

G WESTERN AUSTRALIAN GOVERNMENT Gazette



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(As from 1 July 1998)

	\$
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Up to 2 pages	2.50
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Hansard	14.40
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IMPORTANT NOTICE

Periodically notices are published indicating a variation in normal publishing arrangements:

- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,
Government Printer.

ARCHITECTS BOARD

AE401

THE ARCHITECTS BOARD OF WESTERN AUSTRALIA

Order of the Architects Board of Western Australia made the 4th day of August 1998.

The Board directed that Barry Clive Robinson (registration no. 575) have his name removed from the register of architects and his registration cancelled pursuant to section 22A (1) (l) and (n) of the Architects Act of Western Australia.

JOHN KOIVISTO, Chairman.

ENERGY

EC401**ELECTRICITY ACT 1945**

NOTICE OF PROHIBITION OF SALE OR HIRE OF SECOND-HAND TELEVISION RECEIVERS

Pursuant to Part IVA, section 33C of the Electricity Act 1945, it is the opinion of the Director of Energy Safety that the following electrical appliances may become unsafe or dangerous in use.

Persons are therefore prohibited from selling or hiring second-hand television receivers as listed below unless they have been modified for safety in accordance with the conditions below.

Brand	Size	Type	Model	Serial Numbers
Akai	68cm	Colour Television	CT2577 A/AT	
Akai	67cm	Colour Television	CT2867 AT	
Akai	34cm and 49cm	Colour Television	CTK107, CTK108, CTK115, CTK143, CTK144, CTK202, CTK207	
AWA	34cm	Colour Television	C3420 C3421	34200001-34208785 inclusive 34210001-34216570 inclusive
Marantz	63cm	Colour Television	MTV 750	
Philips	63cm	Colour Television	V6820	
Philips	68cm and 59cm	Colour Television	29SP1798/75R, 29SP1698/75R, 25SP1788/75R, 25SP1688/75R (sold between 1992 & 1994)	
Rover	10 inch	Colour Television	NW8109 and ACN8109	
Samsung	48cm	Colour Television	CB515F, CB515Z	
Sony		Colour Television	KV21XRD, KV2264, KV25XSD, KV27XS, KV2764, KV17XRD	
Teac	48cm and 51cm	Colour Television	CT-M484mkIII, CT-M486mk11, CT-M511s, CTM484, CTM486	

CONDITIONS

The conditions for sale or hire of the above TV sets are that the seller or hirer must hold written evidence from the manufacturer (or official representative) that the set has been modified to address fire risk concerns. The serial number of the set must be specified in the written evidence. This evidence should be passed to the purchaser.

Date: 8 October 1998.

ALBERT KOENIG, Director of Energy Safety.

FISHERIES

FI401***PEARLING ACT 1990****RESTRICTION OF PEARLING ACTIVITIES
(PEARL OYSTER HOLDING SITES) NOTICE 1991 REPEAL NOTICE 1998**

Notice No. 2 of 1998

FD 1205/98 [230]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling Activities (Pearl Oyster Holding Sites) Notice 1991 Repeal Notice 1998*.

Repeal of notice

2. The *Restriction of Pearling Activities (Pearl Oyster Holding Sites) Notice 1991** is repealed.

[*Published in the Government Gazette on 14 June 1991.]

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI402***PEARLING ACT 1990****RESTRICTION OF PEARLING AND HATCHERY ACTIVITIES
(LACEPEDE CHANNEL—RED BLUFF) NOTICE 1998**

Notice No. 3 of 1998

FD 1205/98 [231]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (Lacepede Channel—Red Bluff) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 17° 2.3′ south latitude and 122° 16.2′ east longitude, thence to the intersection of 17° 2.3′ south latitude and 122° 17.2′ east longitude, thence to the intersection of 17° 3.3′ south latitude and 122° 17.2′ east longitude, thence to the intersection of 17° 3.3′ south latitude and 122° 16.2′ east longitude, thence in a straight line to the commencement point (AGD 84); and

“operator” means Maxima Pearling Co. Pty Ltd (ACN 009 251 441).

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site—

(a) before 1 January 2003, other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm and in accordance with the Executive Director’s letter to the operator dated 18 June 1998; and

(b) on or after 1 January 2003.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI403***PEARLING ACT 1990****RESTRICTION OF PEARLING AND HATCHERY
ACTIVITIES (LA GRANGE BAY) NOTICE 1998**

Notice No. 4 of 1998

FD 1205/98 [232]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (La Grange Bay) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 18° 39.4′ south latitude and 121° 36.3′ east longitude, thence to the intersection of 18° 40′ south latitude and 121° 37.2′ east longitude, thence to the intersection of 18° 41.4′ south latitude and 121° 35.7′ east longitude, thence to the intersection of 18° 42.1′ south latitude and 121° 35.2′ east longitude, thence to the intersection of 18° 43.3′ south latitude and 121° 35.2′ east longitude, thence to the intersection of 18° 43.3′ south latitude and 121° 34.5′ east longitude, thence to the intersection of 18° 42.1′ south latitude and 121° 34.5′ east longitude, thence to the intersection of 18° 41′ south latitude and 121° 35.2′ east longitude, thence to the intersection of 18° 40.8′ south latitude and 121° 34.8′ east longitude, and thence in a straight line to the commencement point (AGD 84); and

“operator” means Broome Pearls Pty Ltd (ACN 008 831 669).

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm and in the manner specified in the Executive Director’s letter to the operator dated 18 June 1998.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI404*

PEARLING ACT 1990**RESTRICTION OF PEARLING AND HATCHERY ACTIVITIES
(ADMIRAL BAY—TRYON POINT) NOTICE 1998**

Notice No. 5 of 1998

FD 1205/98 [233]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (Admiral Bay—Tryon Point) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 18° 45′ south latitude and 121° 36.5′ east longitude, thence to the intersection of 18° 45′ south latitude and 121° 37.5′ east longitude, thence to the intersection of 18° 46′ south latitude and 121° 37.5′ east longitude, thence to the intersection of 18° 46′ south latitude and 121° 35.5′ east longitude, thence in a straight line to the commencement point (AGD 84); and

“operator” means Stephen John Arrow and John David Arrow both of 6 Rous Head Road, Fremantle, Western Australia.

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm and in the manner specified in the Executive Director’s letter to the operator dated 18 June 1998.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI405*

PEARLING ACT 1990**RESTRICTION OF PEARLING AND HATCHERY ACTIVITIES
(TRYON POINT) NOTICE 1998**

Notice No. 6 of 1998

FD 1205/98 [234]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (Tryon Point) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 18° 46.5′ south latitude and 121° 32′ east longitude, thence to the intersection of 18° 47.6′ south latitude and 121° 31′ east longitude, thence to the intersection of 18° 49.3′ south latitude and 121° 31.3′ east longitude, thence to the intersection of 18° 48.2′ south latitude and 121° 33.2′ east longitude, thence in a straight line to the commencement point (AGD 84); and

“operator” means Pearls Pty Ltd (ACN 008 396 825).

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI406*

PEARLING ACT 1990
RESTRICTION OF PEARLING AND HATCHERY ACTIVITIES
(80 MILE BEACH) NOTICE 1998

Notice No. 7 of 1998

FD 1205/98 [235]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (80 Mile Beach) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 18° 57′ south latitude and 121° 22.30′ east longitude, thence to the intersection of 18° 58′ south latitude and 121° 25′ east longitude, thence to the intersection of 19° 01′ south latitude and 121° 22.30′ east longitude, thence to the intersection of 19° 00′ south latitude and 121° 22′ east longitude, thence in a straight line to the commencement point (AGD 84); and

“operator” means Paspaley Pearling Company Pty. Ltd (ACN 009 591 708).

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FI407*

PEARLING ACT 1990
RESTRICTION OF PEARLING AND HATCHERY ACTIVITIES
(CAPE JAUBERT) NOTICE 1998

Notice No. 8 of 1998

FD 1205/98 [236]

Made by the Minister under section 19.

Citation

1. This notice may be cited as the *Restriction of Pearling and Hatchery Activities (Cape Jaubert) Notice 1998*.

Interpretation

2. In this notice—

“holding site” means the area bounded by a line commencing at the intersection of 18° 52.86′ south latitude and 121° 26.66′ east longitude, thence to the intersection of 18° 53.36′ south latitude and 121° 27.48′ east longitude, thence to the intersection of 18° 55.56′ south latitude and 121° 26′ east longitude, thence to the intersection of 18° 54.50′ south latitude and 121° 24.30′ east longitude, thence in a straight line to the commencement point (AGD 84); and

“operator” means Beverley Ann Kinney of 4 Carnarvon Street, Broome, Western Australia, Gembrook Pty Ltd (ACN 008 870 291), Chalkfarm Pty Ltd (ACN 009 212 088), Plumbeach Pty Ltd (ACN 009 175 179), Dakin Nominees Pty Ltd (ACN 008 816 297), Artsheen Pty Ltd (ACN 009 120 521), New Broome Pty Ltd (ACN 009 212 640) and Acadia Bay Pty Ltd (ACN 065 414 959), together trading as “Blue Seas Pearling Company”.

General restriction of pearling and hatchery activities

3. A person other than the operator must not undertake any pearling or hatchery activity in the holding site.

Restriction of pearling and hatchery activities by the operator

4. The operator must not undertake any pearling or hatchery activity in the holding site other than the activity of temporarily holding seeded pearl shells prior to transport to a pearl oyster farm and in the manner specified in the Executive Director’s letter to the operator dated 18 June 1998.

Dated this 30th day of September 1998.

MONTAGUE G. HOUSE, Minister for Fisheries.

FAIR TRADING

FT401**CHARITABLE COLLECTIONS ACT 1946**

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

- Amnesty International Western Australia (Inc)
- Calvary Welfare Services Inc
- Meekatharra Community Action Group
- Manjimup Child Health Centre
- Pensioners Action Group Incorporated
- New Australia Foundation Limited
- W.A. Guild of Blind Citizens Inc
- Northsyde Skillshare
- Golden Reflections Hospice Inc

Dated this 6th day of October 1998.

DOUG SHAVE, Minister for Fair Trading.

LAND ADMINISTRATION

LA401***LICENSED SURVEYORS ACT 1909-1976****LAND SURVEYORS LICENSING BOARD**

It is hereby notified for general information that the undermentioned persons have all been registered as Licensed Surveyors under the provisions of the abovementioned Act, on the dates specified.

- | | |
|---------|---|
| No. 957 | Colam, Stuart Royston; 15 Mildwaters Close, Geraldton, Western Australia; 17 September 1998 |
| No. 958 | Galvin, Glenn Paul; 1/205 Labouchere Road, Como, Western Australia; 17 September 1998 |
| No. 959 | Williamson, Edward James; 7/15 Longroyd Street, Mt Lawley, Western Australia; 17 September 1998 |

H. J. HOUGHTON, Chairman.
G. E. MARION, Secretary.
Land Surveyors Licensing Board,
Midland Square, Midland WA 6056.

LOCAL GOVERNMENT

LG101*CORRECTION*

Shire of Manjimup

ADVERTISEMENT OF APPOINTMENT OF AUTHORISED OFFICER

It is hereby notified for public information that the notice under the above appointment published at page 3636 of the *Government Gazette* No. 139 dated July 10, 1998, contained an error which is now corrected as follows—

For the words—

Mr David Lesley

Read—

Mr David William Pearce Leslie

GARY FITZGERALD, Chief Executive Officer.

LG401

CITY OF BELMONT

Appointment of Authorised Person

It is hereby notified for public information that Katherine Stewart has been appointed a Ranger for the City of Belmont, effective for the period 12th October 1998 to 23rd October 1998 (both dates inclusive), and is an officer authorised to exercise the powers in accordance with the following Acts, Regulations and Local Laws—

- Local Government Act 1995
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Litter Act 1979 and Regulations
- Dog Act 1976 and Regulations
- Local Government "Parking for Disabled Persons" Regulations 1996
- City of Belmont Local Laws Relating to Parking Facilities
- All other Council Local Laws

BRUCE GENONI, Chief Executive Officer.

LG402**DOG ACT 1976***City of Belmont*

Appointment of Authorised Person and Registration Officer

It is hereby notified for public information that Katherine Stewart has been appointed an Authorised Person and Registration Officer pursuant to the Dog Act 1976.

This appointment is for the period 12th October 1998 to 23rd October 1998 (both dates inclusive).

BRUCE GENONI, Chief Executive Officer.

LG403**JUSTICES ACT 1902***City of Joondalup*

In accordance with the provisions of the Justices Act 1902 and Section 9.10 of the Local Government Act 1995, the following Honorary Parking Inspectors were authorised to issue infringement notices, make complaints and act under and enforce the City of Joondalup Local Laws Relating to Parking Facilities and the Local Government (Parking for Disabled Persons) Regulations 1988 within the confines of the respective areas—

Lakeside Joondalup Shopping Centre

7 October 1998

Wayne Smith

Hillarys Boat Harbour

7 October 1998

Richard Gerard Carr

The appointments of Andrew Schell and Shaun O'Flaherty are hereby revoked.

LINDSAY DELAHAUNTY, Chief Executive Officer.

LG404*

CITY OF MANDURAH

It is hereby notified for public information that the following person—

Cody Lawrence Dhu

has been appointed by the City of Mandurah as an Authorised Officer, to exercise powers under the following Acts, By-Laws, Local Laws and Regulations—

1. Ranger—City of Mandurah
2. Local Government Act 1995
3. Bush Fires Act 1965
4. Dog Act 1976
5. Litter Act 1979
6. Control of Vehicles (Off Road Areas) Act 1978
7. Uniform General By-Law 1988 (Parking for disabled persons)
8. All Council Local Laws

S. GOODE, Chief Executive Officer.

LG405**CEMETERIES ACT 1986***Shire of Carnamah*

FEES AND CHARGES, WINCHESTER PUBLIC CEMETERY

Pursuant to Section 53 of the Cemeteries Act 1986 the Council of the Shire of Carnamah resolved on 20th May 1998 to set the following fees and charges for the Winchester Public Cemetery.

Land	\$
2.4m x 1.2m Where directed by Trustee	100
2.4m x 2.4m Where directed by Trustee	200
2.4m x 3.6m Where directed by Trustee	300
2.4m x 1.2m Where chosen by applicant	120
2.4m x 2.4m Where chosen by applicant	240
2.4m x 3.6m Where chosen by applicant	360
Niche Wall Compartment or plot in prescribed area for interment of ashes	100
Sinking Fees (on application)	
Ordinary Grave—Adult	100
Child—under seven years	60
Stillborn Child	40
Inter Ashes—Niche Wall	50
Graves to be sunk deeper than 1.8m	
First additional 0.3m	20
Second additional 0.3m	30
Third additional 0.3m	40
(and so on in proportion for each additional 0.3m)	
Re-opening Fees (re-opening an ordinary grave for each interment of exhumation)	
Ordinary Grave—Adult	100
Child under seven years	60
Stillborn child	40
Removal of kerbing, tiles etc, if necessary according to time required (per man hr)	15
Any brick grave	100
Any vault according to work required (from)	40
Interment of ashes in a grave	40
Extra Charge for	
Interment without due notice under local law 15	20
Interment not in usual hours prescribed by local law 17—	
• Monday to Friday	30
• Saturday, Sunday and Public Holidays	40
Late arrival at Cemetery gates under local law 26	10
Exhumations in addition to re-opening fees	100
Miscellaneous Charges	
Permission to erect—	
• Headstone and/or kerbing	30
• Monument	40
• Nameplate	5
Registration of “Transfer of Form of Grant of Right of Burial”	10

Miscellaneous Charges—continued

	\$
Copy of "Grant of Burial"	2
Grave Number Plate	10
Undertaker's Licence fee	20
Making a search in register	5
Copy of Local Laws	2
Permission for applicant to inter ashes in a grave under supervision of Trustees ..	50

M. L. CROFT, Chief Executive Officer.

LG406**CITY OF KALGOORLIE-BOULDER****Appointments**

It is hereby notified for public information that Dennis Mervyn Bassett has been appointed to the designated position of Principal Building Surveyor with the City of Kalgoorlie-Boulder as from the 2nd day of July 1998.

