



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

6951



PERTH, TUESDAY, 17 DECEMBER 1996 No. 197

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

Publishing Details

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* and Extraordinary *Government Gazettes* are published periodically, all gazettes are included in the subscription price.

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PUBLISHING DETAILS FOR CHRISTMAS 1996 AND NEW YEAR HOLIDAY PERIOD 1997

For *Government Gazette* published 3.30 pm Friday 27 December 1996,
closing time for copy will be 12 noon Monday 23 December 1996.

For *Government Gazette* published 3.30 pm Tuesday 31 December 1996,
closing time for copy will be 12 noon Friday 27 December 1996.

For *Government Gazette* published 3.30 pm Friday 3 January 1997,
closing time for copy will be 12 noon Tuesday 31 December 1996.

FAIR TRADING**FT401****IN THE MATTER OF THE COMPANIES (CO-OPERATIVE) ACT 1943**

IN THE MATTER OF ESPERANCE ORGANISED PRIMARY PRODUCERS CO-OPERATIVE LIMITED
 Notice is hereby given that, pursuant to Section 26 (1) of the abovenamed Act, a Certificate of Incorporation, as a Limited Company, has this day been issued to Esperance Organised Primary Producers Co-Operative Limited.

Dated this 4th day of December 1996.

R. NEAL, A person authorised by the Commissioner
 for Corporate Affairs in Western Australia.

LAND ADMINISTRATION**LA501****LAND ACT 1933**

Department of Land Administration.

Dola File 7062/904.

It is hereby notified that it is intended to Grant a Special Lease over Cockburn Sound Location 4281 to Wavelength Pty Ltd and Waterquest Pty Ltd under Section 116 of the Land Act 1933 for the purpose of "Retail of gifts, souvenirs, fish and chips and kebabs" for a term of twenty (20) years.

A. A. SKINNER, Chief Executive.

LB701*

Schedule No.A51/1996
 Exco No.1436
 DOLA 3054/1995

LAND ACQUISITION AND PUBLIC WORKS ACT 1902**NOTICE OF RESUMPTION OF LAND**

For the purposes of granting estates, interests or rights under written law as authorised by the Governor under Section 33C of the Land Acquisition and Public Works Act described in the Schedule (Use/Purpose), the land described in the Schedule ("the resumed land") has been set apart, taken or resumed. A plan and a more particular description of the resumed land may be inspected between 8.00 a.m. and 5.00 p.m. on working days at: Department of Land Administration, Midland Square, Midland.

The resumed land shall, by force of the Land Acquisition and Public Works Act 1902, be vested in Her Majesty for the public work, freed and discharged of all trusts, mortgages, charges, obligations, estates, interests, right-of-way, or other easements whatsoever.

SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
Coorow (Shire)	All that land on Plan 19176 being Green Head Lot 541(32.7660 hectares).	Crown.	1. Subdivisional development including the provision of services (such as power, roads, water, sewerage) and land for housing, recreation and community purposes. 2. Sale of lots.	Plan 19176	951861 4059/1989
Donnybrook / Balingup (Shire)	Noggerup Town Lot 60 being vacant Crown land and adjacent vacant Crown land (1424 square metres)	1. Crown. 2. UGLE Clarrie (WC96/92).	Sale for inclusion into Noggerup Town Lot 95.	LAWA 1168	960057 2725/1974
Manjimup (Shire)	Northcliffe Lot 103 being vacant Crown land (2.6713 hectares)	Crown	Sale of lot for short stay accommodation development.	Diagram 91498	907930 2574/1926
Meekatharra (Shire)	Portion of Meekatharra Townsite including Kyarra Location 38 being vacant Crown land (4.6353 hectares).	1. Crown 2. WALLEY Kevin Peter (WC96/26)	Sale of lot for subdivisional development.	LAWA 1126	952466 6346/1949

Dated 3 December 1996.

GRAHAM KIERATH MLA, Minister for Lands.

Dated 3 December 1996.

MICHAEL JEFFREY, Governor in Executive Council.

LOCAL GOVERNMENT**LG301****LOCAL GOVERNMENT ACT 1995***The Municipality of the City of South Perth*

Local Law Relating to Standing Orders

No. 1 of 1996

In pursuance of the powers conferred upon it by the Local Government Act 1995 and of all other powers enabling it, the Council of the Municipality of the City of South Perth hereby records having resolved on 27 November, 1996 to make the following Local Law:—

Short Title

1. This Local Law may be cited as *Standing Orders Local Law 1996*.

Commencement

2. This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Content and Intent

3. This Local Law provides the rules and guidelines which apply to the conduct of meetings of Council, meetings of Committees of Council and meetings of Electors.

4. This Local Law is intended to result in:

- (a) better decision making by Council;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) the community understanding the process of conducting meetings dealing with Council business; and
- (d) the more efficient and effective use of time at meetings.

Previous By-laws

5. The By-laws published in the *Government Gazette* on 12 December 1980, 16 August 1985, 2 September 1988, 5 February 1993, 14 May 1993, 25 May 1994 and 28 February, 1996, and all other By-laws relating to Standing Orders to be followed at meetings of the Council and at Committee Meetings of the Council are hereby repealed.

Standing Orders

6. The proceedings and business of the Council shall be conducted according to this Local Law, the clauses of which shall be referred to as "the Standing Orders".

Interpretation

7. In this Local Law, unless the context otherwise requires:—

"**Act**" means the Local Government Act 1995;

"**Additional Ordinary Meeting**" means a meeting of Council which is held in addition to the Ordinary Monthly Meeting for the purpose of considering and dealing with the ordinary business of Council subject to clause 19;

"**Clause**" means a clause of this Local Law;

"**CEO**" means the Chief Executive Officer for the time being of the Council and includes in the absence of the Chief Executive Officer the Acting Chief Executive Officer of the Council;

"**Committee**" means a Committee established by the local government under the Local Government Act 1995, Sections 5.8 and 5.9(2)(a) to (d);

"**Council**" means the Council of the City of South Perth;

"**Mayor**" includes, in the absence of the Mayor, the Deputy Mayor and, in his absence, includes the Councillor chosen to preside at any meeting of the Council;

"**Member**" means the Mayor or a Councillor of the City of South Perth;

"**Ordinary Monthly Meeting**" means a meeting of Council, held on a monthly basis, for the purpose of considering and dealing with the ordinary business of Council subject to clause 19;

"**Regulation**" means the Local Government (Administration) Regulations 1996;

"**Special Meeting**" means a meeting of Council which is held for the purpose of considering and dealing with Council business which is urgent, complex in nature or confidential. A Special Meeting may only consider such business as is specified in the notice for the meeting.

Mayor to Preside

8. The Mayor, if present, shall preside at all meetings of the Council and, in his absence, or if, after being present, he retires, the Deputy Mayor shall preside, but if he is not present or after being present retires, then one of the Councillors chosen by the Councillors then present shall preside.

Quorum

9. (a) At any meeting of the Council a quorum shall be at least 50% of the number of offices (whether vacant or not) of Member of the Council.

(b) Subject to clause 10, every meeting shall proceed to business as soon after the time stated in the notice calling the meeting as a quorum is constituted.

Absence of Quorum

10. If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor, or in his absence, the Deputy Mayor, or in his absence, the majority of the Councillors present, or any Councillor present alone, if only one be present, or if no Councillor is present, the CEO or person authorised by the CEO may adjourn the meeting.

11. If at any time during any meeting of the Council a quorum is not present the Mayor shall thereupon suspend the proceedings of the meeting for a period of two minutes, and if a quorum be not present at the expiration of that period, the Mayor shall adjourn the meeting to some future date.

12. At any meeting which is adjourned for want of a quorum the names of the members then present shall be recorded in the Minute Book.

Open Doors-Except as Provided

13. (a) The business of the Council shall be conducted with open doors unless resolved by Council to proceed behind closed doors for consideration of those matters mentioned in Section 5.23 of the Act or prescribed by regulation.

(b) Upon the carrying of such a resolution as is mentioned in sub-clause (a) of this clause, the Mayor shall direct all persons to leave the Council Chambers, other than Councillors, nominated Council employees and where applicable any deputation invited by Council under clause 28(d), and every person shall forthwith comply with such direction.

(c) Any person failing to comply with a direction given pursuant to sub-clause (b) of this clause may, by order of the Mayor, be removed from the Council Chamber.

(d) After the carrying of a resolution made under sub-clause (a) of this clause, the business at that meeting of the Council shall proceed behind closed doors until the Council, by resolution, decides to proceed with open doors, provided that no resolution other than one "that the Council now proceed with open doors", shall be carried whilst Council is proceeding behind closed doors.

Distinguished Visitors

14. If a distinguished visitor is present at a meeting of the Council, the Mayor may invite the visitor to sit beside the Mayor or at the Council table.

Reporters

15. At all meetings news media reporters from time to time nominated by the Council shall be permitted to occupy such part of the Council Chamber as may be appropriated for their specified accommodation, but they shall withdraw during any period when the Council is sitting behind closed doors. Nothing in this clause shall be construed to affect the right of any other reporter to attend at a meeting of Council while the business of the Council is being conducted with open doors.

Visitors not to Disturb Meeting

16. The admission of the public to the Council Chamber shall be under and subject to the condition that no expression of dissent or approval and no conversation shall take place and, in the event of any breach of this condition, the Mayor may, at his discretion and without vote of Council, require the person or persons so offending to withdraw from the Council Chamber.

Disturbance by Strangers

17. (a) A person, not being a Councillor, shall not at any meeting of the Council in any way interrupt the proceedings of the Council.

(b) Any person interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chamber.

(c) Any person who, being ordered to leave the Council Chamber pursuant to any clause, fails to do so may, by order of the Mayor, be removed from the Council Chamber.

Agenda Closing Times

18. (a) Correspondence or other matters submitted for Council's consideration shall be referred in the first instance to the appropriate Standing Committee of the Council unless the Council directs otherwise, or there are exceptional or urgent circumstances.

(b) Correspondence or other matters shall be included in the Agenda for a meeting of a Committee of Council only if lodged with the CEO prior to 12.00 noon on the Friday of the week immediately preceding the week in which the meeting is to be held.

(c) Nothing in sub-clauses (a) or (b) above shall prevent the Council from time to time setting different closing times for agenda items for a particular matter or class of matter for Council or Committee meetings.

(d) Late correspondence for Council and Committee meetings shall be entertained only if it is a matter of urgency or if it refers to a matter already included on the Agenda.

(e) Nothing in sub-clauses (a), (b), (c) or (d) shall prevent a Councillor from submitting by Notice, in accordance with clause 26, a matter for consideration by the Council without prior reference to a Committee.

Order of Business at Ordinary Monthly Meeting

19. The order of business at an ordinary monthly meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to that effect, be as nearly as practicable as follows, that is to say:—

- (a) Apologies
- (b) Public Question Time
- (c) Confirmation of Minutes
- (d) Business Arising from Minutes of Previous Meeting
- (e) Reports—
 - (i) Environmental Committee
 - (ii) Works Committee
 - (iii) Technical Services Committee
 - (iv) Finance, Business and General Purposes Committee
 - (v) Other Committees
 - (vi) Delegates
- (f) Announcements: His Worship the Mayor
- (g) Notices of Motion (as per Clause 26 of Standing Orders Local Law 1996)
- (h) Matters referred by the Western Australian Municipal Association
- (i) Correspondence
- (j) Late Correspondence
- (k) Notices of Business (as per Clause 25 of Standing Orders Local Law 1996)
- (l) Other Business

Order of Business at Special Meeting

20. The order of business at any special meeting of the Council shall be confined to and be the order in which that business stands in the notice of the meeting.

Tape Recorder and Mobile Telephones

21. (a) Without the prior consent of the Council a person shall not use any tape recorder or device or machine designed to record or capable of recording sound at any meeting of the Council or any meeting of a Committee of the Council;

(b) Mobile telephones and audible pagers are not to be switched on nor used in the Council Chamber.

Confirmation of Minutes

22. (a) The pasting to the leaves or otherwise permanently affixing the Minutes in a book is a sufficient recording of the Minutes in the book.

(b) The reading at the next ordinary meeting of the Council of the Minutes of the previous meeting may be dispensed with when members have been supplied with copies thereof at least three days before the holding of that next ordinary meeting.

(c) A copy of the unconfirmed Minutes of Council and Committee meetings shall be placed in each of Council's Libraries and shall be made available to members of the public to examine and copy during the hours in which the Library is open to the public :-

- (i) in the case of a Council meeting, within ten business days after the meeting; and
- (ii) in the case of a Committee meeting, within five business days after the meeting.

Questions

23. The Mayor or any Councillor may without notice during the course of a debate, or at appropriate times during a meeting, ask any question relevant to that debate or to the subject under discussion or to the ordinary business of the Council. The person to whom the question is addressed shall answer to the best of his/her knowledge and ability. In answering any question a person may qualify his/her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend his/her answer.

24. Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

Notice of Business

25. A Member shall give notice of business to consider a substantive matter other than through a relevant Committee of Council by giving notice in writing to the CEO in sufficient time for the requirements of the Act regarding notice to Members to be met and for the item to be included on the Agenda for the proposed meeting.

Notice of Motion

26. A Member shall give notice of motion to revoke or change a previous resolution of the Council, or as otherwise required by the Act, by giving notice in writing to the CEO in sufficient time for the requirements of the Act regarding notice to members to be met.

27. Every such motion as is mentioned in clause 26 shall lapse unless :-

(a) the Member who gave notice thereof, or some other Member authorised by him/her in writing, is present to move the motion when called on; or

(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

Deputations

28. (a) Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the CEO a memorial, setting out in concise terms the subject matter to be raised by the deputation.

(b) Where the CEO receives a memorial in terms of this clause, he shall lay the memorial:—

(i) before the Committee concerned; or

(ii) where there is no Committee concerned, before the Mayor.

(c) A Committee or the Mayor receiving a memorial in terms of this clause may either receive the deputation or lay the memorial before the Council.

(d) Where a memorial is laid before the Council under sub-clause (c) of this clause, the Council may resolve to receive the deputation whilst sitting with either open or closed doors.

29. A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council or Committee.

Councillors to Address Mayor

30. Any Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the Mayor unless prevented from doing so by sickness or infirmity.

Point of Order

31. (a) A Councillor who is addressing the Mayor shall not be interrupted except upon a point of order, in which event he/she shall resume his/her seat until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

(b) A Councillor rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.

(c) A violation of any provision of this clause is a breach of order.

Substance of Motion to be Stated

32. Any Councillor desirous of proposing an original motion or amendment shall state its substance, purpose and effect before he/she addresses the Council thereon and, if so required by the Mayor, shall put the motion or amendment in writing.

Motions and Amendments to be Seconded

33. (a) A motion or amendment shall not be discussed or put to the vote of the Council unless seconded.

(b) A nomination to the position of Deputy Mayor is not required to be seconded.

Unopposed Business

34. (a) Upon a motion being moved and seconded, the Mayor shall enquire if any Councillor opposes that motion. If no one indicates an intention to oppose the motion, the Mayor may proceed to put the motion to the vote without debate.

(b) If a Councillor signifies opposition to a motion the motion shall be dealt with according to the Standing Orders generally.

Titles to be Used

35. A speaker, in referring to any other present shall designate him/her by the title Mayor or Councillor, as the case may be.

Priority of Speaking

36. Where two or more Councillors rise to speak at the same time, the Mayor shall decide who of them is entitled to priority.

Mayor to be Heard

37. Whenever the Mayor rises during a debate any Councillor then speaking or offering to speak shall sit down and the Council shall be silent so that the Mayor may be heard without interruption.

Mayor to Take Part in Debate

38. Subject to the provisions of the Standing Orders it shall be competent for the Mayor to take a substantive part in a discussion or a debate upon any question before the Council but he/she shall only be entitled to do so before the mover of a motion exercises his/her right of reply.

Speaking Twice

39. Subject to clause 40 a Councillor shall not speak twice on the same question except:—

- (a) in reply, upon an original motion of which he/she was the mover;
- (b) in reply, upon an amendment last debated of which he/she was the mover; or
- (c) by way of personal explanation.

40. The Council may, by resolution moved without notice, suspend the operation of clause 39 hereof and thereupon that clause shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

41. The Mayor shall forthwith call to order any Councillor committing a breach of clause 39.

Personal Explanation

42. The Mayor may allow a Councillor to make a personal explanation if the Councillor claims that something he/she has said at a meeting has been misunderstood in a material respect. A Councillor making a personal explanation shall confine that explanation to a brief and concise explanation of that part of his/her statement which may have been misunderstood and he/she shall not advert to matters not strictly necessary for that purpose nor seek to strengthen any argument by new matter or by replying to any point raised by another Councillor.

No Speech After Certain Events

43. A Councillor shall not speak on any motion or amendment:—

- (a) after the mover has replied; or
- (b) after the question has been put.

Mover and Seconder Have Spoken

44. A Councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

Limit of Speeches

45. (a) A Councillor shall not speak upon any motion or amendment or in reply for a longer period than ten minutes without the consent of the Council, which shall be signified without debate.

