of the locality within which the development is to take place in particular and the area generally;
- (g) the nature and condition of roads servicing the site under consideration, and the need for car-parking, loading and vehicle turning space within the site to adequately serve anticipated development;
- (h) any approved statement of planning policy of the Commission;
- (i) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (j) any approved environmental protection policy under the Environmental Protection Act 1986;
- (k) the preservation of any object or place of heritage significance;
- (l) the recommendations of the Department of Environment water source protection planning for Kalbarri current at the time, whether draft or finalised; and
- (m) any other matters relating to town planning, urban design, and public interest.

6.5.3 Council may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.

6.5.4 Council shall issue its decision in respect of an Application for Planning Consent in the form prescribed in Appendix 5 to the Scheme.

## **6.6 TERM OF PLANNING CONSENT**

6.6.1 Where Council grants Planning Consent for the development of land—

- (a) the development approved is to be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

6.6.2 A written request may be made to Council for an extension of the term of Planning Consent at any time prior to the expiry of the approval period in Clause 6.6.1 (a).

### **6.7 TEMPORARY PLANNING CONSENT**

Where Council grants Planning Consent, Council may impose conditions limiting the period for which approval is granted.

### **6.8 DEEMED REFUSAL**

6.8.1 Where Council has not within 60 days of the receipt by it of an Application for Planning Consent, or within such further time as is agreed in writing between the applicant and Council, either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.4, the application shall be deemed to have been refused.

6.8.2 Where Council has given notice of an Application for Planning Consent in accordance with Clause 6.4 and where Council has not within 90 days of receipt by it of the application, or within such further time as is agreed in writing between the applicant and Council, conveyed its decision to the applicant, the application shall be deemed to have been refused.

6.8.3 Notwithstanding that an Application for Planning Consent may be deemed to have been refused under Clauses 6.8.1 or 6.8.2 Council may issue a decision in respect of the application at any time after the expiry of the period specified in those Clauses.

### **6.9 AMENDING OR REVOKING A PLANNING CONSENT**

Council may, on written application from the owner of land in respect of which Planning Consent has been granted, revoke or amend the Planning Consent, prior to the commencement of the use or development subject of the Planning Consent.

## **PART 7—PLACES OF HERITAGE VALUE**

### **7.1 PURPOSE AND INTENT**

The purpose and intent of the heritage provisions are—

- (a) to facilitate the conservation of places of heritage value;
- (b) to ensure that development occurs with due regard to heritage values.

### **7.2 HERITAGE LIST**

7.2.1 Council shall establish and maintain a Heritage List of Places considered by Council to be of heritage significance and worthy of conservation.

7.2.2 For the purposes of this Clause, the Heritage List of Places means the Shire of Northampton Municipal Heritage Inventory as it relates to the Scheme Area, as amended from time to time, prepared by Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof described in the Heritage List.

7.2.3 Council shall keep a copy of the Heritage List of Places with the Scheme documents for public inspection during normal office hours.

### **7.3 APPLICATIONS FOR PLANNING CONSENT**

7.3.1 A person shall not commence or carry out any development at or on a place contained within the Heritage List of Places or Heritage Precinct without first having applied for and obtained the Planning Consent of Council.

7.3.2 For the purposes of Clause 7.3.1 of the Scheme the term “development” shall have the meaning given to in Appendix 1 to the Scheme, but shall also include, in relation to any place entered on the Heritage List of Places or contained within a Heritage Precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place but without limiting the generality of the foregoing, development in this context includes the following—

- (a) alteration (whether internal or external), the demolition or modification of any building or structure;
- (b) works resulting in a change in the external appearance of a building or structure, including the treatment of the external surfaces thereof;
- (c) erection of any new building or structure;
- (d) removal of vegetation whether indigenous or exotic or the felling, lopping or topping of trees other than the normal maintenance of lawns or gardens or where the building or place is under threat of damage by such vegetation or classified noxious weed;
- (e) erection or display of any advertisement sign.

7.3.3 Council may, in considering any Application for Planning Consent that may affect a Heritage Precinct or individual entry on the Heritage List of Places, consult with the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.

7.3.4 Notwithstanding any existing assessment, Council may require further heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List of Places if required within the Management Categories and Recommendations of the Municipal Heritage Inventory.

### **7.4 FORMALITIES OF APPLICATION**



In addition to the requirements prescribed in Clause 6.3.2, Council may require an Application for Planning Consent, where the proposed development may affect a Heritage Precinct or individual entry on the Heritage List of Places, to include one or more of the following to assist Council in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing 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 existing vegetation, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject land and on each lot immediately adjoining the subject lot; and
- (d) any further information which Council decides that it considers relevant.

## **7.5 DESIGNATION OF HERITAGE PRECINCTS**

7.5.1 Council may designate an area of land to be a Heritage Precinct where, in the opinion of Council, special planning control is needed to conserve and enhance the heritage values and the character of the area.

7.5.2 Council shall adopt for each Heritage Precinct a policy statement which shall comprise—

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

7.5.3 Council shall keep a copy of the policy statement for any designated Heritage Precinct with the Scheme documents for public inspection during normal office hours.

7.5.4 The procedure to be followed by Council in designating a Heritage Precinct shall be as follows—

- (a) Council shall notify in writing each owner of land affected by the proposal;
- (b) Council shall advertise the proposal by way of a notice in a newspaper circulating in the Scheme Area, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as Council considers necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
- (c) Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred immediately above;
- (d) Council shall carry out such other consultations as it thinks fit;
- (e) Council shall consider any submissions made and resolve to designate the Heritage Precinct with or without modifications or reject the proposal after consideration of submissions;
- (f) Council shall forward notice of its decision to the Heritage Council of WA and the Commission.

7.5.5 Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in Clause 7.5.4 of the Scheme.

## **7.6 VARIATIONS TO SCHEME PROVISIONS**

7.6.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, Council may vary any provision of the Scheme provided that, where in Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, Council shall—

- (a) consult the affected parties in accordance with Clause 6.4 of the Scheme;
- (b) consult with the Heritage Council of Western Australia;
- (c) have regard to any expressed views prior to making its decision to grant the variation.

7.6.2 In granting variations under Clause 7.6.1, Council may enter into a Heritage Agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and provide for memorials on relevant Certificates of Title.

## **PART 8—ADMINISTRATION**

### **8.1 POWERS OF THE SCHEME**

Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers—

- (a) Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. Council may deal with or dispose of any land which it has acquired

pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

- (c) An officer of Council, authorised by Council 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.

## 8.2 OFFENCES

8.2.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area—

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the granting and issue of any approval required by the Scheme have been and continue to be complied with;
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

8.2.2 A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

## 8.3 NOTICES

8.3.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

8.3.2 Council may recover expenses under Section 10(2) of the Act in a court of competent jurisdiction.

## 8.4 COMPENSATION

Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an Amendment to, the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the *Government Gazette*.

## 8.5 APPEALS

An applicant aggrieved by a decision of Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

## 8.6 ENFORCEMENT

Failure to comply with the conditions imposed by Council on the granting of Planning Consent or failure to carry out development in strict accordance with the plan approved by Council in respect of a particular proposal shall constitute a contravention of the Scheme and Council may—

- (a) by written notice served on the owner and/or occupier of the land, require the development to be carried out in accordance with the conditions imposed on any approval granted and/or in strict accordance with the plans approved within the period specified in the notice failing which Council may enter the land and carry out the work itself and recover any expenses in a Court of competent jurisdiction;
- (b) prosecute the owner or occupier of the land as the case may be pursuant to Section 10 of the Act;
- (c) require the removal of the development carried out as set out in Section 10 of the Act.

## 8.7 DELEGATION

8.7.1 Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of Council, delegate to the following eligible persons the authority to deal with an Application for Planning Consent made under this Scheme—

- (a) that officer of Council, appointed to the position of Chief Executive Officer or Principal Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of Council or appointed by Council to supervise the development control functions of Council or those persons who from time to time occupy the positions.

8.7.2 Any delegation made under Clause 8.7.1 shall have effect for the period of 12 months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

8.7.3 A delegation of authority pursuant to the provisions of this Clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

8.7.4 The performance of the function by a delegate under Clause 8.7.1 shall be deemed to be the performance of the function by Council in all circumstances where Council is able to delegate its powers.

8.7.5 An officer exercising the power delegated pursuant to the provisions of this Clause shall comply with the provisions of the Scheme governing the exercising of the power by Council, insofar as such provisions are reasonably applicable.

8.7.6 A person who is or has been a delegate of Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on Council by this Scheme.

### 8.8 AMENDMENTS TO THE SCHEME

8.8.1 Council shall keep the Scheme under constant review 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.

8.8.2 Council may, from time to time, initiate an Amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

8.8.3 In the case of a proposed Amendment to the zoning of land other than requested by the owner, Council shall, before initiating any Amendment to the Scheme, invite comment from the owner of the land concerned.

8.8.4 Council shall take into consideration any comments or submissions received in respect of a proposed Amendment to the Scheme and shall only proceed with the Amendment where it is satisfied the Amendment will be consistent with the objectives of the Scheme and would not be contrary to the public interest.

### 8.9 POWER TO MAKE PLANNING POLICIES

8.9.1 In order to achieve the objectives of the Scheme, Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

#### 8.9.2 Procedure of Policy Making

A Town Planning Scheme Policy shall become operative only after the following procedures have been completed—

- (a) Council having prepared and resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area giving details of the Draft Policy and where it may be inspected and stating that written submissions will be received by Council for a period of 21 days from the date of the advertisement;
- (b) policies which Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice;
- (c) Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendments, or not proceed with the Draft Policy;
- (d) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

#### 8.9.3 Policy Amendment

A Town Planning Scheme Policy may be altered or rescinded by—

- (a) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy;
- (b) publication of a formal notice of rescission by Council in a newspaper circulating in the Scheme Area.

#### 8.9.4 The Scheme shall Prevail

A Town Planning Scheme Policy shall not bind Council in the respect of any Application for Planning Consent but Council shall take into account the provisions of the Policy and Objectives which the Policy was designed to achieve before making its decision.

#### 8.9.5 Policy Statements shall be Consistent with the Scheme

The Policy Statements prepared pursuant to this Part shall be consistent with the intent of the Scheme and where any inconsistency arises the Scheme shall prevail.

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## APPENDIX 1—INTERPRETATIONS

*As provided for in Clause 1.8 of this Scheme, the following terms, unless the context otherwise requires, shall have the respective meanings and interpretations set out hereunder.*

**Abattoir:** means land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**Absolute Majority:** shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).

**Act:** means the Town Planning and Development Act, 1928 (as amended).

**Advertisement:** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and Advertising Sign shall be construed accordingly.