The gazettal of John Logan Lowry as Principal Building Surveyor for the City of Kalgoorlie-Boulder is hereby cancelled as from the 5th day of September 1997.

Rienzie George Nix has been appointed to the designated position of Senior Building Surveyor with the City of Kalgoorlie-Boulder as from the 11th day of September 1998.

Mathew Paul Musarri has been appointed to the designated position of Senior Building Surveyor with the City of Kalgoorlie-Boulder as from the 15th day of May 1998.

Reed Roderick Hartley has been appointed to the designated position as a Building Surveyor with the City of Kalgoorlie-Boulder as from the 30th day of September 1998.

P. A. ROB, Chief Executive Officer.

LG407***BUSH FIRES ACT 1954****TOWN OF EAST FREMANTLE**

It is hereby notified for public information that Mr Francis Harold Lohf has been appointed in accordance with the provisions of the Bush Fires Act 1954 as Chief Bush Fire Control Officer for the Town of East Fremantle.

All other appointments are hereby revoked.

C. CORICA, Acting Chief Executive Officer.

LG408**DOG ACT 1976***Shire of Manjimup*

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

Janet Rosemary Riley	Dave William Pearce Leslie
Danielle Nicole Lazarov	Audrey Bell
Sarah Katherine Edwards	Tracey June Padgett
Julie Karafilis	Dianne Lesley Juestel
Brett John Lappan	Kristy Lee Walter
Christine Denise Hodgson	

All previous appointments are hereby cancelled.

GARY FITZGERALD, Acting Chief Executive Officer.

LG501***BUSH FIRES ACT 1954****METROPOLITAN FIRE DISTRICT***Town of East Fremantle/City of Fremantle*

Notice to All Owners and/or Occupiers of Land in East Fremantle and Fremantle

Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before the 30th day of November, 1998 or within fourteen days of the date of your becoming owner or occupier should this be after the 30th day of November, 1998 and thereafter up to and including the 31st day of March, 1999 to have a firebreak clear of all flammable materials, at least three metres wide immediately inside all external boundaries of land and also immediately surrounding all buildings situated on the land.

If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer not later than the 15th day of November, 1998 for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$1000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

NOTE: Burning is prohibited to achieve the requirements of this notice, no permits will be issued.

By Order of Town of East Fremantle,

F. H. LOHF, Chief Bush Fire Control Officer.

By Order of City of Fremantle,

D. WHITE, Chief Bush Fire Control Officer.

MAIN ROADS

MA401

File No. MRWA 41-148-E.
Ex Co No. 1052.

TOWN PLANNING AND DEVELOPMENT ACT 1928
LAND ACQUISITION AND PUBLIC WORKS ACT 1902
METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959
WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985
LAND RESUMPTION

Road Widening—Great Eastern Highway (SLK Section 17.44-19.24)

Notice is hereby given, and it is hereby declared, that the several pieces or parcels of land described in the Schedule hereto, being all in the Mundaring District have, in pursuance of the written consent under the Town Planning and Development Act 1928, Metropolitan Region Town Planning Scheme Act 1959, Western Australian Planning Commission Act 1985 and approval under Section 17(1) of the Land Acquisition and Public Works Act 1902 of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 23rd day of September 1997, been compulsorily taken and set apart for the purposes of the following public work, namely—Road Widening—Great Eastern Highway—Town of Mundaring.

And further notice is hereby given that the said pieces or parcels of land so taken and set apart are shown marked off on Plans MR97-149 to 151 inclusive, which may be inspected at Main Roads Western Australia, Waterloo Crescent, East Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in the West Australian Planning Commission for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way, or other easements whatsoever.

Schedule

Plan MR No.	Owner of Reputed Owner	Occupier or Reputed Occupier	Description	Area
97-149 97-150 97-151	Caltex Oil (Australia) Pty Ltd	Caltex Oil (Australia) Pty Ltd	Portions of Swan Location 16 and being Lots 11, 12 and 13 on Plan 3114 now contained in Plan 22051 and being part of the land comprised in Certificate of Title Volume 1031 Folio 71.	837 m ²

Certified correct this 11th day of September 1997.

G. D. KIERATH, Minister for Planning.

Dated this 23rd day of September 1997.

MICHAEL JEFFERY, Governor in Executive Council.

PLANNING

PD401***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF ALBANY

TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 140

Ref: 853/5/4/5, Pt. 140.

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 5 of Location 398 Rufus Street, Milpara from the Rural zone to the Special Residential zone and the Parks and Recreation (non restricted) reserve.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany 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 24 November, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 24 November, 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.

E. H. KELLY, Chief Executive Officer.

PD402***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ARMADALE

TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 145

Ref: 853/2/22/4, Pt. 145.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Armadale Town Planning Scheme Amendment on 4 October, 1998 for the purpose of—

1. Rezoning Lots 40, 41 and 42 Jarrah Road, Roleystone from "Residential R5" to "Shopping".
2. Modifying the Town Planning Scheme Maps accordingly.

R. C. STUBBS, Mayor.
R. S. TAME, Chief Executive Officer.

PD403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF BAYSWATER

TOWN PLANNING SCHEME NO. 21—AMENDMENT NO. 70

Ref: 853/2/14/25, Pt. 70.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Bayswater Town Planning Scheme Amendment on 6 October, 1998 for the purpose of rezoning portion of Part Lot 2 of Swan Location Q1, Beechboro Road, Embleton from "Local Public Open Space" to "Light Industry".

J. D'ORAZIO, Mayor.
M. J. CAROSELLA, Chief Executive Officer.

PD404**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF COCKBURN

DISTRICT ZONING SCHEME NO. 2—AMENDMENT NO. 137

Ref: 853/2/23/19, Pt. 137 Vol. 4.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Cockburn Town Planning Scheme Amendment on 6 October, 1998 for the purpose of—

1. amending the Scheme Text by:
 - (a) including “Cockburn Sound Location 2953” in the Third Schedule—Restricted Use under “1. Cockburn Road”;
 - (b) including “Lot Pt 1 of Cockburn Sound Location 179 on Diagram 64226: in the Third Schedule—Restricted Use under “2. Progress Drive”;
2. amending the Scheme Maps by—

INDEX

- (a) amending “Additional Use (Second Schedule)” to “Additional Use/Restricted Use”;
- (b) amending Lots affected by (a) above;

MAP 1

- (a) Portion each of Lots 104 -108 (incl.) Bacich Mews
Portion each of Lots 1,12 Beeliar Drive
Portion each of Lots 1, Pt 701, Pt 1 Mayor Road
from unzoned* land to “Residential R30”;
- (b) Portion of Lot Pt 1 Mayor Road
from unzoned* land to “Residential R30”;
- (c) Portion of Lot 303 Cockburn Road
from unzoned* land to “Residential R30”;
- (d) Portion of Reserve 8710 Roma Street
from unzoned* land to “Local Reserve: Public Purposes—PS”;
- (e) Lot 100 Mayor Road
from “Rural” to “Local Reserve: Public Purposes—PS”;
- (f) Portion of Rockingham Road
from unzoned* land to “Local Road, ROW, PAW”;
- (g) Portion of Reserve 29268
from unzoned* land to “Local Reserve: Public Purposes—MWA”;
- (h) Amend Packham Urban Development Area boundary to the northern alignment of new Beeliar Drive reserve;
- (i) Portion of Salpietro Street
from unzoned* land to “Local Road, ROW, PAW”;
- (j) Portion of Lot 100 Clarence Beach Road
from unzoned# land to “General Industry—Restricted Use: Shipbuilding and the Manufacture, Fabrication & Assembly of Components for Use by the Offshore Petroleum Industry”;
- (k) Amend the Scheme Boundary to include whole of Lot 100 Clarence Beach Road;

MAP 2

- (a) Cockburn Sound Location 2953 Cockburn Road
from unzoned# land to “General Industry—Restricted Use: Shipbuilding and the Manufacture, Fabrication & Assembly of Components for Use by the Offshore Petroleum Industry”;
- (b) Amend the Scheme Boundary to include Cockburn Sound Location 2953 Cockburn Road;

MAP 3

- (a) Lot 1 Phoenix Road
Lots Pt 69, Pt 73, Pt 75 Stock Road
Lots Pt 70, Pt 71, Pt 72, Pt 78, 215, 216, 217 Roe Highway
Lots 74, 208, 215 Deller Street
from unzoned* land to “Residential R15”;
- (b) Portions each of Lot Pt 90, 446 Sudlow Road
from unzoned* land to “Residential R12.5”;
- (c) Portion of Lot Pt 1 Forrest Road
from unzoned* land to “Commercial—Restricted Use: Private Recreation”;
- (d) Portion of Forrest Road
from unzoned* land to “Residential R25”;
- (e) Portions each of Progress Drive, Bibra Drive and Prout Way
from unzoned* land to “Local Road, ROW, PAW”;

- (f) Lots Pt 2, Pt 2, 17 and portions each of Lots Pt 5, Pt 2 Leeming Road
JAA Pt 172 Farrington Road
Lots 1, 100 Dean Road (Closed)
Portions each of Leeming Road and Dean Road (Closed)
from unzoned* land to "Residential R30";
- (g) JAA 576 Parkway Road
from unzoned* land to "Residential R20";

MAP 4

- (a) Portion of Lot 3 Verna Court
from "Rural" to "Residential R20";
- (b) Lot 18 Semple Court
from "Rural" to "Residential R15";
- (c) Amend "Kogolup Lake Urban Development Area" boundary near Wedge Road to coincide with cadastral subdivision and Beeliar Regional Park;
- (d) Portion of Wedge Road
from unzoned* land to "Local Road, ROW, PAW";
- (e) Portion of "Transmission Line" land adjacent to Beenyup Road
Portion each of Seabrook Place and Beenyup Road
Portion each of Lots 186-190 (incl.) Nolin Court
Portion of Lot 183 Seabrook Place
from unzoned* land to "Residential R15";

MAP 5

- (a) Portion of Lot 99 Fern Leaf Court
from unzoned* land to "Residential R20";
- (b) Portion of Fern Leaf Court
from unzoned* land to "Local Road, ROW, PAW";
- (c) Lot Pt 20 Berrigan Drive
from "Residential" to "Residential R5";

MAP 6

- (a) Portion of Reserve 43143 Acourt Road
from "Local Road, ROW, PAW" to "Rural";
- (b) Portion of Reserve 43143, JAA 645 Acourt Road
from unzoned° land to "Rural";
- (c) Portion of Acourt Road and Nicholson Road
from unzoned° land to "Local Road, ROW, PAW";
- (d) Amend the Scheme Boundary to coincide with the City of Cockburn municipal boundary;

* Unzoned land due to changes to accommodate Reserves under Section 35A of the Metropolitan Region Town Planning Scheme Act 1959.

Unzoned land due to land reclamation.

° Unzoned land due to changes to the municipal boundary.

J. P. GRLJUSICH, Mayor.
R. W. BROWN, Chief Executive Officer.

PD405***TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***SHIRE OF AUGUSTA-MARGARET RIVER***TOWN PLANNING SCHEME NO. 11—AMENDMENT NO. 104**

Ref: 853/6/3/8, Pt. 104.

Notice is hereby given that the local government of the Shire of Augusta-Margaret River has prepared the abovementioned scheme amendment for the purpose of rezoning a portion of Pt Sussex Location 407 and a portion of Pt Sussex Location 287 Caves Road and Kilcarnup Road, Margaret River from "Rural" zone to "Special Rural" zone and inserting appropriate provisions relating to this zone into Schedule 1 of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Town View Terrace, Margaret River 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 24 November, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 24 November, 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.

M. EASTCOTT, Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF MURRAY

TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 128

Ref: 853/6/16/7, Pt. 128.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on 5 October, 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—

- (i) Class 10b structures, as defined in the Building Code of Australia, and shade sails, which shall be in accordance with Council's Policy Rebating to Shade Sail Structures within the Canal Development Zone; and
- (ii) open deck structures, which shall be in accordance with Council's Policy Relating to Open Deck Construction within the Canal Development Zone.'

2. Including the following interpretation in Appendix 1 of the Scheme after the interpretation for 'Open Air Display'—

Open Deck Structure—means a structure used for leisure and recreational purposes in association with a residence which shall be open-sided and unroofed but which may incorporate balustrading.

N. H. NANCARROW, Mayor.
N. G. LEACH, Chief Executive Officer.

PD407*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 66

Ref: 853/2/29/3, Pt. 66.

Notice is hereby given that the local government of the Shire of Serpentine-Jarrahdale has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning Cockburn Sound Location 434 Thatcher Road, Byford from 'Rural' to 'Rural Living A' and 'Public Open Space'.
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.
3. Including special provisions in Appendix 3 of the Scheme Text relating to the subdivision and development of Cockburn Sound Location 434.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 6 Paterson Street, Mundijong 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 24 November, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 24 November, 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.

N. D. FIMMANO, Chief Executive Officer.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF SWAN

TOWN PLANNING SCHEME NO. 9—AMENDMENT NO. 323

Ref: 853/2/21/10, Pt. 323.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on 6 October, 1998 for the purpose of—

Altering paragraph 1 of the Special Rural Zone No. 7 Belhus Estate provisions to read as follows—

“1. Subdivision of Special Rural Zone No. 7 shall generally be in accordance with the Subdivision Guide Plan as endorsed by the Chief Executive Officer. Minimum lot sizes shall be based on the following criteria—

- (a) Land capability assessment in the form of expert advice to demonstrate the suitability of the site for on-site effluent disposal and the prevention of nutrient export off-site to the satisfaction of the Local Authority;
- (b) Availability of a reticulated water supply;
- (c) Retention of existing and/or reasonable levels of privacy by—
 - Ensuring maximum setbacks of dwellings from side boundaries;
 - Appropriate siting and orientation of dwellings to provide good visual and acoustic privacy for the normal residential activities of occupants.
- (d) Maintenance of a “Special Rural” environment compatible with the intent of the zone and the existing character of the area by—
 - Preserving the spacious rural character and consistent visual appearance of buildings and space;
 - Ensuring the retention and/or re-planting of vegetation
 - Avoiding, where possible, the creation of adjacent battle-axe legs of internal lots;
 - Maintaining regularity in the frontage and shape of lots where possible.
- (e) The capability of the land for hobby farming activities (rural pursuits).

Where an application is demonstrated to meet these criteria minimum lot sizes of 1 ha may be supported. Otherwise 2 ha minimum lot sizes shall apply”.

E. W. LUMSDEN, Chief Executive Officer.
 A. C. FREWING, Executive Manager, Management Services.

PD409*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME

PLANNING CONTROL AREA No. 34

Garratt Road—Grand Promenade Road and Bridge Link
 City of Bayswater

NOTICE OF REVOCATION

File: 835-2-14-4.

Notice is hereby given that the Western Australian Planning Commission has resolved to revoke Planning Control Area No. 34 (Garratt Road—Grand Promenade Road and Bridge Link) pursuant to section 35C(2) of the Metropolitan Region Town Planning Scheme Act, and that the Hon Minister for Planning has granted approval to the revocation.

The revocation of Planning Control Area No. 34 is affective from the date of this Gazette.

