



# WESTERN AUSTRALIAN GOVERNMENT Gazette

4293



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### CONTENTS

#### PART 1

	Page
Adoption Act 1994—Adoption Amendment Regulations 1999 .....	4295-311
Local Government Act 1995—	
Shire of Collie—Local Law No. 2—Dogs Amendment 1/99 .....	4311
Town of Cambridge—Local Law No. 1—Standing Orders (Meeting Procedure) .....	4312
Proclamation—Adoption Amendment Act 1990—7 of 1999.....	4295
Western Australian Trotting Association—	
By-laws of the Western Australian Trotting Association—Notice of Amendment .....	4312
Rules of Harness Racing 1999—Notice of Amendment to the Rules of Harness Racing 1999 .....	4313

#### PART 2

Heritage Council .....	4314
Local Government .....	4314-6
Minerals and Energy .....	4316-8
Planning .....	4319-79
Public Notices .....	4381-3
Racing, Gaming and Liquor .....	4379-80
Salaries and Allowances .....	4380
Transport .....	4381
Water .....	4381

### IMPORTANT NOTICE—INCORRECT PAGE NUMBERING

Readers please note incorrect page numbering has occurred in edition Nos. 168 and 169.

No. 168 should commence at page number 4245 NOT 4225;

No. 169 should commence at page number 4253 NOT 4233.

Confusion may arise because edition number 167 commences at page 4229 and finishes at page 4244.

The on-line editions on the State Law Publisher website have been re-paginated to show the correct page numbers.

The index printed at the end of the year will show page numbers as printed in the Gazettes, i.e. the incorrect numbers.

An explanation will also appear in the index alerting readers to the duplication of the page numbers for the two Gazettes.

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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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## ADVERTISING RATES AND PAYMENTS

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Per Column Centimetre—\$8.20

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## PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## PROCLAMATIONS

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AA101\*

### ADOPTION AMENDMENT ACT 1999

7 of 1999

#### PROCLAMATION

WESTERN AUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2(2) of the *Adoption Amendment Act 1999* and with the advice and consent of the Executive Council, fix 15 September 1999 as the day on which Part 3 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 24 August 1999.

By Command of the Governor,

RHONDA PARKER, Minister for Family and Children's Services.

GOD SAVE THE QUEEN!

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## FAMILY AND CHILDRENS SERVICES

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FA301\*

Adoption Act 1994

### Adoption Amendment Regulations 1999

Made by the Governor in Executive Council.

#### 1. Citation

These regulations may be cited as the *Adoption Amendment Regulations 1999*.

#### 2. Commencement

These regulations come into operation on the day after the day on which Part 3 of the *Adoption Amendment Act 1999* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Adoption Regulations 1995*\*.

[\* Published in Gazette 29 December 1994, pp. 7171-7208.]

**4. Regulation 6 amended**

After regulation 6(2) the following subregulation is inserted —

“

- (3) If a private adoption agency is also accredited under regulation 23C, the functions that may be performed under a licence also include those functions that the agency may perform under regulation 23J.

”.

**5. Regulation 6A inserted**

After regulation 6 the following regulation is inserted —

“

**6A. Breakdown in placement arrangements**

If there is a breakdown in placement arrangements being supervised by a private adoption agency before an adoption order is made, the agency must consult with the Director-General about the placement and care of the child.

”.

**6. Regulation 9 amended**

Regulation 9 is amended as follows:

- (a) after paragraph (b) the comma is deleted and a semicolon is inserted;
- (b) after paragraph (b) the following paragraphs are inserted —

“

- (c) is, and is likely to be, a party to negotiations or an agreement for the establishment of adoption arrangements with a representative of the government of another country;
- (d) has not given an undertaking that while it holds a licence it will not enter into negotiations for the establishment of an adoption agreement with a representative of the government of another country;
- (e) does not have adequate financial resources to carry out the functions the body is authorized to perform under regulation 6;
- (f) does not have a principal officer who is a suitable person to supervise adoption

arrangements undertaken by the body having regard to —

- (i) his or her social science qualifications; and
  - (ii) experience in adoption, substitute care or family services;
- (g) does not employ staff with appropriate qualifications to —
- (i) assess a person who wishes to adopt a child; and
  - (ii) place prospective adoptees;
- and
- (h) does not have accommodation available for its use which —
- (i) is suitable for the conduct of the functions it may perform under regulation 6; and
  - (ii) does not form part of or is not adjacent to premises occupied by an association or body of persons, corporate or unincorporate, of birth parents, adoptive parents, or other participants in the adoption process,

”.

**7. Regulation 10A inserted**

After regulation 10 the following regulation is inserted —

“

**10A. Conduct of private adoption agency**

During the period a private adoption agency holds a licence, the agency must —

- (a) comply with the provisions of the *Adoption Act 1994*;
- (b) not collect funds for disbursement as aid to or disburse funds as aid to people living in another country;
- (c) not give money or other benefits to or receive money or other benefits from a person who collects funds for disbursement as aid to or disburses funds as aid to people living in another country;
- (d) not perform any functions other than functions that may be performed under a licence;
- (e) not provide an adoption service in respect of —
  - (i) a child domiciled in a Convention country unless the agency is accredited under regulation 23C; or

- (ii) a child domiciled in any other country that is not specified in the licence;
- (f) not issue publications promoting the adoption of children or offer preparation courses for individuals who wish to adopt a child from another country unless the publication or the content of the course has been approved by the Director-General; and
- (g) comply with, and ensure that its staff comply with, the Code of Conduct set out in Schedule 1 as if the Code applied, with all necessary modifications to, and in relation to a private adoption agency and, without limiting this, the Code applies as if a reference to an accredited body were a reference to a private adoption agency and a reference to the State Central Authority were a reference to the Director-General.

”.

## 8. Regulation 17 amended

Regulation 17(3) is amended as follows:

- (a) by deleting “the *District Court (Appeal) Rules 1977*” and inserting instead —  
“ Order 8 of the *District Court Rules 1996* ”;
- (b) by deleting “rule 30 of those rules” and inserting instead —  
“ rule 29 of that Order ”;
- (c) in paragraph (a) by deleting “30” and inserting instead —  
“ 29 ”;
- (d) in paragraph (b) by deleting “those rules” and inserting instead —  
“ that Order ”;
- (e) in paragraph (c) by deleting “those rules to clerk of a Local Court” and inserting instead —  
“ that Order to a Clerk of the Local Court ”.

## 9. Part 2A inserted

After regulation 23 the following Part is inserted —

“

### Part 2A — Hague Convention accreditation

#### 23A. Interpretation

In this Part, unless the contrary intention appears —

“**accredited body**” means a person accredited under regulation 23C;

**“authorized function”** means a function that an accredited body is authorized to perform under regulation 23J;

**“principal officer”**, in relation to an accredited body, includes a person who is acting in the office of principal officer of the body.

**23B. Application for accreditation or renewal of accreditation**

An application for accreditation for the purposes of Article 9 of the Hague Convention or for a renewal of that accreditation must —

- (a) be in writing;
- (b) be in a form approved by the State Central Authority;
- (c) state the address of —
  - (i) the principal office of the applicant; and
  - (ii) the premises at which will be kept the records and documents relating to the functions the body is authorized to perform under regulation 23J;
- (d) nominate a person to be the principal officer of the proposed accredited body and the persons who would act as the principal officer of the body when the principal officer is unavailable; and
- (e) provide information relating to the applicant that is required by the State Central Authority for making a decision in relation to the application.

**23C. Requirements to be satisfied by the applicant**

The State Central Authority may accredit a person for the purposes of Article 9 of the Hague Convention or renew that accreditation but is not to do so if it appears to the Authority that the applicant —

- (a) is not a body corporate;
- (b) does not carry on activities or is not formed for purposes consistent with the welfare and best interests of children;
- (c) carries on activities or was formed for the purpose of trading or securing a pecuniary profit to its members;
- (d) is, and is likely to be, a party to negotiations or an agreement for the establishment of adoption arrangements with a representative of the government of another country;

- (e) has not given an undertaking that while it is an accredited body it will not enter into negotiations for the establishment of an adoption agreement with a representative of the government of another country;
- (f) does not have adequate financial resources to carry out the functions the body is authorized to perform under regulation 23J;
- (g) does not have a principal officer who is a suitable person to supervise adoption arrangements undertaken by the body having regard to —
  - (i) his or her social science qualifications; and
  - (ii) experience in adoption, substitute care or family services;
- (h) does not employ staff with appropriate qualifications to —
  - (i) assess a person who wishes to adopt a child; and
  - (ii) place prospective adoptees;and
- (i) does not have accommodation available for its use which —
  - (i) is suitable for the conduct of the functions it is authorized to perform under regulation 23J; and
  - (ii) does not form part of or is not adjacent to premises occupied by an association or body of persons, corporate or unincorporate, of birth parents, adoptive parents, or other participants in the adoption process,

or on the ground of any other relevant consideration.

**23D. Conditions etc. of accreditation**

The State Central Authority may issue or renew an accreditation subject to conditions and restrictions set out in, or provided with, the accreditation.

**23E. Notification of application results**

The State Central Authority must cause each body which applies for accreditation or renewal of accreditation to receive written notice of the result of the application.



**23F. Notices to be given to Commonwealth Central Authority**

- (1) As soon as practicable after the State Central Authority accredits a body under or renews the accreditation of a body under regulation 23C, the State Central Authority must give the Commonwealth Central Authority written notice of —
  - (a) the name, address, duties and powers of the accredited body; and
  - (b) the conditions or restrictions of the accreditation or renewal of accreditation, as the case may be.
- (2) As soon as practicable after a change to —
  - (a) the name, address, duties and powers of the accredited body; or
  - (b) the conditions or restrictions of accreditation,the State Central Authority must give the Commonwealth Central Authority notice of the change.
- (3) As soon as practicable after the State Central Authority revokes or suspends the accreditation of a body, the State Central Authority must give the Commonwealth Central Authority written notice of the revocation or suspension.
- (4) If an appeal under regulation 23M by an accredited body against the revocation or suspension of its accreditation is successful, the State Central Authority must give the Commonwealth Central Authority written notice of the decision of the District Court.

**23G. Duration of accreditation**

Accreditation has effect for one year from the day specified in the accreditation as the commencement date.

**23H. Renewal of accreditation**

- (1) An accredited body that wishes to have its accreditation renewed must apply for the renewal before the expiration of the accreditation.
- (2) An accreditation that is renewed has effect for one year from the expiration of the previous accreditation.

**23I. Conduct of accredited body**

During the period an accredited body performs the functions it has been authorized to perform under regulation 23J, the body must —

- (a) comply with the provisions of the *Adoption Act 1994*;

- (b) comply with the requirements of the Hague Convention relating to those functions;
- (c) not collect funds for disbursement as aid to or disburse funds as aid to people living in another country;
- (d) not give money or other benefits to or receive money or other benefits from a person who collects funds for disbursement as aid to or disburses funds as aid to people living in another country;
- (e) protect the confidentiality of any records held by it in relation to authorized functions;
- (f) keep and not destroy any records held by it in relation to authorized functions;
- (g) not perform any functions other than authorized functions;
- (h) not provide an adoption service in respect of a child domiciled in a country other than a Convention country unless the service is provided in accordance with a licence provided for by section 9 of the Act;
- (i) not issue publications promoting the adoption of children from Convention countries or offer preparation courses for individuals who wish to adopt a child from a Convention country unless the publication or the content of the course has been approved by the State Central Authority;
- (j) not, unless approved by the State Central Authority in writing, perform any authorized functions in any place other than Western Australia;
- (k) continue to comply with the requirements that the accredited body was required to satisfy under regulation 23C; and
- (l) comply with, and ensure that its staff comply with, the Code of Conduct set out in Schedule 1.

**23J. Authorization of accredited body to perform certain functions**

- (1) The State Central Authority may authorize an accredited body to perform any one or more of the following functions in relation to the adoption process —
  - (a) provide information to prospective adoptive parents who request information about intercountry adoptions;

- (b) conduct information sessions for prospective adoptive parents about intercountry adoptions;
- (c) perform the functions that would otherwise be performed by the Director-General under section 12 of the Act;
- (d) perform the functions that would otherwise be performed by the Director-General under section 37 of the Act;
- (e) perform the functions that would otherwise be performed by the Director-General under sections 38 and 39 of the Act;
- (f) perform the functions that would otherwise be performed by the Director-General under section 40 of the Act;
- (g) perform the functions that would otherwise be performed by the Director-General under section 43 of the Act;
- (h) perform the functions that would otherwise be performed by the Director-General under section 44 of the Act;
- (i) perform the functions that would otherwise be performed by the State Central Authority under Article 15 of the Hague Convention;
- (j) perform the functions that would otherwise be performed by the Director-General under sections 46 and 50 of the Act;
- (k) perform the functions that would otherwise be performed by the Director-General under sections 51 and 52 of the Act;
- (l) perform the functions that would otherwise be performed by the State Central Authority under Article 17, 18 or 19 of the Hague Convention;
- (m) perform the functions that would otherwise be performed by the Director-General under section 54 of the Act;
- (n) provide support and advice to a prospective adoptive parent following placement of a child with the person;
- (o) if there is a breakdown in placement arrangements before an adoption order is made, consult with the Director-General about the placement and care of the child;
- (p) perform the functions that would otherwise be performed by the Director-General under section 55 of the Act;
- (q) perform the functions that would otherwise be performed by the Director-General under sections 58 and 61 of the Act;

- (r) perform the functions that would otherwise be performed by the Director-General under section 134 of the Act;
  - (s) perform the functions that would otherwise be performed by the State Central Authority under Article 9a of the Hague Convention to provide adoption information until the child is 18 years of age;
  - (t) perform the functions that would otherwise be performed by the State Central Authority under Article 9d of the Hague Convention;
  - (u) provide a referral and support service for a party to an adoption following the making of an adoption order;
  - (v) perform administrative arrangements in relation to established programmes.
- (2) The functions that may be performed by an accredited body also include those referred to in the provisions of Parts 4 and 5 of the regulations as are relevant to the sections of the Act set out in subregulation (1) where those functions would otherwise be performed by the Director-General.

**23K. Offences in relation to accreditation or renewal of accreditation applications**

A person must not, in relation to an application for accreditation or renewal of accreditation, provide information in written or oral form that the person knows to be —

- (a) false or misleading in a material particular; or
- (b) likely to deceive in a material way.

Penalty: \$2 000.

**23L. Revocation or suspension of accreditation**

- (1) The State Central Authority may revoke or suspend an accreditation if the accredited body —
- (a) is no longer a suitable body to perform authorized functions, having regard to all relevant considerations including the matters referred to in regulation 23C;
  - (b) has contravened, or failed to comply with —
    - (i) a provision of the Act or these regulations; or
    - (ii) a condition or restriction attaching to an accreditation;

or

- (c) has, in relation to its application for accreditation or renewal of accreditation, provided information in written or oral form that the body knew to be —
    - (i) false or misleading in a material particular; or
    - (ii) likely to deceive in a material way.
- (2) A revocation or suspension of an accreditation is not effective unless the State Central Authority has —
  - (a) caused written notice of the intention to revoke or suspend the accreditation to be served personally or by registered post on the body's principal officer, stating the grounds on which the revocation or suspension is to be made and allowing the body 21 days within which to respond to the notice;
  - (b) considered the response of the body made within that time; and
  - (c) caused written notice of the revocation or suspension to be served personally or by registered post on the body's principal officer, stating the grounds on which the revocation or suspension is made.
- (3) Despite subregulation (2), if it appears to the State Central Authority that circumstances are of sufficient gravity to warrant the immediate suspension of an accreditation, the State Central Authority may suspend the accreditation without complying with paragraphs (a) and (b) of that subregulation.

**23M. Appeal against refusal, revocation or suspension of accreditation**

- (1) If the State Central Authority —
  - (a) refuses an application for accreditation or renewal of accreditation;
  - (b) revokes or suspends an accreditation; or
  - (c) attaches to an accreditation any condition or restriction that is not acceptable to the accredited body,

the body affected by the State Central Authority's decision may appeal to the District Court on the ground that the State Central Authority made an error of law or of fact in making the decision.
- (2) An appeal must be made within 21 days of the day of service of the notice of the State Central Authority's decision or such further period as the District Court

allows, but an appeal cannot be instituted after 4 months from the day of service of the notice.

- (3) Subject to subregulation (2), an appeal must be made and determined in accordance with Order 8 of the *District Court Rules 1996*, and for the purposes of rule 29 of that Order —
  - (a) a reference in rule 29 to an authority is to be taken to be a reference to the State Central Authority;
  - (b) a reference in that Order to a magistrate is to be taken to be a reference to the State Central Authority; and
  - (c) a reference in that Order to a Clerk of the Local Court is to be taken to be a reference to the Director-General.
- (4) Effect is to be given to the decision of the District Court on an appeal.

**23N. Status of State Central Authority's decision pending appeal**

- (1) If an appeal is instituted under this Part in relation to a decision of the State Central Authority, the decision continues to have effect pending the appeal unless the District Court otherwise orders.
- (2) The District Court may, at any time before the completion of the appeal, make an order as to the operation or otherwise of the decision and may revoke or amend an order made under subregulation (1).

**23O. Accreditation to be published in *Gazette***

- (1) The State Central Authority is to cause to be published in the *Gazette* notice of the following —
  - (a) an accreditation under these regulations;
  - (b) a renewal of an accreditation;
  - (c) the revocation or suspension of an accreditation; and
  - (d) the variation or quashing of a decision of the State Central Authority, on appeal to the District Court.
- (2) A notice under subregulation (1) must specify —
  - (a) the name of the accredited body;
  - (b) the address of the principal office of the accredited body; and
  - (c) any conditions and restrictions attaching to the accreditation.

**23P. Acts of principal officer deemed acts of accredited body**

Acts or omissions of —

- (a) the principal officer;
- (b) a person acting with the authority or approval of the principal officer; or
- (c) a person acting on behalf of an accredited body,

are to be treated, for the purposes of these regulations, as the acts or omissions of the accredited body.