**Aged or Dependent Persons' Dwellings:** has the same meaning given to it in the Residential Design Codes.

**Airfield:** means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.

**Amenities:** depending on its context, means—

- (a) the sum of the expectations of those living and working in an area about the quality of their environment including its pleasantness, character, beauty, harmony in the exterior design of buildings, privacy and security; or
- (b) facilities providing use, convenience or enjoyment.

**Amenity Building:** means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment or leisure, but not used or intended for use for the work of the industry or business;

**Amusement Machine:** means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.

**Amusement Parlour:** means any land or building, open to the public, where the predominant use is amusement by amusement machines, and where there are more than two amusement machines operating within the premises.

**Ancillary Use:** means a use which is incidental to the predominant use of land and buildings.

**Appendix:** means an Appendix to the Scheme.

**Application:** means an Application for Planning Consent for approval to commence development or change in the use of land made pursuant to Part VI of the Scheme.

**Approved Plan:** means any plan that—

- (a) forms part of an application for which Planning Consent has been granted; and
- (b) has been stamped/endorsed with the approval of Council and signed by the relevant Officer.

**Aquaculture:** means the use of land and/or buildings for the purpose of rearing and breeding of fish, crustaceans or marine organisms under controlled conditions for sale and/or display.

**Aquarium:** means the use of land and buildings for the purpose of displaying fish, crustaceans or marine organisms under controlled conditions for public display with or without charge.

**Art Gallery:** means premises used for the showing of works of art including pottery, photography and the like.

**Authorised Officer:** means an officer of Council, authorised by Council to exercise all or some of the powers of Council under this Scheme.

**Battleaxe Lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

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

**Betting Agency:** means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

**Builder's Storage Yard:** means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

**Building:** shall have the same meaning as is given to it in and for the purposes of the Residential Design Codes.

**Building Code of Australia:** means the Building Code of Australia 1988 (as amended).

**Building Envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

**Building Line:** means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

**Building Setback:** means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

**Camping Area:** means any land used for the lodging of persons in tents or other temporary shelter.

**Caravan:** means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

**Caravan Park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

**Caretaker's Dwelling:** means a building used as a residence by the proprietor or manager having the care of the building, plant, equipment or grounds associated with an industry or business, carried on upon the same site.

**Car Park:** means any land or buildings used primarily for parking private cars or taxis whether open to the public or not, and whether for reward or not, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

**Cattery:** means land and buildings used for the boarding, keeping or breeding of more than three (3) cats over the age of three (3) months for reward or profit and registered for these purposes.

**Chalet Park:** means an area of land set aside for self contained attached or detached residential type buildings used for the purpose of a trade or business available for use for holiday purposes by the public at large.

**Child Care Premises:** has the same meaning as in the Community Service (Child Care) Regulations 1988.

**Cinema/Theatre:** means any land or building where the public may view a motion picture or theatrical production.

**Civic Building:** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or Council as offices or for administrative or other like purpose.

**Civic Use:** means land or buildings used by a Government Department, an instrumentality of the Crown, or Council, for administrative, recreational or other purpose.

**Club Premises:** means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act, 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

**Colonnade:** means a covered pedestrian way adjoining a public place which is open to the sky.

**Commerce:** means any activity involving any form of purchase, hire or sale of good or services.

**Commercial Vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self-propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.

**Commission:** means the Western Australian Planning Commission.

**Community Services Depot:** means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like and includes all related services thereto.

**Community Uses:** means those uses, in a particular locality, which provide services or facilities, such as health or social services or meeting facilities, to those who live or work in that locality.

**Conservation:** has the same meaning given to it in the Heritage of Western Australia Act 1990.

**Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, occupational therapists, chiropractors, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

**Convenience Store:** means any land and/or buildings used for the retail sale of convenience goods being those goods commonly sold in delicatessens and newsagents but does not include the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leasable area.

**Council:** means the executive body of the Shire of Northampton.

**Cultural Heritage Significance:** means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

**Cultural Use:** means any use aimed at the improvement or refinement of people by entertainment and/or education.

**Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

**Development:** shall have the same meaning given it in and for the purposes of the Act.

**Display Home Centre:** means a group of 2 or more dwellings which are intended to be open for public inspection.

**District:** means the Municipal District of the Shire of Northampton.

**Drive-In Theatre:** means land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

**Dry Cleaning Agency:** means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

**Dry Cleaning Premises:** means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.

**Dwelling:** has the same meaning given to it in the Residential Design Codes.

**Educational Establishment:** means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.

**Effective Frontage:** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—

- (a) where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- (c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

**Equestrian Centre:** means land and buildings used for a riding school and includes the agistment, stabling and exercise of horses, camels and the like including facilities for events of a competitive nature or associated tourist purposes.

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

**Factory Unit Building:** means an industrial building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

**Fast Food Outlet:** means land and 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, but does not include a fish shop.

**Fish Shop:** means a building where wet fish and similar foods are displayed and offered for sale.

**Floor Area:** shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).

**Frontage:** means the boundary line or lines between a site and the street or streets upon which the site abuts.

**Fuel Depot:** means any land or buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final user's vehicle of such fuel from the premises.

**Funeral Parlour:** means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

**Garden Centre:** means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, motorised domestic garden implements and the display but not manufacture of pre-fabricated garden buildings.

**Gazettal Date:** means the date on which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

**Gross Floor Area:** shall have the same meaning as Floor Area in the Building Code of Australia.

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

**Grouped Dwelling:** has the same meaning given to it in the Residential Design Codes.

**Harbour Installations:** means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

**Hazardous Use:** means a use, including an industry, which by reason of the processes involved, the method of manufacture, the nature of the materials stored, used or produced or the activities carried on, creates a hazard to public health.

**Health Centre:** means any buildings used as a maternity or X-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedicals.

**Health Studio:** means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

**Heritage List:** means the Municipal Heritage Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.

**Heritage Precinct:** means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

**Hire Service:** means land and buildings used for the storage and hire of machinery and other bulky equipment.

**Hobby Farm:** means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

**Holiday Accommodation:** means one or more buildings used for the short-term accommodation of tourists.

**Home Occupation:** means a business or activity carried on with the written permission of Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier's family;
- (c) does not occupy an area greater than 20m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) in the opinion of Council it is compatible with the principal uses to which land in the zone in which it is located may be put, and will not generate a volume of traffic that would prejudice the amenity of the area or require a greater number of parking facilities than normally reserved for a single dwelling;
- (g) does not entail the presence, parking, garaging, use or calling of a vehicle of more than 2 tonnes tare weight; and
- (h) entails the conduct of a business, office or workshop only, and does not entail the retail sale of goods of any nature so as to conflict with part (f) above.

**Hospital:** means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

**Hospital Special Purposes:** means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

**Hotel:** means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 (as amended) and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended), but does not include a motel, tavern or boarding house.

**Incidental Use:** means the use of premises which is ancillary and subordinate to the predominant or primary use.

**Industry:** means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, 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;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods for human or animal consumption;

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—

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land; and
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

**Industry—Cottage:** means a business or trade industry which produces goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;

- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family, or any person not a permanent resident on the premises;
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 50m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) does not offer or present for sale any goods or artefacts not wholly produced or provided on the premises.

**Industry—Extractive:** means 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;
- (b) the production of salt by the evaporation of sea water.

**Industry—General:** means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

**Industry—Hazardous:** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment such as oil refineries and chemical production plants.

**Industry—Light:** means an industry—

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

**Industry—Rural:** means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**Industry—Service:** means 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.

**Institutional Building:** means a—

- (a) hospital;
- (b) sanatorium for the treatment of infectious or contagious diseases;
- (c) home or other institution for the care of State wards, orphans or persons who are physically or mentally handicapped;
- (d) penal or reformatory institution;
- (e) hospital for the treatment or care of the mentally ill;
- (f) residential building for the care and maintenance of children, the aged or the infirm; or
- (g) benevolent institution.

**Kennels:** means land and buildings used for the boarding, keeping or breeding of more than 3 dogs for reward or profit and registered for those purposes.

**Kindergarten:** means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

**Kiosk:** means a building used for the sale of minor goods of a convenience nature to the patrons of the particular development and may include the preparation and sale of food as determined by Council.

**Land:** shall have the same meaning given to it in, and for the purposes of, the Act.

**Landscaped Area:** means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and includes any other area approved by the Council as landscaped area.

**Laundromat:** means any land or building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use or reward.

**Limited Rural Use:** means those activities carried out under the interpretation of Rural Pursuit, but does not include—

- (a) any commercial production;
- (b) any use which involves ground water consumption greater than the allowance determined by the Water Corporation or Department of Environment;
- (c) aquaculture, piggeries or other intensive animal husbandry;



- (d) the stabling, agistment, or training of horses;
- (e) other rural uses considered by Council likely to be detrimental to the public health or amenity of the area in the vicinity of the application.

**Liquor Store:** means any land or buildings the subject of a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

**Locality:** shall have the meaning of existing in a particular place; confined to a definite spot, or part of a district as the case may be, dependent on the application being considered.

**Lot:** shall have the same meaning given to it in, and for the purposes of, the Act, and the term "allotment" has the same meaning.

**Lunch Bar:** means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9.00am and 4.00pm within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises; but does not include a fast food outlet.

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

**Marine Collector's Yard:** means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act 1902 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.

**Marine Filling Station:** means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

**Market:** means any land or buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

**Maximum Site Coverage:** the area of a lot that may be covered by impervious roof sheeting.

**Mean Natural Ground Level:** means those levels as depicted by contour lines on Department of Land Administration plans applicable to the Scheme Area measured at the geometric horizontal centre of the lot.

**Medical Centre:** means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

**Milk Depot:** means any land or buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Minister:** means the Minister for Planning and Infrastructure or the Minister of the Western Australian Government responsible for town planning.

**Mobile Home:** means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes.

**Motel:** means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel, but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the Liquor Licensing Act 1988 (as amended) has been granted.

**Motor Vehicle and Marine Sales:** means any land or buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site and sale of accessories and spare parts.

**Motor Vehicle Hire:** means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

**Motor Vehicle Repairs:** means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping and includes the sale of motor vehicle accessories and spare parts.

**Motor Vehicle Wash:** means any land or buildings where vehicles are washed and cleaned by, or primarily by, mechanical means.

**Motor Vehicle Wrecking:** means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

**Multiple Dwelling:** has the same meaning given to it in the Residential Design Codes.

**Museum:** means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

**Night Club:** means any land or buildings used generally for late night entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 (as amended) has been granted.

**Non-conforming Use:** means any use of land or building which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the provisions of this Scheme.

**Nursing Home:** means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.

**Office:** means a building or part of a building used for the conduct of administration, the practice of a profession, 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, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

**Officer:** means an employee of Council of the Shire of Northampton.

**Open Air Display:** means the use of land as a site for the display and/or sale of goods and equipment.

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

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

**Park Home:** means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes.

**Park Home Park:** means an area of land set aside exclusively for the parking of park or mobile homes occupied for residential purposes, whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.

