

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

471



PERTH, FRIDAY, 19 JANUARY 2001 No. 19

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ALTERATION TO PUBLISHING TIME

(AUSTRALIA DAY 2001)

Because of the Australia Day public holiday on 26th January the normal Friday edition of the *Government Gazette* will be published a day early on Thursday 25th January 2001.

Copy for the Thursday 25th January edition must be received at State Law Publisher by 12 noon on Tuesday 23rd January.

Any copy received after this time will be held over for the next gazette on Tuesday 30th January 2001.

Copy for the Tuesday 30th January edition must be received at State Law Publisher by 12 noon Thursday 25th January

— PART 1 —

LOCAL GOVERNMENT

LG301***HEALTH ACT 1911**

**TOWN OF PORT HEDLAND HEALTH AMENDMENT
LOCAL LAWS 2000**

Made by the Council of the Town of Port Hedland under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*Town of Port Hedland Health Amendment Local Laws 2000*".

Principal local laws

2. In these local laws, the *Town of Port Hedland Health Local Laws 1999* made under the Health Act 1911 and passed by the Council of the Town of Port Hedland on 19 January 2000 by notice published in the Government Gazette on 22 March 2000, are referred to as the principal local laws.

Principal local laws amended

3. The principal local laws are amended as described in the following schedule—

SCHEDULE

Modifications to *The Town of Port Hedland Health Local Laws 1999*

Item	Sections Affected	Description
1.	2.1.5	Delete Section 2.1.5 and substitute the following: "2.1.5 Where more than one toilet is provided on premises other than a dwelling house, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended."
2.	2.2.2(2)	Delete subsection 2.2.2(2) and substitute: "(2) The laundry referred to in subsection (1) must conform to the provisions of the Building Code."
3.	2.2.2(3) & (4)	Delete subsection 2.2.2(3) and 2.2.2(4).
4.	2.2.4(2)	Delete subsection 2.2.4(2) and substitute: "(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with cooking facilities and a sink supplied with hot and cold water, which are adequate in the opinion of an Environmental Health Officer."
5.	2.2.4(3)	Delete "stove, oven" and substitute "cooking facilities".
6.	3.2.5	Delete Section 3.2.5
7.	5.1.2	Delete the words " in a clean condition" and after the last word "premises", insert the words ", clear of any rubbish, matter or things coming from or belonging to the premises".
8.	5.4.4	After the Section designation 5.4.4 insert the subsection designation (1). After the subsection 5.4.4(1) insert "without the written approval of the Council," after "shall not".

Item	Sections Affected	Description
		After subsection 5.4.4(1) insert new subsections (2), (3) and (4) as follows: “(2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1) of this Section. (3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof. (4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.”
9.	Part 6 Division 5	Delete Division 5 – Argentine Ants
10.	8.2.5(5)(b)	Delete subsection 8.2.5(5)(b).
11.	8.2.6(1)(a)	Delete “unit” after “laundry” in subsection 8.2.6(1)(a)(ii) and substitute “which complies with the provisions of the Building Code”.
12.	8.2.6(3)	Delete subsection 8.2.6(3)
13.	8.2.7(2) and (3)	Delete “Western Australian Fire Brigades Board” in subsections 8.2.7(2) and 8.2.7(3) and substitute in each case “Fire and Emergency Services Authority of WA.”
14.	8.2.12	Re-number subsections (2), (3) and (4) to (4), (5) and (6) respectively. After subsection (1), insert new subsections (2) and (3) as follows: “(2) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper. (3) In a short term hostel or recreational campsite, the storage facilities required by subsection (1) (c) may be located in a separate secure storage room or locker room.”
15.	9.2.7	In paragraph (d) delete the words “and at such more frequent intervals as may be directed: and substitute the words “or at such other intervals as may be approved or directed”.

Passed at a meeting of the Town of Port Hedland held on Wednesday 22nd November 2000.

The Common Seal of the Town of Port Hedland was hereunto affixed in the presence of—

B. RUDLER, Act/Mayor.
A. J. FORD, Chief Executive Officer.

On this 23rd day of November, 2000

Consented to—

Dr VIRGINIA McLAUGHLIN, delegate of Executive Director Public Health.

Dated this 18th day of December, 2000.

LG302***LOCAL GOVERNMENT ACT 1995***SHIRE OF BODDINGTON***LOCAL LAW RELATING TO REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Local Government of the Shire of Boddington resolved to make the following Local Law on the 20th day of December 2000.

Repeal

The following by-laws are repealed—

By-laws relating to

Discount on Rates, published in the *Government Gazette* of 10 April 1941;

Trespass, Impounding and Sustenance Fees, published in the *Government Gazettes* of 13 August 1948 and 12 November 1948;

Street Alignments, published in the *Government Gazette* of 11 June 1969;

Depositing and Removal of Refuse, Rubbish, Litter, Old Car Bodies, and Disused Materials, published in the *Government Gazette* of 5 May 1978;

Caravan Parks & Camping Grounds No 2, published in the *Government Gazette* of 31 December 1982;

Holiday Accommodation, published in the *Government Gazette* of 31 December 1982;

Mobile Rubbish Bins, published in the *Government Gazette* of 8 June 1990;

— — — —

Dated this 20th day of December 2000.

The Common Seal of the Shire of Boddington was affixed in the presence of—

J. A. NELSON, Shire President.

P. R. BRADBROOK, CEO.

RACING, GAMING AND LIQUOR

RA301**RULES OF HARNESS RACING 1999**

Notice of Amendment

Notice is hereby given that the Committee of the Western Australian Trotting Association at Gloucester Park, East Perth, on the 11th January 2001 resolved by majority of members of the Committee that the Rules of Harness Racing 1999 be amended as follows—

1. Local Rule 256 be amended by adding the following new subclause immediately after subclause (3)—
 - (4) *When exercising the power under LR256A to increase, reduce or vary a penalty imposed by the Stewards, the Controlling Body is not bound by the minimum penalties set out in paragraphs (c), (d), (e) and (f) of LR256(1).*
2. LR314C is amended—
 - (a) by deleting the figure (3);
 - (b) by adding the following new subclauses immediately after subclause (2) as follows—
 - (3) *For the avoidance of doubt, LR256A is taken to apply to persons convicted of an offence under Part 42 of the previous rules in a transitional inquiry.*

- (4) *When exercising the power under LR256A to increase, reduce or vary a penalty imposed on a person convicted of an offence under Part 42 of the previous rules in a transitional inquiry, the Controlling Body is not bound by the minimum penalty set out in Rule 55A of the previous rules.*
- (5) *When deciding a penalty for an offence under Part 42 of the previous rules in a transitional inquiry, the Stewards are not bound by the minimum penalties set out in Rule 55A of the previous rules.*

G. PAPADOPOULOS, President.

— PART 2 —

AGRICULTURE

AG401**SOIL AND LAND CONSERVATION ACT 1945**Agriculture Western Australia
South Perth WA 6151.

I, the undersigned Minister for Primary Industry; Fisheries, being the Minister responsible for the administration of the Soil and Land Conservation Act 1945, hereby certify the following to be authorised under section 21 of said Act to enter on any land, in relation to the power conferred by the Act, and make such surveys, place such marks and carry out such investigations thereon as they may deem necessary.

Simon Osborne
Valerie Shrubbs
John StretchDionne Walsh
David Blood
John Firth

MONTY HOUSE, MLA, Minister for Primary Industry; Fisheries.

CONSERVATION AND LAND MANAGEMENT

CM402***CONSERVATION AND LAND MANAGEMENT ACT 1984**

MANAGEMENT PLAN FOR ROWLES LAGOON

The Conservation Commission of Western Australia advises that the management plan for Rowles Lagoon has been approved by the Hon Minister for the Environment.

The management plan includes Rowles Lagoon Conservation Park and Clear and Muddy Lakes Nature Reserve, which are located 65 km north west of Coolgardie in the eastern Goldfields. The management plan was prepared in accordance with sections 53 to 61 of the Conservation and Land Management Act 1984. No modifications were made to the management plan under section 60(2) of the Act, and it comes into operation with this *Government Gazette* Notice.

Copies of the management plan can be inspected at the Department of Conservation and Land Management's Woodvale library, and the office and library of the Shire of Coolgardie. Copies of the plan can be inspected (or purchased for \$11.00) from the following CALM offices—

- State Operations Headquarters, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151
- WA Naturally, 47 Henry Street, Fremantle WA 6160
- Goldfields Regional Office, Post Office Public Building, Hannan Street, Kalgoorlie WA 6430.

CAMPBELL ANSELL, Chairman, Conservation
Commission of WA.DR WALLY COX, Executive Director, Department of
Conservation and Land Management.

CENSORSHIP

CS401***CENSORSHIP ACT 1996**

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as refused publications for the purposes of that Act. Dated this 14th day of January 2001.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule
9 January 2001
Refused Classification

Title or Description	Publisher
Babyface (Holiday 2000) No 13	The Score Group
Eroticat No 26	Silwa Film GMBH
Euroticon No 24	Moser Grupo Media SL
Live Young Girls Jan 2001 Vol 20 No 12	Live Periodicals Inc
Maximum Perversum (Silwa Special) No 35	Silwa Film GMBH
Naughty Neighbors (Holiday 2000) Vol 6 No 13	The Score Group
Sandwich (Silwa Special) No 17	Silwa Film GMBH
Sex Bizarre No 73	Color-Climax Corporation
She-Male (Silwa Special) No 15	Silwa Film GMBH
Very Best of High Society, The #126 Vol 17 No 10	The Crescent Publishing Group

CS402***CENSORSHIP ACT 1996**

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as restricted publications for the purposes of that Act.

Dated this 14th day of January 2001.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule
9 January 2001.
Restricted Classification

Title or Description	Publisher
40 and Over Vol 10 No 2	Fantasy Publications Ltd
Adult Cinema Review Oct 2000 Vol 18 No 5	Global Media Group Ltd
Adult Cinema Review Dec 2000 Vol 18 No 6	Global Media Group Ltd
Asian Babes Vol 9 No 3	Fantasy Publications Ltd
Asian Lace Present: Going Bust Vol 6 No 3	Tribeca Publishing Inc
Australasian Sexpaper Jan 2001 No 112	XPress Australia Int Pty Ltd
Best of Cheri, The (Special Edition #134) Vol 23 No 3	Cheri Magazine Inc
Best of Cheri, The #135 Vol 23 No 4	Cheri Magazine Inc
Best of Cheri, The #136 Vol 23 No 5	Cheri Magazine Inc
Best of Club International, The (Uncensored!), No 159	Paragon Publishing Inc
Best of Club, The No 162	Paragon Publishing Inc
Blueboy Jan 2001 Vol 12 No 1	Global Media Group Ltd
Busen-Extra Vol 15 No 36	Pleasure-Verlags GMBH
Buttman Vol 3 No 4	E A Productions
Cheri (Holiday 2000) Vol 25 No 6	Cheri Magazine Inc
Cheri Nov 2000 Vol 25 No 4	Cheri Magazine Inc
Cheri Dec 2000 Vol 25 No 5	Cheri Magazine Inc
Cheri Jan 2001 Vol 25 No 7	Cheri Magazine Inc
Color Climax No 182	Color-Climax Corporation
Encounters Iss 54	Pleasures Pty Ltd
Eros Vol 2 No 8	Fantasy Publications Ltd
Finally Legal Dec 2000 Vol 2 No 12	Dowager Inc
Finally Legal Jan 2001 Vol 3 No 1	Dowager Inc
For Men Iss 127	Fantasy Publications Ltd
Forum Dec 2000 Vol 30 No 12	General Media Communications Inc
Fox (Holiday 2000) Vol 19 No 7	Montcalm Publishing Corporation
Gallery Dec 2000 Vol 28 No 12	Montcalm Publishing Corporation
Gent (Holiday 2000) No 41	Gent Publications Inc
Gent (Home of the D-Cups) Aug 2000 Vol 42 No 8	Dugent Corporation
Hawk Dec 2000 Vol 9 No 12	Killer Joe Productions Inc
Hawk Jan 2001 Vol 10 No 1	Killer Joe Productions Inc
Hawk Feb 2001 Vol 10 No 2	Killer Joe Productions Inc
High Society (Holiday 2000) Vol 25 No 13	The Crescent Publishing Group Inc
High Society Dec 2000 Vol 25 No 12	The Crescent Publishing Group Inc
High Society Jan 2001 Vol 26 No 1	The Crescent Publishing Group Inc
Hustler (Australia—Gold Edition) Vol 6 No 1	JT Publishing Pty Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Hustler (Australia - Gold Edition) Vol 6 No 2	JT Publishing Pty Ltd
Jock Jan 2001 Vol 11 No 1	Global Media Group Ltd
Leg Sex Aug 2000 Vol 4 No 4	The Score Group
Leg Sex Dec 2000 Vol 4 No 6	The Score Group
Leg Tease Dec 2000	World Media Group LLC
Live Young Girls Nov 2000 Vol 20 No 10	Live Periodicals Inc
Live Young Girls Dec 2000 Vol 20 No 11	Live Periodicals Inc
Lollypops Vol 1 No 4	Montcalm Publishing Corporation
Numbers Feb 2001 Vol 12 No 1	Global Media Group Ltd
Oui Jan 2001 Vol 31 Iss 1	Global Media Group Ltd
Oui Feb 2001 Vol 31 Iss 2	Global Media Group Ltd
Petite Jan 2001 No 31	Gent Publications Inc
Picture Premium, The Iss 12	ACP Extra
Picture Premium, The Iss 14	ACP Extra
Picture, The (100% Home Girls) Jan-Feb 2001 No 7	ACP Extra
Pirate No 65	Milcap Publishing Group AB
Playgirl Mar 2000 Vol 27 No 3	Playgirl Inc
Playguy Nov 2000 Vol 25 No 1	Playguy Publications Ltd
Private (The Best) Vol 12	Milcap Publishing Group AB
Private Mega Pack (Private 149, Private Sex 16, Pirate 59, Private Sex 25, Triple X 33)	Milcap Publishing Group AB
Score Jan 2001 Vol 10 No 1	The Score Group
Seventeen Special (Collectors Item) No 90	Bookpress BV
Showgirls Jun 2000 Vol 10 Iss 6	Not Known
Triple X No 39	Milcap Media Group AB
Very Best of High Society, The #125 Vol 17 No 9	The Crescent Publishing Group
Very Best of High Society, The #127 Vol 17 No 11	The Crescent Publishing Group
Voluptuous (Holiday 2000) Vol 7 No 13	The Score Group

CS403***CENSORSHIP ACT 1996**

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as unrestricted publications for the purposes of that Act.

Dated this 14th day of January 2001.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

9 January 2001

Unrestricted Classification

Title or Description	Publisher
Australian Penthouse Feb 2001 Vol 22 No 2	General Media Communications Inc
Playboy's Book of Lingerie Jan-Feb 2001 Vol 77	Playboy Press

HEALTH**HE101***PRINTERS CORRECTION***MENTAL HEALTH ACT 1996**

FUNCTIONS OF THE COUNCIL OF OFFICIAL VISITORS DIRECTION 2000

An error occurred in the notice published under the above heading on page 247 of *Government Gazette* No. 13 dated 12 January 2001 and is corrected as follows.

At the end of the table insert the words—

“ JOHN DAY, Minister for Health. ”

JUSTICE

JM401**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following persons as Members of the Children's Court of Western Australia—

Mr Peter Francis Scharf of 3 Hawaii Road, Jurien Bay
 Mrs Beverley Lorna Stewart of Loc 274 Norwood Road, Esperance
 Mr John Alexander Keyes Wilson of RMB 221 Wilson Road, Kudardup via Augusta.

GARY THOMPSON, Executive Director, Court Services.

JM402**DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that the Attorney General has approved of the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

Mr Murray Graham Bassett of 6 Bythorne Place, Bunbury
 Mr Peter Francis Brown of 285 Alexander Drive, Dianella
 Cr Milton John Evans of 17 Yokanup Road, Flinders Park, Albany
 Mr Scott Darrin McKenzie of Lot 443 Camm Street, Corrigin
 Mr Michael Teraci of 31 Murchison Drive, Jane Brook.

GARY THOMPSON, Executive Director, Court Services.

JM403**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Peter Francis Scharf of 3 Hawaii Road, Jurien Bay
 to the office of Justice of the Peace for the State of Western Australia.

GARY THOMPSON, Executive Director,
 Court Services.