**23Q. Effect of winding up, or expiry or revocation of accreditation**

If an accredited body is wound up or its accreditation expires or is revoked —

- (a) all records and documents held by or under the control of the body or former body and which relate to the conduct of authorized functions become, by force of this regulation, the property of the Director-General on the winding up, expiry or revocation;
- (b) the Director-General may arrange for the names of persons listed in a register under regulation 23J(1)(h) that was held by the body or former body to be transferred to the register of the Director-General or another accredited body; and
- (c) the Director-General may arrange for the Director-General or another accredited body to perform the functions that the body or former body was authorized to perform under regulation 23J and may give the records and documents to the body for that purpose.

**23R. Effect of suspension of accreditation**

If the accreditation of an accredited body is suspended —

- (a) then for the period of the suspension, the Director-General may take possession of all records and documents held by or under the control of the body whose accreditation is suspended and which relate to the conduct of authorized functions; and
- (b) the Director-General may arrange for the Director-General or another accredited body to conduct, during the period of the suspension, the authorized functions.

**23S. Powers of entry and offence**

- (1) The Director-General or a person authorized by the Director-General may, during business hours, enter premises at which are kept records and documents relating to the conduct of authorized functions by an accredited body and may inspect and take copies, notes or extracts of, and take possession of, the records or documents.
- (2) A person must not hinder or obstruct the Director-General or an authorized person in the exercise of a power conferred by this regulation.

Penalty: \$2 000.

**23T. Biannual report**

An accredited body must —

- (a) by 28 July 1999; and
- (b) by 28 January and 28 July 2000, and 28 January and 28 July in each subsequent year,

cause to be prepared and submitted to the State Central Authority a report containing information on the operations of the body in relation to the performance of authorized functions by the body and any other information as the State Central Authority may direct in writing —

- (c) for the period between the commencement of its accreditation and 30 June or 31 December of the year of its accreditation, whichever is the shorter period; and
- (d) for each period of 6 months after 30 June or 31 December of the year in which it is required to make its first report under paragraph (c).

”.

**10. Regulation 77 amended**

Regulation 77(3) is amended as follows:

- (a) by deleting “the *District Court (Appeal) Rules 1977*” and inserting instead —  
“ Order 8 of the *District Court Rules 1996* ”;
- (b) by deleting “rule 30 of those rules” and inserting instead —  
“ rule 29 of that Order ”;
- (c) in paragraph (a) by deleting “30” and inserting instead —  
“ 29 ”;



- (d) in paragraph (b) by deleting “those rules” and inserting instead —  
“ that Order ”;
- (e) in paragraph (c) by deleting “those rules to a clerk of a Local Court” and inserting instead —  
“ that Order to a Clerk of the Local Court ”.

**11. Division 3 inserted in Part 8**

After regulation 86 the following Division is inserted —

“

**Division 3 — Prescribed overseas jurisdiction**

**86A. Prescribed overseas jurisdiction**

For the purposes of the definition of “overseas jurisdiction” in section 4(1) of the Act, a jurisdiction listed in Schedule 2 is a prescribed overseas jurisdiction.

”.

**12. Schedules 1 and 2 inserted**

After regulation 89 the following Schedules are inserted —

“

**Schedule 1 — Code of conduct for an accredited body**

[rr. 10A(g), 23I(l)]

**1. Conflict of interest**

A member of staff of an accredited body must not hold any financial or other interest, and must not give an undertaking, that could directly or indirectly compromise the performance of his or her functions. Conflict of interest must be assessed by taking into account, amongst other things, the likelihood that a member of staff possessing a particular interest could be influenced, or might appear to be influenced, in the performance of his or her responsibilities on a particular matter. A member of staff must notify the State Central Authority that accredited the body if a potential or actual conflict of interest arises.

**2. Acceptance of gifts or benefits**

An accredited body or member of staff must not accept a gift, donation or benefit if it could be seen by a client as intended or likely to cause the member to undertake his or her responsibilities in a particular way, or deviate from the proper course of action.

**3. Personal and professional behaviour**

A member of staff of an accredited body must perform any duties associated with his or her position diligently, impartially and conscientiously, to the best of his or her ability.

**4. Duties of staff of an accredited body**

In the performance of duties, a member of staff of an accredited body —

- (a) must keep up to date with any changes in practice or procedure relating to intercountry adoption;
- (b) must comply with the laws, and any relevant administrative requirements of the Commonwealth and the State or internal Territory of accreditation;
- (c) must maintain and preserve record information systems in accordance with the requirements of the State Central Authority that accredited the body;
- (d) must treat all clients with courtesy, sensitivity and in confidence;
- (e) must not take any improper advantage of any information gained in the carrying out of his or her duties; and
- (f) must report to the State Central Authority that accredited the body any unethical behaviour or wrong doing by other members of staff of which he or she is aware.

**5. Fairness and equity**

The manner in which an accredited body deals with issues or clients must be consistent, prompt and fair. This includes —

- (a) dealing with matters in accordance with approved procedures;
- (b) dealing with matters without discrimination on any grounds; and
- (c) providing appropriate review and appeal mechanisms.

**6. Exercise of discretionary power**

If an accredited body proposes to exercise a discretionary power in relation to a particular case, the body must ensure that all relevant considerations are taken into account in regard to the particular merits of the case.

**7. Public comment and the use of information**

While staff members of an accredited body have the right to make public comment and to enter into public debate on political and social issues, the accredited body must refrain from public comment where that comment is sufficiently strong to undermine the accredited body, the State Central Authority that accredited the body or the Commonwealth Central Authority.

**8. Confidentiality**

An accredited body or a member of staff must not disclose official information or documents acquired in the course of performing the functions of an accredited body unless the proper authority has been sought and given.

**Schedule 2 — Prescribed overseas jurisdiction**

[r. 86A]

People's Republic of China

”.

**13. Transitional**

If an application for a licence provided for by section 9 of the Act is made before the commencement of these regulations, the application is to be dealt with as if these regulations had not come into operation.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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**LG301****LOCAL GOVERNMENT ACT 1995***Shire of Collie*

## Local Law No. 2—Dogs Amendment 1/99

Under the powers conferred by the Local Government Act 1995 and the Dog Act 1976, the Council of the Shire of Collie resolved on the 24th August 1999 to adopt the following Local Law.

The Local Law No. 2—Dogs published in the *Government Gazette* on the 7th May 1999 is amended in the following manner—

- (a) Deleting the wording of Clause 26 and substituting the following—

“Any person who contravenes or fails to comply with any provision of this Local Law commits an offence and shall upon conviction be liable to a penalty not exceeding \$2000 for each offence.”

- (b) Deleting “\$500” in the modified penalties provided in 3,4,and 5 of the Second Schedule and substituting “\$400”.

**Citation**

This Local Law may be cited as the Shire of Collie Local Law No. 2—Dogs Amendment 1/99.

25th August 1999.

\_\_\_\_\_  
The Common Seal of the Shire of Collie was hereunto affixed by authority of a decision of the Council in the presence of—

ROSANNE PIMM, President.  
IAN MIFFLING, Chief Executive Officer.

**LG302****LOCAL GOVERNMENT ACT 1995***Town of Cambridge***LOCAL LAW NO. 1—STANDING ORDERS (MEETING PROCEDURE)****Amendment**

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Town Cambridge hereby records having resolved on the 24th day of August 1999 to amend Local Law No. 1 as follows—

**Clause 2.8 Order of Business**

Unless ordered by decision of the Council, the order of business at any ordinary meeting of the Council is to be as follows—

**Disclaimer**

- (i) Declaration of Opening/Announcement of Visitors
- (ii) Record of Attendance/Apologies/Leave of Absence
- (iii) Questions of Which Due Notice has been Given Without Discussion
- (iv) Public Question Time
- (v) Applications for Leave of Absence
- (vi) Petitions/Deputations/Presentations
- (vii) Confirmation of Minutes
- (viii) Announcements by the Presiding Member Without Discussion
- (ix) Reports
- (x) Motions of Which Due Notice has been Given
- (xi) Representation on Statutory Authorities and Public Bodies
- (xii) Urgent Business
- (xiii) Confidential Reports
- (xiv) Closure

ROSS J. WILLCOCK, Mayor.

GRAHAM D. PARTRIDGE, Chief Executive Officer.

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**RACING, GAMING AND LIQUOR**

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**RA301\*****WESTERN AUSTRALIAN TROTTING ASSOCIATION****By-laws of the Western Australian Trotting Association****NOTICE OF AMENDMENT**

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 24th day of August 1999, it was resolved by an absolute majority of the Committee of the Association that the By-laws of the Western Australian Trotting Association made under the Western Australian Trotting Association Act 1946 ("the Act") be amended as follows:

Amend By-law 7, seventh paragraph:

Present wording:

"The ballot shall be declared closed at noon on the day of the annual meeting or general meeting as the case may be."

Amended wording:

"The ballot shall be declared closed at 9.00 am on the day prior to the date of the annual meeting or general meeting as the case may be."

Date 24/8/99.

GARY PAPADOPOULOS, President.

**RA302**

**WESTERN AUSTRALIAN TROTTING ASSOCIATION**

Western Australian Trotting Association  
Rules of Harness Racing 1999

**Notice of Amendment to the Rules of Harness Racing 1999**

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association on the 30th day of August 1999 resolved by an absolute majority of members of the Committee to amend the Rules of Harness Racing 1999 by deleting rule LR164.

GARY PAPADOPOULOS, President.

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# — PART 2 —

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## HERITAGE COUNCIL

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**HR401\***

GOVERNMENT OF WESTERN AUSTRALIA

**HERITAGE OF WESTERN AUSTRALIA ACT 1990**

## NOTICE OF ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Notice of places not to be entered into the Register of Heritage Places

Notice is hereby given in accordance with Section 52(1) of the Heritage of Western Australia Act 1990 that, pursuant to direction from the Minister for Heritage, the place described in Schedule 1 shall not be entered in the Register of Heritage Places on a permanent basis.

## Schedule 1

Place	Location	Description of Place
Stirling Street Cottages	318-322 Stirling Street, Perth	Lot 41 on Plan 32, being the whole of the land comprised in Certificate of Title Volume 1305 Folio 892.

Dated this 3rd day of September 1999.

IAN BAXTER, Director,  
Office of The Heritage Council.

GOVERNMENT OF WESTERN AUSTRALIA

**HERITAGE OF WESTERN AUSTRALIA ACT 1990**

## REVOCATION OF CONSERVATION ORDER

Pursuant to section 59(7)(b) of the *Heritage of Western Australia Act 1990*, I Graham Kierath, Minister for Heritage, HEREBY REVOKE the Conservation Order made by me on 17 December 1998 in relation to the place situated at Lot 318-322 Stirling Street, Perth.

Dated the 31st day of August 1999.

GRAHAM KIERATH, Minister for Heritage.

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## LOCAL GOVERNMENT

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**LG401****LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Wyndham-East Kimberley*

At a meeting held on 16th August 1999, it was resolved that the rates and charges specified hereunder be imposed on all rateable property within the district of the Shire of Wyndham-East Kimberley in accordance with the provisions of the Local Government Act 1995 and Health Act 1911.

Dated this 27th August 1999.

M. S. MIDDAP, President.  
A. G. M. BROWN, Acting Chief Executive Officer.

## Schedule of Rates and Charges

## General Rate—

Gross Rental Value—	8.9711 cents in the dollar
Unimproved Value—	
Rural A—Agriculture	0.8525 cents in the dollar
Rural B—Intensive Horticultural	0.9300 cents in the dollar
Rural C—Rural Residential	1.0075 cents in the dollar
Mining	3.9641 cents in the dollar
Pastoral	3.9641 cents in the dollar

## Minimum Rate—

Gross Rental Value Properties	\$425 per lot, location or other piece of land
Unimproved Value Properties	
Rural A—Agriculture	\$425 per lot, location or other piece of land
Rural B—Intensive Horticultural	\$425 per lot, location or other piece of land
Rural C—Rural Residential	\$425 per lot, location or other piece of land
Mining	\$425 per lot, location or other piece of land
Pastoral	\$425 per lot, location or other piece of land

Discount—Ten (10) per cent discount will be allowed on current rates paid in full on or before the 35th day of the service of the rate notice.

Installment Plan Interest Rate—A charge of 5.5% per annum, calculated daily by simple interest.

Administration—A charge of \$5.00 per reminder notice for rates and services levied.

Late Payment Interest Rate—A charge of 11% per annum calculated daily, by simple interest.

## Rubbish Charges—

Domestic:	\$194 per annum	Weekly Service
Commercial:	\$194 per annum	Per Service
Caravan Parks:	\$5.25 per annum.	Per Bay

Due dates for Payment of Rates and Services Levied—1999/2000

Four Installment Plan

14 October 1999  
14 December 1999  
14 February 2000  
14 April 2000

Two Installment Plan

14 October 1999  
14 February 2000

Council has adopted the various fees and charges for various services and venues throughout the municipality. Copies of all fees and charges together with the 1999/2000 Municipal Budget, can be obtained from the Shire of Wyndham-East Kimberley offices.

**LG501\*****BUSH FIRES ACT 1954**

(Section 33)

*Shire of Yalgoo*

Notice to all owners and occupiers of land in the Shire of Yalgoo.

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before the 1st day of October 1999 or within fourteen days of you becoming owner or occupier of land should this be after the 1st day of October 1999 to clear firebreaks and remove inflammable material from the land owned or occupied by you as specified hereunder and to have the specified land and firebreaks clear of all inflammable material from the 1st day of October 1999 up to and including the 31st day of March 2000.

## 1. Land Outside of Townsites

- 1.1 All buildings on land which is outside townsites shall be surrounded by two firebreaks not less than two metres wide cleared of all inflammable material, the inner firebreak to be not more than twenty metres from the perimeter of the building or group of buildings and the outer firebreak not less than 200 meters from the inner firebreak.
- 1.2 All inflammable material shall be removed from the whole of the land between the firebreaks required in paragraph 1.1 above.

## 2. Land in Townsites

- 2.1 All land in the townsite shall have firebreaks at least three metres in width cleared of all inflammable material immediately outside and along the boundaries of the land and where there are buildings on the land additional firebreaks three metres in width shall be cleared immediately surrounding each building.

If it is considered for any reason to be impractical to clear firebreaks or remove inflammable material as required by this notice, you may apply to the Council or its duly authorised officer not later than the 1st day of October 1999 for permission to provide firebreaks in alternative positions or take alternative action to remove or abate any fire hazard. If permission is not granted by this Council or its duly authorised officer you shall comply with the requirements of this notice.

WARREN OLSEN, Chief Executive Officer.

If the requirements of this notice are carried out by burning such burning shall comply with the relevant provisions of the Bush Fires Act. "Inflammable material" does not include green growing trees or green growing plants in gardens.

In the event that an owner or occupier fails to clear firebreaks as required by this notice, the work may be carried out by a bush fire control officer and the cost of the work will be a debt due from the owner or occupier of the land. The cost of clearing a residential lot of 1,012 square metres within the Yalgoo Townsite is reckoned at \$80. The cost of carrying out firebreak works on other land will vary depending on size and location.

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## MINERALS AND ENERGY

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### MN401

#### MINING ACT 1978

##### NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,  
Southern Cross.

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

F. CULLEN (SM), Warden.

To be heard in the Wardens Court, Southern Cross on 12 October 1999.

#### Y1LGARN MINERAL FIELD

##### Prospecting Licence

77/3240—Mihran Shemmessian

77/3248—Richard McMillan Brown; Robert Joseph Jones

### MN403

#### MINING ACT 1978

Department of Minerals and Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) of the "Mining Act 1978" that the undermentioned mining tenement is forfeited for breach of covenant viz; non payment of rent.

NORMAN MOORE, Minister for Mines.

Number—Holder—Mineral Field.

#### EXPLORATION LICENCE

77/726—Brown, Ronald William; Hull, Charles—Yilgarn



**MN402****MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,  
Meekatharra WA 6642.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that these Miscellaneous Licences and Prospecting Licences are liable to forfeiture, under the provisions of Section 96(1)(a) for breach of covenant, viz. non payment of rent.

J. R. PACKINGTON (SM), Warden.

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To be heard in the Wardens Court, Meekatharra on the 21 October 1999.

**MURCHISON MINERAL FIELD****Prospecting Licences**

51/2307—Blackridge Holdings Pty Ltd  
51/2308—Blackridge Holdings Pty Ltd  
51/2313—ABC Resources Pty Ltd  
51/2314—ABC Resources Pty Ltd  
51/2315—ABC Resources Pty Ltd  
51/2316—ABC Resources Pty Ltd  
51/2317—ABC Resources Pty Ltd  
51/2318—ABC Resources Pty Ltd

**PEAK HILL MINERAL FIELD****Prospecting Licences**

52/783—Horseshoe Gold Mine Pty Ltd  
52/784—Horseshoe Gold Mine Pty Ltd  
52/785—Horseshoe Gold Mine Pty Ltd  
52/786—Horseshoe Gold Mine Pty Ltd

**MN404****MINING ACT 1978**

Department of Minerals and Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; non payment of rent.

NORMAN MOORE, Minister for Mines.

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Number—Holder—Mineral Field.

**EXPLORATION LICENCES**

09/895—New Millenium Resources NL—Gasgoyne  
09/896—New Millenium Resources NL—Gasgoyne  
20/346—IFD Ltd—Murchison  
20/347—IFD Ltd—Murchison  
52/1306—Zohar, David Alan—Peak Hill  
59/824—Westland Gold NL—Yalgoo  
70/1966—Ammon, Derek Noel; Wigger, Adrian Pierre; Wigger, Joy Catherine—South West

**MINING LEASE**

20/93—Boyd, James Curwen—Murchison

**MN405****MINING ACT 1978**Department of Minerals and Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned mining tenement is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

NORMAN MOORE, Minister for Mines.

Number—Holder—Mineral Field.