PETER MELBIN, Secretary, Western Australian
 Planning Commission.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF AUGUSTA-MARGARET RIVER

TOWN PLANNING SCHEME NO. 19—AUGUSTA TOWNSITE

Ref: 853/6/3/19, 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 Shire of Augusta-Margaret River Town Planning Scheme No. 19 on 1 September, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

B. GODLEY, President.
 M. EASTCOTT, Chief Executive Officer.

Schedule
TOWN PLANNING AND DEVELOPMENT ACT 1928
Shire of Augusta-Margaret River
 TOWN PLANNING SCHEME NUMBER 19
 AUGUSTA TOWNSITE

Scheme Text

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

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PART 1—PRELIMINARY

1.1 Citation

This town planning Scheme may be cited as “*The Shire of Augusta-Margaret River Scheme No. 19*”, hereinafter called “The Scheme” and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 Responsible Authority

The Authority responsible for implementing the Scheme is the Council of the Shire of Augusta-Margaret River, here-in after called “*The Council*”.

1.3 Scheme Area

The Scheme applies to the land outlined on the Scheme Maps.

1.4 Contents of Scheme

The Scheme comprises—

- (i) This Scheme text
- (ii) The Scheme maps
- (iii) A Scheme Report

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

- Part 1 :** Preliminary
- Part 2 :** Planning Consent
- Part 3 :** Zones
- Part 4 :** General Development Requirements
- Part 5 :** Residential Provisions

- Part 6 :** Commercial Provisions
- Part 7 :** Industrial Provisions
- Part 8 :** Special Use Provisions
- Part 9 :** Development Requirements in Overlay Control Zones
- Part 10 :** Development Requirements in Overall Planning Areas
- Part 11 :** Conservation of Buildings, Places and Features of Cultural Heritage Significance
- Part 12 :** Reserves
- Part 13 :** Non-Conforming Uses
- Part 14 :** Administration

1.6 Purpose of the Scheme

The purpose of the Scheme is to—

- (i) reserve land required for Public Purposes;
- (ii) zone the balance of the land within the Scheme Area for the purposes described in the Scheme;
- (iii) provide development controls for the purposes of securing and maintaining the orderly and properly planned use and development of land within the Scheme area;
- (iv) make provision for other matters authorised by the enabling Act;
- (v) outline objectives and to provide for development strategies for the Scheme area.

1.7 Scheme Objectives

1.7.1 The objectives of this Scheme—

- (a) To encourage and control the continued orderly development of land within the Augusta township in a manner that enhances the quality of life of the community;
- (b) To ensure that the existing standard of roads, water supply, effluent disposal, electricity supply and other community services are sufficient for the additional demands proposed development may create;
- (c) To conserve the integrity of the landscape, to encourage high aesthetic standards in all developments, specifically in areas of high environmental sensitivity, and to encourage tree planting and the retention of native vegetation throughout the Augusta township;
- (d) To promote economic development and tourism within defined areas of the Augusta township and to increase local employment opportunities;
- (e) To provide opportunities for a wide range of lifestyles by providing areas for urban and rural living;
- (f) To encourage and facilitate opportunities for diversity in lot sizes, dwelling density, type and tenure to meet community need to encourage stage development to provide for—
 - * the orderly expansion of the Augusta township.
 - * the efficient provision of infrastructure appropriate to the needs of the community.
 - * the limitation of undesirable impacts on the environment.
- (g) To ensure the conservation, enhancement and management of non-urban land and features of an environmental, heritage, cultural and scientific interest.
- (h) To encourage maximum energy conservation and the sustainable use of renewable resources in subdivision and development.
- (i) To provide the opportunity for the community to have access to community facilities, including public open space.
- (j) To enable land likely to be required for community facilities and essential services, to be identified and set aside in advance of demand.
- (k) To protect and observe the more important natural flora and fauna habitats (eco-system, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation.

1.8 Revocation of Existing Schemes

1.8.1 The Shire of Augusta-Margaret River Town Planning Scheme No. 16 (as amended) which came into operation by publication in the *Government Gazette* on 26th April, 1985, with the exception of the portion of the Scheme that covers the following land, is hereby revoked—

- (a) Lots 2, 5, & 6 of Sussex Location 1343.
- (b) Lots 3, 4, 5, 6 & 7 of Sussex Location 3128.
- (c) Reserve No. 18644.
- (d) Reserve No. 25211.
- (e) Lots 132 and 133 Curtis Avenue and Pericles Street, East Augusta.

1.8.2 That portion of the Shire of Augusta-Margaret River Town Planning Scheme No. 11 (as amended) which came into operation by publication in the *Government Gazette* on 26th April, 1985 and that covers Sussex Location Pt 1435 and Lot 10 Sussex Location 1152 is hereby revoked.

1.9 Interpretation

1.9.1 Except as provided in Clauses 1.9.2, 1.9.3 and 11.1.2 the works and expressions of the Scheme have their normal and common meaning.

1.9.2 In the Scheme, unless the context otherwise requires, or unless it is otherwise provided herein, works and expressions have the respective meanings given to them in Schedule 1 and the Residential Planning Codes.

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

PART 2—PLANNING CONSENT

2.1 Requirements for Planning Consent

2.1.1 Except as hereinafter provided no development shall commence within the Scheme without the prior consent of the Council. Such consent is hereinafter referred to as “planning consent” and is where specified by the Scheme, required prior to and in addition to the issue of a building licence.

2.1.2 The planning consent of the Council is not required for the following development of land—

- (i) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
 - * For the purpose for which the land is reserved under the Scheme, or
 - * In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (ii) The erection of a boundary fence except as otherwise required by the Scheme;
- (iii) 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, provided the development complies with the requirements of this Scheme, the Residential Planning Codes and the lot is not situated within the Flinders Bay Conservation Precinct;
- (iv) 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;
- (v) 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;
- (vi) The carrying out of works urgently necessary in the public safety or security of plan or equipment or for the maintenance of essential services.

2.2 Discretion to Modify Development Standards

If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance approve the application unconditionally or subject to such conditions as the Council thinks appropriate.

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

- (i) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (ii) The non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (iii) The spirit and purpose of the requirements or standards will not be unreasonably departed from.

2.3 Application for Planning Consent

2.3.1 Every application for planning consent shall be made in the form prescribed in Schedule 2 to the Scheme (or as amended by Council), and shall be accompanied by such plans and other information as is required by the Scheme.

2.3.2 Unless Council waives any particular requirements every application for planning consent shall be accompanied by—

2.3.2.1 A plan or plans to a scale of not less than 1:500 showing—

- (i) Street names, lot number(s), north point and the dimensions of the site;
- (ii) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
- (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site;
- (iv) The location, number dimensions and layout of all car parking spaces intended to be provided;

- (v) The location and dimensions of any area proposed to be provided by the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) The location, dimensions of any landscape open storage or trade display area and particulars of the manner in which it is proposed to develop the same.
- 2.3.2.2 Plans, elevations and Sections of any building proposed to be erected or altered and of any building it is intended to retain;
- 2.3.2.3 Any other plan or information that the Council may reasonably require to enable the application to be determined.

2.4 Residential Development—Residential Planning Codes

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

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

2.4.3 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.

2.5 Special Application of Residential Planning Codes

2.5.1 Notwithstanding the density shown on the Scheme map, in unsewered areas provided Council determines in the first instance that on-site soils are suitable for additional on-site effluent disposal, attached and grouped dwelling development shall not exceed the R15 density level.

2.5.2 Dwellings built in accordance with Clause 1.5.8(f) of the R Codes shall incorporate a boundary wall in accordance with the Building Codes of Australia 1988 (as amended).

2.5.3 In respect of dwellings built under Clause 1.5.8(f) of the R Codes, provision in those codes relating to setbacks from boundaries for walls containing major openings shall apply.

2.5.4 Within the town centre zone, residential development shall not exceed the R40 density code.

2.5.5 Council may reduce the density for any particular land where it determines that the development proposal will result in the removal of an existing building or dwelling that offers a high standard of amenity and character to the streetscape and to this end, Council may refuse to issue a demolition licence.

2.5.6 Prior to approval to any grouped housing development Council shall examine the impact such development will have on the amenity, character and infrastructure of the locality and may apply conditions in accordance with Council Policies adopted under Clause 8.6 of this Scheme.

2.5.7 Within special residential zones coded R5 or lower, the setbacks shall be—

- * front 10m
- * rear 5m
- * side 5m

2.5.8 Notwithstanding the provisions of the Residential Planning Codes, where land is referred to as R15, the front setback shall be 9metres, unless Council, after consulting with adjoining neighbours, is of the opinion that a reduced setback to a minimum of 7.5metres is appropriate having regard to the streetscape, and local amenity of the street.

2.5.9 Council may permit the setback to a secondary street to be reduced to 50% of the specified front setback.

2.5.10 Council may wholly or partially apply, vary or delete the R Code specifications for any application received for development within Policy Area A : Flinders Bay Conservation Precinct in order to protect or enhance the townscape qualities of this area.

In considering any such variation Council shall have regard to the provisions of the Building Codes of Australia 1988 (as amended).

2.6 Advertising of Applications

2.6.1 Where an application is made for planning consent to commence or carry out development which involves an ‘SA’ use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.

2.6.2 Where an application is made for planning consent to commence or carry out development which involves an ‘AA’ use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this Clause.

2.6.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out—

- * Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council is likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty one (21) days of the service of such notice;
- * 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 (21) days from the publication of the advertisement;

- * A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one (21) days from the date of publication of the notice referred to in this Clause.

2.6.4 The notices referred to in Clause 2.6.3 shall be in the form contained in Schedule 3 (or as amended by Council) with such modifications as circumstances require.

2.6.5 After expiration of twenty one (21) days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

2.7 Determination of Applications

2.7.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

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

2.7.3 Where the Council decides to approve an application, it shall issue its decision in respect of an application for planning consent in the form prescribed in Schedule 4 to the Scheme (or as amended by Council).

2.7.4 Where the Council decides to refuse an application, it shall issue its decision in respect of an application for planning consent in the form prescribed in Schedule 5 to the scheme (or as amended by Council).

2.7.5 Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid.

2.8 Deemed Refusal

2.8.1 Where the Council has not within sixty (60) days of the receipt of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 2.2 the application may be deemed to have been refused.

2.8.2 Where the Council has given notice of an application for planning consent in accordance with Clause 2.6 and where the Council has not within ninety (90) days of receipt of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

2.8.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 2.8.1 or 2.8.2, the Council may issue a decision in respect of the application at any time after the expiry of the sixty (60) day or ninety (90) day period specified in those Clauses, as the case may be.

PART 3—ZONES

3.1 Zones

3.1.1 There are hereby created the zones set out hereunder—

Residential Zones

Residential

Development

Special Residential

Commercial Zones

Town Centre

Service Commercial

Tourist Accommodation

Industrial Zones

Industrial

Special Use Zones

Tourist/Landscape Protection

Institutional Use

Special Use

Areas

Flinders Bay Conservation

3.1.2 The zones are delineated and depicted on the Scheme map according to the legend thereon.

3.2 Zoning and Development Tables

3.2.1 Table No. 1 indicates, subject to the provisions of the Scheme, the uses permitted in the various zones, such uses being determined by cross reference.

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

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

'AA' means that the Council may, at its discretion, permit the use.

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 2.6.

3.2.3 Where no symbol appears in the cross-reference of a use class against a zone in the zoning table a use of that class is not permitted in that Zone.

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

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may—

- (i) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- (ii) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.

Use & Development Class	Residential	Town Centre	Service Commercial	Tourist Accommodation	Industrial	Special Residential	Tourist/Landscape Protection	Special Use	Institutional Use	Development
RESIDENTIAL										
Single House	P					P	P			P
Attached House	AA	AA								AA
Grouped Dwelling	AA	AA								AA
Ancillary Accommodation	P					P	P			AA
Caretakers Dwelling		AA	AA	AA	AA				AA	
Aged or Dependent Persons Dwelling	SA	AA					AA		AA	SA
RESIDENTIAL BUILDING										
(Includes Residential Hotel, Boarding/ Guest/Lodging House, Bed and Breakfast)	SA	AA		P			AA			SA
Motel		AA		P			AA			SA
Caravan Park				SA						SA
Holiday Cabins and Chalets				P			AA			SA
Home Occupation	AA	AA				AA				AA
LICENSED PREMISES										
Hotel		AA		SA						SA
Tavern		AA								SA
Wine Shop		AA								AA
Restaurant		AA		AA			AA			AA
Liquor Store		AA								AA
COMMERCIAL USES										
Shop		AA	P		AA					AA
Eating House		AA	AA	AA			AA			AA
Fast Food Outlet		AA	AA		AA					AA
Fish Shop		AA	AA							AA
Open Air Display		AA	P		AA		AA			
Carpark		AA	P	P	P		AA			P
Laundromat		AA	P							
Service Station		AA	P							AA
Petrol-Filling Station		AA	P							AA
Motor Repair Station			P		P					
Showrooms		AA	P		P					
Warehouse		AA	P		P					

REFER CLAUSE 511 OF THE SCHEME TEXT

Use & Development Class	Residential	Town Centre	Service Commercial	Tourist Accommodation	Industrial	Special Residential	Tourist/Landscape Protection	Special Use	Institutional Use	Development
COMMERCIAL USES—continued										
Trade Display		AA	P		P					
Dry Cleaning Premises		AA	P		P					
Funeral Parlour		AA	P		P					
Office		AA	P		AA					
Professional Office	AA	AA	P							AA
Consulting Rooms	SA	AA	P							AA
Medical Clinic	SA	AA	P						AA	AA
Restricted Premises		SA	SA		SA					
PUBLIC AND COMMUNITY USES										
Day-Care Centre	SA	AA	AA			SA			AA	AA
Kindergarten	SA	AA	AA						AA	AA
Educational Establishment	SA	AA	AA				AA		AA	AA
Health Centre Studio		AA	P	AA						
Infant Welfare Clinic	AA	AA	P						AA	AA
Public Amusement		AA	AA		AA		AA			
Public Recreation	P	AA	P		P	P	AA		P	P
Place of Public Worship	SA	AA	AA						P	SA
Civic Building	SA	AA	AA							AA
Museum		AA	AA				AA			
Institutional Building	SA	AA	AA						P	AA
Institutional Home	SA	AA							P	AA
Reformatory									AA	
Zoological Garden							AA			
Public Utility	P	P	P	P	P	P	P		P	P
Club Premises	SA	AA	AA	AA			AA			SA
Radio and TV Installation	SA	AA	AA		P					AA
Place of Public Worship	SA	AA	AA						P	SA
INDUSTRIAL USES										
Service Industry			AA		P					AA
Light Industry					P					AA
General Industry					AA					
Extractive Industry										
Noxious Industry										
Hazardous Industry										
Factory Units			AA		P					
Rural Industry					P		AA			
Motor Vehicle Wrecking					P					
Fuel Depot					P					
Wood Yard					P					
Transport Depot			AA		P					
Milk Depot			AA		P					
Storage Units			AA		P					
Salvage Yard					P					
OTHER USES										
Intensive Agriculture							AA			AA
Piggery										
Poultry Farm										
Kennels										
Veterinary Consulting Rooms	AA	P	AA				AA			
Veterinary Hospital		P	AA		AA					
Rural Pursuit							AA			
Plant Nursery	AA	P			AA		AA			
Stables							AA			
Cottage Industry						SA	SA			AA