(b) An extension shall not be permitted under this clause so as to enable any Councillor to speak for more than a total period of fifteen minutes.

Speaking in Reply

46. A Councillor speaking in reply shall not introduce any new matter but shall strictly confine himself/herself to answering previous speakers.

Division of Motions

47. The Mayor may, at his/her discretion, or the Council may, by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motions

48. A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate. A Councillor shall not speak upon a motion or amendment after the mover has asked permission for its withdrawal unless that permission is refused.

Production of Documents

49. (a) Any Councillor may require the production of any of the documents of the Council relating to a question or matter under discussion if that document is readily available and it is practical and convenient for that document to be produced.

(b) On giving to the CEO not less than four hours notice, a Councillor shall be entitled to have laid on the Council table for the duration of a meeting, any document or record of the Council, and the CEO, on receiving that notice shall lay the document on the Council table at the commencement of the meeting with respect to which the production of that document or record has been requested.

No Digression

50. A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council

51. A Councillor shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor

52. A Councillor shall not reflect adversely upon the character or actions of another member nor impute any motive to a member, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

53. For the purposes of clauses 51 and 52 any Councillor may require the CEO to take down any particular words used by a Councillor immediately upon their being used.

Demand for Withdrawal

54. If any Councillor commits a breach of clause 51 or 52, the Mayor may require him/her unreservedly to withdraw any offending comment and to make a satisfactory apology. If the Councillor declines or neglects to do so, the Mayor may direct such Councillor to cease speaking and resume his/her seat and may call on the next speaker.

Disturbance by Councillors

55. A Councillor shall not make any noise or disturbance or converse aloud, except to raise a point of order, while any other person is addressing the Council.

Continued Irrelevance

56. The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue his/her speech and thereupon the Councillor shall cease speaking and shall resume his/her seat.

57. When the Mayor is putting any question, a Councillor shall not walk out of or across the Chamber. A Councillor shall not, whilst any other Councillor is speaking, pass between the speaker and the chair.

58. The Mayor shall preserve order, and may call any Councillor to order, whenever, in his/her opinion, there is cause for so doing.

59. Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor or to draw the attention of the Mayor to any matter of which the latter may take notice under clause 56.

Rulings by Mayor

60. When the Mayor has given a decision on a point of order or practice, argument or comment shall not be permitted thereon and that decision shall be final, in that particular case, unless a majority of the Councillors then present shall, upon motion made forthwith and without discussion, dissent therefrom.

61. Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected, and whenever anything said or done in the Council, by any Councillor, is similarly decided to be out of order, that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

Continued Breach of Order

62. Where a Councillor persists in any conduct which the Mayor decides is out of order or refuses to make any explanation, retraction or apology required by the Mayor under clause 61, the Mayor shall direct that Councillor to refrain from taking any further part in the then meeting of the Council, other than by recording his/her vote and the Councillor shall comply with that direction.

Serious Disorder

63. (a) If at a meeting of the Council the Mayor is of the opinion that by reason of disorder or otherwise the business of the Council cannot be effectively continued, he may adjourn the meeting for a period of fifteen minutes. At the end of that period Council shall reassemble and decide whether business is to be proceeded with and that question shall be decided forthwith and without debate.

(b) Where Council has decided to proceed under sub-clause (a) of this clause and the Mayor is again of opinion that the business of the Council cannot be effectively continued, the Mayor may close the meeting.

All Members to Vote

64. (a) At every meeting of the Council, save where the Act otherwise provides, every Member present shall vote, and if any Member who is entitled to vote fails to vote, the Mayor shall call upon him/her to vote.

(b) Where there is any equal division of votes upon any question, the Mayor has and may exercise a second vote.

Permissible Motions During Debate

65. (a) Subject to sub-clause (b) of this clause, when a motion is under debate, no further motion shall be moved except a motion :-

- (i) that the motion be amended;
- (ii) that the Council do adjourn;
- (iii) that the debate be adjourned;
- (iv) that the question be now put;

- (v) that the Council do sit behind closed doors;
- (vi) that the Council now proceed with open doors;
- (vii) that the question before Council be referred to a named Committee of Council for consideration and recommendation; or
- (viii) where the question before the Council is a recommendation from a Committee of the Council that the question be referred back to the Committee.

(b) Where the question before the Council is a recommendation from a Committee of the Council, a Councillor may, at the conclusion of the speech of any other Councillor, move without notice that the question be referred back to the Committee. On any such motion, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second the motion, and the Chairman of the Committee concerned, or in his/her absence a member thereof, may speak for not more than five minutes to the motion, but no other debate shall be allowed.

Amendment to Relate to Motion

66. Every amendment shall be relevant to the motion on which it is moved.

67. Every amendment shall be read before being moved.

One Amendment at a Time

68. (a) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote. When one amendment to a motion is carried, only one further amendment to the original motion, as amended, and no more, may be moved.

(b) In speaking to an amendment a Councillor may give notice of his/her intention to move a further amendment.

69. Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to clause 68 be treated as an original motion.

"That Council Adjourn"

70. (a) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made or that the adjournment is to be to a date and time to be fixed. Where a motion to adjourn does not specify the time and date to which the adjournment is to be made the Mayor shall if the motion is carried adjourn the Council to such time and date as the Mayor shall then declare.

(b) On a motion to adjourn, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second the motion and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

71. Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until after the question then under discussion (if any) or the next on the notice paper or any other which may be allowed precedence, as the case may be, shall have been disposed of.

72. (a) A Councillor who has spoken on the question then before the Council shall not move the adjournment of the Council.

(b) A Councillor shall not, at the same sitting of the Council, be the mover or seconder of more than one motion for the adjournment of the Council.

73. On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when the motion was moved shall be continued immediately upon the Council resuming after the adjournment.

74. On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive a mover of the right of reply.

"That Debate be Adjourned"

75. (a) A Councillor may at the conclusion of the speech of any other Councillor move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

(b) On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second the motion, and no other debate shall be allowed but if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or, in his/her absence, a member thereof may speak for not more than five minutes.

76. (a) A Councillor who has spoken on the question then under debate shall not move the adjournment of the debate.

(b) A Councillor shall not, at the same sitting of the Council, be the mover or seconder of more than one motion for the adjournment of the same debate.

77. On resuming an adjourned debate the Councillor who moved its adjournment shall be entitled to speak first.

78. On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive the mover of the right of reply.

79. Where the debate on any motion, moved and seconded, is interrupted by the lack of a quorum, that debate may, on motion with notice, be resumed at the next meeting, at the point where it was so interrupted.

“That the Question be now Put”

80. (a) A Councillor may, at the conclusion of the speech of any other Councillor, move without notice and, provided the Mayor is of the view that there has been sufficient debate on the matter, upon that motion being formally seconded, that motion shall be immediately put, without debate.

(b) If the Mayor is of the view that there has not been sufficient debate on the matter then he shall rule the motion to be out of order.

81. A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question.

82. When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put, but subject thereto, the question shall at once be put.

83. Whenever it is decided by the Council that the question be put, any amendment to the question then being debated by the Council shall be put and then the main question shall be put.

“Question Referred to Named Committee”

84. (a) A Councillor may, at the conclusion of the speech of any Councillor, move without notice that the motion before Council be referred to a named Committee for consideration and recommendation.

(b) A motion that the question be referred to a Committee shall not be moved or seconded by a Councillor who has already spoken to the question.

Confidential Business

85. (a) Any report which is classified as “Confidential” by the CEO under Regulation (14)(2) shall be treated as strictly confidential and shall not, without the authority of the Council, be disclosed to any person other than the Mayor, Councillors, CEO or other servants of the Council as authorised by the CEO.

(b) All discussions and proceedings and every matter dealt with by or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not, without the authority of the Council, be disclosed to any person other than the Mayor, Councillors, CEO or other servants of the Council as authorised by the CEO prior to discussion of that matter at a meeting of the Council held with open doors.

(c) All discussions, proceedings and every matter dealt with by or brought or to be brought before any Committee of the Council sitting otherwise than with open doors shall be treated as strictly confidential and shall not without the authority of the Council or a Committee be disclosed to any person other than the Mayor, Councillors, CEO or other servants of the Council as authorised by the CEO.

(d) Sub-clause (b) of this clause shall not :-

- (i) preclude a Councillor from making further enquiry and investigation of a matter dealt with by or brought or to be brought before a Committee provided that the report and any recommendation made by an officer and discussion by the Committee shall remain confidential;
- (ii) preclude the Council dealing with any such discussion, resolution, proceeding or other matter at a meeting of the Council held with open doors;
- (iii) preclude the disclosure of anything which is public to the extent that it is common knowledge;
- (iv) preclude the disclosure by a person of any thing known to that person from a source other than any such discussion, resolution, proceeding or other matter; or
- (v) prevent any disclosure which is required to be made by law.

Rescission of Resolution

86. A resolution of any meeting of the Council shall not be revoked, rescinded, or altered at the same or any subsequent meeting, except in the manner provided by Regulation (10).

Negatived Motions

87. A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority of the Council.

Suspension of Standing Orders

88. In cases of urgent necessity, any Standing Order of the Council may be suspended on motion duly made and seconded, and carried by a majority of Councillors present at the time.

89. Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place thereon.

Method of Taking Vote

90. The Mayor shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative, and he may do so as often as is necessary to enable him/her to form and declare his/her opinion as to whether the affirmative or the negative has the majority by a show of hands or on the voices.

91. The Council shall vote on the count of raised hands but the result may be determined on the voices. Any Councillor may for any question taken on a vote by a show of hands or on the voices, request that his or her vote, or the vote of all members present, be recorded in the Minutes.

Standing Committees

92. (a) In addition to such occasional Committees as may from time to time be appointed, there shall be Standing Committees of the Council, namely for :-

- (i) Technical Services;
- (ii) Works; and
- (iii) Finance, Business and General Purposes.

(b) Each Standing Committee shall be comprised of one Member from each of the five Wards of the Council, and the Mayor where he indicates his intention to be a member in accordance with Section 5.10(4) of the Act.

(c) Subject to sub-clause (d) of this clause, the members of each Standing Committee shall be appointed at the first meeting of the Council held after the ordinary biennial election by an absolute majority and shall hold office until the commencement of the first meeting after the ordinary biennial election then next ensuing.

(d) The Council may, subject to Section 5.10 of the Act, by an absolute majority, change the membership of any Committee.

(e) In the event of an equality of votes for two or more Councillors in an election for membership of a Committee, the Mayor may exercise a second vote in accordance with clause (64)(b).

(f) In addition to appointing one Member from each of the five Wards to each of the Standing Committees, the Council shall, at its first meeting after the ordinary biennial election, appoint each of the other two Ward Members as first and second deputy members for that Ward's Member on the Committee.

93. (a) Subject to any resolution of the Council passed after the coming into operation of the Standing Orders, the duties of the Standing Committees shall be to consider and report to Council in the following matters:—

Technical Services Committee.

Building standard, development control, town planning control and health.

Works Committee.

Works, transport, parks, reserves, street trees, maintenance and control of all Council-owned buildings.

Finance, Business and General Purposes Committee.

Finance, administration, treasury, business services, staff and all other matters of a general purpose nature, or which have not been assigned to either of the other two Standing Committees.

(b) Standing Committees shall have no power to finalise any matter unless specifically authorised so to do by the Council.

Occasional Committees

94. (a) The Council may appoint Occasional Committees in accordance with Section 5.9 of the Act, of three or more persons, to perform any duty which may be lawfully entrusted by the Council to a Committee.

(b) A Standing Committee shall not interfere in any matter which has for the time being been entrusted to an Occasional Committee.

(c) An Occasional Committee shall not be appointed except on a motion setting out:—

- (1) the duties proposed to be entrusted to such Committee; and
- (2) either:—
 - (i) the names of the Members, employees or other persons it is intended to constitute the Committee; or
 - (ii) the number of Members, employees or other persons intended to constitute the Committee and a provision that they be elected by a separate motion; and
- (3) the first and second deputy members for each member of the Committee.

(d) Where the members of an Occasional Committee are elected by a motion, then, in the event of an equality of votes, the Mayor may exercise a second vote.

Calling Committee Meetings

95. The CEO shall call a meeting of any Committee when requested to do so by the Mayor or the Chairperson or any two members of that Committee.

Procedure at Committee Meetings

96. (a) The Standing Orders shall apply to and be observed at meetings of Committees except where inconsistent with the provisions of this clause and for that purpose a reference to:—

- (i) “Council” shall be a reference to “Committee”;
- (ii) “Council Chamber” shall be a reference to “Council Chamber or other meeting place of the Committee”; and
- (iii) where the Chairperson of the Committee is other than the Mayor then:
 - (A) “Mayor” shall be a reference to “Chairperson of the Committee”;
 - (B) “Deputy Mayor” shall be a reference to “Deputy Chairperson of the Committee”.

(b) The following provisions shall apply to meetings of Standing Committees:—

- (i) the number of times a member of a Committee may speak shall not be limited;
- (ii) the Chairperson of the Committee has a deliberative vote, and, in the case of equality of votes, may exercise a second vote;
- (iii) Council shall from time to time determine rules to be observed by members of the public at Committee Meetings and these shall be observed except where a Committee resolves by an absolute majority to suspend the operation of these rules for a specific meeting of that Committee;
- (iv) the observance of any rules determined by the Council shall be a condition of the permission given to a member of the public to speak other than at public question time;
- (v) the continued failure by a member of the public to observe any rules determined by the Council shall be deemed to be an interruption of the proceedings of the Committee for the purpose of clause (17); and
- (vi) although a Member may not be a member of a particular Committee, the Member may attend meetings of the Committee and participate in the discussion and debate of items before the Committee.

Quorum of Committees

97. (a) At any meeting of a Committee a quorum shall consist of at least 50% of the number of offices or members of the Committee in accordance with Section 5.19 of the Act.

(b) Every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted. If a quorum is lacking thirty minutes after the appointed time of the meeting, the meeting shall lapse.

Minutes of Committees

98. (a) The Chairperson of each Committee shall cause to be kept Minutes of all its proceedings.

(b) Minutes of Committee Meetings shall be permanently affixed or pasted in the Council’s Minute Book as part of the Minutes of the Council Meeting at which the recommendations contained therein are considered. The Minutes of each Committee Meeting shall be confirmed at the next meeting of the Committee and shall be signed by the Chairperson of the meeting which confirms the Minutes.

Meetings of Electors

99. (a) The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this clause and the provisions of Regulation 15, 17 or 18 of the Act, the latter prevails.

(b) A person who is not an elector is not entitled to vote at a meeting of electors, and he/she may not take part in any discussion at that meeting, unless the meeting, by a motion, requests him/her to do so.

Penalty

100. Any person committing a breach of Standing Orders is liable to a penalty not exceeding five hundred dollars.

Enforcement

101. The Mayor shall enforce the provisions of the Standing Orders.

The Common Seal of the City of South Perth was hereunto affixed in the presence of:—

J. E. HARDWICK, Mayor.
L. L. METCALF, Chief Executive.

LG401**BUSH FIRES ACT 1954***Shire of Harvey*

Fire Control Officer

Notice is hereby given, pursuant to Section 38 of the Bush Fires Act 1954, that Mr Tony Tiltman has been appointed as Fire Control Officer, Eaton-Australind Volunteer Fire Rescue Service.

The appointment of Mr Trevor Slater is hereby cancelled.

KEITH LEECE, Chief Executive Officer.

LG402**DOG ACT 1976***Shire of Roebourne*

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976 as Registration Officers.

Brian L. Watkins
Robert S. Marlborough
Lisa M. Lee
Shani Pampano
Carol Prunster
Lesley Every
Shelley McEwan
Roslyn Hayes

All previous appointments are hereby cancelled.

T. S. RULAND, Chief Executive Officer.

LG403**DOG ACT 1976***City of Armadale*

It is hereby notified for public information that pursuant to the Dog Act 1976, the following persons have been appointed as authorised Dog Registration Officers—

Railway Avenue Veterinary Hospital—Carol Elizabeth Sexton
Ark Veterinary Hospital—Jill Meinema

The appointment of the following persons are hereby cancelled—

Tanis Brieley
Jade Holtzman

J. W. FLATOW, Chief Executive Officer.

LG405**LOCAL GOVERNMENT ACT 1995***Shire of Leonora*

Revesting of Land in the Crown

Notice of Intent is hereby given that the Shire of Leonora will make application to the Minister for Local Government in accordance with Section 6.74 of the Local Government Act 1995 to have the following encumbered land vested in the Crown.

Registered Proprietor	Land Description	Encumbrances
Alfred Swanson	Linden Town Lot 40 C.T. Volume 182 Folio 15	Caveat No. 944/1918 lodged on 18/12/1918 by the Kalgoorlie Brewing & Ice Company Ltd. Caveat No. 1562/1923 lodged on 18/10/1923 by Lisset Prior.

The abovementioned person to whom this notice of intention is addressed may, within 30 days of the date of this notice, lodge an objection to the revestment with the undersigned.

J. G. EPIS, Chief Executive Officer,
Shire of Leonora, PO Box 56,
Leonora WA 6438.

LG404**BUSH FIRES ACT 1954***Shire of Irwin***Bush Fire Control Officers**

It is hereby notified for public information that the following persons have been appointed as Fire Control Officers of the Shire of Irwin.