MINING LEASE

63/139—Melsom, Peter Michael; Robson, Stanley Frederick—Dundas

**MN406\***

## COMMONWEALTH OF AUSTRALIA

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

Delegation under Section 8H of the Act

We, Nicholas Hugh Minchin, the Minister for Industry, Science and Resources, for the Commonwealth of Australia ('the Commonwealth Minister'), and Norman Moore, the Minister for Mines for the State of Western Australia ('the State Minister'), the Joint Authority under the Act in respect of the adjacent area in respect of Western Australia, under section 8H of the Act, hereby revoke all existing delegations made pursuant to section 8H and delegate to:

- (a) the person who, from time to time, holds, occupies or performs the office of General Manager, Exploration and Development Branch, Petroleum and Electricity Division, Department of Industry, Science and Resources of the Commonwealth of Australia, as the person representing the Commonwealth Minister; and
- (b) the person who, from time to time, holds, occupies, or performs the duties of the office of Director, Petroleum Division, Department of Minerals and Energy of the State of Western Australia, as the person representing the State Minister

together the powers of the Joint Authority under the Act specified in the Schedule.

## SCHEDULE

1. Petroleum (Submerged Lands) Act 1967—Sub-sections 18(1), 20(1), 20(2), 22(1), 22(4), 22A(1), 22A(6), 22B(1), 22B(2), 22B(5), 23(1), 25(1), 25(2), 27, 31(5), 32(1), 32(2), 32(6), 33(1), 36(6), 36(8), 36(9), 37(1), 37(2), 37(3), 37(4), 37(5), 38B(1), 38B(2), 38B(5), 38BC(1), 38BC(2), 38BC(5), 38E(1), 38E(2), 38G(1), 38G(2), 38G(7), 38H(1), 38H(3), 39A(5), 40(4), 42(1), 43(1), 44(2), 47(1), 47(2), 49(1), 49(2), 50, 51(4), 53A(1), 53A(2), 55(1), 55(2), 55(3), 55(5), 56(1), 58(1), 58(2), 58(3), 58(4), 58(5), 59(3), 59(4), 59(5), 59(6), 59(7), 64(3), 65(1), 65(2), 65(2A), 65(3), 65(5), 65(8), 65(10), 67(1), 69(1), 69(2), 69(6), 70(1), 71(5), 72(1), 73, 74(1), 78(4), 78(6), 81(5), 81(6), 81(10), 101(3), 102(1A), 103(1), 103(3), 103A(1), 103A(3), 103A(4), 105(1), 125(1)

2. Petroleum (Submerged Lands) (Royalty) Act 1967—Sub-section 10A(1)

3. Petroleum (Submerged Lands) (Registration Fees) Act 1967—Sub-sections 4(4), 4(5), 4(6A), 4(6B)

Dated this 11th day of August 1999.

NICHOLAS HUGH MINCHIN, Minister for Industry,  
Science and Resources.

Dated this 25th day of August 1999.

NORMAN MOORE, Minister for Mines.

**MN407\*****PETROLEUM ACT 1967**

EXPLORATION PERMIT NO EP415 has been granted to Empire Oil Company (WA) Limited and EXPLORATION PERMIT NO EP416 has been granted to Empire Oil Company (WA) Limited to have effect from 26 August 1999.

W. L. TINAPPLE, Director Petroleum Division.

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**PLANNING**

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**PD401\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***SHIRE OF BEVERLEY***TOWN PLANNING SCHEME No. 2—AMENDMENT No. 9**

Ref: 853/4/5/2, Pt 9.

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

1. Modifying Table 1—Zoning Table by—
  - Deleting the symbol “P” from renumbered use 35 in the Rural Townsite and Farming Zones and replacing this with the symbol “AA”.
  - Adding uses 20—Intensive Agriculture, 21—Land Drainage Works and 33—Sheds with the symbol “AA” in all zones and renumbering the other listed uses in the appropriate manner.
2. Modifying Scheme 1—Interpretations, by adding the definitions for “Intensive Agriculture” and “Land Drainage Works” in the appropriate alphabetical location.
3. Modifying clause 3.4 Rural Strategy Zone, by adding sub-clause (g).
4. Modifying clause 3.5 Farming Zone.
5. Adding a new clause 3.6 District Rural Strategy—Policy Areas and modifying the Scheme Text—Arrangement of Sections, to include this clause.
6. Modifying sub-clause 4.1.2 (c).
7. Modifying sub-clause 4.11.2.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Vincent Street, Beverley 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 2 December, 1999.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 2 December, 1999.

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.

K. L. BYERS, Chief Executive Officer.

**PD402\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***SHIRE OF BROOKTON***TOWN PLANNING SCHEME No. 3—AMENDMENT No. 1**

Ref: 853/4/6/3, Pt 1.

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

1. Modifying Table 1—Zoning Table by—
  - Deleting the symbol “P” from Use Class—Residential (a) Single House, in the Rural Townsite and Farming Zones and replacing this with the symbol “AA”.
  - Adding Use Classes “Land Drainage Works” and “Sheds” with the symbol “AA” in all zones, in the appropriate alphabetical location in the Table and Use Class “Intensive Agriculture” with the symbol “AA” in the Rural Townsite and Farming Zones.
2. Modifying Appendix No. 1—Interpretation, by adding the definition “Land Drainage Works” in the appropriate alphabetical location and modifying the definition “Intensive Agriculture”.
3. Modifying clause 3.2 Rural Residential.
4. Modifying clause 3.3 Rural Townsite Zone.
5. Modifying clause 3.4 Farming Zone.
6. Adding a new clause 3.5—District Rural Strategy—Policy Areas.
7. Modifying existing clause 3.5 Zoning Table, by renumbering to 3.6 Zoning Table and modifying the Scheme Text—Contents accordingly.
8. Modifying Table 2—Development Standards/Requirements so that Zone—RURAL now reads Zone—FARMING.

9. Modifying clause 5.5 Special Application of Residential Planning Codes by adding sub-clause 5.5.2.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 14 White Street, Brookton 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 2 December, 1999.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 2 December, 1999.

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. CURLEY, Chief Executive Officer.

**PD403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

*SHIRE OF HARVEY*

**TOWN PLANNING SCHEME No. 1—AMENDMENT No. 33**

Ref: 853/6/12/18, Pt 33.

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 Harvey Town Planning Scheme Amendment on 24 August, 1999 for the purpose of—

1. Rezoning Lots 60 and 61 Young Street, Harvey, from “Residential R15/30/50” to “Residential R15/30/50—Additional Use—Restaurant Art and Craft Studio”; and
2. Amending the Scheme Text by adding to “Schedule 7—Schedule of Additional Uses” the following—

Street Locality	Particulars of Land	Only Use Permitted
6. Young Street/Sir James Avenue, Harvey	Lot 60 and 61	* Restaurant (Max. seating capacity of 50 persons) * Art and Craft Studio

J. W. OFFER, President.  
K. J. LEECE, Chief Executive Officer.

**PD404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*SHIRE OF MANJIMUP*

**TOWN PLANNING SCHEME No. 2—AMENDMENT No. 78**

Ref: 853/6/14/20, Pt 78.

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

1. Amending clause 5.3.3 Precinct Walpole 1 by replacing the words “Boronia Ridge Estate, Stage One” with “Boronia Ridge Special Residential Estate”.
2. Amending Appendix 6 Policy Precinct Walpole 1 (Special Design).
3. Amending the boundary of the Policy Precinct Walpole 1 (Special Design) as shown on the Amendment Plan.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 36 Rose Street, Manjimup 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 15 October, 1999.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 15 October, 1999.

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.

V. L. McKAY, Chief Executive Officer.

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF MANJIMUP*

## TOWN PLANNING SCHEME No. 2—AMENDMENT No. 83

Ref: 853/6/14/20, Pt 83.

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 Manjimup Town Planning Scheme Amendment on 24 August, 1999 for the purpose of—

1. Modifying Special Residential Area No. 4 Nelson Location 267, Manjimup by modifying Special Provision (i) to read as follows—
  - (i) Subdivision of Special Residential Area No. 4 shall be generally in accordance with subdivision guide plan dated 9th July, 1998.

K. LIDDELOW, President.  
E. McKAY, Chief Executive Officer.

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**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF NANNUP*

## TOWN PLANNING SCHEME No. 1—AMENDMENT No. 25

Ref: 853/6/17/1, Pt 25.

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 Nannup Town Planning Scheme Amendment on 29 August, 1999 for the purpose of—

1. Rezoning part of Nelson Location 11876, Brockman Highway, Nannup from "Special Use" to "Special Rural" as shown on the amending map adopted by the Council;
2. Amending the Scheme text by substituting the words "Pt Nelson Location 11876 Brockman Highway Nannup" with the words "Nelson Location 11876 Brockman Highway Nannup" in column (a) in the table under Schedule 5;
3. Amending the Scheme text by substituting the words "Subdivision Guide Plan dated 16 September 1996 attached to the scheme amendment report (Amendment 16)" with the words "Subdivision Guide Plan dated 6 January 1999" in column (b) in the table under Schedule 5;
4. Deleting all reference to Pt Nelson Location 11876 Brockman Highway, Nannup in Schedule 8.

L. DICKSON, President.  
D. FREEMAN, Chief Executive Officer.

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**PD407\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF RAVENSTHORPE*

## TOWN PLANNING SCHEME No. 4—AMENDMENT No. 14

Ref: 853/5/20/6, Pt 14.

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 Ravensthorpe Town Planning Scheme Amendment on 25 August, 1999 for the purpose of rezoning a portion of Location 181 Martin Street, Ravensthorpe from the Rural zone to the General Industry zone, and the Scheme Maps are hereby amended accordingly.

A. E. SULLIVAN, President.  
B. R. HULLAND, Chief Executive Officer.

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

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF SERPENTINE-JARRAHDALE*

## TOWN PLANNING SCHEME No. 2—AMENDMENT No. 92

Ref: 853/2/29/3, Pt 92.

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. Amending the Scheme Map by rezoning land from the Rural zone and portion of land in Special Rural zone to the Rural Groundwater Protection zone as depicted on the proposed Zoning Map, and amending the Scheme Map legend to include a new zone titled Rural Groundwater Protection.
2. Introducing a Rural Groundwater Protection zone in the Scheme Text and new Use Classes in Table 1—Zoning Table.
3. Adding, modifying and deleting definitions in the Scheme text applicable to Appendix 1—Interpretations.

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 15 October, 1999.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 15 October, 1999.

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.

I. BODILL, Chief Executive Officer.

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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF SWAN*

## TOWN PLANNING SCHEME No. 9—AMENDMENT No. 354

Ref: 853/2/21/10, Pt 354.

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 27 August 1999 for the purpose of rezoning portion of Reserve 29036, Eveline Road, Viveash from “Local Reserve—Recreational” to “Local Reserve—Public Purpose”.

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

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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

*SHIRE OF EXMOUTH*

## TOWN PLANNING SCHEME No. 3

Ref: 853/10/7/3, 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 Exmouth Town Planning Scheme No. 3 on 21 August, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

M. S. PURSLOW, President.  
K. J. GRAHAM, Chief Executive Officer.



## Schedule

*Shire of Exmouth*

## TOWN PLANNING SCHEME No. 3

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

## SCHEME TEXT

## CONTENTS

## Part 1—Preliminary

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Revocation
- 1.5 Contents of Scheme
- 1.6 Arrangement of Scheme Text
- 1.7 Scheme Objectives
- 1.8 Definitions

## Part 2—Reserves

- 2.1 Scheme Reserves
- 2.2 Matters to be Considered by the Council
- 2.3 Compensation

## Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Additional Uses
- 3.4 Special Use Zones

## Part 4—General Development Requirements

- 4.1 Residential Development: Residential Planning Codes
- 4.2 Parking Requirements
- 4.3 Discretion to Modify Development Standards
- 4.4 Home Occupation
- 4.5 Supply of Potable Water
- 4.6 Transported Dwellings
- 4.7 Minimum Standards for Dwellings
- 4.8 Use of Setback Areas
- 4.9 Control of Advertisements
- 4.10 Caretaker's dwelling

## Part 5—Zones—Objectives and Requirements

- 5.1 Residential Zone
- 5.2 Residential Development Zone
- 5.3 Town Centre Zone
- 5.4 Tourist Zone
- 5.5 Marina Zone
- 5.6 Mixed Use Zone
- 5.7 Light Industrial Zone
- 5.8 Industrial Zone
- 5.9 Special Rural Zones
- 5.10 Pastoral Zone

## Part 6—Heritage—Precincts and Places of Cultural Significance

- 6.1 Purpose and Intent
- 6.2 Heritage List
- 6.3 Designation of Heritage Precincts
- 6.4 Applications for Planning approval
- 6.5 Formalities of Application
- 6.6 Variations to scheme Provisions

## Part 7—Non-conforming Uses

- 7.1 Non-conforming Use Rights
- 7.2 Extension of Non-conforming Use
- 7.3 Change of Non-conforming Use
- 7.4 Discontinuance of Non-conforming Use
- 7.5 Destruction of Buildings

## Part 8—Planning Approval

- 8.1 Development of Land
- 8.2 Application for Planning Approval
- 8.3 Advertising of Application
- 8.4 Consultations with Other Authorities
- 8.5 Matters to be Considered by the Council
- 8.6 Determination of Application
- 8.7 Deemed Refusal
- 8.8 Approval of Existing Development

## Part 9—Administration

- 9.1 Additional Powers of the Council
- 9.2 Offences
- 9.3 Notice for Removal of Certain Buildings
- 9.4 Compensation
- 9.5 Rights of Appeal
- 9.6 Planning Policies
- 9.7 Delegation

## SCHEDULES

- 1 Definitions
- 2 Additional Uses
- 3 Special Use Zones
- 4 Parking Requirements
- 5 Exempted Advertisements
- 6 Special Rural Zones
- 7 Application for Planning Approval
- 8 Additional Information for Advertisements
- 9 Notice of Public Advertisement of Development Proposal
- 10 Decision on Application for Planning Approval

## PART 1—PRELIMINARY

**1.1 Citation**

This Town Planning Scheme may be cited as the Shire of Exmouth Town Planning Scheme No. 3 herein after 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 Exmouth hereinafter called “the Council”.

**1.3 Scheme Area**

The Scheme applies to the whole of the land within the Municipal District of the Shire of Exmouth hereinafter called “the Scheme Area”.

**1.4 Revocation**

The Shire of Exmouth Town Planning Scheme No. 1 published in the *Government Gazette* of 14 July 1972 and the Shire of Exmouth Town Planning Scheme No. 2 published in the *Government Gazette* of 10 September 1976 and all amendments thereto are hereby revoked.

**1.5 Contents of Scheme**

The Scheme comprises—

- (a) this Scheme Text
- (b) the Scheme Map (sheets numbers 1 to 8 inclusive).

**1.6 Arrangement of Scheme Text**

The Scheme Text is divided into the following parts—

- PART 1—PRELIMINARY
- PART 2—RESERVES
- PART 3—ZONES
- PART 4—GENERAL DEVELOPMENT REQUIREMENTS
- PART 5—ZONES—OBJECTIVES AND REQUIREMENTS
- PART 6—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
- PART 7—NON-CONFORMING USES
- PART 8—PLANNING APPROVAL
- PART 9—ADMINISTRATION

**1.7 Scheme Objectives**

The objectives of the Scheme are—

- (a) to zone the Scheme Area for the purposes described in the Scheme;
- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- (e) to make provision for other matters necessary or incidental to Town Planning and housing.

**1.8 Definitions**

1.8.1 Except as provided in sub-clauses 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.

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



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

## PART 2—RESERVES

### 2.1 Scheme Reserves

The land shown as Local Scheme Reserves on the Scheme Map, hereinafter called “Reserves”, are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

PUBLIC PURPOSES  
RECREATION AND OPEN SPACE  
ROAD

### 2.2 Matters to be Considered by the Council

Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its planning approval.

### 2.3 Compensation

2.3.1 Where the Council refuses planning approval for the development of a Reserve on the ground that the land is reserved for local government purposes or for the purposes shown on the Scheme Map, or grants planning approval 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.

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

2.3.3 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 approval or of the grant of planning approval subject to conditions that are unacceptable to the applicant.

## PART 3—ZONES

### 3.1 Zones

3.1.1 There are hereby created the several zones set out hereunder—

RESIDENTIAL  
RESIDENTIAL DEVELOPMENT  
TOWN CENTRE  
TOURIST  
MARINA  
MIXED USE  
LIGHT INDUSTRIAL  
INDUSTRIAL  
SPECIAL RURAL  
PASTORAL  
SPECIAL USE

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

### 3.2 Zoning Table

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

“P” means that the use is permitted by the Scheme.

“AA” means that the use is not permitted unless the Council has granted planning approval.

“SA” means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 8.3

“IP” means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

“X” means a use that is not permitted by the Scheme.

3.2.3 Where a particular use is mentioned in the Zoning Table it is deemed to be excluded from the general terms used to describe any other use.

3.2.4 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 definition of one of the use categories the Council may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives of the zone and thereafter follow the “SA” advertising procedures of clause 8.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

### 3.3 Additional Uses

Notwithstanding anything contained in the Zoning Table, the land specified in Schedule 2 may, be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out with respect to that land in Schedule 2.

### 3.4 Special Use Zones

Special Use Zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table.

No person shall use any land or any structure or buildings on land in a Special Use Zone, except for the purpose specified against the description of such land in Schedule 3 and subject to any conditions specified in Schedule 3 with respect to that land.