**Parking Angle:** means the angle formed by the line delineating the particular car parking space or an extension thereof and the centre line of the access driveway to such space.

**Petrol Filling Station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories; but does not include a service station, transport depot, or panel beating, spray painting or motor vehicles repairs or wrecking.

**Piggery:** shall have the same meaning given to it in and for the purposes of the Health Act, 1911 (as amended).

**Place:** means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal water, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, 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
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

**Planning Consent:** means approval, with or without conditions, granted by Council in respect of an application to commence or continue development under Part VI of this Scheme.

**Planning Policy:** means a planning policy made by Council under Part VIII of the Scheme.

**Plant Nursery:** means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticulture.

**Plot Ratio:** shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Design Codes.

**Potable Water:** means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in the Australian Drinking Water Guidelines 1996 published by the National Health and Medical Research Council and Agricultural and Resource Management Council of Australia and New Zealand.

**Poultry Farm:** means land and buildings used for rearing or keeping of poultry for either commercial egg or commercial meat production (poultry includes chickens, ducks and turkeys but excludes emus and ostriches).

**Predominant Use:** is the use of land to which all other uses carried on that land are subordinate, incidental or ancillary.

**Prison:** shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).

**Private Recreation:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

**Produce Store:** means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

**Public Amusement:** means any land or buildings used for the amusement or entertainment of the public, with or without charge.

**Public Authority:** shall have the same meaning given to it in and for the purposes of the Act.

**Public Mall:** means any public street or right-of-way designed especially for pedestrians who shall have the right of way, and vehicle access shall be restricted to service vehicles at times specified by Council.

**Public Recreation:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

**Public Utility:** means any work or undertaking constructed or maintained by a public authority or Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**Public Worship:** means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education or a residential training institution.

**Radio and TV Installation:** means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

**Reception Centre:** means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

**Redevelopment:** means revision or replacement of an existing land use according to an overall plan.

**Reflective Material:** is defined as follows—

- (a) low reflective building material means any building materials that have a solar radiation or reflective value of 50% or less.
- (b) high reflective building material means any building materials that have a solar radiation or reflective value greater than 50%.

**Reformatory:** means land or buildings used for the confinement or detention in custody of juvenile offenders with a view to their rehabilitation.

**Relocated Building:** means a building which has been previously constructed on a building site whether within the Scheme Area or elsewhere and whether occupied or not.

**Reserve:** means any land reserved for a public purpose.

**Residential Building:** means 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 unit; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

**Residential Design Codes:** means the Residential Design Codes of Western Australia, set out in Appendix 1 of the Western Australian Planning Commission Statement of Planning Policy No 3.1.

**Resort Development:** means a holiday accommodation complex development of permanent buildings for the short-term accommodation of tourists, including non-habitable buildings for the purposes of convention centre, restaurant, hall and other buildings and areas for the amenity of the residents as determined by Council.

**Restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include both a licensed or unlicensed restaurant; but does not include a kiosk or fast food outlet.

**Restoration:** means any work or process on, at, or in respect of a building, structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

**Restricted Premises:** means any land or building, parts or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that area classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

**Retail:** means the sale or hire of products, goods or services to the public generally in small quantities.

**Retail Floor Area:** means the total floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet.

**Retirement Village:** means a development containing permanent accommodation for aged persons only together with the necessary ancillary facilities such as dining room, library and recreation facilities.

**Roadhouse:** means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop associated with the service station.

**Rural Pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) the growing of vegetables, fruit, cereals or food crops except for domestic purposes;
- (b) the rearing or agistment of deer, goats, sheep, cattle, emus, ostriches or beasts of burden;
- (c) the stabling, agistment or training of horses and the like;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (e) the sale of produce grown solely on the lot;

but does not include the following except as approved by Council—

- (i) the keeping of pigs;
- (ii) poultry farming;
- (iii) the processing, treatment or packing of produce;
- (iv) the breeding, rearing or boarding of domestic pets;
- (v) aquaculture.

**Salvage Yard:** means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

**Sawmill:** means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works.

**Scheme Area:** means the area defined in Clause 1.3 of this Scheme.

**Scheme Text:** means the document defined in Clause 1.4 of this Scheme.

**Service Station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles, but does not include petrol filling station, transport depot, panel beating, spray painting, major repairs or wrecking.

**Serviced Apartments:** means a building or buildings which contain self-contained units for transient accommodation.

**Shop:** means any building wherein goods are kept, exposed or offered for sale by retail or hire, or within which services of a personal nature are provided (including a hairdresser, masseuse, beauty therapist or manicurist) but does not include a showroom, fast food outlet, liquor store or any other premises specifically defined elsewhere in this part.

**Showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, videos, newspapers, books or paper products, china, glassware or domestic hardware; or items of personal adornment.

**Sign:** means a notice, message or display by means of a freestanding or fixed sign or boarding.

**Single House:** means an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act.

**Special Coastal Planning Area:** a coastal area identified by Council as having environmental, cultural and/or scenic values, and is either subject to development pressures, or such pressures are anticipated in the foreseeable future.

**Sports Ground:** means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

**Stable:** means any land, building or structure used for the housing, keeping and feeding of horses, asses, camels and the like, and associated incidental activities.

**Staff Accommodation:** means a building used for the purposes of accommodating staff employed to undertake a particular industry or activity carried upon the same lot.

**Storey:** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the roof and/or ceiling above it.

**Tavern:** means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

**Temporary Accommodation:** means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation or for the purposes of temporary accommodation for a period of not more than 12 months whilst the main dwelling in the lot is being constructed but does not include a relocated or caretaker's dwelling as defined elsewhere in this Part.

**Trade Display:** means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.

**Transport Depot:** means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

**Transportable Home:** means any new structure designed solely for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

**Veterinary Consulting Rooms:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.

**Veterinary Hospital:** means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during and after such treatment.

**Warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale only.

**Waterway:** shall have the same meaning given to it in and for the purposes of the Act.

**Wayside Stall:** means a building situated on private land which offers for sale to the general public, rural produce or any commodity which is produced solely on the land upon which the building is located.

**Wholesale:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No 1 1930, (as amended).

**Wine House:** means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

**Zone:** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.

**Zoological Gardens:** means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

#### APPENDIX 2—APPLICATION FOR PLANNING CONSENT

##### Shire of Northampton Town Planning Scheme No 9

1. Name of Applicant/Agent .....  
Address .....
  2. Name of Landowner .....  
(if different from above)  
Address .....
  3. Address for Correspondence .....
  4. Locality of Development .....  
(Street) (Town)
  5. Title Details of Land: Lot No..... Vol..... Folio .....
  6. State Type of Development .....  
(from Table 1—Zoning Table)  
Nature and size of all buildings proposed .....  
.....  
Materials to be used on External Surface of Buildings .....  
.....  
Details of Car Parking and Landscaping Proposals .....  
.....  
Approximate Cost of Proposed Development .....  
Estimated Time for Construction .....
- Signature of Landowner(s) ..... Date .....
- Signature of Applicant/Agent ..... Date .....

(both signatures are required if the Applicant is not the Landowner)

**NOTE:** This form should be completed and forwarded to Council together with 2 copies of plans showing complete details of the development as indicated on the reverse of this sheet.

**NOTE:** This form is not an application for a building licence which requires separate application to Council.

##### See Other Side for Required Plan Details

**ALL** applications shall be accompanied by the following plan details or as otherwise determined by Council upon application—

- (a) a location plan showing the land and the subject of the application and its relationship to surrounding lots and streets;  
and in the case of an application for the erection of new buildings—
- (b) a site plan or plans showing—
  - (i) the position, type and use of all existing buildings and improvements on the land, indicating those to be removed as part of the proposal;

- (ii) the position, type and use of any new buildings and improvements proposed on the land;
  - (iii) the position of any trees on the site showing those to be removed and those to be retained;
  - (iv) areas to be landscaped, surfaced for parking or developed for any other purpose within the site;
  - (v) contours and any earthworks to be undertaken as a part of the development;
  - (vi) the method by which stormwater run-off is to be contained on the site or discharged from the site;
- or in the case of an application for a change in the use of land and/or buildings—
- (c) a site plan and, where applicable, floor plan(s) of the existing building(s) indicating the uses to be made of the land and the respective building(s) or portions of the building(s).

**APPENDIX 3—APPLICATION FOR HOME OCCUPATION/  
COTTAGE INDUSTRY**

**Shire of Northampton Town Planning Scheme No 9**

- 1. Name of Applicant/Agent .....  
Address .....
- 2. Name of Landowner .....  
*(if different from above)*  
Address .....
- 3. Address for Correspondence .....
- 4. Locality of Development .....  
*(Street)* ..... *(Town)* .....
- 5. Title Details of Land: Lot No Vol Folio .....
- 6. State Type of Home Occupation/Cottage Industry .....  
Approximate Cost of Proposed Development .....

Signature of Landowner(s)..... Date .....

Signature of Applicant/Agent ..... Date .....

*(both signatures are required if the Applicant is not the Landowner)*

*NOTE: This form should be completed and forwarded to Council together with 2 copies of plans showing complete details of the areas to be used in relationship to the lot.*

*NOTE: Council approval for home occupation and cottage industry permits are for a maximum period of 12 months only with all permits being reviewed annually.*

**APPENDIX 4—NOTICE OF DEVELOPMENT PROPOSAL**

**Shire of Northampton Town Planning Scheme No 9**

It is HEREBY NOTIFIED for public information and comment that Council has received an application to develop land for the purpose described hereunder—

**LAND DESCRIPTION**

Lot No: .....

Street: .....

Proposal: .....

.....

.....

Details of the proposal are available for inspection at the Shire of Northampton Offices, Hampton Road, Northampton and Grey Street, Kalbarri.

Submissions/Comments on the proposal may be submitted to Council in writing on or before the .....day of..... 20.....

Chief Executive Officer .....Date.....

**This advertising is to provide the public with an opportunity to view the proposal and it should not be construed that final approval will be granted.**

**APPENDIX 5—NOTICE OF APPROVAL/REFUSAL OF PLANNING CONSENT**

**Shire of Northampton Town Planning Scheme No 9**

Council or its delegated officer having considered the following application;

1. Name and Address of Applicant/Agent .....
2. Name and Address of Landowner .....
3. Dated .....

hereby advise that it has decided to—

GRANT APPROVAL TO COMMENCE DEVELOPMENT  
 REFUSE APPROVAL TO DISPLAY AN ADVERTISEMENT

subject to the following conditions: for the following reasons—  
*(strike out whichever does not apply)*

This approval is valid for a period months from the date hereof.

*NOTE: If development is not substantially completed within that period a new approval must be obtained.*

Chief Executive Officer ..... Date .....