CHIEF FIRE CONTROL OFFICER

Mr P. Summers

SPRINGFIELD BRIGADE

Fire Control Officer

R. Greenham

DEPUTY CHIEF FIRE CONTROL OFFICERS

Mr J. Koric

Mr S. Dempster

Mr W. Butcher

PERMIT ISSUING OFFICERS

Chief Fire Control Officer

P. Summers

DONGARA TOWN BRIGADE

Fire Control Officers

Mr J. Pickering

Mr H. Adamski

Mr M. Blows

Deputy Fire Control Officers

J. Koric

S. Dempster

W. Butcher

CLIFF HEAD BRIGADE

Fire Control Officer

N. C. Summers

Fire Control Officers

A. C. Gillam

J. Pickering

H. S. Adamski

R. Greenham

BURMA BRIGADE

Fire Control Officer

P. Blake

FIRE WEATHER OFFICERS

Chief Fire Control Officer

P. Summers

IRWIN BRIGADE

Fire Control Officers

A. C. Gillam

R. J. Gillam

Deputy Fire Control Officers

J. Koric

S. Dempster

W. Butcher

NORTH BRIGADE

Fire Control Officer

E. J. Edwards

Chief Executive Officer

J. Pickering

All previous appointments are hereby cancelled.

J. PICKERING, Chief Executive Officer.

LG701**SHIRE OF DUMBLEYUNG****Extension to Dumbleyung Townsite Sewerage Scheme**

Application has been made to the Executive Director of Public Health for approval of an extension to the Dumbleyung Townsite Sewerage Scheme. To include Lots 1, 2, 3, 4, 10, 11, 12, 13 Love Street and Lots 1, 5, 6, 7, 8, 9, 181 Dawson Street.

Construction of the extension is expected to cost \$50 000. This will be funded by the Shire of Dumbleyung.

Plans for the proposed scheme may be viewed at the Shire Office, Harvey Street, Dumbleyung or by arrangement with the Environmental Health Officer/Building Surveyor on (098) 63 4012.

Dated this 5th day of November 1996.

CHRIS PEPPER, Chief Executive Officer.

PLANNING**PD406*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Denmark***Town Planning Scheme No. 3—Amendment No. 23**

Ref: 853/5/7/3 Pt 23

It is hereby notified for public information that the period in which to lodge submissions on the above Amendment No 23 published at page 6236 of the *Government Gazette* No 168 dated November 8, 1996 has been extended up to and including January 17, 1997.

P. ROWE, A/Chief Executive Officer.

PD401*

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Albany

Town Planning Scheme No. 3—Amendment No. 145

Ref: 853/5/4/5, Pt 145.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on December 8, 1996 for the purpose of—

Including the eastern 28 Ha portion of Lot 1 Location 5918/6454 Two Peoples Bay Road in Schedule 2 Additional Use Sites, and including the appropriate details in Schedule 2 of the Scheme as follows—

Code	Land Particulars	Permitted Uses	Special Conditions
4 (Amendment No. 145)	Portion of Lot 1 Locations 5918/6454 Two Peoples Bay Road.	With Council's permission: <ul style="list-style-type: none"> • Caretakers house • Holiday Accommodation • Incidental Shop • Equestrian Establishment • Home Occupation • Zoological Gardens • Cafe/Restaurant • Dormitory Sleeping Quarters • Other incidental or non-defined activities considered appropriate by Council. 	• See Annexure 2.4 attached.

ANNEXURE 2.4

1. All development being undertaken with the full knowledge that agricultural pursuits are conducted in the vicinity and that the current and future landuses shall be designed and conducted in such a manner so as not to cause conflict in landuse and adversely impact on the amenity of the area.
2. In addition to the car parking requirements of the Scheme the following standards shall apply:—
 - Holiday accommodation—1 bay per family unit;
 - Shop—1 bay per 20m² (G.L.A.); and
 - Cafe/Restaurant—1 bay per 4 seats.
3. Non reflective natural colours which blend with the landscape to the satisfaction of Council shall be used on the external roofs and walls of all buildings.
4. Council may require the preparation and implementation of a Fire Control Strategy prior to, or conditional upon, the approval of any development on the site. Suitable fire control measures being undertaken to the satisfaction of Council in consultation with the Bush Fires Board.
5. In order to conserve the rural character and the natural environment, all trees and other vegetation shall be retained unless their removal is authorised by Council except in the case of trees and/or vegetation which are proposed to be removed to make way for approved buildings, fences, firebreaks and constructed accessways.
6. All development to be in accordance with the Bush Fires Board of Western Australia Standards for Building in Bush Fire Prone Areas (AS 3959).

K. G. BEECK, President.
R. GERAGHTY, Chief Executive Officer.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Bridgetown-Greenbushes

Town Planning Scheme No. 3—Amendment No. 39

Ref: 853/6/5/3, Pt 39.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Bridgetown-Greenbushes Town Planning Scheme Amendment on December 8, 1996 for the purpose of—

1. Rezone lot 644 (Reserve Pt. 11376) from "Rural" zone to "Special Residential" zone, "Special Rural" zone and designate portion of lot 644 as "Reserve for Park and Recreation and Public Purpose (Water Supply)".
2. Rezone lot 785 (Pt. Reserve 11376) from "Rural" zone to "Special Rural" zone.
3. Rezone Hassell Street road reserve between lots 644 and 785 to "Special Rural" zone.

4. Adding the following provisions to Schedule 1 and 3 of the Scheme text:

SCHEDULE 1 SPECIAL RURAL ZONES

Specified Zone

Provisions to apply to zone

Site Description

Special Rural lot 785
and portion of lot 644
Forrest Street,
Bridgetown (Reserve Pt.
11376)

1. Subdivision to be generally in accordance with subdivision Guide Plan adopted for the zone by Council.
2. The minimum lot size shall generally be 2HA.
3. Building on each lot shall be contained within the building envelope defined on the subdivision guide plan. These building envelopes have been positioned in this regard to setback requirements, topography, vegetation and visual appearance. Council shall not permit the relocation of, or modifications to these envelopes except with good reason.
4. The Council will request the Commission at the time of subdivision to impose a condition which requires the subdividing owner of the land to make arrangements satisfactory to the Council, which will guarantee that prospective purchasers are notified of the Scheme requirements contained in Section 4.6 and Schedule 1.
5. The minimum standard of fencing shall be a 1.4 metre post and four strand wire or similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.
6. Where in the opinion of Council, slopes are steep, developments which require cut and fill, will be prohibited.
7. At the time of development approval each lot owner will be required to plant and maintain for a period of 2 years 50 trees of a species native to the area and capable of growing to at least 3 metres in height.
8. Unless connected to reticulated water landowners are required to provide their own potable water supply to Council's specification and satisfaction, from groundwater sources, rainwater catchment or a combination of both.
9. Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction.
10. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's specification.
11. With the intention of preventing land degradation, Council may, with the advice of Agriculture Western Australia, require removal of, or reduction in the number of, stock on any lot within the Zone.
12. Application of fertiliser rates should be in accordance with onsite soil testing with reference to the West Australian Department of Agriculture.
13. All native vegetation to be retained except where services, fire-breaks and buildings are to be located. With specific regard to lots 23 and 24 it is to be noted that the vegetated slope is to be retained in its present form.
14. At the time of subdivision the subdivider shall make arrangements to the satisfaction of the Local Authority and Bush Fires Board for a bush fire management plan.

SCHEDULE 3 SPECIAL RESIDENTIAL ZONES

Specified Zone

Provisions to apply to zone

Portion of Lot 644 corner
Forrest Street and Giblett
Road Bridgetown (Reserve
Pt. 11376)

1. As a condition of development approval Council will require the planting and maintenance of 30 trees, of approved species, capable of growing to 3 metres in height. The trees shall be concentrated around buildings and between buildings and the road alignment.
2. The stocking of animals shall not be permitted except where Council considers that the introduction of grazing animals would assist in managing ground vegetation and would not constitute an erosion risk. Specific Council approval shall be required for any stocking of animals.

3. At the time of the subdivision the subdivider shall make arrangements to the satisfaction of the Local Authority and Bush Fires Board for a bush fire management plan.
4. Council shall require detailed plans of stormwater drainage at the application for subdivision stage.
5. Design guidelines specifying minimum building standards and materials for the subdivision are required at the subdivision stage.
6. Where in the opinion of Council, slopes are steep, developments which required cut and fill will be prohibited.
7. All native vegetation to be retained except where services, firebreaks and buildings are to be located.
8. The minimum standard of fencing shall be 1.4m post and four wire or similar materials as approved by Council but materials such as asbestos, metal sheeting or wooden pickets shall not be used.
9. Subdivision to be generally in accordance with Subdivision Guide Plan adopted for the zone by Council.

S. L. GRANT, President.
I. M. BODILL, Chief Executive Officer.

PD403*

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

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 335

Ref: 853/6/6/6 Pt 335

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on December 8, 1996 for the purpose of—

1. Rezoning Lot 6 of Sussex Locations 362 and 802, Commonage Road, Dunsborough from “General Farming” to “Industry”; and
2. Inserting in Part III, Division 5 of the Scheme Text, the following as Clause 3.6:

“3.6 DUNSBOROUGH INDUSTRIAL PARK

 - 3.6.1 Intent of Industrial Park:

The intent of the Dunsborough Industrial Park is to establish an innovative, industrial estate which caters for a wide range of service and industrial activities together with other urban-based, service commercial and industrial activities which are required to cater for the existing and future industrial and service needs of the Dunsborough and surrounding districts.
 - 3.6.2 Structure Plan to be Prepared:
 - 3.6.2.1 (a) Prior to approving the subdivision or development of land within the Dunsborough Industrial Park, the Council shall require the preparation and adoption of a Structure Plan for the land.

(b) The Structure Plan shall require the endorsement of the Western Australian Planning Commission.

(c) A Structure Plan adopted by the Council and endorsed by the Western Australian Planning Commission may be modified and for the purposes of Clauses 3.6.2 to 3.6.6 inclusive shall be considered a Structure Plan.
 - 3.6.2.2 The Council shall require the Structure Plan to have regard for adjacent lands and such Plan shall show how the land is to be subdivided and developed including:
 - the proposed size and distribution of lots;
 - the proposed allocation of land uses, where appropriate;
 - the proposed provision and treatment of buffer areas required by the Council to protect the amenity of surrounding land uses;
 - the proposed provision and treatment of buffer areas to the sewerage treatment plant situated to the north of the land, in the event that the plant is not relocated;
 - the proposed provision and treatment of buffer areas required to protect important watercourses traversing the site;

- the provision to be made for the control and management of stormwaters and the management of nutrients;
 - the proposed road system including road reserve and carriageway widths;
 - the proposed provision of public utilities and services;
 - any special provisions applying to the subdivision and development of the land where not otherwise provided for by the Scheme; and
 - such other information as, in the circumstances of the case, the Council considers appropriate.
- 3.6.2.3 (a) All necessary buffers to all adjoining lots required as a result of industries locating on the Estate shall be provided on Lot 6 of Sussex Location 362 and 802.
- (b) The Plan shall make provision for buffer areas, where necessary, to the eastern and southern boundaries of the site so as to maintain the amenity of adjoining residences.
- 3.6.3 Advertising of Plan:
- Following the receipt of a Structure Plan prepared in accordance with Clause 3.6.2 the Council shall cause the Plan to be advertised in accordance with Clause 7.2.2 of the Scheme.
- 3.6.4 Subdivision and Development of Land:
- 3.6.4.1 The subdivision and development of land within the Dunsborough Industrial Park shall be generally in accordance with the Structure Plan adopted by the Council.
- 3.6.4.2 Notwithstanding anything to the contrary in the Scheme, the following uses, including those that are Prescribed Premises under the provisions of the Environmental Protection Act 1986, shall not be permitted in the Dunsborough Industrial Area:
- Abattoirs
 - Production of Artificial Fibres & Textiles
 - Treatment or Production of Textiles
 - Wool Scouring
 - Timber Mills
 - Charcoal Production
 - Paper & Pulp Production
 - Chemical Fertilisers Production
 - Industrial Gases Production
 - Polyester Resins Production
 - Synthetic Resins & Rubber Works & Production
 - General Chemical Production
 - Paints & Inks Production
 - Pharmaceutical & Veterinary Products Production
 - Biocides Production
 - Petroleum Production
 - Coal Production
 - Glass Manufacture Works
 - Brick Manufacture Works requiring kilns for drying
 - Tile Manufacture Works
 - Cement Manufacture Works
 - Bitumen Batching Plants
 - Stoneworks
 - Plaster Production
 - Iron & Steel Production
 - Non-Ferrous Metals Production
 - Mineral Sands Processing
 - Sheetmetal Production
 - Rendering & Casing Works
 - Printing Works with Heated Curing Ovens
 - Sewerage Works
 - Bulk Warehousing of Volatile Organic Compounds
 - Storage of Wet Salted & Unprocessed Hides
 - Treatment of Organic Waste
 - Waste Incinerator
 - Temporary Storage of Industrial Wastes; and
 - Motor Vehicle Wrecking.

3.6.5 Appeal Rights:

3.6.5.1 Where the Council rejects the Structure Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have a right of appeal pursuant to Part V of the Act.

3.6.5.2 Notwithstanding Clause 3.6.5.1, the applicant shall prior to exercising any right of appeal pursuant to Part V of the Act, submit the Structure Plan and Council's resolution to the Western Australian Planning Commission and request the Western Australian Planning Commission to make a determination.

3.6.6 Deemed Refusal:

A proposed Structure Plan shall be deemed refused by Council where a decision on the Plan has not been determined by the Council within three months of Council's receipt of the proposed Structure Plan or within such further time as may be agreed in writing between the applicant and the Council.

M. C. SULLY, President.
I. STUBBS, Chief Executive Officer.

PD404***TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Chittering*

Town Planning Scheme No. 5—Amendment No. 35

Ref: 853/3/4/5 Pt 35

Notice is hereby given that the Shire of Chittering has prepared the abovementioned scheme amendment for the purpose of—

Adding new clauses to the Scheme Text and new rural zones to the Scheme Text and Scheme Map to implement the Rural Strategy.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway, Bindoon and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including January 28, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before January 28, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. P. COOPER, Chief Executive Officer.

PD405***TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Dardanup*

Town Planning Scheme No. 3—Amendment No. 68

Ref: 853/6/9/6 Pt 68

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Dardanup Town Planning Scheme Amendment on December 8, 1996 for the purpose of—

1. Rezoning Part of Lot 7 being Portion of Leschenault Location 6, Eaton Drive, Eaton from "Service Station" to "Business Commercial" as depicted on the Scheme amendment map.
2. Rezoning Part of Lot 7 being Portion of Leschenault Location 6 Eaton Drive, Eaton by rezoning a portion from "General Farming" to "Business Commercial" as depicted on the scheme amendment map.

M. T. BENNETT, President.
C. J. SPRAGG, Chief Executive Officer.

PD407*

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
Shire of Mundaring

Town Planning Scheme No. 3—Amendment No. 16

Ref: 853/2/27/3 Pt 16

Notice is hereby given that the Shire of Mundaring has prepared the abovementioned scheme amendment for the purpose of—

Rezoning Lots 54 and 55 Kingston and Bunning Roads, Mount Helena from Rural Landscape Living (uncoded) to Rural Landscape Living 2/4

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7000 Great Eastern Highway, Mundaring and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including January 28, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before January 28, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

M. N. WILLIAMS, Chief Executive Officer.

PD408*

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
Town of Port Hedland

Town Planning Scheme No. 4—Amendment No. 41

Ref: 853/8/4/5 Pt 41

Notice is hereby given that the Town of Port Hedland has prepared the abovementioned scheme amendment for the purpose of—

1. Modifying the Scheme Text by adding to Schedule 1—Interpretations the definitions for “Accommodation Facilities” and “Temporary Caravan Park”.
2. Adding a new Clause 4.2.7 to the Scheme Text for temporary caravan park and accommodation facilities.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, McGregor Street, Port Hedland and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including January 7, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before January 7, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

J. ROBERTS, Chief Executive Officer.

PD701

TOWN PLANNING AND DEVELOPMENT ACT, 1928
APPROVED TOWN PLANNING SCHEME
Shire of Waroona

Town Planning Scheme No. 7

Ref: 853/6/10/10 Vol 6

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 that the Hon Minister for Planning approved the Shire of Waroona Town Planning Scheme No. 7 on December 8, 1996—the Scheme Text of which is published as a Schedule annexed hereto.

G. R. STYLES, President.
R. T. GOLDING, Chief Executive Officer.

SCHEDULE
SHIRE OF WAROONA
TOWN PLANNING SCHEME No 7
MUNICIPAL DISTRICT

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

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- 2. Lake Clifton Tourist & Shopping Village

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ADOPTION

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PART I—PRELIMINARY

1.1 Citation

1.1.1 This Town Planning Scheme may be cited as the Shire of Waroona Municipal District Town Planning Scheme No 7 hereinafter called “the Scheme”.

