



# WESTERN AUSTRALIAN GOVERNMENT Gazette

6015



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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2002 AND NEW YEAR HOLIDAY PERIOD 2003

**NOTE:** *Gazette Published on Tuesday 24 December 2002 will be published at 12.30 pm*

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From week commencing 6 January normal publishing resumes.



# — PART 1 —

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## ENERGY

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EN301\*

Gas Pipelines Access (Western Australia) Act 1998

### Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2002

Made by the Governor in Executive Council.

#### 1. Citation

These regulations may be cited as the *Gas Pipelines Access (Western Australia) (Funding) Amendment Regulations 2002*.

#### 2. The regulations amended

The amendments in these regulations are to the *Gas Pipelines Access (Western Australia) (Funding) Regulations 1999\**.

[\* *Published in Gazette 14 January 2000, p. 171-81.*  
*For amendments to 11 November 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 136.*]

#### 3. Regulation 3 amended

- (1) Regulation 3(1) and (2) are each amended by deleting “A pipeline operator is to pay in respect of each quarter a charge,” and inserting instead —

“

For each quarter during any of which a pipeline specified in Schedule 1 is a covered pipeline, a charge is payable for each specified pipeline

”.

- (2) Regulation 3(3) is repealed and the following subregulations are inserted instead —

“

- (3) The charge under subregulation (1) or (2) for a pipeline is to be calculated using the formula —

$$C \times P$$

where —

C is the amount of the core function costs for the quarter;

P is the percentage specified in Schedule 1 for the pipeline.

- (4) If the pipeline is not specified in Schedule 1 during the whole of the quarter or is not a covered pipeline during the whole of the quarter, the charge for that quarter is reduced according to the number of days during which the pipeline is specified in Schedule 1 and is a covered pipeline.
- (5) The pipeline operator is liable to pay a charge under subregulation (1) or (2) and, if there is a change of pipeline operator during the quarter for which the charge is payable, the liability for the charge is to be apportioned between the pipeline operators according to the number of days in the quarter for which each of them is the pipeline operator while the pipeline is specified in Schedule 1 and is a covered pipeline.

”.

#### **4. Regulation 4 amended**

- (1) Regulation 4(1)(a) and (b) are each amended by deleting “pipeline operator” and inserting instead —  
“ person ”.
- (2) Regulation 4(1)(b)(ii) and “and” after that subparagraph are deleted and the following is inserted instead —  
“
  - (ii) the amount of the core function costs used in calculating the standing charges under each of regulation 3(1) and (2); and”.
- (3) Regulation 4(3) is amended by deleting “pipeline operator” and inserting instead —  
“ person ”.
- (4) Regulation 4(4) is amended by deleting “the standing charge” and inserting instead —  
“ a standing charge ”.

#### **5. Regulation 11 amended**

Regulation 11 is amended as follows:

- (a) in paragraph (a), by deleting “service provider” and inserting instead —  
“ person ”;

- (b) by deleting “in the financial year” and inserting instead —  
“ in respect of the financial year ”.

**6. Schedule 1 replaced**

Schedule 1 is repealed and the following Schedule is inserted instead —

“

**Schedule 1 — Percentages for certain pipelines**

[r. 3]

|    | Pipeline  | Percentage |
|----|---|------------|
| 1. | Mid West and South West Gas Distribution System being the system to which WA:GDL2 relates | 23.39      |
| 2. | Dampier to Bunbury Natural Gas Pipeline (WA:PL40)   | 49.90      |
| 3. | Goldfields Gas Pipeline (WA:PL24)   | 20.66      |
| 4. | Tubridgi Pipeline System (WA:PL16 and WA:PL19)  | 3.30       |
| 5. | Kalgoorlie to Kambalda Pipeline (WA:PL27)   | 2.75       |

Note: WA:PL refers to a pipeline licence under the *Petroleum Pipelines Act 1969*.  
WA:GDL refers to a distribution licence under the *Energy Coordination Act 1994*.

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By Command of the Governor,

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

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## ENVIRONMENT

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EV301\*

Environmental Protection Act 1986

## Environmental Protection Amendment Regulations (No. 3) 2001

Made by the Governor in Executive Council under section 123 of the *Environmental Protection Act 1986*, on the recommendation of the Environmental Protection Authority.

**1. Citation**

These regulations may be cited as the *Environmental Protection Amendment Regulations (No. 3) 2001*.

