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Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 1998.

There will be no edition for TUESDAY 14 APRIL.

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**THURSDAY 9 APRIL** (Copy closes Tuesday 7 April at 12.00 noon)

**FRIDAY 17 APRIL** (Copy closes Wednesday 15 April at 12.00 noon)

Any enquiries should be directed to John Thompson, Phone (08) 9426 0010

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## CEMETERIES

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CC401

**CEMETERIES ACT 1986**

## NABAWA CEMETERY

## By-laws Relating to Public Cemeteries

It is notified for public information that in accordance with section 53 of the Cemeteries Act 1986, the Nabawa Cemetery Board did by resolution at a meeting held on 16 March 1998 fix the undermentioned fees and charges.

## SCHEDULE A

## Nabawa Public Cemetery

## Scale of Fees and Charges payable to the Trustees of the Nabawa Public Cemetery.

- |  |          |
|--|----------|
| 1. Sinking and closing an ordinary grave to a depth of 1.8 metres .....  | \$300.00 |
| 2. For each additional 0.3 metres or part thereof ordered in excess of 1.8 metres .....  | \$50.00  |
| 3. Fees for sinking and closing other graves as follows—   |          |
| Child under 14 years    }  |          |
| Child under 7 years    }   |          |
| Stillborn child        }   | \$200.00 |
| Approximate depth of 1.5 metres or less if approved.   |          |
| 4. Fees for re-sinking and closing any grave for the purpose of second interment or exhumation .....   | \$300.00 |
| 5. Where removal of kerbing, tiles, etc. is necessary according to time required if work is performed by the Trustees, per man hour at ..... | \$35.00  |
| 6. Land for graves each lot .....  | \$50.00  |

*Other Fees Extra to Foregoing*

- |   |         |
|---|---------|
| 7. Re-opening fee of any existing grave for second interment if approved .....  | \$20.00 |
| 8. Exhumation fee .....   | \$20.00 |
| 9. Permission to erect a monument headstone and/or kerbing .....  | \$20.00 |
| 10. Interment without specified notice extra .....  | \$20.00 |
| 11. Interment not in usual hours as prescribed in "By-laws 18" .....  | \$20.00 |
| 12. Funeral Director's fee for conducting funeral within the Cemetery .....   | \$20.00 |
| 13. Providing always that the maximum fee paid by each, or any one Funeral Director shall not be in any financial year from 1st July to 30th June following, exceed the total amount of sixty dollars ..... | \$60.00 |

L. M. McNAUGHT, Hon Secretary.

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## FAIR TRADING

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FT301\*

## FAIR TRADING ACT 1987

**FAIR TRADING (RETIREMENT VILLAGES) INTERIM CODE OF PRACTICE 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Fair Trading (Retirement Villages) Interim Code of Practice 1998*.

**Interim Code of Practice**

2. The Code of Practice set out in the Schedule to the *Fair Trading (Retirement Villages Code) Regulations 1993* published in the *Gazette* on 8 January 1993 as amended by regulations published in the *Gazette* on 8 April 1993 is prescribed as an interim code of practice to remain in force for a period of 6 months commencing on the day on which these regulations are published in the *Gazette*.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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**LG301\***

LOCAL GOVERNMENT ACT 1995

**DISTRICTS OF BAYSWATER AND STIRLING (CHANGE OF BOUNDARIES)  
ORDER 1998**

Made by the Governor in Executive Council under section 2.1.

**Citation**

1. This order may be cited as the *Districts of Bayswater and Stirling (Change of Boundaries) Order 1998*.

**Commencement**

2. This order comes into operation on 1 July 1998.

**Change of boundaries**

3. (1) The boundaries of the districts of Bayswater and Stirling are changed so that the land described in Schedule 1 ceases to be in the district of Stirling and is instead in the district of Bayswater.

(2) A reference in Schedule 1 to an existing boundary of the district of Stirling is a reference to a boundary of that district in existence immediately before the commencement of this order.

**SCHEDULE 1 — LAND DESCRIPTION**

[clause 3]

All that portion of land bounded by lines starting from the northern corner of Lot 101 of Swan Location X as shown on Office of Titles Diagram 77736, a point on an existing northeastern boundary of the district of Stirling and extending southwesterly along the northwestern boundary of that lot and onwards to the northern corner of Lot 1 as shown on Office of Titles Plan 1749; thence southeasterly and southwesterly along boundaries of that lot and onwards to and along the southeastern boundary of Lot 52 as shown on Office of Titles Plan 1587 and again onwards to the eastern corner of Lot 53; thence southwesterly along the southeastern boundary of that lot and onwards to the northeastern boundary of Lot 92 as shown on Office of Titles Plan 2514; thence northwesterly and southwesterly along boundaries of that lot to the northeastern boundary of Part Lot 89; thence southeasterly and southwesterly along boundaries of that lot to the northeastern boundary of Lot 1 as shown on Office of Titles Diagram 58062; thence southeasterly along that boundary to the northwestern side of Oxford Street; thence southwesterly along that side to the eastern corner of Lot 11 as shown on Office of Titles Diagram 93683; thence northwesterly, southwesterly and southeasterly along boundaries of that lot to the northwestern side of Oxford Street; thence southwesterly along that side to a northeastern side of Kennedy Street; thence southeasterly along that side to the prolongation northeasterly of the northwestern boundary of Lot 1 as shown on Office of Titles Diagram 8193; thence southwesterly to and along that boundary to the northeastern boundary of Lot 8 of Location Y as shown on Office of Titles Diagram 36052; thence southeasterly, southwesterly and northwesterly along boundaries of that lot to the southeastern boundary of Lot 6 as shown on Office of Titles Diagram 28139; thence southwesterly and northwesterly along boundaries of that lot to a southeastern side of Carrington Street; thence southwesterly along that side to the northern corner of Lot 15 as shown on Office of Titles Diagram 46792; thence southeasterly, southwesterly and northwesterly along boundaries of that lot to a southeastern side of Carrington Street; thence southwesterly along that side to a northeastern side of Central Avenue; thence southeasterly along that side and onwards to the centreline of the Perth-Midland Railway; thence generally southwesterly along that centreline to the centreline of Guildford Road, a point on an existing southeastern boundary of the district of Stirling and extending generally easterly, generally southeasterly, generally northerly and northwesterly along existing boundaries of that district to the starting point.

*Note: The land described is about 525 hectares in area and is shown on Department of Land Administration Public Plans BG34(2) 14.26, 14.27, 15.25, 15.26, 15.27, 15.28, 16.25, 16.26, 16.27 and 16.28.*

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

## LG302

**LOCAL GOVERNMENT ACT 1995***Shire of East Pilbara***LOCAL LAWS RELATING TO THE ESTABLISHMENT, MAINTENANCE AND  
EQUIPMENT OF BUSH FIRE BRIGADES FOR ANY PART OF  
THE SHIRE OF EAST PILBARA.****Establishment of Brigade**

1. (a) On the resolution of the Council to establish, maintain and equip a bush fire brigade under the Bush Fires Act, 1954 and regulations thereunder, the brigade shall be formed in accordance with these local laws; and a name shall be given to the brigade and application accompanied by the resolution of the Council forming the brigade shall be made to the Bush Fires Board for its registration accordingly.

(b) A bush fire brigade may be established for the whole of the Town or for any specified area thereof.

**Appointment of Officers**

2. The Council shall appoint a captain, a first lieutenant, a second lieutenant and such additional lieutenants as it shall deem necessary to act as officers of the brigade and who, in the Council's opinion, have the necessary qualification and knowledge of the district required in such capacities.

3. The CEO or such other person as the Council may appoint, shall be the Secretary of the brigade.

4. The Council may appoint an equipment officer who shall be responsible for the custody and maintenance in good order and condition of all equipment and appliances acquired by the Council for the purposes of the brigade. Such officer may station such equipment at a depot approved by the captain where, if possible, motor trucks can easily be called upon. If there are more than one such depot in the area, the equipment officer shall appoint at each depot a person to look after the equipment and have it ready for immediate use when required.

5. The Council shall appoint bush fire control officers in accordance with the requirements of the district and may prescribe the area over which each such officer shall have jurisdiction. The employment, dismissal and payment for services of persons (other than officers) employed for duties under the Act shall be vested in the Shire President and CEO of the Council conjointly.

**Duties of Officers**

6. The duties of all officers appointed under these local laws shall be as laid down in the provisions of the Bush Fires Act, 1954 and each officer so appointed shall be supplied with a copy of the Act and regulations.

The captain shall have full control over the members of the brigade whilst engaged in fire fighting and shall issue instructions as to the methods to be adopted by the firemen. In the absence of the captain, the first lieutenant; and in the absence of the first, the second lieutenant or senior officer of the brigade present at the fire shall exercise all the powers and duties of the captain.

**Membership of Brigade**

7. (i) The membership of a bush fire brigade may consist of the following:—

- (a) subscription members;
- (b) fire fighting members; and
- (c) associate members.

(ii) Subscribing members shall be those persons, who being interested in forwarding the objects of the brigade, pay an annual subscription to the funds of the brigade at the following rates:—

- (a) owner or occupier of land within the brigade area—minimum subscription of \$10.
- (b) other persons—a minimum subscription of \$5.

(iii) Fire fighting members shall be those able bodied persons being over 15 years of age and who are willing to render service at any bush fire when called upon and who sign an undertaking on the form contained in the First Schedule of these local laws.

(iv) Associate members shall be those persons who are willing to supply free motor transport for fire fighters or equipment, or are prepared to render other approved assistance, and who sign an undertaking in the form contained in the Second Schedule to these local laws.

(v) No fees or subscriptions shall be payable either by fire fighting members or associate members and the enrolment or persons as such members shall in every case be subject to the approval of the Board.

(vi) A subscript member shall be eligible for enrolment as a fire fighting member.

**Finance**

8. The expenditure incurred by the Council in the purchase of equipment, payment for services and generally for the purposes of this Act, shall be a charge on the ordinary revenue of the Council, but the CEO shall keep record of the expenditure incurred under this Act.

## Meetings of Brigade

9. Meetings will be held as necessary.

## First Schedule

## FORM OF ENROLMENT—FIRE FIGHTING MEMBER

I, the undersigned, hereby make application to be enrolled as a fire fighting member of the SHIRE OF EAST PILBARA Bush Fire Brigade.

My private address is .....

My business address is .....

I can be communicated with by telephone No. ....

If needed, I can provide my own transport to the scene of any outbreak.