1.1.2 The Scheme shall come into operation on the date of its publication in the *Government Gazette*.

1.2 Responsible Authorities

1.2.1 Council

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

1.2.2 Western Australian Planning Commission

The Western Australian Planning Commission (“the Commission”) is responsible for determining subdivision applications, processing town planning schemes, administering the Peel Regional Strategy and any Peel Regional Plan as may be adopted and providing policy direction on subdivision and development control.

1.2.3 Environmental Protection Authority

- (a) Under Part IV of the *Environmental Protection Act* any proposal that appears likely to have a significant effect on the environment shall be referred to the Environmental Protection Authority (EPA) and no other decision making authority may make a decision that could have the effect of allowing the proposal to be implemented until further advice is received from the Authority.
- (b) Notwithstanding the above, proposals which may release nitrogen or phosphorus to the environment shall not be referred to the Authority provided that they are consistent with the Authority's Environmental Protection Policy for the Peel-Harvey Estuarine System and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.
- (c) Proposals not appearing to be consistent with the said policies shall be refused, approved subject to conditions designed to bring about compliance, or referred to the Authority.

1.2.4 Peel Inlet Management Authority

In considering a proposal for development within the Peel Inlet Management Authority (“PIMA”) boundary depicted on the Scheme Map, Council will seek advice from the Authority and have due regard for its recommendations in making any determination of the application.

1.2.5 Water and Rivers Commission

Any person seeking planning consent to develop land in the Murray or South West Coastal Groundwater Areas for a purpose that will require provision of a bore shall provide Council with satisfactory evidence that the Water and Rivers Commission ("W & RC") has been consulted and that approval has been, or is likely to be, obtained prior to Council determining the application. Due regard shall be given to existing and proposed scheme water, deep sewer, irrigation and drainage systems.

1.2.6 Agriculture Western Australia

- (a) In considering a proposal to develop rural land for special residential, rural residential or intensive agricultural pursuits Council shall have due regard for any land capability mapping provided by Agriculture Western Australia ("Agriculture WA") and may refer any rural development application to the department for advice and have due regard for its recommendations in making its determination of the application.
- (b) All persons intending to clear over 1 ha of native vegetation must obtain prior permission from the Commissioner for Soil Conservation in addition to any approval required by Council.

1.2.7 Department of Conservation and Land Management and Department of Land Administration

- (a) In considering any proposal for development likely to have significant effect on a National Park, Conservation Reserve or other Crown Land vested in or controlled by the Department of Conservation and Land Management ("CALM"), Council will seek advice from CALM and shall have due regard for its recommendations in making its determination of the application.
- (b) If Crown Land is not vested, the referral shall be to the Department of Land Administration (DOLA).

1.2.8 Main Roads Western Australia

In considering any proposal for development which may be affected by a road widening proposal or is likely to generate additional traffic on the South Western Highway or the Old Coast Road, Council shall consult with Main Roads Western Australia ("Main Roads WA") regarding any such road widening proposals, drainage and access arrangements and have due regard for its recommendations in making its determination of the application.

1.2.9 Other responsible authorities

Landowners and applicants are advised that the above Clauses identify several authorities having major responsibilities in this District for land use planning and development but nothing in the said Clauses shall prevent Council from referring any application to any other Government instrumentality or private consultant who may provide advice relevant to Council in making its decision.

1.3 Scheme Area

The Scheme applies to the whole of the Municipal District of the Shire of Waroona.

1.4 Contents of Scheme

The Scheme comprises:

- (a) this Scheme Text
- (b) the Scheme Maps, sheets 1, 2 & 3.

1.5 Arrangement of the Scheme Text

The Scheme Text is divided into the following parts:

- PART I—Preliminary
- PART II—Objectives & Policies
- PART III—Reserves
- PART IV—Zones
- PART V—Non-Conforming Uses
- PART VI—Development Requirements
- PART VII—Special Controls
- PART VIII—Planning Consent
- PART IX—Administration
- Schedules
- Appendices
- Adoption
- Final Approval

1.6 Revocation of Existing Schemes

The Shire of Waroona Town Planning Schemes listed hereunder are hereby revoked:

<i>Town Planning Scheme No.1</i>	Gazetted 17 October 1969
<i>Town Planning Scheme No.3</i>	Gazetted 10 March 1972
<i>Town Planning Scheme No.4</i>	Gazetted 29 May 1981
<i>Town Planning Scheme No.5</i>	Gazetted 13 May 1983
<i>Town Planning Scheme No.6</i>	Gazetted 5 December 1986

1.7 Interpretation

1.7.1 Words to Have Normal Meanings

Except as provided in clauses 1.7.2 and 1.7.3, the words and expressions of the Scheme have their normal or common meaning.

1.7.2 Exceptions

In the Scheme, unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in The Act and Schedule 1 of the Scheme (Interpretations).

1.7.3 Special Application of R Codes—Interpretations

Where a word or term is defined in the *Residential Planning Codes*, then notwithstanding anything else in the Scheme that word or term, when used in respect of residential development, has the meaning given to it in the *Residential Planning Codes*.

PART II—OBJECTIVES & POLICIES

2.1 Objectives

The general objectives of the Scheme are to promote the orderly development of the District by making suitable provisions for zoning, land uses and reserves which will:

- provide for adequate residential, community and commercial uses within the Waroona Townsite and its environs, and in other urbanised areas;
- ensure that agriculture continues as a major component of the District's land use pattern, economy and lifestyle;
- ensure that appropriately located mining, mineral processing and forestry activities are able to provide significant contributions to the District economy in a manner consistent with protection of the District's environment and landscape;
- ensure that appropriate tourist and recreational activities are properly located and developed within the District;
- protect and enhance the environmental character and landscape values of the District; and
- have due regard for the Peel Regional Strategy and any Peel Regional Plan as may be adopted, gazetted Government policies for the Peel-Harvey Coastal Plain Catchment, Council's District Planning Strategy and any other adopted Scheme Policies.

2.2 *Residential Planning Codes—SPP No 1—WAPC*

2.2.1 For the purposes of this Scheme "Residential Planning Codes" ("R Codes") means the *Residential Planning Codes* set out in Appendix 2 to the Commission's Statement of Planning Policy No 1, gazetted 13th December 1991, together with any amendments thereto, a copy of which shall be kept and made available for public inspection at the offices of the Council.

2.2.2 Unless otherwise provided for in this Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

2.2.3 The selected R Codes assigned to any given area shall be as shown on the Scheme Maps and on other maps adopted under the provisions of this Scheme, or in another manner acceptable to the Department and Council.

2.2.4 Particular applications, variations or exclusions to the provisions of the R Codes shall be included under the following heading:

"Special Application of Residential Planning Codes" (see Clauses 1.7.3, 4.8.2, 4.13.4, 6.2).

2.3 *Peel-Harvey Coastal Plain Catchment Policies*

2.3.1 *Peel Inlet-Harvey Estuary EPP—EPA*

The *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992* was prepared by the Environmental Protection Authority to fulfil one of the Ministerial conditions pertaining to a Management Strategy for the Estuary. The purpose of the EPP is to:

- provide a set of guiding principles for planning and management of land use and development within the Swan Coastal Plain Catchment of the Peel Inlet and Harvey Estuary; and
- ensure that the Peel-Harvey Estuarine System becomes clean, healthy and resilient and its beneficial uses are maintained or improved.

To meet the purpose of the EPP the Authority has set targets for annual total phosphorus loads to the Estuarine System and established principles to achieve its objectives including a requirement that the Commission's Statement of Planning Policy for the Catchment shall incorporate the principles and purposes of the EPP.

2.3.2 *Peel-Harvey Coastal Plain Catchment—SPP No 2—WAPC*

Statement of Planning Policy No 2: Peel-Harvey Coastal Plain Catchment was adopted by the State Planning Commission and gazetted on 21st February 1992.

The SPP was drafted to effect the requirements of the Minister for the Environment in consultation with the Minister for Planning to ensure that:

- land use changes within the Peel-Harvey Estuarine System likely to cause environmental damage to the Estuary are brought under planning control and prevented;
- landowners seek development approval prior to committing their investments; and
- all town planning schemes operating within the Catchment shall require development to be subject to the provisions of the SPP.

2.3.3 *Council to be Guided by EPP & SPP for Catchment*

In accordance with Clauses 2.3.1 and 2.3.2 above, Council shall be guided by the objectives and policies expressed in the *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992*, as amended, and by the Commission's *Statement of Planning Policy No 2: Peel-Harvey Coastal Plain Catchment* gazetted 21st February 1992, together with any amendments thereto, copies of which shall be kept and made available for public inspection at the offices of the Council.

2.3.4 Catchment Boundaries on Scheme Maps

The boundaries of the Peel-Harvey Coastal Plain Catchment and the Peel Inlet Management Authority areas are delineated on the Scheme Maps.

2.4 TPS NO 7 Policies—Council

In order to achieve the objectives of the Scheme, the 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.

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

- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) submissions may be made to the Council.
- (b) The Council shall review its draft Town Planning Scheme Policy in the light of any submissions made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy.
- (c) 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.

2.4.2 A Town Planning Scheme Policy may only be altered, rescinded, or revoked by:

- (a) preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; or
- (b) publication of a formal notice of revocation by the Council twice in a newspaper circulating in the area.

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

2.4.4 Council's District Planning Strategy shall be Town Planning Scheme Policy No 1.

2.4.5 Notwithstanding the above, Council shall not be constrained from making informal policies of an administrative nature.

PART III—RESERVES

3.1 Scheme Reserves

The land shown as Reserves on the Scheme Maps, and the legend thereon, are lands reserved under the Scheme for the purposes shown on the Scheme Maps.

The Reserves are:

- Communications
 - Highway
 - Major Road
 - Railway
- National Park or Proposed National Park
- Conservation
- Recreation
- State Forest
 - Water Production, Mining & Recreation
 - Lane Poole Reserve—Conservation and Recreation
- Public Purposes

3.2 Matters to be considered by Council

3.2.1 Where an application for Planning Consent is made with respect to land within a Scheme Reserve or any other Crown Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

3.2.2 Where land within a Scheme Reserve is proposed to be developed for a use not in accordance with the reserve purpose shown on the Scheme Map, Council may resolve to amend the Scheme to change the reserve purpose or create an appropriate zone for that land subject to consultation with any other Public Authority having responsibility for the land.

3.3 Compensation

3.3.1 Where the Council refuses Planning Consent for the development of a Scheme Reserve on the ground that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

3.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing Planning Consent or granting consent subject to conditions which are unacceptable to the applicant.

3.3.3 In lieu of paying compensation, the Council or the relevant Public Authority may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of Planning Consent or of the grant of consent, subject to conditions which are unacceptable to the applicant.

PART IV—ZONES

4.1 Zones

4.1.1 The Scheme area contains 18 zones as set out hereunder:

Urban 1	Town Centre
Urban 2	Community & Civic
Urban 3	Service Commercial
Urban 4	Residential
Urban 5	Special Residential
Urban 6	Rural Living
Urban 7	Industrial
Urban 8	Hamel
Urban 9	Preston Beach Special Industry
Rural 1	General Farming
Rural 2	Irrigated Agriculture
Rural 3A	Coastal
Rural 3B	Coastal Highway
Rural 4	Hills Face
Rural 5	Darling Range
Rural 6	Rural Residential Special Uses

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

4.2 Zoning Table

4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

4.2.2 The symbols used in the cross references of the zoning table have the following meanings:

- P* means that the use is permitted provided that it complies with the relevant standards and conditions laid down in the Scheme and any Town Planning Scheme Policy adopted in accordance with Clause 2.4 and all conditions imposed by the Council in granting Planning Consent.
- AA* means that the Council may, at its discretion, permit the use.
- SA* means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with clause 8.2.
- IP* means that the use is not permitted unless such use is incidental to the predominant use of the land as determined by the Council.

4.2.3 Where no symbols appear 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.

4.2.4 Where in the zoning table a particular use is listed, it is deemed to be excluded from any use class which, by its more general terms, might otherwise include such particular use.

4.2.5 If the use of land for a particular purpose is not specifically referred to in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the classes shown, the Council may:

- (a) determine that the use is not consistent with the objectives and purposes of the particular zone, and is therefore not permitted, **or**
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purposes of the zones and thereafter follow the “SA” procedures of Clause 8.2 in considering an application for Planning Consent.

4.3 Special Use Zone

4.3.1 Land or buildings in a Special Use Zone shall not be used except for the purpose set against that land in Schedule 3 and subject to compliance with any conditions specified in the Schedule with respect to the land.

4.3.2 Development in a Special Use Zone shall be subject to granting of Planning Consent in accordance with any provisions of this Scheme which Council considers to be relevant.

4.4 Additional Uses

Notwithstanding anything contained within the zoning table, the land specified in Schedule 4 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land in the Schedule. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in the Schedule.

TABLE 1—ZONING

ZONES	URBAN										RURAL							
	1	2	3	4	5	6	7	8	9		1	2	3A	3B	4	5		6
USE CLASSES	Town Centre	Community & Civic	Service Commercial	Residential	Special Residential	Rural Living	Industrial	Hamlet	Preston Beach	Special Industry	General Farming	Irrigated Agriculture	Coastal	Coastal Highway	Hills Face	Darling Ranges	Rural Residential	Special Uses
COMMERCIAL																		
Amusement Facility	AA		AA						AA	USES RESTRICTED TO COMPANY OPERATIONS OF INDUSTRY IDENTIFIED ON SCHEME MAP								
Car Park	P	P	P				P	P	P		IP	IP	IP	IP	IP	IP	IP	
Dry Cleaning Premises/Laundry	AA		AA															
Fast Food Outlet	P		AA						AA									
Fish Shop	AA								AA									
Funeral Parlour	P		P															
Garden Centre	P	P	P	AA		AA		AA	AA		AA		AA	AA				
Health Studio	P		P															
Hotel	P		AA						AA				SA					
Motel	P		AA						AA				SA		SA			
Motor Vehicle & Marine Sales Premises			P				P											
Motor Vehicle Hire Station			P				P											
Nursery		AA				AA		AA			AA	AA	AA	AA	AA	AA		
Office	P	AA	P				P		AA									
Office-Professional	P	AA	P	AA					AA									
Petrol Filling/Service Station	SA		AA				AA		SA		SA							
Reception Centre	AA	AA	P						AA									
Restaurant	P		AA						AA					AA	AA			
Restricted Premises			AA				AA											
Shop	P	AA	P	SA			IP	AA	AA					AA				
Showroom	AA		P				P											
Tavern	P		AA						AA					SA				
Warehouse			P				P											
RESIDENTIAL																		
Caretaker's Dwelling	IP		IP					IP		USES RESTRICTED TO THOSE LISTED IN SCHEDULE 3								
Grouped Dwelling	AA	AA		AA				AA	AA									
Single House	AA	P	AA	P	P	P		P	P		P	P	P	P	P	P	P	
Residential Building	AA	AA		AA		AA		AA	AA		AA	AA	AA	AA	AA	AA	AA	
Family Day Care Centre	AA	AA		AA	AA	AA		AA	AA		AA	AA	AA	AA	AA	AA	AA	
Home Occupation	AA	AA	AA	AA	AA	AA	AA	AA	AA		AA	AA	AA	AA	AA	AA	AA	

TABLE 1—ZONING—continued

ZONES	URBAN									Special Industry	RURAL						Special Uses
	1	2	3	4	5	6	7	8	9		1	2	3A	3B	4	5	
USE CLASSES	Town Centre	Community & Civic	Service Commercial	Residential	Special Residential	Rural Living	Industrial	Hamlet	Preston Beach	General Farming	Irrigated Agriculture	Coastal	Coastal Highway	Hills Face	Darling Ranges	Rural Residential	
COMMUNITY																	
Civic Use	P	P	P	AA				P	AA	AA		AA	AA		AA	SA	
Club Premises	AA	AA	AA					AA	AA								
Community Facility Depot	AA	P	AA				P	P	AA							SA	
Consulting Rooms	P	P	AA	AA				AA	AA								
Day Care Centre	AA	P		AA				AA	AA								
Educational Establishment	AA	P	AA														
Hospital		AA															
Medical Centre	AA	AA		AA					AA								
Private Recreation		P		AA				AA	AA							SA	
Public Amusement	AA	AA	P					AA	AA								
Public Recreation	P	P	P	P	P	P	P	P	P								
Public Utility	P	P	P	P	P	P	P	P	P								
Public Worship	P	P	AA	AA				AA	AA								
Veterinary Consulting Rooms/ Veterinary Hospital			AA			AA	P	AA	SA			AA	AA				
INDUSTRIAL																	
Builder's Storage Yard			AA				P										
Depot			AA				AA										
Industry Cottage	AA	AA	AA	AA	AA	AA	AA	AA	AA								
General								AA									
Light			AA				P										
Service			P				P										
Extractive																	
Hazardous																	
Noxious																	
Rural							AA										
Marine Collectors/ Salvage Yard							P										
Motor Vehicle Repair Station							P							SA			
Motor Vehicle Washing Station	IP		IP				IP										
Motor Vehicle Wrecking Premises							AA										
Sawmill							AA								AA		