**APPENDIX 6—CONTROL OF ADVERTISEMENTS**

**(Additional Information Sheet)**

*(to be completed in addition to Appendix 2—Application for Planning Consent)*

1. Name of Advertiser (if different from Landowner) .....
2. Address .....
3. Description of Property upon which advertisement is to be displayed, including full details of its proposed position within that property .....
4. Details of Proposed Sign:  
 Inscription on Sign .....  
 Height ..... Width ..... Depth.....  
 Height above ground (top level of Advertisement underside) .....  
 Colours to be used .....  
 Materials to be used .....  
 Illuminated: Yes/No .....If Yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating, etc. ....  
 If Yes, state intensity of light source .....
5. State period of time for which advertisement is required .....
6. Details of signs, if any, to be removed if this application is approved .....

*NOTE: Applications should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.*

Signature of Advertiser(s) ..... Date .....

**APPENDIX 7—SPECIAL USE ZONES**

No.	Description of Land	Special Use	Conditions
1.	Lot 13 Clotworthy Street, Kalbarri.	<ul style="list-style-type: none"> <li>• Roadhouse</li> <li>• Shop</li> <li>• Office</li> <li>• Caretaker’s</li> </ul>	<p><u>Objective</u></p> <ul style="list-style-type: none"> <li>- To permit use of the land that provides facilities to support and promote tourism in association with the roadhouse facility.</li> </ul> <p>(1) The Caretaker’s Dwelling approval</p>

No.	Description of Land	Special Use	Conditions
		Dwelling	is restricted to the upper storey of the service station building. (2) All development shall comply with the requirements of the Scheme.

No.	Description of Land	Special Use	Conditions
2.	Portion of Victoria Location 11493 Ajana-Kalbarri Road, Kalbarri.	<p>The following uses are Permitted "P" as defined within Clause 3.2.2—</p> <ul style="list-style-type: none"> <li>• Equestrian Centre</li> <li>• Caretaker's Dwelling</li> <li>• Staff Accommodation</li> <li>• Car Park</li> </ul> <p>The following uses require the discretionary consent of Council as "AA" uses as defined within Clause 3.2.2, and may only be approved by Council if they are, in the opinion of Council, incidental to the use of the property as an Equestrian Centre—</p> <ul style="list-style-type: none"> <li>• Shop</li> <li>• Recreation Facilities</li> <li>• Open Air Display</li> <li>• Holiday Accommodation</li> <li>• Restaurant</li> <li>• Kiosk</li> <li>• Any other uses determined by Council to be incidental to the use of the property as an Equestrian Centre</li> </ul> <p>The following uses require the discretionary approval of Council as "SA" uses as defined within Clause 3.2.2, and may only be approved by Council if they are, in the opinion of Council, incidental to the use of the property as an Equestrian Centre—</p> <ul style="list-style-type: none"> <li>• Motel</li> </ul>	<p><u>Objective</u></p> <p>- To permit the development of an equestrian centre for the stabling and agistment of horses for hiring to the general public and development of associated tourist accommodation and recreation facilities.</p> <p><u>Subdivision</u></p> <p>(1) Subdivision shall be generally in accordance with the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.</p> <p><u>Building</u></p> <p>(2) All building on the lot shall be erected within the building envelope defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.</p> <p>(3) The building envelope shall not exceed 8,000m<sup>2</sup> in area.</p> <p>(4) Notwithstanding (2), Council may permit a variation to the location of the defined building envelope on the lot if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or environment and satisfies the minimum setbacks—</p> <ul style="list-style-type: none"> <li>—Front Boundary 30 metres</li> <li>—Rear Boundary 20 metres</li> <li>—Side Boundaries 15 metres</li> </ul> <p>(5) Notwithstanding (2), Council may permit the construction of stables outside the defined building envelope on the lot if it is shown to the satisfaction of Council that there will be no detrimental impact on the amenity of the Zone or neighbouring properties.</p> <p>(6) No stable is permitted within 15 metres of a habitable building on the lot.</p> <p>(7) All buildings (including stables) shall be sympathetic to existing landscape elements, namely landform and vegetation, in terms of their design, building height, materials and cladding colours.</p> <p>(8) All buildings shall be constructed utilising roof and external wall materials comprising natural earth or green vegetation colours.</p> <p>(9) The use of zinalume, galvanised iron and other coloured (including white or off-white) roof and wall</p>



No.	Description of Land	Special Use	Conditions
			<p>materials which, in the opinion of Council, prejudice the landscape amenity of the adjacent Kalbarri National Park and surrounding area, are not permitted.</p> <p>(10) All stormwater and runoff shall be disposed of within each lot and shall not be directed into the Landscape Protection Area.</p> <p>(11) No building shall exceed two storeys in height.</p> <p><u>Stock Control</u></p> <p>(12) No more than 45 horses shall be kept and/or agisted on the lot.</p> <p>(13) Notwithstanding (12), Council may reduce or vary the limit on stocking or place any other conditions in the light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the amenity of the Zone or neighbouring properties.</p> <p><u>Vegetation Protection</u></p> <p>(14) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to construct 'rural style' perimeter fencing (seven line ringlock and single strand top wire with posts at appropriate separations) for the lot.</p> <p><u>Servicing</u></p> <p>(15) Council shall require that the subdivider ensure prospective purchasers are advised in writing that no building intended for habitable purposes shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of Council in consultation with the Department of Health.</p> <p>(16) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to prepare a Fire Management Plan and undertake appropriate fire control measures within the Zone to the satisfaction of Council in consultation with the Fire and Emergency Services Authority of WA.</p> <p>(17) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to connect the lot to a potable reticulated water supply.</p> <p>(18) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to design and construct a sealed subdivisional road incorporating a suitable cul-de-sac head and drainage to the satisfaction of Council in consultation with Main</p>

No.	Description of Land	Special Use	Conditions
			<p>Roads WA.</p> <p>(19) Upon any subdivision of Victoria Location 11493 Ajana-Kalbarri Road, Council shall require that access/egress from the Equestrian Centre is restricted to the proposed subdivisional road only and that the existing access/egress point onto the Ajana-Kalbarri Road is removed and rehabilitated to the satisfaction of Council in consultation with Main Roads WA.</p> <p><u>Surrounding Land Uses and Conflict</u></p> <p>(20) Council shall require that the subdivider ensure prospective purchasers, and successors in title, are advised in writing that special rural living, keeping of horses, equestrian centre, tourist accommodation and associated and incidental activities are undertaken within the immediate vicinity of the Zone and landowners shall ensure that land use and development is designed and conducted in such a manner so as to not create conflict with these other land uses.</p> <p>(21) Council shall require that the proprietors and/or managers of the Equestrian Centre implement an appropriate system of management strategies and controls to ensure that the activities conducted on the lot will not adversely affect the amenity of the Zone, adjacent Kalbarri National Park and surrounding area by reasons of emissions of noise, dust, odour or fly and weed infestation.</p> <p>(22) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to prepare a Management Plan for the whole of the Scheme Amendment area as defined on the Subdivision Guide Plan (Map 3) to the satisfaction of Council in consultation with the Department of Conservation and Land Management and the Department of Environment to address the possible impacts on the Kalbarri National Park, Murchison River, and designated Landscape Protection Area. The Plan shall include, but not be limited to; stormwater management, fire prevention and control, rehabilitation and revegetation, and continued monitoring of environmental values of the area.</p> <p>(23) Access/egress from any lot into the adjoining Nature Reserve or National Park is not permitted without the written authority of the Department of Conservation and Land Management.</p>

No.	Description of Land	Special Use	Conditions
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No.	Description of Land	Special Use	Conditions
3.	Lot 22 Grey Street, Kalbarri.	<ul style="list-style-type: none"> <li>• Single House</li> <li>• Exclusive Jewellery &amp; Gift Shop</li> <li>• Air Charter Booking Office</li> </ul>	As determined by Council in accordance with the Scheme.

No.	Description of Land	Special Use	Conditions
4.	Lot 398 Porter Street, Kalbarri.	<ul style="list-style-type: none"> <li>• Tavern</li> </ul>	As determined by Council in accordance with the Scheme.

No.	Description of Land	Special Use	Conditions
5.	Portion of Lot 901 George Grey Drive, Kalbarri.	<p>The following uses are Permitted "P" uses as defined within Clause 3.2.2—</p> <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Motel</li> <li>• Chalet Park</li> <li>• Holiday Accommodation</li> </ul> <p>The following uses require the discretionary consent of Council as "AA" uses as defined within Clause 3.2.2—</p> <ul style="list-style-type: none"> <li>• Amusement Parlour</li> <li>• Club Premises</li> <li>• Private Recreation</li> <li>• Recreational Facilities</li> <li>• Restaurant</li> </ul> <p>The following uses require the discretionary consent of Council after giving notice as "SA" uses defined within Clause 3.2.2—</p> <ul style="list-style-type: none"> <li>• Micro-Brewery</li> <li>• Night Club</li> <li>• Tavern</li> </ul> <p>The following uses are not permitted, and may only be approved by Council if they are, in the opinion of Council, incidental to the use of the property for tourist accommodation as "IP" uses defined within Clause 3.2.2—</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Shop</li> <li>• Other uses incidental to the predominant use of the land as determined by Council</li> </ul> <p>The following uses are not permitted—</p>	<ol style="list-style-type: none"> <li>(1) 20% of individual sites shall be landscaped in accordance with a landscaping plan approved by Council.</li> <li>(2) A two-storey height restriction and plot ratio of 0.5 apply.</li> <li>(3) Variations to the above standards may apply at Council discretion.</li> <li>(4) Prior to any planning approval for a micro-brewery being granted by Council, the proponent shall prepare and submit for Council's consideration a site plan and a management plan demonstrating that the proposed use will be able to operate without unacceptable impacts on the residential amenity of existing or future adjacent residential properties. These plans shall address landscaping, car parking and vehicular access, visual amenity, relationship to adjacent uses, noise, odours, hours of operation and any other matter required to be addressed by Council. Council may impose conditions on any planning approval for a micro-brewery to ensure that any of the issues addressed by the site plan and management plan are to Council's satisfaction. Car parking provision, setbacks and landscaping shall be as determined by Council.</li> <li>(5) All development shall be connected to reticulated sewer.</li> <li>(6) No direct vehicular access from the site to George Grey Drive shall be allowed.</li> </ol>

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> <li>• Residential Use</li> <li>• Camping Area</li> <li>• Caravan Park</li> </ul>	

No.	Description of Land	Special Use	Conditions
6.	Reserve 41755—Lot 856 (Church Site) and Lot 990 Ralph Street/Harvey Place, Kalbarri.	<ul style="list-style-type: none"> <li>• Church</li> <li>• School</li> </ul>	As determined by Council in consultation with the Department of Land Administration.

No.	Description of Land	Special Use	Conditions
7.	Lots 12569 & 12570 (Reserve 45881) Ajana-Kalbarri Road, Kalbarri.	Aerial Landing Ground and associated facilities	As determined by Council in accordance with the Scheme.