(This line is to be struck out if not applicable)

I hereby declare that I am over 15 years of age and in good health. On election by the committee as a fire fighting member, I hereby undertake—

- (1) To promote the objects of the brigade as far as shall be in my power.
- (2) To be governed by the provisions of the constitution and such local laws and regulations as may from time to time be made thereunder.
- (3) To use my best endeavours to give assistance in fire fighting measures when called upon on such occasions to obey all orders and instructions issued by duly authorised officer of the brigade.

Date .....

Applicant's Signature .....

## Second Schedule

## FORM OF ENROLMENT—ASSOCIATE MEMBER

I, the undersigned hereby make application for enrolment as an associate member of the SHIRE OF EAST PILBARA Bush Fire Brigade.

- (a) I am prepared to offer to transport fire fighting members and/or equipment to the scene of any outbreak when called upon. I have a motor vehicle of the following type.....available for such purpose.

- (b) I am prepared to offer my services in the following capacity:—

(Paragraph (a) or (b) above may be struck out if both do not apply)

My private address is .....

My business address is .....

I can be communicated with by telephone No. ....

On election as an associate member by the committee, I hereby undertake:—

- (1) To promote the objects of the Brigade as far as shall be in my power.
- (2) To be governed by the provisions of the constitution and such local laws and regulations as may from time to time be made thereunder.
- (3) To use my best endeavours to assist in fire suppression work in the above capacity when called upon.

Date .....

Applicant's Signature .....

**LG403**

## CITY OF KALGOORLIE-BOULDER

## Appointments

It is hereby notified for public information that Mr Terence Brian Sims has been appointed as officer to the following positions with the City of Kalgoorlie-Boulder—

- (1) Ranger authorised to exercise powers in accordance with the Local Government Act 1960-1995
- (2) Dog control in accordance with the provisions of the Dog Act 1976—Regulations and Amendments.
- (3) Litter control in accordance with the provisions of the Litter Act 1979 and under the Local Government Act 1995 Regulations and Amendments.
- (4) Exercise control under Part XX of the Local Government Act 1960.
- (5) Control and supervision of Council's Parking Facilities By-laws 1992.
- (6) Control of off road vehicles under Section 39(3) of the Control of Vehicles (Off-road) Act 1978.
- (7) Appointed as Registration Officers under the provisions of the Dog Act 1976.



It is also hereby notified that Mr Kevin Harry Pallatt has been appointed to the following positions with the City of Kalgoorlie-Boulder—

- (1) Parking Officer for the control and supervision of Council's Parking Facilities By-laws 1992.
- (2) Litter Control Officer in accordance with the provisions of the Litter Act 1979 and under the Local Government Act 1995 Regulation and Amendments.
- (3) Appointed as a Registration Officer under the provisions of the Dog Act 1976 as Amended 1995.

The Appointment of Russel Finlay is hereby cancelled.

P. A. ROB, Chief Executive Officer.

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**LG401****DOG ACT 1976**

*Shire of Moora*

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

Registration Officer—Danya Scott

Authorised Person—Nathan John Stewart

The appointment of Mr John Hearn is hereby cancelled.

J. N. WARNE, Chief Executive Officer.

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**LG402****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960****MUNICIPAL BUILDING SURVEYORS QUALIFICATIONS COMMITTEE**

Department of Local Government,  
Perth, 31 March 1998.

LG: 522/61

It is hereby notified for public information that His Excellency the Governor has under the provisions of section 159 of the Local Government (Miscellaneous Provisions) Act 1960 and Regulation 11 of the Local Government (Qualification of Municipal Officers) Regulations 1984—

1. terminated the appointment of Cr Terry Holton as a member;
2. terminated the appointment of Mr David Burton as a deputy member;
3. appointed Cr Michael Sabatino as a member; and
4. appointed Cr Antonio Italiano as a deputy member

of the Municipal Building Surveyors Qualifications Committee.

JOHN LYNCH, Executive Director,  
Department of Local Government.

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**MAIN ROADS**

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**MA401****LAND ACQUISITION AND PUBLIC WORKS ACT 1902****SALE OF LAND**

MRWA 41-839-8B

Notice is hereby given that His Excellency the Governor has authorised under section 29(7)(a)(ii) of the Land Acquisition and Public Works Act 1902 the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

**LAND**

Portion of Swan Location S and being part of Lot 324 on Plan 5388 and being part of the land contained in Certificate of Title Volume 1990 Folio 305 more particularly delineated and coloured green on plan MR97-361.

Dated this 31st day of March 1998.

D. R. WARNER, Executive Director, Corporate Services.

**MA402****LAND ACQUISITION AND PUBLIC WORKS ACT 1902****SALE OF LAND**

MRWA 42-554-12VB

Notice is hereby given that His Excellency the Governor has authorised under section 29(7)(a)(ii) of the Land Acquisition and Public Works Act 1902 the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

**LAND**

Portion of Crown Lease 385/1993 as defined in documentations for Caveat G594607.

Dated this 31st day of March 1998.

D. R. WARNER, Executive Director, Corporate Services.

**MA403****LAND ACQUISITION AND PUBLIC WORKS ACT 1902****SALE OF LAND**

MRWA 41-1367-2

Notice is hereby given that His Excellency the Governor has authorised under section 29(7)(a)(ii) of the Land Acquisition and Public Works Act 1902 the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

**LAND**

Portion of Swan Location K and being Lot 79 on Plan 2747 and being part of the land contained in Certificate of Title Volume 1296 Folio 157 more particularly delineated and coloured green on the attached plan MR97-103.

Dated this 31st day of March 1998.

D. R. WARNER, Executive Director, Corporate Services.

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**PLANNING**

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**PD401\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION*****CITY OF ROCKINGHAM*****TOWN PLANNING SCHEME NO 1—AMENDMENT NO 305**

Ref: 853/2/28/1 Pt 305

Notice is hereby given that the local government of the City of Rockingham has prepared the abovementioned scheme amendment for the purpose of:

1. Rezoning the portion of closed road reserve adjoining Lot 946 Ware Street, Rockingham from "Local Scheme Reserve—Local Road" to "Residential SR3".
2. Rezoning Lots 947, 948 and adjoining portion of closed road reserve (amalgamated as Lot 8) Ware Street, Rockingham from "Residential SR3" and "Local Scheme Reserve—Local Road" to "Development Zone—R30".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Boulevard, Rockingham 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 May 12, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before May 12, 1998.

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.

G. G. HOLLAND, Chief Executive Officer.



PD402\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENTS AVAILABLE FOR INSPECTION***SHIRE OF CHITTERING***TOWN PLANNING SCHEME NO 5—AMENDMENT NOS 37 AND 43**

Ref: 853/3/4/5 Pts 37 and 43

Notice is hereby given that the local government of the Shire of Chittering has prepared the abovementioned scheme amendments for the purpose of:

**AMENDMENT NO 37**

1. Rezoning Lots 74-78 and Lots 80-85, Faull Street, Archibald Street and Payne Street, Muchea, from "Rural 2" to "Residential (R2.5)".
2. Amending Clause 3.9.3 Objectives and Policies.

**AMENDMENT NO 43**

## 1. Rezoning:

- (1) Parts of Lots 3 and 6 Payne Street;
- (2) Lots 9 and part of Lot 138 Wells Street;
- (3) Parts of Lots 2, 4, 11, 12 and 14 Faulls Street; and
- (4) Lot 142 (Reserve 31127)—Sand Pit—MRD

from Rural 1 Zone and Parks and Recreation Reserve to Special Residential Zone (R2.5)

## 2. Amending Clause 3.9.3 Objectives and Policies.

Plans and documents setting out and explaining the scheme amendments 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 May 12, 1998.

Submissions on the scheme amendments may be made in writing on Form No 4 and lodged with the undersigned on or before May 12, 1998.

These amendments are 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. HOOPER, Chief Executive Officer.

PD403\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF MELVILLE***TOWN PLANNING SCHEME NO 3—AMENDMENT NO 142**

Ref: 853/2/17/10 Pt 142

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Melville Town Planning Scheme Amendment on March 21, 1998 for the purpose of:

- including Lot 42 Leach Highway, Myaree as a special use in Appendix 5 of Town Planning Scheme No 3, so that the permitted uses shall include educational, medical, restaurant, child minding, offices, caretaker facilities, car sales premises and video store and that any development on site is to be in accordance with the Design Guidelines as follows:

**APPENDIX 5****Schedule of Special Uses and Conditions**

Serial No.	Lot No.	Street Locality	Special Conditions	Precinct
20	42 (Proposed Lot Nos. 104, 105, 106 and 1000)	Leach Highway Myaree	Permitted uses shall include educational, medical, restaurant, child minding, offices, caretaker facilities, car sales premises and video store. Any development on site is to be in accordance with the Development Guidelines.	MY1

K. J. MAIR, Mayor.  
N. BOLTON, A/Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF STIRLING***DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 198A**

Ref: 853/2/20/34 Pt 198A

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on March 23, 1998 for the purpose of:

1. Rezoning portions of Lot Pt 11, Lot Pt 4 (503) and Lot Pt 5 Erindale Road, Balcatta from "Medium Density Residential R40" to "Special Use Zone—Showrooms".
2. Altering Schedule II of the Scheme by the addition thereto of the following:

Erindale Road/ Boya Way, Balcatta	Portion of Perthshire Loc. Au and being Lot Pt 11 Erindale Road on Plan 11531, portion of Lot Pt 4 (503) Bryan Place on Plan 925, portion of Lot Pt 5 Odin Drive on Plan 925.	Special Use Zone Showrooms
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D. C. VALLENLONGA, Mayor.  
M. J. WADSWORTH, Chief Executive Officer.

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**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF STIRLING***DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 316**

Ref: 853/2/20/34 Pt 316

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on March 24, 1998 for the purpose of rezoning Reserve 25828 Odin Road, Innaloo from "Public Use Reserve—Primary School" to "Residential R40".

D. C. VALLENLONGA, Mayor.  
M. J. WADSWORTH, Chief Executive Officer.

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**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF GOSNELLS***TOWN PLANNING SCHEME NO 1—AMENDMENT NO 482**

Ref: 853/2/25/1 Pt 482

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on March 23, 1998 for the purpose of rezoning portion of Lot 2718 (Reserve No 33633) Yule Street, Maddington from 'Other Reservation—Public Purpose—Primary School' to 'Residential A (R17.5)' and amending the Scheme Map accordingly.