TABLE 1  
ZONING TABLE

USES	Residential	Residential Development	Town Centre	Tourist	Marina	Mixed Use	Light Industrial	Industrial	Special Rural	Pastoral
1 aged or dependent persons dwelling	AA	S	X	X	S	X	X	X	X	X
2 ancillary accommodation	AA	E	X	X	E	X	X	X	AA	AA
3 aquaculture	X	E	X	X	E	X	X	AA	AA	P
4 caravan park	X		X	AA		X	X	X	X	X
5 caretaker's dwelling	X	C	IP	IP	C	IP/X <sup>1</sup>	IP	IP/X <sup>2</sup>	X	IP
6 club premises	X	L	AA	AA	L	SA	X	X	X	AA
7 consulting rooms	SA	A	P	X	A	AA	X	X	X	X
8 dog kennels	X	U	X	X	U	X	X	SA	SA	AA
9 dwelling	P	S	X	X	S	IP/X <sup>1</sup>	X	X	AA	P
10 education establishment	SA	E	X	X	E	AA	X	X	X	SA
11 fuel depot	X		X	X		SA	AA	P	X	X
12 holiday accommodation	SA	5.2	X	P	5.5	X	X	X	X	AA
13 home occupation	AA		X	X		AA	X	X	AA	AA
14 hotel	X		AA	AA		X	X	X	X	X
15 industry—cottage	AA		X	X		AA	X	X	AA	AA
16 industry—extractive	X		X	X		X	X	AA	X	AA
17 industry—general	X		X	X		X	X	P	X	X
18 industry—light	X		X	X		AA	P	P	X	X
19 industry—noxious	X		X	X		X	X	SA	X	SA
20 industry—rural	X		X	X		X	X	X	X	AA
21 industry—service	X		X	X		AA	P	P	X	X
22 marina	X		X	X		X	X	X	X	X
23 motel	X		AA	P		X	X	X	X	X
24 motor vehicle and marine sales	X		AA	X		AA	P	P	X	X
25 motor vehicle and marine repairs	X		X	X		AA	AA	P	X	X
26 motor vehicle wreckers	X		X	X		X	X	SA	X	X
27 office	X		P	X		IP	IP	IP	X	X
28 plant nursery	X		X	X		AA	P	P	AA	AA
29 public amusement	X		AA	AA		SA	AA	AA	X	X
30 public utility	AA		AA	AA		AA	AA	AA	AA	AA
31 residential building	AA		X	X		X	X	X	X	AA
32 restaurant	X		AA	P		SA	X	X	X	X
33 rural pursuit	X		X	X		X	X	X	SA	P
34 salvage yard	X		X	X		X	X	AA	X	X
35 service station	X		SA	SA		SA	AA	AA	X	AA
36 shop	X		AA/X <sup>3</sup>	AA		IP	X	X	X	X
37 showroom	X		AA	X		AA	AA	AA	X	X
38 take-away food outlet	X		AA	AA		SA	X	X	X	X
39 tavern	X		SA	X		SA	X	X	X	X
40 transport depot	X		X	X		X	X	P	X	SA
41 veterinary hospital/clinic	X		SA	X		SA	AA	P	SA	AA
42 warehouse	X		X	X		P	P	P	X	X
43 worship—place of	AA		P	X		AA	X	X	X	X

Notes—

1. Development on a lot may include as an IP use either a caretaker's dwelling or a dwelling, but not both.
2. shall be an "X" use (not permitted) on Lyndon location 221—see sub-clause 5.8.2.
3. shall be an "X" use (not permitted) on Lots 38, 161-170 inclusive off Maidstone Crescent between Lockwood Street and Learmonth Street, Exmouth

## PART 4—GENERAL DEVELOPMENT REQUIREMENTS

**4.1 Residential Development—Residential Planning Codes**

4.1.1 For the purpose of the 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 (hereinafter called the “R Codes”).

4.1.2 A copy of the R Codes shall be kept and made available for public inspection at the offices of the Council.

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

4.1.4 The R Code density applicable to land within the Residential zone shall be determined by reference to the R Code density numbers superimposed on the areas within that zone shown in the Scheme Map as being contained within the outer edges of the black borders or, where such an area abut on another area having an R Code density, as being contained within the centre lines of those borders.

**4.2 Parking Requirements**

4.2.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 4 unless parking spaces as specified in Schedule 4 are provided and such parking spaces are constructed and maintained in accordance with the Scheme.

4.2.2 When considering any application for planning approval, the Council shall have regard to and may impose conditions on the provision of parking spaces and the details of locating and designing the required parking spaces; landscaping, and pedestrian spaces on the lot. In particular, the Council shall take into account and may impose conditions concerning—

- (a) the proportion of parking spaces to be roofed or covered;
- (b) the means of access to each parking space and the adequacy of any vehicle manoeuvring area;
- (c) the location of the parking spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (d) the extent to which parking spaces are located within required building setback areas;
- (e) the locations or proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (f) the suitability and adequacy of proposed screening or landscaping;
- (g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.

4.2.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 4 for the type of parking layout adopted, except that the Council may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.

4.2.4 Parking spaces shall be serviced by all necessary accessways, and shall be constructed and paved to the satisfaction of the Council.

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

- (a) 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 determined by the Valuer General or a licensed Valuer appointed by the Council, of that area of the land which would have been occupied by the parking spaces.
- (b) payments made under this sub-clause shall be paid into a parking fund to be used for the provision of public 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.

**4.3 Discretion to Modify Development Standards**

Except for development in respect of which the Residential Planning Codes apply under the Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that—

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

**4.4 Home Occupation**

4.4.1 An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

4.4.2 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval.

#### **4.5 Supply of Potable Water**

As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council.

#### **4.6 Transported Dwellings**

4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported building has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area.

4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

#### **4.7 Minimum Standards for Dwellings**

Notwithstanding anything elsewhere contained in the Scheme the following minimum standards are required for all dwellings in the Scheme Area—

- (a) dwellings shall comply in all respects with the Building Code of Australia;
- (b) transportable dwellings may be approved pursuant to clause 4.6 of the Scheme subject to the building being a single house; mining camp type transportable accommodation units shall not be permitted in the Exmouth townsite;
- (c) all dwellings shall contain at least one separate bedroom, a dining/living room and kitchen with separate toilet, bathroom and laundry facility in accordance with the Building Code of Australia;
- (d) dwellings shall be constructed as a single unit with compatible external materials;
- (e) all floors shall be sealed with suitable impervious materials, and all walls and ceilings lined in a finished workmanlike manner;
- (f) all window openings are to be glazed to the requirements of the Building Code of Australia and fitted with effective insect screens; and
- (g) all external materials shall be of colour and texture compatible with the local amenity to the satisfaction of the Council.

#### **4.8 Use of Setback Areas**

4.8.1 No person shall in any zone use the land between a street alignment and the distance that buildings are required to be setback from such street alignment for any purpose other than one or more of the following—

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) the loading and unloading of vehicles;
- (d) landscaping which only in the Town Centre Zone and then only with the specific approval of Council may include an awning, pergola, or similar structure and when in front of a take-away food outlet or restaurant may provide for alfresco dining.

4.8.2 The setback area shall not be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

#### **4.9 Control of Advertisements**

##### **4.9.1 Power to Control Advertisements**

- (a) for the purpose of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to the Council's Signs, Hoarding and Bill Posting Local Laws.
- (b) applications for the Council's planning approval pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by Additional Information in the form specified in Schedule 8 giving details of the advertisement(s) to be erected, placed or displayed on the land.

##### **4.9.2 Existing Advertisement**

Advertisements which—

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

##### **4.9.3 Consideration of Applications**

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, the 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 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.

#### 4.9.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 4.9.1(a) the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this clause are referred to as "exempted advertisement". The exemptions listed in Schedule 5 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (a) listed by the National Trust; or
- (b) listed on the register of the National Estate; or
- (c) included in the Heritage List; or
- (d) in a Heritage Precinct.

#### 4.9.5 Discontinuance

Notwithstanding the scheme objectives and sub-clause 4.9.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, 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.

#### 4.9.6 Derelict or Poorly Maintained Signs

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

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

#### 4.9.7 Notices

- (a) "the advertiser" shall be interpreted as anyone or any group comprised of the landowner, occupier, or licensee.
- (b) any notice served in exceptional circumstances pursuant to sub-clause 4.9.5 or pursuant to sub-clause 4.9.6 shall be served upon the advertiser and shall specify—
  - (i) the advertisement(s) the subject of the notice;
  - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
  - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (c) any person upon whom a notice is served pursuant to this sub-clause may within a period of 60 days from the date of the notice appeal 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.

#### 4.9.8 Scheme to Prevail

Where the provisions of this clause are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Local Laws, the provisions of the Scheme shall prevail.

#### 4.9.9 Enforcement and Penalties

The offences and penalties provisions specified in clause 9.2 of the Scheme apply to the advertiser in this clause.

#### 4.10 Caretaker's Dwellings

The provisions of this clause shall apply for all caretaker's dwellings in the Light Industrial and Industrial zones.

- (a) a caretaker's dwelling shall not be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;
- (b) only one caretaker's dwelling shall be permitted on a lot; for the purposes of this clause "lot" shall exclude a strata lot or survey-strata lot created pursuant to the *Strata Titles Act 1985*;
- (c) a caravan or park home shall not be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling shall be screened and/or fenced from the street frontage of the lot to the satisfaction of the Council and wherever possible shall be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling shall comply with the following—
  - (i) contain 1 bedroom only within an a total floor area which shall not exceed 100 square metres measured from the external face of walls;
  - (ii) open verandahs may be permitted but shall not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (i).

### PART 5—ZONES—OBJECTIVES AND REQUIREMENTS

#### 5.1 Residential Zone

##### 5.1.1 Objectives

- (a) to provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the town centre.



- (b) to provide for diversity of lifestyle choice with a range of residential densities.
- (c) to achieve a high standard of residential development having regard to the economic importance of tourism to the town.
- (d) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

#### 5.1.2 Site Requirements

In accordance with the R Codes.

#### 5.1.3 Parking of Commercial Vehicles in the Residential Zone

No person shall on land within the Residential zone—

- (a) park, or allow to remain stationary for more than 4 hours consecutively—
  - (i) more than 2 commercial vehicles and if there are 2 such vehicles 1 at least shall be housed in a domestic garage or domestic outbuilding; or,
  - (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of 70 square metres and in which no horizontal dimension is more than 10 metres; or
  - (iii) a vehicle which together with the load thereon exceeds 2.75 metres in height;
- (b) repair, service, or clean a commercial vehicle unless such work be carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding provided however that such work does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limited the generality of the foregoing) injury or prejudicial affection due to emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, grit, oil, waste water, or waste products.

### 5.2 Residential Development Zone

#### 5.2.1 Objectives

- (a) to provide for residential development for expansion of Exmouth.
- (b) to provide for diversity of lifestyle choice with a range of residential densities.
- (c) to achieve a high standard of residential development having regard to the economic importance of tourism to the town.
- (d) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

#### 5.2.2 Site Requirements

The minimum building setbacks shall be—

- (a) at the discretion of the Council for non-residential development designated in the Outline Development Plan.
- (b) in accordance with the R Codes for residential development designated in the Outline Development Plan.

#### 5.2.3 Development Requirements

The Council shall require preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

- (a) an Outline Development Plan shall include sufficient detail on the following—
  - (i) the area to which the Outline development applies;
  - (ii) the landform and topography of the area;
  - (iii) the vegetation and soils of the area;
  - (iv) the existing road system and hierarchy;
  - (v) the location and width of proposed roads;
  - (vi) the proposed pedestrian and cycleway network;
  - (vii) the location and size of proposed recreation and open space areas;
  - (viii) the proposed major land uses in particular civic and community uses, residential uses, commercial uses, marine industrial uses, and tourist uses;
  - (ix) the servicing arrangements including reticulated sewerage, water and drainage provision;
  - (x) the time frame and staging of subdivision and development, and method of implementation;
  - (xi) such other information as may be required by Council.
- (b) in considering a proposed Outline Development Plan for a portion of land within the zone, the Council may require the proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the land in the zone, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and the arrangements for implementation.
- (c) when a Outline Development Plan has been prepared to the satisfaction of the Council, the Council shall advertise or require the Proponent to cause the Plan to be advertised for public inspection. This is to include notifying in writing, all owners of land and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Plan, and inviting each owner and nominated public authority to make a submission to the Council.

- (d) the advertisement and notice referred to in sub-clause 5.5.3(c) are to explain the scope and purpose of the proposed Outline Development Plan, where and when it may be inspected, and invite submissions to the Council by a specified date being at least 28 days from the date of the notice and advertisement.
- (e) the Council is to consider all submissions received and within 60 days of the latest date specified in the notice under sub-clause 5.5.3 (d) is to either—
  - (i) resolve that the proposed Outline Development Plan is satisfactory with or without modifications; or
  - (ii) refuse to adopt the proposed Outline Development Plan and give reasons for this to the Proponent.
- (f) if within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in sub-clause 5.5.3 (e), the Council is deemed to have refused to adopt the proposed Outline Development Plan.
- (g) within 21 days of making its determination under sub-clause 5.5.3(e), or deemed refusal under sub-clause 5.5.3 (f), the Council is to forward to the Commission—
  - (i) a copy of the proposed Outline Development Plan;
  - (ii) a summary of all submissions, comments and advice received by the Council in respect of the proposed Outline Development Plan, and the Council's decisions or comments in relation to these;
  - (iii) the Council's recommendation to the Commission to adopt, modify or refuse the proposed Outline Development Plan; and
  - (iv) any other information the Council considers may be relevant to the Commission's consideration of the Outline Development Plan.
- (h) the Commission is to either—
  - (i) adopt the proposed Outline Development Plan with or without modifications; or
  - (ii) refuse to adopt the proposed Outline Development Plan and give reasons for its decision to the Proponent and the Council.
- (i) if within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission had not made one of the determinations referred to in sub-clause 5.5.3(h), it is deemed that the Commission has refused to adopt the proposed Outline Development Plan.
- (j) if the Commission resolves to adopt the proposed Outline Development Plan with or without modifications it is to notify the Council and the Proponent of its decision within 14 days of the date of the Commission's resolution.
- (k) if the Commission requires modifications to the proposed Outline Development Plan the Proponent is to resubmit the modified proposed Outline Development Plan for adoption by the Council and the Commission.
- (l) if the Council, in consultation with the Commission, is of the opinion that any modification to the proposed Outline Development Plan is substantial, the Council may—
  - (i) readvertise the proposed Outline Development Plan; or
  - (ii) require the Proponent to readvertise the proposed Outline Development Plan in accordance with the procedures set out in sub-clause 5.5.3(c).
- (m) notwithstanding the provisions of the Zoning Table, development and land use shall generally be in accordance with the adopted Outline Development Plan.
- (n) the Council may, with the approval of the Commission, approve a minor change to or departure from an Outline development Plan if in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan. Any other change or departure to an Outline Development Plan is to follow the procedures set out in this clause.
- (o) in respect of an Outline Development Plan prepared under this clause, the Proponent if dissatisfied with—
  - (i) a determination or decision made by the Commission or the Council; or
  - (ii) a requirement imposed by or modification sought by the Commissionmay appeal, in accordance with Part V of the Act.

### **5.3 Town Centre Zone**

#### **5.3.1 Objectives**

- (a) to ensure the established town centre remains the principal place for retail, commercial, civic, and administrative functions in the district.
- (b) to ensure development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) to provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians in and around the town centre.
- (d) to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.
- (e) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- (f) to provide for expansion of the town centre to meet future demands.

#### 5.3.2 Site Requirements

The minimum building setbacks shall be as determined by the Council in accordance with the Building Code of Australia.

#### 5.3.3 Development Requirements

- (a) development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided the Council's objectives are not compromised.
- (b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following—
  - (i) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of 3 metres to be constructed in masonry;
  - (ii) building size, height, bulk, roof pitch;
  - (iii) setback and location of the building on its lot;
  - (iv) architectural style and design details of the building;
  - (v) function of the building;
  - (vi) relationship to surrounding development; and
  - (vii) other characteristics considered by the Council to be relevant.
- (c) landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- (d) the layout of parking areas shall have regard for traffic circulation in existing parking areas and shall be integrated with any existing and adjoining parking area.

### 5.4 Tourist Zone

#### 5.4.1 Objectives

- (a) to provide for a wide range of tourist facilities and holiday accommodation.
- (b) to protect and wherever possible enhance the special characteristics which attract tourists to the District.
- (c) to ensure the town of Exmouth remains the principal place in the District for tourist services and facilities, including holiday accommodation.
- (d) to facilitate access, especially within the town, for buses and caravans including provision of suitably located stopping places.
- (e) to ensure the Council's facilities for tourists, and related services offered by the Council, are maintained at a high standard.

#### 5.4.2 Site Requirements

The minimum building setbacks shall be—

- (a) in accordance with R Code R40 for accommodation; and
- (b) at the discretion of the Council for all other elements of a proposal.

#### 5.4.3 Development Requirements

- (a) development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided the Council's objectives are not compromised.
- (b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following—
  - (i) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of 3m to be constructed in masonry;
  - (ii) building size, height, bulk, roof pitch;
  - (iii) setback and location of the building on its lot;
  - (iv) architectural style and design details of the building;
  - (v) function of the building;
  - (vi) relationship to surrounding development; and
  - (vii) other characteristics considered by the Council to be relevant.
- (c) landscaping shall be provided to complement the appearance of the proposed development.

### 5.5 Marina Zone

#### 5.5.1 Objectives

- (a) to provide for residential, tourist, commercial, and marine industrial development with waterfront access adjacent to the Exmouth small-boat harbour.
- (b) to integrate with other land uses, particularly tourist and town centre related, to benefit the whole community.
- (c) to complement and not compete with the town centre for civic, cultural, and commercial uses.
- (d) to provide for marine research educational facilities to an appropriate scale and character.
- (e) to provide for visitors and pedestrian movements.
- (f) to create an attractive and viable project.



### 5.5.2 Site Requirements

The minimum building setbacks shall be—

- (a) at the discretion of the Council for non-residential development designated in the Outline Development Plan.
- (b) in accordance with the R Codes for residential development designated in the Outline Development Plan.