USES RESTRICTED TO COMPANY OPERATIONS OF INDUSTRY IDENTIFIED ON SCHEME MAP

USES RESTRICTED TO THOSE LISTED IN SCHEDULE 3

USES RESTRICTED TO COMPANY OPERATIONS OF INDUSTRY IDENTIFIED ON SCHEME MAP

USES RESTRICTED TO THOSE LISTED IN SCHEDULE 3

TABLE 1—ZONING—continued

ZONES	URBAN										RURAL							
	1	2	3	4	5	6	7	8	9		1	2	3A	3B	4	5		6
USE CLASSES	Town Centre									Special Industry	General Farming	Irrigated Agriculture	Coastal	Coastal Highway	Hills Face	Darling Ranges	Rural Residential	Special Uses
	Community & Civic																	
	Service Commercial																	
	Residential																	
	Special Residential																	
	Rural Living																	
	Industrial																	
	Hamlet																	
	Preston Beach																	
RURAL USES																		
Equestrian Activity						AA					AA	AA	AA	AA		AA	AA	
Kennels/Cattery											AA	SA	SA	SA		SA	SA	
Produce Store	AA		2					2				AA	AA					
Rural - Intensive Agriculture											AA	AA	AA	AA	AA	AA		
Abattoir											AA	AA	AA	AA	AA	AA		
Afforestation											AA	AA	AA	AA	AA	AA		
Aquaculture											AA	AA	AA	AA	AA	AA		
Dairy											AA	AA	AA	AA	AA	AA		
Horse Stables						AA		AA			AA	AA	AA	AA	AA	AA		
Horticulture						AA					AA	AA	AA	AA	AA	AA		
Piggery											AA	AA	AA	AA	AA	AA		
Poultry Farm											AA	AA	AA	AA	AA	AA		
Rabbitry											AA	AA	AA	AA	AA	AA		
Stock Feedlot											AA	AA	AA	AA		AA		
Rural Pursuit						AA		AA			2	2	2	2	AA	2	AA	
Wayside Stall						AA		AA			AA	AA	AA	AA	AA	AA	AA	
OTHER USES																		
Camping Area									AA		AA		AA	AA	SA	AA		
Caravan Park/Park Home Park				SA					AA		AA		AA	AA		AA		
Holiday Accommodation				SA				SA	AA		AA		AA	AA	SA	AA		

USES RESTRICTED TO COMPANY OPERATIONS OF INDUSTRY IDENTIFIED ON SCHEME MAP

USES RESTRICTED TO THOSE LISTED IN SCHEDULE 3

USES RESTRICTED TO COMPANY OPERATIONS OF INDUSTRY IDENTIFIED ON SCHEME MAP

USES RESTRICTED TO THOSE LISTED IN SCHEDULE 3

4.5 Urban 1—Town Centre Zone

4.5.1 Objectives and Policies

Council's objective is to ensure that the zone develops as the commercial and community activity centre for the Town and the District, and that the functional and visual qualities of the zone are commensurate with that status.

Council's policies will therefore be to:

- permit a wide range of uses which will achieve the objective;
- permit, at Council discretion, medium density residential uses;
- require that development by its design, construction and materials contributes satisfactorily to the streetscape of the zone, particularly to the frontage of South Western Highway;
- prepare and implement a streetscape study as the basis for a program of design and amenity control.

4.5.2 Setbacks

Minimum setbacks from lot boundaries or any proposed road widening shall be in accordance with the following:

Residential Uses	<i>Residential Planning Code Standards</i>
Other Uses	
Street Frontage	Nil
Side Boundaries	Nil unless access to rear is required
Rear Boundaries	At the discretion of Council

4.6 Urban 2—Community & Civic Zone

4.6.1 Objectives and Policies

Council's objective for the zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced.

Council's policies will therefore be to:

- permit a wide range of uses consistent with the zone objective;
- encourage the establishment of uses which contribute to the welfare and activity of the community;
- permit medium density housing to appropriate Residential Code standards;
- ensure that development attains a high standard of appearance and convenience of use.

4.6.2 Setbacks

Minimum setbacks from lot boundaries or any proposed road widening shall be in accordance with the following:

Residential Uses	<i>R Code Standards</i>
Other Uses	
Street Frontage	6 metres
Side Boundaries	3 metres
Rear Boundary	10 metres

4.6.3 Setback Area

Within the street setback area, Council may permit the provision of car parking spaces and may require the establishment and maintenance of approved landscaping as a condition of Planning Consent.

4.7 Urban 3—Service Commercial Zone

4.7.1 Objectives and Policies

Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

Council's policies will therefore be to:

- ensure that development is functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway;
- minimise access to the Highway from establishments by requiring, wherever possible, controlled access points;
- ensure adequate on-site car parking provision and setbacks from the road frontages;
- require appropriate landscaping in the setback area abutting the Highway.

4.7.2 Building Materials

Buildings in the zone shall not be constructed, altered or added to unless the facade of the building and the side walls to a depth of 6 metres from the front of the building are constructed of brick, brick veneer, masonry or other material approved by Council.

4.7.3 Setbacks

Minimum setbacks from lot boundaries shall be in accordance with the following:

South Western Highway Frontage	9 metres east side of highway
other road frontages	5 metres west side of highway
other lot boundaries	9 metres
	3 metres from one side boundary and rear boundary. Other side boundary nil if masonry parapet wall.

Except for frontages to South Western Highway, where a lot has frontage to more than one street, Council may permit a reduction of the street setback to 3 metres on one street frontage.

4.7.4 Setback Area

Within the setback area abutting South Western Highway or the railway, Council will require adequate landscaping to be established and maintained.

4.7.5 Limited Highway Access

Access from a lot to the South Western Highway shall be restricted to access points approved by the Council and in this respect Council, where it considers such to be desirable, will refer a proposal to Main Roads WA for advice and comment.

4.7.6 Parking

Vehicle parking shall be provided on-site in accordance with the provisions of Clause 6.8, **Table 2**.

4.8 **Urban 4—Residential Zone**

4.8.1 Objectives and Policies

Council's objective is to ensure that the residential areas of Waroona Townsite develop in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity. Council's policies will therefore be to:

- protect by appropriate zoning, land considered to be adequate and suitable for Waroona's anticipated residential needs;
- adopt land use control and Residential Planning Codes which will permit development of a range of housing types.
- achieve maximum economic use of the urban land resource by encouraging development of vacant subdivided lots and other serviced unsubdivided areas;
- require that residential development attains a satisfactory standard of urban amenity through siting, design and construction.

4.8.2 Special Applications of Residential Planning Codes

- (a) Residential development shall be in conformity with the standards of the R12.5 Residential Planning Code, but where a site can be connected to a reticulated sewerage and drainage system, development of attached and grouped dwellings may be approved to the standards of the R30 Residential Planning Code.
- (b) Within established unsewered areas of Waroona Townsite coded R12.5/30 Council may permit construction of two (2) grouped dwellings (duplex) on a lot in accordance with the standards of the R20 Code notwithstanding that group dwellings are otherwise prohibited by the provisions of this Scheme subject to on-site effluent disposal systems complying with standards established by Health Department of Western Australia for in-fill development and consistency with the objectives of the Peel-Harvey Coastal Plain Catchment SPP No 2.
- (c) In exercising its discretion to permit grouped housing or non-residential uses in the zone, Council will have regard to the effect of such development on existing housing, the effect of additional traffic on the street system and the amenity of the area generally.
- (d) In exercising its powers to permit variation of the standards of the *Residential Planning Codes* applicable to a development, Council will ensure that:
 - the streetscape is not detrimentally affected;
 - the privacy and use of adjoining dwellings is not adversely affected;
 - adequate car parking and private open space can be provided on the lot;
 - landscaping of a suitable standard is provided.

4.8.3 Structure Plan

Prior to considering subdivision or development of unsubdivided land in the zone, Council may request preparation of an overall structure plan of the land and adjoining areas which:

- (a) defines a suitable road pattern in accordance with currently adopted principles of residential road planning;
- (b) provides adequately for external and site drainage requirements;
- (c) provides public open space of appropriate location and quantity, provided that Council in lieu of land may accept an equitable cash contribution in accordance with The Act:-
 - for the purchase of land for open space in the said locality; or
 - with the approval of the Commission, for the improvement or development as parks, recreation grounds or open spaces generally of any land in the said locality vested or administered by Council for those purposes.

4.9 **Urban 5—Special Residential Zone**

4.9.1 Objectives and Policies

Council's objective is to permit residential development of suitable land in order to provide for a range of residential opportunities and lot sizes in the Waroona Townsite area.

Council's policies will therefore be to:

- require that development proposals are appropriate to the physical, locational and landscape conditions of the zone;
- recommend to the Commission that subdivision should be in accordance with a subdivision guide plan adopted by Council and approved by the Commission;

- adopt Scheme and Strategy provisions which ensure that a satisfactory level of amenity is maintained within the zone.

4.9.2 Building Envelopes

- Within the Special Residential Zone, Council may request a copy of a plan of subdivision to be lodged on which is shown a building envelope for each lot and Council may adopt such a plan.
- Where a building envelope is shown on a lot under the provisions of the preceding sub-clause, all buildings must be contained within the building envelope.
- Where no building envelope is shown, all buildings shall be setback a minimum of 10 metres from the front boundary and 5 metres from any other boundary.
- Notwithstanding the provisions of the preceding sub-clauses, Council may permit an alternative building envelope or setback to be defined on a lot if Council is satisfied that the configuration of the lot or site difficulties make the siting of any structure undesirable or unduly difficult and that the location of the proposed building envelope or setback variation will not be detrimental to the protection of the environment or the amenity of the area.

4.9.3 Clearing of Trees or Vegetation

- Clearing or destruction of indigenous trees or other substantial vegetation is not permitted unless with the approval of Council, and approval will only be granted in this respect to areas contained within the building envelope where such is defined for a lot on an approved plan or for the purposes of construction of a building where a building envelope is not defined.
- Notwithstanding the above, Council may grant approval for the removal of trees which are dead, diseased or dangerous, or which are required to be removed to meet the requirements of creating a fire break under the *Bush Fires Act, 1954-1979* (as amended).

4.9.4 Guide Plan

Council may request that subdivision and/or development guide plans be prepared for adoption which may include building envelopes or building lines, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include.

4.9.5 Subdivision Guide Plan Variation

Notwithstanding other provisions of the Scheme and what may be shown on an adopted subdivision guide plan for the Special Residential Zone, the Commission may approve a variation to the subdivisional design.

4.10 **Urban 6—Rural Living Zone**

4.10.1 Objectives and Policies

Council's objective is to provide for consolidation of further residential development in the zone which consists of small rural lots adjoining the Waroona Townsite, and to permit a range of uses consistent with the zone's location.

Council's policies will therefore be to:

- support further subdivision of large lots in the zone;
- require provision of reticulated water supply to lots prior to residential occupation;
- permit a range of appropriate uses.

4.10.2 Minimum Lot Size

Except for smaller lots existing at the time of Scheme gazettal, Council will recommend that the minimum lot size in the zone should be no less than 7000m² and the provisions of the *Residential Planning Codes* pertaining to the R2 Code shall otherwise be used.

4.10.3 Reticulated Water

Council will recommend that reticulated scheme water should be supplied to all new lots prior to clearance of subdivision and the owner should thereafter be responsible for providing connection to any building to be occupied for residential purposes.

4.11 **Urban 7—Industrial Zone**

4.11.1 Objectives & Policies

Council's objective is to provide adequate and suitably located land for industrial uses to service the district, whilst achieving a satisfactory standard of appearance.

Council's policies will therefore be to:

- ensure that General Industry and Transport Depots are located so as to achieve suitable levels of accessibility to the district road system and minimal impact on the residential area;
- require that buildings for industrial use are of satisfactory design and construction with adequate site controls to ensure that no loss of amenity occurs.

4.11.2 Limited Highway Access

Development of lots abutting South Western Highway will have access to the Highway limited to points determined by the Council after consultation with Main Roads WA and a service road may be recommended as a condition of subdivision or development.

4.11.3 Setbacks

- Minimum setbacks from lot boundaries shall be in accordance with the following:

frontage to South Western Highway	20 metres
frontage to a service road or other roads	9 metres
side boundaries	3 metres
rear boundaries	9 metres

- (b) Notwithstanding the above, Council may grant consent to construction of a masonry parapet wall on side or rear boundaries unless adjacent to the Railway Reserve.

4.11.4 Setback Areas

- (a) Storage of materials will not be permitted in the front setback area but it may be used for the parking of vehicles and for landscaping.
- (b) Within the front setback area of lots abutting the South Western Highway or a service road, and within the rear setback of lots abutting the Railway Reserve, landscaping to a standard approved by Council shall be established and maintained.

4.11.5 Minimum Lot Size

Council will recommend that the minimum size of a lot in the Industrial Zone should be 2000m² but the minimum lot size required for the development of multiple factory units shall be 4000m².

4.11.6 Factory Units

Development of factory unit buildings, for the purpose of providing multiple factory units on one lot shall conform to the following requirements:

- (a) No unit shall have a floor area of less than 100m².
- (b) Each unit shall have an appurtenant service yard which shall be a minimum of fifty per cent of the unit floor area.
- (c) Access to an office forming part of the unit and the major access to the unit itself shall not be through the service yard.
- (d) Off street parking in accordance with the requirements of Table 2 (clause 6.8.1) may be provided as an overall area on the site.
- (e) All facades of buildings shall be of masonry construction or other materials approved by Council.
- (f) All other requirements including access to the area of units for loading and unloading, servicing, building clearances, internal dividing walls and traffic circulation shall be at the discretion of Council, having regard to the need for satisfactory standards of construction, privacy, appearance and amenity.

4.12 **Urban 8—Hamel Zone**

4.12.1 Policies & Objectives

Council's objective is to ensure that residential use of the Townsite provides for continuation of the existing amenity.

Council's policies will therefore be to:

- adopt Residential Planning Code 'R10' for the area;
- permit uses consistent with retention of the Townsite's existing residential character.

4.12.2 Minimum Lot Size

Council will recommend that the minimum lot size within the zone should be 1000m².

4.13 **Urban 9—Preston Beach Zone**

4.13.1 Objectives and Policies

Council's objective is to ensure that the Preston Beach Townsite develops for residential, holiday accommodation and recreational uses in a manner consistent with protection of the environment and landscape of the area.

Council's policies will therefore be to:

- support the District Planning Strategy recommendations for development of the zone with flexibility to adapt to changing circumstances;
- permit, at the discretion of Council, a range of uses compatible with the character and intent of the zone;
- require that development be of a scale, construction and appearance which is, in the opinion of Council, appropriate to the area;
- ensure that development has minimal adverse impact on the Yalgorup National Park and Coastal reserves which abut the zone;
- implement the adopted Management Plan for the Preston Beach Coast.

4.13.2 Preston Beach Development Guide Plan

In exercising its discretionary powers to grant Planning Consent to development in the zone, Council will have regard for any Town Planning Scheme Policy adopted under the provisions of Clause 2.4 of the Scheme, including but not limited to, the Preston Beach Development Guide Plan, and may impose such development conditions as it thinks fit.

4.13.3 Referrals to EPA & CALM

Where development is considered by Council to have the potential to adversely affect the environment of the area, Council may require preparation by the proponent of an appropriate study of the environmental effect of the development and will refer the proposed development to the Department of Conservation and Land Management and to the Environmental Protection Authority for advice and comment and will give due consideration to imposing any conditions recommended by the Department or the Authority.

4.13.4 Special Application of R Codes—Setback Variations

Notwithstanding the minimum setbacks from boundaries in Table 1 of the *Residential Planning Codes* the minimum front setback in the subdivided portion of Preston Beach established at the time of Scheme Gazettal may be reduced to 4.6m and may be further reduced with planning consent of Council.

4.14 Rural Zones—All

4.14.1 Objectives & Policies

Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

4.14.2 Additional Dwellings

Except with the Planning Consent of Council, not more than one single house may be erected on a lot used for rural activity.

- (a) In considering granting its consent, Council will give due regard to whether the additional dwelling is necessary or desirable to support the primary rural activity.
- (b) Prior to approving an application for an additional dwelling or dwellings, Council may require that a development envelope be defined for the lot subject to the application.
- (c) Approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Commission.
- (d) Only one single dwelling may be erected on a Rural Residential Zone lot in accordance with Clause 4.15.3.

4.14.3 Intensive Agriculture & Rural Industry

In considering a proposal to develop land for intensive agriculture the Council shall:

- take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Peel-Harvey Estuary;
- take account of the objectives of the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment with respect to the potential impact of the proposal on the environment and water quality;
- seek advice from Agriculture WA and the Environmental Protection Authority and have due regard for that advice in making its determination or defer the decision pending a formal assessment under Part IV of the *Environmental Protection Act*.

4.14.4 Clearance from Designated Wetlands

No domestic on-site effluent disposal system or rural point source of pollution shall be located any less than 100 metres from any wetland designated in any adopted Environmental Protection Policy unless approval has been obtained from the Environmental Protection Authority or the Peel Inlet Management Authority.