LAND ADMINISTRATION

LA401

DEPARTMENT OF LAND ADMINISTRATION
 FORFEITURES

The following lease together with all rights, title and interest therein have this day been forfeited to the crown under the Land Act, 1933 for the reasons stated.

Dated 15 January 2000.

A. A. SKINNER, Chief Executive Officer.

Name	Lease	District	Reason	Corres. Number	Plan
Timoney, Mary Wilson	2856/153	Meekatharra Lot 271	Non payment of rent	867/1915	BL 49(2) 13.17

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Shire of Capel
(Basis of Rates)

Department of Local Government,
Perth 19 January 2001.

LG: CP 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Minister for Local Government has determined that the method of valuing the land described in the schedule hereunder shall be gross rental values for the purposes of rating with effect from 13 November 2000.

JOHN LYNCH, Executive Director,
Department of Local Government.

Schedule

All those portions of land the subject of Department of Land Administration Deposited Plans 24498 to 24501 inclusive.

LG402

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

Town of Victoria Park
CLOSURE OF PRIVATE STREET

Department of Local Government,
Perth, 19 January 2001.

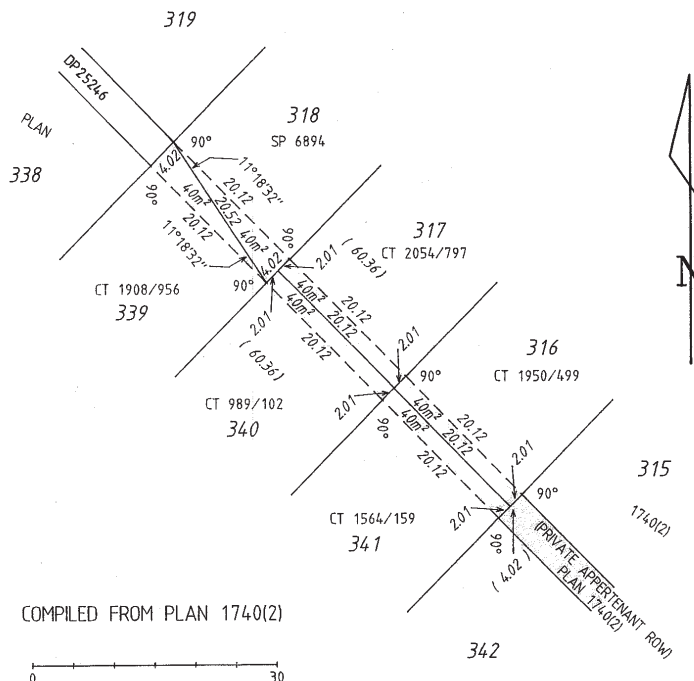
LG: VI 4-12

It is hereby notified for public information that the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act 1960*, the resolution passed by the Town of Victoria Park that portion of the private street which is described as being portion of Swan Location 35 and Canning Location 2, and being portion of the land coloured brown on Land Titles Office Plan 1740, and being portion of the land contained in Certificate of Title Volume 331 Folio 33 be closed, and the land contained therein be amalgamated with adjoining Lots 329-341 Bishopsgate Street and Lots 316-325, 328 and 500 Planet Street, Carlisle, as shown in the Schedule hereunder.

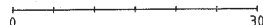
JOHN LYNCH, Executive Director,
Department of Local Government.

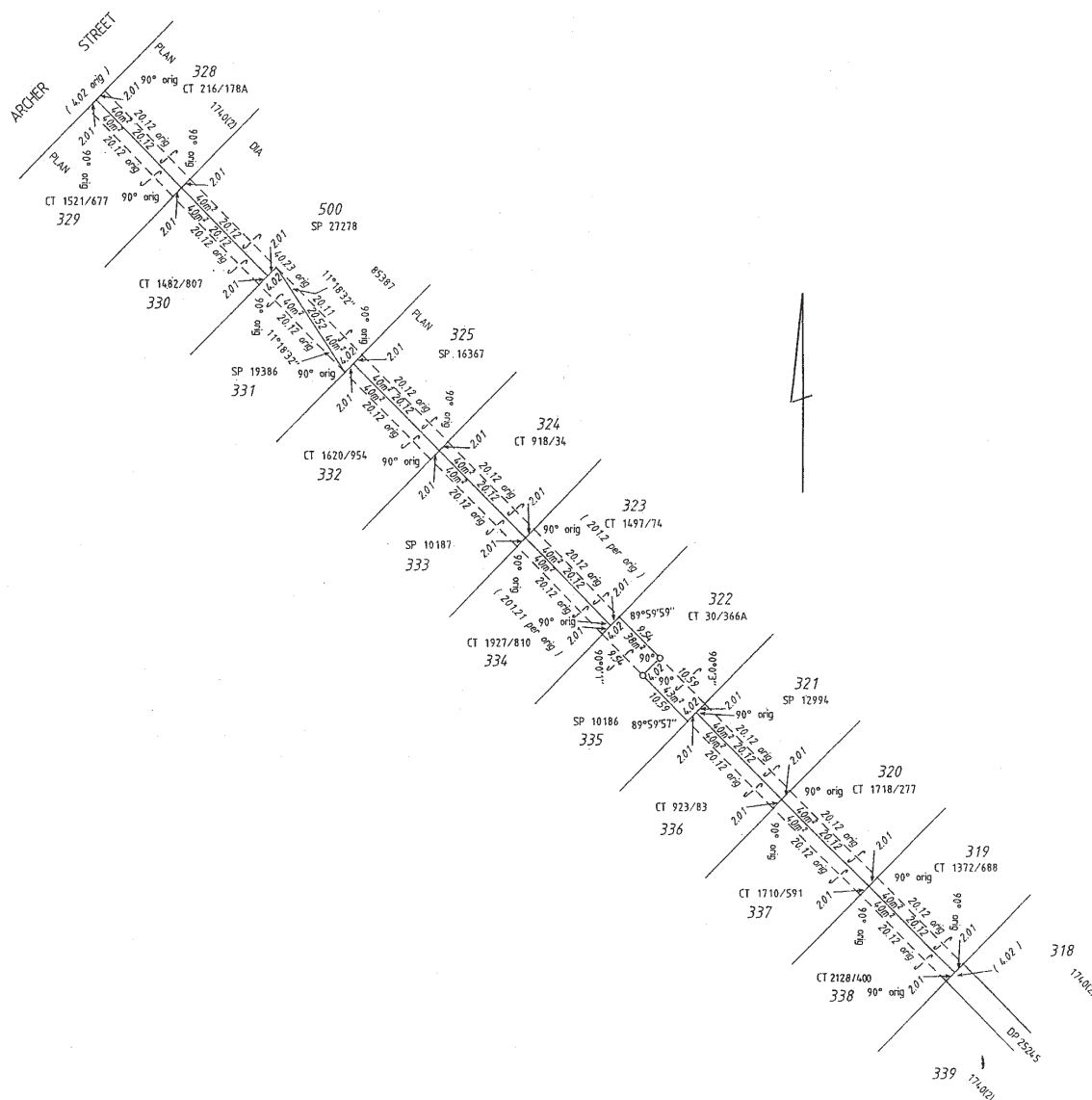
Schedule

Deposited Plan Nos. 25245 & 25246



COMPILED FROM PLAN 1740(2)





MINING

MN401

MINING ACT 1978

INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby extends the exemption granted on 18 February 1999 and published in *Government Gazette* dated 26 February 1999, of that area described hereunder (not being private land, or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the Mining Act 1978.

Description of Land:

All those portions of land, not being private or land the subject of a mining tenement or application for a mining tenement, bordered yellow on the plan at page 47 of Minerals and Energy File 8771/98 and designated 'S19-135' in Tengraph

Area: 2,546.4324 hectares

Period of Extension: 18 February 2001 to 17 February 2003

Dated at Perth this 8th day of January 2001.

NORMAN MOORE, Minister for Mines.

MN402**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals & Energy,
Perth.

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

G. CALDER, Warden.

To be heard in the Warden's Court Perth on the 9 February 2001.

SOUTH WEST MINERAL FIELD
Prospecting Licences

70/1254—Bani, Ann Elvira
70/1289—Stratton, Rell Spencer

MN403**MINING ACT 1978**

INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby extends the exemption granted on 28 February 1997 and published in *Government Gazette* dated 14 March 1997 of that area described hereunder from Divisions 1 to 5 of Part IV of the Mining Act 1978.

Description of Land:

Those portions of land, not being private or land the subject of a mining tenement or application for a mining tenement, shaded green on the plan at page 136 of Minerals and Energy File 6412/93 and designated 'S19-91' on the Departmental Public Plan.

Area: 376 hectares

Period of Extension: 28 February 2001 to 27 February 2003.

Dated at Perth this 2nd day of January 2001.

NORMAN MOORE, Minister for Mines.

MN404**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals & 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.

G. CALDER SM, Warden.

To be heard in the Wardens Court, Southern Cross on 20 March 2001.

YILGARN MINERAL FIELD
Prospecting Licences

P77/3113—Fargo Investments Pty Ltd
P77/3153—Gondwana Resources NL, Savage Australian Exploration Pty Ltd
P77/3145—Mavia Pty Ltd
P77/3154—Gondwana Resources NL, Savage Australian Exploration Pty Ltd

MN405*

Commonwealth of Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

NOTICE OF INVITATION FOR APPLICATIONS FOR EXPLORATION PERMITS

I, William Lee Tinapple, Delegate of the Designated Authority in respect of the adjacent area of Western Australia, for and on behalf of the Commonwealth-Western Australia Offshore Petroleum Joint Authority, acting pursuant to Section 20(1) of the Petroleum (Submerged Lands) Act 1967 re-release those areas which closed on 2 November 2000 and hereby invite applications for the grant of exploration permits in respect of the following Blocks within the areas as described in the following schedule and as shown on the plans immediately following this notice.

Applications for areas **W00-33 to W00-50, W00-54, W00-55 and W00-62 to W00-68** will be received up until 4:00 pm on Thursday 3 May 2001.

Schedule

(The references hereunder are to the names of map sheets of the 1:1 000 000 series and to the number of the graticular sections shown thereon).

Area W00-33

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
1790	1791	1792	1793	1794
1795	1796	1797	1862	1863
1864	1865	1866	1867	1868
1869	1934	1935	1936	1937
1938	1939	1940	1941	2006
2007	2008	2009	2010	2011
2012	2013	2078	2079	2080
2081	2082	2083	2084	2085
2150	2151	2152	2153	2154
2155	2156	2157	2222	2223
2224	2225	2226	2227	2228
2229	2294	2295	2296	2297
2298	2299	2300	2301	2366
2367	2368	2369	2370	2371
2372	2373	2438	2439	2440
2441	2442	2443	2444	2445
2510	2511	2512	2513	2514
2515	2516	2517	2582	2583
2584	2585	2586	2587	2588
2589	2654	2655	2656	2657
2658	2659	2660	2661	2726
2727	2728	2729	2730	2731
2732	2733			

Assessed to contain 112 graticular blocks

Area W00-34

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
1798	1799	1800	1870	1871
1872	1942	1943	1944	2014
2015	2016	2086	2087	2088
2158	2159	2160	2230	2231
2232	2302	2303	2304	2374
2375	2376	2446	2447	2448
2518	2519	2520		

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
1729	1730	1731	1732	1733
1734	1801	1802	1803	1804
1805	1806	1873	1874	1875
1876	1877	1878	1945	1946
1947	1948	1949	1950	2017
2018	2019	2020	2021	2022

Map Sheet SE50 (Rowley Shoals)—*continued*

Block No.	Block No.	Block No.	Block No.	Block No.
2089	2090	2091	2092	2093
2094	2161	2162	2163	2164
2165	2166	2233	2234	2235
2236	2237	2238	2305	2306
2307	2308	2309	2310	2377
2378	2379	2380	2381	2382
2449	2450	2451	2452	2453
2454				

Assessed to contain 99 graticular blocks

Area W00-35

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
1735	1736	1737	1738	1739
1740	1741	1742	1743	1807
1808	1809	1810	1811	1812
1813	1814	1815	1879	1880
1881	1882	1883	1884	1885
1886	1887	1951	1952	1953
1954	1955	1956	1957	1958
1959	2023	2024	2025	2026
2027	2028	2029	2030	2031
2095	2096	2097	2098	2099
2100	2101	2102	2103	2167
2168	2169	2170	2171	2172
2173	2174	2175	2239	2240
2241	2242	2243	2244	2245
2246	2247	2311	2312	2313
2314	2315	2316	2317	2318
2319	2383	2384	2385	2386
2387	2388	2389	2390	2391
2455	2456	2457	2458	2459
2460	2461	2462	2463	

Assessed to contain 99 graticular blocks

Area W00-36

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
1744	1745	1746	1747	1748
1749	1750	1751	1752	1753
1816	1817	1818	1819	1820
1821	1822	1823	1824	1825
1888	1889	1890	1891	1892
1893	1894	1895	1896	1897
1960	1961	1962	1963	1964
1965	1966	1967	1968	1969
2032	2033	2034	2035	2036
2037	2038	2039	2040	2041
2104	2105	2106	2107	2108
2109	2110	2111	2112	2113
2176	2177	2178	2179	2180
2181	2182	2183	2184	2185
2248	2249	2250	2251	2252
2253	2254	2255	2256	2257
2320	2321	2322	2323	2324
2325	2326	2327	2328	2329
2392	2393	2394	2395	2396
2397	2398	2399	2400	2401
2464	2465	2466	2467	2468
2469	2470	2471	2472	2473

Assessed to contain 110 graticular blocks

Area W00-37

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
2790	2791	2792	2793	2794
2795	2796	2862	2863	2864
2865	2866	2867	2868	2934
2935	2936	2937	2938	2939
2940	3006	3007	3008	3009
3010	3011	3012	3078	3079
3080	3081	3082	3083	3084
3150	3151	3152	3153	3154
3155	3156	3222	3223	3224
3225	3226	3227	3228	

Assessed to contain 49 graticular blocks

Area W00-38

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
2797	2798	2799	2800	2801
2802	2803	2804	2805	2869
2870	2871	2872	2873	2874
2875	2876	2877	2941	2942
2943	2944	2945	2946	2947
3013	3014	3015	3016	3017
3018	3019	3085	3086	3087
3088	3089	3090	3091	3157
3158	3159	3160	3161	3162
3163	3229	3230	3231	3232
3233	3234	3235		

Assessed to contain 53 graticular blocks

Area W00-39

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
3294	3295	3296	3297	3298
3299	3300	3366	3367	3368
3369	3370	3371	3372	3438
3439	3440	3441	3442	3443
3444				

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
54	55	56	57	58
59	60	126	127	128
129	130	131	132	198
199	200	201	202	203
204	270	271	272	273
274	275	276		

Assessed to contain 49 graticular blocks

Area W00-40

Map Sheet SE49

Block No.	Block No.	Block No.	Block No.	Block No.
3301	3305	3306	3307	3373
3377	3378	3379	3445	3449
3450	3451			

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
61	62	63	64	65
66	67	133	134	135
136	137	138	139	205
206	207	208	209	210
211	277	278	279	280
281	282	283		

Assessed to contain 40 graticular blocks

Area W00-41

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
342	343	344	345	346
347	348	414	415	416
417	418	419	420	486
487	488	489	490	491
492	558	559	560	561
562	563	564	630	631
632	633	634	635	636
702	703	704	705	706
707	708	774	775	776
777	778	779	780	

Assessed to contain 49 graticular blocks

Area W00-42

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
349	350	351	352	353
354	355	421	422	423
424	425	426	427	493
494	495	496	497	498
499	565	566	567	568
569	570	571	637	638
639	640	641	642	643
709	710	711	712	713
714	715	781	782	783
784	785	786	787	

Assessed to contain 49 graticular blocks

Area W00-43

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
500	501	502	503	504
572	573	574	575	576
644	645	646	647	648
716	717	718	719	720
788	789	790	791	792

Assessed to contain 25 graticular blocks

Area W00-44

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
433	434	435	436	437
438	505	506	507	508
509	510	577	578	579
580	581	582		

Assessed to contain 18 graticular blocks

Area W00-45

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
649	650	651	652	721
722	723	724	795	

Assessed to contain 9 graticular blocks

Area W00-46

Map Sheet SF49 (Cardabia)

Block No.	Block No.	Block No.	Block No.	Block No.
846	847	848	849	850
851	852	918	919	920
921	922	923	924	990
991	992	993	994	995

Map Sheet SF49 (Cardabia)—*continued*

Block No.	Block No.	Block No.	Block No.	Block No.
996	1062	1063	1064	1065
1066	1067	1068	1134	1135
1136	1137	1138	1139	1140
1206	1207	1208	1209	1210
1211	1212	1278	1279	1280
1281	1282	1283	1284	

Assessed to contain 49 graticular blocks

Area W00-47

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
939	1011	1082	1083	1084
1155				

Assessed to contain 6 graticular blocks

Area W00-48

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.	Block No.
798	799	870	871	943

Assessed to contain 5 graticular blocks

Area W00-49

Map Sheet SF50 (Hamersley Range)

Block No.	Block No.	Block No.	Block No.
800	801	872	873

Assessed to contain 4 graticular blocks

Area W00-50

Map Sheet SF50 (Hamersley Range)

Block No.
445

Assessed to contain 1 graticular block.