N. J. SMITH, Mayor.  
S. HOLTBY, Chief Executive Officer.

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**PD407\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF ROCKINGHAM***TOWN PLANNING SCHEME NO 1—AMENDMENT NO 302**

Ref: 853/2/28/1 Pt 302

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on March 23, 1998 for the purpose of:

1. Rezoning Lot 166 corner McLarty and Safety Bay Roads, Safety Bay from "Service Station" to "Business Local".

2. Adding Clause 5.20 (xxxviii) to read as follows: Lot 166 corner McLarty and Safety Bay Roads, Safety Bay for any purpose other than Marine Retail, Maintenance and Repair, or for uses permitted in the Business Local zone under the Scheme, with the exception of grouped or multiple dwellings.

C. S. ELLIOTT, Mayor.  
G. G. HOLLAND, Chief Executive Officer.

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**PD408\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF BUNBURY*

## TOWN PLANNING SCHEME NO 6—AMENDMENT NO 208

Ref: 853/6/2/9 Pt 208

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Bunbury Town Planning Scheme Amendment on March 23, 1998 for the purpose of:

1. Rezoning portion of Reserve 28174 being Lot 475 Mangles Street, Bunbury from 'Parks, Recreation and Drainage' Reserve to 'Residential R15'.
2. Rezoning portion of Reserve 28174 being portion of Lot 659 Mangles Street, Bunbury from 'Residential R15' to 'Parks, Recreation and Drainage' Reserve.
3. Rezoning portion of Reserve 670 being portion of Pt Lot 439 Mangles Street, Bunbury from 'Residential R15' to 'Parks, Recreation and Drainage' Reserve.

as depicted on the amending map adopted by the Council of the City of Bunbury.

G. M. CASTRILLI, Mayor.  
G. P. BRENNAN, Chief Executive Officer.

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**PD409\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF MURRAY*

## TOWN PLANNING SCHEME NO 4—AMENDMENT NO 118

Ref: 853/6/16/7 Pt 118

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on March 23, 1998 for the purpose of:

1. Amending clause 6.2.10 to read:  
"All buildings shall be set back not less than 9.0 metres from a canal frontage with the exception of shade sails and Class 10b structures, as defined in the Building Codes of Australia, which should be in accordance with Council's Policy on Shade Sails—Structures within the Canal Development Zone."
2. Amending Appendix 1—Interpretations—by the insertion, after the definition of "Service Station", of the following:  
"Shade Sail"—means an engineer-designed, open-sided structure roofed only in shade cloth fabric or similar material.
3. Amending clause 6.2.15 to read:  
"No fence situated within 7.5 metres of a canal frontage shall exceed 1.2 metres above the original stabilised surface."

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

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**PD701\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

*TOWN OF CAMBRIDGE*

## TOWN PLANNING SCHEME NO 1

Ref: 853/2/31/1 Vol 2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Cambridge Town Planning Scheme No 1 on March 23, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

R. J. WILLCOCK, Mayor.  
G. D. PARTRIDGE, Chief Executive Officer.

## SCHEDULE

## TOWN OF CAMBRIDGE

## TOWN PLANNING SCHEME NO. 1

The Town of Cambridge, 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.

## PART 1—INTRODUCTORY

- 1 Citation
- 2 Responsible Authority
- 3 Scheme Area
- 4 Scheme Documents
- 5 Objectives and Intentions
- 6 Relationship with Other Laws
- 7 Repeals
- 8 Definitions

## PART 2—LAND USE

- 9 Reserves and Zones
- 10 Use of a Town of Cambridge Scheme Reserve
- 11 Use of Land in a Zone
- 12 Zoning Table
- 13 Additional Uses
- 14 Special Use Zones
- 15 Non-Conforming Uses
- 16 Register of Non-Conforming Uses

## PART 3—DEVELOPMENT REQUIREMENTS

## DIVISION 1—GENERAL DEVELOPMENT REQUIREMENTS

- 17 Precincts
- 18 Source of Development Requirements
- 19 Residential Planning Codes
- 20 Special Application of Residential Planning Codes
- 21 Dwelling Densities
- 22 Conservation of Trees
- 23 Sewerage Connection

## DIVISION 2—PLACES OF CULTURAL HERITAGE SIGNIFICANCE

- 24 Declaration of a Conservation Area
- 25 Declaration of a Conservation Place
- 26 Heritage Agreements
- 27 Variations to Standards

## DIVISION 3—CONTROL OF ADVERTISEMENTS

- 28 Definitions
- 29 Need for Planning Approval
- 30 Existing and Exempted Advertisements
- 31 Notices Affecting the Display of Advertisements

## PART 4—PLANNING APPROVAL

- 32 Need for Planning Approval
- 33 Exemption from Planning Approval
- 34 Unauthorised Existing Developments
- 35 Form of Application for Planning Approval
- 36 Design Advisory Committee
- 37 Advertising of Applications for Planning Approval
- 38 Determination of Applications for Planning Approval—General Provisions
- 39 Determination of Non-Complying Applications for Planning Approval
- 40 Determination of an Application for Demolition
- 41 Notice of Council Decision
- 42 Term of Planning Approval
- 43 Temporary Planning Approval
- 44 Deemed Refusal
- 45 Approval Subject to Later Planning Approval of Details
- 46 Revocation of Planning Approval for Home Occupations
- 47 Appeals

## PART 5—MISCELLANEOUS

- 48 Planning Policies
- 49 Agreements and Dealings with Land
- 50 Delegation
- 51 Compensation
- 52 Election to Purchase and Valuation

## PART 6—ENFORCEMENT

- 53 Notices
- 54 Authorised Entry
- 55 Offences
- SCHEDULE 1—Definitions
- SCHEDULE 2—Additional Uses
- SCHEDULE 3—Special Use Zones
- SCHEDULE 4—Application for Planning Approval
- SCHEDULE 5—Notice of Public Advertisement of Application for Planning Approval
- SCHEDULE 6—Notice of Planning Approval/Refusal

## PART 1—INTRODUCTORY

**1 CITATION**

This Town Planning Scheme may be cited as the Town of Cambridge Town Planning Scheme No. 1 and shall come into operation on the publication of the Scheme in the *Government Gazette*.

**2 RESPONSIBLE AUTHORITY**

The authority responsible for implementing this Scheme is the Council of the Town of Cambridge.

**3 SCHEME AREA**

This Scheme applies to the Scheme Area which covers all the municipal district of the Town of Cambridge apart from the area illustrated on the Scheme Map comprising the land that is in the redevelopment area for the purposes of the Subiaco Redevelopment Act 1994.

**4 SCHEME DOCUMENTS**

This Scheme comprises the following documents—

- (a) the Scheme Text; and
- (b) the Scheme Map.

**5 OBJECTIVES AND INTENTIONS**

- (1) The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.
- (2) The overall goal of this Scheme is to ensure that the Town of Cambridge will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner.
- (3) The general objectives of this Scheme are—
  - (a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
  - (b) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment;
  - (c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which—
    - (i) recognises the individual character and needs of localities within the Scheme Area; and
    - (ii) can respond readily to change;
  - (d) to ensure planning at a local level is consistent with the Metropolitan Region Scheme and wider regional planning strategies and objectives;
  - (e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
  - (f) to promote and safeguard the economic well-being and functions of the Town;
  - (g) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which—
    - (i) makes optimum use of the Town's growing infrastructure and resources;
    - (ii) promotes an energy efficient environment; and
    - (iii) respects the natural environment; and
  - (h) to promote and safeguard the cultural heritage of the Town by—
    - (i) identifying, conserving and enhancing those places which are of significance to the Town's cultural heritage;

- (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
- (iii) promoting public awareness of cultural heritage generally.

## 6 RELATIONSHIP WITH OTHER LAWS

(1) The Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

(2) Where a provision of this Scheme is inconsistent with a provision of a local law, the provision of this Scheme prevails.

## 7 REPEALS

The following written laws are repealed—

Name	Date of Publication in the <i>Government Gazette</i>
Town of Cambridge Town Planning Scheme	20 December 1985
Zoning By-law No.64	10 October 1961

## 8 DEFINITIONS

(1) In this Scheme, unless the context otherwise requires, the words and expressions used have the meanings set out in Schedule 1.

(2) In this Scheme, unless the contrary intention appears, a reference to—

- (a) land, includes part of the land;
- (b) premises, includes part of the premises; and
- (c) a building, includes part of the building.

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

(4) A word or term used in this Scheme, but not defined in this Scheme or in the Residential Planning Codes, is to have its normal and common meaning.

## PART 2—LAND USE

### 9 RESERVES AND ZONES

(1) The land within the Scheme Area is classified as either—

- (a) a Metropolitan Region Scheme Reserve; or
- (b) a Town of Cambridge Scheme Reserve; or
- (c) one of the following Zones—
  - (i) Residential;
  - (ii) Residential/commercial,
  - (iii) Local centre;
  - (iv) District centre;
  - (v) Commercial;
  - (vi) Medical and
  - (vii) Special Use

(2) The classification of land within the Scheme Area is shown on the Scheme Map.

(3) Land shown as a “Metropolitan Region Scheme Reserve” on the Scheme Map—

- (a) is land reserved under the Metropolitan Region Scheme;
- (b) is shown to comply with the Metropolitan Region Town Planning Scheme Act 1959;
- (c) is not reserved by this Scheme; and
- (d) continues to be subject to the Metropolitan Region Scheme.

### 10 USE OF A TOWN OF CAMBRIDGE SCHEME RESERVE

A Town of Cambridge Scheme Reserve may be used for—

- (a) a use which gives effect to the purpose for which the land is reserved under this Scheme; and
- (b) where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to any purpose for which the land may lawfully be used.

### 11 USE OF LAND IN A ZONE

(1) The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various Zones. The permissibility of any use is determined by cross reference between the list of uses in the Use Class column on the left hand side of the Zoning Table and the list of Zoning at the top of the Zoning Table.



(2) The symbols used in the cross reference in the Zoning Table have the following meanings—

- ‘P’ means that the use is permitted by the Scheme;
- ‘AA’ means that the use is not permitted unless the Council has granted planning approval;
- ‘SA’ means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 37;
- ‘IP’ means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council; and
- ‘X’ means a use that is not permitted by the Scheme.

(3) Where more than one symbol is used in the cross reference in the Zoning Table, the permissibility of that use may be determined by reference to the numerical figure shown in brackets following the symbols. An explanation of the meaning of the numerical figures is shown below the Zoning Table.

(4) Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other Use Class which by its more general meaning might otherwise include such particular use.