No.	Description of Land	Special Use	Conditions
8.	Lot 834 Porter Street, Kalbarri.	<ul style="list-style-type: none"> <li>• Church</li> <li>• Caretaker's Dwelling</li> </ul>	<p>(1) The Caretaker's Dwelling approval is restricted for the use of the Minister/Parson or Authorised Representatives of the Church.</p> <p>(2) All development shall comply with the requirements of the Scheme as determined by Council.</p> <p>(3) A 5 metre wide buffer of native vegetation shall be maintained along the Porter Street and Nanda Drive frontages of the land.</p>

No.	Description of Land	Special Use	Conditions
9.	Lots 194 and 839 Clotworthy Street, Kalbarri.	<ul style="list-style-type: none"> <li>• Service Industry</li> <li>• Office</li> <li>• Shop</li> <li>• Showroom</li> </ul>	<p><u>Objective</u></p> <p>- To permit the use of the land for commercial/service industry purposes and encourage the development of attractive buildings and facilities.</p> <p><u>Development Standards</u></p> <p>(1) The building surrounds and parking areas shall be landscaped in accordance with an overall landscape plan approved by Council.</p> <p>(2) All building materials, finishes and colour schemes shall be to the satisfaction of Council.</p> <p>(3) Access/egress to/from the lots shall be located in a position approved by Main Roads WA.</p> <p>(4) Council encourages the use of a shared crossover and parking area for the whole Special Use Zone.</p>

No.	Description of Land	Special Use	Conditions
10.	Reserves 26591 and 32600 Ajana-Kalbarri Road, Kalbarri.	Tourist Accommodation to include— <ul style="list-style-type: none"> <li>• Resort Development;</li> <li>• Caravan Parks;</li> <li>• Motels;</li> <li>• Chalet Parks; and</li> </ul>	<p><u>Objective</u></p> <p>- To encourage the development of quality tourist accommodation, designed to allow for protection of the Murchison River estuary and foreshore and the character of the town;</p> <p>- To encourage a development form which is integrated into the existing landscape with minimal modifications of the</p>

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> <li>• Any other holiday accommodation and recreational uses as determined by Council to be incidental and complementary to the use of the property for Tourist Accommodation</li> </ul>	<p>natural landform;</p> <ul style="list-style-type: none"> <li>- To encourage pleasant and attractive buildings and facilities; and</li> <li>- To ensure the safe movement of pedestrian and vehicular traffic through and around the site.</li> </ul> <p><u>Development Standards:</u></p> <p><u>Public Access to the Foreshore</u></p> <p>(1) All development shall be set back from the Murchison River to enable public access to be maintained from Anchorage Lane and Grey Street at all times to the foreshore area.</p> <p>(2) An open space spine shall be developed along the low lying area separating the western most part of the site from the proposed residential area located immediately west of Anchorage Lane. This open space shall be used to provide a public accessway for pedestrians and cyclists, linking the existing townsite uses south of Ajana-Kalbarri Road with the estuary foreshore.</p> <p><u>Landscape</u></p> <p>(3) The overall landscape concept for the site shall be based on the principle of enhancing the natural landscape and character of the area to create a riverside environment in accordance with a Master Landscape Plan approved by Council.</p> <p>(4) The wide foreshore reserve lying between the site and the river shall be developed with low impact day use facilities such as car parks, barbecues, picnic areas and gazebos. All development shall be subject to the preparation of a Foreshore Management Plan for the area.</p> <p>(5) A landscaped buffer of a minimum width of 25 metres of suitable local native vegetation species for the full length of the site shall be provided to Council's satisfaction along the Ajana-Kalbarri Road to enhance the entrance to Kalbarri and screen the development.</p> <p><u>Siteworks</u></p> <p>(6) Materials used for landfill are to be free from organic matter and any environmental contaminants.</p> <p>(7) The final contours of the landform resulting from landfill and landscaping works shall not show excessive exaggerations on the natural landform to Council's satisfaction.</p> <p><u>Buildings, Servicing and Car Parks</u></p>

No.	Description of Land	Special Use	Conditions
			<p>(8) No buildings or substantial structures shall be constructed within the Murchison River riparian area or closer than 150 metres from the river edge.</p> <p>(9) All buildings to comply with Clause 5.2 of the Scheme relating to height.</p> <p>(10) Building heights should be graduated from low to high away from the river foreshore.</p> <p>(11) All building materials, finishes and colour schemes shall consist of natural earth or vegetation colours to the satisfaction of Council.</p> <p>(12) All buildings, courtyards and open spaces shall be designed and orientated to achieve protection from the southerly winds.</p> <p>(13) Reticulated water supply and deep sewage connections shall be provided to the development.</p> <p>(14) Car parking areas shall be designed away from the perimeter of the site and constructed as small 'pods' rather than as large expanses to the satisfaction of Council.</p>
11.	Lots 317 and 318 (Reserve 32330) Hasleby Street/Cornell Place, Kalbarri.	<ul style="list-style-type: none"> <li>• Church</li> </ul>	As determined by Council in consultation with the Department of Land Administration.

No.	Description of Land	Special Use	Conditions
12.	Lot 582 Red Bluff Road, Kalbarri.	<ul style="list-style-type: none"> <li>• Aquaculture</li> <li>• Aquarium</li> <li>• Caretaker's Dwelling</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Any other determined by Council to be incidental to the use of the property for the use(s) listed above</li> </ul>	<p>(1) Notwithstanding Clause 3.3 of the Scheme, all land uses identified in the Special Use column are subject to Council approval as "AA" uses, as defined in Clause 3.2.2 of the Scheme. Any development application shall be referred to the Department of Environment and Department of Health for comment and any comments received shall be considered by Council in determining that application.</p> <p>(2) Buildings shall be sympathetic to the existing landscape elements of landform and vegetation, in terms of their design, building height, materials and cladding colours.</p> <p>(3) Buildings shall be constructed utilising roof and external wall materials comprising natural earth or green vegetation colours.</p> <p>(4) The use of zincalume, galvanised iron or other coloured (including white or off-white) roof and wall materials which, in the opinion of Council, prejudice the landscape amenity of the adjacent Parks and Recreation Reserve and surrounding areas, is not permitted.</p> <p>(5) Buildings and structures shall be</p>

No.	Description of Land	Special Use	Conditions
			<p>suitably screened from view of adjoining properties and Red Bluff Road to the satisfaction of Council.</p> <p>(6) No building shall exceed two storeys in height.</p> <p>(7) All stormwater and runoff from the overall development on the site and wastewater from the aquaculture operations shall be contained and disposed of within the lot to the satisfaction of Council, in consultation with the Department of Environment and the Department of Health, to ensure the protection of water quality within the Kalbarri Water Reserve.</p> <p>(8) All effluent disposal systems shall be located at a minimum distance of 50 metres from any surface water body or watercourse and a minimum distance of 30 metres from any bore, well or dam and a minimum 2 metres separation is required between the base of the leach drain or soak well and the highest known water table or bedrock to the satisfaction of Council, in consultation with the Department of Health.</p> <p>(9) The proponent shall obtain the necessary licence(s) from the Department of Environment for all extraction of groundwater (whether potable or non-potable) associated with the development.</p> <p>(10) All habitable buildings and other publicly accessible buildings shall be provided with an individual supply of potable water.</p> <p>(11) Access, driveways and car parking areas shall be designed, constructed and drained to the satisfaction of Council.</p> <p>(12) The aquaculture operations shall be managed to ensure that there is no release of seahorse or other culture species to either waterways or the marine environment.</p> <p>(13) The subject land is within the proclaimed Kalbarri Water Reserve. Accordingly, the proposed aquaculture development shall be conducted in accordance with the requirements of the February 2003 Water and Rivers Commission Water Quality Note for Aquaculture Projects, or any subsequent guidelines replacing this Note.</p>

(A) Particulars of the Land

(B) Special Provisions

**1. Browne's Farm/Port Kalbarri Special Rural Zone**

(A) Pt Victoria Location 10791 Stiles Road and Explorer Avenue, Kalbarri.

(B) Special Provisions—

- (i) Subdivision: Subdivision shall be generally in accordance with the Superlot 2 Structure Plan Port Kalbarri, as endorsed by the Commission.
- (ii) Minimum Lot Size and Reticulated Water: The minimum lot size shall be 1.0ha and reticulated water shall be provided to all lots.
- (iii) Notwithstanding anything on Table 1—Zoning Table, no horses may be kept on any lot unless the landowner satisfies Council that they will be stabled and hand fed and that this provision warrants relaxation.
- (iv) Fencing: The minimum provisions for fencing along any boundary fronting a public street shall be unpainted post and wire, (including ringlock) and shall be of standard rural design and construction. Council may request the Commission place a condition at the time of subdivision approval requiring the subdivider to provide this fencing to a uniform standard. Fibre reinforced fencing is not permitted on any boundary.
- (v) Dwellings—Minimum Size and Materials—
  - (a) floor—no dwelling shall be constructed with an overall floor area (including walls) of less than 140m<sup>2</sup>.
  - (b) materials—all external cladding materials shall be of earthy or vegetation colours and all roofs shall be constructed in a material to the satisfaction of Council.
- (vi) Outbuildings: All outbuildings shall be constructed of external cladding materials in earthy or vegetation colours and all roofs shall be constructed in a material to the satisfaction of Council.
- (vii) Roads: All public roads, public accessways and battle-axe accessways shall be constructed to Council's specifications and satisfaction.
- (viii) Stormwater Disposal: Any stormwater runoff created by the development shall be contained and disposed of within the site to the satisfaction of Council.
- (ix) Indigenous trees, declared rare flora, scrub or other substantial vegetation may not be felled, cleared or removed without the written approval of Council except for—
  - (a) approved development and required building protection zones or hazard separation zones thereto for fire safety purposes;
  - (b) trees which are dead, diseased or dangerous;
  - (c) approved or required firebreaks, with the exception that Council may at its discretion vary the position of any firebreak to avoid destruction of any vegetation or due to the physical features of the subject land; or
  - (d) vehicular access to approved development.
- (x) Land Management: Land within the building envelope is to be managed in such a manner as to avoid the land being laid bare in vegetation resulting in loose, wind erodible conditions. Land outside the building envelopes is to be managed in such a manner that there will be no extensive clearing of the land save for vegetation that has to be removed for housing, firebreaks, outbuildings and accessway construction.
- (xi) Tree Retention: The Council may specify that groups of trees are required to retain the rural character of the locality. No person shall remove without the prior written consent of Council any of those trees.
- (xii) Effluent Disposal—
  - (a) All buildings and effluent disposal areas shall be constructed within the building envelope as defined on the approved Plan of Subdivision.
  - (b) All on-site effluent disposal systems shall be constructed so as to achieve a minimum vertical separation of 2.0 metres between the system and the highest known groundwater level.
  - (c) Notwithstanding the foregoing requirements, where the Subdivision Guide Plan defines an effluent disposal area within a building envelope, this area shall not be varied and the effluent disposal system shall be built within it.
- (xiii) Stocking Rates: Applications for keeping stock on any of the properties shall be accompanied by advice from Department of Agriculture regarding maximum acceptable stocking rates and associated land care controls.
- (xiv) Tree Planting: Council may require planting of additional trees as a condition of development approval and may request the Commission to impose a condition of subdivision approval requiring the provision of landscaping and tree planting to enhance the landscape quality of the locality. The tree species to be selected are to be endorsed by Council.