Area W00-54

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
2846	2847	2848	2849	2850
2851	2918	2919	2920	2921
2922	2923	2990	2991	2992
2993				

Assessed to contain 16 graticular blocks

Area W00-55

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
2994	2995	3061	3062	3063
3064	3065	3066	3067	3133
3134	3135	3136	3137	3138
3139				

Assessed to contain 16 graticular blocks

Area W00-62

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
2720	2721	2722	2723	2724
2725	2726	2727	2728	2729
2730	2731	2732	2733	2734
2735	2736	2792	2793	2794
2795	2796	2797	2798	2799
2800	2801	2802	2803	2804
2805	2806	2807	2808	2864
2865	2866	2867	2868	2869
2870	2871	2872	2873	2874

Map Sheet SE50 (Rowley Shoals)—*continued*

Block No.	Block No.	Block No.	Block No.	Block No.
2875	2876	2877	2878	2879
2880	2936	2937	2938	2939
2940	2941	2942	2943	2944
2945	2946	2947	2948	2949
2950	2951	2952	3008	3009
3010	3011	3012	3013	3014
3015	3016	3017	3018	3019
3020	3021	3022	3023	3024
3080	3081	3082	3083	3084
3085(Part)	3086(Part)	3087	3088	3089
3090	3091	3092	3093	3094
3095	3096	3152	3153	3154
3155	3156	3157(Part)	3158(Part)	3159
3160	3161	3162	3163	3164
3165	3166	3167	3168	3224
3225	3226	3227	3228	3229
3230	3231	3232	3233	3234
3235	3236	3237	3238	3239
3240	3301	3302	3303	3304
3305	3306	3307	3308	3309
3310	3311	3312	3373(Part)	3374(Part)
3375(Part)	3376(Part)	3377	3378	3379
3380	3381(Part)	3382(Part)	3383(Part)	3384(Part)
3445(Part)	3448(Part)	3449(Part)	3450(Part)	3451(Part)
3452(Part)	3453(Part)			

Map Sheet SF50

Block No.	Block No.
67(Part)	68(Part)

Assessed to contain 169 graticular blocks

Area W00-63

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
1792	1793	1794	1795	1796
1797	1798	1799	1800	1864
1865	1866	1867	1868	1869
1870	1871	1872	1936	1937
1938	1939	1940	1941	1942
1943	1944	2008	2009	2010
2011	2012	2013	2014	2015
2016	2080	2081	2082	2083
2084	2085	2086	2087	2088
2152	2153	2154	2155	2156
2157	2158	2159	2160	2224
2225	2226	2227	2228	2229
2230	2231	2232	2296	2297
2298	2299	2300	2301	2302
2303	2304	2368	2369	2370
2371	2372	2373	2374	2375
2376	2440	2441	2442	2443
2444	2445	2446	2447	2448
2512	2513	2514	2515	2516
2517	2518	2519	2520	2584
2585	2586	2587	2588	2589
2590	2591	2592	2656	2657
2658	2659	2660	2661	2662
2663	2664			

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
1729	1730	1731	1732	1801
1802	1803	1804	1873	1874
1875	1876	1945	1946	1947
1948	2017	2018	2019	2020
2089	2090	2091	2092	2161
2162	2163	2164	2233	2234
2235	2236	2305	2306	2307
2308	2377	2378	2379	2380
2449	2450	2451	2452	

Assessed to contain 161 graticular blocks

Area W00-64

Map Sheet SE50 (Rowley Shoals)

Block No.	Block No.	Block No.	Block No.	Block No.
935	936	1007	1008	1079
1080	1151	1152	1218(Part)	1219
1220	1221	1222	1223	1224
1290	1291	1292	1293	1294
1295	1296	1360	1361	1362
1363	1364	1365	1366	1367
1368	1432	1433	1434	1435
1436	1437	1438	1439	1440
1504	1505	1506	1507	1508
1509	1510	1511	1512	1576
1577	1578	1579	1580	1581
1582	1583	1584	1648	1649
1650	1651	1652	1653	1654
1655	1656	1720	1721	1722
1723	1724	1725	1726	1727
1728				

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
865	866	867	868	869
937	938	939	940	941
1009	1010	1011	1012	1013
1081	1082	1083	1084	1085
1153	1154	1155	1156	1157
1225	1226	1227	1228	1229
1297	1298	1299	1300	1301
1369	1370	1371	1372	1373
1441	1442	1443	1444	1445
1513	1514	1515	1516	1517
1585	1586	1587	1588	1589
1657	1658	1659	1660	1661

Assessed to contain 136 graticular blocks

Area W00-65

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
2521	2522	2523	2524	2525
2526	2527	2528	2529	2530
2531	2532	2533	2534	2535
2536	2537	2538(Part)	2593	2594
2595	2596	2597	2598	2599
2600	2601	2602	2603	2604
2605	2606	2607	2608	2609
2610(Part)	2665	2666	2667	2668
2669	2670	2671	2672	2673

Map Sheet SE51 (Broome)—*continued*

Block No.	Block No.	Block No.	Block No.	Block No.
2674	2675	2676	2677	2678
2679	2680	2681(Part)	2682(Part)	2737
2738	2739	2740	2741	2742
2743	2744	2745	2746	2747
2748	2749	2750	2751	2752(Part)
2753(Part)	2809	2810	2811	2812
2813	2814	2815	2816	2817
2818	2819	2820	2821	2822
2823(Part)	2824(Part)	2881	2882	2883
2884	2885	2886	2887	2888
2889	2890	2891	2892	2893
2894(Part)	2895(Part)	2953	2954	2955
2956	2957	2958	2959	2960
2961	2962	2963	2964	2965(Part)
2966(Part)	3025	3026	3027	3028
3029	3030	3031	3032	3033
3034	3035(Part)	3036(Part)	3037(Part)	3097
3098	3099	3100	3101	3102
3103	3104	3105(Part)	3106(Part)	3107(Part)
3169	3170	3171	3172	3173
3174(Part)	3175(Part)	3176(Part)	3177(Part)	3241
3242	3243	3244(Part)	3245(Part)	3246(Part)
3313(Part)	3314(Part)	3315(Part)		

Assessed to contain 158 graticular blocks

Area W00-66

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
1733	1734	1735	1736	1737
1738	1739	1740	1741	1742
1743	1744	1745	1746	1805
1806	1807	1808	1809	1810
1811	1812	1813	1814	1815
1816	1817	1818	1877	1878
1879	1880	1881	1882	1883
1884	1885	1886	1887	1888
1889	1890	1949	1950	1951
1952	1953	1954	1955	1956
1957	1958	1959	1960	1961
1962	2021	2022	2023	2024
2025	2026	2027	2028	2029
2030	2031	2032	2033	2034
2093	2094	2095	2096	2097
2098	2099	2100	2101	2102
2103	2104	2105	2106	2165
2166	2167	2168	2169	2170
2171	2172	2173	2174	2175
2176	2177	2178	2237	2238
2239	2240	2241	2242	2243
2244	2245	2246	2247	2248
2249	2250	2309	2310	2311
2312	2313	2314	2315	2316
2317	2318	2319	2320	2321
2322	2381	2382	2383	2384
2385	2386	2387	2388	2389
2390	2391	2392	2393	2394
2453	2454	2455	2456	2457
2458	2459	2460	2461	2462
2463	2464	2465	2466	

Assessed to contain 154 graticular blocks

Area W00-67

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
870	871	872	873	874
875	876	877	878	879
880	881	882	883	884
942	943	944	945	946
947	948	949	950	951
952	953	954	955	956
1014	1015	1016	1017	1018
1019	1020	1021	1022	1023
1024	1025	1026	1027	1028
1086	1087	1088	1089	1090
1091	1092	1093	1094	1095
1096	1097	1098	1099	1100
1158	1159	1160	1161	1162
1163	1164	1165	1166	1167
1168	1169	1170	1171	1172
1230	1231	1232	1233	1234
1235	1236	1237	1238	1239
1240	1241	1242	1243	1244
1302	1303	1304	1305	1306
1307	1308	1309	1310	1311
1312	1313	1314	1315	1316
1374	1375	1376	1377	1378
1379	1380	1381	1382	1383
1384	1385	1386	1387	1388
1446	1447	1448	1449	1450
1451	1452	1453	1454	1455
1456	1457	1458	1459	1460
1518	1519	1520	1521	1522
1523	1524	1525	1526	1527
1528	1529	1530	1531	1532
1590	1591	1592	1593	1594
1595	1596	1597	1598	1599
1600	1601	1602	1603	1604
1662	1663	1664	1665	1666
1667	1668	1669	1670	1671
1672	1673	1674	1675	1676

Assessed to contain 180 graticular blocks

Area W00-68

Map Sheet SE51 (Broome)

Block No.	Block No.	Block No.	Block No.	Block No.
451	452	453	454	455
456	457	458	459	460
461	462	463	464	465(Part)
466(Part)	523	524	525	526
527	528	529	530	531
532	533	534	535	536
537(Part)	595	596	597	598
599	600	601	602	603
604	605	606	607(Part)	608(Part)
609(Part)	667	668	669	670
671	672	673(Part)	674(Part)	675(Part)
676	677	678(Part)	679(Part)	739
740	741	742	743	744
745(Part)	747(Part)	748(Part)	749(Part)	750(Part)
811	812	813	814	815
816	817(Part)	818(Part)	819(Part)	820(Part)
821(Part)				

Assessed to contain 81 graticular blocks

APPLICATIONS FOR AREAS -W00-33 TO W00-50, W00-54, W00-55 AND W00-62 TO W00-68
Applications for the award of a permit over areas W00-33 to W00-50, W00-54, W00-55 and W00-62 to W00-68 are required to be made in the approved manner, submitted in duplicate and should be accompanied by—

1.1 Details of—

1.1.1 Technical Assessment

The applicant's technical assessment of the petroleum potential of the area, including the concepts underlying its proposed exploration work program, with sufficient detail to support that program

1.1.2 Minimum Guaranteed Work Program

The applicant's minimum guaranteed proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each year of the first three years of the permit term. This proposal, to be known as the minimum guaranteed work program, should comprise work expected to involve a substantial exploration component—normally, appraisal work should not be included

1.1.3 Secondary Work program

The applicant's proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each of the three remaining years of the permit term. This proposal, to be known as the secondary work program, should comprise work expected to involve a substantial exploration component—normally, appraisal work should not be included.

1.2 Particulars of the applicant—

1.2.1 the technical qualifications of the applicant and of its key employees

1.2.2 the technical advice available to the applicant

1.2.3 the financial resources available to the applicant, including evidence of the applicant's ability to fund the work program proposed, a statement of other exploration commitments over the next 6 years, and a copy of the latest annual and quarterly reports for each applicant company

1.2.4 where relevant, the viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be, reached on the Joint Operating Agreement (a copy of a signed Heads of Agreement dealing will generally suffice), and

1.2.5 the percentage participating interest of each party to the application.

1.3 Other Information

Such other information as the applicant wishes to be taken into account in consideration of the application.

1.4 Fee

Each application must be accompanied by a fee of \$A3,000, payable to the Commonwealth of Australia through an Australian bank or bank cheque.

Further details of the work program bidding system outlined above, including the criteria for assessment of applications and the conditions to apply following the award of a permit, are available from the Director, Petroleum Division, Department of Minerals and Energy in Perth and from the Petroleum Exploration & Development Branch of the Petroleum and Electricity Division, Department of Primary Industries and Energy in Canberra.

It should be noted that any income derived in the future from the recovery of petroleum from these areas will be subject to the Commonwealth Government's Resources Rent Tax.

Lodgement of Applications

Applications for areas **W00-33 TO W00-50, W00-54, W00-55 AND W00-62 TO W00-68** must be lodged before 4:00 pm on Thursday, 3 May 2001.

Applications, together with supporting data should be submitted in the following manner to—

Director Petroleum Division
Department of Minerals and Energy
Level 11, Mineral House
100 Plain Street
EAST Perth, Western Australia 6004

Attention: Petroleum Applications Receiving Officer

The following special instructions should be observed—

- two copies of the application and supporting data together with the application fee should be sealed in an envelope or package, clearly marked "Application for Exploration Permit Area ... Commercial-in-Confidence"; and
- further enclosed in a plain covering envelope or package and delivered by hand or posted to the above address.

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

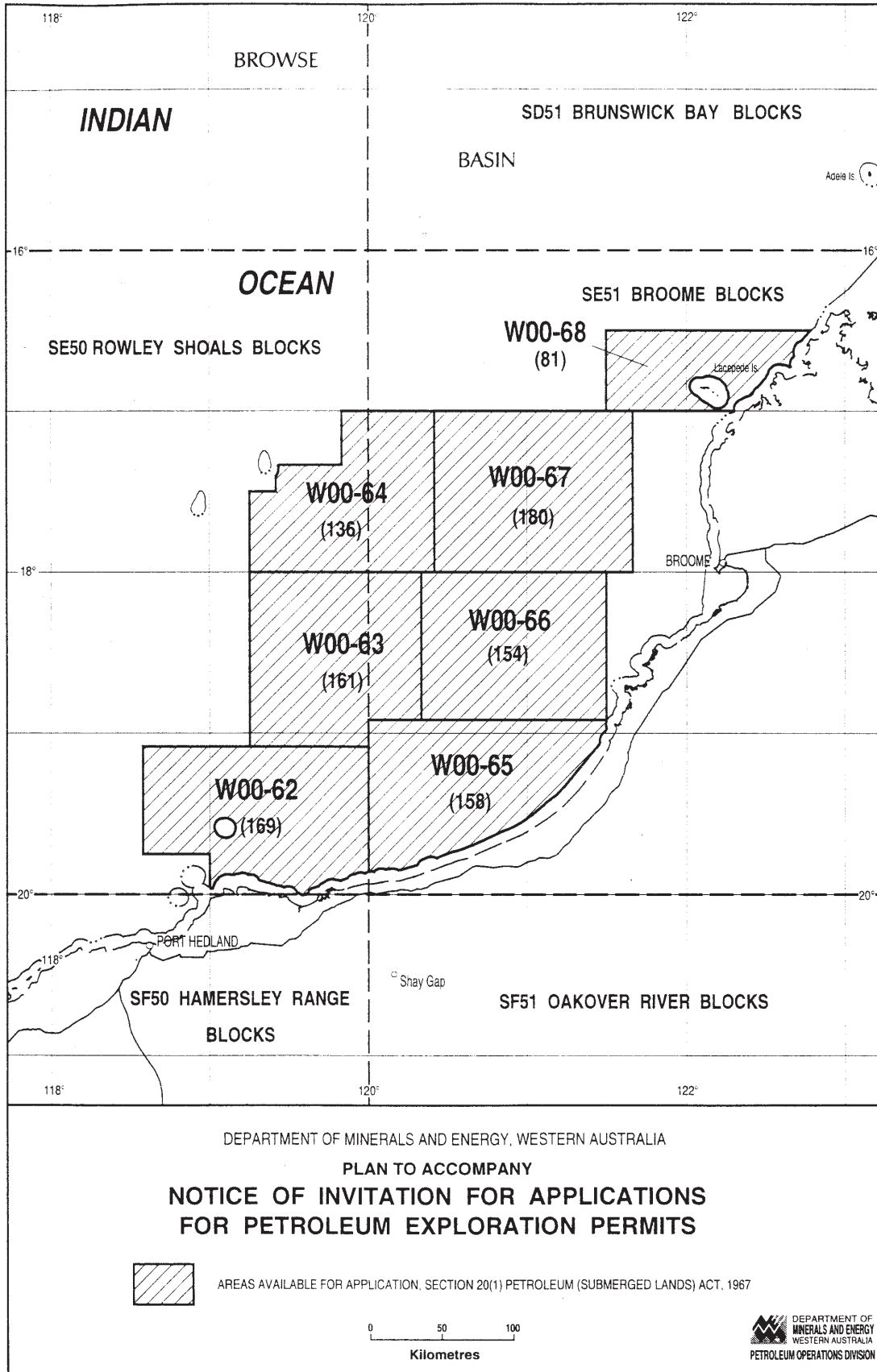
Enquiries concerning this gazettal should be referred to—