(5) If use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the Use Class categories the Council may—

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the “SA” procedures of clause 36 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

## 12 ZONING TABLE

Use Class	Zones					
	Residential	Residential/ Commercial	Local Centre	District Centre	Commercial	Medical
Advertisement	X/P (1)	AA/P (2)	AA/P (2)	AA/P (2)	AA/P (2)	AA/P (2)
Amusement facility	AA	AA	P	P	P	AA
Consulting rooms (group)	X	SA	SA	AA	AA	AA
Dwelling (single)	P	P	AA	AA	AA	AA
Dwelling (grouped)	AA/X (8)	AA	AA	AA	AA	AA
Health studio	X	X/AA (3)	X	AA	AA	X
Hospital	X	SA	SA	AA	AA	AA
Industry (light)	X	X/IP (4)	IP	IP	AA	IP
Industry (service)	X	X	X	AA	AA	X
Local shop	SA	SA	AA	AA	AA	AA
Motor vehicle & marine sales	X	X	X	SA	SA	X
Office	X	AA	IP/AA (5)	AA	AA	IP
Public worship	SA	SA	SA	AA	AA	AA
Serviced apartments	X/AA (6)	SA	AA	AA	AA	AA
Showroom	X	X/AA (7)	X	AA	AA	X
Veterinary hospital	X	X	X	X	SA	X
Warehouse	X	X/AA (7)	IP	IP	AA	X
Consulting rooms	X	AA	AA	AA	AA	AA
Veterinary clinic						
Child day care centre	SA	SA	AA	AA	AA	AA
Community purpose Educational establishment						
Nursing home						
Child family day care centre	P	P	P	P	P	P
Garage sale						
Amenity building	X	IP	IP	IP	IP	IP
Caretaker's dwelling						
Civic use	AA	AA	AA	AA	AA	AA
Communications antennae (domestic)						
Home occupation						
Public recreation						
Public utilities						
Residential building						
Retirement village						

<i>Zones—continued</i>						
Use Class	Residential	Residential/ Commercial	Local Centre	District Centre	Commercial	Medical
Cinema/theatre	X	X	AA	AA	AA	X
Club premises						
Communications antennae (commercial)						
Dry cleaning premises						
Fish shop						
Market						
Open air display						
Private recreation						
Public parking station						
Telecommunications infrastructure						
Restaurant						
Shop						
Take away food outlet						
Amusement centre	X	X	SA	SA	SA	X
Hotel						
Motel						
Petrol and convenience Store						
Motor vehicle wash						
Private hotel						
Massage rooms						
Reception centre						
Restricted premises						
Service station						
Take away food outlet (drive through)						
Tavern						
All other uses defined in the Scheme but not listed above	X	X	X	X	X	X

- (1) "P" where exempt from the requirement to obtain planning approval under clause 33—"X" in all other cases;
- (2) "P" where exempt from the requirement to obtain planning approval under clause 33—"AA" in all other cases;
- (3) "X" within Precinct P5 (West Leederville)—"AA" within Precinct P4 (Wembley);
- (4) "X" within Precinct P5 (West Leederville)—"IP" within Precinct P4 (Wembley);
- (5) "AA" where offices are located on the upper floor of multi storey buildings—"IP" in all other cases;
- (6) "X" within Residential R12.5, R15, R20 and R30 Use Areas—"AA" within R40, R40/60 and R60 Use Areas;
- (7) "X" within Precinct P5 (West Leederville)—"AA" within Precinct P4 (Wembley) where vehicular access is not provided from Herdsman Parade; and
- (8) "AA" within Residential R15, R20, R30, R40, R40/60 Use Areas—"X" within a Residential R12.5 Use Area.

### 13 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Schedule 2 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against the land. The use so specified is in addition to the other uses permitted in the Use Area in which the land is situated unless any of those uses are excluded or modified by a condition specified in that Schedule.

### 14 SPECIAL USE ZONES

Special Use Zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table. No persons shall use any land or structure or buildings thereon, in a Special Use Zone except for the purpose set out against that land in Schedule 3 and subject to the conditions set out in Schedule 3 with respect to that land.

### 15 NON-CONFORMING USES

- (1) Nothing in this Scheme is to prevent—
  - (a) the continued use of any land or building for a non-conforming use; or
  - (b) the carrying out of any development for which planning approval if then required was obtained before the Gazettal date.

- (2) A non-conforming use shall not be extended beyond the boundaries of the lot or lots on which the non-conforming use was in fact being carried on at the Gazettal date.
- (3) Where a non-conforming use exists, no further development of the relevant land or building is to be carried out without planning approval.
- (4) Subject to subclause 6, the Council may refuse or approve an application for planning approval to further develop the land and/or erect, alter or extend a building in connection with or in furtherance of a non-conforming use.
- (5) Subject to subclause 6 in any Scheme Use Area a person shall not further develop the land and/or erect, alter or extend a building in connection with or in furtherance of a non-conforming use otherwise than in conformity with the requirements of the Scheme Text, Council Planning Policies and the Residential Planning Codes.
- (6) Nothing in this clause shall prevent the Council from refusing to approve of further development of land and/or the erection, alteration or extension of a building in connection with or in furtherance of a non-conforming use notwithstanding conformity of the application for planning approval with the requirements of the Scheme Text, Council Planning Policies and the Residential Planning Codes.
- (7) The Council cannot grant planning approval in relation to a non-conforming use unless it is satisfied by an absolute majority that—
- (a) if approval were to be granted, the non-conforming use would, in the opinion of the Council, be consistent with—
    - (i) the orderly and proper planning of the locality;
    - (ii) the conservation of the amenities of the locality; and
    - (iii) the Statement of Intent set out in the relevant Precinct Planning Policy; and
  - (b) the non-conforming use would, in the opinion of the Council, not have any undue adverse affect on—
    - (i) the occupiers or users of the development;
    - (ii) the property in, or the inhabitants of, the locality; or
    - (iii) the likely future development of the locality.
- (8) Where in the opinion of Council an application for planning approval under Part 4 is likely to affect any owners or occupiers in the general locality, the Council may—
- (a) consult with the party or parties who, in the opinion of Council, may be affected by the approval of further development of the land and/or buildings in respect of the non-conforming use; and
  - (b) have regard to any submissions in considering the application for planning approval in respect of the non-conforming use.
- (9) The Council may at its discretion permit land in respect of which a non-conforming use exists or is authorised under clause 15 (1) (a) and (b) to be used for some other purpose which is not permitted under the Scheme if the proposed use for that purpose is in the opinion of the Council—
- (a) less detrimental to the amenities of the neighbourhood than the non-conforming use; or
  - (b) closer to the type of use which is permitted or which may be approved of by the Council in the Use Area in which the land is located.
- (10) The Council may terminate a non-conforming use by purchasing or compulsorily acquiring the relevant land in accordance with section 13 of the Act.
- (11) If any land or building is, at the Gazettal date, being used for a non-conforming use and—
- (a) the non-conforming use ceases for a least six consecutive months;
  - (b) the building is destroyed or damaged to the extent of at least 75% of its value,
- then the land or building shall not thereafter be used otherwise than in conformity with the Scheme.

## **16 REGISTER OF NON-CONFORMING USES**

- (1) A person who wishes the Council to record a non-conforming use may submit to the Council in writing full details of the nature, location and extent of the non-conforming use.
- (2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.
- (3) A copy of the register of non-conforming uses is to be—
- (a) kept at the offices of the Town; and
  - (b) made available for public inspection during office hours.

## **PART 3—DEVELOPMENT REQUIREMENTS**

### **DIVISION 1—GENERAL DEVELOPMENT REQUIREMENTS**

## **17 PRECINCTS**

- (1) The Scheme Area is divided into the Precincts set out in the Precinct Planning Policies contained in the Council's Policy Manual.
- (2) For each Precinct listed below, there is a Precinct Planning Policy.

- P1 City Beach
- P2 Reabold
- P3 Floreat

- P4 Wembley
- P5 West Leederville
- P6 Lake Monger

## **18 SOURCE OF DEVELOPMENT REQUIREMENTS**

Unless otherwise consistent with a planning approval, the development of land is to be in accordance with the standards and requirements contained in this Scheme Text, the Planning Policies and the Residential Planning Codes.

## **19 RESIDENTIAL PLANNING CODES**

(1) For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to Statement of Planning Policy No. 1, together with any amendments thereto.

(2) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

(3) 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.

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

## **20 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES**

(1) Notwithstanding the provisions of the Residential Planning Codes, the following special applications of the Residential Planning Codes apply—

- (a) street boundary setbacks within the City Beach Precinct (P1) shall be a minimum of 7.5 metres from the primary street (as defined by Council) and 3.75 metres from the secondary street, except within the Residential R20 and Residential R30 zones, and
- (b) street boundary setbacks within the Floreat Precinct (P3) shall be a minimum of 9 metres from the primary street (as defined by Council) and 4.5 metres from the secondary street, except within the Residential R15 zone.

(2) When determining setbacks under this clause, the following provisions shall apply—

- (a) setbacks shall be measured at 90 degrees to the street alignment; and
- (b) clauses 1.5.5 and 1.5.8 (a) and (c) of the Residential Planning Codes shall not apply.

## **21 DWELLING DENSITIES**

(1) The permitted dwelling density per hectare under the Residential Planning Codes for any land is to be determined by reference to the Residential Planning Codes dwelling density number, as illustrated on the Scheme Map.

(2) Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if—

- (a) the proposed development effects the discontinuance of a non-conforming use; or
- (b) the proposed development conserves or enhances an existing building, buildings or place which is either—
  - (i) declared to be a conservation area or a conservation place, or
  - (ii) nominated on the Municipal Heritage Inventory, or
  - (iii) included on the State Register of Heritage Places, the Register of the National Estate or listed by the National Trust; or
- (c) the proposed development would remove all vehicular access to and from the site from a road nominated by Council to be a primary or district distributor road.

(3) Where the Council allows an increase in the permitted dwelling density, the standards and provisions of the Residential Planning Codes which relate to that higher density are to apply.

## **22 CONSERVATION OF TREES**

In determining an application for planning approval under Part 4, the Council may have regard to any trees or other vegetation which Council considers worthy of retention.

## **23 SEWERAGE CONNECTION**

(1) Notwithstanding any provision of this Scheme to the contrary, all residential developments are to be connected to a comprehensive sewerage system, if one is available.

(2) Where no comprehensive sewerage system is available, the Council is not to grant planning approval for any residential development, other than the erection of a single house, unless—

- (a) the Health Department of Western Australia recommends to the Council that the planning application complies with the requirements of the Government Sewerage Policy; or
- (b) immediately prior to the Gazettal date the land in respect of which the proposed development is to take place is used for the purposes of two or more dwellings.