REFER CLAUSE 511 OF THE SCHEME TEXT

DEVELOPMENT STANDARDS

Use & Development Class	Min. Lot Area	Min Effic. Frontage	Site Coverage %	Plot Ratio	Setbacks			Minimum Car Parking Requirements (G.L.A. - Gross Leasable Area)	Landscaping % of Site	Other Comments
					Front (m)	Rear (m)	Side (m)			
RESIDENTIAL										
Single House	AS PER RESIDENTIAL PLANNING CODES									
Attached House										
Grouped Dwelling										
Additional Accommodation										
Caretakers Dwelling										
Aged or Dependent Persons Dwelling										
Ancillary Accommodation										
Residential BLDG (Incl. Residential Hotel, Boarding Guest, Lodging House, Bed & Breakfast)	*	*	*	*	*	*	*	*		As per Building Code
Motel	Local Government Model By-Laws No. 3									
Caravan Park	Local Government Model By-Laws (Caravan & Camping Grounds) No. 2									
Holiday cabins & Chalets	Local Government Model By-Laws (Holiday Cabins & Chalets) No. 18									
Home Occupation	*	*	*	*	*	*	*	*	*	
LICENSED PREMISES										
Hotel	7500	80	25	0.5	15	15	10	1.5 spaces per unit of Accommodation plus 1 space per 6m2 of public area	25	Servicing, loading & unloading areas and facilities will be prescribed by Council in each case. Landscaping may be reduced to 10% at Council's discretion in the Town Centre zone.
Tavern	4000	50	30	0.5	15	10	10		25	
Wine Shop	200	6	75	0.5	3	3	*	1 space per 15m2 GLA	10	
Licensed Restaurant	*	*	*	*	3	3	*	1 space per 4 seats	25	
Liquor Store	*	*	*	*	3	3	*	1 space per 15m2 GLA	25	

* MEANS STANDARD TO BE APPLIED IN EACH CASE

DEVELOPMENT STANDARDS

Use & Development Class	Min. Lot Area	Min Effic. Frontage	Site Coverage %	Plot Ratio	Setbacks			Minimum Car Parking Requirements (G.L.A. - Gross Leasable Area)	Landscaping % of Site	Other Comments
					Front (m)	Rear (m)	Side (m)			
PUBLIC & COMMUNITY USES										
Day Care Centre	2000	25	30	0.3	9	9	3	1 space - per staff member	30	Accommodation for picking up and setting down of children and/or adults will be required in each case & to be prescribed by Council.
Kindergarten	2000	25	30	0.5	9	9	3			
Educational Establishment	*	*	*	*	*	*	*	*	*	
Health Centre/Studio	2000	25	30	0.3	9	7.5	3	4 spaces - per consultant	25	
Infant Welfare Clinic	2000	25	30	0.3	9	7.5	3			
Public Amusement	*	*	*	*	*	*	*	*	*	
Public Recreation	*	*	*	*	*	*	*	*	*	
Place of Public Worship	2000	30	30	0.3	9	7.5	3	1 space/4 seats in main auditorium	10	
Civic Buildings	*	*	*	*	*	*	*	*	10	
Museum	*	*	*	*	*	*	*	*	10	
Institutional Building	2000	25	30	0.3	9	9	3	*	10	
Institutional Home	2000	25	30	0.3	9	9	3	*	10	
Public Utility	*	*	*	*	*	*	*	*	10	Development standards to be prescribed by Council in each case upon determination of development applications etc..
Reformatory	*	*	*	*	*	*	*	*		
Zoological Gardens	*	*	*	*	*	*	*	*		
Club Premises	*	*	*	*	*	*	*	*	10	
Radio & TV Installation	*	*	*	*	*	*	*	*	20	
Place of Public Assembly	2000	30	30	0.3	9	9	3	1 space/4 seats in main auditorium	20	

* MEANS STANDARD TO BE APPLIED IN EACH CASE

DEVELOPMENT STANDARDS

Use & Development Class	Min. Lot Area	Min Effic. Frontage	Site Coverage %	Plot Ratio	Setbacks			Minimum Car Parking Requirements (G.L.A. - Gross Leasable Area)	Landscaping % of Site	Other Comments
					Front (m)	Rear (m)	Side (m)			
COMMERCIAL USES										
Shop	200	6	75	0.5	3	3	*	1 space per 15m2 GLA	10	Council may vary setbacks at its discretion in light of the provisions made within each site for loading and unloading, servicing and parking. Landscaping to be provided along or near street frontage. In the case of carparks, landscaping will be required to provide shade and screening from public places including roads.
Eating House	200	6	50	0.5	3	3	*	1 space/4 seats or 1 for 1m of queuing area	10	
Fast Food Outlet	200	40	30	0.3	3	3	*	1 space/4 seats or 1 for 1m of queuing area	10	
Fish Shop	200	6	50	0.5	3	3	*	1 space/4 seats or 1 for 1m of queuing area	10	
Car Park	*	*	*	*	*	*	*	*	*	
Laundromat	*	6	75	0.5	3	*	*	1 space/15m2 GLA	10	
Service Station	1500	40	35	0.35	10	5	5	*	10	
Petrol Filling Station	1500	40	35	0.35	10	5	5	*	10	
Motor Repair Station	1500	40	35	0.3	10	5	5	*	10	
Showrooms	*	10	75	0.5	3	3	5**	1 space/50m2 GLA	10	
Warehouse	*	25	75	0.5	3	3	5**	1 space/50m2 GLA	10	
Trade Display	*	*	*	*	*	*	*	*	10	
Dry-Cleaning Premises	*	*	75	0.5	3	7.5	5**	1 space/30m2 GLA	10	
Office	*	6	75	0.5	*	*	*	1 space/30m2 GLA	10	
Professional Office	*	6	75	0.5	*	*	*	1 space/30m2 GLA	10	
Consulting Rooms	*	6	75	0.5	*	*	*	4 spaces/consultant/pract.	10	
Medical Clinic	*	6	75	0.5	*	*	*	4 spaces/consultant/pract.	10	
Open Air Display	1000	20	*	0.5	3	*	*	*	*	

* MEANS STANDARD TO BE APPLIED IN EACH CASE

** MEANS 5.0 METRES ON ONE SIDE AND 0 METRES ON THE OTHER

DEVELOPMENT STANDARDS

Use & Development Class	Min. Lot Area	Min. Effec. Frontage	Site Coverage %	Plot Ratio	Setbacks			Minimum Car Parking Requirements (G.L.A. - Gross Leasable Area)	Landscaping % of Site	Other Comments
					Front (m)	Rear (m)	Side (m)			
INDUSTRIAL USES										
Service Industry	1000	25	75	0.5	10	5	5**	1 space per 50m2 GLA	10	Council will in each case prescribe provisions for landscaping, service yards refuse disposal area and staff parking areas. Storage height is limited to 2m. Solid screen fencing and landscaping to be provided around open storage areas as determined by Council. Landscaping to be provided along or near street frontage.
Light Industry	1000	25	75	0.5	10	5	5**	1 space per 50m2 GLA	10	
General Industry	2000	25	75	0.5	10	5	5**	1 space per 50m2 GLA	10	
Extractive Industry										
Noxious Industry										
Hazardous Industry										
Factory Units	1000	25	50	0.35	10	5	5**	1 space per 50m2 GLA	10	
Rural Industry	*	*	*	*	*	*	*	*	*	
Motor Vehicle Wrecking	2000	25	*	*	*	*	*	*	20	
Fuel Depot	2000	25	50	0.5	10	5	5**	*	10	
Wood yard	2000	25	50	0.5	10	5	5**	*	20	
Transport Depot	1500	25	50	0.5	10	5	5**	*	10	
Milk Depot	1500	25	50	0.5	10	5	5**	*	10	
Storage Units	1000	25	50	0.5	10	5	5**	*	10	
Salvage Yard	1000	25	50	0.5	10	5	5**	*	20	
OTHER USES										
Intensive Agriculture	*	*	*	*	*	*	*	*	*	*
Kennels										
Veterinary Consulting Rooms	*	*	*	*	*	*	*	4 spaces/practitioners	10	
Veterinary Hospital	*	*	*	*	*	*	*	*	20	
Rural Pursuit	*	*	*	*	*	*	*	*	*	
Plant Nursery	*	*	*	*	*	*	*	*	*	
Stables	*	*	*	*	*	*	*	*	*	
Cottage Industry	*	*	*	*	*	*	*	*	*	

* MEANS STANDARD TO BE APPLIED IN EACH CASE

** MEANS 5 METRES ON ONE SIDE AND 0 METRES ON THE OTHER

PART 4—GENERAL DEVELOPMENT REQUIREMENTS**4.1 Amenity****4.1.1 Notices**

In order to maintain an acceptable level of amenity within the Scheme area, the Council may as provided in Clause 8.3, require the owner, occupier or lessee of the land in question to undertake such works as may be necessary to restore or upgrade the property to a standard commensurate with those generally prevailing in the vicinity.

4.1.2 Untidy Sites

Where Council determines a property as not being maintained in a clean and tidy condition and that the appearance of the property has a deleterious effect on the amenity of the area located, the Council shall require the owner/occupier to improve in a manner determined by Council, the condition of the property to Council's satisfaction.

4.1.3 Relocated Dwellings & Buildings

Council will not permit the placement on any land of a second-hand or relocated dwelling or building unless it determines by absolute majority, that the design and appearance of the dwelling or building does not depreciate the value of the aesthetics of the surrounding land uses.

4.1.4 Derelict Vehicles

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or within the Scheme area.

4.1.5 Vehicles in Residential Areas

Except as provided elsewhere in this Scheme, no person shall within any lot within the residential, special residential or special rural zone, without the approval of Council in writing—

- * Repair, service or clean or allow to remain or park a commercial vehicle for a period greater than twenty four (24) hours.
- * Keep, park, allow to remain, repair, service or maintain any boat, caravan, trailer or commercial vehicle in front of the building setback line.

4.1.6 Fishing Industry Related Uses in Residential Areas

Council will not permit the use of any residential land or buildings for non-residential purposes related to fishing industry activities unless an application has been made in accordance with Part 6 of this Scheme.

4.2 Home Occupation and Cottage Industry

Council shall not permit any home occupation or cottage industry unless—

- * Planning consent is granted in accordance with Part 2 of the Scheme.
- * The applicant provides information on the location of the floor area, the area of floor space to be devoted to the activity and the times and methods of operation.

4.3 Height and Appearance of Buildings**4.3.1 Height**

Except as hereinafter provided no building—

- 4.3.1.1 * in excess of two (2) storeys or a height of eight (8) metres above natural ground level shall be erected within the Scheme Area (not including land in the Flinders Bay Conservation Precinct and the East Augusta Special Residential Zone).
- 4.3.1.2 * in excess of six (6) metres above natural ground level shall be erected in the Flinders Bay Conservation Precinct and the East Augusta Special Residential Zone.

For the purposes of this Clause "height" means the vertical measurement from ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.

4.3.2 Variation to Height Limit Scheme Area (not including land in the Flinders Bay Conservation Precinct and the East Augusta Special Residential Zone)

Council may, after following the procedures set in Clause 2.6, approve buildings which exceed the height specified in Clause 4.3.1.1 where plans including Sections and elevations of the proposed development are submitted to and determined by Council as being satisfactory for the purposes of advertising provided—

- * The Council, after considering both the information provided by the applicant and any submissions made by persons in response to the proposal being advertised in accordance with Clause 2.6, shall be satisfied that the proposed building—
 - (i) Will be in harmony with the general character of buildings in the locality;
 - (ii) Will not adversely affect the beauty, character, quality of environment or the townscape generally;
 - (iii) Will maintain a satisfactory relationship to the boundaries of the lot on which it is to be constructed and relates satisfactorily to the siting, design and aspect of buildings on other nearby lots;
 - (iv) Will not impair the amenity or development potential of adjoining lots.

* Any such decision is made by an absolute majority of Council.

4.3.3 Variation to Height Limit Scheme Area for land in the Flinders Bay Conservation Precinct and the East Augusta Special Residential Zone)

Council may, after following the procedures set in Clause 2.6, approve buildings which exceed the height specified in Clause 4.3.1.2 by not more than 20% of the height of the building when Council is satisfied that—

- * after considering both the information provided by the applicant and any submissions made by persons in response to the proposal being advertised in accordance with Clause 2.6 shall be satisfied that the proposed building—
 - (i) Will be in harmony with the general character of buildings in the locality;
 - (ii) Will not adversely affect the beauty, character, quality of environment or the Flinders Bay Conservation Precinct and the East Augusta Special Residential Zone generally;
 - (iii) Will maintain a satisfactory relationship to the boundaries of the lot on which it is to be constructed and relates satisfactorily to the siting design and aspect of buildings on other nearby lots.
 - (iv) Will not impair the amenity or development potential of adjoining lots.
- * Any such decision is made by an absolute majority of Council.

4.4 Landscaping

Landscaped areas shall be illustrated on plans accompanying development proposals and in general be located in such positions on a site or sites so as to enhance the appearance of the streetscape and to screen from view or soften the impact of parking areas, open storage areas, drying areas and any other space which by virtue of its use, is likely to detract from the visual amenity of the townscape.

4.5 Cash-In-Lieu of Landscaping in the Town Centre Zone

Where the Council so decides it may accept cash payment in lieu of provisions of landscaping but only subject to the following requirements.

- * the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the landscaping required by the Scheme.
- * payments made under this Clause shall be paid into a civic/landscaping improvement fund to be used for the provision of civic/landscaping facilities such as tree planting, open brick paved spaces, street furniture and other such amenities. The Council may use this fund to provide civic/landscaping facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made within the Town Centre area.

4.6 Storage Areas in Town Centre, Service Commercial & Industrial Zones

No open storage of goods, unserviceable vehicles or machinery shall be permitted within 10 metres of the front boundary of any site within any of the abovementioned zones. The area shall only be used for landscaping, carparking, service areas loading and unloading or as approved by Council, for trade display. Open storage areas shall be screened to the satisfaction of Council to ensure that such areas are not exposed to view from nearby roads or other public spaces.

4.7 Carparking Standards

4.7.1 Carparking Requirements

No person or organisation shall develop or use land or erect, use or adapt any building for a purpose indicated in Table No. 1, unless car parking spaces of the number specified in that Table are provided and such spaces are constructed and maintained in accordance with the provisions of this Scheme.

4.7.2 Uses & Requirements Not Specified

Where an application is made for development and the purpose for which the land or building is to be used is not specified in the Tables, the Council shall determine the number of carparking spaces to be provided on the land having regard to—

- * The nature of the proposed development.
- * The number of employees likely to be employed on the site.
- * The orderly and proper planning of the locality.

4.7.3 Dimensions & Layout

Parking areas shall conform to those dimensions and layouts specified in Schedule 6.

4.7.4 Variation to Provision of Parking Bays

Council may reduce the number of parking bays to be provided if such reduction results in the preservation of a landscape feature, however, under no circumstances shall the reduction in the number of parking bays be more than ten per cent (10%) of the total required under the specifications of the Tables.

4.7.5 Reciprocal Parking

Where a development comprises separate uses that operate at different times to one another, the Council upon being satisfied that such separate operating times will be permanent, may determine the parking requirements on a reciprocal-use basis, providing conditions specifying separate operating times are imposed on the planning consent and these conditions are complied with at all times.

4.7.6 Parking for Combined Uses

Where a development contains a variety of uses, parking shall be calculated on an individual use basis in accordance with the requirements prescribed in Table No. 2 and, if applicable, the residential planning codes.

4.7.7 Construction Standards

Parking areas, unless otherwise permitted by Council, shall be sealed with an impenetrable surface comprising bitumen seal, concrete, brick paving or pea gravel seal on a compacted gravel base with satisfactory—

- * Drainage to a sump and connected to the Local Authority's main drainage system.
- * Marking of lines in the manner in which the parking area will be used.
- * Landscaping where large parking areas are involved to effectively screen the paved areas from view and to provide shade and maintained in such a condition to the satisfaction of Council.

4.7.8 Cash-in-Lieu of Carparking

Where the Council so decides, it may accept cash payments in lieu of the provision of parking spaces but only subject to the following requirements—

- * The cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value as estimated by Council of that area of the land which would have been occupied by the parking spaces.
- * Payments made under this Clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

4.7.9 Change of Use & Parking Provisions

Where an appropriate parking area has been provided to a level commensurate with the approved development and an application for planning consent is lodged with Council to change a use within the development to one which generates the need for additional parking the Council shall either—

- * Accept a cash-in-lieu of parking payment in the event that additional parking cannot be provided onsite, or
- * Require the provision of additional parking either onsite or in a position nearby acceptable to Council.