- (xv) Chlorine Buffer—Lots 288 & 291 Stiles Road: An Application for Planning Consent is required for development of a Single House, including ancillary outbuildings, on these lots. In considering any such application, Council will have regard to the chlorine buffer for the water tank on Lot 289 Stiles Road, and whether the proposed development will be appropriately located with respect to this buffer. Council may consult with the Water Corporation prior to determining any such application.

## 2. Big River Ranch Special Rural Zone

- (A) Portion of Victoria Location 11493, Ajana-Kalbarri Road, Kalbarri.  
(B) Special Provisions:

### Uses Not Permitted

- (1) Notwithstanding anything contained within the Zoning Table, the following uses are not permitted within Special Rural Zone No 2—
- Educational Establishment
  - Equestrian Centre
  - Plant Nursery
  - Veterinary Consulting Rooms
  - Veterinary Hospital
  - Zoological Gardens

### Subdivision

- (2) Subdivision shall be generally in accordance with the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment. Variations to the Subdivision Guide Plan may only be made subject to endorsement by Council and the Commission, and in consultation with other relevant government agencies.
- (3) The minimum lot size shall be 1.0 hectare.

### Building

- (4) (a) All building on a lot shall be erected within the building envelope defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.
- (b) No building envelope or effluent disposal system shall be located within the Landscape Protection Area defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment.
- (c) Notwithstanding (4 a), Council may permit a variation to the location of a defined building envelope on a lot if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or environment and satisfies the following minimum setbacks—
- Front Boundary 30 metres
  - Rear Boundary 15 metres
  - Side Boundaries 15 metres
- (d) Notwithstanding (4 a), Council may permit the construction of stables (maximum area of 24m<sup>2</sup>) outside the defined building envelope on a lot if it is shown to the satisfaction of Council that there will be no detrimental impact on the amenity of the Zone or neighbouring properties.
- (e) No stable is permitted within the Landscape Protection Area defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment or within 15 metres of a habitable building on a lot.
- (f) All buildings (including stables) shall be sympathetic to existing landscape elements, namely landform and vegetation, in terms of their design, building height, materials and cladding colours.
- (g) All buildings shall be constructed utilising roof and external wall materials comprising natural earth or green vegetation colours.
- (h) The use of zincalume, galvanised iron and other coloured (including white or off-white) roof and wall materials which, in the opinion of Council, prejudice the landscape amenity of the adjacent Kalbarri National Park and surrounding area, are not permitted.
- (i) All stormwater and runoff shall be disposed of within each lot and shall not be directed into the Landscape Protection Area.
- (j) No building shall exceed two (2) storeys in height.

### Stock Control

- (5) (a) No more than two (2) horses shall be kept and/or agisted on a lot.
- (b) Notwithstanding (5 a), Council may reduce or vary the limit on stocking or place any other conditions in the light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the amenity of the Zone or neighbouring properties.

#### Vegetation Protection

- (6) All remnant vegetation (excluding areas required for fire control, driveway access and servicing) within the Landscape Protection Area defined on the Subdivision Guide Plan (Map 3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment shall be protected from the horses by means of fencing to the satisfaction of Council.
- (7) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to construct 'rural style' perimeter fencing (seven line ringlock and single strand top wire with posts at appropriate separations) for each lot.
- (8) At the time of subdivision the Council will require the subdivider to prepare and implement a revegetation plan in order to minimise visual impact and to address the potential for wind erosion on the subject land. Thereafter, the landowner(s) shall be responsible for the maintenance and, where necessary, replacement of that vegetation.

#### Servicing

- (9) Council shall require that the subdivider ensure prospective purchasers are advised in writing that no dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of Council in consultation with the Department of Health.

For proposed Lots 9, 10, 11, and 12 on the Subdivision Guide Plan (Map3) contained within the Amendment documents for Amendment No 37 to Town Planning Scheme No 4 upon gazettal of that Amendment (or for lots on any subsequently endorsed subdivision guide plan over the same land), the tops of the leach drains are to be installed at ground level, and houses to be sufficiently elevated to achieve gravity discharge to drains or pumps used to achieve such discharge. This requirement for proposed Lots 9, 10, 11 and 12 may be varied if it is demonstrated to the satisfaction of Council that there is sufficient depth of sand over rock to allow adequate soakage of effluent.

- (10) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to prepare a Fire Management Plan and undertake appropriate fire control measures within the Zone to the satisfaction of Council in consultation with Fire and Emergency Services Authority of WA.
- (11) All lots created within the Zone shall connect to a potable reticulated water supply.
- (12) Council may request the Commission to impose a condition at the time of subdivision that requires the subdivider to design and construct a sealed subdivisional road incorporating a suitable cul-de-sac head and drainage to the satisfaction of Council in consultation with Main Roads WA.

#### Surrounding Land Uses and Conflict

- (13) Council shall require that the subdivider ensure prospective purchasers are advised in writing that the keeping of horses, equestrian centre, tourist accommodation and associated and incidental activities are undertaken within the immediate vicinity of the Zone and landowners shall ensure that land use and development is designed and conducted in such a manner so as to not create conflict with these other land uses.

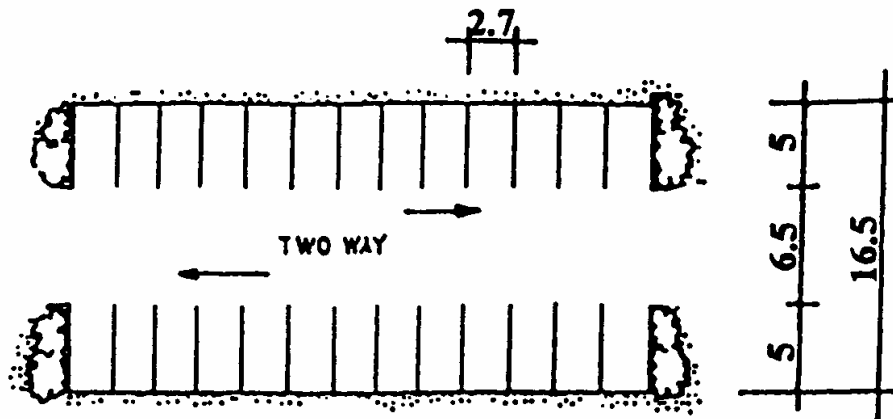
### **3. Ajana- Kalbarri Road Special Rural Zone**

- (A) Victoria Locations 10958, 11367, 11673 & 11716 (portion of Reserve No 26591) Ajana-Kalbarri Road, Kalbarri.
- (B) Special Provisions—
  - (i) Minimum Lot Size: The minimum lot size shall be in accordance with the present subdivision pattern for the land.
  - (ii) Development Standards: Site requirements shall be in accordance with Table 2—Development Standards for the Special Rural Zone with any variation subject to Council approval.
  - (iii) No horses may be kept on any lot unless the landowner satisfies Council that they will be stabled and hand fed and that this provision warrants relaxation.
  - (iv) Water Supply Provision: Where reticulated water supply is not available to a lot, a dwelling shall not be permitted unless a roof catchment water supply and storage of a

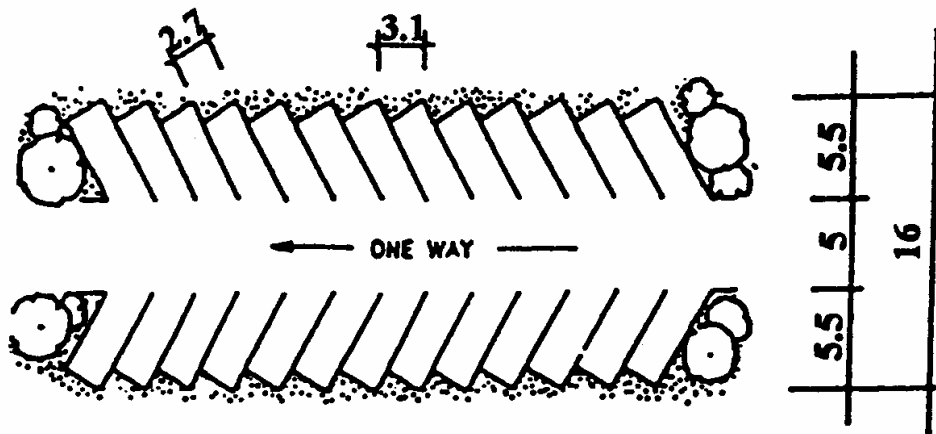
minimum of 92,000 litres is provided for domestic purposes is incorporated into the Application for a Building Licence.

- (v) Stormwater Disposal: Any stormwater runoff created by the development shall be contained and disposed of within the site to the satisfaction of Council.
  - (vi) Land Management: All land is to be managed in such a manner as to avoid the land being laid bare in vegetation resulting in loose, wind erodible conditions. All land shall be managed in such a manner that there will be no extensive clearing of the land save for vegetation that has to be removed for building, servicing, firebreaks or accessway construction.
  - (vii) Effluent Disposal: All on-site effluent disposal systems shall be constructed so as to achieve a minimum vertical separation of 2.0 metres between the system and the highest known groundwater level.
  - (viii) Stocking Rates: Applications for keeping stock on any of the properties shall be accompanied by advice from the Department of Agriculture regarding maximum acceptable stocking rates and associated land care controls.
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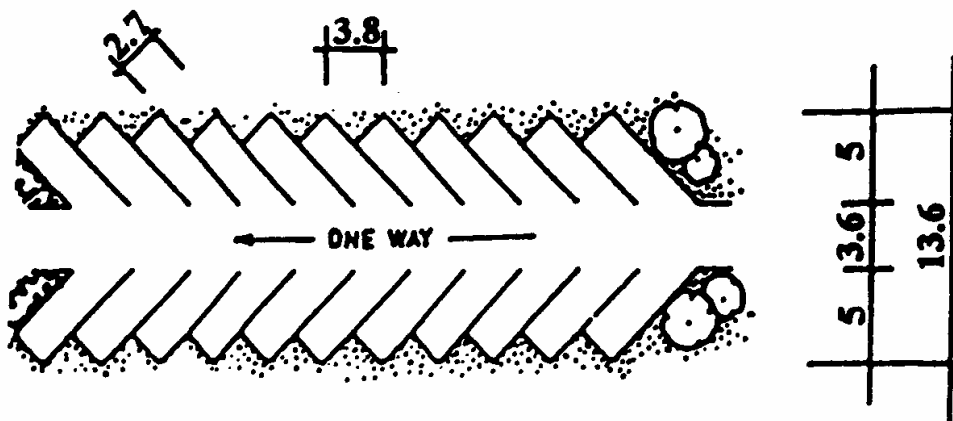
APPENDIX 9—CAR PARKING AREA DESIGN