**2. Schedule 6 amended**

Schedule 6 of the *Environmental Protection Regulations 1987\** is amended by inserting the following after item 25 of the entry relating to the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* —

“

***Environmental Protection  
(Domestic Solid Fuel Burning  
Appliances and Firewood  
Supply) Regulations 1998***

|                     |     |     |
|---------------------|-----|-----|
| 1. regulation 1B(1) | 250 | 500 |
| 2. regulation 1C    | 250 | 500 |
| 3. regulation 1D(3) | 250 | 500 |
| 4. regulation 3     | 250 | 500 |
| 5. regulation 4     | 250 | 500 |
| 6. regulation 5(5)  | 250 | 500 |
| 7. regulation 8     | 250 | 500 |

”.

[\* Reprinted as at 9 February 2001.

For amendments to 12 June 2001 see Gazette 30 March and 12 April 2001.]

Recommended by the Environmental Protection Authority.

BERNARD BOWEN, Chairman.

By Command of the Governor,

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

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## **JUSTICE**

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JU301\*

Local Courts Act 1904

## **Local Court Amendment Rules (No. 2) 2002**

Made by the Governor in Executive Council.

**1. Citation**

These rules may be cited as the *Local Court Amendment Rules (No. 2) 2002*.

## 2. Commencement

These rules come into operation on the day after the last day of the specified period, which is the period of one month after the day on which these rules are published in the *Gazette*.

## 3. The rules amended

The amendments in these rules are to the *Local Court Rules 1961*\*.

[\* *Reprinted as at 13 October 2000.*

*For amendments to 2 December 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 199.]*

## 4. Appendix amended

Appendix Part II is amended by deleting the table of bailiff fees and inserting the following Table of Bailiff fees instead —

“

**Table of Bailiff fees**

| Item   | Service   | Fee     |
|--|---|---------|
| 1. (a)   | <u>Service</u> of any process when non-personal service may be utilised   | \$17.25 |
| 1. (b)   | <u>Service</u> of any process requiring personal service  | \$24.00 |
| 1. (c)   | <u>Additional fee</u> where an attempt to effect any service is unsuccessful and the clerk is satisfied that the failure was not due to any fault of the bailiff and that a further attempt to effect the service is necessary<br><br>one additional fee not exceeding 50% of fee prescribed by either Item 1(a) or 1(b) is payable.                    |         |
| 2. (a)   | <u>Warrant fee</u> which includes execution, (attempted execution), initial attendance, initial enquiry, seizure of goods, service of any notice and returns, investigation, appraisal of seizable goods, arrest and conveying a debtor to court when executing a bench warrant or chamber warrant, and eviction when executing a warrant of possession | \$46.00 |
| 2. (b)   | <u>Enquires</u> or <u>attendances</u> prior to execution  | \$24.00 |
| 2. (c)   | <u>Inspection</u> of chattels under seizure   | \$24.00 |
| NOTE: Where the bailiff has several warrants only one fee is chargeable to the first warrant in priority |   |         |

| Item Service  | Fee  |
|---|--|
| <p>3. (a) <u>Kilometreage</u></p> <p>For kilometres travelled on execution of a warrant or other process, or on service of a summons other process or document, or on making an arrest or for all other necessary attempts, attendances and inspections for each kilometre (one way) from the bailiff's office</p> <p><u>NOTE:</u> Where more than one process or document is executed or served at the same time on the same person or on different persons at the same address, only one allowance for kilometres travelled shall be chargeable.</p>  | <p>\$0.90</p> <p>For travel in the metropolitan area: \$1.00</p> <p>For travel outside the metropolitan area or such additional fee as the clerk may allow</p> |
| <p><u>NOTE:</u> In addition to the above the bailiff may charge kilometreage to convey a debtor from a place of arrest to court or a lockup provided the clerk is satisfied those duties have been carried out and where a bailiff will be required to travel an excessive distance the clerk may require kilometreage to be prepaid into court. Prepaid fees shall be allowed or disallowed by the clerk upon completion of execution.</p> <p><u>NOTE:</u> Outside the metropolitan region kilometreage is not claimable for the first 6 kilometres by bailiffs stationed at Albany, Bunbury, Geraldton or Kalgoorlie when serving or executing a process.</p> <p>3. (b) Special fee to bailiff at Albany, Bunbury, Geraldton or Kalgoorlie (for each process or document for service or execution in any one action) —</p> <p>(i) where there is one person named on the process or document</p> <p>(ii) where there is more than one person named on the process or document —</p> <p>(I) for the first named person at the same address</p> <p>(II) for each other person at the same address</p> <p>(III) for each person at a different address</p> | <p>\$6.30</p> <p>\$6.30</p> <p>\$2.10</p> <p>\$6.30</p>  |
| <p>4. <u>Preparation for sale</u></p> <p>Provided the clerk is satisfied duties have been carried out, the following fees are allowed —</p> <p>For each REVS or other official record search (personalty)</p> <p>Bill of sale and encumbrance search (personalty)</p> <p>Encumbrance investigation (realty)</p> <p>Implementation of an advertising program (realty or personalty)</p>  | <p>\$5.75</p> <p>\$11.50</p> <p>\$51.20</p> <p>\$63.00</p>   |