### 5.5.3 Development Requirements

The Council shall require preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

- (a) an Outline Development Plan shall include sufficient detail on the following—
  - (i) the area to which the Outline development applies;
  - (ii) the landform and topography of the area;
  - (iii) the vegetation and soils of the area;
  - (iv) the existing road system and hierarchy;
  - (v) the location and width of proposed roads;
  - (vi) the proposed pedestrian and cycleway network;
  - (vii) the location and size of proposed recreation and open space areas;
  - (viii) the proposed major land uses in particular civic and community uses, residential uses, commercial uses, marine industrial uses, and tourist uses;
  - (ix) the servicing arrangements including reticulated sewerage, water and drainage provision;
  - (x) the location, width, and design of proposed waterways and canals;
  - (xi) the provision of deeds of agreement for any proposed artificial waterway and canal development in accordance with Commission policy;
  - (xii) the time frame and staging of subdivision and development, and method of implementation;
  - (xiii) such other information as may be required by the Council.
- (b) in considering a proposed Outline Development Plan for a portion of land within the zone, the Council may require the proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the land in the zone, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and the arrangements for implementation.
- (c) when a Outline Development Plan has been prepared to the satisfaction of the Council, the Council shall advertise or require the Proponent to cause the Plan to be advertised for public inspection. This is to include notifying in writing, all owners of land and such public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Plan, and inviting each owner and nominated public authority to make a submission to the Council.
- (d) the advertisement and notice referred to in sub-clause 5.5.3(c) are to explain the scope and purpose of the proposed Outline Development Plan, where and when it may be inspected, and invite submissions to the Council by a specified date being at least 28 days from the date of the notice and advertisement.
- (e) the Council is to consider all submissions received and within 60 days of the latest date specified in the notice under sub-clause 5.5.3 (d) is to either—
  - (i) resolve that the proposed Outline Development Plan is satisfactory with or without modifications; or
  - (ii) refuse to adopt the proposed Outline Development Plan and give reasons for this to the Proponent.
- (f) if within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in sub-clause 5.5.3 (e), the Council is deemed to have refused to adopt the proposed Outline Development Plan.
- (g) within 21 days of making its determination under sub-clause 5.5.3(e), or deemed refusal under sub-clause 5.5.3 (f), the Council is to forward to the Commission—
  - (i) a copy of the proposed Outline Development Plan;
  - (ii) a summary of all submissions, comments and advice received by the Council in respect of the proposed Outline Development Plan, and the Council's decision's or comments in relation to these;
  - (iii) the Council's recommendation to the Commission to adopt, modify or refuse the proposed Outline Development Plan; and
  - (iv) any other information the Council considers may be relevant to the Commission's consideration of the Outline Development Plan.
- (h) the Commission is to either—
  - (i) adopt the proposed Outline Development Plan with or without modifications; or
  - (ii) refuse to adopt the proposed Outline Development Plan and give reasons for its decision to the Proponent and the Council.

- (i) if within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission had not made one of the determinations referred to in sub-clause 5.5.3(h), it is deemed that the Commission has refused to adopt the proposed Outline Development Plan.
- (j) if the Commission resolves to adopt the proposed Outline Development Plan with or without modifications it is to notify the Council and the Proponent of its decision within 14 days of the date of the Commission's resolution.
- (k) if the Commission requires modifications to the proposed Outline Development Plan the Proponent is to resubmit the modified proposed Outline Development Plan for adoption by the Council and the Commission.
- (l) if the Council, in consultation with the Commission, is of the opinion that any modification to the proposed Outline Development Plan is substantial, the Council may—
  - (i) readvertise the proposed Outline Development Plan; or
  - (ii) require the Proponent to readvertise the proposed Outline Development Plan in accordance with the procedures set out in sub-clause 5.5.3(c).
- (m) notwithstanding the provisions of the Zoning Table, development and land use shall generally be in accordance with the adopted Outline Development Plan.
- (n) the Council may, with the approval of the Commission, approve a minor change to or departure from an Outline development Plan if in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan. Any other change or departure to an Outline Development Plan is to follow the procedures set out in this clause.
- (o) in respect of an Outline Development Plan prepared under this clause, the Proponent if dissatisfied with—
  - (i) a determination or decision made by the Commission or the Council; or
  - (ii) a requirement imposed by or modification sought by the Commissionmay appeal, in accordance with Part V of the Act.

## **5.6 Mixed Use Zone**

### **5.6.1 Objectives**

- (a) to provide for a mix of land uses including light and service industries, some commercial (excluding a shop), and some residential.
- (b) to achieve and maintain a high standard of presentation to all streets, and particularly to Murat Road.
- (c) to ensure light industrial uses are located so as to avoid land use conflicts with other uses.

### **5.6.2 Site Requirements**

- (a) it is the Council's intention the minimum lot size should be 1200 square metres to provide for building envelope, effluent disposal (where necessary), landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.
- (b) the minimum building setbacks shall be—
  - (i) in accordance with R Code R10 for residential development.
  - (ii) for non-residential development the front setback shall be 7.5 metres; and the rear and side setbacks shall be as determined by the Council in accordance with the Building Code of Australia.

### **5.6.3 Development Requirements**

- (a) development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided the Council's objectives are not compromised.
- (b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the provisions of the Scheme and the following—
  - (i) building size, height, bulk, roof pitch;
  - (ii) setback and location of the building on its lot;
  - (iii) function of the building;
  - (iv) relationship to surrounding development; and
  - (v) other characteristics considered by the Council to be relevant.
- (c) landscaping shall be provided to complement the appearance of the proposed development and the streetscape.

## **5.7 Light Industrial Zone**

### **5.7.1 Objectives**

- (a) to provide for the needs of light and service industries, and showroom uses to support the community.
- (b) to achieve and maintain a high standard of presentation to Murat Road.
- (c) to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid land use conflicts.

#### 5.7.2 Site Requirements

- (a) it is the Council's intention the minimum lot size should be 1500 square metres to provide for building envelope, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.
- (b) the minimum building setbacks shall be—
  - Front : 7.5m
  - Rear : as determined by the Council in accordance with the
  - Side : Building Code of Australia.

#### 5.7.3 Development Requirements

The first 2.5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

### 5.8 Industrial Zone

#### 5.8.1 Objectives

- (a) to provide for the needs of light and general industry to support the community.
- (b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) to provide appropriate landscaped buffers along Murat Road to the industrial area.
- (d) to avoid non-industry related uses establishing in the industrial area.

#### 5.8.2 Strategic Industrial Area

- (a) Lyndon Location 221 is hereby designated as a "strategic industrial area". The strategic industrial area is to be developed progressively for increased resource development such as limestone quarrying, oil and gas, fin/shellfish processing, and energy generation as well as to accommodate relocation of existing industrial uses from the Exmouth townsite which generate nuisance (noise, dust, vibration, and fumes/smoke) and/or which need a larger area of land.
- (b) without prejudicing the provisions of the Zoning Table uses in the strategic industrial area may include—
  - (i) gas-fired power station;
  - (ii) heavy transport depot;
  - (iii) concrete batching plant;
  - (iv) off-shore facilities for the hydrocarbon industry (pipes etc);
  - (v) fish processing and handling;
  - (vi) warehousing;
  - (vii) limestone related industries; and
  - (viii) such other industries which in the opinion of the Council cannot reasonably be located in the Exmouth townsite due, for example, to such matters as the area of land required, or separation from other uses required to satisfy Environmental Protection Authority guidelines.
- (c) notwithstanding anything contained in the Scheme "caretaker's dwelling" shall not be permitted on any land in the strategic industrial area.
- (d) development of Lot 51 Lyndon Location 221 shall be subject to preparation of a Structure Plan based on water sensitive criteria for a karst environment, to minimise water requirements, and which will address—
  - (i) the scale and type of development;
  - (ii) buffer requirements; and
  - (iii) infrastructure requirements and provision
- (e) when determining an application for planning approval in the strategic industrial area the Council, having regard for any environmental management plans which apply to the land, may impose conditions relating to the continuing environmental management of the land, and may consult with the Environmental Protection Authority for advice on the terms of such conditions.

#### 5.8.3 Site Requirements

- (a) it is the Council's intention the minimum lot size should be 2500 square metres to provide for building envelope, on-site effluent disposal, landscaping, and manoeuvring area for all vehicles to enter and leave the lot in a forward gear.
- (b) the minimum building setbacks shall be—
  - Front : 7.5m
  - Rear : as determined by the Council in accordance with the
  - Side : Building Code of Australia

#### 5.8.4 Development Requirements

- (a) the first 2.5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

- (b) prior to the issue of planning approval for an industry in the Industrial zone the Council shall—
- (i) have regard to buffer distance guidelines between the proposed industry and properties surrounding the zone;
  - (ii) consider imposing conditions to control industrial liquid, solid, or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Environmental Protection.
  - (iii) where a proposed industry would generate industrial liquid, solid, or gaseous wastes the granting of planning approval shall be subject to such wastes being treated and disposed of in accordance with Department of Environmental Protection advice/guidelines.

## 5.9 Special Rural Zones

### 5.9.1 Objectives

- (a) to allow for subdivision to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (c) having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the Council in providing services away from the town of Exmouth, the Council will generally favour Special Rural zones be located close to the town of Exmouth and then only where the environmental impacts are manageable.

### 5.9.2 Site Requirements

The minimum building setbacks shall be—

- Front : 20.0m
- Rear : 10.0m
- Side : 10.0m

### 5.9.3 General Provisions

- (a) the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include—
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
  - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land capability and suitability assessment to the satisfaction of the Council and in accordance with the Commission's Policy and guidelines.
- (b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing, amongst other things—
  - (i) the proposed subdivision including lot sizes and dimensions.
  - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
  - (iii) those physical features it is intended to conserve.
- (c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify—
  - (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
  - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
  - (iii) any special provisions appropriate to secure the objectives of the zone.
- (d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 6 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission.

### 5.9.4 Development Requirements

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

- (a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of the Scheme.
- (b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- (c) all trees shall be retained unless their removal is authorised by the Council.

- (d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a special rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.
- (f) the Council may require provision to be made for bush fire control in accordance with a Planning Policy adopted by the Council.

#### 5.9.5 Development Standards

So as to achieve a high standard of development within a Special Rural zone, and to minimise the visual impacts of development the Council will have regard to the following—

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the Council to be relevant.

### 5.10 Pastoral Zones

#### 5.10.1 Objectives

- (a) to support the continuation of the pastoral industry in the District.
- (b) to protect the pastoral industry from landuse conflicts by location of high intensity uses.
- (c) to allow for diversification of uses as may be endorsed by the Pastoral Board.

#### 5.10.2 Site Requirements

The minimum building setbacks shall be—

Front	: 20.0m
Rear	: 20.0m
Side	: 10.0m

## PART 6—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

### 6.1 Purpose and Intent

The purpose and intent of the heritage provisions are—

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

### 6.2 Heritage List

6.2.1 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.

6.2.2 For the purposes of this Part, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990*, or such parts thereof as described in the Heritage List.

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

### 6.3 Designation of Heritage Precincts

6.3.1 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.

6.3.2 The Council shall adopt for each Heritage Precinct a planning policy which shall comprise—

- (a) a map showing the boundaries of the precinct;
- (b) a list of any buildings, objects, structures or places of heritage significance; and
- (c) objectives and guidelines for the conservation of the precinct.

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

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

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



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

6.3.5 The Council may modify or may cancel a Heritage Precinct by following the procedure set out in sub-clause 6.3.4.

#### **6.4 Applications for Planning Approval**

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

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

6.4.3 Notwithstanding any existing assessment on record, the 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.

#### **6.5 Formalities of Application**

6.5.1 In addition to the application formalities prescribed in clause 6.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning 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—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### **6.6 Variations to Scheme Provisions**

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to sub-clause 8.3.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

6.6.2 In granting variations under sub-clause 6.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

### **PART 7—NON-CONFORMING USES**

#### **7.1 Non-conforming Use Rights**

No provision of the Scheme shall prevent—

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

#### **7.2 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 approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

**7.3 Change of Non-conforming Use**

Notwithstanding anything contained in the Zoning Table the Council may grant its planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of 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.

**7.4 Discontinuance of Non-conforming Use**

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

7.4.2 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 occupier of that property, and may enter into an agreement with the owner for that purpose.

**7.5 Destruction of Buildings**

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% 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 building shall not be repaired, 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 8—PLANNING APPROVAL****8.1 Development of Land**

8.1.1 Subject to sub-clause 8.1.2 a person shall not commence or carry out development of any land zoned under the Scheme without first having applied for and obtained the planning approval of the Council under the Scheme.

8.1.2 The planning approval of the Council is not required for the following development of land—

- (a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (b) the erection on a lot of a single house, including ancillary outbuildings in a zone where the use is a permitted (“P”) use in the zone in which that land is situated except as otherwise provided by the Scheme;
- (c) the use of land which is a permitted (“P”) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works;
- (d) the erection of a boundary fence except as otherwise required by the Scheme.
- (e) 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;
- (f) 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; or
- (g) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

**8.2 Application for Planning Approval**

Every application for planning approval shall be made in the form prescribed in Schedule 7 and shall be accompanied by such plans and other information as is required by the Scheme.

8.2.1 Unless the Council waives any particular requirement every application for planning approval shall be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
  - (i) street names, lot number(s), north point and the dimensions of the site;
  - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (iv) the location, number, dimensions, and layout of all car parking spaces intended to be provided;
  - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain.
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

### **8.3 Advertising of Applications**

8.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of clause 8.3.3.

8.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 8.3.3.

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

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within 21 days from the publication thereof;
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.

8.3.4 The Notice referred to in sub-clause 8.3.3 paragraphs (a) and (b) shall be in the form contained in Schedule 9 with such modifications as circumstances require.

8.3.5 After expiration of 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.

### **8.4 Consultations with Other Authorities**

8.4.1 In determining any application for planning approval the Council may consult with any other statutory, public, or planning authority and with any other party it considers appropriate.

8.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

### **8.5 Matters to be Considered by the Council**

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

- (a) the provisions of the Scheme and any other relevant town planning scheme operating within the District;
- (b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any relevant policy of the Commission or any relevant planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy, or plan adopted by the Council under the provisions of clause 9.6 of the Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of the locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objectives received on the application.

### **8.6 Determination of Applications**

8.6.1 In determining any application for planning approval the Council may—

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

8.6.2 The Council shall convey its decision to the applicant in the form prescribed in Schedule 10.

8.6.3 Where the Council grants planning approval, that approval—

- (a) continues in force for 2 years, or such other period as specified in the approval, after the date on which the application is approved; and
- (b) lapses if the development has not substantially commenced before the expiration of that period.

8.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

### **8.7 Deemed Refusal**

8.7.1 Subject to sub-clause 8.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.7.2 An application for planning approval which is subject of a notice under sub-clause 8.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the



Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

8.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses 8.7.1 or 8.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those sub-clauses, and that decision shall be regarded as being valid.

#### **8.8 Approval of Existing Developments**

8.8.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the Council's approval prior to the commencement of development.

8.8.2 The application to the Council for approval under sub-clause 8.8.1 shall be made on the form prescribed in Schedule 7.

8.8.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.

8.8.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

### **PART 9—ADMINISTRATION**

#### **9.1 Additional Powers of the Council**

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

- (a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) the Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act.
- (c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- (d) 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 served.
- (e) the Council may require a proponent for planning approval to pay the costs of the advertising of the proposal under clause 8.3 of the Scheme.

#### **9.2 Offences**

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

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all planning approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any planning approval required by the Scheme have been and continue to be complied with; and
- (d) 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.

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

#### **9.3 Notice for Removal of Certain Buildings**

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

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

#### **9.4 Compensation**

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

#### **9.5 Rights of Appeal**

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 the rules and regulations made pursuant to the Act.

#### **9.6 Planning Policies**

9.6.1 The Council may prepare a planning policy (hereinafter called "a Policy") which may make provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply—

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area.

9.6.2 A Policy shall become operative only after the following procedures have been completed—

- (a) the Council having prepared and adopted a draft Policy shall publish a notice once a week for 2 consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) the Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

9.6.3 The Council shall keep a copy of any Policy with the Scheme documents for public inspection during normal office hours.

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.

9.6.5 A Policy may be rescinded by—

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

9.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

9.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

## 9.7 Delegation

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate any power conferred or duly imposed on the Council under the Scheme.

9.7.2 A delegation of authority under sub-clause 9.7.1 shall be made pursuant to the provisions of the *Local Government Act 1995*.

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## SCHEDULE 1 DEFINITIONS

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

Act: means the *Town Planning and Development Act, 1928*.

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

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

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

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

aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act 1905* and the *Fisheries Regulations 1938* is required.

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

bed and breakfast: means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.

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

Building Code of Australia: means the *Building Code of Australia 1988*.

building envelope: means an area of land within a lot marked on a plan approved by the Council within which all buildings and effluent disposal facilities on the lot must be contained.

camping area: means land used for the lodging of persons in tents.

caravan park: shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

- 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.
- civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.
- civic use: means any land or buildings used by a public authority or the Council, for administrative, recreational or other purpose.
- club premises: means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- commercial vehicle: means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the *Vehicle Sales Regulations 1976*, a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
- 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.
- consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- contractor's yard: means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- convenience store: means any land and/or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens, and newsagents but including the sale of petrol and operated during hours which include but may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 square metres nett lettable area.
- cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- curtilage: in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.
- development: shall have the same meaning given to it in and for the purposes of the Act 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.
- district: means the Municipal District of the Shire of Exmouth.
- dog kennels: means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- education establishment: means a school or other educational centre, but does not include a reformatory.
- fish shop: means building where wet fish and similar foods are displayed and offered for sale.
- fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
- gazetted date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.
- harbour installations: means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships.
- heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

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

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

holiday accommodation: means any land or buildings used for accommodation and recreation for holiday purposes but does not include a hotel or a motel.

home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that—

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20m<sup>2</sup>;
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

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

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

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods,

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

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

industry—cottage: means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which in the opinion of the Council—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- (c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area greater than 50m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry—extractive: means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

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

industry—hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a



- significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.
- industry—light: means an industry—
- in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and
  - 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, electricity, sewerage facilities, or any other like services.
- industry—noxious: means an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Act 1986*.
- 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 any land or buildings having a retail shop front and used as a depot for receiving goods to be serviced.
- intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following—
- the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
  - the establishment and operation of plant and fruit nurseries;
  - the development of land for irrigated fodder production and irrigated pasture (including turf farms);
  - the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;
  - dairy milking sheds;
  - the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by Agriculture WA in consultation with surrounding farmers for the applicable pasture type;
  - aquaculture.
- kindergarten: means any land or buildings used as a school for young children.
- land: shall have the same meaning given to it in and for the purpose of the Act.
- local shop: means a building or part of a building wherein the only goods offered for sales are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.
- lodging house: shall have the same meaning as is given to the term in and for the purposes of the *Health Act, 1911*.
- lot: shall have the same meaning given to it in and for the purposes of the Act and “allotment” has the same meaning.
- marina: means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.
- marine filling station: means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.
- market: means any land or buildings used for a fair, a farmer’s or producers’ market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall-holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
- medical centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
- motel: means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.
- motor vehicle and marine sales: means any land or buildings used for the display and sale or hire 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 repair: means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.
- nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas—
- all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;

- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

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

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

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

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

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

park home: shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

park home park: shall have the same meaning as given to the term in and for the purposes of the *Caravan Parks and Camping Grounds Regulations 1996*.

piggery: shall have the same meaning given to it in and for the purposes of the *Health Act 1911*.