## DIVISION 2—PLACES OF CULTURAL HERITAGE SIGNIFICANCE

**24 DECLARATION OF A CONSERVATION AREA**

(1) The Council, following the procedures set out in this clause, may declare an area of land to be a conservation area where, in the opinion of the Council, special planning controls are needed to conserve and enhance the cultural heritage significance and character of the area.

(2) In considering a proposal to declare an area of land to be a conservation area, the Council—

- (a) is to give written notice to each owner of land affected by the proposal;
- (b) is to advertise the proposal—
  - (i) in a notice in a newspaper circulating in the Town;
  - (ii) by the erection of a sign in a prominent location in the area affected by the proposal; and
  - (iii) in any other way that the Council considers necessary to ensure widespread notice of the proposal;
- (c) is to include in the newspaper notice and on the sign an invitation for submissions about the proposal to be made to the Council within a specified period of 28 days;
- (d) may consult with any person or body;
- (e) is to have regard to any written submissions lodged with the Council under this clause; and
- (f) may, by resolution, declare the area to be a conservation area.

(3) Where the Council declares an area to be a conservation area it is to—

- (a) adopt a Planning Policy for the area which is to comprise—
  - (i) a map showing the boundaries of the area;
  - (ii) a list of places, if any, of heritage significance;
  - (iii) objectives and guidelines for the conservation of the area;
- (b) give notice of the declaration and, when available, a copy of the Planning Policy to—
  - (i) the Heritage Council of Western Australia;
  - (ii) the Western Australian Planning Commission; and
  - (iii) any person or body who made a submission in respect of the conservation area.

(4) The Council may amend or cancel a conservation area by following the procedures set out in subclause (2).

**25 DECLARATION OF A CONSERVATION PLACE**

(1) The Council may, following the procedures set out in this clause, declare a place to be a conservation place where, in its opinion, the place—

- (a) is of cultural heritage significance or possesses special interest related to or associated with cultural heritage; and
- (b) should be conserved or enhanced.

(2) In considering a proposal to declare a place to be a conservation place, the Council—

- (a) is to give written notice to each owner of land affected by the proposal, and the notice is to include an invitation for submissions about the proposal to be made to the Council within a specified period of 28 days;
- (b) is to have regard to any written submissions lodged with the Council under this clause; and
- (c) may, by resolution, declare the place to be a conservation place.

(3) Where the Council declares a place to be a conservation place it is to—

- (a) give notice of each declaration to the Heritage Council of Western Australia and the Western Australian Planning Commission; and
- (b) give notice of each declaration to any person or body who made a submission in respect of the conservation place.

(4) The Council may amend or cancel a conservation place by following the procedures set out in subclause (2).

(5) Places declared under this clause shall be listed in a Planning Policy which may include objectives and guidelines for the conservation of the place.

**26 HERITAGE AGREEMENTS**

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

**27 VARIATIONS TO STANDARDS**

Where a development is proposed which would—

- (a) conserve or enhance the whole or part of a conservation area or a conservation place which has been declared by the Council to be significant and worthy of conservation; and
- (b) would not adversely affect the cultural heritage significance of the conservation area or place,

the Council may, by way of planning approval and subject to the requirements of clause 39 of the Scheme, grant modifications to any development requirement specified in this Scheme or in Planning Policies, or the Residential Planning Codes including—

- (c) in respect of a residential development—an increase of up to 50% from the specified maximum dwelling density; and



- (d) in respect of a non-residential development—an increase of up to 10% from the specified maximum plot ratio; and

as long as the increase or variation would not adversely affect the cultural heritage significance of that, or any other, conservation area or place including the streetscape or precinct in which it is located.

### DIVISION 3—CONTROL OF ADVERTISEMENTS

#### 28 DEFINITIONS

For the purposes of this Division—

- “advertiser”—means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an advertisement;
- “display”—in relation to an advertisement, includes the erection and placement of the advertisement;
- “exempted advertisement”—is an advertisement exempted from the requirement to obtain planning approval under clause 33 (c) and as listed in a Planning Policy; and
- “existing advertisement”—means an advertisement that is—
  - (a) lawfully displayed before the commencement of this Scheme; or
  - (b) displayed under a licence or other approval granted by the Council before the commencement of this Scheme.

#### 29 NEED FOR PLANNING APPROVAL

A person shall not begin or continue to display an advertisement, other than an existing or exempted advertisement, without having first applied for and having obtained planning approval under Part 4.

#### 30 EXISTING AND EXEMPTED ADVERTISEMENTS

Unless it is subject to a notice under clause 31—

- (a) an exempted advertisement may be displayed; and
- (b) an existing advertisement may continue to be displayed in accordance with the licence or approval, if any, granted by the Council.

#### 31 NOTICES AFFECTING THE DISPLAY OF ADVERTISEMENTS

(1) Where, in the opinion of the Council, the display of an advertisement, including an exempted or existing advertisement, seriously conflicts with—

- (a) the requirements of the Scheme;
- (b) any relevant Planning Policies;
- (c) the orderly and proper planning of a locality;
- (d) the conservation of the amenities of a locality; and
- (e) the design, scale and relationship of existing buildings or surroundings of the advertisement.

the Council may, by notice in writing, require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within the period specified in the notice.

(2) Where, in the opinion of the Council, an advertisement has deteriorated inappropriately having regard to the matters set out in subclause (1), or where the advertisement ceases to be effective for the purpose for which it was displayed, the 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.

(3) A notice under this clause is to—

- (a) be given to the advertiser;
- (b) refer to the advertisement which is the subject of the notice;
- (c) give full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (d) specify the period, not being less than 60 days, within which the action specified is to be completed by the advertiser.

(4) Subject to the provisions of the Act, a person on whom the notice is served under this clause has a right of appeal against the Council's decision to serve the notice.

### PART 4—PLANNING APPROVAL

#### 32 NEED FOR PLANNING APPROVAL

In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided in clause 33 of the Scheme, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.



**33 EXEMPTION FROM PLANNING APPROVAL**

- (1) The planning approval 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—
    - (i) for the purpose for which the land is reserved under the Scheme; or
    - (ii) 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 use of land which is a permitted (“P”) use in the Zone in which that land is situated provided—
    - (i) it does not involve the carrying out of any building or other works; and
    - (ii) it is in compliance with all the requirements prescribed by the Scheme, Council Planning Policies and the Residential Planning Codes.
  - (c) The erection of a boundary fence, a communications antenna, an advertisement, the alteration of land levels, the construction of a retaining wall where listed as exempt from the requirement to obtain Planning Approval in a Planning Policy.
  - (d) Development of a minor nature where listed as exempt from the requirement to obtain Planning Approval in a Planning Policy.
  - (e) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol “P” in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.
  - (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, unless the building or structure is—
    - (i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
    - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
    - (iii) declared to be a conservation place under clause 25 of the Scheme; or
    - (iv) declared to be a conservation area under clause 24 of the Scheme and Planning Approval for internal works is required by a Planning Policy.
  - (h) The carrying out of works urgently necessary in the interests of public safety or for the safety or security of plant or equipment or for the maintenance of essential services.
- (2) Notwithstanding that a single house or ancillary outbuilding does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to exercise discretion under the Residential Planning Codes or a Planning Policy relating to the erection of a single house or ancillary outbuilding shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council’s approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—

- (a) the discretion requested is one which the Council has the power to approve; and
- (b) granting of that discretion would not compromise the objectives of the Residential Planning Codes or Planning Policy.

(3) Notwithstanding that any development by reason of the preceding paragraphs does not require the approval of the Council, a planning application must nevertheless be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 if the land the subject of the application is wholly or partly within an area duly declared by the Commission to be a planning control area pursuant to Section 35C of the Metropolitan Region Town Planning Scheme Act 1959.

**34 UNAUTHORISED EXISTING DEVELOPMENTS**

- (1) Where a development has been, or is being, carried out contrary to clause 32, a person may apply to the Council for planning approval for that development.
- (2) If the Council grants planning approval in respect of an application made under subclause (1), the planning approval is not to be taken as—
- (a) authorising development before the date on which the Council resolved to grant the planning approval; or
  - (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning approval.

**35 FORM OF APPLICATION FOR PLANNING APPROVAL**

An application for planning approval is to—

- (a) be made generally in the form set out in Schedule 4 of the Scheme and contain the information and material set out in the Council’s Planning Policy for applications for planning approval and be forwarded to the Council;
- (b) be made by the owner of the land on which the development is proposed or a person authorised in writing by the owner to make an application for planning approval; and

- (c) include all information, plans and documents required, by a provision of this Scheme Text, a Planning Policy or otherwise, to be included in an application for planning approval.

### **36 DESIGN ADVISORY COMMITTEE**

The Council may appoint a design advisory committee for the purpose of considering, and advising the Council with respect to applications. The design advisory committee may be consulted on design matters relating to development.

### **37 ADVERTISING OF APPLICATIONS FOR PLANNING APPROVAL**

(1) Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval of that application unless notice of the application is first given in accordance with the provisions of subclause (5) of this clause.

(2) Notwithstanding subclause (1) of this clause, where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council may decide that the use is not required to be advertised in accordance with subclause (5) where—

- (a) the use is existing on the subject land; and
- (b) in the opinion of Council, approval of the application will not materially add to the scale and intensity of the existing use of the land.

For the purposes of this clause the Council, in determining whether an application will not materially add to the scale and intensity of the existing use of the land shall consider the following matters—

- (a) the visual appearance and scale of the development relative to adjoining properties;
- (b) the impact of the development on the amenity of adjoining properties;
- (c) the generation of any additional vehicular parking, traffic, noise or odour which may be created by the development; and
- (d) any other matters which the Council considers to be relevant.

(3) Nothing in subclause (2) of this clause shall prevent the Council from determining that an application involving an 'SA' use shall be advertised.

(4) Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of subclause (5).

(5) Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out at the applicant's expense—

- (a) notice of the proposed development to be served by registered post on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty one days from the publication thereof; and
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position or positions 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 subclause.

(6) The notice referred to in subclause (5) (a) and (b) shall be in the form contained in Schedule 5 with such modifications as circumstances require.

(7) After expiration of twenty one days from the serving of the notice of the proposed development, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

### **38 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL—GENERAL PROVISIONS**

(1) The Council may refuse to consider an application for planning approval which does not comply with the requirements of this Part.

(2) In assessing an application, the Council—

- (a) may consult with any person or body; and
- (b) is to have regard to any written submissions lodged with the Council in respect of the application.

(3) Subject to subclause (4) the Council may—

- (a) refuse an application; or
- (b) approve an application either—
  - (i) unconditionally; or
  - (ii) subject to such conditions as the Council considers to be appropriate.