4.7.10 Servicing

For uses or development projects which require the dispatch or receipt of goods of any kind, loading and unloading space will be required to be provided clear of a street and, if applicable, from a right-of-way. Council will seek to ensure that servicing vehicles are able to enter and leave the site in a forward direction.

4.7.11 Rear Right-of-Way, Existing Lots

Where Council so determines, no new buildings will be permitted unless a rear Right-of-Way of a minimum width of 6.1 metres, or lesser width if deemed appropriate, is provided on lots not yet used or partially used and where no further subdivision has been sought. Council may specify that such Right-of-Way be constructed and surrendered free of cost prior to the issue of a building licence.

4.8 Advertisements

4.8.1 Power to Control Advertisements

For the purpose of this Scheme, the erection, placement and display of advertisements, and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the planning consent of Council. Such planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting By-laws.

Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 2.3 of the Scheme and shall be accompanied by details of the advertisement(s) to be erected, placed or displayed on the land in the manner referred to in Schedule 7.

4.8.2 Existing Advertisements

Advertisements which—

- * were lawfully erected, placed or displayed prior to the approval of this Scheme, or
- * may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this part referred to as "existing advertisements" may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

4.8.3 Consideration of Applications

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

4.8.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 6.11.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 8 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 8 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- * listed by National Trust;

- * listed on the register of National Estate
- * included in the Local Authority Town Planning Scheme because of their Heritage or Landscape value.
- * listed by the Heritage Council of WA.

4.8.5 Discontinuance

Notwithstanding the Schemes objectives and Clause 4.11.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

4.8.6 Derelict or Poorly Maintained Signs

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

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

4.8.7 Notices

“The Advertiser” shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.

Any notice served in exceptional circumstances pursuant to Clause 4.8.5 or pursuant to Clause 4.8.6 shall be served upon the advertiser and shall specify—

- * the advertisement(s) the subject of the notice;
- * full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- * the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

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

4.8.8 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting By-laws, the provisions of the Scheme shall prevail.

4.8.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 14.2 of the Scheme apply to the advertiser in this part.

4.9 Setbacks in Development Areas

In areas within the Town Centre zone where land use is changing in accordance with the Town Centre Strategy, the Council shall consider new development proposals in the light of adjoining residential development, and may specify setbacks and landscaping requirements in order to integrate any new development within the existing streetscape and reduce impacts on any adjoining development.

4.10 Land Liable to Flooding

In any zone laid down under the Scheme, the Council will not issue a Planning Consent for any building located on land which is considered by the Council as being liable to flooding or inundation.

4.11 Tree/Establishment Preservation Order

The Council may by notice served upon individual landowners or upon a potential subdivider of land within the Scheme area, require trees to be planted where it considers there is insufficient vegetation and/or require the preservation of any group of trees or tree, and thereafter no landowner or subdivider shall cut, remove, or otherwise destroy any tree or trees so specified unless the Council withdraws the notice or order.

4.12 Elimination of Crossovers fronting Blackwood Avenue

In the case of a lot being developed within the Town Centre zone or Tourist Accommodation zone, the Council may specify that the existing vehicular crossover(s) to the lot be closed and eliminated where that lot fronts Blackwood Avenue, and where an alternative access point to the lot can be provided.

4.13 Aboriginal Heritage and Culture

In some instances the subdivision and development of urban land may need to be preceded by an archaeological and ethnographic site survey of the land to ensure that any proposed development takes proper account of aboriginal heritage and cultural issues.

4.14 Bushfire Protection

4.14.1 Fire breaks within each lot must be established to allow for access of fire appliances and fire control. All residue from any clearing of these fire breaks must be disposed of to the satisfaction of Council.

4.14.2 A fuel free zone, clear of all flammable material—vegetation (save live standing trees) to a distance of 30m is required around all buildings in bushland.

4.14.3 All buildings in bushland shall comply with Australian Standards AS 3959-1991, 'Construction of Dwellings in Bush Fire Prone Areas' and the guidelines contained in CSIRO—Standards Australia Information and Advice Booklet SAAHP36-1993, 'Building in Bush Fire Prone Areas'.

PART 5—DEVELOPMENT REQUIREMENTS IN RESIDENTIAL ZONES

5.1 Residential Zone

5.1.1 Purpose

- * To recognise areas of residential development and encourage the establishment of educational, recreational, religious and community facilities compatible with the area and responsive to local community needs.
- * To ensure that Group Residential development occurring higher than an R15 level is connected to a reticulated sewerage system.
- * To provide the opportunity for a variety of residential densities and dwelling types.
- * To provide the opportunity for residents to undertake occupations within dwellings that do not detrimentally affect the amenity of the neighbourhood.
- * To encourage higher residential densities in areas near commercial and community activity centres, having regard to—
 - The nature of the area, including the amenity and residential density.
 - The capacity of surrounding roads to carry any increase in traffic.
 - The capacity of existing essential services.
 - Whether the development will require improvements to the existing roads or essential services.
- * To ensure that if land is used for a residential building, group housing development, adequate provision is made for daylight, privacy and landscaping and that the amenity of occupants of adjoining land is not impaired.

5.2 Development Zone

5.2.1 Purpose

- * To designate land which may be suitable for urban purposes in the future and to prevent such land being used or developed in a manner which could prejudice its possible future use of planned urban purposes.
- * To encourage, before urban development is proposed, land use and farming practice consistent wherever possible with proper rural land management and to avoid extensive changes to the existing lot pattern and character of the rural landscape.
- * To conserve soil quality to enable suitable land use to continue over a long term.
- * To encourage development that is consistent with the landscape and attributes of the location.
- * To maintain acceptable air quality and noise levels.
- * To provide the opportunity for residents to undertake occupations within dwellings that do not detrimentally affect the amenity of the neighbourhood.
- * To encourage the retention of remnant areas of native bush and the planting and maintenance of windbreaks and tree lines both as agricultural practice and to retain the landscape character of the land.
- * To conserve areas of historic and scientific interest.
- * To enable essential planning to be carried out before subdivision. This includes the location and type of roads, housing (also density), schools, community facilities, recreation areas and the provision of essential services.
- * To provide for the development of land in an orderly manner having regard to essential services, community facilities and roads.
- * To ensure that non-residential uses do not cause loss of amenity to residents of the surrounding area.
- * To ensure that if land is used for a residential building or group housing development, adequate provision is made for daylight, privacy and landscaping, and that the amenity of occupants of adjoining land is not impaired.

5.2.2 Development in the Development Zone

Development proposals including subdivision will not be considered by Council until such time as the requirements of Clause 9 have been addressed to the satisfaction of Council.

5.3 Special Residential

5.3.1 Purpose

- * To encourage low density residential development on a variety of lot sizes of at least 2,000m² depending on the particular physical and environmental characteristics of the land.
- * To resist further subdivision of the East Augusta locality.
- * To ensure new subdivision occurs when reticulated water supply and sewerage services are available, unless otherwise specified.

- * To ensure development is compatible with the landscape and natural environment, and with the conservation values of the area.
- * To encourage land use and management practice compatible with the landscape and conservation values of the area.
- * To minimise where possible any adverse impact which any existing non-conforming land use may have on the residential amenity and landscape and conservation values of the area.
- * To conserve native vegetation where possible.
- * To encourage the replacement of existing vegetation where it is removed for building and works with suitable indigenous species.
- * To ensure that development and land use is planned to minimise fire risk.

5.3.2 Development in 'Special Residential' Zones

Development in a Special Residential Zone shall comply with the requirements of the following—

- * In addition to a building licence the Council's prior approval to commence development is required for all development including a single dwelling house and such application shall be made in writing to Council and be subject to the provisions of clause 2.1 of the scheme.
- * Not more than one (1) single dwelling house per lot shall be erected. Council may approve the construction of "Additional Accommodation" in accordance with the Residential Planning Codes.
- * Where applicable, building development shall be confined to building envelopes indicated on the plan of subdivision adopted by Council for a particular area.
- * In addition to other provisions of the scheme as may affect it, any land which is included in a "Special Residential" zone shall be subject to those provisions as may be specifically set out against it in Schedule 9.
- * Placement of stock is subject to Council approval and the keeping of stock, such as horses and cattle, is not permitted. Any stock causing degradation shall be removed at the direction of Council.
- * Enclosed boundary fencing such as asbestos, pickets or corrugated iron is not permitted.
- * Development shall be of a high standard and in keeping with the semi-rural character and amenity of the area.
- * No further subdivision of lots is permitted.
- * No lot shall be created with an area less than 2,000 square metres, a frontage less than 20 metres or have greater than one fifth of the lot built upon.
- * A fuel free zone, clear of all flammable material—vegetation (save live standing trees) to a distance of 30 metres is required around all buildings in bushland.
- * All buildings in bushland shall comply with Australian Standards AS3959-1991. "Construction of Dwellings in Bush Fire Prone Areas" and the guidelines contained in CSIRO—Standards Australia Information and advice booklet SAAHP36-1993. "Building in Bush Fire Prone Areas."

PART 6—DEVELOPMENT REQUIREMENTS IN COMMERCIAL ZONES

6.1 Town Centre Zone

6.1.1 Purpose

- * To encourage a range of commercial, professional, entertainment and other community activities to serve the population of surrounding areas and to ensure that development is carried out in an orderly and proper manner.
- * To provide for development of the Town Centre in accordance with the objectives outlined in the Town Centre Strategy.
- * To encourage residential accommodation within the town centre area in combination with commercial uses through development bonuses.
- * To ensure that the centres are developed in an orderly and proper manner having regard to vehicle and pedestrian movement and carparking.
- * To encourage retention of features which enhance the appearance of the area, give it character or provide a sense of identity.
- * To encourage and assist the restructuring of the built environment of the centre to enhance—
 - Use by pedestrians.
 - The appearance of buildings, pedestrian ways and open areas.
 - User convenience by clustering like functions and services.
 - Adequate off-street parking.
 - The management of traffic.

6.1.2 Development in the Town Centre Zone

- * Development proposals will be considered by Council in accordance with the Town Centre Strategy adopted by Council and endorsed by the State Planning Commission in conjunction with this scheme and any other strategy or policy that Council, from time to time, may adopt as a guide for future development within the Town Centre Zone.
- * In the case of a lot being developed for both residential and some other use as may be approved in this zone, Council will ensure that the design of the development provides a level of residential amenity consistent with the standards prescribed under the Residential Planning Codes and if the building is multi-storey restrict residential use to the upper storey.

- * Council will encourage the integration of residential accommodation with commercial uses within the Town Centre Zone and to this end may grant a plot ratio bonus not exceeding 30% of the prescribed standard for any development application.
- * Notwithstanding the requirements of Table No. 1 Council may vary plot ratio and setback requirements where, due to particular site and design consideration, it deems appropriate to do so providing such variation is not in conflict with the strategies outlined in this clause.
- * Within the Town Centre Zone all development applications shall be accompanied by an overall signs and hoardings plan.

6.2 Service Commercial

6.2.1 Purpose

- * To provide for boat and motor vehicle sales and hire, showroom sales and service industry.
- * To ensure that land is developed in an orderly manner having regard to vehicle and pedestrian movement, carparking and the appearance of buildings and works.

6.3 Tourist Accommodation Zone

6.3.1 Purpose

- * To encourage a range of tourist accommodation such as guest houses, chalets, motels, lodges and caravan parks in areas which are in close proximity to other services.
- * To ensure that tourist accommodation is developed in an orderly and proper manner having regard to vehicle and pedestrian movement and parking.
- * To encourage retention of features which enhance the appearance of the area, give it character or provide a sense of identity.
- * To ensure that development proposals are connected to the reticulated sewerage system as determined necessary by the Council.
- * To ensure that developments within the zone are principally for short-stay holiday accommodation purposes.

6.3.2 Development in the Tourist Accommodation Zone

- * Development proposals will be considered by Council in terms of impact on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for onsite effluent disposal, the provision of sufficient landscape buffers and the density of the development.
- * Development proposals will be assessed by Council for the need for facilities to accommodate boat/trailer parking.
- * Development within the tourist accommodation zones shall be for short stay holiday accommodation. Strata title development will not be permitted unless approved by Council.
- * Subdivision within the tourist accommodation zone will not be supported by Council unless a development proposal has received planning approval and all conditions contained therein have been agreed to by the land owner or developer.
- * Developer proposals will be assessed by Council for the need for bus or coach parking. Where appropriate conditions may be imposed for the provision of bus or coach parking and access within the site in lieu of car parking.

PART 7—INDUSTRIAL PROVISIONS

7.1 Industrial Zone

7.1.1 Purpose

- * To designate land suitable for a range of manufacturing and associated industrial and service activities when essential services are or can be made available.
- * To enable the location, nature and intensity of development to be determined before the subdivision and use of the land.
- * To provide that development takes place in an orderly and proper manner.
- * To ensure that development has regards to the amenity of the occupants of the proposed buildings and of residents of any nearby residential area.
- * To ensure that retailing is limited to that which would not be appropriate in a business zone.
- * To ensure that the area does not contain noxious or hazardous industry types due to the proximity of the area to residential estates and the prevailing winds experienced in the townsite.
- * To ensure that drainage from the area does not detrimentally affect the catchment system of the Hardy Inlet.
- * To ensure that any buildings or structures comply with requirements for aircraft obstacle limitations.

PART 8—DEVELOPMENT REQUIREMENTS IN OTHER ZONES

8.1 Tourist/Landscape Protection Zone

8.1.1 Purpose

- * To provide for limited tourist accommodation and tourist related activities such as tourist farms, tearooms, wildlife parks and ancillary uses.
- * To ensure that development compliments the physical and environmental characteristics of the surrounding area.

- * To ensure that development proposals are of a high standard in terms of design and amenity and are connected to the reticulated sewerage system as determined necessary by Council and health and environmental authorities.
- * To conserve areas of natural ecological value or landscape amenity whilst at the same time allowing development as provided in the Zoning Table No. 1 of the Scheme.
- * To ensure that any development of land in proximity to the West Bay does not detrimentally affect the quality of the estuarine system.

8.1.2 Development in Tourist/Landscape Protection Zone

- * No vegetation shall be cleared except for the purposes of fire protection without the approval of the Council.
- * All applications for planning approval made pursuant to Clause 2.3 within a Tourist/Landscape Protection Zone shall indicate—
 - the entire lot
 - the areas of natural vegetation
 - the site contours
 - the extent of earthworks
 - siting
 - setbacks
 - design
 - external appearance
- * All applications for planning approval shall be based on the premise that development and the provision of associated services are secondary to the natural features of the site and therefore shall show the extent of any earthworks and/or clearing.
- * The siting and erection of any building, outbuilding, or fence shall not be approved by the Council unless it is satisfied that the design, construction, materials and position will be in harmony with the character of the land.
- * Where applicable the Council shall require foreshore management plans to be prepared and agreements for the implementation of those management plans to be entered into prior to development approval being issued.
- * Development proposals will be considered by Council in terms of impact on visual and natural amenity, the availability of reticulated water, sewerage and/or the suitability of the land for onsite effluent disposal.
- * The setbacks shall be 30 metres from the front and rear boundaries and 10metres from the side boundary.

8.2 Institutional Use Zone

8.2.1 Purpose

- * To provide for the development of educational, care and other institutional facilities in close proximity to the town centre and medical facilities.

8.3 Special Use Zone

8.3.1 Purpose

- * To ensure that site specific development compliments the physical and environmental characteristics of the surrounding area.
- * To ensure that development proposals are of a high standard in terms of design and amenity.

8.3.2 Development in Special Use Zone

- * Schedule 10 lists the Special Use Sites shown upon the Scheme maps and details the principal uses to which the respective sites may be put. Council at its discretion may permit other such uses to be established where it can be fully satisfied that the additional uses are completely ancillary and incidental to the proper functioning of the approved predominant use.