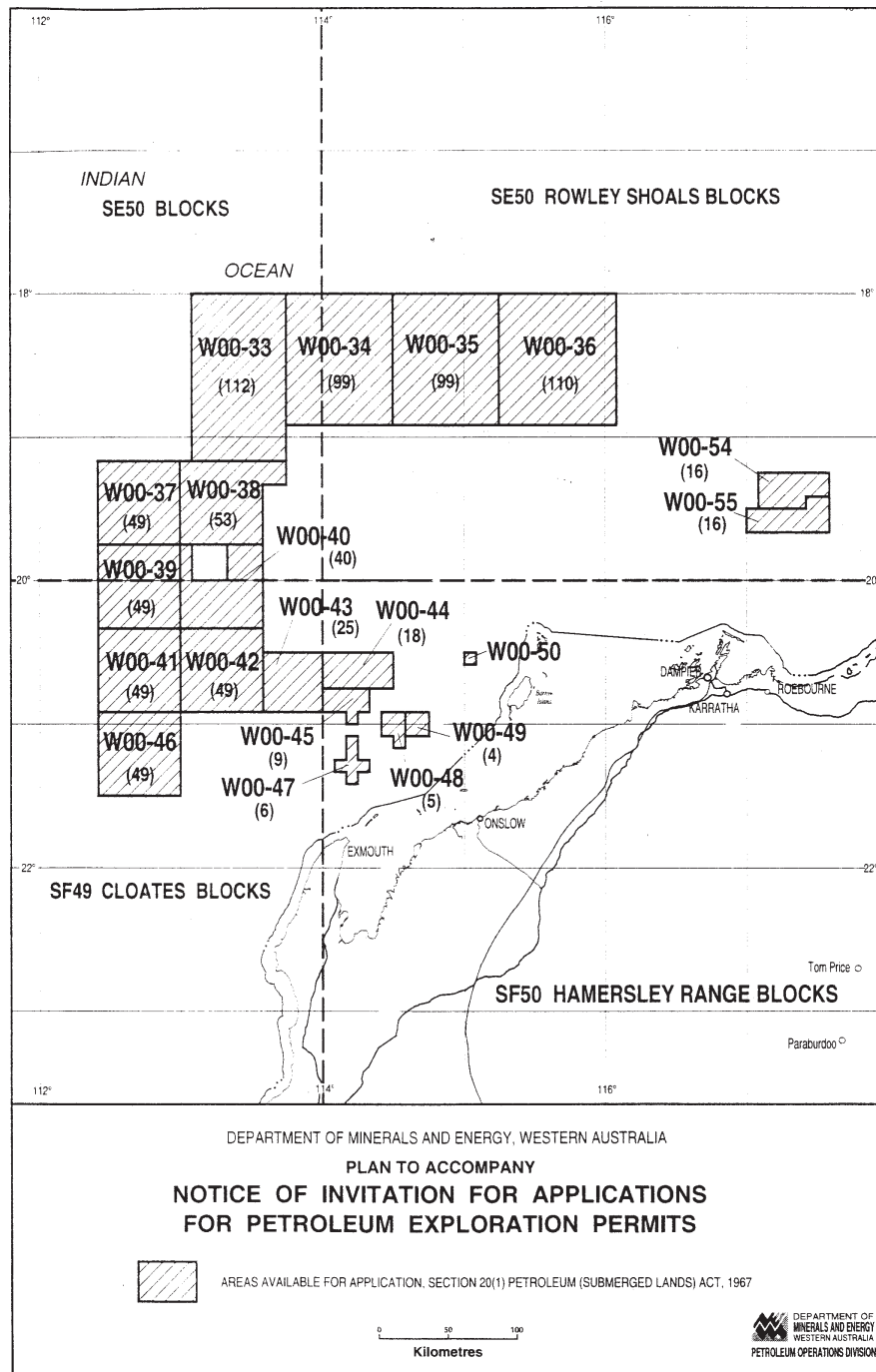
Margaret Beall

Petroleum Division

Telephone: (09) 222 3278

Facsimile: (09) 222 3515





PARLIAMENT

PA401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

Disallowance of Amendment

It is hereby notified for public information that the Legislative Council, by prorogation of Parliament on Wednesday, January 10 2001, has disallowed the following Amendment—

That the *Metropolitan Region Scheme Amendment No. 1024/33 Sunset Hospital Site* published in the *Gazette* on October 6 2000 and tabled in the Legislative Council on October 10 2000 under the *Metropolitan Region Town Planning Scheme Act 1959*.

Disallowance is effective on and from Wednesday, January 10 2001.

I. L. ALLNUTT, Deputy Clerk and Usher of the Black Rod.

January 15 2001.

PLANNING

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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF KALGOORLIE-BOULDER

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 25

Ref: 853/11/3/6 Pt 25

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Kalgoorlie-Boulder Town Planning Scheme Amendment on DATE for the purpose of—

1. Deleting all of the Public Purposes (Community Purposes) Reserve and part of the Local Business zone on a portion of part Hampton Location 40, Gatacre Street and replacing it partly with the Public Purposes (School) Reserve and partly with Public Purposes (Water/Drainage) Reserve (as indicated on the Amendment Map).
2. Deleting Clause 5.14 in its entirety and replacing it with the following—

5.14 LAND AFFECTED BY AIRCRAFT OR OTHER NOISE

- (1) Where it is considered by Council that land within the 'General Residential' Zone is adversely affected by aircraft or other noise, the following provisions shall apply—

Description of Land

(A) Whole or portion of Pt Hampton Loc 176, Boulder Lot 4533, Hampton Loc 47 & 48 and portion Hampton Loc 97 and 72

Lot 740 to Lot 743 and 748 to 753 Jordan Street, Lots 744 to 747 and 755 to 768 Longmore Parade, Lot 754 Gatacre Street

(B) Whole or portion of Hampton Location 173

Special Provisions

(A) Noise abatement measures to be undertaken in the development of all residential dwellings to the satisfaction of Council and the Department of Environmental Protection.

Memorials to be incorporated on all titles advising landowners and successors thereof that the land is affected by aircraft noise.

(B) Memorials to be incorporated on all titles created which are adjacent to or front Kitchener Road advising landowners and successors thereof that the land is affected by train noise.

Noise abatement measures to be undertaken in the development of all residential dwellings fronting or adjacent to Kitchener Road to the satisfaction of Council and the Department of Environmental Protection

- (2) Where it is considered by Council that sensitive land uses (schools, hospitals and other similar uses) are adversely affected by aircraft or other noise, the following provisions shall apply—

Description of Land

(A) Portion of Pt Hampton Location 40, Gatacre Street zoned "Public Purposes (School)"

Special Provisions

(A) Memorials to be incorporated on all titles created within the "Public Purposes (School)" zone advising landowners and successors thereof that the land is affected by aircraft noise.

Noise abatement measures to be undertaken in the development of all school buildings located on land within the 20 ANEF contour to the satisfaction of Council and the Department of Environmental Protection.

P. ROBSON, Mayor.

P. A. ROB, Chief Executive Officer.

PD402*

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

TOWN PLANNING SCHEME No. 10—AMENDMENT No. 36

Ref: 853/10/2/12 Pt 36

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 Carnarvon Town Planning Scheme Amendment on 11 January 2001 for the purpose of—

1. Including a definition in Appendix 4—Interpretations for the term Bed and Breakfast Accommodation, to read as follows—

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

2. Including a new use class Bed and Breakfast in the Zoning Table, cross-referenced as a discretionary (AA) use within the Special Rural zone.

D. A. MILLS, President.
 B. G. WALKER, Chief Executive Officer.

PD403*

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

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 6

Ref: 853/7/3/2 Pt 6

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 Halls Creek Town Planning Scheme Amendment on 10 January 2001 for the purpose of—

1. Introducing a new clause 3.3 Additional Uses into the Scheme as follows—

3.3 Additional Uses

Notwithstanding anything contained in the Zoning Table, the land specified in Appendix No. 8 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 in Appendix No. 8 with respect to that land.

2. Renumbering existing clause 3.3 to 3.4 and all sub-clauses accordingly.
3. Introducing an Additional Use schedule as Appendix No. 8.
4. Introducing into the Additional Use schedule the following—

Appendix No. 8

No.	Description of Land	Additional Use	Conditions
1.	Lot 137 Duncan Highway	Take Away Food	Uses to remain within service station complex

J. FARRER, President.
 P. J. McCONNELL, Chief Executive Officer.

PD404*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
TOWN OF KWINANA

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 67

Ref: 853/2/26/3 Pt 67

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Kwinana Town Planning Scheme Amendment on 12 January 2001 for the purpose of substituting Subdivision Guide Map No. 3 in Amendment No. 1 to the Town of Kwinana Town Planning Scheme No. 2 with a modified map to be known as Subdivision Guide Map No. 3A.

J. H. D. SLINGER, Mayor.
 F. R. EDWARDS, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF WYNDHAM-EAST KIMBERLEY
TOWN PLANNING SCHEME No. 7
(KUNUNURRA AND ENVIRONS)

Ref: 853/7/5/9

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 Wyndham-East Kimberley Town Planning Scheme No. 7 on 3 January 2001 the Scheme Text of which is published as a Schedule annexed hereto.

M. S. MIDDAP, President.
R. BROOKES, Acting Chief Executive Officer.

Schedule
SHIRE OF WYNDHAM—EAST KIMBERLEY
Town Planning Scheme No. 7
Scheme Text
(KUNUNURRA AND ENVIRONS)

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PART I—PRELIMINARY**1.1 CITATION**

1.1.1 This Town Planning Scheme may be cited as the Shire of Wyndham—East Kimberley Town Planning Scheme No 7—Kununurra and Environs hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY

1.2.1 The Authority responsible for implementing the Scheme is the Council of the Shire of Wyndham—East Kimberley hereinafter called 'the Council'.

1.3 SCHEME AREA

1.3.1 The Scheme applies to that part of the Shire of Wyndham—East Kimberley as shown on the Scheme Map by the broken black border and which area is hereinafter called the Scheme Area.

1.4 REVOCATION OF PREVIOUS SCHEME

1.4.1 The Shire of Wyndham-East Kimberley Town Planning Scheme No 4—Kununurra, which was published in the Government Gazette on the March 1, 1985, and amended from time to time, is hereby revoked.

1.5 CONTENTS OF THE SCHEME

- 1.5.1 The Scheme comprises—
- (a) The Scheme Text
 - (b) The Scheme Maps (Sheets 1 to 20)

1.6 ARRANGEMENT OF THE SCHEME TEXT

- 1.6.1 The Scheme Text is divided into the following parts—
- Part I—Preliminary
 - Part II—Reserves
 - Part III—Zones
 - Part IV—Non-Conforming Uses
 - Part V—General Development Requirements
 - Part VI—Overall Planning Areas
 - Part VII—Amenity Control
 - Part VIII—Car Parking Standards and Provisions
 - Part IX—Control of Advertising
 - Part X—Conservation and/or Preservation of Places of Heritage Value
 - Part XI—Planning Approval
 - Part XII—Administration

1.7 SCHEME OBJECTIVES

- 1.7.1 The broad objectives of the Scheme are as follows—
- (a) to set aside land for the continued development of the town in areas appropriate for urban development;
 - (b) to prevent the development of land near the townsite considered inappropriate for urban uses because of the adverse affects of inundation and other physical constraints;
 - (c) to reserve land for public purposes;
 - (d) to zone land outside the townsite area for specific rural and industrial uses;
 - (e) to zone and reserve land for landscape conservation and protection;
 - (f) to devise and implement policies for the lakeside areas for the provision of land for recreation, landscape protection and specific development as part of a major lakeside park system;
 - (g) to zone the balance of the land within the Scheme Area for the various purposes described in the Scheme;
 - (h) to provide development policies and controls for the purpose of securing land, maintaining an orderly and properly planned use and development of land within the Scheme Area;

- (i) to set policies for the preservation of sites and places of historic and heritage value;
- (j) to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable land use and development;
- (k) to recognise the objectives of the State Planning Strategy.

1.8 INTERPRETATIONS

1.8.1 Except as provided in 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 Appendix 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 II—RESERVES

2.1 SCHEME RESERVES

2.1.1 The lands shown as 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—

- Major Road Reserve
- Parks and Recreation Reserve
- Public Purposes Reserve
- Waterway Reserve
- Special Foreshore Reserve
- Conservation/Environmental Protection Reserve

2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL

2.2.1 Where an application for Planning Approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its approval.

2.3 COMPENSATION

2.3.1 Where the Council refuses Planning Approval for the development of a Scheme Reserve on the ground that the land is reserved for the purposes shown on the Scheme Map, or grants 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 six 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 approval subject to conditions that are unacceptable to the applicant.

2.4 OBJECTIVES FOR RESERVES

2.4.1 Major Road Reserve

To identify land required for existing and future major roads such as the future Kununurra By-pass road and existing Victoria Highway Reserve.

2.4.2 Park and Recreation Reserve

To identify and protect land utilised or intending to be utilised for local recreational needs.

2.4.3 Public Purpose Reserve

To identify and protect land required for public utilities, community purposes and educational facilities.

2.4.4 Waterway Reserve

To identify and protect significant lakes, rivers and irrigation channels and ensuring that environmental values are paramount in any consideration by the Council for applications for use of a waterway reserve.

2.4.5 Special Foreshore Reserve

To identify and protect those foreshore areas that have special conservation values particularly in regard to flora and fauna values and ensuring that areas of significance are ultimately identified and recorded through appropriate studies.

2.4.6 Conservation/Environmental Protection Reserve

To identify and protect those areas of conservation significance particularly within existing National Parks and other conservation reserves.

PART III—ZONES

3.1 ZONES AND DEVELOPMENT TABLE

3.1.1 The Scheme Area is divided into 14 Zones set out hereunder—

- Town Centre Zone

Local Centre Zone
 Tourist Zone
 Residential Zone
 Residential Development Zone
 Light Industry Zone
 Mixed Business Zone
 Rural Industry Zone
 Composite Industry Zone
 General Rural Zone
 Rural Agriculture 1 Zone
 Rural Agriculture 2 Zone
 Rural Living Zone
 Special Site Zone

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon. These zones and the development provisions relating to them shall be read in conjunction with Policy Statements as adopted by the Council from time to time pursuant to Part XII.

3.1.3 Table 1 indicates, subject to the provisions of the Scheme, the various uses permitted in the Scheme Area in the various zones. Such uses are determined by cross reference between the list of Use Classes on the left hand side of the Table 1 and the list of Zones at the top of the Zoning Table.

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

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

'IP'—means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;

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

'SA'—means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 11.2.

3.1.5 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.

3.1.6 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.

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

(a) determine that the use is not consistent with the objectives and purpose of the particular zone and policy statement and is therefore not permitted,

or

(a) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the particular zone and policy statement and thereafter the Council will consider the application as an "SA" use.

TABLE 1—ZONING TABLE

Use Classes	Town Centre	Local Centre	Tourist	Residential	Residential Development	Light Industry	Mixed Business	Rural Industry	Composite Industry	General Rural	Rural Agriculture 1	Rural Agriculture 2	Rural Living	Special Site
COMMERCIAL														
Amusement Parlour	P	AA	—	—	—	—	AA	—	—	—	—	—	—	—
Bed and Breakfast	AA	—	P	SA	SA	—	—	—	—	—	—	—	—	—
Boarding House	P	—	P	SA	AA	—	SA	—	—	—	—	—	—	—
Car Park	P	P	P	AA	AA	IP	IP	IP	—	IP	IP	—	—	—
Caravan Park	P	—	AA	—	—	—	—	—	—	—	—	—	—	—
Camping Ground	SA	—	SA	—	—	—	—	—	—	—	—	—	—	—
Convenience Store	P	P	—	—	—	—	SA	—	—	—	—	—	—	—
Drive-In Theatre	AA	—	AA	—	—	—	—	—	—	—	—	—	—	—
Dry Cleaning Premises	P	—	—	—	—	P	AA	—	—	—	—	—	—	—
Farm Stay	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Fast Food Outlet	P	P	SA	—	—	AA	—	—	—	—	—	—	—	—
Fish Shop	AA	AA	—	—	—	—	—	—	—	—	—	—	—	—
Funeral Parlour	AA	AA	—	—	—	AA	SA	—	—	—	—	—	—	—
Garden Centre	AA	AA	—	—	—	P	P	—	AA	—	AA	AA	—	—
Health Studio	P	AA	—	—	—	SA	AA	—	—	—	—	—	—	—
Home Occupation	—	—	—	AA	AA	—	—	—	AA	AA	AA	AA	AA	AA
Hotel	P	—	P	—	—	—	SA	—	—	—	—	—	—	—
Laundromat	P	P	—	—	—	P	—	—	—	—	—	—	—	—
Market	P	SA	—	—	—	AA	AA	—	—	—	AA	AA	—	—
Motel	P	—	P	—	—	—	SA	—	—	—	—	—	—	—
Motor Vehicle/Marine Sales Premises	P	—	—	—	—	P	P	—	—	—	—	—	—	—
Motor Vehicle and Equipment Hire	AA	—	—	—	—	P	P	—	AA	—	—	—	—	—
Nursery—Plant	AA	AA	—	—	—	P	P	—	AA	—	P	P	—	—
Office	P	P	IP	—	AA	IP	AA	—	AA	—	—	—	—	—

PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2.