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 in the bed of any watercourse or lake;
- (b) any works or buildings situated there, their contents relevant to the purpose of the 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.

plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and microbiological constituents do not exceed the guideline values set out in the National Health and Medical Research Council publication Australian Drinking Water Guidelines 1996.

poultry farm: means any land or 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*.

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

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

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

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

public recreation: means land used for a public park, public gardens, 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.

resort: means any land or buildings used for the overnight or holiday accommodation of patrons in self contained units or apartments and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, and may also include restaurants, shops, and amusement facilities.

restaurant: means any land or building wherein the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and the expression shall include a licensed restaurant.

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

- (a) publications that are classified as restricted publications pursuant to the *Indecent Publications and Articles Act 1902*; 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 pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) the rearing or agistment of goats, sheep, cattle or beasts of burden;
  - (b) the stabling, agistment or training of horses;
  - (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
  - (d) the sale of produce grown solely on the lot;
- but does not include intensive agriculture.

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

schedule: means a schedule to the Scheme.

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

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, take-away food outlet or any other use specifically defined elsewhere in the Scheme.

showroom: means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware, or goods of a bulky nature.

special facility: means a facility established for purposes in Section 46(5) of the *Liquor Licensing Act, 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a special facility licence within the meaning of the *Liquor Licensing Act, 1988*.

stable: means any land, building, or structure used for the housing, keeping, and feeding of horses, assess, and mules and associated incidental activities.

stock yards: means any land, building, or other structure used for holding and/or sale of animal stock.

storage yard: means any land or buildings used for the storage of goods, equipment, plant, or materials related to a particular trade.

substantial commencement: means that work or development the subject of the planning approval has been begun by the performance of some substantial part of that work or development.

take-away food outlet: means any land or buildings used primarily for the preparation, sale, and serving of food to customers in a form ready to be eaten without further preparation.

tavern: means any land or buildings wherein the primary use is the consumption of beverages and may include a restaurant or facilities for entertainment and to which a license may have been granted under the provisions of the *Liquor Licensing Act, 1988*.

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

transport depot: means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.

veterinary hospital: means any land or buildings used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

warehouse: means any land or buildings wherein goods are stored and may be offered for sale by wholesale.

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

wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods.

worship—place of: means any land or buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include a reserve.

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 2  
ADDITIONAL USES

No	PARTICULARS OF LAND	ADDITIONAL USE	CONDITIONS
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SCHEDULE 3  
SPECIAL USE ZONES

No	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
1	Lyndon Locations 100, 101, 112, and 220 Murat Road adjacent to Kailis Road	Fish processing, fish shop, cafe, caravan park, residential, aquaculture.	
2	Lyndon Locations 66, 96, and 99 Murat Road Learmonth	Fish processing, residential, aquaculture.	

SCHEDULE 4  
PARKING REQUIREMENTS

USE	NUMBER OF PARKING SPACES
1 SHOP	Six (6) spaces for every 100 square metres of Nett Lettable Area (NLA). Notes— (i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays will be clearly marked "DISABLED DRIVER ONLY".
2 HOTEL, MOTEL, TAVERN, CLUB, PRIVATE HOTEL, LODGING HOUSE, RESTAURANT, NIGHTCLUB, PLACE OF PUBLIC ASSEMBLY	Where applicable to the particular use— Thirty-four (34) spaces for every 100 square metres of drinking area other than public lounge drinking areas; One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area or part thereof, whichever produces the greater number of parking spaces; One (1) space for every bedroom; One (1) space for every six (6) seats provided or capable of being provided in assembly areas, or twenty-two (22) spaces for every 100 square metres of assembly area, whichever produces the greater number of car parking spaces; Twenty-two (22) spaces for every 100 square metres of beer garden or outdoor drinking area.
3 OFFICE	Five (5) spaces for every 100 square metres of NLA.
4 CONSULTING ROOMS	Four (4) spaces for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.
5 HEALTH STUDIO	Five (5) spaces for every 100 square metres of NLA.
6 SQUASH CENTRE	Four (4) spaces for every court.
7 WAREHOUSE, SHOWROOM, INDUSTRY, WITH THE EXCEPTION OF A FACTORY UNIT BUILDING	Three (3) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.



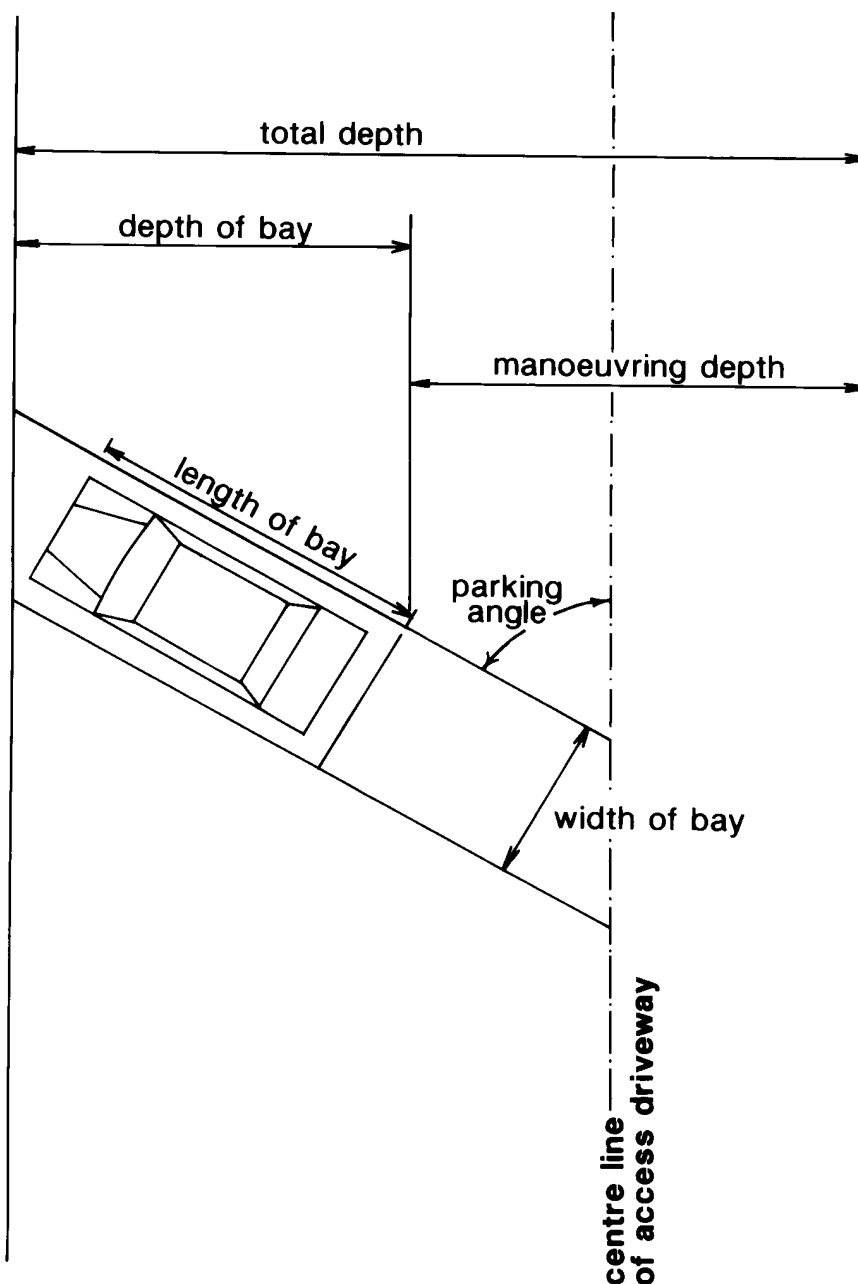
SCHEDULE 4—*continued*  
PARKING REQUIREMENTS—*continued*

USE	NUMBER OF PARKING SPACES
8 FACTORY UNIT BUILDING	As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.
9 VETERINARY HOSPITAL, CLINIC, OR SURGERY	Four (4) spaces for every 100 square metres of NLA.
10 PLANT NURSERY	A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.
11 DWELLING	As set out in the Residential Planning Codes.

MINIMUM DIMENSIONS OF PARKING SPACES

Parking Angle	Width of Bay (Metres)	Length of Bay (Metres)	Depth of Bay (Metres)	Minimum Manoeuvring (Metres)	Total (Metres)
ONE WAY ACCESS					
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	5.9	11.3
	2.7	5.4	5.4	5.8	11.2
75°	2.4	5.4	5.9	5.4	11.3
	2.6	5.4	5.9	5.3	11.2
	2.7	5.4	6.0	4.8	10.8
60°	2.4	5.4	5.9	5.2	11.1
	2.6	5.4	6.0	5.0	11.0
	2.7	5.4	6.0	4.8	10.8
45°	2.4	5.4	5.9	4.0	9.9
	2.6	5.4	6.0	3.6	9.6
	2.7	5.4	6.0	3.3	9.3
30°	2.4	5.4	4.8	3.3	8.1
	2.6	5.4	4.8	3.3	8.1
	2.7	5.4	4.8	3.3	8.1
0° (Parallel Parking)	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
	3.0	6.7	3.0	3.0	6.0
TWO WAY ACCESS					
90°	2.4	5.4	5.4	6.0	11.4
	2.6	5.4	5.4	6.0	11.4
	2.7	5.4	5.4	6.0	11.4
75°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	11.9
	2.7	5.4	6.0	6.0	12.0
60°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
45°	2.4	5.4	5.9	6.0	11.9
	2.6	5.4	6.0	6.0	12.0
	2.7	5.4	6.0	6.0	12.0
30°	2.4	5.4	4.4	6.0	10.4
	2.6	5.4	4.4	6.0	10.4
	2.7	5.4	4.4	6.0	10.4
0° (Parallel Parking)	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0
	3.0	6.7	3.0	6.0	9.0

## LAYOUT OF PARKING BAYS



SCHEDULE 5  
EXEMPTED ADVERTISEMENTS

LANDUSE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>

SCHEDULE 5—*continued*  
EXEMPTED ADVERTISEMENTS—*continued*

LANDUSE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.  A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements shall not exceed 15m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and  b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a local government; and  c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable  Not Applicable  Not Applicable
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable

SCHEDULE 5—*continued*  
EXEMPTED ADVERTISEMENTS—*continued*

LANDUSE AND/OR DEVELOPMENT	EXEMPTED SIGN (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
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 <sup>2</sup>
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated. Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
 Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—		
a) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
b) Multiple dwellings, shops, commercial and industrial properties	One sign as for a) above.	5m <sup>2</sup>
c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One sign as for a) above.  One additional sign showing the name of the project builder.	10m <sup>2</sup>  5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding three (3) months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
 Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—		
a) Dwellings	One sign per street frontage for each property relating to the sale, 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 <sup>2</sup>
b) Multiple dwellings, shops, commercial and industrial properties	One sign as for a) above.	Each sign shall not exceed an area of 5m <sup>2</sup>

SCHEDULE 5—*continued*  
EXEMPTED ADVERTISEMENTS—*continued*

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated. Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign as for a) above	Each sign shall not exceed an area of 10m <sup>2</sup>
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	a) One sign for each dwelling on display.  b) In addition to a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m <sup>2</sup>  5m <sup>2</sup>

SCHEDULE 6  
SPECIAL RURAL ZONES

PARTICULARS OF LAND	REQUIREMENTS
Lots 1365-1385, and 1387 Preston Street and Heron Way, Exmouth	<ol style="list-style-type: none"> <li>1 Reticulated public water supply shall be provided to all lots of less than two hectares as a condition of subdivision.</li> <li>2 Subdivision shall be generally in accordance with a subdivision guide plan for the land approved by the Commission and adopted by the Council.</li> <li>3 In order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the owner to plant such trees and/or group of trees as specified by the Council.</li> <li>4 Having regard to land capability the numbers of livestock on any lot shall not exceed standards of good animal husbandry to the satisfaction of the Council with advice from Agriculture WA.</li> </ol>

SCHEDULE 7  
SHIRE OF EXMOUTH  
TOWN PLANNING SCHEME NO. 3  
APPLICATION FOR PLANNING APPROVAL

- 1 SURNAME OF APPLICANT .....  
GIVEN NAMES .....  
ADDRESS .....
- 2 SURNAME OF LANDOWNER (if different from above) .....  
GIVEN NAMES .....
- 3 SUBMITTED BY .....
- 4 ADDRESS FOR CORRESPONDENCE .....  
.....

5 LOCALITY OF DEVELOPMENT .....

6 TITLE DETAILS OF LAND .....

7 NAME OF ROAD SERVING PROPERTY .....

8 STATE TYPE OF DEVELOPMENT, NATURE AND SIZE OF ALL BUILDING PROPOSED  
.....  
.....  
.....

GENERAL TREATMENT OF OPEN PORTION OF THE SITE.....  
.....

DETAILS OF CAR PARKING AND LANDSCAPING PROPOSALS .....

APPROXIMATE COST OF PROPOSED DEVELOPMENT .....

ESTIMATED TIME FOR COMPLETION .....

.....

SIGNATURE OF OWNER ..... SIGNATURE OF APPLICANT OR AGENT  
(Both signatures are required if applicant is not the owner)

.....

DATE ..... DATE .....

## NOTE—

This form should be completed and forwarded to the Council together with two 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 8  
ADDITIONAL INFORMATION FOR ADVERTISEMENTS  
(to be completed in addition to  
Application for Planning Approval)

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

2 Address in full: .....

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

4 Details of Proposed Sign—  
Height: ..... Width: ..... Depth: .....  
Colours to be used: .....  
Height above ground level—  
To top of Advertisement: .....  
To underside of Advertisement: .....  
Materials to be used: .....  
Illuminated: Yes/No  
If yes, state whether steady, moving, flashing, alternating, digital, animated, or scintillating, etc: .....  
If yes, state intensity of light source: .....

5 State period of time for which advertisement is required:.....

6 Details of signs, if any, to be removed if this application is approved:.....  
.....  
.....

NB Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.  
Signature of Advertiser(s): .....  
(if different from landowners)  
Date: .....

SCHEDULE 9  
SHIRE OF EXMOUTH  
TOWN PLANNING SCHEME NO. 3  
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 NO. .... 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 .....

CHIEF EXECUTIVE OFFICER

DATE

SCHEDULE 10  
SHIRE OF EXMOUTH  
TOWN PLANNING SCHEME NO. 3  
DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application.

Dated .....

Submitted by .....

On behalf of .....

hereby advises that it has decided to—

REFUSE/GRANT PLANNING APPROVAL

subject to the conditions/for the following reasons—

CHIEF EXECUTIVE OFFICER

DATE .....

NOTE: Should the owner be aggrieved by this decision a right of appeal may exist under the provisions of the Scheme.

ADOPTION

Adopted by Resolution of the Council of the Shire of Exmouth at the meeting of the Council held on the 21st day of August 1997.

M. S. PURSLOW, President.  
K. J. GRAHAM, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Exmouth at the meeting of the Council held on the 15th day of July 1999 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

M. S. PURSLOW, President.  
K. J. GRAHAM, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2. Recommended/Submitted for Final Approval—

WAYNE ZIMMERMANN, for Chairperson of the Western Australian Planning Commission.  
Date: 9 August 1999.

3. Final Approval Granted—

G. KIERATH, Hon Minister for Planning.

Date: 21 August 1999.

**PD702\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME**  
*SHIRE OF DOWERIN*  
**TOWN PLANNING SCHEME No. 1**

Ref: 853/4/11/2.

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 Dowerin Town Planning Scheme No. 1 on 16 August, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

N. HENNING, President.  
D. SIMMS, Chief Executive Officer.

Schedule  
**SHIRE OF DOWERIN**  
**TOWN PLANNING SCHEME No. 1**

The Dowerin 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.

**CONTENTS**

**PART I—PRELIMINARY**

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Scheme Objectives
- 1.7 Interpretation

**PART II—RESERVES**

- 2.1 Scheme Reserves
- 2.2 Matters to be considered by Council
- 2.3 Objectives

**PART III—ZONES**

- 3.1 Classification
- 3.2 Zoning Table
- 3.3 Additional Uses
- 3.4 Special Use Zones
- 3.5 Zone Objectives and Policies

**PART IV—GENERAL DEVELOPMENT REQUIREMENTS**

- 4.1 Residential Planning Codes
- 4.2 Site and Development Requirements
- 4.3 Development Table
- 4.4 Discretion to Modify Development Standards

**PART V—SPECIAL CONTROLS**

- 5.1 Heritage—Precincts and Places of Cultural Significance
- 5.2 Control of Advertisements

**PART VI—USE AND DEVELOPMENT OF LAND**

- 6.1 Requirement for Planning Approval
- 6.2 Application for Planning Approval
- 6.3 Advertising of Applications
- 6.4 Consultations with Other Authorities
- 6.5 Matters to be Considered by Council
- 6.6 Determination of Applications
- 6.7 Deemed Refusal
- 6.8 Approval Subject to Later Approval of Details
- 6.9 Approval of Existing Developments



**PART VII—NON-CONFORMING USES**

- 7.1 Non-Conforming Use Rights
- 7.2 Extension of Non-Conforming Use
- 7.3 Change of Non-Conforming Use
- 7.4 Discontinuance of Non-Conforming Use
- 7.5 Destruction of Buildings

**PART VIII—ADMINISTRATION**

- 8.1 Powers of the Scheme
- 8.2 Offences
- 8.3 Compensation
- 8.4 Election to Purchase and Valuation
- 8.5 Rights of Appeal
- 8.6 Planning Policies
- 8.7 Delegation
- 8.8 Amendment to the Scheme
- 8.9 Notice for Removal of Certain Buildings

**APPENDICES**

- 1. Interpretations
- 2. Additional Uses Schedule
- 3. Special Use Zone Schedule
- 4. Application for Planning Approval
- 5. Notice of Public Advertisement of Planning Proposal
- 6. Notice of Decision on Application for Planning Approval
- 7. Additional Information Sheet for Advertisement Approval

**PART I—PRELIMINARY****1.1 Citation**

This Town Planning Scheme may be cited as the Shire of Dowerin Town Planning Scheme No 1 (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 Dowerin (hereinafter called the Council).