PART 9—DEVELOPMENT REQUIREMENTS IN OVERALL PLANNING AREAS

The Scheme map indicates seven (7) overall planning areas wherein the Council will not consider development or subdivision proposals with the exception of the construction of a single house, until such time as the requirements pertaining to each particular area as listed below have been satisfied.

9.1 Area No. 1

- * The area shall be developed as a commercial retail area in accordance with the Town Centre Strategy, on the basis of consolidated land holding(s).
- * Individual lot development within the area will be supported by Council once the principles outlined in the town centre strategy in conjunction with this Scheme have been achieved.
- * Development of the land shall be preceded by an outline development plan which indicates—
 - A consolidation through amalgamation of land into a site or sites appropriate for the proposed development.
 - The proposed traffic circulation, parking circulation, parking system and servicing method.
 - A visual and pedestrian link between the development in the Overall Planning Area and Blackwood Avenue.

- The provision of a rear service lane to the rear of lots fronting Blackwood Avenue and Allnutt Terrace, free of cost to Council.

9.2 Areas No. 2, No. 3 and No. 4

- * The areas shall be developed to a high standard for single and grouped residential purposes in accordance with Scheme requirements and an overall development plan for each area. All lots created within each area shall be connected to the reticulated water and sewerage systems to the satisfaction of the relevant authorities.
- * Subdivision and/or development shall be preceded by an outline development plan which examines and makes recommendations on—
 - natural vegetation in the area and the extent of clearing necessary to implement the plan.
 - requirements for drainage and filling in view of the low lying nature of portions of the land.
 - the ultimate subdivision pattern based upon slope analysis, site constraints and adjoining landuses.
 - the need for the provision of public open space.

9.3 Area No. 5

- * The development of the area shall be to a high standard for grouped residential or aged accommodation.
- * Development approval to achieve R40 relies on (amongst other things) amalgamation for design that provides for amalgamation of at least 2 lots and limiting access to Blackwood Avenue.
- * All lots created and group housing development within this area shall be connected to the reticulated water and sewerage scheme to the satisfaction of the relevant authorities.

9.4 Area No. 6

- * Within Area No. 6, the Council shall support diversity of lot sizes, development design and land uses to cater for the long term residential, composite residential, and industrial expansion of the town within identified physical and environmental parameters.
- * Subdivision of the land shall be preceded by an outline development plan which examines and makes recommendations on the following—
 - The physical, topographical and environmental characteristics of the land including its slope, soil type, vegetation and drainage characteristics and the need to protect such features as creek systems, visually prominent landscapes, vegetation stands, high erosion or steeply sloping areas, or areas subject to flooding inundation.
 - Lot sizes and the location, width and standard of proposed roads and movement systems within the area and their connection with the road and public recreation network in the locality.
 - Natural vegetation within the area and the extent of clearing which may be necessary to implement the plan.Areas that should be retained for active and passive recreation purposes.
 - The need to ensure that the composition of any urban runoff entering the West Bay and/or its tributaries is sufficiently filtered or altered to avoid any adverse environmental impacts from siltation, pollution, nutrient loading or erosion hazard.
 - The expected demographic profile of the population and any specific considerations for local area planning based on age characteristics or specific needs groups.
 - The potential environmental impacts and landuse conflicts that may arise from the location of the air landing strip (particularly, but not limited to noise limitations and height of buildings).
 - The conservation value of wetland areas and the need to establish management buffers and/or management provisions to maintain or enhance the biological and/or conservational values of the wetland system.
 - The need to provide suitably zoned land for the purposes of accommodating cottage industry, composite industrial and other allied uses for the purposes of catering for the long term expansion of the townsite, to a high development standard.

9.5 Area Number 7

- * Within Area No. 7 Council shall support diversity of lot sizes, development design and land uses to cater for the long term residential expansion of the town within identified physical and environmental parameters indicated in the concept plan included in Schedule 11.
- * Subdivision of the land shall be preceded by an outline development plan which examines and makes recommendations on the following—
 - The physical, topographical and environmental characteristics of the land including its slope, soil type, vegetation and drainage characteristics and the need to protect such features as creek systems, visually prominent landscapes, vegetation stands, high erosion or steeply sloping areas or areas subject to flooding or inundation.
 - The areas generally identified in Schedule 11 for its conservation, environmental and/or public open space needs shall be transferred and vested in the Council at no cost at the time of subdivision for various public uses. The 10% Public Open Space contribution for residential subdivision shall be totally offset against the area of land set aside for Public Open Space, conservation and foreshore protection purposes.
 - A contribution being made for the preparation and implementation of a Foreshore Management Plan including Public Open Space improvements along the foreshore.

- Lot sizes and the location, width and standard of proposed roads and movement systems within the area and their connection with the road and public recreation network in the locality.
- Natural vegetation within the area and the extent of clearing which may be necessary to implement the plan.
- Areas that should be retained for active and passive recreation purposes.
- The need to ensure that the composition of any urban runoff entering the West Bay and/or its tributaries is sufficiently filtered or altered to avoid any adverse environmental impacts from siltation, pollution, nutrient loading or erosion hazard.
- The expected demographic profile of the population and any specific considerations for local area planning based on age characteristics or specific needs groups.
- A report addressing geophysical characteristics of the soils and topography within the area, including the need to manage active clays within the site, likely potential for subsoil slippage, any existing underground water flows or seepage lines, recommendations on lot size—based upon soil, vegetation and slope analysis.
- Details of drainage and other services necessary to service the subdivision and development and suggested management measures to protect the environmental integrity of the Hardy Inlet, particularly in regard to storm water discharge from the subdivision.
- Consideration of any Outline Development Plan shall take into account the view of the Council, the Western Australian Planning Commission, Department of Land Administration, Department of Conservation and Land Management and the Western Australian Health Department.
- The 10% Public Open Space contribution for residential subdivision shall be totally offset against the area of land set aside for Public Open Space, conservation and foreshore protection purposes.

9.6 Advertising a Draft Outline Development Plan

Upon receipt of an Outline Development Plan the Council shall thereafter follow the procedures outlined in Clause 2.6 of this Scheme subsequent to which, the plan shall be forwarded to the Ministry for Planning (MFP) together with any modifications made to the plan as a result of submissions for that Department's consideration.

9.7 Adoption of an Outline Development Plan

Following the receipt of the approval of an Outline Development Plan by the Ministry for Planning (MFP). The Council shall adopt the plan as a basis for the subdivision and development of the area.

PART 10—DEVELOPMENT REQUIREMENTS IN FLINDERS BAY CONSERVATION PRECINCT

10.1 Flinders Bay Conservation Precinct

The land included in the Flinders Bay Conservation Precinct is shown upon the Scheme Map by a broken hatched border.

10.1.1 Purpose

- * To protect and enhance the townscape qualities of Flinders Bay through appropriate development controls, conservation incentives and/or building design guidelines.

10.1.2 Buildings, Works and Enclosed Boundary Fencing

Notwithstanding any provision of the Scheme which excuses, exempts or qualifies the obligation to obtain Council approval before commencing or carrying out any development, planning approval is required to develop land, construct a building, construct or carry out works or erect enclosed boundary fencing.

Without affecting the generality of the foregoing and without limiting the meaning of the term, 'development' shall include—

- the erection on a lot of a single dwelling house whether or not it will be the only building on the lot;
- the erection or demolition of an outbuilding or appurtenance associated with an existing building on the lot;
- the clearing of any vegetation;
- the erection of any fence or retaining wall;
- the carrying out of any works on, in or under a street or road by a public authority acting pursuant to the provisions of any statute;
- the excavation or filling of any land or the dumping, placing or storage of any material on land other than material reasonably required for the maintenance or beautification of the land;
- any work which is likely to change the character of a place or the external appearance of any building;
- the removal, demolition or alteration of any single dwelling house.

10.1.3 Guidelines for Approval

Before considering an application to use or subdivide land within the Flinders Bay Conservation Precinct the Council must consider, as appropriate—

- * any policy endorsed by the Council relating to the Flinders Bay Area; and
- * the view of the National Trust of Australia.

10.1.4 Building Height

Planning approval is required to erect buildings or structures that exceed six (6) metres in height above natural ground level. For the purposes of this Clause 'height' means the vertical measurement from the ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.

10.1.5 Building Height—Guidelines for Approval

Before considering an application to construct buildings or works that exceed six (6) metres in height above natural ground level the Council must consider as appropriate whether the bulk, location and external appearance of any proposed building or works will harmonise in character and appearance with any adjacent buildings and with the character and appearance of the area.

10.2 Formalities of Application

In addition to the application formalities prescribed in Clause 8.1 and any formalities or requirements associated with development applications contained in any other provision of the Scheme, the Council shall require all applications for planning consent where the proposed development is situated within the Conservation Precinct to provide one or more of the following to assist the Council in its determination of the application—

- * Street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- * side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100;
- * in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed. Such plan shall be drawn to the same scale as the site plan;
- * an assessment of the cultural significance of any existing buildings and the development site according to any policy guidelines adopted by the Council;
- * a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- * any other information which the Council indicates that it considers relevant.

PART 11—CONSERVATION BUILDINGS, PLACE AND FEATURES OF CULTURAL HERITAGE SIGNIFICANCE

11.0 Heritage—Precincts and Places of Cultural Heritage Significance

11.1 Purpose and Intent

The purpose and intent of the Heritage provisions are—

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

11.2 Heritage List

11.2.1 The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of Heritage significance and worthy of conservation.

11.2.2 For the purposes of this part, the Heritage List means the Municipal Inventory included in Schedule 12, as amended from time to time, prepared by the Council, pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List, or any other buildings, objects or structures listed by Council.

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

11.3 Designation of Heritage Precincts

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

11.3.2 The Council shall adopt for each Heritage precinct a policy statement which shall comprise—

- * A map showing the boundaries of the precinct.
- * A list of any buildings, objects, structures and places of Heritage significance.
- * Objectives and guidelines for the conservation of the precinct.

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

11.3.4 The Council before designating a Heritage precinct, shall—

- * Advertise notice of Council's intention in a newspaper circulating in the district and by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation.
- * Invite submissions on the Council's intention within 28 days of the date specified in the notice.
- * Carry out such other consultations as it thinks fit.
- * Consider any submissions made and resolve to designate the Heritage precinct with or without modification or reject the proposal.
- * Forward notice of its decision to the Heritage Council of Western Australian and State Planning Commission.

11.3.5 The Council may modify or may cancel a Heritage precinct or any policy statement which relates to it by following the procedure set out in Clause 11.3.4 above.

11.4 Applications for Development Approval

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

11.4.2 The Council may, in considering any application that may affect a Heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, the Australia Heritage Commission, the National Trust of Australia (WA) and those of any other relevant bodies and take those views into account when determining the application.

11.4.3 Notwithstanding any existing assessment on record, Council may require a Heritage assessment to be carried out, prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

11.4.4 Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the Inventory or contained within a Heritage precinct without first having applied for and obtained the planning approval of the Council pursuant to the provisions of Part 2 of the Scheme.

11.4.5 For the purposes of Clause 11.4.3 the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct any act or thing that—

- * Is likely to change the character of the place or the external appearance of any building, or
- * Would constitute an irreversible alteration to the fabric of any building.

11.5 Formalities of Application

11.5.1 In addition to the application formalities prescribed in Clause 11.4 and any formalities or requirements associated with development applications contained in any other provision of the Scheme, the Council may require an applicant for development approval, where the proposed development may affect a place of cultural Heritage significance or a Heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—

- * Street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot, immediately adjoining the land the subject of the application and drawn as one continuous elevation.
- * Side and rear elevations of the proposed development drawn to a scale of not smaller than 1:100.
- * In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height and marking any existing structures and vegetation proposed to be removed. Such plan shall be drawn to the same scale as the site plan.
- * An assessment of the cultural significance of any existing buildings and the development site according to policy guidelines adopted by the Council.
- * A detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot, and
- * Any other information which the Council indicates that it considers relevant.

11.6 Power to Determine Application

11.6.1 Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for development approval, the Council in dealing with any application for development approval may for reasons related to the conservation of a place of cultural Heritage significance or a Heritage precinct—

- * Refuse approval.
- * Grant approval without conditions, or
- * Grant approval with conditions including conditions aimed at the conservation of the place or precinct.

11.7 Variations to Scheme Provisions

11.7.1 The Council may approve any development which involves the conservation of the whole or part of any place of cultural Heritage significance or Heritage Precinct or its replacement if accidentally destroyed, notwithstanding the proposed works do not comply with the Residential Planning Codes or any provision standard or requirement of the Scheme.

11.8 Conservation Incentives

11.8.1 In dealing with any application concerning or affecting a place of cultural Heritage significance or a Heritage Precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.

11.8.2 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 2.6, and shall have regard to any expressed views prior to making its decision to grant the incentive.

11.8.3 In granting a conservation incentive under Clause 11.8.1 the Council may enter into a Heritage agreement under Part 4 of the Heritage of Western Australia Act 1990, with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

11.9 Density Bonuses

11.9.1 Within a Heritage Precinct, the Council may permit on a residential lot an increase of permitted dwelling density which otherwise would not apply on that lot under the Residential Planning Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural Heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply—

- * Provision is made for the preservation of significant landscape features, including significance trees or other vegetation.
- * Provision is made for the carrying out of conservation works approved by the Council on a Heritage place, or
- * An agreement is otherwise entered into for a contribution to be made to the Council's current municipal Heritage conservation program.

11.9.2 In a case where the Council has allowed under Clause 11.9.1 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to the permitted dwelling density shall apply.

PART 12—RESERVES

12.1 Scheme Reserves

12.1.1 Purpose

To identify land for public use, including recreation, roads, railways, airfields, schools, hospitals, cemeteries and other government and semi-government uses.

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Reserves' are land reserved under the Scheme for the purpose shown on the Scheme Map and are listed hereunder—

- * Protection of Native Flora
- * Foreshore Protection and Management
- * Parks & Recreation
- * Public Purposes

12.2 Matters to be Considered by Council

Where an application for Planning Consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserve for the purposes of a 'Public Authority', confer with that Authority before granting its consent or refusing that consent.

12.3 Compensation

12.3.1 Where the Council refuses planning consent for the development of a Reserve on the grounds that the land is reserved for Local Authority Purposes or for the purposes shown on the scheme map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

12.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six (6) months after the date of the decision of the Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.

12.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

12.4 Protection of Native Flora

12.4.1 Areas within the Scheme boundary identified as reserve for protection on native flora shall not be subject to—

- * any prescribed fire burns or any unnecessary clearing for the purposes of bushfire control, in the interest of preserving all declared rare flora.
- * any form of development other than the construction of a nature walk trail, which shall be constructed in a sensitive nature as to not impact on any declared rare flora.

PART 13—NON-CONFORMING USES

13.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent—

- * The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- * The carrying out of any development thereon for which, immediately prior to that time, an Approval or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

13.2 Extension of Non-Conforming Use

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

13.3 Change of Non-Conforming Use

Notwithstanding anything contained in the zoning table, the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

13.4 Discontinuance of Non-Conforming Use

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

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

13.5 Destruction of Buildings

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

PART 14—ADMINISTRATION

14.1 Powers of the Scheme

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

- * The Council may enter into agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- * The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme and Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme and Act and for such purpose may make such agreements with other owners as it considers appropriate.
- * An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

14.2 Offences

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

- * Otherwise than in accordance with the provisions of the Scheme;
- * Unless all consents required by the Scheme have been granted and issued;
- * Unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continued to be complied with;
- * Unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

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

14.3 Act

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

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

14.4 Claims for Compensation

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

14.5 Appeals

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

14.6 Power to Make Policies

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

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

- * The Council having prepared and having resolved to adopt a draft Town Planning Scheme policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected stating where, in what form, and during what period (being not less than twenty one (21) days) may be made to the Council.
- * The Council shall review its draft Town Planning Scheme policy in light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.
- * Following final adoption of a Town Planning Scheme policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

14.6.3 A Town Planning Scheme policy may only be altered or rescinded by—

- * Preparation and final adoption of a new policy pursuant to this Clause specifically worded to supersede an existing policy.
- * Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

14.6.4 A Town Planning Scheme policy shall not bind the Council in respect of any application or planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

14.7 General Policy for Foreshore Protection and Management

The sector of the Scheme Area to which the above mentioned Policy applies is indicated on the Scheme Map as a Reserve for Foreshore Protection and Management but may also include adjoining public or private land and is subject to the provisions of Part VII of the Scheme.