TABLE 1—ZONING TABLE—continued

Use Classes	Town Centre	Local Centre	Tourist	Residential	Residential Development	Light Industry	Mixed Business	Rural Industry	Composite Industry	General Rural	Rural Agriculture 1	Rural Agriculture 2	Rural Living	Special Site
Reception Centre	AA	—	AA	—	—	—	—	—	—	—	—	—	—	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2.
Restricted Premises	SA	SA	—	—	—	—	SA	—	—	—	—	—	—	
Restaurant	P	P	P	—	—	—	—	—	—	—	—	—	—	
Service Station	P	SA	—	—	—	AA	AA	—	—	—	—	—	—	
Shop	P	P	—	—	—	AA	AA	—	—	—	—	—	—	
Showroom	P	—	—	—	—	P	P	—	AA	—	—	—	—	
Tavern	P	—	SA	—	—	—	—	—	—	—	—	—	—	
Tourist Accommodation	P	—	P	—	—	—	—	—	—	—	—	—	—	
Warehouse	AA	—	—	—	—	P	AA	—	AA	—	—	—	—	
Wayside Stall	—	—	—	—	—	—	—	—	—	AA	AA	AA	—	
RESIDENTIAL														
Aged & Dependent Persons Dwelling	AA	—	—	AA	AA	—	—	—	AA	—	—	—	—	—
Caretaker's Dwelling	IP	—	IP	—	—	—	IP	IP	AA	IP	IP	IP	—	—
Community Home	AA	—	—	P	P	P	—	—	—	—	—	—	—	—
Grouped Dwelling	AA	—	—	AA	AA	—	—	—	—	—	—	—	—	—
Multiple Dwelling	AA	—	—	AA	AA	—	—	—	—	—	—	—	—	—
Residential Building	AA	—	—	SA	SA	—	SA	—	—	—	—	—	—	—
Single Dwelling	—	—	—	P	P	—	—	—	AA	P	P	P	P	—
Transient Accommodation	—	—	—	—	—	SA	SA	—	—	AA	AA	AA	—	—
INSTITUTIONAL														
Civic Building	P	—	—	SA	SA	—	SA	—	—	—	—	AA	AA	—
Club Premises	P	AA	—	—	—	—	AA	—	—	—	—	—	—	—
Community Service Depot	AA	—	—	AA	AA	P	P	AA	—	AA	AA	AA	AA	—
Consulting Rooms	P	P	—	SA	SA	—	SA	—	—	—	—	—	—	—
Day Care Centre	P	—	—	SA	SA	—	SA	—	—	—	—	—	—	—
Education Establishment	P	AA	—	SA	SA	AA	—	—	—	AA	AA	—	—	—
Hospital	P	—	—	—	—	—	—	—	—	—	—	—	—	—
Kennels/Cattery	—	—	—	—	—	SA	SA	AA	—	SA	SA	SA	—	—
Kindergarten	AA	AA	—	SA	SA	—	—	—	—	—	—	—	—	—
Medical Centre	P	P	—	SA	SA	—	P	—	—	—	—	—	—	—
Public Amusement	P	AA	—	—	—	—	SA	—	—	—	—	—	—	—
Public Worship	P	—	—	SA	SA	—	—	—	—	—	—	—	—	—
Radio & TV Installation	SA	AA	—	SA	SA	AA	AA	AA	—	AA	AA	AA	—	—
Veterinary Consulting Room or Hospital	AA	—	—	—	—	—	AA	AA	—	—	—	—	—	—
INDUSTRIAL														
Abattoir	—	—	—	—	—	—	—	SA	—	AA	SA	—	—	—
Factory units	—	—	—	—	—	P	P	AA	—	—	—	—	—	—
Fuel Depot	—	—	—	—	—	AA	AA	AA	—	—	—	—	—	—
Industry—														
General	—	—	—	—	—	AA	AA	—	—	—	—	—	—	—
Light	—	—	—	—	—	P	AA	AA	AA	—	—	—	—	—
Service	—	—	—	—	—	P	AA	AA	AA	—	—	—	—	—
Extractive	—	—	—	—	—	—	—	—	—	AA	AA	—	—	—
Hazardous	—	—	—	—	—	—	—	SA	—	—	—	—	—	—
Noxious	—	—	—	—	—	—	—	SA	—	—	—	—	—	—
Cottage	AA	—	—	—	—	—	AA	AA	—	AA	AA	SA	SA	—
Rural	—	—	—	—	—	—	—	P	—	P	SA	SA	—	—
Motor Vehicle Repair	AA	AA	—	—	—	P	P	AA	AA	—	—	—	—	—
Motor Wrecking	—	—	—	—	—	AA	—	—	—	—	—	—	—	—
Salvage Yard	—	—	—	—	—	AA	—	—	—	—	—	—	—	—
Transport Depot	—	—	—	—	—	AA	—	AA	AA	—	SA	—	—	—
RURAL														
Airfield	—	—	—	—	—	—	—	—	—	AA	AA	—	—	—
Aquaculture	—	—	—	—	—	—	—	—	—	SA	SA	SA	—	—
Equestrian Centre	—	—	—	—	—	—	—	—	—	P	AA	SA	—	—
Intensive Agriculture	—	—	—	—	—	—	—	—	—	AA	AA	AA	—	—
Milk Depot	—	—	—	—	—	AA	P	P	—	AA	SA	—	—	—
Piggery	—	—	—	—	—	—	—	—	—	AA	AA	—	—	—
Poultry Farming	—	—	—	—	—	—	—	SA	—	AA	AA	SA	—	—
Private Recreation	AA	—	—	—	—	—	AA	—	—	—	—	—	—	—
Public Recreation	P	P	—	P	P	P	P	P	—	P	P	P	P	—
Rural Pursuit	—	—	—	—	—	—	—	—	—	P	P	P	SA	—
Zoological Gardens	—	—	—	—	—	—	—	—	—	AA	AA	SA	—	—

PART IV—NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

4.1.1 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;
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE RIGHTS

4.2.1 A person shall not alter or extend a non-conforming use or erect alter or extend a building more than 20% of the existing floor area of the building or buildings existing at the time of the gazettal of the scheme 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 and any relevant policy.

4.3 CHANGE OF NON-CONFORMING USES

4.3.1 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 uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or 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.

4.4.2 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.

4.5 DESTRUCTION OF BUILDINGS

4.5.1 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 percent or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART V—GENERAL DEVELOPMENT REQUIREMENTS

5.1 REQUIREMENT FOR PLANNING APPROVAL

5.1.1 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.

5.2 PLANNING APPROVAL NOT REQUIRED

5.2.1 The Planning Approval of the Council is not required for the following development of land—

- (a) the use of land in a Reserve, where such land is held by the Council or vested in a public authority;
 - (i) for the purpose for which the land 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 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;
- (c) the carrying out of any 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;
- (d) the carrying out of works urgently necessary in the public interest of safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (e) the erection of a boundary fence except as otherwise required by the Scheme;
- (f) the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone excluding the Rural Living Zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table provided such dwelling is consistent with the Residential Planning Code and does not require a specific Council decision to vary the codes;
- (g) the erection of an outbuilding of an area less than 60 m² in area .

5.3 DEVELOPMENT STANDARDS TABLE—TABLE 2

5.3.1 The Development Standards Table specifies the standards and requirements with which the various uses permitted within the Scheme area must comply.

5.3.2 Subject to the provisions of this Scheme, no person shall develop or use any land or building in any zone within the Scheme area for any of the purposes mentioned in the Zoning Table unless development or building is in conformity with the provisions of the Scheme and the standards set out in the Development Standards Table.

5.3.3 Where a particular use is not mentioned in the Development Standards Table, the development requirements shall be determined by the Council.

5.3.4 Where an application is for more than one use on the same site and different standards apply for each use, subject to the provisions of this Scheme, the Council will determine what standard shall apply.

5.4 BUILDING LEVELS, HEIGHT AND SEWER TREATMENT BUFFER AREA

5.4.1 A building, except with the approval of the Council, shall not be constructed upon any land within an area considered by Council as being liable to flooding and in this regard the Council shall consult with the Western Australian Water Corporation and the Water and Rivers Commission prior to granting planning approval.

5.4.2 On approving any building within the Scheme Area, the Council may set minimum levels for any floor and appurtenant area of the building in order to avoid potential flood problems.

5.4.3 A building (including a dwelling house) shall not be erected on land to which this Scheme applies where the building contains more than three storeys or the perpendicular distance from its highest point to the natural ground level of the land on which it is erected exceeds 10 metres.

5.4.4 Notwithstanding clause 5.4.3, reference to a building does not include reference to—

- (a) an aerial
- (b) a chimney stack
- (c) a mast
- (d) a pole
- (e) a receiving or transmission tower
- (f) a silo
- (g) a utility installation
- (h) a ventilator
- (i) a windmill
- (j) a building in the Light Industry, Rural Agriculture 1, General Rural and Rural Industry Zones.

5.4.5 Development within 500 metres of the Kununurra sewer treatment works may not be approved by the Council if such development includes a permanent residential or temporary residential component including tourist accommodation in the event that Council considers that such development may be affected by the odour buffer area.

5.5 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

5.5.1 If a development, other than a residential development, the subject of an Application for Planning approval, does not comply with a standard or requirement prescribed by the Scheme in Table 2 with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit provided such use is a permitted or discretionary use in Table 1.

5.5.2 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 preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

TABLE 2—DEVELOPMENT STANDARDS

Landuse or Development	Minimum Setbacks			Parking	Landscaping	Special Conditions
	Street	Side	Rear			
Automotive Sales/Hire	9m	BCA	BCA	One bay every 50m ² GFA up to 200m ² in area thereafter one bay every 200m ² GFA or part thereof	Landscaping is to be applied in accordance with Council Policy unless specified by the Scheme	
Caravan Park/Camping Ground	9m	3m	3m	One per site plus one visitor space for every ten sites		
Childminding facility/ kindergarten	6m *	3m	6m	One bay for every employee and one bay for every four children attending		Safe pickup and setdown areas shall be developed as directed by Council
Consulting Rooms (Medical)	7.5m *	1m	6m	Four spaces per practitioner		
Fast Food Outlet	9m *	3m	6m	One bay for every 10m ² GFA or part thereof or one bay every four seats provided whichever is greater		
Health Studio/Centre	9m *	BCA	BCA	One bay for every 20m ² GFA (including swimming pools) or part thereof		
Hotel/Tavern	10m *	5m	10m	One bay per two bedrooms plus one for every 6m ² of bar and public area		
Industry-General	9m	BCA	BCA	One bay for every 100m ² GFA or part thereof		
Industry Light	9m	BCA	BCA	One bay for every 65m ² GFA up to 200m ² then one bay every 100m ² thereafter or part thereof		
Industrial Unit Building (Multiple Occupancy)	9m	Parapet 1 side 6m the other side	BCA	Two bays per Industrial unit or one bay for every 100m ² of part thereof GFA whichever is greater		
Motel	9m	3m	3m	One bay per two units plus one bay for every four seats in any restaurant		
Office	9m *	BCA	BCA	One bay for every 40m ² GFA or part thereof		
Open Air Display	2m	1m	1m	One bay for every 50m ² or part thereof		No storage structures are permitted within the Open Air Display Area
Public Assembly, Public Worship (place of)	9m *	3m	3m	One bay for every eight seats provided		

TABLE 2—DEVELOPMENT STANDARDS—continued

Landuse or Development	Minimum Setbacks			Parking	Landscaping	Special	Conditions
	Street	Side	Rear				
Reception Centre	9m *	3m	6m	One bay for every 10m ² GFA or one bay for every four seats provided whichever is the greater	Landscaping is to be applied in accordance with Council Policy unless specified by the Scheme		
Restaurant	9m *	3m*	6m*	One bay for every 10m ² GFA or one bay for every 4 seats whichever is the greater			
Residential Building or Residential Hotel or Boarding House	9m*	3m*	6m*	One space per two beds			
Service Station	11.5m Canopy 3m	3m 3m	3m 3m	Two bays plus one bay for every employee with a total minimum of four bays		Subject to meeting Australian Petroleum Institute Code of Practice for Underground Fuel Storage Facilities	
Shop	9m *	BCA	BCA	1 bay per 20m ² GFA			
Showroom	9m *	BCA	BCA	One bay for every 50 m ² GFA or part thereof and thereafter one bay every 100m ² GFA or part thereof			
Tourist Accommodation	9m *	BCA	BCA	One bay per 2 bedrooms of accommodation		Council may reduce the parking requirement if the predominant mode of transport by visitors utilising the premises is by coach (particularly backpackers accommodation)	
Veterinary Consulting Rooms	7.5m	1m	6m	Four bays plus one bay per employee			
Warehouse	9m	BCA	BCA	One bay every 100m ² GFA or part thereof		No storage of goods outside warehouse building unless specifically approved by the Council	

BCA means Building Code of Australia (1988) as amended.

GFA means Gross Floor Area

* Nil in town centre zone

5.6 LANDSCAPING

5.6.1 Any Application for Planning Approval for any building other than a single dwelling may be required by Council to be accompanied by a plan showing the proposed landscaping of the site and comprising—

- (a) the location and general nature of planted areas,
- (b) the location and nature of materials to be used on non-planted areas,
- (c) the location and size of any outbuildings or other minor proposed structures.

5.6.2 The applicant shall commence the implementation of any approved landscape plan within six calendar months of the completion of all other approved works and shall complete the works no later than six calendar months following approval to occupy any building.

5.7 RESIDENTIAL DEVELOPMENT: RESIDENTIAL PLANNING CODES

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

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

5.7.3 In the event of there being any inconsistency between the Residential Planning Codes identified by Clauses 5.7.1 and 5.7.2, the provisions in the document identified in Clause 5.7.1 shall prevail.

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

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

5.7.6 For the purposes of development in the Residential Development zone, the residential planning code applicable to residential development shall be that shown on a Structure Plan prepared and approved under the procedures outlined in Part VI of this Scheme.

5.7.7 Where a site has dual coding Council may approve residential development at a density exceeding that applicable to the R15 Code if it is generally consistent with the design criteria in Council Policy relating to design of higher density residential uses in established residential areas.

5.8 RESIDENTIAL ZONE

5.8.1 Objectives

- (a) to allocate a density coding for the Residential zone throughout the Scheme Area designed to—
 - (i) provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites;

- (ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas;
- (iii) Allow redevelopment opportunities for areas of older housing stock.

5.9 RESIDENTIAL DEVELOPMENT ZONE

5.9.1 Objectives—

- (a) To identify opportunities for the future subdivision and development of land for the purposes of single and group residential purposes together with, if determined necessary by Council, associated community and recreational facilities.
- (b) To ensure that subdivision and development of land within the zone is consistent with a structure plan adopted by Council and endorsed by the W.A. Planning Commission prepared in accordance with Clause 6.6 of this scheme.

5.10 TOWN CENTRE ZONE

5.10.1 Objectives—

- (a) to zone adequate land for the continued development of a main commercial and community facility centre for the town;
- (b) to prepare and implement an overall Town Centre Strategy to guide and promote development;
- (c) to apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

5.10.2 Upper Floors

Where the ground floor of a two-storey building is used for the purpose of commerce, the upper floors of such building may be used for such purposes as may be permitted by the Council and may include shops, offices or residential development. Residential uses in such circumstances are to be confined to the upper storey only.