(4) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to—

- (a) the provisions of this Scheme and of any other written law applying within the Scheme Area including the Metropolitan Region Scheme;
- (b) any relevant Planning Policy;
- (c) any Statement of Planning Policy of the Western Australian Planning Commission;
- (d) any planning study approved by the Council;

- (e) any submission accompanying or related to the application;
  - (f) the orderly and proper planning of the locality;
  - (g) the conservation of the amenities of the locality; and
  - (h) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure.
- (5) Where an application involves a development which may affect—
- (a) an area declared by the Council (under clause 24) to be a conservation area; or
  - (b) a place declared by the Council (under clause 25) to be a conservation place,
- the Council, before determining the application, may require a heritage assessment to be carried out, at the applicant's expense, to determine how the proposed development might affect the area or place.

### **39 DETERMINATION OF NON-COMPLYING APPLICATIONS FOR PLANNING APPROVAL**

- (1) In this clause—
- (a) an application for planning approval which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a Planning Policy), where the standard or requirement does not provide for any permitted variation, is called a “non-complying application”; and
  - (b) a non-complying application does not include an application involving a prohibited use.
- (2) Subject to subclause (3), the Council may refuse or approve a non-complying application.
- (3) The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that—
- (a) if approval were to be granted, the development would be consistent with—
    - (i) the orderly and proper planning of the locality;
    - (ii) the conservation of the amenities of the locality; and
    - (iii) the statement of intent set out in the relevant Precinct Planning Policy; and
  - (b) the non-compliance would not have any undue adverse affect on—
    - (i) the occupiers or users of the development;
    - (ii) the property in, or the inhabitants of, the locality; or
    - (iii) the likely future development of the locality.
- (4) Where in the opinion of Council a variation under subclause (1) is likely to affect any owners or occupiers in the general locality, the Council may—
- (a) consult with the party or parties who, in the opinion of Council, may be affected by the approval of the development; and
  - (b) have regard to any submissions before making its decision to grant the variation.

### **40 DETERMINATION OF AN APPLICATION FOR DEMOLITION**

In considering an application for or involving demolition, the Council is to have regard to the matters listed in clause 38 and—

- (a) may defer consideration of the application until—
  - (i) it has granted planning approval for subsequent development of the relevant site;
  - (ii) it has issued a building licence for that development; and
  - (iii) it is satisfied that the subsequent development will commence;
- (b) may approve the application, subject to conditions including—
  - (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;
  - (ii) the screening of the site during redevelopment; and
  - (iii) where the development that has been approved has not been substantially commenced within a total period of more than six months, the landscaping of or other treatment of the site to the satisfaction of the Council; or
- (c) may refuse the application.

### **41 NOTICE OF COUNCIL DECISION**

As soon as is practicable after making a decision in relation to an application for planning approval, the Council is to give to the applicant, in writing, generally in the form prescribed in Schedule 6—

- (a) notice of the approval or refusal;
- (b) the reason or reasons for the approval or refusal; and
- (c) the conditions, if any, to which approval is subject.

### **42 TERM OF PLANNING APPROVAL**

- (1) Subject to subclause (2), a planning approval is valid from the date on which the application is approved until—
- (a) the expiry of the period, if any, imposed by the Council under clause 41;
  - (b) it is amended under clause 43; or
  - (c) in the case of planning approval for a home occupation—
    - (i) the specified occupier ceases to be the occupier of the lot in respect of which the approval is granted; or

(ii) the approval is revoked under clause 46.

(2) A planning approval shall lapse if the development has not been substantially commenced before the expiration of two years, or such period as the Council may determine, from the date on which the application is approved.

#### **43 TEMPORARY PLANNING APPROVAL**

The Council may, in granting planning approval, limit the period during which the development may be carried out where—

- (a) it considers that development in excess of that period might adversely affect the amenities of the locality or the orderly and proper planning of the locality; or
- (b) for any other reason it considers that approval ought to be granted for a limited or trial period.

#### **44 DEEMED REFUSAL**

(1) Subject to subclauses (2) and (3), an application for planning approval is taken to have been refused where notice of planning approval is not given to the applicant by the Council within—

- (a) 60 days of the receipt of the application; or
- (b) such further time as may be agreed in writing between the applicant and the Council within that period of 60 days.

(2) Subject to subclause (3), an application in respect of any place which—

- (a) is declared as a conservation area under clause 24; or
- (b) is declared as a conservation place under clause 25; or
- (c) Council requires to be advertised in accordance with the procedure outlined in clause 37, or
- (d) Council requires to be referred to any other body in accordance with clause 38(2),

is taken to have been refused where notice of planning approval is not given to the applicant within—

- (e) 90 days of the receipt of the application; or
- (f) such further time as may be agreed in writing between the applicant and the Council within that period of 90 days.

(3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2).

#### **45 APPROVAL SUBJECT TO LATER PLANNING APPROVAL OF DETAILS**

(1) Where an application for planning approval is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.

(2) The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

(3) Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years from the date of the first planning approval.

#### **46 REVOCATION OF PLANNING APPROVAL FOR HOME OCCUPATIONS**

If, in the case of a planning approval granted for a Home Occupation, a notice served under clause 55(3) is not complied with, the Council may, without further notice to the owner or occupier, revoke its planning approval.

#### **47 APPEALS**

Subject to the provisions of the Act, an applicant for planning approval has a right of appeal against the exercise by the Council of a discretion under the Scheme including—

- (a) imposition of a condition of planning approval; or
- (b) refusal to grant planning approval.

### **PART 5—MISCELLANEOUS**

#### **48 PLANNING POLICIES**

(1) The Council may make Planning Policies, which are to—

- (a) relate to an aspect or aspects of development control or any other matter relevant to this Scheme; and
- (b) apply to all or a part of the Scheme Area.

(2) In preparing a draft Planning Policy, the Council is to have regard to—

- (a) the purpose for which land is set aside under this Scheme;
- (b) the orderly and proper planning of the locality;
- (c) the conservation of the amenities of the locality;
- (d) any strategies, studies or objectives adopted by the Council; and
- (e) any other matters it considers to be relevant.

(3) Having prepared a draft Planning Policy, the Council is—

- (a) to advertise a summary of the draft Planning Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme Area, giving details of where the draft Planning Policy

- may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made, unless the draft Policy is to be advertised under clause 24 or 25 of the Scheme, in which case no further advertisement is required;
- (b) where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft Planning Policy; and
  - (c) to forward a copy of the draft Planning Policy to the Western Australian Planning Commission for its consideration and advice in cases where the Council considers that the Policy may be inconsistent with other provisions of the Scheme or with state and regional planning policies.
- (4) After the expiry of the period for submissions, the Council is to—
- (a) review the draft Planning Policy having regard to any written submissions; and
  - (b) determine, by resolution, to adopt the draft Planning Policy, with or without amendment, or not to proceed with it.
- (5) As soon as practicable after the Council makes a determination under subclause (4), details of the determination are—
- (a) to be advertised once in a newspaper circulating in the Scheme Area;
  - (b) where practicable, to be given to those persons directly affected by the Planning Policy; and
  - (c) to be given to the Western Australian Planning Commission together with, where the Council has resolved to adopt the Planning Policy with one or more amendments, a copy of the amended Planning Policy, in the case of policies which have previously been submitted to the Commission for its consideration under subclause (3)(c).
- (6) A copy of each Planning Policy, as amended, is to be kept and made available for public inspection at the offices of the Council and any other premises nominated by the Council.
- (7) A Planning Policy adopted by the Council may be altered or rescinded only by following the procedure set out in this clause for making and adopting a Planning Policy.
- (8) A Planning Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

#### **49 AGREEMENTS AND DEALINGS WITH LAND**

For the purpose of implementing this Scheme and ensuring compliance with it, the Council may—

- (a) enter into any agreement with any owner, occupier or other person having an interest in land affected by this Scheme;
- (b) acquire any land within the Scheme Area; and
- (c) deal with or dispose of any land which it has acquired.

#### **50 DELEGATION**

The Council may, either generally or in a particular case or in a particular class of cases, by resolution passed by an absolute majority of the Council, delegate to—

- (a) a Committee of the Council; or
- (b) an officer of the Council,

any power conferred or duly imposed on the Council under this Scheme.

#### **51 COMPENSATION**

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

(2) Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

#### **52 ELECTION TO PURCHASE AND VALUATION**

(1) Where compensation for injurious affection is claimed pursuant to clause 51, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

(2) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.

(3) Where the Council elects to acquire land as provided in subclause (1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with subclause (4).

(4) The value of the land referred to in subclause (3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
- (b) by some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.



(5) The Council may deal with or dispose of land acquired for a Town of Cambridge Scheme Reserve pursuant to the preceding subclause (4) or upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

#### PART 6—ENFORCEMENT

##### 53 NOTICES

(1) A notice required to be given by the Council under section 10(1) of the Act is to be a 28 day notice signed by the Chief Executive Officer and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.

(2) The Council may recover expenses under section 10(2) of the Act in any manner in which it is from time to time entitled to recover rates levied by it under the Local Government Act 1995.

##### 54 AUTHORISED ENTRY

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorised officer who—

(a) finds a person committing; or

(b) on reasonable grounds suspects a person of having committed,

a breach of a provision of this Scheme, may ask that person for his or her name and address.

(3) A person who—

(a) in any way opposes the exercise of an authorised officer's power of entry; or

(b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address,

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the inquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

##### 55 OFFENCES

(1) Subject to Part 4 of this Scheme, a person shall not erect, alter or add to a building or use, or change the use of any land or building, or permit or suffer any land or building to be used, or the use of any land or building to be changed for any purpose—

(a) other than a purpose permitted or approved of by the Council in the Zone in which that land or building is situated;

(b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;

(c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and

(d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the Council pursuant to this Scheme with respect to that building or the use of that land or building have been and continue to be complied with.

(2) Where the Council has granted planning approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

(3) If, in the opinion of the Council, land is being used in contravention of subclauses (1) or (2) of this clause, the Council may give to the owner and occupier of the land or building a notice in writing requiring the owner or occupier, or both, to comply with the relevant provisions of the Scheme or condition of planning approval within a specified period as determined by the Council.

#### SCHEDULE 1—DEFINITIONS

**absolute majority:** has the same meaning as given to it in the Local Government Act 1995.

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

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

**amenity:** means the expectations of those living and working in an area about the quality of their environment including its pleasantness, character, beauty, harmony in the exterior design of buildings, privacy and security.