- * The Council shall prepare or cause to be prepared, Policies for any sector of the Foreshore Protection and Management Reserve and where appropriate adjoining public or private land. The policies so formulated shall be developed in consultation with any relevant public authorities.
- * The Council may adopt management strategies, in conformity with any policy laid down for the purposes of foreshore protection and management and will thereafter determine development applications in accordance with the strategy.

14.8 Enforcement

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

- * By written notice served on the owner and/or occupier of the land, in accordance with Clause 14.3, require the development to be carried out in accordance with the conditions imposed on any approval granted and/or in strict accordance with the plans approved within the period specified in the notice (not being less than 28 days), failing which the Council may enter the land and carry out the work itself and recover any expenses so incurred from the person in default as a simple contract debt in such court of civil jurisdiction as is competent to deal with the amount of the claim.
- * Prosecute the owner or occupier of the land as the case may be pursuant to Section 10 of the Act.
- * Revoke the approval so granted and require the removal of the development carried out as set out in Section 10 of the Act.

SCHEDULE 1—INTERPRETATIONS

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

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

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

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

- (a) an advertising sign of less than 2m² in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;
- (b) an advertising sign of less than 2m² in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;
- (c) an advertising sign of less than 2m² in area relating to the prospective sale or letting of the land or building on which it is displayed;
- (d) an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to person upon or entering a railway station or platform or bus station, and
- (e) directional signs, street signs, and other like signs erected by a public authority.

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

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

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

Attached House means two residential units constructed under the same roof with the external design and appearance taking the form of one dwelling.

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

Bed and Breakfast means accommodation for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and one (1) guest bathroom, located under the main roof of the dwelling house.

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

Boarding House means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include—

- (a) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).
- (b) premises used as a boarding school approved under the Education Act, 1928 (as amended).
- (c) a single dwelling, attached, grouped or multiple dwelling unit.
- (d) any building that is the subject of a strata title issued under the provisions of the Strata Titles Act, 1985 (as amended).

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

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

Building Codes means the Building Code and associated Regulations, of Australia (1988).

Building Envelope means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

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

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

Bushland means uncultivated land that is covered by shrubs, woodland or forest.

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

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

Caretaker's Dwelling means a building used as a dwelling by a person having the care of the building, plant, equipment, or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

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

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

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

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

Commission means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.

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.

Club Premises means land and buildings used or designed for used 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 provision of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Community Home means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a Government Department or instrumentality of the Crown.

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

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

Convenience Store means land and buildings used for the retail sale of convenience goods being those goods common 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 convenience store shall not exceed 200m² gross leasable area.

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

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

Development means development as defined in the Town Planning and Development Act (as amended) but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct, any act or thing, that—

- (a) Is likely to change the character of the place or the external appearance of any building, or
- (b) Would constitute an irreversible alteration to the fabric of any building.

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

District means the Municipal District of the Shire of Augusta-Margaret River.

Dog Kennels means land and buildings used for the boarding and breeding of dogs where such premises are registered or required by Council, and may include the sale of dogs where such use is incidental to the predominant use.

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

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

Eating House means a building or part of a building in which food is prepared for sale and consumption within the premises, and shall include a restaurant or cafe from which food for consumption outside the building is sold and where food for consumption outside the building is not the principle part of the business, but the term shall exclude any restaurant, hotel or tavern licensed under the provisions of the Liquor Act, 1970, any boarding house, lodging house or hostel, and any temporary building erected at a fair, concert, show, festival, field day, or public event for the purposes of serving food.

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

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

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

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

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

Fast Food Outlet means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fish Cleaning and Packing means land and buildings used for cleaning, processing and packaging of wet fish and crustaceans, but does not include the sale of the product by retail.

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

Floor Area shall have the same meaning given to it and for the purposes of the Uniform Building By-Laws, 1974 (as amended).

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

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

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

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

Gazettal Date means the date on which this Scheme is published in the *Government Gazette*.

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

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

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

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

Holiday Cabins & Chalets means an attached, semi-detached or detached residential type building occupied for holiday accommodation by persons for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier's family;
- (c) does not occupy an area greater than twenty square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m² in area;

- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (g) does not entail the presence, use or calling of a vehicle of more than two (2) tonnes tare weight;
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;
- (i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises); and
- (j) does not entail a source of power other than an electric motor of not more than 0.383 kilowatts (0.5hp).

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 purposes of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

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

Hotel means land and a building or buildings in respect of which a hotel licence has been granted under the provision of the Liquor Act 1970.

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, fishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition or any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods, and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include—
 - (i) the carrying out of agriculture;
 - (ii) site work on buildings, work or land;
 - (iii) in the case of edible goods the preparation of food for sale from the premises;
 - (iv) panel beating, spray painting or motor vehicle wrecking.

Industry—Cottage means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a 'home occupation' and that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) does not display a sign exceeding 0.2m² in area.

Industry—Extractive means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials as extracted on or land adjacent thereto; or
- (b) the production of salt by the evaporation or sea water.

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

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

Industry—Light means an industry—

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

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

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

Industry—Service means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Infant Welfare Clinic means land and buildings used for the health care of children.

Institutional Building means a building used or designed for use as a wholly or principally for the purpose of—

- (a) a home or other institution for care of persons who are physically or mentally handicapped.
- (b) a rehabilitation centre or home for alcoholics, drug addicts, persons released from prison or other persons requiring treatment as provided by such a centre.

Institutional Home means a building used for residential purposes for the care and maintenance of children, the aged or the infirm and includes a benevolent institution.

Intensive Agriculture means a horticultural use of rural land which serves to increase production from a given area and includes orchards, vegetable and viticultural.

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

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

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

Liquor Store means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Lodging House shall have the same meaning as is given to it in and for the purposes of the Health Act, 1911-1979 (as amended).

Lot shall have the same meaning given to it in and for the purposes of the Act and 'allotment' has the same meaning.

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

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

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

Milk Depot means a depot to which milk is delivered for distribution to consumers but which milk is not processed or pasteurised.

Mobile Home means any vehicle or similar relocatable structure having been manufactured with wheels and having no footings other than wheels and corner jacks, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

Mobile Home Park means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

Motel means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

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

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

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

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

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

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

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

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

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.

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

Piggery shall have the same meaning given to it in and for the purposes of the Health Act, 1911-1979 (as amended).

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

- (a) An area of land situated below low water mark on the seashore or on the bank of tidal 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.

Places of Natural Beauty means the natural beauties of the area including lakes and other inland waters, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the seaboard, hill slopes and summits and valleys.

Place of Public Assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

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

Potable Water means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organisation—1981".

Poultry Farm means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended).

Private Hotel means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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

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

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

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

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

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

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

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

Residential Planning Codes means the residential planning codes, set out in the Statement of Planning Policy No. 1 together with any amendments thereto as published in the *Government Gazette* on January 30, 1985.

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

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

Residential Building means a building other than a dwelling house for which the primary purpose is short stay tourist accommodation and the expression includes a hostel, an unlicensed hotel, a guest house, lodging house and a bed and breakfast establishment.

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

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

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

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

Rural Industry means an industry handling, treating, processing, packing or carrying products which have been grown, reared or produced in the locality in which the industry is carried on or a blacksmith's shop or a workshop servicing plant or equipment used in a rural pursuit in the locality.

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

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens;
- (e) the sale of product grown solely on the lot, but does not include the following except as approved by the Council:
 - (i) the keeping of pigs,
 - (ii) poultry farming,
 - (iii) the processing, treatment or packing of produce,
 - (iv) the breeding, rearing or boarding of domestic pets.

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

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

Schedule means a Schedule to the Scheme.

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

Shop means a building wherein goods are kept exposed or offered for sale by purpose falling within the definition or industry.

Short Stay Accommodation means the occupation of a chalet, caravan, camp or any other form of tourist accommodation within the Tourist Accommodation zone or within a Tourist Accommodation Development approved by the Council in any zone, by persons for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.

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

Stables means any land, building or structure used for the housing, training, keeping and feeding of horses, asses and mules and associated incidental activities.

Storage Units means any building or part of a building used or intended for use for the purpose of storing of goods.

Tavern means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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

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

Veterinary Consulting Rooms means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and house hold pets as patients but in which animals or pets do not remain overnight.

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

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

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

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

Wine Shop means land and buildings the subject of Wine House Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Wood Yard means an area where wood is stored, sawn or cut and sold for use as domestic firewood.

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

Zoological Gardens means any land or buildings used for the keeping, breeding or display of animals and the term includes zoo but does not include a dog kennels or a cattery, animal husbandry or animal keeping.

SCHEDULE NO. 2

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

Shire of Augusta-Margaret River

APPLICATION FOR PLANNING CONSENT

1. Surname of Applicant
Given Names
Full Address
2. Address for Correspondence
Telephone No. Business Hours (.....) After Hours (.....)
3. Surname of Land Owner
(If different from above)
Given Names
4. Locality of Development/Use
5. Title Details of Land—Location No. Lot No.
6. Name of Road Servicing Property
7. Type of Development/Use
8. Nature and Size of All Buildings Proposed
9. Materials to be used on External Surfaces of Buildings
Walls Roof
10. General Treatment of Open Portions of the Site
11. Details of Carparking and Landscaping Proposals
12. Approximate Cost of Proposed Development
Signature of Owner Date
Signature of Applicant/Agent Date
(Both Signatures are required if applicant(s) is not the Owner)

Note : This form should be completed and forwarded to the Shire Council together with three (3) copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally in areas where close development exists or is in the course of construction plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

SCHEDULE NO. 3

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

Shire of Augusta-Margaret River

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

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

LAND DESCRIPTION

Lot Number
Street
Proposal
.....
.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before the day of 19

.....
Director of Development Services Date

SCHEDULE NO. 4

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

Shire of Augusta-Margaret River

NOTICE OF APPROVAL

The Council having considered the application—

Dated
Submitted by
On behalf of

hereby advise that it has decided to

GRANT APPROVAL : TO COMMENCE DEVELOPMENT
TO DISPLAY AN ADVERTISEMENT

Subject to the following conditions—

.....
Director of Development Services Date

SCHEDULE NO. 5

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

Shire of Augusta-Margaret River

NOTICE OF REFUSAL

The Council having considered the application—

Dated
Submitted by
On behalf of

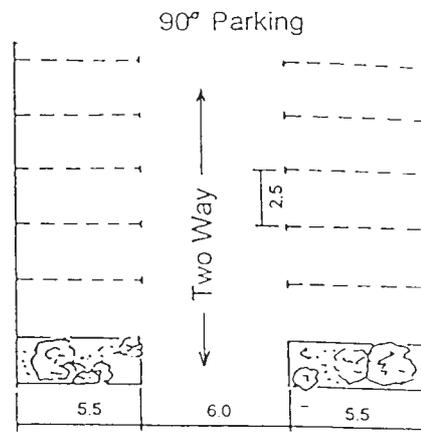
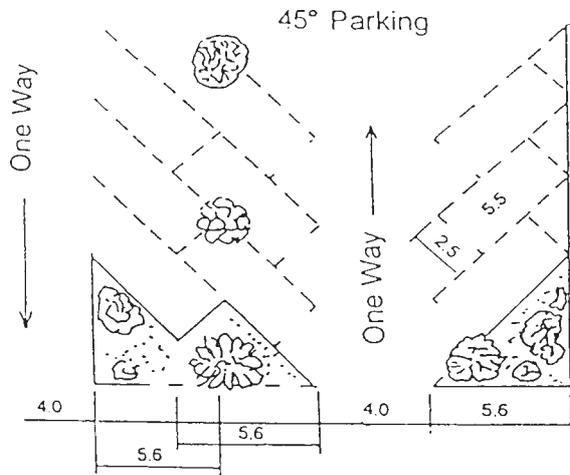
hereby advise that it has decided to—

REFUSE APPROVAL : TO COMMENCE DEVELOPMENT
TO DISPLAY AN ADVERTISEMENT

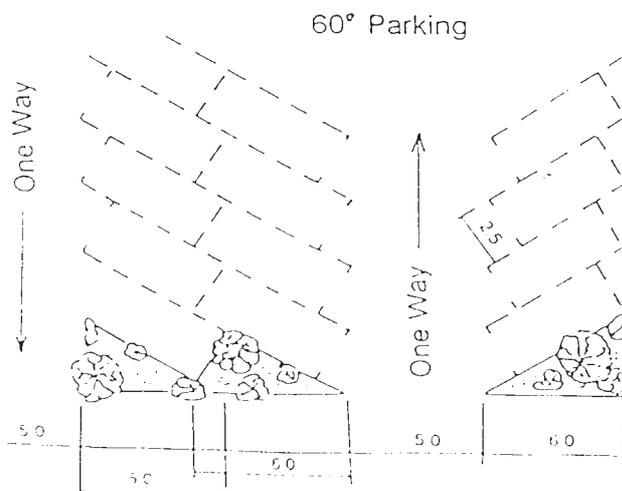
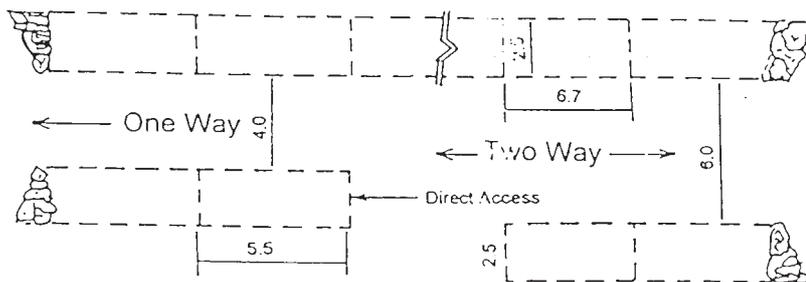
Subject to the following reasons—

.....
Director of Development Services Date

**SCHEDULE NO. 6
CARPARKING LAYOUTS**



Parallel Parking



NOTES:

STANDARD BAY SIZES = 2.5m x 5.5m

PARALLEL BAY SIZES = 2.5m x 6.0m

AISLE WIDTHS = 4.0m ONE WAY
6.0m ONE WAY

(Council may require greater aisle widths where frequency of use determines)

Landscaping & shade tree plantings are diagrammatic only. Details to be approved by Council in each case.

All dimensions are in metres.

SCHEDULE NO. 7**TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)***Shire of Augusta-Margaret River***CONTROL OF ADVERTISEMENTS****ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**

(to be completed in addition to Application for Approval to Commence Development Form 1)

1. Name of Address (if different from owner)—
.....
 2. Address in Full—
.....
 3. Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property—
.....
.....
.....
 4. Details of Proposed Sign—
Height Width Depth
Colours to be used:
Height above ground level (to top of Advertisement)
to Underside—
Materials to be used—
Illuminated— Yes/No
If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating—
.....
 5. State Period of time for which advertisement is required—
.....
 6. Details of signs, if any, to be removed if this application is approved—
.....
- NB Application should be supported by a photograph or photographs of the premises showing super-imposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.
- Signature of Advertisers:
(if different from landowners)
Date:

SCHEDULE NO. 8**TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)***Shire of Augusta-Margaret River***EXEMPTED ADVERTISEMENTS**

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Include the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Public Assembly	One advertisement detailing the function and/or activities of the institution concerned.	0.2m ²
Cinemas, Theatres & Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning below a line measure at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting.	Not applicable.