1. 90° PARKING



2. 60° PARKING



3. 45° PARKING

**APPENDIX 10—EXEMPTED ADVERTISEMENTS PURSUANT TO  
CLAUSE 5.26.6**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPT SIGN AND TYPE (All non-illuminated, and within the property boundary unless otherwise stated)	MAXIMUM AREA OF SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Cottage Industry	One advertisement describing the nature of the cottage industry.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatre advertisement	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 sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Local Law for Signs. One freestanding sign not exceeding 1 metre in height above natural ground level.	N/A  Maximum permissible total area shall not exceed 1m <sup>2</sup> on any side.
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building and excluding signs projecting from a building whether or not those signs area connected to a pole, wall or other building. A maximum of two freestanding signs not exceeding 5 metres in height above natural ground level.	Total area of any such advertisement shall not exceed 15m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual signs shall not exceed 6m <sup>2</sup>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and  (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and  (b) 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  N/A  N/A

Advertisements within buildings	All advertisements placed or displayed within building which cannot ordinarily be seen by a person outside of those buildings.	N/A
TEMPORARY SIGNS ONLY	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated, and within the property boundary unless otherwise stated)	MAXIMUM AREA OF SIGN
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>
(b) Multiple Dwellings, Shops, Commercial & Industrial Projects.	One sign as for above.	5m <sup>2</sup>
(c) Large development or redevelopment involving shopping centres, offices or other buildings exceeding 3 storeys in height.	One additional sign showing the name of the project builder.	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 a 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, leasing or impending auction of the property 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 & Industrial Properties.	One sign as for above.	Each sign shall not exceed an area of 5m <sup>2</sup>
(c) Large properties comprised of Shopping Centres, buildings in excess of 4 storeys and rural properties in excess of 5ha.	One sign as for above.	Each sign shall not exceed an area of 10m <sup>2</sup>
Display Homes (advertisement signs displayed for the period over which homes are on display for public inspection)	(a) One sign for each dwelling on display. (b) In addition to (a) above one sign for each group 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 11—DEVELOPMENT AREAS

Area No.	Provisions
SCA1	(1) This Development Area is already addressed by the Development Strategy Plan for Port Kalbarri, incorporated in Amendment No 11 to the Shire of Northampton Town Planning Scheme No 4, and a Revised Structure Plan (Superlot 2 Port Kalbarri) dated 10 July 2003, endorsed by the Commission subject to it first being modified in accordance with a Schedule of Modifications,

Area No.	Provisions
	<p>conveyed to Council on 22 January 2004. These have effect unless and until superseded by a new or revised structure plan as set out in Clause 5.28, but do not confer development or subdivisional rights contrary to the zoning of any of the land in this Scheme.</p> <p>(2) The provisions in Clause 5.28 specify the process for any revisions to the abovementioned structure plans within this Development Area.</p> <p>(3) Subdivision within this Development Area will not be supported unless in accordance with a structure plan as per points (1) and (2) above.</p>

**ADOPTION**

Adopted by resolution of the Council of the Shire of Northampton at the Ordinary Meeting of the Council held on the 16<sup>th</sup> day of May 1997.

G. V. PARKER, President.

Date: 16 April 2001.

G. L. KEEFFE, Chief Executive Officer.

Date: 16 April 2001.

**FINAL APPROVAL**

Adopted by Resolution of the Council of the Shire of Northampton at the Ordinary Meeting of the Council held on the 15<sup>th</sup> day of March 2002 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

G. V. PARKER, President.

Date: 25 October 2004.

G. L. KEEFFE, Chief Executive Officer.

Date: 25 October 2004.

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

Recommended/Submitted for final approval by the Western Australian Planning Commission.

J. BELL, Delegated under S.20 of WAPC Act 1985.

Date: 22/12/04.

Final approval granted.

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date: 23/12/04.

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## POLICE

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PO501\*

**POLICE ACT 1892**

**POLICE AUCTION**

Under the provisions of the *Police Act 1892*, unclaimed and forfeited property and bicycles will be sold by public auction Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 2nd February 2005 at 10.00am.

The auction is to be conducted by Mr Brad Buckle, Mr. Craig Edwards, Mr. Kevin Grickage.

K. O'CALLAGHAN Commissioner of Police,

Western Australia Police Service.

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## PUBLIC SECTOR MANAGEMENT

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PS401\*

### PUBLIC SECTOR MANAGEMENT ACT 1994 EXEMPTION IN ACCORDANCE WITH SECTION 25

In accordance with Section 25(1) of the *Public Sector Management Act 1994*, I exempt the Minister for Health, deemed to be the Board of the Perth Metropolitan Health Service hospitals, in his corporate capacity under s7 of the *Hospitals and Health Services Act 1927*, from the Recruitment, Selection and Appointment Standard.

This exemption applies to offers of employment to existing permanent staff as a consequence of the purchase by the Government of the Kaleeya Hospital in Fremantle and the Galliers Hospital in Armadale. The exemption will apply once only to offers of employment to permanent staff of these hospitals as specified to me and cannot be used for future vacancies that may occur.

MAXINE MURRAY, Commissioner,  
for Public Sector Standards

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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>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
10581	Susan Ward	Application for the grant of a Producer's licence in respect of premises situated in Manjimup and known as Angelicus Wines	19/01/2005
10585	Edwin Maurice McMullen Moore, Silvano Roberto Todesco, Lisa Michelle Todesco and Elizabeth Dawn Moore	Application for the grant of a Producer's licence in respect of premises situated in Burekup and known as Kyandabee Vineyard	23/01/2005
10589	Ivangold Holdings Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Donnybrook and known as Redwood Winery	31/01/2005
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
22343	Jayview Holdings Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Langford and known as Poster's Tavern	26/01/2005
<b>APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES</b>			
212182	Gemtower Trading Pty Ltd	Application for approval to alter/redefine the Hotel in respect of premises situated in Perth and known as Criterion Hotel Perth	07/02/2005
212763	Raminea Pty Ltd	Application for approval to alter/redefine the Hotel in respect of premises situated in Tom	29/01/2005



Price and known as Tom Price Hotel Motel

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

Dated: 12 January 2005.

H. R. HIGHMAN, Director of Liquor Licensing.

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## WATER

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WA401\*

### WATER AGENCIES (POWERS) ACT 1984 PERTH SEAWATER DESALINATION PLANT

Notice of Proposal to Construct a new Nicholson Road Pump Station.

As part of the Perth Seawater Desalination Project, the Water Corporation needs to build a new pump station at Nicholson Road as

The pump station will be the biggest of its kind in Western Australia with the flexibility to pump between 90 and 180 million litres of water per day as required. It will also be designed to allow for further expansion up to 250 million litres per day.

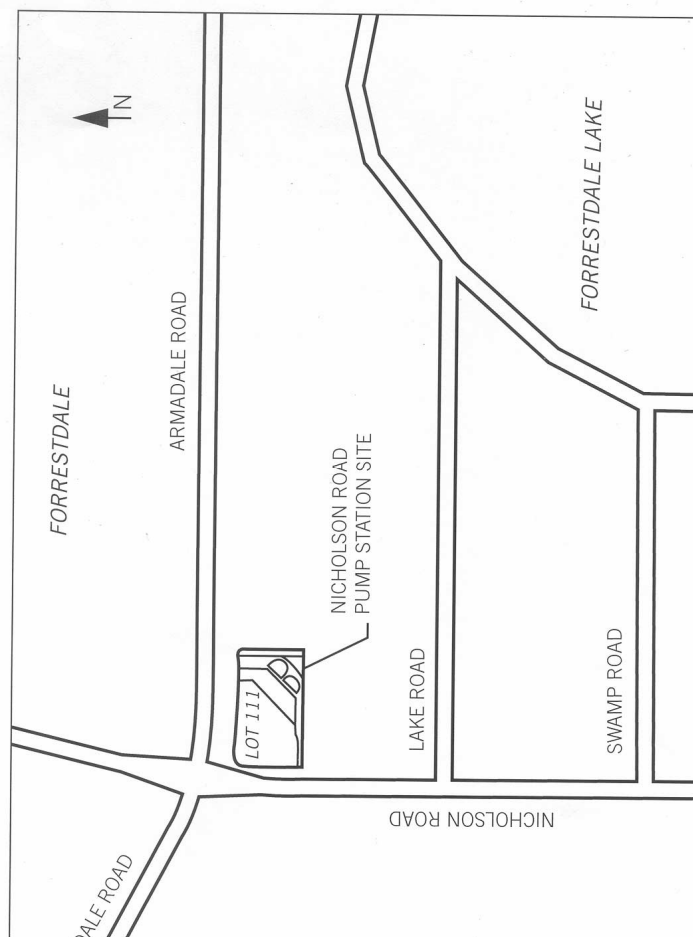
The pump station will be approximately 58 metres long, 20 metres wide and 10 metres high. The pipework within the site will mainly be below ground and constructed using open trench excavation. Six surge vessels, each approximately 12 metres high, will also be constructed. These are needed to regulate the pipeline pressure. Construction of the pump station, connecting pipework and surge vessels is scheduled to begin in April 2005 and will continue for approximately 15 months.

A copy of this Notice of Proposal (referred to as HM96-0-1) is available for viewing during office hours at the Water

Corporation's Perth Regional Business Office, 13 South Street, Canning Vale.

Written objections should be sent to: Project Manager, Gordon March, Water Corporation, PO Box 100, Leederville WA 6902, before the close of business on 4 February 2005.

If you would like any specific details or to discuss the project, please contact the Project Manager Gordon March on (08) 9420 2719.



WA402\*

**WATER AGENCIES (POWERS) ACT 1984  
PERTH SEAWATER DESALINATION PROJECT**

Notice of Proposal to Construct a new Seawater Desalination Plant.