4.14.5 Development Adjacent to Conservation or Catchment Reserves

No development except rural pursuits on established grazing land shall be located closer than 100 metres to the boundary of any conservation or water catchment reserve or the Murray or Harvey Rivers unless the proposal is referred to the Government instrumentality responsible for the Crown reserve for advice and comment and, if Planning Consent is granted, Council shall give due consideration to imposing such conditions as have been recommended.

4.14.6 Groundwater Extraction

Extraction of groundwater from the Murray and South West Coastal Groundwater Areas is controlled by the Water and Rivers Commission. Prior to extraction of groundwater an application shall be made to the WR & C for a licence to operate a private bore. Extraction rates will be as determined by the WRC.

4.14.7 Grazing/Stocking of Land

Wherever, in the opinion of Council, land is being grazed or stocked to cause topsoil to be exposed and/or trees to be ring-barked to the general detriment of the character and good management of the area, the matter may be referred to Agriculture WA for investigation and recommendation. Having regard to the recommendations of Agriculture WA, Council may order the reduction of number of or removal of stock and/or the protection of trees by fencing or lattice binding. Failure to comply with such order shall constitute an offence under The Act.

4.14.8 Guideline Plan

Council may recommend as a condition of subdivision or require as a condition of development in any Rural Zone that a guideline plan be prepared which may include building envelopes, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include and any such plan adopted by Council shall be subject to Clauses 4.15.2—4.15.12 of this Scheme.

4.14.9 Rural 3A & 3B—Coastal & Coastal Highway Zones

Council's objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road by—

- (a) ensuring that rural pursuits are consistent with achieving the objective;

- (b) permitting, at Council discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on lots in the zone subject to:
 - satisfactory advice from the Department of Conservation and Land Management and the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park;
 - a building setback from the lot frontage of Old Coast Road of fifty metres, and satisfactory landscaping within the setback area.

4.14.10 Rural 4—Hills Face Zone

Council will ensure the continuation of appropriate rural and other activities which will retain the zone's landscape and environmental values by:

- (a) permitting rural pursuits consistent with the Scheme objectives;
- (b) encouraging retention of the indigenous tree cover;
- (c) supporting subdivision and development only where such is necessary or desirable for the continuation of rural activity or for establishment of other uses permitted by the provisions of Table 1;
- (d) considering granting its Planning Consent to uses other than Rural, which may be permitted where such uses are sited so as to avoid visual intrusion into the landscape of the zone and any detrimental impact on the environment and ecology of the zone, and are designed and constructed of materials and colours considered by Council to be compatible with the landscape;
- (e) referring any development other than rural pursuits on a lot adjoining land under the control of the Department of Conservation and Land Management for advice and comment and giving due consideration to imposing any conditions of use as may be recommended by that Department.

4.14.11 Rural 5—Darling Range Zone

Council's objective is to encourage the retention of present Rural Pursuits, and development of suitable recreational and holiday facilities by:

- (a) permitting Rural Pursuits consistent with achieving the objective;
- (b) favourably considering development of uses for recreation, tourist and holiday purposes; and
- (c) referring any proposal for development, other than rural pursuits, to the Department of Conservation and Land Management, the Environmental Protection Authority, the Water and Rivers Commission and Agriculture WA for advice and comment, and prior to granting Planning Consent will consider the recommendations received.

4.15 Rural 6—Rural Residential Zone

4.15.1 Objectives and Policies

Council's objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Council's policies will therefore be to:

- require that an application for rezoning to Rural Residential Zone shall be accompanied by a submission supporting the proposed rezoning which will include detailed site plans and other technical data as required by Council;
- recommend that subdivision in the Rural Residential Zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

4.15.2 Planning Consent

In addition to a building licence, the Council's prior consent to commence development is required for all development, including a single dwelling, and such application for Planning Consent shall be substantially in the form prescribed in Appendix 1A of this Scheme.

4.15.3 Dwellings and Outbuildings

- (a) No more than one single dwelling shall be constructed and occupied on any lot in the zone;
- (b) All dwellings within the Zone shall have external walls constructed of brick, masonry, stone, limestone blocks, stabilised rammed earth, or similar materials. However, Council may approve the use of alternative materials if, in its opinion, the type and colour of the materials and the design of the dwelling are of a sufficiently high standard to complement and blend in with the environment of the area. All other buildings shall be constructed of materials which are of a sufficiently high standard to complement and blend in with the environment of the area.
- (c) All buildings intended for residential use must include provision for the storage of water in tanks of not less than 92,000 litres capacity unless satisfactory proof is provided that arrangements for connection to a Water Corporation reticulated water supply service have been made.
- (d) Residential use will not be permitted in a building other than one approved by the Council for that purpose under the conditions of its building bylaws, except that Council may grant permission for occupation of a caravan or outbuilding for a period not exceeding twelve months if

a building permit for a dwelling is concurrently in force or an application for such is before Council.

4.15.4 Building Envelopes, Setbacks & Variations

- (a) Where a building envelope is defined for that lot on an adopted subdivision guide plan, the dwelling shall be confined to that envelope.
- (b) If no building envelope is specified the minimum setback shall be 40 metres from any street frontage and rear boundaries and 20 metres from each side.
- (c) Notwithstanding the provisions of the preceding sub-clauses, Council may permit variation of a setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

4.15.5 Clearing Restrictions

Subject to any provision of Schedule 2 the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:

- dead, diseased or dangerous;
- necessary for any firebreak required by law;
- for the purpose of access to an approved dwelling or outbuildings;
- within a defined building envelope and limited to that;
- necessary for the construction of a dwelling, outbuildings and an area of 20 metre width surrounding the dwelling for the purpose of bush fire protection.

4.15.6 Conservation Areas

- (a) Development control and subdivision guide plans may show thereon:
 - Vegetation Protection Area
 - Landscape Protection Area
 - Wetland Protection Area
 - Highway Protection Area
- (b) Within any Vegetation, Wetland or Landscape Protection Area, the Council shall, in considering development, take into account the need to protect vegetated areas or wetlands from activity that would damage the vegetation or wetlands. It is Council's intention to encourage landowners to maintain such designated areas in their natural state and to establish additional vegetation where possible.
- (c) Within the Highway Protection Area, buildings, advertising signs or hoardings shall not be erected and notwithstanding subclause 4.15.5 trees or other indigenous vegetation shall not be cleared or felled except those which are dead, diseased or dangerous, or for the purpose of a firebreak required by a bylaw.
- (d) Council may, as a condition of development, require the planting and maintenance of native trees and fencing—off of vulnerable areas.
- (e) When a subdivider is required to undertake a revegetation program, Council will recommend to the Commission that satisfactory arrangements are required to be made with Council for rehabilitation area to be maintained by subdivider for three years or until the land is sold and responsibility is transferred to the purchaser.

4.15.7 Fencing

- (a) Fencing shall be of a rural character and boundary fences shall be to a standard capable of confining livestock and be constructed in accordance with Council bylaws.
- (b) The minimum standard of boundary fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council, but materials such as asbestos, metal sheeting or wooden pickets shall not be used.

4.15.8 Access

Access to lots adjacent to South Western Highway, Old Coast Road, Peppermint Grove Road, Coronation Road and Old Bunbury Road shall be from an internal road and access to such roads may be limited to locations agreed to by Council and Main Roads WA.

4.15.9 Fire Management

- (a) Provision shall be made for an appropriate secondary water supply for bushfire purposes to the satisfaction of the Bush Fires Board and the Council.
- (b) Firebreaks shall be maintained in accordance with the Notice issued by Council under the provisions of the *Bush Fires Act, 1954-1979* (as amended).

4.15.10 Subdivision Guide Plan Variation

Notwithstanding the provisions of the Scheme and what may be shown on the adopted subdivision guide plan for the Zone, the Commission may approve a variation to the subdivisional design.

4.15.11 Additional Provisions

In addition to the above sub-clauses, land included in a Rural Residential Zone shall be subject to any additional provisions as may be set out against the zone in Schedule 2 and to relevant provisions generally applicable to all Rural zones.

4.15.12 Subdivider to Provide Advice to Purchasers

Where an application is made for subdivision within the Rural Residential Zone, Council will recommend to the Commission that the subdivider be required to enter into an agreement with Council to ensure that prospective purchasers of the lots created are advised of the special provisions of the Scheme which relate to the use, development and management of the land.

4.16 Special Industry

4.16.1 Land use and development of any Special Industry Zone shall be restricted to the operations of the industry identified on Scheme Map.

4.16.2 Land included in the Special Industry Zone for buffer purposes may continue to be used for rural activities.

4.16.3 Nothing in this Scheme shall be construed to limit the operation of the *Alumina Refinery (Wagerup) Agreement and Acts Amendment, 1978* as amended.

PART V—NON-CONFORMING USES

5.1 Non-Conforming Use Rights

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.

5.2 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 the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

5.3 Change of Non-Conforming Use

Notwithstanding anything contained in the zoning table, the 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 the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserves.

5.4 Discontinuance of Non-Conforming Use

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

5.4.2 The 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 the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

5.5 Destruction of Buildings

If any buildings are, at the gazettal date, being used for a non-conforming use, and are subsequently destroyed or damaged to an extent of 75% 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.

PART VI—DEVELOPMENT REQUIREMENTS

6.1 Development of Land

6.1.1 Subject to Clause 6.1.2, a person shall not commence or carry out development on any land zoned or reserved by the Scheme without first having applied for and obtained the Planning Consent of the Council in accordance with the provisions of the Scheme.

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

- (a) The use of land in a reserve where such land is held by the Council or vested in a Public Authority:
 - for the purpose for which land is reserved by the Scheme;
 - 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 or internal fencing except as otherwise required by the Scheme.
- (c) Irrigated agriculture utilising less than 1500 kilolitres of water per annum;
- (d) Rural pursuits and works associated therewith, except for intensive agriculture and development listed in sub-clause (e) below;
- (e) The erection on a lot of a single dwelling, including ancillary outbuildings in a zone where the proposed use is designated with the symbol P in the cross reference to that zone in the zoning table, except that the Planning Consent of Council is required:
 - where a lot abuts the South Western Highway, the Old Coast Road, the Harvey or Murray Rivers, or any Crown Reserve;
 - is located in a Special Residential or Rural Residential Zone; or
 - on land under the control of the Peel Inlet Management Authority.
- (f) 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.
- (g) 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.

- (h) 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.

6.2 Residential Planning Codes

6.2.1 R Codes to Apply

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

6.2.2 Density Code on Scheme Maps

The Residential Planning Codes density applicable to land within the Scheme Area shall be determined by reference to the R Code density numbers superimposed on the particular areas shown on the Scheme Map as being contained within the outer edges of the black borders, or where such an area abuts on another area having an R Code Density as being contained within the centre lines of those borders.

6.3 Caretaker's Dwelling

A caretaker's dwelling shall not be constructed on any lot until an approved predominant use for that lot has been established and Council has resolved that the dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.

6.4 Land Liable to Flooding

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

6.5 Subdivision in Unsewered Areas

No subdivision will be supported by Council in unsewered areas unless the proposal is in accordance with the R Codes depicted on the Scheme Maps and it can comply with the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment where applicable. In making its recommendations to the Commission, Council will need to be satisfied that the proposed subdivision will not prejudice future development options in the area.

6.6 Drainage

Prior to the issue of a building permit for development of a lot, Council will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that clearance of buildings and waste water disposal from drainage lines and ground water level is to Council satisfaction.

6.7 Effluent Disposal Near Watercourses

No household or rural point source effluent disposal system shall be located closer than 100m to any watercourse or wetland unless it has at least a 2m vertical separation between the base of the leach drain and the highest known groundwater level or bedrock and applicant has demonstrated to satisfaction of Council, Health Department of Western Australia and the Water and Rivers Commission that there is no other practical location and proposed on-site disposal and/or any associated site modifications would be acceptable to remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the amenity of the area.

6.8 Vehicle Parking

6.8.1 Table 2

Minimum on-site vehicle parking spaces shall be provided in accordance with the requirements of Table 2 but Council reserves the right to require additional parking if it is of the opinion that the proposed use will need more parking than that prescribed in the following table.

TABLE 2

Residential Use	Refer to the standards of the <i>Residential Planning Codes</i> .
Industrial	1 space for each person normally employed on the site, plus 2 spaces for visitor parking.
Service Commercial	1 space for each 50m ² of gross leasable area.
Shop	1 space for each 30m ² of gross leasable area.
Motel	1 space for each unit and additional spaces for staff and ancillary uses as may be determined by Council.
Other Uses	At the discretion of Council having regard to the requirements of the use.

6.8.2 Cash-in-Lieu

Notwithstanding the provisions of Table 2, Council may, for a use within the Town Centre Zone or the Service Commercial Zone, waive the requirement for on-site parking and accept a cash payment in lieu of the provision, to be applied in accordance with the following:

- Any payment made under the provisions of the preceding sub-clause shall be not less than the estimated cost of providing and constructing the parking spaces required by the Scheme plus the value of the area of land which might have been occupied by the parking spaces, and be paid by Council into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities within the zone.
- Before the Council accepts a cash payment it must either have already provided a public car park nearby or have firm proposals for providing such a car park within eighteen months from agreeing to accept the cash payment.

6.9 Rear Access and Loading Docks

When considering any application for Planning Consent, the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

- size of loading docks;
- minimum width of rear access;
- means of providing rear access.

6.10 Home Occupations and Cottage Industries

Where the Council grants approval to carry on a home occupation or cottage industry:

- a) the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
- b) the approval shall not run with the land in respect of which it was granted;
- c) the person to whom approval is granted by the Council to carry on a home occupation or cottage industry shall not carry on that home occupation or cottage industry at any premises other than the land in respect of which the Council's approval is granted; and
- d) if a home occupation or cottage industry has been carried on with the approval of the Council and if in the opinion of the Council such home occupation or cottage industry is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a home occupation or cottage industry unless a further approval to do so is granted by the Council.

6.11 Discretion to Modify Development Standards

Except for development in respect of which the *Residential Planning Codes* apply under this Scheme, if a development the subject of an application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or on such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the 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 property 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.

PART VII—SPECIAL CONTROLS

7.1 Heritage—Precincts and Places of Cultural Significance

7.1.1 Purpose and Intent

7.1.1.1 The purpose and intent of the heritage provisions are:

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

7.1.2 Heritage List

7.1.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

7.1.2.2 For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australian Act 1990* (as amended), or such parts thereof as described in the Heritage List as adopted by Council.

7.1.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

7.1.3 Designation of Heritage Precincts

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

7.1.3.2 The 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.

7.1.3.3 The 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.

7.1.3.4 The procedure to be followed by the Council in designating a Heritage Precinct shall be as follows:

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council considers necessary to ensure widespread

notice of the proposed designation and where the policy statement which applies to the precinct may be inspected;

- (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;
- (d) the Council shall carry out such other consultations as it thinks fit;
- (e) the Council shall consider any submissions made and resolve to designate the Heritage Precinct with or without modification or reject the proposal after consideration of submissions;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and the Commission.

7.1.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in sub-clause 7.1.3.4 above.

7.1.4 Applications for Planning Consent

7.1.4.1 In dealing with matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning consent, Council shall have regard to any heritage policy of the Council.

7.1.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.

7.1.4.3 Notwithstanding any existing assessment on record, Council may require a 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.

7.1.4.4 For the purposes of sub-clause 7.1.1 of the Scheme the term 'development' shall have the meaning as set out in the *Town Planning and Development Act 1928* (as amended) but shall also include, in relation to any place entered in the Heritage List 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.

7.1.5 Formalities of Application

7.1.5.1 In addition to the application formalities prescribed in sub-clause 7.1.4 and any formalities or requirements associated with applications for planning consent contained in any other provision of the Scheme, the Council may require an applicant for planning consent, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the 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 exceeding 2 metres in height, 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 the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

7.1.6 Variations to Scheme Provisions

7.1.6.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the 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, the Council shall:

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 8.2; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

7.1.6.2 In granting variations under sub-clause 7.1.6.1 the 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 contain memorials noted on relevant Certificates of Title.

7.2 Control of Advertisements

7.2.1 Power to Control Advertisements

7.2.1.1 For the purpose of this Scheme, the erection, placement and display, and the continuance of advertisements is development within the definition of The Act requiring, except as otherwise provided, the prior consent of the Council. Such Planning Consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.

7.2.1.2 Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part VII of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 2, giving details of the advertisement(s) to be erected, placed or displayed on the land.

7.2.2 Existing Advertisements

7.2.2.1 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 the 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 be erected and displayed in accordance with the licence or approval as appropriate.

7.2.3 Consideration of Applications

7.2.3.1 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 with particular reference to the character and amenity of the locality within which it is to be displayed.

7.2.4 Exemptions from Requirement to Obtain Planning Consent

7.2.4.1 Subject to the provisions of the *Main Roads (Control of Signs) Regulations, 1983* (as amended) and notwithstanding the provisions of Clause 7.2.1.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as “exempted advertisements”.

7.2.4.2 The exemptions listed in Schedule 5 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a Heritage Precinct established or designated under Clause 7.1 of the Scheme.