5.10.3 Service Areas

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with an approved plan relating thereto and shall provide for on-site loading and unloading of a size not less than 10 m² necessary for service vehicles. The design of such areas shall also require all entry and exit movements from and to the adjoining street or right-of-way system to be in a forward direction.

5.10.4 Group Residential Development in the Town Centre Zone

Group Residential development within the Town Centre Zone may be permitted in accordance with the provisions of the R 50 Code, however will first be determined to be compatible with the Council's overall Town Centre policy or strategy and any adjoining development.

5.10.5 Consideration of Planning Approval

In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre zone, the Council shall have regard to the following—

- (a) Any town centre strategy or policy as adopted from Council from time to time that provides guidelines on the manner in which development shall relate to streetscapes and general development precincts identified in such town centre strategies.
- (b) The colour and texture of external building materials.
- (c) Building size, height, bulk, and roof pitch.
- (d) Setback and location of the building on its lot.
- (e) Architectural style and design details of the building.
- (f) Function of the building.
- (g) Relationship to surrounding development.
- (h) Parking and landscaping requirements.
- (i) Other characteristics to be considered by Council to be relevant.

5.10.6 Landscaping

In considering an application for planning approval for a proposed development in the Town Centre Zone the Council may impose landscaping requirements to a maximum of 10% of the site area. Such landscaping will be required to compliment any streetscape landscaping that Council has undertaken or is implementing.

5.11 LOCAL CENTRE ZONE

5.11.1 Objective

- (a) To provide for commercial and retail development in residential areas remote from the existing town centre in order to cater for local service and shopping needs in the Lakeside and associated residential areas;
- (b) to ensure that land uses proposed within the Local Centre zone are consistent with the local residential needs and do not detract from the commercial viability of the existing town centre retail area.

5.11.2 Development Requirements

In considering an application for planning approval for a proposed development, the Council will ensure that the proposed development is consistent with the local residential needs of the immediate

residential area and are consistent with the original intentions of any structure planning adopted by Council and approved by the Western Australian Planning Commission for residential development areas and areas contained within overall planning areas.

5.11.3 In considering an application for planning approval for a proposed development within the Local Centre zone the provisions of the Clause 5.10.5 apply with the exception of Clause 5.10.5 (a).

5.11.4 For a lot in the Local Centre zone which abuts a lot in the Residential zone, setbacks shall comply with the Residential Planning Code applicable to the abutting lot.

5.12 MIXED BUSINESS ZONE

5.12.1 Objective

- (a) To encourage the establishment of predominantly showrooms related to manufacturing on-site and service industry and/or service trades centres;
- (b) to only permit the establishment of a caretakers dwelling if such dwelling is considered necessary by Council for operational and security purposes of the business already established on-site.

5.12.2 Consideration of Planning Approval

In considering an application for Planning Approval for a proposed development, the provisions of Clause 5.10.5(b) to (i) shall apply.

5.13 LIGHT INDUSTRY ZONE

5.13.1 Objective

- (a) To provide for areas for the establishment of light industrial pursuits such as small scale manufacturing, service industry pursuits, prefabrication and vehicle repairs and storage;
- (b) to ensure that residential uses are not established in the area.

5.14 RURAL INDUSTRY ZONE

5.14.1 Objective

- (a) To create opportunities within the agricultural area for the establishment of industries related to agricultural pursuits and primary production.

5.15 COMPOSITE INDUSTRY ZONE

5.15.1 Objective

- (a) to provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial zone lots and future rural residential uses in the locality.

5.15.2 Development Requirements

Within a lot situated within the Composite Industry zone a person may only—

- (a) Develop or establish a light industry where a residence is erected first and forms an integral part of the development.
- (b) Allow the residence to be occupied by either the owner, manager or employee of the light industry established on the premises.
- (c) Generally allows family or dependants to be employed in the industrial pursuit.
- (d) Establish an industry that is of a nature as determined by Council that can operate compatibly with residential living and with minimal impact on adjoining residential uses.
- (e) Establish an industry that is essentially a single person operation and is not reliant on attracting passing trade or customers.
- (f) Develop single residential use in accordance with the R15 code.
- (g) Develop industrial use in accordance with standards specified in Tables 1 and 2 of the Scheme.

5.15.3 Subdivision

Subdivision of land within the zone that is inconsistent with the subdivision layout shown on the Scheme map will not be supported.

5.16 DEVELOPMENT IN THE LIGHT INDUSTRY, RURAL INDUSTRY AND MIXED BUSINESS ZONES

5.16.1 Storage of Materials

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

5.16.2 Loading and Unloading

Areas for loading and unloading of vehicles, particularly road trains, carrying goods and commodities to or from premises shall be provided and maintained in accordance with the approved plan and constructed in accordance with requirements as specified by Council.

5.16.3 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback.

5.16.4 Development Within Front Setback Area

The Council may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing—

- (a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by the Council;
- (b) that any activity beneath such structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the Council may deem fit.

5.16.5 Environmental Buffers

The Council, in assessing development applications within these zones, shall have due regard for appropriate buffers as outlined under relevant Environmental Protection Authority Guidelines and Policies and in any event, Council may impose conditions specifically on a development approval to comply with appropriate conditions in order to prevent pollution impacts on surrounding properties.

5.16.6 Landscaping

The Council may require the first 5 metres of the front setback on any lot to be landscaped to the satisfaction of 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 Council.

5.17 GENERAL RURAL ZONE

5.17.1 Objectives

- (a) to permit the continued use of the land for grazing and agricultural purposes;
- (b) to prohibit any industrial or urban development or land use which may adversely affect the above;

5.18 RURAL AGRICULTURE 1 ZONE

5.18.1 Objective

- (a) that the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

5.19 RURAL AGRICULTURE 2 ZONE

5.19.1 Objectives

- (a) to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;
- (b) to promote the use of these lots for the production of horticultural crops and associated uses only;

5.20 RURAL LIVING ZONE

5.20.1 Objective

- (a) to provide for the provision of land for people wishing to reside on a small rural holding;
- (b) to prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;
- (c) to maintain the rural/residential character of the land;
- (d) to ensure adequate services are provided to sustain a rural residential community;

5.20.2 Development Requirements For the Rural Living Zone

- (a) In addition to a building license, the Council's planning approval is required for development including a single house.
- (b) Not more than one dwelling per lot shall be erected, but the Council may at its discretion approve ancillary accommodation and other uses in accordance with table No. 1.
- (c) In order to conserve the rural environment or features of important landscaping, trees shall be retained unless their removal is required for the purposes of access, building development and fire protection.
- (d) 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 Council. In considering an application for planning approval for a proposed development Council may impose conditions relating to the prevention of over stocking, erosion and any other practise detrimental to the amenity of the Rural Living Zone.
- (e) In considering an application for planning approval for a proposed development, the Council shall have regard to the provision of adequate potable water supply either by ground water or rainwater roof catchment, the need for bushfire protection measures to be introduced and satisfactory details of effluent methodology and drainage management.

5.21 DEVELOPMENT IN THE RURAL AGRICULTURE 1, RURAL AGRICULTURE 2 GENERAL RURAL, AND RURAL LIVING ZONES

5.21.1 Setbacks

Table 3—Rural Zones

Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1 and 2	20	20	20
Rural Living	10	5	10

5.21.2 Transient Accommodation

Council may permit the construction and occupation of a transient accommodation the Rural Agriculture 1 and 2 zones and General Rural Zone lot providing—

- (a) that any occupant is directly employed in the business or activity carried out on the lot;
- (b) that such occupation is of a seasonal nature only relative to the agricultural use of the land and shall not be used for either permanent or short stay residential use.
- (c) that such accommodation does not consist of caravans, mobile homes, or transportable buildings unless such transportable buildings are permanently affixed to the site by footings as required by Council.
- (d) such accommodation consists of principally bedrooms and communal ablutions and activity areas.

5.22 SPECIAL SITE ZONE

5.22.1 Objective

To reflect those sites specifically established for a particular use.

5.22.2 Development in a Special Site Zone

- (a) Land within the Special Sites Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No 2 as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.
- (b) Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.

5.23 TOURIST ZONE

5.23.1 Objective

- (a) To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.
- (b) To encourage tourist uses on land adjacent to the existing town centre and forming the approach to the town centre of Kununurra.
- (b) To encourage a high standard of aesthetic quality, landscaping and presentation.

5.23.2 Residential Use in the Tourist Zone

Council may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 30% of the number of units, rooms or caravans/cabins approved for the site.

5.24 PLANNING POLICIES

In dealing with applications for Amendment to this Scheme, subdivision and/or development, Council is required to pay due regard to the Policy Statements for the Policy Areas within the Scheme.

5.25 SUBDIVISION

Subdivision of land below the recommended minimum size of lots in the policies to accommodate residential land uses in a rural setting will not be supported on land outside the Rural Living Zone.

PART VI—OVERALL PLANNING AREAS

6.1 OBJECTIVE

The Scheme map indicates a number of overall planning areas wherein Council will not support development or subdivision proposals until such time as the requirements pertaining to each particular area, as listed below have been satisfied and a structure plan has been prepared and adopted as outlined in Clause 6.6.

6.2 OVERALL PLANNING AREA NO. 1—Lily Creek Residential Expansion Area

6.2.1 The area shall be established for long term residential development of a maximum density of R15, with the exception of group residential opportunities that can be established up to an R50 density as determined appropriate by Council.

6.2.2 In considering a structure plan for the locality, Council will only support commercial development to a level it considers consistent with the convenience shopping needs of the projected residential population within the Overall Planning Area.

6.2.3 Structure planning shall have specific regard to the need for substantial buffers between Victoria Highway future subdivision area and the adjacent drainage areas to the north of the Overall Planning Area.

6.2.4 Structure planning will be prepared in consultation with the Department of Conservation and Land Management in relation to the adjoining Mirima National Park, with particular reference to wildlife corridors between the Park and adjoining areas.

6.3 OVERALL PLANNING AREA NO. 2—Weaber Plains Road Light Industrial Area

6.3.1 The land will be developed as an extension of the Weaber Plains Road industrial area for light industrial purposes.

6.3.2 In addition to requirements outlined in clause 6.6, structure planning for the locality shall have specific regard to—

- (a) setback from the steep sandstone ridges;
- (b) inclusion of an open space buffer between the eastern boundary and the ridge face;
- (c) landscaped buffer strip between Weaber Plains Road and western boundary of development;
- (d) strategic access points to the industrial area from Weaber Plains Road;
- (e) retention of isolated rock outcrops in open space reserves;
- (f) retention of drainage lines in specified reservations;
- (g) range of lot sizes providing for varying industrial needs; and
- (h) servicing of lots.

6.3.3 Structure planning for the area will also be prepared in consultation with the Department of Conservation and Land Management in relation to the adjoining Mirima National Park and the Structure Plan shall address any concerns raised in relation to the identification and preservation of stands of significant vegetation worthy of retention and the provision of a wildlife corridor linking the National Park to the M1 irrigation channel.

6.4 OVERALL PLANNING AREA NO. 3—Stockman Road Rural Residential Area

6.4.1 The area is to be established as a rural-residential subdivision area creating a variety of lot sizes but not less than 2 hectares.

6.4.2 Structure planning where necessary will be required to recognise proximity to drainage areas, existing and future uses and zones and in particular where applicable, the adjacent composite industry zone and special use zone.

6.4.3 Structure planning will need to specifically address the geo-technical suitability of the area for building development, effluent disposal and ground water availability.

6.4.4 Structure planning for the area will also be prepared in consultation with the Department of Conservation and Land Management in relation to the adjoining Mirima National Park and the Structure Plan shall address any concerns raised in relation to the identification and preservation of stands of significant vegetation worthy of retention and the provision of a wildlife corridor linking the National Park to Lake Kununurra.

6.5 OVERALL PLANNING AREA NO. 4 - Old Darwin Road Precinct

6.5.1 The area is to be considered for the purposes of the following—

- Farmstay Tourist Development
- Agricultural Uses
- Subdivision for the purposes of agriculture based on appropriate land capability and agricultural management plans, tourism uses and other uses consistent with approved Structure Plans for the precinct.

6.5.2 Structure planning is specifically required to address the compatibility of proposed uses with existing agricultural and horticultural activity and ensure that the future use of prime agricultural land for agricultural purposes is not compromised.

6.5.3 Structure planning will need to confirm that the proposed uses and/or subdivision framework are compatible with the continued broad acre agricultural pursuits that exist within the overall planning area

6.5.4 Structure planning shall demonstrate that the ultimate proposed land uses would have no impact on the adjoining Emu Creek wetland areas.

6.5.5 Following the preparation and adoption of a structure plan for this area in accordance with Clause 6.6 of this Scheme and notwithstanding Clause 6.6.5 and Clause 6.6.6 the development or subdivision of the area will be preceded by an appropriate scheme amendment to rezone the land in accordance with the adopted Structure Plan.

6.6 STRUCTURE PLAN PREPARATION AND ADOPTION

6.6.1 Overall Planning Areas

It is a requirement of this scheme that the subdivision and development of land within the Overall Planning Areas as shown on the Scheme Map takes place only after comprehensive planning in accordance with the objectives for each area.

6.6.2 The Council, before supporting or approving any proposal for subdivision or development of any land within the Overall Planning Area, shall require the preparation of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by the Council.

6.6.3 The Structure Plan shall address—

- (a) the topography of the area;
- (b) existing road system;
- (c) location and standards of any future roads and overall access patterns;
- (d) location of shopping, community amenities and recreation areas consistent with the projected needs of the locality;
- (e) proposed population and residential densities where appropriate;
- (f) existing and proposed services;
- (g) staging of the development;
- (h) any other information as shall be requested by the Council including specific R Code designations.
- (i) geo-technical suitability of the land for development and where necessary for rural-residential development proposals, the availability of ground water;
- (j) drainage considerations;
- (k) general environmental considerations including flora and fauna impacts, pollution, groundwater quality and any other environmental issues identified by Council.

6.6.4 Upon submission of a structure plan, Council shall thereafter follow the advertising procedures outlined in Clause 11.2 except that the submission period shall be extended to 60 days.

6.6.5 Upon the close of the submission period referred to in clause 6.6.4 the Council shall consider any submissions made, resolve to modify the plan as it sees fit, adopt the plan as the basis for future subdivisional development of the area and refer the structure plan to the WA Planning Commission within 60 days with a request that the Commission endorse the plan as the basis for the future subdivision and development of the subject area.

6.6.6 Upon receipt of the Commission's endorsement, Council shall adopt the plan including any modifications determined necessary by the Commission as the basis for future subdivision and development of the locality to which the structure plan applies.

6.7 APPEALS

Any decision or conditions made or imposed by Council and/or the Western Australian Planning Commission constitutes an exercise of discretion and therefore enables an appeal right to be exercised as outlined in Clause 12.5.1. of this Scheme.

PART VII—AMENITY CONTROL

7.1 UNTIDY SITES

To maintain an acceptable standard of amenity the Council may, by written notice as provided for in Clause 12.3 require the owner, occupier, or lessee of any land to undertake such works as may be necessary to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

7.2 STORAGE OF CARAVANS, BOATS AND TRAILERS IN RESIDENTIAL AREAS

In the interest of amenity, caravans, boats and trailers in residential areas shall be stored behind the front boundary.

Except as hereinafter provided, no person within any lot zoned Residential or Residential Development may without the written approval of the Council—

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

7.3 DERELICT VEHICLES

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line within any Zone.

7.4 HOME OCCUPATION/COTTAGE INDUSTRIES

7.4.1 The Council may limit the period of validity of an approved Home Occupation or Cottage Industry.

7.4.2 Planning approval granted to a home occupation or cottage industry—

- (a) is granted to the applicant;
- (b) is not capable of being transferred or assigned to any other person;
- (c) does not run with the land in respect of which it is granted.

7.5 REAR ACCESS AND LOADING DOCKS

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

- (a) the size of loading docks;
- (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction;
- (c) the landscaping and/or screening of loading docks and/or rear access.

PART VIII—CAR PARKING—STANDARDS AND PROVISIONS

8.1 CAR PARKING REQUIREMENTS

8.1.1 Car parking shall be provided for each development in accordance with the requirements of the Residential Planning Codes and Table 2 of this Scheme.

8.1.2 The minimum internal dimensions of any car bay for non-residential development shall be 5.5m x 2.8 wide provided that—

- (a) where a bay abuts a wall or other barrier the minimum width shall be not less than 3.5m;
- (b) where a parallel parking bay is provided the minimum length shall be not less than 7.0m.