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



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

**amusement facility:** means any land or 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 any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

**ancillary accommodation:** has the same meaning given to it as in the Residential Planning Codes.

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

**applicant:** means the owner of the subject land or a person or body authorised by the owner to make an application for planning approval or to act on any other matter involving the Council in relation to that land.

**application:** means an application for planning approval made under Part 4 of the Scheme Text.

**approved plan:** means any plan that—

- (a) forms part of an application for which planning approval has been granted; and
- (b) has been endorsed with the approval of the Council.

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

**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.

**building:** means a structure erected or placed on land.

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

**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.

**caravan:** means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in a 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.

**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.

**Chief Executive Officer:** means the Chief Executive Officer or Deputy Chief Executive Officer of the Council.

**child day care centre:** means any land or buildings used as a day care centre for the daily or occasional care of more than four children in accordance with the Community Services (Child Care) Regulations 1988.

**child family care centre:** means a child minding operation conducted in a private dwelling where no more than four children are received for care.

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

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

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

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

**commercial:** means any activity involving any form of purchase, hire or sale of goods or services.

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

**communications antennae (domestic):** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre.

**communications antennae (commercial):** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre but does not include telecommunications infrastructure.

**community purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

**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.

**conservation area:** means an area 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.

**consulting rooms:** means premises used by no more than two practitioners for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital) in the practise of a profession of a person who is a legally qualified medical practitioner, dentist, physiotherapist, chiropractor, podiatrist or similar practitioner, but does not include a masseur and does not include premises practising therapeutic massage or similar services.

**consulting rooms group:** means premises used by more than two practitioners for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital) in the practise of a profession of a person who is a legally qualified medical practitioner, dentist, physiotherapist, chiropractor, podiatrist or similar practitioner, and may include ancillary services such as pharmacists, pathologists and radiologists, but does not include a masseur and does not include premises practising therapeutic massage or similar services.

**Council:** means the executive body of the Town of Cambridge.

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

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

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

**development:** has the same meaning as is given to it in the Act but includes—

- (a) an advertisement; and
- (b) in relation to any conservation place, any act or thing that is likely to significantly change the external character of the building, object or place.

**dry cleaning premises:** means any land or 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.

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

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

**floor area of a building:** means—

- (a) for a private residential building—the meaning outlined in the definition of plot ratio in the Residential Planning Codes;
- (b) for a non-private residential building—the gross total area of—
  - (i) each of the floors of a lodging house; or
  - (ii) those parts of each of the floors used for residential purposes of a hotel, a motel, a serviced apartment, a private hotel, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and
- (c) for a non-residential building—the gross total area of each of the floors of the building including the area of car parking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls.

**frontage:** means the boundary line or lines between land and the street or streets upon which that land abuts.

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

**garage sale:** means the use of a residential property for the sale of second hand goods for a period of not more than twelve consecutive hours where—

- (a) such goods are not brought onto the premises for the purpose of sale;
- (b) the goods are not manufactured, assembled or repaired on the premises; and
- (c) a sale of that type is held on the property on no more than three occasions during a calendar year.

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

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

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

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level at the top of the eaves, parapet or flat roof, whichever is the highest, but does not include—
  - (i) any lift plant, water tower or similar utility or service, not exceeding 3.0 metres in height; or
  - (ii) any architectural feature or decoration (other than a free standing sign) not used for any form of accommodation which may be approved by Council.

**home occupation:** means the carrying on of any business, profession or trade carried out by the owner or occupier of a residential property, whether carried out as the principle means of income of the owner or occupier or not, conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods.

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

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

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

**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; and
- (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, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include—

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

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

**industry—hazardous:** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

**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 proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

**industry—noxious:** means an industry which is subject to licensing as Prescribed Premises under the Environmental Protection Act 1986 (as amended).

**industry—service:** means a light industry carried out on land or in buildings which 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.

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

**landscaped area:** means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, barbecue

areas or children's playgrounds and includes any other area approved by the Council as landscaped area.

**local shop:** means a shop in which the only goods offered for sale are a combination of foodstuffs, toiletries, stationery, or goods of a similar domestic nature intended for the day to day consumption or use by persons living or working in the locality of the shop, and may include the preparation and sale of food for consumption on the premises where this is incidental to the predominant use of the land.

**lodging house:** shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911 (as amended).

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

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

**massage rooms:** means premises primarily used by a masseur or which primarily provide therapeutic massage or similar services.

**Metropolitan Region Scheme:** means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the *Government Gazette* of August 9 1963 and as amended from time to time.

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

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

**motor vehicles and marine sales premises:** means any land or buildings used for the display and sale of new or second hand motor-cycles, 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 wash:** means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

**Municipal Inventory:** 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).

**net floor area:** for the purposes of determining car parking requirements under the parking policy, has the same meaning as "floor area of a building", but does not include any area of public fee paying car parks.

**night club:** means any land or buildings used for entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 has been granted.

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

**nursing home:** means any building used for the accommodation and care of aged persons.

**office:** means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

**open air display:** means the use of land as a site for the display and/or sale of goods and equipment.

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

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

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

**petrol and convenience store:** means any land and or 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 300 m<sup>2</sup> gross leasable area.

**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:** means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located except for residential development where the term shall have the same meaning given to it in the Residential Planning Codes.
- precinct:** means an area or neighbourhood of limited size having—
- (a) a similar use or other characteristics; and
  - (b) specified boundaries.
- precinct planning policy:** means a planning policy setting out the planning intentions for a particular precinct.
- predominant use:** is the use of land to which all other uses carried out on that land are subordinate, incidental or ancillary.
- prison:** shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- private hotel:** means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- public authority:** shall have the same meaning given to it in and for the purposes of the Act.
- public parking station:** means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.
- 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 any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.
- reception centre:** means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
- recreation private:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.
- recreation public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.
- reformatory:** means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.
- reserve:** means any land reserved for a public purpose.
- Residential Planning Codes:** means the Residential Planning Codes, in Appendix 2 to the State Planning Commission Statement of Planning Policy No.1.
- restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.
- restricted premises:** means any land or building, part or parts thereof, used or designed to be used primarily for the sale of 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.
- retail:** means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.
- retail floor area:** means the floor area of each of the floors of a building used for the display or sale of goods, but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet.
- retirement village:** means a development containing accommodation for aged persons together with ancillary facilities.
- service station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- serviced apartments:** means a building or buildings which include self-contained units for transient accommodation.
- shop:** means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet, any premises involving the sale of petrol, or any other premises specifically defined elsewhere in this part.
- showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large

electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, or glassware, or items of personal adornment.

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

**storage yard:** means any land used for the open air storage of goods.

**storey:** means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include any portion of a building used solely for car parking and having 50% or more of its volume below natural ground level.

**street alignment:** means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment.

**streetscape:**

- (a) means the total visual impression gained from any one location within a street including the natural and man made elements; and
- (b) is made up of the appearance of and the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, foot-paths and landscaping.

**take-away food outlet:** means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises, but does not include a take-away food outlet (drive through).

**take-away food outlet (drive through):** means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises, where facilities are provided for the serving of customers with food within their vehicles.

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

**telecommunications infrastructure:** means any part of infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

**Town:** means the municipal area of the Town of Cambridge.

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

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

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

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

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

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

#### SCHEDULE 2—ADDITIONAL USES

No.	Land Particulars	Additional Uses	Development Standards/ Conditions
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#### SCHEDULE 3—SPECIAL USE ZONES

No.	Description of Land	Special Uses	Development Standards/ Conditions
1	Lot 1 Wollaston Road, City Beach	Wollaston Theological College and ancillary buildings and facilities which in the opinion of Council are ancillary to the purposes of the Theological College	As determined by Council



## SCHEDULE 4—APPLICATION FOR PLANNING APPROVAL

## TOWN OF CAMBRIDGE

## APPLICATION FOR PLANNING APPROVAL

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Planning Approval            | <input type="checkbox"/> Home Occupation    | <input type="checkbox"/> Building Licence |
| <input type="checkbox"/> Preliminary Building Licence | <input type="checkbox"/> Demolition Licence | <input type="checkbox"/> Sign Licence     |

PROCESSING OF THIS APPLICATION WILL NOT PROCEED UNTIL ALL FEES & DEPOSITS ARE PAID.

In accordance with the Local Government (Miscellaneous Provisions) Act Sections 374(1) and 377(4).

**PROPERTY DETAILS:**

Lot No. .... House/Street No. .... Location No. .... Diagram or Plan ....  
 Certificate of Title: Vol. .... Folio .... Lot Area (m<sup>2</sup>) ....  
 Title Encumbrances (*eg easements, restrictive covenants*) ....  
 Street Name ..... Suburb .....  
 Nearest Street Intersection ..... Assessment No. ....

**OWNER DETAILS:**

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

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

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

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

**OFFICE USE ONLY**

<i>H/Insurance Certificate No:</i> .....	<i>BA/DA No:</i> .....
<i>B/A Fee: \$</i> .....	<i>Receipt No:</i> ..... <i>Property File No:</i> .....
<i>BCITF: \$</i> .....	<i>Receipt No:</i> ..... <i>Accepting Officer's Initial:</i> .....
<i>Bond: \$</i> .....	<i>Deposit No:</i> ..... <i>Date Received:</i> .....

*Incomplete applications will lapse 12 months from the date the application was received by Council.  
 This form replaces the Metropolitan Region Scheme Form 1, Supplementary Information Form and Building Regulation Forms.*

☐ **PLANNING APPROVAL**☐ **HOME OCCUPATION**

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

☐ **BUILDING LICENCE**☐ **PRELIMINARY BUILDING LICENCE**

Please tick appropriate box:

Preliminary or Planning Approval has been previously granted ☐  
 or this is a NEW Application ☐

**BUILDER'S DETAILS:**

Name .....  
 Address .....  
 Registration No. .... Phone ..... Fax .....

**BUILDING DETAILS:**

Type of Work: (New Buildings/Additions/Outbuildings) .....  
 Materials: Floor ..... Walls ..... Roof .....  
 New/Second hand ..... Area(m<sup>2</sup>) ..... Outbuildings Area (m<sup>2</sup>) .....  
 Contract Value \$ ..... Building Height ..... Signature .....

**❑ DEMOLITION LICENCE**

Type of Building/Structure ..... Number of Storeys .....  
 Materials: Floor ..... Walls ..... Roof .....  
 Rat Bait Certificate Issued Yes ☐ No ☐ Type/Date Laid .....  
 Whole or Part Demolition: Details .....  
 Demolition Contractor: Name .....  
 Address .....  
 Phone ..... Fax ..... Signature .....