7.2.5 Discontinuance

7.2.5.1 Notwithstanding the Scheme objectives and Clause 7.2.4, where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement.

7.2.6 Derelict or Poorly Maintained Signs

7.2.6.1 Where, in the opinion of the 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.

7.2.7 Notices

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

7.2.7.2 Any notice served pursuant to this clause 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 28 days, within which the action specified shall be completed by the advertiser.

7.2.7.3 Any person upon whom a notice is served pursuant to this Part may appeal in accordance with Clause 9.5 of the Scheme.

7.2.8 Scheme to Prevail

7.2.8.1 Where the provisions of Clause 7.2 are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

7.3 Special Design Precinct

7.3.1 The Scheme Map depicts Special Design Precincts wherein:

7.3.1.1 A dwelling or commercial building may not be constructed, altered or added to unless in the construction, alteration or addition, all external walls and party walls are constructed of brick, brick veneer, masonry or other material approved by Council.

7.3.1.2 The Council may, in a particular case, grant Planning Consent for the use of any materials not mentioned in the preceding sub-clause in the construction of walls or party walls of a building within the precincts if, in the opinion of Council, such construction would not prejudicially affect the amenity of the Precinct or the safety of the inhabitants.

PART VIII—PLANNING CONSENT

8.1 Application for Planning Consent

8.1.1 Every application for Planning Consent shall be made in writing in substantially the form set out in Appendix 1A and shall be accompanied by such plans and information as is required by any clause or Schedule to the Scheme.

8.1.2 Unless Council waives any particular requirement every application for planning approval shall be accompanied by:

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

- (ii) the location and proposed use of the site, including any existing buildings to be retained and proposed buildings to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
 - (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

8.2 Advertising of Applications

8.2.1 Where an application is made for Planning Consent to commence or carry out development which involves "SA" use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.

8.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an "AA" use, or for any other development which require the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

8.2.3 Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

8.2.4 If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the latter, the Council shall consider and determine the application.

8.3 Determination of Application

8.3.1 In determining an application for Planning Consent, the Council may consult with any authority which, in the circumstances, it thinks appropriate.

8.3.2 The Council, having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality, may refuse to approve any application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.

8.3.3 Where the Council approves an application for Planning Consent under the Scheme, the Council may limit the time for which that consent remains valid.

8.3.4 Where the Council has not specified a time limit the Planning Consent shall be deemed to expire at the end of two years from notice of approval.

8.4 'In Principle' Decisions

8.4.1 The Council's determination of an application for Planning Consent under the Scheme shall for all intents and purposes be an 'in principle' decision, and shall not in any way be taken as an approval or an authority to commence any development in those cases where:

- (a) an applicant stipulates that his application for Planning Consent is made in principle or uses other words indicating that intention and the Council makes a determination thereon; or
- (b) the Council upon receiving an application for Planning Consent other than as set out in Clause 8.1.1, makes a decision thereon, but issues its decision otherwise than in substantive conformance with the form referred to in Appendix 1B.

8.4.2 Any decision by the Council made pursuant to Clause 8.4.1 shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.

8.5 Deemed Refusal

8.5.1 Where the Council has not, within sixty days of the receipt by it of an application for Planning Consent, either conveyed its decision to the applicant or given notice of the application in accordance with Clause 8.2, the application may be deemed to have been refused.

8.5.2 Where the Council has given notice of an application for Planning Consent in accordance with Clause 8.2 and where the Council has not, within ninety days of receipt by it of the application, conveyed its decision to the applicant, the application may be deemed to have been refused.

8.5.3 Notwithstanding that an application for Planning Consent may be deemed to have been refused under Clauses 8.5.1 or 8.5.2, the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

PART IX—ADMINISTRATION

9.1 Powers of the Scheme

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

- (a) Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or The Act, and 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 law and for such purpose may make such agreement with other owners as it considers fit;
- (c) an officer of Council, authorised by Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

9.2 Offences

9.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any consent 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.

9.2.2 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.

9.3 Town Planning and Development Act—Section 10 Notice

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

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

9.4 Claims for Compensation

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11(1) of The Act is six (6) months after the date of publication of the Scheme in the *Government Gazette*.

9.5 Appeals

An applicant aggrieved by:

- (a) a decision of the Council in respect of the exercise of a discretionary power under the Scheme;
- (b) the adoption of a subdivision guide plan or a subdivision and development guide plan pursuant to the Scheme; or
- (c) a decision made by the Council or the Commission in respect of the implementation of a subdivision guide plan or a subdivision and development guide plan,

may appeal in accordance with Part V of The Act and the Rules and Regulations made pursuant to The Act.

9.6 Delegation to Principal Planner

9.6.1 The Council may, by resolution passed by an absolute majority of the Council, delegate to the Principal Planner of the Council (provided that Officer has a Municipal Town Planner's Certificate) the authority to deal with applications for Planning Consent under the Scheme.

9.6.2 The delegation of authority made by the Council pursuant to the preceding sub-clause shall be for a period specified in the delegation or for an indefinite period, as the case may be. The Council shall, at least once in each financial year, review every delegation made by it in accordance with these clauses.

9.6.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but it is revocable at the will of the Council, subject to Clause 9.6.5 and does not preclude the Council from exercising the power. The performance of a function by a delegate under Clause 9.6.1 shall be deemed to be the performance of the function by the Council.

9.6.4 Where in the exercise of any power under this Scheme the Council is required to form any opinion or to consider or have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

9.6.5 Any amendment or revocation of a delegation under this section shall be by resolution passed by an absolute majority of the Council.

9.6.6 The Council may in like manner delegate to the Principal Planner of the Council, any functions imposed on the Council in relation to a recommendation for subdivision of a property or amalgamation of a property. Any such delegation shall have the same effect as any delegation referred to in Clause 9.6.1 and may be made, amended and revoked in the same manner.

Schedule 1

INTERPRETATIONS

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/Advertising Sign: 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.

Amusement Facility: means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

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 land and buildings, 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.

Arts, Crafts and Handicrafts: means the use of land or a building for the purpose of making, displaying and sale of artefacts and shall also include the function of tuition in such skills.

Battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

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

Boarding/Lodging House: means any building or structure, permanent or otherwise, and any part thereof, as defined in the *Health Act 1911* (as amended) which is subject to registration by Council and may include a residential building.

Builder's Storage Yard: means land and 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 *Local Government Act 1960* as amended.

Building Code: means the *Building Code of Australia 1988* published by or on behalf of the Australian Uniform Building Regulations Coordinating Council as amended from time to time.

Building Envelope: means an area of land within a lot marked on a plan forming part of the Scheme or on a plan endorsed by the Council to which building development is restricted.

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 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—1982* (as amended) maintained in condition suitable for licence under that Act at 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 dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

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

Cattery: means the use of an approved out-building constructed in accordance with the *Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions* (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

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

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

Club Premises: means land and 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 Act 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985* (as amended).

Community Facility Depot: means land and buildings used by a Government or other statutory authority, a Fire Brigade, an Ambulance Service or other like body, for the provision of a service to the public and which may include the garaging and servicing of vehicles and equipment.

Conservation: means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will:

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

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, chiropractors, 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.

Consulting Rooms Group: means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

Convenience Store: means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200 m² gross leasable area.

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.

Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the *Community Services (Care Centres) Regulations, 1968* (as amended).

Development: shall have the same meaning given it in and for the purposes of The Act and includes intensive agriculture which shall be deemed to be a material change of use requiring approval of the Council.

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

District: means the Municipal District of the Shire of Waroona.

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

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

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

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 Activity: means the keeping of horses for domestic purposes and may, with the consent of Council, include riding schools and establishments for the breeding, sale, training and agistment of horses (see also Rural-Intensive Agriculture: Horse Stables).

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

Family Day Care Centre: means land and buildings used for the purpose of a Family Care Centre as defined in *Child Welfare (Care Centres) Regulations, 1968* (as amended).

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 and for the purposes of the *Building Code of Australia*.

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

Fuel Depot: means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

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

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

Gazettal Date: means the date of publication in the *Government Gazette*.

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.

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities and may, if approved by Council include outdoor recreation.

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.

Heritage List: means the Municipal 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.

Holiday Accommodation: means buildings constructed in accordance with the provisions of *Model By-Law No 18 (Holiday Accommodation)* and used for the short term accommodation of tourists and holiday makers and includes small scale convention centres, halls and other buildings for the amenity of the residents but does not include an Hotel or a Motel.

Home Occupation: means a business or activity carried on with the written permission of the 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 household;
- c) does not occupy an area greater than 20m²;
- 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 0.2m² in area;
- f) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building;
- i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises).

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.

Hostel: means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations.

Hotel: means land and buildings the subject of a Hotel Licence or Limited Hotel Licence granted under the provisions of the *Liquor Act 1988* (as amended) and includes a motel the subject of such a licence.

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;

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 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) site work on buildings, work on land;
- iii) in the case of edible goods the preparation of food for sale from the premises; or
- iv) panel beating, spray painting or motor vehicle wrecking.

Industry—Cottage: means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a “home occupation” and 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, 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 household normally resident on the land;
- c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²;
- 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; and
- e) does not display a sign exceeding 0.2m² in area.

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 the storage, treatment or manufacture of products from those materials when carried out on the land from which any of those materials is extracted or on land adjacent thereto; or
- b) the production of salt by the evaporation of sea or salt lake water.

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

Industry—Hazardous: means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

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

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.

Kennels/Cattery: means land and buildings used for the boarding and/or breeding of cats or dogs where such premises are registered or required to be registered by the Council; and may include the sale of such animals where such use is incidental to the predominant use.

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

Laundry/Laundromat: means a building, which may be open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: means a building the subject of a Store Licence granted under the provisions of the *Liquor Act, 1988* (as amended).

Lot: shall have the same meaning given to it in and for the purposes of, The Act and “allotment” has the same meaning.

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.

Market: means land and 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 stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

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 interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

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

Motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle and Marine Sales Premises: means land and 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.

Motor Vehicle Hire Station: means land and 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 Repair Station: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

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

Motor Vehicle Wrecking Premises: means land and 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.

Museum: means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

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

Nursery: means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Office: means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

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—1982* (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 being 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 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.

Peel Harvey Coastal Plain Catchment: means the Peel Harvey Coastal Plain Catchment as set out in the Commission's Statement of Planning Policy No 2, gazetted 21st February 1992 together with any amendments thereto.

Petrol Filling Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories.

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 waters, 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.

Plot Ratio: except for residential uses where it shall have the same meaning given to it in the *Residential Planning Codes*, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.

Potable Water: means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in *International Standards for Drinking Water*, Third Edition, World Health Organisation, 1971 (as amended).

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 land and buildings wherein fertilisers and grain are displayed and offered for sale.

Professional Office: means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

Public Amusement: means land and 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 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 the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship—Place Of: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Radio and T.V. Installation: means land and 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 or transmitters.

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

Reformatory: means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

Residential Building: means 'Residential Building' as defined in the *Residential Planning Codes*.

Residential Planning Codes: means the *Residential Planning Codes* set out in Appendix 2 to the Commission's Statement of Planning Policy No 1, gazetted on 13th December 1991, together with any amendments or additions thereto or any code, by-laws, or regulations replacing them and applying or being applicable within the District.

Restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

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 premises, part 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 are 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.

Rural—Intensive Agriculture: means the use of land for any of the purposes set out hereunder, including buildings and earthworks normally associated therewith:

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

Afforestation—means the use of land for planting and harvesting, for commercial purposes, of trees, other than orchard trees, of species not indigenous to the district, on an area greater than one hectare.

Aquaculture—means any fish farming operation for which a Fish Farm Licence issued pursuant to the provision of Part V of the *Fisheries Act 1905* (as amended), and the *Fisheries Regulations 1938* (as amended), is required.

Dairy—means any buildings, yards and premises occupied or used, or intended to be occupied or used, for the carrying on of any dairy business, or the production or manufacture of any dairy produce (milk, cream, butter, cheese, yoghurt and any other product of milk) from cattle or any other livestock, but does not include land associated therewith which is used at stocking rates not exceeding those recommended by Agriculture WA.

Horse Stables—means any buildings or land or both on which horses are kept, reared, bred or trained, for private or hobby purposes or for purposes of trade, commercial reward or gain, at rates exceeding those recommended by Agriculture WA (see also 'Equestrian Activity').

Horticulture—means the intensive or extensive cultivation and production of crops, for purposes of trade, commercial reward or gain and involving any form of land irrigation requiring the application of more than one thousand five hundred (1,500) kilolitres (Kl) of water per annum, and includes:

- market gardening, viticulture and hydroponics;
- orcharding for exotic or native fruit or nut production;
- irrigated fodder, turf and lucerne growing;
- native or exotic plant or flower nurseries.

Industry (Rural/Processing)—means any operation handling, treating, processing or packaging primary products for purposes of trade, commercial reward or gain.

Piggery—means any building, enclosure or yard in which five (5) or more breeding sows, or fifty (50) or more other pigs are kept, reared or fattened for purposes of trade, commercial reward or gain.

Poultry Farm—means any land and/or buildings used for the keeping, hatching and rearing of poultry, for either meat or egg production for purposes of trade, commercial reward or gain.

Rabbitry—means any building, enclosure or yard in which two hundred (200) or more rabbits are kept, reared, bred or fattened for the production of meat, fur or wool for purposes of trade, commercial reward or gain.

Stock Feedlot—means any building, enclosure, yard or paddock in which livestock are kept for reasons associated with the sale, rearing, breeding or fattening of the stock, at rates above those recommended by Agriculture WA, and for purposes of trade, commercial reward or gain.

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

- a) extensive dry land agriculture for crop production; and
- b) production and pasturing of livestock at rates not exceeding those recommended by Agriculture WA for the applicable pasture type.

Rural Residential/Special Rural Use: means uses normally carried out under the interpretation of Rural Pursuit, but does not include:

- any commercial production;
- any use which involves ground water consumption greater than an allowance determined by the Water and Rivers Commission;
- keeping of pigs or any other intensive animal husbandry;
- except with the consent of Council, the stabling, agistment, or training of horses;
- other uses considered by the Council to be detrimental to the health or amenity of the area.

Salvage Yard: means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, 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 unless logs or large pieces of timber are sawn therein.

Schedule: means a schedule to the Scheme unless otherwise noted.

Service Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Shop: means a building wherein goods are kept, exposed or offered for sale or hire by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles, hire of machinery or for any purpose falling within the definition of industry.

Showroom: means a building wherein predominantly bulky goods are displayed and may be offered for sale by wholesale and/or by retail excluding foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

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

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

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

Transportable Home: means any structure designed 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.

Veterinary Hospital: means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

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

Wayside Stall: means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are 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).

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 erection and use of buildings or for the use of land, but does not include reserved land.

Zoological Gardens: means land and 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.