SCHEDULE NO. 8—continued

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Include the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15 metres.</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showroom, race courses, major racing tracks, sports stadium, major sporting grounds and complexes	All signs provided that in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the function of government a public authority or Council of a Municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a Municipality and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign.
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows—		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple dwellings, shops, commercial, and industrial projects	One sign as for (i) above.	5m ²
(iii) Large development or redevelopment projects involving shopping centres, office or buildings exceeding 3 storeys in height.	One sign as for (i) above.	10m ²

SCHEDULE NO. 8—continued

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign.
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions— Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
(b) Multiple dwellings, shops, commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
a) Large properties comprised of shopping centres, building in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes— Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign of each dwelling on display. (ii) In addition to (i) above, one sign for each group of dwellings displayed by a single project building giving details of the project building company and details of the range of dwellings.	2m ² 5m ²

SCHEDULE 9**ADDITIONAL REQUIREMENTS—SPECIAL RESIDENTIAL**

Specified Area or Locality	Special Provisions
1. East Augusta Sub-Lots 131 and 135-146 inclusive: Jackson, Davies, Tattersall and Pericles Streets	<p>1.1 Each dwelling shall be provided with a supply of potable water either from a reticulated system, an underground bore or a rainwater storage system with a minimum capacity of 92,000 litres to be satisfaction of Council.</p> <p>1.2 No lots shall be cleared of more than 30 per cent of its lot area including the area of buildings on the lot.</p> <p>1.3 Clearing of vegetation on lots shall be permitted for the purposes of building development fire control and vehicular access only.</p> <p>1.4 No building shall be constructed with a height greater than six (6) metres as measured in accordance with Clause 5.14.1.</p> <p>1.5 Excluding sub lot 145 and sub lot 146 no further subdivision of lots shall be supported.</p> <p>1.6 Council may consider the subdivision of Sub Lot 145 and Sub Lot 146 Jackson Street into smaller lots following the consideration of a report detailing land capability, water supply, effluent disposal and other matters pertinent to the consideration of suitable lot sizes for this area.</p> <p>1.7 Council may specify building envelopes on lots for the purposes of vegetation protection. No clearing of vegetation shall be permitted outside of a building envelope without the approval of Council.</p>

SCHEDULE 9—continued

Specified Area or Locality	Special Provisions
	1.8 A minimum lot size of 4040 square metres shall apply to Sub Lots 131 and 135 to 146.
	1.9 Fire breaks within each lot must be established to allow for access of fire appliances and fire control. All residue from any clearing of these fire breaks must be disposed of to the satisfaction of Council.
	1.10 A fuel free zone, clear of all flammable material—vegetation (save live standing trees) to a distance of 30 metres, which is required around all buildings in bushland.
	1.11 All buildings shall comply with Australian Standards AS3959-1991, "Construction of Dwellings in Bush Fire Prone Areas" and the guidelines contained in CSIRO—Standards Australia Information and advice booklet SAAHP36-1993, "Building in Bush Fire Prone Areas."

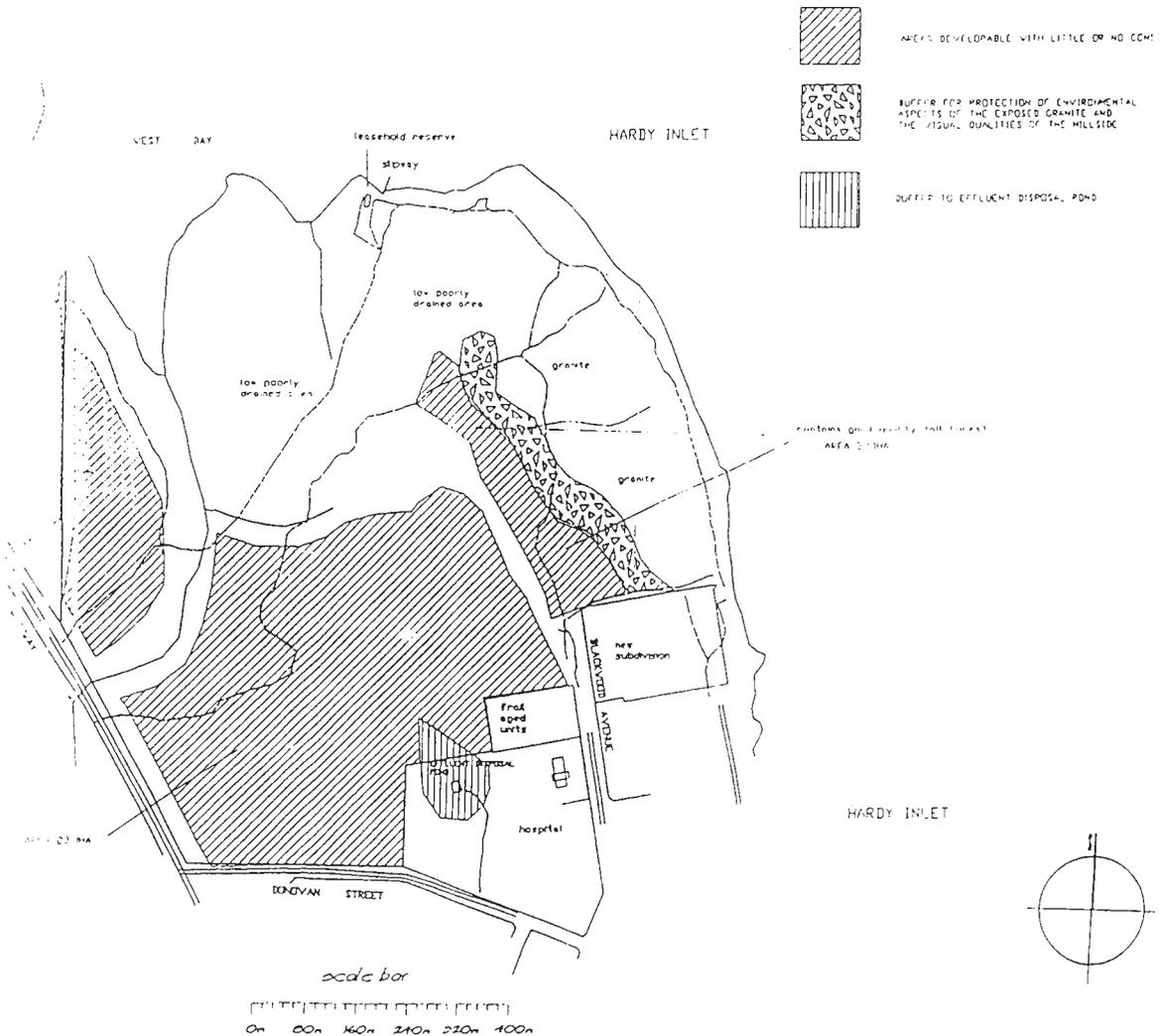
SCHEDULE NO. 10—ADDITIONAL REQUIREMENTS—SPECIAL USE SITES

Lot and Location	Permitted Uses
Part Lot 2 and Part Lot 3 Blackwood Avenue	Service Station
Lot 137 Blackwood Avenue	Service Station
Pt Sussex Location 934 Bussell Highway, West Bay	Tourist Development comprising— <ul style="list-style-type: none"> (i) A twelve (12) bedroom lodge. (ii) Thirty (30) chalets. (iii) Ten (10) campsites. (iv) Fifty (50) Caravan Bays. <p>Specific Conditions of Operation</p> <ul style="list-style-type: none"> (i) A Foreshore Management Plan to the satisfaction of Council, the Environmental Protection Authority and the Ministry of Planning, shall be produced for whole of the foreshore area and West Bay Creek, prior to a development approval being issued and that Foreshore Management Plan shall thereafter be implemented and maintained to the satisfaction of Council. (ii) Any proposals requiring dredging of the Hardy Inlet/West Bay or construction of foreshore facilities shall be approved by the Environmental Protection Authority, the Department of Marine and Harbours and Council prior to the development approval being issued. (iii) The development shall be commenced to the WA Water Authority's sewerage Scheme and reticulated water scheme, to the satisfaction and specifications of the Authority. However, Council may approve a lodge and four chalets in accordance with the development plan and subject to an interim onsite effluent disposal scheme being designed and operated to the satisfaction of the Environmental Protection Authority, Health Department and Council prior to further accommodation being approved. (iv) There shall be no Strata Titling of the units within the development. (v) The landscaped buffer to Bussell Highway to have supplementary planting added to the satisfaction of the Council. (vi) Subsequent development approval will entail the connection of the whole development to the WA Water Authority sewerage Scheme to the satisfaction and specifications of that Authority.
Lot 38 Albany Terrace	<ul style="list-style-type: none"> (i) Restaurant, shop and takeaway food outlet. (ii) Other such uses as may be approved by Council, consistent with the objectives of the Scheme.

SCHEDULE NO. 10—ADDITIONAL REQUIREMENTS—SPECIAL USE SITES—continued

Lot and Location	Permitted Uses
Lot 86 Blackwood Avenue	Bakery, as well as all "P", "AA" and "SA" uses within the Residential Zone and the following uses— Shop - "P" Use Take-away Food - "P" Use Eating House - "P" Use Service Industry - "P" Use Veterinary Clinic - "SA" Use Day Care School - "SA" Use Pre School - "SA" Use Educational Establishment - "SA" Use Health Centre - "SA" Use Institutional Home - "SA" Use Private Club - "SA" Use Eating House - "SA" Use Take-away Food - "SA" Use Consulting Rooms - "SA" Use Office - "SA" Use Professional Office - "SA" Use Attached Dwelling - "P" Use Grouped Housing - "P" Use Residential Building - "P" Use Licensed Restaurant - "SA" Use

**SCHEDULE 11
POLICY AREA NUMBER 7**



**SCHEDULE 12
HERITAGE LIST**

NAME	LOCATION	DESCRIPTION
1. Rare Plant and Trees	A class reserve 39910 (parkland) Blackwood Avenue, Albany Tce.	Significant group of trees that are an integral part of backdrop to the town. Reserve is also known to contain rare plant <i>Kennedia Macrophylla</i> .
2. Church	Reserve 426 Blackwood Avenue.	Rammed limestone and colourbond building.
3. Land	Barrack Point A Class Reserve 24653.	Previous termination point of the Augusta Railway line and significant whaling/port installation.
4. Land	Sub Lot C Turner Park, Augusta.	Remains of the Cellar of Turner's House (early pioneer).
5. Pioneer & Nurses Memorial	Reserve 19230 Osnaburg Street (disused Burial ground).	Pioneer and Nurses Burial Ground used from 1830's onward.
6. Police Station	Ellis Street Reserve 27776.	Weatherboard Building.
7. Street	Peppermint Drive.	Narrow tree lined street within the Flinders Bay Conservation Precinct.
8. Residence	Lot 54 Sub Lot S Blackwood Avenue.	"Stanes" Residence an early settlers home circa 1910.
9. Residence (Previous Boarding House)	Lot 10 Sub Lot 149 Blackwood Avenue.	"Warmstone" Residence an early Inn for seafarers and visitors to the region circa 1920.
10. Residence (Ellis Farmhouse)	East Augusta Foreshore Lot 139.	Early period home retained in good condition.
11. Residence (old Butchers Shop)	Lot 220 Bussell Highway.	Built in 1921 by CA Dahlberg to cater for the first wave of group settlers.
12. Land	Lot 12 Toy Place.	Original home site for Bussell Family from 1830 to 1838.
13. Residence	Lot 41 & 42 Blackwood Avenue (Old Lot 161).	Property of Eatts Family—original house located on Lot 42 built in 1912.
14. Landing Place	Portion of Albany Terrace Road Reserve opposite Loch Street.	The landing place of the "Emily Taylor" and the first site of white settlement in Augusta.
15. Land	Lot 4 Albany Terrace.	Original house site for the Molloy Family from 1830 to 1838.

ADOPTION

Adopted by Resolution of the Council of the Shire of Augusta-Margaret River, at the meeting of the Council held on the 13th day of May 1993.

B. GODLEY, Shire President.
M. EASTCOTT, Chief Executive Officer.

Dated: 6 July 1998.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Augusta-Margaret River at the Ordinary meeting of the Council, held on the 26th day of March 1998 and the seal of Municipality was pursuant to Resolution hereunto affixed in the presence of—

B. GODLEY, Shire President.
M. EASTCOTT, Chief Executive Officer.

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

2. Recommended/submitted for final approval by the West Australian Planning Commission.

M. SCHRAMM, for Chairperson,
Western Australian Planning Commission.

Dated: 27 August 1998.

3. Final approval granted.

G. D. KIERATH, Minister for Planning.

Dated: 1 September 1998.

POLICE

PE701

POLICE ACT 1892

Under the provisions of the Police Act, Unclaimed and Stolen Property will be sold by Public Auction at the premises of Ronald Scott trading as Snowball Auctions, Auctioneer, of 89 Frederick Street, Albany, at approximately 9.00 am on Friday 6th of November 1998.

Auction will be conducted by Ronald Scott, Auctioneer.

R. FALCONER, Commissioner of Police.

TRANSPORT

TR401*

NAVIGABLE WATERS REGULATIONS WATER SKI AREA SHIRE OF CARNAMAH-LAKE INDOON

Department of Transport,
Fremantle WA 7 October 1998.

ACTING pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the Department of Transport, by this notice revokes paragraph (b)(5) of the notice published in the *Government Gazette* of 25 October 1991 relating to the Water Ski-ing area at Lake Indoon, Shire of Carnamah and substitutes the following—

(b) INLAND RIVERS AND WATERS

- (5) All of the waters of Lake Indoon with the exception of an area on the northern foreshore commencing at a point 100 metres west of the western side of the boat launching ramp continuing for a distance of 120 metres along the foreshore in a westerly direction and extending 60 metres into the lake which is set aside as a boat entry prohibited area (and is defined by markers) and providing that no boat or skier comes within 45 metres of the shoreline except for the take-off and drop-off of skiers.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

PUBLIC NOTICES

ZZ401

ADVERTISEMENT OF APPLICATION FOR WINDING UP IN THE SUPREME COURT OF WESTERN AUSTRALIA AT PERTH No. COR 257 of 1998

In the matter of Parna Australia Pty Ltd
ACN 056 639 162

Notice is hereby given that an application for the winding up in insolvency of the abovenamed company by the Supreme Court of Western Australia was on 17 September 1998 filed by Radiata Exports Pty Ltd ACN 059 465 879. The application is to be heard before a Master in chambers at the Supreme Court at Perth at 10.30 am on 4 November 1998.

The Liquidator whose appointment is sought is Mr Christopher Williamson of the firm Hall Chadwick of Level 20, 140 St George's Terrace, Perth.

Any creditor or contributory of the company desiring to support or oppose the making of an order on the application may appear at the time of hearing by himself or his counsel for that purpose.

The applicant's address is 2nd Floor, 123 High Street, Richmond, Victoria.

The applicant's solicitor is Skea Nelson & Hager of Level 13, Griffin Centre, 28 The Esplanade, Perth, Western Australia.

- NOTE:
- (1) Any person who intends to appear on the hearing of the application must serve on or send by post to the abovenamed solicitor notice in writing of that intention. The notice must state the name and address of the person or, if a firm, the name and address of the firm, and must be signed by the person or firm, or their solicitor (if any), and must be served or, if posted, must be sent by post in sufficient time to be received not later than 4 pm on 3 November 1998.
 - (2) A person may not, without leave of the Court, oppose the application unless, at least 7 days before the hearing date, the person has filed and served on the applicant—
 - (a) notice of the grounds of opposition; and
 - (b) an affidavit verifying the matters stated in the notice.

WESTERN AUSTRALIA

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WESTERN AUSTRALIA

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NURSES RULES 1993

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