8.1.3 Car parking requirements shall be calculated by rounding up to the nearest whole number when considering parking requirements outlined in Table 2.

8.1.4 The minimum width of access drives shall be as described in Table 4.

Table 4—Minimum Width of Access Drives

Angle of Parking	Driveway Width (m)	Traffic Direction
0° (Parallel)	3.5	1 way
30°	4.0	1 way
45°	4.0	1 way
60°	5.0	1 way
90° (right angle)	6.5	2 way

8.2 DESIGN OF PARKING AREAS

8.2.1 Parking spaces may, with the approval of the Council, be located within the street setback area, provided that—

- (a) Council may require a minimum of 1m width of landscaped area along the length of the car park;
- (b) in the Town Centre zone, separate pedestrian access from the street to the premises is provided.

8.2.2 Where the maximum dimension of any open car parking area exceeds 20 metres in length or width, trees and garden planting equivalent in area up to 10 per cent of the parking area shall be provided within the car parking area for the purpose of shade and visual relief.

8.3 CONSTRUCTION AND MAINTENANCE

8.3.1 Parking areas shall be constructed and line marked in accordance with the plan approved by Council and thereafter maintained to the satisfaction of the Council.

8.4 CASH IN LIEU PROVISION OF CAR PARKING SPACES

8.4.1 Where a person who applies for planning approval is required to provide car parking spaces in accordance with the Scheme that person may, if the Council so agrees, make a cash payment to the Council in lieu of the provision of all or any of the required number of car parking spaces.

8.4.2 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 of that area of the land which would have been occupied by the parking spaces.

8.4.3 The estimated cost of the land referred to in clause 8.4.2 shall be determined by the Valuer General or by a licensed valuer appointed by the Council.

8.4.4 The estimated cost of development of the parking bays referred to in clause 8.4.2 shall be determined by the Council or by a person nominated by the Council who is competent in the field of architecture or engineering.

8.4.5 The moneys received by the Council under clause 8.4.1 shall be paid into a separate car-parking fund and shall only be used for the acquisition or development of land as a public car park or to reimburse the Council any expenses it has incurred including loan repayments, within the locality and shall relate as much as practicable to the development of the land the subject of the payment.

8.4.6 The Council may make or adopt a policy defining the areas within which it considers payment of cash-in-lieu of the provision of car parking spaces to be acceptable.

8.4.7 If the parties cannot agree upon the amount payable, it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985. The costs of the arbitration shall be borne by the applicant.

PART IX—CONTROL OF ADVERTISING

9.1 POWER TO CONTROL ADVERTISEMENTS

9.1.1 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. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.

9.1.2 Applications for Council's approval to this Part shall be submitted in accordance with the provisions of Part XI of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 3 giving details of the advertisement(s) to be erected, placed or displayed on the land.

9.2 EXISTING ADVERTISEMENTS

Advertisements which—

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

may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

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 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.

9.4 EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN APPROVAL

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 9.1.1, the Council's prior approval is not required in respect of those advertisements listed in Appendix 7 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Appendix 7 do not apply to buildings, conservation areas or landscape protection zones which are either—

- (a) listed in the Register of Heritage Places (Heritage Act of WA 1990);
- (b) listed on the register of the National Estate;
- (c) included in local authority town planning scheme because of their heritage or landscape value.

9.5 DISCONTINUANCE

Notwithstanding the Scheme objectives and Clause 9.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

9.6 DERELICT OR POORLY MAINTAINED SIGN

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;
- (b) remove the advertisement.

9.7 NOTICES

9.7.1 The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee.

Any notice served in exceptional circumstances pursuant to Clause 9.5 or pursuant to Clause 9.6 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;
- (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

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

9.8 SCHEME TO PREVAIL

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

9.9 ENFORCEMENT AND PENALTIES

The offences and penalties provisions specified in Clause 12.2 of the Scheme apply to the advertiser in this Part.

PART X—CONSERVATION AND PRESERVATION OF PLACES OF HERITAGE VALUE

10.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

10.1.1 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.

10.1.2 Heritage List

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

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.

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

10.1.3 Designation of Heritage Precincts

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.

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

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

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

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;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission.

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 above.

10.1.4 Applications for Planning Approval

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.

The Council may, in considering any application that may effect 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.

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.

For the purposes of sub-clause 5.1.1 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 in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

10.1.5 Formalities of Application

In addition to the application formalities prescribed in sub-clause 10.1.4 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.

10.1.6 Variations to Scheme Provisions

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 the advertising of uses pursuant to Clause 11.2.3; and
- (c) have regard to any expressed views prior to making its decision to grant the variation.

10.1.7 Heritage Agreement

In granting variations under sub-clause 10.1.6 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 which 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 XI—PLANNING APPROVAL

11.1 APPLICATION FOR PLANNING APPROVAL

11.1.1 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.

11.1.2 Unless Council waives any particular requirement every application for Planning Approval shall be accompanied by—

- (a) A plan or plans to a scale of not less than 1: 500 showing—
 - (i) street names, lot number(s), north point and the dimensions of the site;
 - (ii) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods of commodities to and from the site and the means of access to and from those areas;
 - (vi) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - (vii) the location of any underground services.
- (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.

11.2 ADVERTISING OF APPLICATIONS

11.2.1 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 this Clause.

11.2.2 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 this clause.

11.2.3 Where the Council is required or decides to give notice of an application for Planning Approval which involves an 'SA' use 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 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 clause.

11.2.4 The notice referred to in Clause 11.2.3(a) and 11.2.3(b) shall be in the form contained in Appendix 5 with such modifications as circumstances require.

11.3 DETERMINATION OF APPLICATIONS

11.3.1 In determining an application for Planning Approval the Council may consult with any authority which, in the circumstances, it considers appropriate.

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

11.3.3 The Council shall issue its decision in respect of an application for Planning Approval in the form prescribed in Appendix 6 to the Scheme.

11.3.4 Where the Council approves an application for Planning Approval under this Scheme the Council may limit the time for which that approval remains valid however, in any event, the time limit shall be not less than 12 months.

11.4 DEEMED REFUSAL

11.4.1 Where the Council has not within sixty days of the receipt by it of an application for Planning Approval conveyed its decision to the applicant, the application may be deemed to have been refused.

11.4.2 Where the Council has given notice of an application for Planning Approval in accordance with Clause 11. 2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

11.4.3 Notwithstanding that an application for Planning Approval may be deemed to have been refused under Clauses 11.4.1 or 11.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

PART XII—ENFORCEMENT, ADMINISTRATION AND POLICIES

12.1 POWERS OF THE SCHEME

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

- (a) the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;
- (b) the Council may acquire any land or buildings in 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 law and for such purpose may make such agreement 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 enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.

12.2 OFFENCES

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

12.2.2 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.

12.3 NOTICES

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

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

12.4 CLAIMS FOR COMPENSATION

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

12.5 APPEALS

12.5.1 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.

12.6 LOCAL PLANNING POLICIES

12.6.1 The Council may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme Area so as to apply—

- (a) generally or for a particular class or 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.

12.6.2 Any Local Planning Policy prepared under this part shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

12.6.3 A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the council shall have due regard to the provisions of any Policy and the objectives with the Policy is designed to achieve before making its decision.

12.6.4 A Local Planning 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, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submission may be made.
- (b) The Council may review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (c) Following final adoption of a Policy, motivation of the final adoption shall be published once in a newspaper circulating within the Scheme area.
- (d) Where, in the opinion of the Council, the provisions of any Policy affects the interest of the Commission, a copy of the policy shall be forwarded to the Commission.
- (e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.
- (f) Any amendment or addition to a Policy shall follow the procedures set out in a) – d) above.

12.6.5 A Local Planning Policy may be rescinded by—

- (a) the preparation or final adoption of a new Policy pursuant to Clause 12.6.1 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 local government district.

12.7 DELEGATION

12.7.1 The Council may delegate to an officer or to a Committee of the Council all or any part of the powers conferred on the Council by virtue of the Scheme.

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

12.7.3 The performance of the function by a delegate under clause 12.7.1 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.

12.7.4 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.

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

APPENDIX 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.

Absolute Majority—shall have the same meanings as given to the term in and for the purposes of the Local Government Act, 1995.

Act—means the Town Planning & Development Act, 1928.

Administration Office—means any land or buildings used for office purposes of an administrative nature including financial, secretarial and advertising services.

Advertising Device—means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement, announcement of direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

Aged Persons Hostel—means any land or buildings used for the accommodation of aged persons in independent units and where meals and other facilities are provided.

Agriculture—means any land or buildings used for the raising of stock or crops but excludes intensive agriculture, piggeries, poultry farms and animal husbandry.

Airfield—means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, and includes occasional or seasonal use of temporary facilities for purposes associated with agriculture.

Amenity—means all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.

Ambulance Depot—means any land or buildings used for the parking and maintenance of ambulances.

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, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation.

Amusement Parlour—means land and building, open to the public, where the predominant use is amusement by means of 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.

Animal Boarding—means any land or building used to board domestic pets.

Animal Husbandry—means any land or buildings used for the breeding, keeping or rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots.

Appendix—means an appendix to the Scheme.

Aquaculture—shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.

Art and Craft Centre—means any land or buildings used to manufacture, display, and sell, works of art or craft.

Art Gallery—means any land or buildings used to display art.

Auction Mart—means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale of auction of fresh food, fruit, vegetables or livestock.

Bank—means any land or building used for banking purposes.

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.

Beauty Therapist—means any land or buildings used for beauty therapy purposes.

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.

Betting Agency—means a building operated in accordance with the Totalisator Agency Betting Board Act 1960.

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

Boat Building Facility—means any land or buildings used for the construction of boats but excludes land zoned for industrial and commercial purposes.

Boat Launching Facility—means any land or building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.

Building—means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs and retaining walls, but shall exclude a boundary fence, pergolas, garden sheds and the like, and swimming pools where no part is more than 600mm above surrounding ground level.

Building Code of Australia—means the Building Code of Australia 1990.

Building Envelope—means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

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

Business College—means any land or buildings used for business education.

Cafe—means restaurant.

Camping Area—means any land used for the lodging of persons in tents.

Camping and Caravan Park—means any land used to allow accommodation in caravans, cabins and tents.

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, rural activity or recreation area carried on or existing on the same site.

Car Park—means land and buildings used primarily for parking vehicles open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale, and does not include car parking areas provided in compliance with development approvals.

Cattery—means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One - General Sanitary Provisions 1927 (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Child Care Centre—means any land or buildings used for the care of children.

Child Day Care Centre—means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Act 1972 but does not include a child family-care centre.

- Child Family Care Centre**—means a child care facility conducted in a private dwelling where children are received for care in accordance with the Child Care Act 1972 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 any land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose, and includes a hall or library, or a centre for cultural recreational, social or other community purpose.
- Club Premises**—means any land or buildings used by a legally constituted club or association or other body of persons united by a common interest and which building or premises are not otherwise classified under the provisions of the Scheme.
- College**—means any land or buildings used for post school academic studies but excludes a university.
- Commercial Vehicle**—means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.
- Commission**—means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.
- Communication antennae-domestic**—means any mast, antennae, aerial, satellite dish or other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre.
- Communication antennae-commercial**—means any mast, antennae, aerial, satellite dish or other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre but does not include telecommunications infrastructure.
- Community Purpose**—means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
- Community Home**—means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a Government Department or instrumentality of the Crown.
- Community Service Depot**—means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.
- Conservation**—means, in relation to any place on the Heritage List or a designated Heritage Area, 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 area, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaption and maintenance of that place or area in accordance with relevant professional standard, and the provision of an appropriate visual setting.
- Consulting Room(s)**—means any land or buildings other than a hospital or a consulting room(s) home used by one or more health consultant for the investigation or treatment or human injuries or ailments and for general patient care.
- Consulting Room(s) Home**—means any land or buildings ancillary to a residence used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.
- 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 land and or buildings used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m² gross leasable area.
- Council**—shall have the same meaning as given to the term in and for the purposes of the Local Government Act 1995.
- Cultural Heritage Significance**—means, in relation to any place on the Heritage List or a designated Heritage Area, the relative value which that place or area has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- Day Care Centre**—means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

- Detention Centre**—shall have the same meaning as given to the term in and for the purposes of the Young Offenders Act 1994.
- Development**—shall have the same meaning given to it in and for the purposes of the Act.
- Display Home**—means a dwelling intended to be open for public inspection as an example of a dwelling design.
- District**—shall have the meaning as given to the term in and for the purposes of the Local Government Act 1995.
- 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.
- Drive-In Cinema**—means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
- Dry Cleaning Premises**—means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
- Education Centre**—means any land or buildings used for the purpose of education.
- Educational Establishment**—means a school, college, university, technical institute, academy or other educational centre, but does not include reformatory or institutional home.
- Electoral Office**—means any land or buildings used for electoral purposes.
- Entertainment Centre**—means any land or buildings used for the purposes of entertainment.
- Equestrian Activity**—means any land and buildings used for the showing, competition or training of horses and includes a riding school.
- Exhibition Centre**—means any land or building used for the display of materials, of an artistic, cultural or historical nature, or, for educational purposes and includes a museum or art gallery and may include sales of such materials.
- Facade**—means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
- Factory Unit Building**—means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.
- Family Care Centre**—means land and buildings used for the purposes of a Family Care Centre as defined in the Child Welfare (Care Centres) Regulations, 1968 (as amended).
- Farm Stay**—means land and buildings utilised for short stay tourist accommodation comprising a maximum of two self contained two bedroom cottages located no further than 30 metres from the external wall of an existing residential dwelling and such cottages will not exceed 80m² internal floor area.
- Farm Supply Centre**—means any land or buildings used for the sale of farm supplies, including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.
- Fast Food Outlet**—means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.
- Fire Brigade Depot**—means any land or buildings used for the parking and maintenance of fire engines and trucks.
- Fish Shop**—means a building where wet fish and similar foods are displayed and offered for sale.
- Floor Area**—shall have the same meaning given to it and for the purposes of the Building Code of Australia 1990.
- Fuel Depot**—means any land or building used for the storage and sale in bulk of solid or 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.
- Funeral Parlour**—means any land and buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.
- Garden Centre**—means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.
- Gazettal Date**—means the date on which this Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the *Government Gazette*.
- Gross Floor Area**—shall have the same meaning as Floor Area in the Building Code of Australia 1990.
- Gross Leaseable Area**—means in relation to a building, the area of all floors capable of being occupied for exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- Hairdresser Premises**—means any land or buildings used for hairdressing purposes.
- Harbour Installations**—means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Club—means any land or buildings used for physical exercise and associated activities.

Health Consultant—means a person practising in the investigation or treatment of human injuries or ailments or for general patient care.

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 Area—means an area which is of cultural heritage significance and of such distinctive nature or character that special controls are considered necessary to retain and enhance that character, even though each individual place in the area may not itself be of significance.

Heritage List—means a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted.

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

Hobby Farm—means any land or buildings used for the keeping of farm animals or the growing of vegetables, fruit or flowers for non commercial purposes or sale.

Home Business—means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which—

- (a) does not entail the retail sale, display or hire 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 occupy an area greater than 50m²;
- (e) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;
- (f) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and
- (g) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

Home Occupation—means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which—

- (a) does not entail the retail sale, display or hire 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 occupy an area greater than 20m²;
- (f) does not display a sign exceeding 0.2m² in area;
- (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
- (h) does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.

Home Store—means any shop with a gross floor area not exceeding 100m², attached to a dwelling and which is operated by a person resident in the dwelling.

Hospital—means any land or buildings where people are admitted for medical treatment or care.

Hotel—means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act (1988).

Industry—means the carrying out of any process 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
- (e) 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, 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 sale from the premises.

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

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

Industry-Extractive—means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances 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; and
- (b) the production of salt by the evaporation of salt water.

Industry-General—means an industry other than a home, 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 environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or services industries.

Industry-Light—means an industry—

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

Industry-Noxious—means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986.

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

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

Intensive Agriculture—means any land or buildings used for trade or commercial purposes for the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts; or
- (b) the establishment and operation of plant and fruit nurseries; or
- (c) the development of land or irrigated fodder production and irrigated pasture (including turf farms).

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

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

Landscape Supplies—means any land or buildings used for the storage and sale of items such as woodchips, logs, rocks, sand stone and other such materials.

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.

Library—means any land or buildings or part thereof used for the storage and distribution on loan of books and other resource or reference material.