**1.3 Scheme Area**

The Scheme applies to the whole of the municipal district of the Shire of Dowerin.

**1.4 Contents of Scheme**

The Scheme comprises:

- (a) This Scheme Text.
- (b) The Scheme Map (Sheets 1-8).

**1.5 Arrangement of Scheme Text**

The Scheme Text is divided into the following parts:

- Part I—Preliminary
- Part II—Reserves
- Part III—Zones
- Part IV—General Development Requirements
- Part V—Special Controls
- Part VI—Use and Development of Land
- Part VII—Non-conforming Uses
- Part VIII—Administration

**1.6 Scheme Objectives**

The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard the health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area.

**1.7 Interpretation**

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

1.7.2 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.

1.7.3 Words and expressions used in the Scheme but not defined in Appendix 1, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

## PART II—RESERVES

### 2.1 Scheme Reserves

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

- a) Recreation
- b) Public Purposes
- c) Conservation
- d) Railway Purpose
- e) Road

### 2.2 Matters to be Considered by Council

Where an Application for Planning Approval is made with respect to land within a Local Reserve, the Council shall have regard to:

- a) the objectives outlined below; and
- b) the ultimate purpose of the reserve,

and the Council shall, in the case of land reserved for the purpose of a public authority, confer with that authority before granting its consent.

### 2.3 Objectives

2.3.1 The objectives for land shown as Recreation on the Scheme map are:

- a) to secure and reserve land for public access and recreation;
- b) to maintain public recreation areas for the use of sporting and recreation bodies;
- c) to preserve areas of natural vegetation worthy of preserving, where it does not conflict with the recreation purpose;
- d) to provide visual or noise buffer areas between incompatible uses.

2.3.2 The objectives for land shown as public purposes on the Scheme Map are:

- a) to protect areas already set aside as Crown Reserves; and
- b) to enable Council to control development in Reserves.

2.3.3 The objective for land shown as conservation are:

- a) to conserve remnant vegetation; and
- b) to conserve particular landscape features of importance.

2.3.4 The objective for land shown for railway purpose is to reserve land for such purpose.

2.3.5 The objective of land shown for road is to:

- a) primarily provide land for the carriage of vehicles; and
- b) preserve areas of vegetation identified by Council as being worthy of preservation.

## PART III—ZONES

### 3.1 Classification

3.1.1 There are hereby created the zones set out hereunder :

- (i) Residential
- (ii) Commercial
- (iii) Light Industrial
- (iv) General Industrial
- (v) Rural Residential
- (vi) Rural Townsite
- (vii) Rural

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

### 3.2 Zoning Table

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted by the Scheme.
- 'AA' means that the use is not permitted unless the Council has granted planning approval.
- 'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- 'X' means a use that is not permitted by the Scheme.

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

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

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

- determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval; or
- determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

**TABLE No.1**  
ZONING TABLE

	Residential	Commercial	Light Industry	General Industrial	Rural Townsite	Rural	Rural Residential
Abattoir						SA	
Amusement Facility/Parlour		AA	AA		AA		
Amenity Building		AA	AA	AA			
Ancillary Accommodation	AA				AA	AA	AA
Builders Storage Yard		AA	P			AA	SA
Camping Area						AA	AA
Caravan Park						AA	AA
Caretakers Dwelling		IP	IP	IP		AA	
Civic Use	AA	AA	AA	AA	AA	AA	AA
Club Premises		AA			SA	SA	SA
Consulting Rooms	AA	AA			AA	AA	AA
Day Care Centre	AA	AA				AA	AA
Farm Supply Centre		AA	AA	IP			
Fast Food Outlets		P					
Fuel Depot		AA				AA	
Garden Centre		P			AA	AA	AA
Home Occupation	AA				AA	AA	AA
Hotel		AA					
Industry —Cottage	AA				AA	AA	AA
—Extractive						AA	
—Light		AA	P	AA	SA	AA	SA
—General				P			
—Noxious						SA	
—Rural			AA	AA	AA	AA	AA
—Service		AA	P	P		AA	AA
Intensive Agriculture						AA	SA
Intensive Stock Rearing						AA	SA
Kennels/Cattery					AA	AA	AA
Medical Centre	AA	AA					
Motor Vehicle, Marine & Ag Machinery Sales		P	P	IP			
Motor Vehicle Repair Station		AA	P	AA			
Motor Vehicle Wrecking			SA	AA			
Office		P	IP	IP	IP	IP	IP
Piggeries						SA	
Place of Public Worship	SA	AA			AA		
Place of Public Assembly		SA					
Public Utility	P	P	P	P	P	P	P
Rabbit Farm						SA	SA
Residential —Single House	P	AA			P	P	P
—Group Dwellings	AA	SA			AA	AA	
Residential Building	AA	AA					
Restaurant/Café	SA	P				AA	SA
Rural Pursuit					AA	P	P
Service Station		SA	AA				
Shop	SA	P			AA	AA	SA
Showrooms		P	AA	IP			
Stables					AA	P	AA
Trade Display		AA	IP	IP		AA	
Warehouse & Storage		AA	AA	IP		AA	

### 3.3 Additional Uses

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

### 3.4 Special Use Zones

No person shall use any land, or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 3 and subject to compliance with any conditions specified in the Appendix with respect to the land.

### 3.5 Zone Objectives and Policies

#### 3.5.1 Residential Zones

The objectives for the zone are to:

- (i) ensure all development in the zone is in keeping with the predominant use of the zone for residential purposes;
- (ii) nominate an area where specific development requirements are to apply;
- (iii) ensure non-residential uses shall be compatible in character, scale and operation with the predominant residential use; and
- (iv) control the scale, character and standard of development generally to maintain a high standard of development, amenity and townscape.

#### 3.5.2 Commercial Zone

The objectives for the zone are to:

- (i) ensure the standard of development compliments the amenity of the area;
- (ii) protect the zone from uses that are not compatible with the predominant use of the zone for commercial purposes; and
- (iii) ensure adequate development of parking facilities within the zone.

#### 3.5.3 Light Industrial Zone

The objects of the zone are to:

- (i) ensure development enhances the amenity of the area;
- (ii) protect the zone from uses that are not compatible with the predominant use of the zone for light industrial purposes;
- (iii) provide for a wide range of light industrial uses; and
- (iv) protect the zone from uses which may restrict the establishment and expansion of legitimate light industrial activities.

#### 3.5.4 General Industrial Zone

The objectives of the zone are to:

Provide for the carrying out of any process for and incidental to;

- (i) the winning, processing or treatment of minerals and other material;
  - (ii) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
  - (iii) the generation of electricity or the production of gas;
  - (iv) the manufacture of edible goods; or
  - (v) the recycling of 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 and material any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include;

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

The provisions of the zone are that:

- (i) the façade of all buildings to be acceptable to Council in terms of aesthetics from the Goomalling Merredin Road;
- (ii) building setbacks as per table, Clause 4.3;
- (iii) visitor parking only to be provided forward of the front building setback and the area landscaped; and
- (iv) sewage to be on-site disposal via an approved treatment process, ie Aerobic Treatment Unit (A.T.U.).

#### 3.5.5 Rural Residential Zone

The objectives of the zone are to:

- (i) provide for the development of low density residential land (min lot size 2 hectares) in a rural environment close to established urban areas where services and facilities are available;

- (ii) ensure that a reasonable level of tree planting is carried out concurrent with development to enhance the privacy of individual allotments;
- (iii) allow for the development of land uses to provide for the economic wellbeing of the area, whilst preserving the predominantly rural residential amenity of the zone;
- (iv) provide that all development within the zone is so sited and of a suitable standard to minimally intrude upon the rural landscape, and is within the capability of the land; and
- (v) provide for rural residential development in accordance with W.A.P.C. policies and guidelines.

The provisions of the zone are that:

- (i) reticulated water and power be provided;
- (ii) cladding/roofing on any and all buildings is to be non reflective with earth tone surfaces;
- (iii) building setbacks as per Table, Clause 4.3; and
- (iv) animal stock rates to be at the discretion of Council.

#### 3.5.6 Rural Townsite Zone:

The objectives of the Zone are to:

- (i) ensure rural and other uses within the townsite zone are compatible and do not detrimentally affect the amenity of the urban area;
- (ii) provide that development in this zone does not unduly restrict the future development of residential areas and not impact unduly on existing residential uses; and
- (iii) protect existing rural residential uses and facilitate closer urban development in the longer term.

#### 3.5.7 Rural Zone

The objectives of the Zone are to:

- (i) ensure all development is compatible with existing farming practises;
- (ii) provide for the preservation of remnant vegetation considered by Council to be of significance; and
- (iii) provide for such other uses that are compatible with existing uses and that are complimentary to the economic wellbeing of the agricultural community as a whole.

## PART IV—GENERAL DEVELOPMENT REQUIREMENTS

### 4.1 Residential Planning Codes

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

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

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

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

### 4.2 Site and Development Requirements

4.2.1 The Development Table sets out the site and development requirements for development in each of the proposed zones of the Scheme.

4.2.2 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces in accordance with the Development Table or as specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

4.2.3 The Council in determining applications for any development may require such development to comply generally with the standards required for development in that zone as required in the Development Table to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the intentions for the development in that zone and the objectives of the scheme.

### 4.3 Development Table

DEVELOPMENT TABLE

Zone	Min Lot Area (m²)	Min Effect Front (m)	Max Plot Ratio	Min Boundary Setbacks			Min Car Parking Spaces	Min Land-scaping (%)	Max Advert (m²)	Other Requirements
				Front (m)	Rear (m)	Sides (m)				
Commercial		5	1.5	Nil	Nil	Nil	1 per 40m2	10	10	Adequate provision to be made for vehicular access
Residential	See Residential Planning Code Standards									
Light Industrial	2000	20	0.5	10	10	3 on one side	1per 100m² gross floor area or display area	10	5	Adequate provision to be made for vehicular access
General Industrial	3000	50	0.5	20	10	10	1 per 100m² gross floor area of administration area	10	5	Adequate provision to be made for vehicular access
Rural				50m from any road frontage. 50m from any internal boundary.						
Rural Townsite	As per Residential Planning Codes (R12.5)									
Rural Residential				30m from any road frontage 10m from internal boundaries						

### 4.4 Discretion to Modify Development Standards

4.4.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- 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; and
- the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

## PART V—SPECIAL CONTROLS

### 5.1 Heritage—Precincts and Places of Cultural Significance

#### 5.1.1 Purpose and Intent

5.1.1.1 The purpose and intent of the heritage provisions are:

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

#### 5.1.2 Heritage List

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

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

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

#### 5.1.3 Designation of Heritage Precincts

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

5.1.3.2 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 places of heritage significance; and
- objectives and guidelines for the conservation of the precinct.

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



5.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows:

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

5.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.

#### 5.1.4 Applications for Planning Approval

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

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

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

5.1.4.4 For the purposes of sub-clause 6.1.1 of the Scheme 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 place entered on the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### 5.1.5 Formalities of Application

5.1.5.1 In addition to the application formalities prescribed in sub-clause 5.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning 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:

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed, such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### 5.1.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.1.6.2 In granting variations under sub-clause 5.1.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

## 5.2 Control of Advertisements

### 5.2.1 Power to Control Advertisements

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

5.2.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 5.2.2 Existing Advertisements

##### 5.2.2.1 Advertisements which:

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

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

#### 5.2.3 Consideration of Applications

5.2.3.1 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval 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.

#### 5.2.4 Exemptions from the Requirement to Obtain Planning Approval

5.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.2.1.1, the Council's prior planning approval is not required in respect of those advertisements which relate to the name, the premises and "goods or services sold on the premises".

#### 5.2.5 Discontinuance

5.2.5.1 Notwithstanding the scheme objectives and sub-clause 5.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.2.6 Derelict or Poorly Maintained Signs

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

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

#### 5.2.7 Notices

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

5.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 5.2.5 or 5.2.6 shall be served upon the advertiser and shall specify:

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

5.2.7.3 Any person upon whom a notice is served pursuant to this Clause may, within a period of 60 days from the date of the notice, appeal to the Hon 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.

#### 5.2.8 Scheme to Prevail

5.2.8.1 Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail.

#### 5.2.9 Enforcement and Penalties

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

## PART VI—USE AND DEVELOPMENT OF LAND

### 6.1 Requirement for Planning Approval

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



6.1.2 The planning approval of the Council is not required for the following development of land:

- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) The use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- (c) The erection of a boundary fence except as otherwise required by the Scheme.
- (d) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.
- (e) 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.
- (f) 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.
- (g) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house or outbuilding shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

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

- (a) the variation requested is one which the Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the R-Codes.

## **6.2 Application for Planning Approval**

6.2.1 Every application for planning approval shall be made in the form prescribed in Appendix 4 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

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

- (a) a plan or plans to a scale of not less than 1:500 showing;
  - (i) street names, Lot number(s), north point and the dimensions of the site;
  - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

## **6.3 Advertising of Applications**

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.

6.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.

6.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- (a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.

- (c) 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 days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.

6.3.4 The notice referred to in sub clause 6.3.3 (a) and (b) shall be in the form contained in Appendix 5 with such modifications as circumstances require.

6.3.5 After expiration of twenty-one 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.

#### **6.4 Consultations with Other Authorities**

6.4.1 In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

6.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

#### **6.5 Matters to be Considered by Council**

6.5.1 The Council in considering an application for planning approval shall have due regard to the following:

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district including the Metropolitan Region Scheme;
- (b) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.6 of this Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of the locality;
- (i) any other planning considerations which the Council considers relevant; and
- (j) any relevant submissions or objections received on the application.

#### **6.6 Determination of Applications**

6.6.1 In determining an application for planning approval the Council may:

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Appendix 6 to the Scheme.

6.6.3 Where the Council grants planning approval, that approval:

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

6.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

#### **6.7 Deemed Refusal**

6.7.1 Subject to subclause 6.8.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.

6.7.2 An application for planning approval which is subject of a notice under subclause 6.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

6.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under subclauses 6.8.1 and 6.8.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those clauses, and that decision shall be regarded as being valid.

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

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

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

6.8.3 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.

### **6.9 Approval of Existing Developments**

6.9.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.9.2 The application to the Council for approval under sub-clause 6.9.1 shall be made on the form prescribed in Appendix 4.

6.9.3 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.

## **PART VII—NON-CONFORMING USES**

### **7.1 Non-Conforming use Rights**

7.1.1 Except as otherwise provided in this part, no provision of the Scheme shall prevent:

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

### **7.2 Extension of Non-Conforming Use**

7.2.1 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 approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **7.3 Change of Non-Conforming Use**

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

### **7.4 Discontinuance of Non-Conforming Use**

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

7.4.2 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.

### **7.5 Destruction of Buildings**

7.5.1 If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% 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 VIII—ADMINISTRATION**

### **8.1 Powers of the Scheme**

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

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

### **8.2 Offences**

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

- (a) otherwise than in accordance with the provisions of the Scheme;

- (b) unless all approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; nor
- (d) 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.

8.2.2 Any 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 such penalties as are prescribed by section 10 of the Act.

8.2.3 The length of notice required to be given under section 10 of the Act is 28 days.

### **8.3 Compensation**

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

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

### **8.4 Election to Purchase and Valuation**

8.4.1 Where compensation for injurious affection is claimed pursuant to either subclauses 8.3.1 or 8.3.2 the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

8.4.3 Where the Council elects to acquire land as provided in sub-clause 8.4.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.4.4.

8.4.4 The value of the land referred to in sub-clause 8.4.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined:

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
  - (b) by some other method agreed upon by the Council and the owner of the land,
- and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

8.4.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.4.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

### **8.5 Rights of Appeal**

8.5.1 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.

### **8.6 Planning Policies**

8.6.1 The Council may prepare a planning policy (herein after called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area and may amend or add to or rescind a Policy so prepared.

8.6.2 A Policy shall become operative only after the following procedures have been completed:

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

8.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.



8.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.6.2.

8.6.5 A Policy may be rescinded by:

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

8.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

8.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

### **8.7 Delegation**

8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to any member of or officer of Council the authority to deal with an application for planning approval.

8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

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

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

8.7.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

8.7.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

8.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

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

### **8.8 Amendment to the Scheme**

8.8.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and studies with a view to maintaining the scheme as an up to date and efficient means for pursuing community objectives regarding development and land use.

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

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

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

### **8.9 Notice for Removal of Certain Buildings**

8.9.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to section 10 of the Act for the removal of certain buildings.

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

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## **APPENDIX No. 1**

### **INTERPRETATIONS**

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

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

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

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

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

**amusement facility:** means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

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

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

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

**aquaculture:** means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

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

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

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

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

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

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

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

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

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

**car park:** means any land or 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 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 constructed in accordance with the Shire of Dowerin Health Local Laws for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit

**child family care centre:** means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.

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

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

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

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

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

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

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

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

**contractor's yard:** means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

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

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

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

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

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

**dog kennels:** means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

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

**factory unit buildings:** means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

**farm supply centre:** means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

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

**garden centre:** means any land or 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.

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

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

**health centre:** means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can pathologists, radiologists and paramedicals.