**❑ SIGN LICENCE**

Type of Sign ..... Position .....  
 Has a Planning Approval been granted for a Roof Sign? Yes ☐ No ☐ Reference No. ....  
 Dimensions ..... Materials .....  
 Illumination: Internal/External .....  
 Wording/Illustration (plan/design attached) .....  
 Sign Contractor: Name .....  
 Address .....  
 Phone ..... Fax ..... Signature .....

**SCHEDULE 5****TOWN OF CAMBRIDGE****TOWN PLANNING SCHEME NO. 1****NOTICE OF PUBLIC ADVERTISEMENT  
OF APPLICATION FOR PLANNING APPROVAL**

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

**LAND DESCRIPTION:**

LOT NO: ..... STREET NO: .....  
 STREET: .....  
 SUBURB: .....  
 PROPOSAL: .....

Details of the proposal are available for inspection at the Council offices. Comments on the proposal may be submitted to the Council in writing before close of business on the ..... day of .....199.....

.....  
 CHIEF EXECUTIVE OFFICER

DATE .....

**SCHEDULE 6**

Date:.....

File No:.....

Serial No:.....

**TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)****TOWN OF CAMBRIDGE TOWN PLANNING SCHEME NO. 1****NOTICE OF PLANNING APPROVAL/REFUSAL**

PROPOSAL:

LOCATION:

Name of owner of land on which the development is proposed:—

SURNAME/COMPANY NAME:

OTHER NAMES:

ADDRESS:

Approval to commence development in accordance with the Application for Planning Approval dated \_\_\_\_\_ and the plans dated \_\_\_\_\_ is APPROVED/REFUSED by the Council, at its Meeting held on \_\_\_\_\_, in accordance with the provisions of the Town of Cambridge Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions/and having regard to the matters it is required to consider by the Schemes generally and in particular for the following reasons:—

**NOTE:** SHOULD THE APPLICANT BE AGGRIEVED BY THIS DECISION A RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) OR THE METROPOLITAN REGION SCHEME.

This approval is valid for a period of \_\_\_\_\_ months only. If development is not commenced within this period a fresh approval must be obtained before commencing or continuing the development.

.....  
CHIEF EXECUTIVE OFFICER  
DATE .....

\_\_\_\_\_  
TOWN OF CAMBRIDGE  
TOWN PLANNING SCHEME NO. 1

**ADOPTION**

Adopted by resolution of the Council of the Town of Cambridge at the Ordinary Meeting of the Council held on the 9th day of August 1994.

ROSS J. WILLCOCK JP, Mayor.  
GRAHAM D. PARTRIDGE, Chief Executive Officer.

\_\_\_\_\_  
TOWN OF CAMBRIDGE  
TOWN PLANNING SCHEME NO. 1

**FINAL ADOPTION**

Adopted for final approval by resolution of the Council of the Town of Cambridge at the Ordinary Meeting of the Council held on the 24th day of February 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

ROSS J. WILLCOCK JP, Mayor.  
GRAHAM D. PARTRIDGE, Chief Executive Officer.

**RECOMMENDED FOR FINAL APROVAL**

V. McMULLEN, for Chairman of the  
Western Australian Planning Commission.

Date 16 March 1998.

**FINAL APPROVAL GRANTED**

Hon G. KIERATH, Minister for Planning.

Date 23 March 1998.

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## POLICE

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### PE401

#### ROAD TRAFFIC ACT 1974

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Special Olympics on March 27/28th, 1998 between the hours of 1800 on 27th until 1000 on the 28th, do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Brand Hwy, Great Northern Hwy, Guildford Rd, Lord St, Newcastle St, William St, Murray St Mall, Forrest Place.

All participants to wear approved head protection at all times.

Dated at Perth this 16th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

**PE402****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the West Australian Cycling Club on March 29th, 1998 between the hours of 1200 and 1800 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Brodie Hall Dve, Sarich Way, Brodie Hall Dve, Bentley.

All participants to wear approved head protection at all times.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE403****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Midland Cycle Club on April 25th, 1998 between the hours of 1300 and 1700 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Chittering Valley Rd, Chittering Rd, Muchea East Rd, Chittering Valley Rd return to start.

All participants to wear approved head protection at all times.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE404****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Albany Cycle Club on April 4th, 11th, 18th, 1998 between the hours of 1400 and 1630 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Stead Rd left into Sanford Rd, left into Ciranam St, Barker Rd, Stedd Rd, Albany.

All participants to wear approved head protection at all times.

Dated at Perth this 25th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE405****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Albany Cycle Club on April 25th, 1998 between the hours of 1400 and 1700 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Trotting Track, Lancaster Rd, Albany Hwy, Link Rd, Albany.

All participants to wear approved head protection at all times.

Dated at Perth this 25th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

**PE406****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Foot race by members/entrants of the W.A. Marathon Club on April 19th, 1998 between the hours of 0800 and 0930 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Rotary Park, Scenic Drive and return to start.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE407****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Motorcycle race by members/entrants of the Indian/Harley Motorcycle Club Inc on April 23rd, 1998 between the hours of 1100 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Victoria Street, Clifton Street, Ocean Drive, Beach Road, Spencer Street, Stirling Street, Bunbury.

All participants to wear approved head protection at all times.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE408****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle races by members/entrants of the Masters Cycling Club on April 26th, October 25th, November 8th, 1998 between the hours of 0900 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Lakelands Dve, Sydney Rd, Ross St, Badgerup Rd, Lakelands Dve, Gngara.

All participants to wear approved head protection at all times.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PE409****ROAD TRAFFIC ACT 1974**

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle race by members/entrants of the Masters Cycling Council of W.A. on April 5th, May 3rd, June 7th, July 5th, August 9th, 1998 between the hours of 0900 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Cutter Rd, Solomon Rd, Jandakot Rd, Prinsep Rd, Jandakot.

All participants to wear approved head protection at all times.

Dated at Perth this 20th day of March 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**PUBLIC NOTICES**

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**ZZ201****TRUSTEES ACT 1962**

Notice to Creditors and Claimants of Betty Eleanor Osborne late of Unit 5, 8-10 Webber Street, Willagee, Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 25 January 1998, are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 41-43 St George's Terrace, Perth WA 6000 to send particulars of their claim to him by the 30th day of April 1998 after which the Trustee may convey or distribute the assets having regard only to the claims he then has notice.

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WESTERN AUSTRALIA

**RETIREMENT VILLAGES ACT 1992**

**Price: \$29.90 Counter Sales**  
**Plus Postage on 695 grams**

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**RETIREMENT VILLAGES REGULATIONS 1992**

**\*Price: \$2.50 Counter Sales**  
**Plus Postage on 25 grams**

\* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FREEDOM OF INFORMATION ACT 1992**

**\*Price: \$15.50 Counter Sales**  
**Plus Postage on 365 grams**

\* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**YOUNG OFFENDERS ACT 1994**

**\*Price: \$13.90 Counter Sales**  
**Plus Postage on 300 grams**

**YOUNG OFFENDERS REGULATIONS 1995**

**\*Price \$3.90 Counter Sales**  
**Plus Postage on 65 grams**

\*Prices subject to change on addition of amendments.



## 1997 Acts

These Acts were passed by Parliament during 1997.

1. Trustees Amendment Act
2. Metropolitan (Perth) Passenger Transport Trust Amendment Act
3. Labour Relations Legislation Amendment Act
4. Western Australian Sport Centre Trust Amendment Act
5. Acts Amendment (Marine Reserves) Act
6. Sea-Carriage Documents Act
7. Limitation Amendment Act
8. Bank Mergers Act
9. Bank Mergers (Taxing) Act
10. Iron and Steel (Mid West) Agreement Act
11. Treasurer's Advance Authorization Act
12. Revenue Laws Amendment (Taxation) Act
13. Revenue Laws Amendment (Assessment) Act
14. Appropriation (Consolidated Fund) Act (No. 1)
15. Appropriation (Consolidated Fund) Act (No. 2)
16. Regional Development Commissions Amendment Act
17. Curriculum Council Act
18. State Trading Concerns Amendment Act
19. Restraining Orders Act
20. Casino (Burswood Island) Agreement Amendment Act
21. Family Court (Orders of Registrars) Act
22. Professional Standards Act
23. Acts Amendment (Auxiliary Judges) Act
24. Turf Club Legislation Amendment Act
25. Human Tissue and Transplant Amendment Act
26. Appropriation (Consolidated Fund) Act (No. 4)
27. Cement Works (Cockburn Cement Ltd) Agreement Amendment Act
28. W.A. Land Authority Amendment Act
29. Acts Amendment (Legal Costs) Act
30. Land Administration Act
31. Acts Amendment (Land Administration) Act
32. Water Legislation Amendment Act
33. Water Services Coordination Amendment Act
34. Juries Amendment Act
35. W.A. Coastal Shipping Commission Amendment Act
36. Loan Act
37. Grain Marketing Amendment Act
38. Reserves Act
39. Fishing & Related Industries Compensation (Marine Reserves) Act
40. Family Court Act
41. Acts Amendment & Repeal (Family Court) Act
42. Equal Opportunity Amendment Act (No. 3)
43. Commercial Arbitration Amendment Act
44. Maritime Archaeology Amendment Act
45. Pay-Roll Tax Amendment Act
46. Public Notaries Amendment Act
47. Wills Amendment Act
48. Mutual Recognition (W.A.) Amendment Act
49. Sunday Observance Laws Amendment & Repeal Act
50. Road Traffic Amendment Act
51. Revenue Laws Amendment (Assessment) Act (No. 2)
52. Appropriation (Consolidation Fund) Act (No. 3)
53. Dampier to Bunbury Pipeline Act
54. Interpretation Amendment Act
55. Fuel Suppliers Licensing & Diesel Subsidies Act
56. Acts Amendment (Franchise Fees) Act
57. Statute Repeals and Minor Amendments Act
58. Osteopaths Act

**CONTENTS****SUBSIDIARY LEGISLATION**

	Page
Fair Trading Act 1987—Fair Trading (Retirement Villages) Interim Code of Practice 1998 ..	1909
Local Government Act 1995—Districts of Bayswater and Stirling (Change of Boundaries) Order 1998 .....	1910
Local Government Act 1995—Shire of East Pilbara—Local Laws relating to the establish- ment, maintenance and equipment of Bush Fire Brigades for any part of the Shire of East Pilbara .....	1911-12

---

**GENERAL CONTENTS**

	Page
Cemeteries .....	1909
Fair Trading .....	1909
Local Government .....	1910-13
Main Roads .....	1913-14
Planning .....	1914-41
Police .....	1941-43
Public Notices .....	1944