Liquor Store—means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988.

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 the term 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 the display and sale of goods from stalls by independent vendors.

Market Garden—means any land used for marking gardening purposes.

Medical Centre—means any consulting rooms which include provision of ancillary services such as chemists, pathologists and radiologists.

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

Metropolitan Region Scheme Reserve—means land reserved under the Metropolitan Region Scheme.

Milk Depot—means any land or buildings to which milk and by products are delivered for distribution by vendors to consumers but in which milk is not processed or pasteurised.

Minister—means the Minister for Planning.

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

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

Motel—means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which specific 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 Premises—means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans, and boards or any one or more of them and may include, the servicing of motor vehicles sold from the site.

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

Motor Vehicle Repair Station—means any land or buildings used for or in connection with the electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash Station—means any land or buildings where in the primary use is the washing of motor vehicles.

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

Multiple Occupancy—means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following—

- (a) an approved agreement for management of and responsibility for the whole or parts of the holding;
- (b) more than one separate dwelling unit for use by families or unrelated groups of persons;
- (c) a defined area for separate occupation for residential and ancillary uses.

Museum—means any land or buildings used to exhibit cultural or historical artefacts.

Net Lettable Area—means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaners' cupboards, life shafts and motor rooms, escalators, tea rooms and plant rooms, and other services areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside for the provision of facilities or services to the floor or building; and
- (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 now in conformity with the provisions of the Scheme.

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

Nursing Home—means a hospital in which patients reside.

Office—means any land or buildings used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with the predominant use on site.

Open Air Display—means the use of a site external to a building 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.

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

Piggery—shall have the same meaning given to the term 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 below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

Place of Assembly—means any land or buildings where people assemble for a public, religious or cultural activity.

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 activities.

Plot Ratio—shall have the same meaning given to the term in the Building Code of Australia 1990 except for the residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

Post Office—means any land or buildings used to conduct a post office.

Potable Water—means water in which levels 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.

Pre-School—means any land or buildings used to educate pre-school children.

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

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

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

Private Tree Plantation—means any land used for growing timber for commercial purposes.

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

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

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

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

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

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

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

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

Real Estate Agency—means any land or buildings used to conduct a real estate office.

Reception Centre—means any land or buildings used for functions on formal or ceremonious occasions, but not for unlicensed use for general entertainment purposes.

Recreation and Leisure—means any land or buildings used for recreation, sport or leisure purposes.

Recreation-Indoor—means any buildings used for sports including swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.

Recreation-Outdoor—means any land used for outdoor recreation purposes.

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

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

Recreation Vehicle—means a vehicle designed or used primarily for recreational or sporting activities or purposes, but also includes all types of caravans, trailers, camping vehicles, horse floats and off-road vehicles.

Research Centre—means any land or buildings used to undertake research.

Research Laboratory—means any land or buildings used to undertake research in a laboratory.

Reserve—means any land reserved for a public purpose.

Residential Building—means any land or buildings used to accommodate persons but does not include a caravan and camping park, or corrective institution.

Residential Planning Codes—means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

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 entertainment facilities.

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

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

Restricted Premises—means any 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.

Retail Premises-shop—means any land or buildings wherein the predominant use is for the display of sale by retail or hire of goods but excludes a retail premises - restricted.

Retail Premises-Restricted—means any land or buildings used to sell or hire goods not permitted under retail premises-shop.

Retirement Village—means any land or buildings used to accommodate retirees together with ancillary facilities.

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.

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

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

Sawmill—means any land or buildings where logs or large pieces of timber are sawn.

- Schedule**—means a schedule to the Scheme.
- School**—means any land or buildings used to educate children.
- Service Station**—means any land or buildings use 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 transport depot, panel beating, spray painting, major repairs or wrecking.
- Showroom**—means any building or part of a building used or intended for use for the purposes 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.
- Shop**—means a 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.
- Single Dwelling**—means an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act.
- 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.
- Sports Ground**—means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.
- Stable**—means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
- Stall-General**—means a place, stand, vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a shop in that it is not permanently housed in a place that is structurally part of a building and of which the stallholder has exclusive possession.
- Stall-Wayside**—means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land or site, upon which the stall is located.
- 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.
- Storey**—means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.
- Structure Plan**—means a plan which indicates broad land use options for the subdivision and development of an area and provides a policy framework for such future subdivision and development.
- 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 licence may have been granted under the provisions of the Liquor Licensing Act 1988.
- Telecommunications Infrastructure**—means any part of infrastructure of a telecommunications network and includes any line, equipment, apparatus, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.
- Tourist Accommodation**—means a building or group of buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons such as restaurants, convention areas, and the like, and includes backpackers accommodation, chalets and guest houses, but does not include a building or place elsewhere specifically defined in this schedule or a building or place used for a purpose elsewhere specifically defined in this schedule.
- Trade Display**—means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- Transient Accommodation**—means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.
- 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, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.
- Transportable Home**—means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.
- Travel Agency**—means any land or buildings used to conduct a travel agency business.
- Twenty Three Hour Recovery Care Centre**—means any building used for the recovery and care of patients for a maximum period of twenty three hours following surgical or other treatment performed on the premises.

Vehicle, Boat and Caravan Sales and Hire Premises—means any land or buildings used for the display, sale or hire of new or second hand vehicles, motor-cycles, boats, caravans or recreation vehicles, or any one or more of them and may include the servicing of such goods sold from the site.

Veterinary Centre—means any land or buildings used to diagnose animal diseases or disorders, to surgically and medically treat animals and for preventative care.

Veterinary Hospital—means the use of any land or buildings for the treatment of minor ailments of animals, and includes the accommodation of animals for periods longer than overnight.

Video Shop—means any land or buildings used for the sale or hire of video cassettes or video recorders.

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 it in and for the purposes of the Act.

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

Winery—means any land or buildings used for the production and/or sale to the public of viticultural produce.

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

—
APPENDIX NO. 2
SPECIAL SITE SCHEDULE
(Refer Clause 5.22)

Lot No. Provisions	Location	Purpose	Development
1970	Hibiscus Drive	Church	As determined by Council
1970	Hibiscus Drive	Service Station	As determined by Council
2257	Stockman Road	Roadhouse/ Truck Stop	As determined by Council
Reserve 27138	Leichhardt Street	Church	As determined by Council
Reserve 27656	Leichhardt Street	Church Purposes	As determined by Council
Reserve 28413	Ironwood Drive	Church	As determined by Council
Reserve 28651	Coolibah Drive	School & Church Purposes	As determined by Council
Reserve 32881	Weaber Plains Road	Housing/Christian Sanctuary	As determined by Council

—
APPENDIX 3
SHIRE OF WYDNHAM—EAST KIMBERLEY
CONTROL OF ADVERTISEMENTS
ADDITIONAL INFORMATION SHEET
FOR ADVERTISEMENT APPROVAL

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

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 subdivision within that property:
.....
4. Details of Proposed Sign:
Height:.....Width:.....Depth:.....
Colours to be used:
- Height above ground (top level of Advertisement:

to underside)

Materials to be used:

Illuminated: Yes/No

If Yes, state whether steady, moving, flashing alternating, digital, aminated or scintillating, etc

If Yes, state intensity of light source:

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

6.

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

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

Signature of Advertiser(s):

(if different from land owner(s))

Date:.....

APPENDIX 4

SHIRE OF WYNDHAM-EAST KIMBERLEY

APPLICATION FORM FOR PLANNING APPROVAL

1. Surname of Applicant Given Names

Full Address.....

2. Surname of Landowner
(if different from above)..... Given Names

Full Address.....

3. Submitted by..... Phone No.

4. Address for Correspondence

5. Locality of Development

6. Title Detail of Land

7. Name of Road Serving Property

8. State Type of Development

Nature and size of all buildings proposed.....

Material to be used on External Surface of Buildings

General Treatment of Open Portions of the Site

Details of Car Parking and Landscaping Proposals

Approximate Cost of Proposed Development

Estimated Time for Construction

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 Wyndham-East Kimberley Shire Council together with 2 copies of 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.

All applications shall be accompanied by—

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

APPENDIX 5
 SHIRE OF WYNDHAM-EAST KIMBERLEY
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

theday of 20.....

CHIEF EXECUTIVE OFFICER

DATE

APPENDIX 6
 SHIRE OF WYNDHAM-EAST KIMBERLEY
DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council or its delegated officer having considered the application dated

.....

submitted by

Appendix 7—*continued*

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	Not Applicable.
Public Places and Reserves	(a) Advertisement signs (illuminated or non-illuminated) relating to the functions of Government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality; and (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 herein.	Not Applicable Not Applicable Not Applicable.
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall not exceed 2m ² in area.
Advertisements within Buildings	All advertisement placed or displayed within building which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable.
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Temporary Signs	Exempted Sign Type And Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Signs
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops Commercial and Industrial Projects.	One signs as for (i) above.	5m ²
(iii) Large development or re-development projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One signs as for (i) above. One additional sign showing the name of the project builder.	5m ² 5m ²

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

Adoption Regulation 13 (1)

Adopted by Resolution of Council of the Shire of Wyndham-East Kimberley at the ordinary meeting of the Council held on the 15th day of October, 1998.

M. MIDDAP, Shire President.

R. BROOKES, Acting Chief Executive Officer.

Final Approval Regulation 21(2), 22(1) & (2)

Adopted for Final Approval by Resolution of the Shire of Wyndham-East Kimberley at the Ordinary meeting of Council held on the 26th day of October 2000, and the Seal of the municipality was, pursuant to that Resolution, hereunto affixed in the presence of—

M. MIDDAP, Shire President.

R. BROOKES, Acting Chief Executive Officer.

Recommended/Submitted for Final Approval—

EUGENE FERRARO, for Chairperson of the
Western Australian Planning Commission.

Date: 2nd January 2001.

Final Approval Granted—

G. KIERATH, Minister for Planning.

Date: 3rd January 2001.

RACING, GAMING AND LIQUOR

RA401**LIQUOR LICENSING ACT 1988**

SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
8121	Coastal Cowboys Rugby League Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Rockingham and known as Coastal Cowboys Rugby League Club Inc.	8/2/01
8123	Gastronomical Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in East Perth and known as Kilo Restaurant.	15/2/01
8125	Cedardale Pty Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Perth and known as Moon & Sixpence.	20/2/01
8119	Gorden David Haye & Hubertina Johannes Hotinga	Application for the grant of a Restaurant licence in respect of premises situated in Kununurra and known as Kununurra TeeZone.	8/1/01
8019	Great Boulder Cricket Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Kalgoorlie and known as Great Boulder Cricket Club Inc.	21/2/01

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

HUGH HIGHMAN, Director of Liquor Licensing.

TRAINING

TB401***VOCATIONAL EDUCATION AND TRAINING ACT 1996**
 VOCATIONAL EDUCATION AND TRAINING (C Y O'CONNOR COLLEGE OF TAFE)
 AMENDMENT ORDER 2001

Made by the Minister for Employment and Training under section 35 of the *Vocational Education and Training Act 1996*

Citation

1. This order may be cited as the *Vocational Education and Training (C Y O'Connor College of TAFE) Amendment Order 2001*.

Amendment to order

2. The *Vocational Education and Training (C Y O'Connor College of TAFE) Order 2000** is amended by deleting clause 9 and inserting instead—

“9. (1) Despite clause 4—

- (a) the Department continues to be the accountable authority in relation to the former institution for the purposes of the *Financial Administration and Audit Act 1985* in relation to the period ending 31 December 2000; and
- (b) the College is to provide the chief executive of the Department with such clerical and other assistance as is necessary for the purposes of the annual report of the Department for the period ending 31 December 2000.”

[*Published in the *Government Gazette* 19 December 2000 pp7299-7300.]

Dated this 9th day of January 2001.

MIKE BOARD JP MLA, Minister for Employment and Training.

PUBLIC NOTICES

ZZ101**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 21st February 2001, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bendoraitis, Vincas, Late of 5A Showell Street, Hamilton Hill, died 31.08.2000 (DEC329235DA2)

Bennett, Emily, Late of Castledare Retirement Village, 108 Fern Road, Wilson formerly of 1 Wongan Avenue, Hilton, died 22.12.2000 (DEC33106DS3)

Boyd, Isabel Hamilton, Late of 15 Chiltern Road, Denmark, died 27.12.2000 (DEC331053DP3)

Hamilton, Williamina, Late of Bunbury Nursing Home, Hayes Street, Bunbury, died 9.09.2000

Head, Stella May, late of Midland Nursing Home, 20 John Street, Midland, formerly of Tamby House, Belrose Crescent, Cooloongup, died 31.12.2000 (DEC331016DC2)

Henley, Laura Ann, Late of 65A McAleer Drive, Geraldton, formerly of 10A Elsie Street, Geraldton, died 30.11.2000 (DEC330823DP4)

Kelly, Nellie Janet, Late of Tandara Nursing Home, Jarrah Road, Bentley, died 03.01.2001 (DEC331047DL3)

Knorreck, Gerhard, Late of 33 Iolanthe Street, Bassendean, died 30.01.2000 (DEC325261DD1)

Logan, Leslie Arthur, Late of 89/10 Timbercrest Rise, Woodvale, died 15.12.2000 (DEC331009DG1)

Melville, Beryl Patricia, Late of Collier Park Hostel, 16 Morrison Road, Como, formerly of 8 Cranshaw Crescent, Manning, died 12.01.2001 (DEC331070DC2)

Minorgan, Colin Patick, late of 133 Joel Terrace, Mt Lawley, died 04.12.2000 (DEC331067DP1)

O'Brien, Norma Gladys, Late of 4 Woodman Street, Kalgoorlie, died 31.12.2000 (DEC331021DP2)

Petersen, Olive, Late of 2/3 Kanimbla Road, Bicton, died 22.12.2000 (DEC331078DA3)

Robertson, Eric, Late of Unit 1/17A Sanderson Road, Lesmurdie, died 08.09.2000 (DEC329509DP4)

Shepherd, Edith Marion, Late of Windsor Park Aged Care, 110 Star Street, Carlisle, formerly of 20 Yule Street, Maddington, died 25.12.2000 (DEC330963DG2)

Shepherd, William George, Late of Windsor Park Aged Care, 110 Star Street, Carlisle, formerly of 20 Yule Street, Maddington, died 14.12.2000 (DEC330961DG2)

Wagner, Mavis Joan, Late of Ascot Nursing Home, 29 Neville Street, Bayswater, died 25.08.2000 (DEC331039DC4)

Waldon, Wilbur Henry, Late of 5/76 Kent Street, Rockingham, died 03.12.2000 (DEC330974DG3)

White, Lorna Millicent, Late of Unit 7/41 Beddi Road, Duncraig, died 28.12.2000 (DEC331026DS4)

ANTONINA ROSE McLAREN
Public Trustee
Public Trust Office
565 Hay Street
Perth WA 6000
Telephone: 9222 6777

ZZ201**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

In the matter of the estate of Iris Alice North, late of Lady McCusker Home, Beddi Road, Duncraig in the State of Western Australia, Retired Machine Operator, deceased.

Creditors and other persons who have claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the estate of the abovementioned deceased who died on the 24th day of June 2000 at Lady McCusker Home, Beddi Road, Duncraig in the State of Western Australia are required by the Executrix of her estate, Linda Marie Biffen, to send particulars of their claims to her at the address hereunder by the 20th February 2001, after which date the Executrix may convey or distribute the assets, having regard only to the claims of which she has notice.

Dated the 12th day of January 2001.

BOSTOCK & RYAN, Solicitors for the Executrix
4th Floor, 172 St George's Terrace,
Perth WA 6000.

ZZ202

TRUSTEES ACT 1962

NOTICE TO CREDITORS AND CLAIMANTS

In the matter of the estate of Henry Thomas James Sumpton, late of Unit 2 Parry House, Warlingham Drive, Lesmurdie in the State of Western Australia, Retired Clerk in Holy Orders, deceased.

Creditors and other persons who have claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the estate of the abovementioned deceased who died on the 23rd day of October 2000 at Craigwood Nursing Home, Gardner Street, Como in the State of Western Australia are required by the Executors of this estate, Michael Ryan and Graeme John Bostock, to send particulars of their claims to them at the address hereunder by the 20th February 2001, after which date the Executors may convey or distribute the assets, having regard only to the claims of which they have notice.

Dated the 12th day of January 2001.

BOSTOCK & RYAN, Solicitors for the Executors
4th Floor, 172 St George's Terrace, Perth WA 6000.

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