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

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

**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.

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

**home occupation:** means a business or activity carried out 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) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not display a sign exceeding 0.2 m<sup>2</sup> in area;
- (f) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put; and
- (g) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;

and unless Council specifically approves otherwise subject to whatever conditions it believes appropriate;

- (a) does not occupy an area greater than 20m<sup>2</sup>, and
- (b) does not entail the presence, parking and garaging of a vehicle or more than two (2) tonnes tare weight;

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

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

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods; and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:
  - (i) the carrying out of agriculture;
  - (ii) on-site work on buildings or land; and
  - (iii) in the case of edible goods the preparation of food for retail sale from the premises.

**industry—cottage:** means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a “home occupation” and which, in the opinion of Council:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) Residential Zone, does not entail the where operated in a employment of any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m<sup>2</sup>; and
- (e) does not display a sign exceeding 0.2m<sup>2</sup> 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 includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

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

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

**industry—light:** means an industry;

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

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

**industry—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 any land or building, open to the public in which washing machines, with or without provision for drying clothes are available for use.

**intensive agriculture:** means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;



- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type; or
- (g) aquaculture

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

**laundromat:** means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

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

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

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

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

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

**motor vehicles and marine sale premises:** means any land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

**motor vehicle repair:** means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

**motor vehicle wash:** means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

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

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

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

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

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

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

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

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

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

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

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

**petrol filling station:** means any land or buildings used for the supply of petroleum products and motor vehicle accessories.

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

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal water, or in the bed of any watercourse, lake or estuary;

- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

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

**plant nursery:** means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

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

**potable water:** means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.

**poultry farm:** means any land or 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—1990 (as amended).

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

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

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

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

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

**public worship—place of:** means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.

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

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

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

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

**Residential Planning Codes:** means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

**restaurant:** means a building wherein food is prepared for sale and consumed on the premises and the expression shall include a licensed restaurant.

**retail:** means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.

**retirement village:** means a development containing accommodation for aged persons together with ancillary facilities.

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

**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 rearing or agistment of goats, sheep, cattle or beasts or burden;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (d) the sale of produce grown solely on the lot; but does not include intensive agriculture.

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

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

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

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

[illegible]

**APPENDIX NO. 4****SHIRE OF DOWERIN****APPLICATION FOR PLANNING APPROVAL**

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

- |   |   |
|---|---|
| <input type="checkbox"/> PLANNING APPROVAL  | <input type="checkbox"/> BUILDING LICENCE |
| <input type="checkbox"/> DEMOLITION LICENCE | <input type="checkbox"/> SIGN LICENCE     |

**PROPERTY DETAILS:**

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

**OWNER DETAILS:**

Name.....  
 Address.....  
 Phone (Work).....(Home).....Fax.....  
 Contact Person.....  
 Signature.....Date.....  
 Signature.....Date.....  
 Signature.....Date.....

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

**APPLICANT DETAILS:**

Name.....  
 Address.....  
 Phone (Work).....(Home).....Fax.....  
 Contact Person.....  
 Signature.....Date.....

- ☐ **PLANNING APPROVAL**

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

Is the land affected by a Restricted covenant?.....

- ☐ **BUILDING LICENCE**

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

**BUILDING DETAILS:**

Type of Work:

New Buildings; number of storeys .....  
 Alterations & additions;(please describe).....  
 Refurbishment;(please describe).....  
 Relocation; (please describe).....  
 Outbuildings; (please describe).....

Type of Building:

- |  |  |
|--|--|
| <input type="checkbox"/> House   | <input type="checkbox"/> Other residential Building: No. of dwelling units ..... |
| <input type="checkbox"/> Single House                                    | <input type="checkbox"/> Group Dwelling, Terrace House or Townhouse .....        |
| <input type="checkbox"/> Kit House                                       | <input type="checkbox"/> Flat, unit or apartment in building .....               |
| <input type="checkbox"/> Transportable                                   | <input type="checkbox"/> Other; (please describe).....                           |
| <input type="checkbox"/> Outbuildings (please describe) .....            |  |
| <input type="checkbox"/> Non-residential Building;(please describe)..... |  |

**TYPES OF MATERIALS:**

Floor: Concrete.....Walls: Double Brick.....  
 Other (please describe)..... Other (please describe).....  
 Roof: Tiles.....Frame: Please describe.....  
 Other (please describe).....  
 New/Second hand .....Area (m<sup>2</sup>).....Outbuildings (m<sup>2</sup>).....  
 Contract Value.....Building Height .....

☐ **DEMOLITION LICENCE**

Type of Structure:.....  
 Type/Date Laid:.....  
 Whole or Part Demolition—Details:.....  
 .....

☐ **SIGN LICENCE**

Type of Sign:.....  
 Position:.....  
 Dimensions:.....Materials:.....  
 Illumination-Internal/External:.....  
 Wording/Illustration (Plan/Design attached):.....

In accordance with Part 9.2 of this Scheme, unless council waives any particular requirement, every application for planning approval shall be accompanied by:

- (a) a plan or plans to a scale of not less than 1:500 showing:
  - (i) street names, lot number(s), north point and the dimensions of the site;
  - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) the existing and proposed means of access for pedestrians and vehicles to and from site;
  - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the council may reasonably require to enable the applicant to be determined.

**APPENDIX NO. 5****SHIRE OF DOWERIN****TOWN PLANNING SCHEME NO. 1****NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING 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 No. ....

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.....

Chief Executive Officer

Date

Date: 29/7/99.



**FINAL APPROVAL**

1. Adopted by Resolution of the Council of the Shire of Dowerin at the meeting of the Council held on 16th day of February 1999.
2. With modifications adopted by Resolution of the Council of the Shire of Dowerin at the meeting of the Council held on 20th day of July 1999.

and the seal of the Municipality was pursuant to those Resolutions hereto affixed in the presence of:

N. HENNING, Shire President.

Date: 4/8/99.

D. SIMMS, Chief Executive Officer.

Date: 29/7/99.

2. Recommended/Submitted for Final Approval by Western Australian Planning Commission.

WAYNE ZIMMERMANN, for Chairperson, Western Australian Planning Commission.

Date: 13/8/99.

3. Final Approval Granted

G. KIERATH, Minister for Planning.

Date: 16/8/99.

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## **RACING, GAMING AND LIQUOR**

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### **RA401**

#### **LIQUOR LICENSING ACT 1988**

##### **SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
1671/1999	Johcar Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Henley Brook and known as Swanbrook Estate Winery & Restaurant.	23/9/99
1672/1999	Bodegas Margaret River Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Margaret River and known as Wino's Wine Bar & Restaurant.	24/9/99
1673/1999	Jalwest Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Perth and known as Underground Backpackers.	6/10/99
1674/1999	William James Walker	Application for the grant of a Producer's Licence in respect of premises situated in North Lake Grace and known as To Be Advised.	26/9/99
1675/1999	Victor James Barker & Lynn Barker	Application for the grant of a Special Facility Licence in respect of premises situated in Merredin and known as Merredin Olympic Hotel.	27/9/99
1676/1999	Gordon Andrew Foulton	Application for the grant of a Restaurant Licence in respect of premises situated in Northbridge and known as the Red Door.	26/9/99
1679/1999	Jenesis Nominees Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Margaret River and known as Vat 107.	28/9/99



App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
1680/1999	Thalmer Nominees Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Leederville and known as The Post Cafe.	28/9/99
1160/1999	Gregsan Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Northampton and known as Horrocks Beach General Store.	20/9/99

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

G. B. AVES, Director of Liquor Licensing.

## SALARIES AND ALLOWANCES

**SA401\***

### SALARIES AND ALLOWANCES TRIBUNAL

#### VARIATION OF A DETERMINATION

Dated 3 June 1998

#### SECOND SCHEDULE—PART 1

##### **Aboriginal Affairs Department**

Chief Executive Officer

Group 2

Minimum

Add: plus a Personal Merit Allowance to Group 3 Maximum for 12 months from 1 April 1999 to Mr H Lowe.

##### **Fremantle Port Authority**

General Manager

Group 3

Minimum

Add: plus a Personal Merit Allowance to Group 3 Maximum for 12 months from 1 April 1999 to Ms K Sanderson.

##### **Lotteries Commission**

Chief Executive Officer

Group 1

Maximum

With effect from 1 July 1999

##### **Racing, Gaming & Liquor—Office of**

Executive Director

Group 2

Minimum

Add: plus a Personal Merit Allowance to Group 2 Maximum for 12 months from 1 June 1999 to Mr B Sargeant.

##### **Totalisator Agency Board**

General Manager

Group 1

Maximum

Add: plus a Personal Merit Allowance to Group 2 Minimum for 12 months from 1 April 1999 to Mr R Bennett.

#### SECOND SCHEDULE—Remove from Part 2 and place in Part 1 immediately under

Justice—Ministry of  
Director General

Crown Solicitor

Parliamentary Counsel

Queen's Counsel

Crown Counsel

Principal Crown Prosecutor

Deputy Crown Solicitor

Deputy Parliamentary Counsel

Assistant Principal Crown Prosecutor

Dated at Perth this 20th day of August 1999.

D. G. BLIGHT AO, Chairman.

R. H. C. TURNER AM, Member.

J. A. S. MEWS, Member.

SALARIES AND ALLOWANCES TRIBUNAL

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## TRANSPORT

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**TR401****SHIPPING AND PILOTAGE ACT 1967**Office of the Minister for Transport,  
Perth.

It is hereby notified for general information that His Excellency the Governor, in Executive Council has approved in accordance with Section 4 of the Shipping and Pilotage Act 1967—

- The appointment of Robert James Dawson as Harbour Master for the Port of Wyndham.

This appointment is in accordance with the Shipping and Pilotage Act 1967.

MURRAY CRIDDLE, Minister for Transport.

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## WATER

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**WA401****RIGHTS IN WATER AND IRRIGATION ACT 1914**Notice under Section 13 of the Act  
[Regulation 14(1)]

The Water and Rivers Commission has received the applications listed below to take and use surface water.

Any owner or occupier of land within 4.8 kilometres of the applicant's land and contiguous to the watercourse may object to that application.

Objections should be sent to reach myself at the Water & Rivers Commission, PO BOX 261, BUNBURY WA 6231 prior to 20<sup>th</sup> September, 1999 by certified mail.

Any queries regarding this application should be referred to Daniel Allen on telephone 08 9721 0666, Water Resources Officer, South West Region, Water and Rivers Commission.

W. F. TINGEY, Regional Manager,  
South West Region.

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### Schedule

- 1) Applicant: Raypine Investments Pty Ltd  
Property: Sussex Locations 3777 3604 & 2908 Rosa Brook Road Margaret River  
Watercourse: Tributary of the Margaret River
- 2) Applicant: David Hahnen  
Property: Sussex Location 410 Caves Road Margaret River  
Watercourse: The Margaret River
- 3) Applicant: John Craig  
Property: Nelson Location 8200 Green Road Pemberton  
Watercourse: Fly Brook

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## PUBLIC NOTICES

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**ZZ102****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 4 October 1999 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Anderson, Rosa Constantina, late of St Andrews Nursing Home, 37 Burwood Road, Balcatta, died 08.08.99. (DEC 321343 DC3)

Aunins, Georgiana Maude, late of 81A Frederick Street, Shoalwater, died 01.08.99. (DEC 321431 DC2)

- Biris, Constantinos, also known as Biris, Con, late of 43 Chelmsford Way, Mount Lawley, died 26.07.99. (DEC 321372 DS3)
- Brook, Allan, late of 24 Seymour Street, Albany, died 16.07.99. (DEC 321271 DP1)
- Buckingham, Elsie Hilda, late of Collier Park Nursing Hostel, 16 Morrison Street, Como, died 23.07.99. (DEC 321488 DP3)
- Carter, Bertha Una, late of St Francis Nursing Home, Healy Road, Hamilton Hill, died 14.06.99. (DEC 321298 DC4)
- Caruso, Evelyn Shirley, late of 1181 Kooyarra Street, Wyndham, died 10.08.99 (DEC 321489 DS3)
- Cook, Madge, late of St George's Home, 2 Essex Street, Bayswater, formerly of 89/11 Freedman Road, Mount Lawley, died 10.08.99. (DEC 321675 DS4)
- Cox, William George, late of John Wilson Lodge, 38 Hamilton Street, East Fremantle, died 19.04.99. (DEC 319704 DS4)
- Davis, Kathleen Mary, late of 32 Traylen Road, Bayswater, died 28.07.99. (DEC 321539 DS2)
- Eraine, Karen Alanna, also trading as Dect-a-Pet, late of 18B Donald Way, Bayswater, died 12.08.99. (DEC 321575 DG1)
- Erceg, Drubail, also known as Erceg, Danko, late of Lakeside Nursing Home, 68 Lyall Street, Redcliffe, died 14.05.99. (DEC 319916 DP4)
- Fee, Andrew, late of Craigmont Waters Nursing Home, Third Avenue, Maylands, died 25.08.99. (DEC 321673 DG4)
- Ford, Mary Julia, late of 8A Fairfield Grove, Heathridge, died 05.08.99. (DEC 321419 DP3)
- Gibbons, Edna, late of Brightwater, Thomas Street, Nedlands, died 09.08.99. (DEC 321582 DL3)
- Gibbons, Teresa Mary, late of Coolibah Lodge, Mandurah Retirement Village, Third Avenue, Mandurah, died 16.08.99. (DEC 321473 DC3)
- Gillam, Sydney Jack, late of 37 Wells House, Air Force Memorial estate, Bull Creek, died 12.08.99. (DEC 321540 DS2)
- Hackett, Adele Heloise, late of Craigwood Nursing Home, Gardner Street, Como, died 23.07.99. (DEC 321215 DP3)
- Hoult, Rose Evelyn, late of 13/7 Baldwin Street, Como, died 10.08.99. (DEC 321446 DG4)
- Jahn, Frank Hubert, late of 104 Gildercliffe Street, Scarborough, died 06.08.99. (DEC 321315 DG3)
- Kenward, Alan Roy, late of 578 Safety Bay Road, Waikiki, formerly of 14 Sunningdale Street, Morley, died 03.04.99. (DEC 319027 DS4)
- King, Elizabeth, late of 36/24 Freedman Road, Menora, died 13.08.99. (DEC 321428 DA2)
- McDowall, Phillip Murray, late of 78 Willmott Drive, Cooloongup, died 31.07.99. (DEC 321413 DA1)
- Moffat, William Howard, late of 8/101 Elvira Street, Palmyra, died 02.07.99. (DEC 320845 DC4)
- Monck, Laura Louise, late of 3 Grant Street, Embleton, died 27.07.99. (DEC 321506 DC2)
- Niall, Winifred Agnes, late of Brightwater Nursing Home, Thomas Street, Subiaco, died 18.08.99. (DEC 321650 DC4)
- Pearce, Richard William, late of Leighton Nursing Home, Florence Street, West Perth, died 03.08.99. (DEC 321471 DG3)
- Praetz, Anne Louise, late of 142 Herbert Road, Shenton Park, died 17.08.99. (DEC 321502 DL3)
- Rumball, June Ellen, late of Dorothy Lodge, Halls Head, died 16.08.99. (DEC 321439 DG2)
- Sepp, Elli, late of Amaroo Nursing Home, 74 Lissiman Street, Gosnells, formerly of 4/25 Owgan Place, Bull Creek, died 06.07.99. (DEC 321447 DS2)
- Short, Philip George, late of 2 Forrest Street, Boulder, died 24.07.99. (DEC 321369 DL3)
- Spencer, Dorothy Patitia, late of 37 Murray Street, Bayswater, died 07.08.99. (DEC 321588 DS3)
- Villiers, Charles George, late of 113 Holland Street, Wembley, died 16.08.99. (DEC 321532 DC3)
- Whately, Henrietta Elizabeth, late of Hollywood Private Hospital, Monash Avenue, Nedlands, formerly of Tormey House, 67 Cleaver Street, West Perth, died 18.08.99. (DEC 321647 DS2)
- Wilson, Dorothy, late of 10/81 Sydenham Street, Rivervale, died 04.08.99. (DEC 321632 DC4)
- Woodward, Herbert Albert Eugene, late of Howard Solomon Nursing Home, 91 Hybanthus Road, Ferndale, died 07.08.99. (DEC 321671 DP4)
- Young, Zelma Iris Hetty, late of Carinya of Bicton, 220 Preston Point Road, Bicton, died 12.08.99. (DEC 321625 DC2)

**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the undermentioned deceased person(s) are required to send particulars of their claims to the Executor(s) care of Mayberry, Hammond & Co., 85 Fitzgerald Street, Northam within one (1) calendar month from the date of publication of this Notice at the expiration of which time the Trustees may convey or distribute the assets having regard only to claims of which notice has been given.

**Details:**

Arthur Frederick Cole (Deceased) late of Permanent Care Unit, District Hospital, Beverley, Retired Farm Hand.

Date of Death: 11th day of May 1999.

Dated this 27th day of August 1999.

Messrs. MAYBERRY, HAMMOND & CO,  
85 Fitzgerald Street, Northam.  
Solicitors for the Executor.

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

Kingstyle Investments Trading as Autocare Towing Services intends to dispose of Ford Falcon 8MB 210 in 30 days unless otherwise contacted. 08 9371 7144.

**ZZ402****DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

Kingstyle Investments Trading as Autocare Towing Services intends to dispose of Ford 8DT 279 in 30 days unless otherwise contacted. 08 9371 7144.

**WESTERN AUSTRALIA****VICTIMS OF CRIME ACT 1994**

**Price: \$2.55 Counter Sales**

**Plus Postage on 30 grams**

\*Prices subject to change on addition of amendments.

**WESTERN AUSTRALIA****MINES SAFETY AND INSPECTION  
ACT 1994**

**Price: \$17.10 Counter Sales**

**Plus Postage on 350 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **BOTANIC GARDENS AND PARKS AUTHORITY ACT 1998**

**Price: \$6.75 Counter Sales  
Plus Postage on 100 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **FISH RESOURCES MANAGEMENT ACT 1994**

**Price: \$21.90 Counter Sales  
Plus Postage on 360 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **ADOPTION ACT 1994**

**Price: \$18.70 Counter Sales  
Plus Postage on 215 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994**

**\*Price: \$10.95 Counter Sales  
Plus Postage on 175 grams**

\*Prices subject to change on addition of amendments.



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