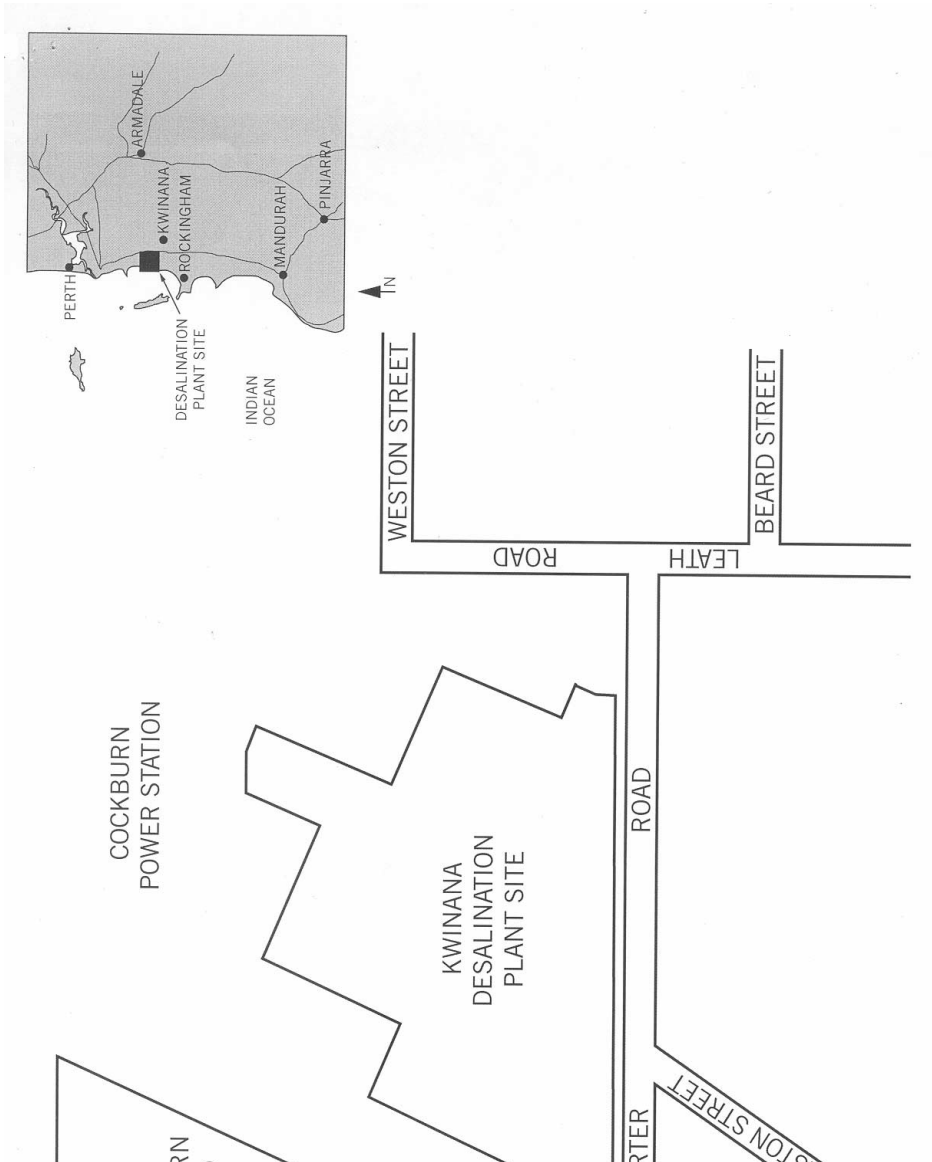
As part of the Perth Seawater Desalination Project, the Water Corporation needs to build a desalination plant adjacent to Western Power's Kwinana Power Station as shown in the map above.

The plant will produce up to 130 million litres per day or 45 gigalitres per year, for customers in the Integrated Water Supply Scheme. This is around 17% of our current water needs. When complete it will be the biggest reverse osmosis desalination plant in the southern hemisphere.

Construction is scheduled to begin in April 2005 and will continue for approximately 18 months.

A copy of this Notice of Proposal (referred to as HJ27-0-1.1) is available for viewing during office hours at the Water Corporation's, John Tonkin Water Centre, 629 Newcastle St, Leederville and the Perth Regional Business Office, 13 South Street, Canning Vale.

If you would like any specific details or to discuss the project, please contact the Project Manager John Stansfield on (08) 9420 3253. Written objections should be sent to John Stansfield, Project Management Branch, Water Corporation, PO Box 100, Leederville WA 6902, or faxed to (08) 9420 2775 before the close of business on 4 February 2005.



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**DECEASED ESTATES**

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**ZX401****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Daphne Maud Pierce, late of Unit 13, 39 Hillwood Avenue, Warwick in the State of Western Australia, 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 31st day of July 2004, are required by the Executor, Garry Evan Same 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 15th day of February 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 7th day of January 2005.

GARRY E. SAME, Taylor Smart.

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**ZX402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Gladys Katherine Seinor late of Lot 41, Bluewater Drive, Jurien, Western Australia, Retired, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect to the estate of the deceased who died on the 5 February 2004 are required by the Executors and Trustees Francis Keith Seinor of Lot 41 Bluewater Drive, Jurien, Western Australia, Robert Cameron Seinor of 31 Paradise Circuit, Halls Head, Western Australia and Phillip Thurston Seinor of Unit 1, 13 Symmons Street, Bunbury, Western Australia to send particulars of their claims to them, by no later than the 14th day of February 2005 after which date the Executors may distribute the assets having regard only to the claims on hand.

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**ZX403****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Estate of the late Vera Hazel Howie of Floreat Park in the State of Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the above-named deceased who died on 16 October 2004 are required to send particulars of their claims to the Executor of care of RSM Bird Cameron within one (1) month of the date of publication of this notice after which date the Executor may convey or distribute the assets having regard only to claims of which notice has been given.

c/- RSM Bird Cameron Chartered Accountants, 8 St. George's Terrace, Perth WA 6000.

Telephone: (08) 9261 9144

REF: 940986

**ZX404****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 14th February 2005 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Artis, Joy, late of 162 Holland Street Fremantle, died 4/9/2004, (DE30335312EM17)

Bishop, Eileen Florence, late of Trinity Hostel Room 22 145-165 Hillview Terrace Bentley formerly of 22 Trinity Lodge Rivergum Way Rowethorpe Bentley, died 21/12/2004, (DE19760291EM27)

Brown, Marjorie Phyllis, late of Sherwin Lodge 31 Webb Street Rossmoyne, died 21/12/2004, (DE19640548EM32)

De Vere-Tyndall, Irene Gladys also known as Irene Gladys Tyndall, late of Kinross Care Centre Anglican Homes 71 Kinross Drive Kinross, died 29/12/2004, (DE19660823EM17)

Donegan, Sylvia Malvina, late of Beverley Hospital Sewell Street Beverley, died 11/11/2004, (DE31054174EM36)

Dorrington, Olive Maud, late of 1/23 Helmsley Street Scarborough, died 23/12/2004, (DE19880024EM15)

Drohan, James also known as Jimmy Drohan, late of 13/318 Canning Highway Bicton, died 2/1/2005, (DE33010997EM34)

Fulton, Barbara Gavin, late of 17 Nelligan Street Dianella, died 25/12/2004, (DE19754595EM27)

Harben, Mabel Olive, late of 48 Strickland Street South Perth, died 20/12/2004, (DE19792107EM22)

Howieson, Molly, late of Unit 12/11 Glendale Mews Ballajura, died 14/12/2004, (DE19962358EM35)

Livie, John Binnie, late of 3 Thongsbridge Street Mount Lawley, died 21/12/2004, (DE19703599EM12)

Logan, Vicki Verna, late of 44 King Street Boulder, died 25/10/2004, (DE19961549EM110)

Mirkovic Dusan, late of 6/7 Heyshot Road Balga, died 13/5/2004, (DE33033388EM27)

Morgan, Gay Susanne, late of 2-10 Oakwood Crescent Waikiki, died 15/10/2004, (DE30326972EM27)

Okle, Edward, late of 25 Charles Street Bunbury, died 7/11/2004, (DE19703066EM27)

Roberts, Grace Emily, late of Hollywood Senior Citizens Village 118-120 Monash Avenue Nedlands, died 12/11/2004 (DE19900192EM37)

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

Telephone: 9222 6777

**PUBLIC NOTICES****ZZ401****DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

JEAN-PAUL OKOLIE

In accordance with the *Disposal of Uncollected Goods Act 1970*, Ray Counsel Motors announces its intention of disposing of the following vehicle—

Rover Sedan 1 AMX 895, left with this company for repairs in March 2001.

WESTERN AUSTRALIA  
**RETIREMENT VILLAGES ACT 1992**

## **CLAIMS FOR MISSING ISSUES**

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

### **SUBSCRIPTION CHARGES 2005**

All subscriptions are for the period from 1 January to 31 December 2005. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

<b>GOVERNMENT GAZETTE</b>	<b>STATUTES</b>
<p>General <i>Government Gazettes</i> are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.</p> <p>Special <i>Government Gazettes</i> are published periodically.</p> <p><b>All Gazettes</b> \$</p> <p>Within WA ..... 826.10</p> <p>Interstate ..... 842.60</p> <p>Overseas (airmail) ..... 1,151.00</p> <p><b>Bound Volumes of full year</b> ..... 1,098.90</p> <p><i>Gazettes on CD ROM from 1998</i> (per year) ..... 753.50</p> <hr/> <p style="text-align: center;"><b>INDUSTRIAL GAZETTE</b></p> <p>Industrial Gazette is published monthly.</p> <p>Within WA ..... 359.70</p> <p>Interstate ..... 429.00</p> <p>Overseas (airmail) ..... 545.00</p> <p><i>Gazettes on CD ROM from 1998</i> (per year) ..... 325.60</p> <hr/> <p style="text-align: center;"><b>HANSARD</b></p> <p>Hansard is printed and distributed weekly during parliamentary sessions.</p> <p>Within WA ..... 784.30</p> <p>Interstate ..... 958.10</p> <p>Overseas (airmail) ..... 903.00</p> <p><b>Bound Volumes of Hansard</b></p> <p>Within WA ..... 773.30</p> <p>Interstate ..... 785.40</p> <p><i>Hansards on CD ROM from 1999</i> (per year) ..... 803.00</p>	<p><b>Bound Statutes</b></p> <p>Bound volumes are posted during March of the following year.</p> <p style="text-align: right;">\$</p> <p>Within WA ..... 280.50</p> <p>Interstate ..... 311.30</p> <p>Overseas ..... 288.00</p> <p>Half Calf Bound Statutes ..... 771.10</p> <p><i>Bound Volumes on CD ROM from 1998</i> (per year) ..... 279.40</p> <p><b>Loose Statutes</b></p> <p>Statutes are posted weekly as they become available.</p> <p style="text-align: right;">\$</p> <p>Within WA ..... 301.40</p> <p>Interstate ..... 311.30</p> <p>Overseas (airmail) ..... 405.00</p> <p><b>Sessional Bills</b></p> <p>Bills are posted weekly as they become available.</p> <p style="text-align: right;">\$</p> <p>Within WA ..... 413.60</p> <p>Interstate ..... 433.40</p> <p>Overseas (airmail) ..... 587.00</p> <hr/> <p>Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.</p>