Schedule 2

RURAL RESIDENTIAL ZONES

Zone Descriptions

(a) <u>Locality of Zone</u>	(b) <u>Permitted Uses & Zone Control Provisions</u>
<p>"Tuart Grove"</p> <p>Lake Clifton Part Leschanault Loc 58 Part Murray Loc 793 Part Wellington Loc 3610 which now contains lots on the following roads:</p> <p>Tuart Grove Avenue Peppermint Drive Sharee Close Teakwood Close Willy Wagtail Close</p>	<p>(i) The objective of Council is to ensure that development within the zone occurs with the least possible detrimental effect on the rural landscape of the area. In order to achieve that objective applications for approval to develop must demonstrate adequate concern for the environment and ecology of the area. To retain the rural landscape value landowners will retain, as far as practical, existing vegetation and Council will encourage additional tree planting.</p> <p>(ii) Council shall recommend that subdivision of the area should comply with the subdivision guide plan from the Shire of Waroona Town Planning Scheme No 5 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p>
<p>"Armstrong Hills"</p> <p>Clifton Hills Pt Murray Loc 793 Lot 2 Murray Loc 793 which now contains lots on the following roads:-</p> <p>Armstrong Hills Drive Thompson Crescent Gaston Crescent Seery Court Tognela Court</p>	<p>(i) The objective of Council is to ensure that the bushland character of the special rural village is maintained. Development proposals not specifically provided for in the Scheme will not be approved by Council if they would result in excessive clearing, dispersed or unduly large buildings, fire risks, excessive use of ground water, or any other diminution of the health safety and general amenity of the residents of the area.</p> <p>(ii) Council shall recommend that subdivision within the area should comply with the Scheme Area Map and the Subdivision Guide Plan from the Shire of Waroona Town Planning Scheme No 6 excepting that Lot 101 Old Coast Road (shown on Subdivision Guide Plan as Lot 59) will be deleted from the Zone upon gazettal of this Scheme.</p> <p>(iii) Council may require development of lots to be in accordance with the subdivision and development guideline plan referred to in (ii) above.</p>

Schedule 2

RURAL RESIDENTIAL ZONES—continued**Zone Descriptions**

(a) <u>Locality of Zone</u>	(b) <u>Permitted Uses & Zone Control Provisions</u>
<p>"Waroona Hills North"</p> <p>Pt Lot 11, Pt Murray Location 180 which contains lots on the following roads:-</p> <p>Robbie Court</p> <p>Forrington Heights</p> <p>Nanga Brook Road</p> <p>Elliott Street</p>	<p>(i) Council objectives are to provide for Rural Residential subdivision and development in close proximity to Waroona Townsite and to encourage retention and re-establishment of native vegetation, stream protection and unobtrusive development in harmony with the environment consistent with the need for reasonable protection against bushfires.</p> <p>(ii) Lots 15-20 (which became lots 35 - 40 following compilation of final Diagram of Survey) on the subdivision and development guideline plan adopted by Council on 10th April 1992 are included in this zone and that plan in its entirety was adopted by Council except that modifications to building envelopes were adopted on 10th November 1992.</p> <p>(iii) Lots 41-49 on the subdivision and development guideline plan adopted by Council on 11th April 1994 (incorporating minor modifications to the preliminary plan adopted by Council on 8th September 1992) are included in this zone and that plan in its entirety was adopted.</p> <p>(iv) Council shall recommend that any subdivision within the area should be in accordance with the aforementioned subdivision guideline plans and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p> <p>For lots 41-49 the following additional restrictions apply:</p> <p>(v) All lots are subject to clearing restrictions in accordance with this Scheme, guideline and development plan and 'Agreement to Reserve' registered on titles by the Commissioner for Soil Conservation to ensure that landowners will retain, as far as practical, all existing native vegetation.</p> <p>(vi) No beekeeping is permitted.</p> <p>(vii) Introduction of non-indigenous plant species which cannot be controlled in a manner to prevent invasion of remnant bushland is prohibited.</p> <p>(viii) No galvanised iron, Zincolume or white Colorbond may be used as exterior roofing, cladding or fencing material.</p>

RURAL RESIDENTIAL ZONES—continued
Zone Descriptions

(a)	(b)
<u>Locality of Zone</u>	<u>Permitted Uses & Zone Control Provisions</u>
<p>"Waroona Hills South"</p> <p>Location 239 Lyons Road, Waroona</p>	<p>(i) The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape of this scenic hills area. Applications for planning consent must demonstrate adequate concern for the environment, ecology, and bushfire potential of the area.</p> <p>(ii) Council shall recommend that subdivision within the area should be in accordance with the subdivision guideline plan adopted by Council on 28th April 1992 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p> <p>(iii) Responsibility for maintenance of battleaxe legs is to be shared amongst the beneficial owners and titles shall have caveats placed upon them to that effect.</p> <p>(iv) To retain the rural landscape value landowners will retain, as far as practical, existing vegetation.</p> <p>(v) Subdivider is to undertake a re-vegetation program on areas designated on guideline plan for "tree planting" and such parts of "stream protection" areas as agreed with Council.</p>

Schedule 2

RURAL RESIDENTIAL ZONES—continued
Zone Descriptions

(a) <u>Locality of Zone</u>	(b) <u>Permitted Uses & Zone Control Provisions</u>
<p align="center">"Coronation Road"</p> <p>Portion of Lot 49 Coronation Road and Lot 50 McNeill & Drake Roads, Waroona</p>	<p>(i) The objective for this zone is to provide for rural residential living close to Waroona, having regard for the Peel Harvey coastal catchment management guidelines and the objective to improve the landscape along Coronation Road. Enhancement of landscape and residential amenity shall have priority over the keeping of livestock and agricultural activities in this zone.</p> <p>(ii) Council shall recommend that any subdivision in the area should be in accordance with the subdivision guide plan adopted by Council on the 23rd November 1993 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p> <p>(iii) Council shall recommend that a Landscape Plan providing details on the planting and maintenance of native trees and shrubs in the area designated on the subdivision guide plan for "tree planting" be prepared by the subdivider to the satisfaction of Council.</p> <p>(iv) Council shall recommend that the tree planting areas be planted by the subdivider in accordance with the Landscape Plan to the satisfaction of Council and maintained thereafter in accordance with Clause 4.15.6(e) of the Scheme.</p> <p>(v) Conventional on-site effluent disposal systems shall not be permitted.</p> <p>(vi) Only Health Department of WA approved aerobic treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p> <p>(vii) The height of the building pad or mounded soil associated with any on-site effluent disposal system shall not exceed 1.2m above natural ground level unless it can be shown to Council satisfaction that an increase to maximum of 1.5m will not be detrimental to the amenity of the area.</p> <p>(viii) The keeping or agistment of any livestock shall be subject to the approval of Council and shall not exceed the recommendations of Agriculture WA based on the pasture type.</p> <p>(ix) Council shall require the fencing of areas associated with the approved Landscape Plan if the keeping of livestock is approved.</p> <p>(x) All stormwater shall be disposed of on site in accordance with Scheme provisions, catchment policies and guideline plan which includes reservation of drainage compensation basins.</p> <p>(xi) Council will require easements over minor drains with each owner to maintain such drains with Council reserving the right to enter, carry out required works and re-coup costs if maintenance is not done to its satisfaction.</p> <p>(xii) Except for proposed Lot 9, there shall be no crossover or direct vehicular access to Coronation Road.</p>

Schedule 2

RURAL RESIDENTIAL ZONES—continued
Zone Descriptions

(a)	(b)
<u>Locality of Zone</u>	<u>Permitted Uses & Zone Control Provisions</u>
<p align="center">"Dinjim Pools"</p> <p>Harvey River & Southern Estuary Road Murray Location CG 720</p>	<p>(i) The objective of Council is to ensure that development within the zone occurs with the least possible detrimental effect on the rural landscape and the Peel-Harvey Estuary. In order to achieve that objective land adjacent to the Harvey River is to be set aside as a Conservation Reserve and approval to develop any of the lots resulting from subdivision of the balance of land must demonstrate adequate concern for the environment and ecology of the area.</p> <p>(ii) Council shall recommend that subdivision of Location 720 should be in accordance with the subdivision and development guideline plan adopted by Council on 25th October 1994 and Council may require development of lots to be in accordance with the subdivision and development guideline plan.</p> <p>(iii) Council shall recommend as conditions of subdivision approval that:</p> <ul style="list-style-type: none"> • a foreshore management plan be prepared for the proposed conservation reserve; • boundary fencing be erected along the proposed reserve boundaries; and • the proposed reserve be vested in the Crown free of cost and without compensation. <p>(iv) To retain the rural landscape amenity, landowners will retain, as far as practical, existing remnant vegetation, all significant remnant vegetation will be protected from grazing stock and the stocking rate shall be limited to 10DSE/ha.</p> <p>(v) Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved aerobic treatment units or other modified systems using amended soil to attenuate nutrients may be used.</p>

Schedule 3

SPECIAL USE ZONES

(a) <u>Locality of Zone</u>	(b) <u>Permitted Use & Conditions of Use</u>
1. Drakesbrook Motel & Nanga Brook Restaurant Lot 342 corner South Western Highway and McDowell Street Waroona	(a) hotel/motel (b) restaurant & reception centre (c) bottle shop (d) management accommodation (e) boat storage facilities (f) other minor associated facilities as approved by Council.
2. Lake Clifton Tourist & Shopping Village Lots 19, 20, 21 & 22 Pt Murray Loc 793, Old Coast Road, Lake Clifton	In accordance with Development Guide Plan forming part of District Planning Strategy: (a) tavern (b) motel (c) caravan park (d) shopping centre & compatible uses to maximum of 1000m ² GLA (e) wildlife park (f) museum (g) picnic & barbecue facilities

Schedule 4

ADDITIONAL USES

Schedule 5

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 7.2.4

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation Cottage Industry	One advertisement describing the nature of the home occupation or cottage industry.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² & individual advertisement signs shall not exceed 6m ² .
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 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 c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.

Schedule 5

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 7.2.4—continued

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Advertisements within Buildings.	All advertisements placed or displayed within a building which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shops Commercial & Industrial projects.	One sign as for (i) above.	5m ²
iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of 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 at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
b) Multiple dwellings, shops Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes Advertisement signs displayed for the period over which the homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Appendix 1A

SHIRE OF WAROONA
APPLICATION FOR PLANNING CONSENT

1. Full Name of Owner(s)
 Address Tel
2. Full Name of Applicant
 Address Tel
3. Address for Correspondence
4. Locality of Proposed Development (Lot No. Street etc.)
5. Certificate of Title: Vol. Fol. Dia/Plan
6. Purpose for which Applicant desires to use the land

7. Nature of buildings and other improvement(s) on the land

8. Nature of buildings and other improvements proposed to be constructed on the land

9. Est time of commencement completion
10. No of Employees Approximate Cost \$
- Signature of Applicant Date
- Signature of Owner Date

Forms and Plans

to be returned to—

Chief Executive Officer
 Shire of Waroona
 Post Office Box 20
 Waroona WA 6215

FOR OFFICE USE ONLY:

File No:	Gross Floor Area:
Lot Area:	Date Received:
Zone:	Policy Precinct:
Use Class:	Use Table Symbol:

NOTES:

1. This application can only be signed by the owner, or purchaser under option, of the land on which the development is proposed.
2. This form is to be submitted to the Council with three (3) copies of site plans including access, parking layout and elevations.
3. Prior to issue of a building licence, Commercial and Industrial developers will be required to provide a detailed landscaping plan showing location and types of all trees and shrubs to be planted or retained, reticulation layout and groundcover treatment proposed.
4. This is not an application for a Building Licence. Separate application for a Building Licence must be made and granted before development commences.

Appendix 1B

FOR OFFICE USE ONLY:

Lot No....House No....Street.....File No.....

SHIRE OF WAROONA
TOWN PLANNING SCHEME No.7

DECISION ON APPLICATION FOR COUNCIL'S PLANNING CONSENT

Name of Owner of Land on which Development is Proposed:

Surname Given Names

Address

.....

Council's Planning Consent to the proposed development, described on the application dated
 and the accompanying plans for:

.....

located at address shown on top of page is granted subject to the following conditions/refused for the following reasons:

The Planning Consent is valid for a period of only. If development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development.

Date Signed

Chief Executive Officer/Principal Planner

Council Resolution No:/.....

Appendix 2

CONTROL OF ADVERTISEMENTS
ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT
APPROVAL

(To be completed in addition to Application for Planning Consent)

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

.....

2. Address in full:

.....

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

.....

4. Details of Proposed Sign:

Height:.....Width:.....Depth:.....

Colours to be used:

.....

Height above ground level (to top of Advertisement)

(to Underside:

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:

.....

.....

.....

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

Signature of Advertiser(s):

(If different from landowners)

Date:

ADOPTION

Adopted by resolution of the Council of the Shire of Waroona at the Planning Meeting of the Council held on the 16th day of August 1991.

G. R. STYLES, Shire President.

Date: 6 December 1996.

R. T. GOLDING, Shire Clerk/Chief Executive Officer.

FINAL APPROVAL

Adopted for final approval by resolution of the Council of the Shire of Waroona at the Planning Meeting of the Council held on the 24th day of September 1996 and the Seal of the Municipality was pursuant to resolution hereunto affixed in the presence of:

G. R. STYLES, Shire President.

Date: 6 December 1996.

R. T. GOLDING, Shire Clerk/Chief Executive Officer.

Date: 6 December 1996.

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 Hon. Minister for Planning on the date shown below.

Recommended/Submitted for final approval:

EVAN JONES, for Chairman of the Western Australian
Planning Commission.

Date: 6 December 1996.

Final approval granted:

RICHARD LEWIS, Hon. Minister for Planning.

Date: 8 December 1996.

RACING, GAMING AND LIQUOR

RA401**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 Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (Telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR TRANSFER OF LICENCE			
1532/96	Pang On Yung	Application for the transfer of a Restaurant Licence in respect of premises situated in Boulder and known as the Wah On Chinese Restaurant, from Pang On Yung (S87).	23/12/96
APPLICATIONS FOR THE GRANT OF A LICENCE			
939/96	Brookton Tennis Club Inc	Application for the transfer of a Club Licence in respect of premises situated in Brookton and known as the Brookton Tennis Club Inc.	19/12/96
950/96	Peter John Sayers & Deborah Lee Sayers	Application for the grant of a Hotel Licence in respect of the premises situated in Kununurra and known as the Country Club Hotel.	8/1/97

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i>			
954/96	Hilarion Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Walebing and known as the Cheap Liquor Walebing.	1/1/97
956/96	Edith Cowan University Student Guild	Application for the grant of a Special Facility Licence in respect of premises situated in Churchlands and known as the Ecubar Churchlands.	2/1/97

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

G. B. AVES, Director of Liquor Licensing.

STATE REVENUE

SX401

PAY-ROLL TAX ASSESSMENT ACT 1971 NOTICE OF EXEMPTION OF CHARITABLE BODY

Notice is hereby given under the provisions of section 10 (3) of the Pay-roll Tax Assessment Act, that Kununurra Region Economic Aboriginal Corporation is declared exempt for the purposes of section 10 (1) (k) of the Act, in relation to its charitable objects.

G. M. EVANS, Minister for Finance.

TRANSPORT

TR301

ROAD TRAFFIC ACT 1974 ROAD TRAFFIC (LICENSING) AMENDMENT REGULATIONS (No. 3) 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Licensing) Amendment Regulations (No. 3) 1996*.

Principal regulations

2. In these regulations the *Road Traffic (Licensing) Regulations 1975** are referred to as the principal regulations.

[* *Reprinted as at 5 October 1994.*
For amendments to 23 October 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 242-43 and Gazette 24 May 1996.]

Regulation 21L amended

3. Regulation 21L of the principal regulations is amended by deleting "(2)" in the second place where it occurs and substituting the following —

" (2a) ".

Regulation 21PB inserted

4. After regulation 21PA of the principal regulations the following regulation is inserted —

“

Family vehicles

21PB. (1) The vehicle licence fee that, but for this regulation, would be payable for a family vehicle is reduced —

- (a) by \$20; or
- (b) if a reduction of \$20 would result in the fee being less than \$1, to \$1.

(2) A reduction under subregulation (1) is to be applied to a vehicle licence fee after that fee has been reduced by all other applicable reductions.

”.

Regulation 21Q amended

5. Regulation 21Q (3) of the principal regulations is amended by deleting “and 21PA.” and substituting the following —

“ , 21PA and 21PB. ”.

Transitional

6. The principal regulations, as in force immediately before the commencement of these regulations, continue to apply in relation to —

- (a) the grant of a vehicle licence if that licence is granted before 1 January 1997; and
- (b) the renewal of a vehicle licence if, pursuant to section 18 (4) of the Act, that renewal has effect, or is deemed to have effect, on and from a day that precedes 1 January 1997.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

TR302

ROAD TRAFFIC ACT 1974**ROAD TRAFFIC (FEES FOR VEHICLE LICENCES)
REGULATIONS (No. 2) 1996**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1996*.

Specified day

2. For the purposes of section 28A of the Act the specified day is 1 January 1997.

Part III of Second Schedule to Act amended

3. Part III of the Second Schedule to the *Road Traffic Act 1974** is amended in item 1 of Division 3 —

- (a) by deleting “(1) Subject to subitem (2), the” and substituting the following —
“ The ”; and
- (b) by deleting subitem (2).

[* Reprinted as at 1 June 1995.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 193, Acts Nos. 14, 30 and 37 of 1996 and Gazette 24 May 1996.]

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

PUBLIC NOTICES**ZZ201****TRUSTEES ACT 1962****Notice to Creditors**

Agnes Beth Atkins, late of “Kuanua”, North Dandalup, Western Australia, Farmer, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on the 11th day of August 1996, are required by the trustee William Sidney Atkins of 24 Garnet Street, Dulwich Hill, New South Wales to send particulars of their claims to him by the date being one month from the publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ202**TRUSTEES ACT 1962****Notice to Creditors and Claimants**

Creditors and other persons having claims to the estate of the late Muriel Joyce Seymour, who died on 10 May 1996, previously of 11 Panhlaing Street, Sanchaung Yangoon, Myanmar, are required to send particulars of their claims to Margaret Rose Seymour care of Andre Sweidan, PO Box 1621, West Perth WA 6872 by 17 January 1997 after which date I may convey or distribute the assets to the claims of which I then have notice.

ZZ301**INQUIRY AGENTS LICENSING ACT 1954****APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Perth.

I, John Lawrence of Lot 100 Waterwheel Road, Bedforddale, Phone number Home 497 2164, Work 351 8400, Insurance Investigator, having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 4/38 Mason Street, Cannington 6107.

Dated the 11th day of December 1996.

J. LAWRENCE, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 21st day of January 1997 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 11th day of December, 1996.

M. MEE, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ302

INQUIRY AGENTS LICENSING ACT 1954

APPLICATION FOR LICENCE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Perth.

I, Glen Carpenter of 4/38 Mason Street, Cannington, Phone number Work 351 8400, Insurance Assessor, having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 4/38 Mason Street, Cannington 6107.

Dated the 11th day of December 1996.

G. CARPENTER, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 21st day of January 1997 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 11th day of December, 1996.

M. MEE, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

WESTERN AUSTRALIA

DISABILITY SERVICES ACT 1993

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* Prices subject to change on addition of amendments.

LEGISLATIVE ASSEMBLY OF WESTERN
AUSTRALIA

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