| Item   | Service  | Fee                                   |
|--------|--|---------------------------------------|
| 5.     | <u>Attendance at sale</u><br>(or to cancel same)   | \$53.00                               |
| 6.     | <u>Poundage</u><br>(a) Poundage on executing a warrant of execution or other process under or by reason of which money is received by the bailiff or by the Judgment creditor — after seizure 5% on the first \$13,000.00 and 2.5% on the balance above that amount<br>(b) Where the sale of land, interest in land, or goods or chattels is conducted by a licensed auctioneer instructed by the bailiff, poundage shall be charged at one-half the abovementioned rates<br><u>NOTE:</u> For the purpose of this item —<br>(a) the service of a warrant of execution on the Registrar of Titles under section 133 of the <i>Transfer of Land Act 1893</i> (in the case of land or an interest in land); or<br>(b) the seizure of chattels in the possession or apparent possession of the judgment debtor, is or is deemed to be “seizure”.<br><u>NOTE:</u> Poundage is to be calculated on the amount realised at the sale but the maximum amount upon which poundage is to be calculated is the amount of the judgment debt notwithstanding sale proceeds may exceed the amount of the judgment debt. |                                       |
| 7.     | Where the sale, whether by public auction or otherwise, is conducted by the bailiff or his officer without the intervention of an auctioneer or agent, poundage of 1% of the proceeds of sale (in addition to that prescribed by item 6(a)) shall be chargeable; but the amount chargeable under this item shall not exceed \$105.00   |                                       |
| 8. (a) | Poundage on executing a warrant of possession — 5% on the annual rental value of property as fixed by the clerk, but the amount chargeable under this item shall not exceed \$175.00   |                                       |
| 8 (b)  | Poundage on executing a warrant of delivery (Replevin) — 5% on the first \$10,000.00 and 2.5% on the balance of the value of the property delivered, as fixed by the clerk<br><u>NOTE:</u> Poundage as assessed by the clerk must be prepaid and held by the court until execution is completed.   |                                       |
| 9.     | <u>Possession</u><br><u>NOTE:</u> Claimable by bailiff when he enters into close possession of chattels and retains actual physical possession and control.<br><u>NOTE:</u> If this item is claimed an allowance under item 12(d) is not appropriate   | \$4.00 per day for maximum of 10 days |

| Item Service   | Fee   |
|--|---|
| <p>10. For auctioneer's or agent's commission, advertising and sundry expenses on account of sale by auction or otherwise of goods or chattels, or land or any interest in land, whether a sale does or does not take place</p>  | <p>A fee fixed in accordance with the recognised scale of charges for auctioneers and agents in the State of Western Australia or such other fee as the clerk may allow</p> |
| <p>11. Where a sale takes place by auction or private contract, or when no sale takes place —</p> <ul style="list-style-type: none"> <li>(a) for advertising and giving publicity to any sale, or intended sale, printing catalogues and bills and distributing and posting the same</li> <li>(b) for labour (if any) employed in lotting and showing goods or chattels, preparing catalogues and where a sale takes place by auction attending the sale and superintending the removal of goods or chattels by purchaser</li> <li>(c) travelling expenses</li> </ul>  | <p>The sums actually and reasonably paid</p>  |
| <p>12. (a) Assistants required to execute a warrant or order</p> <p>12. (b) Man in possession</p> <p>12. (c) Out-of-pocket expenses incurred by the bailiff or officer while serving or executing any process including postage, telegraphic and telephonic messages, and travelling expenses of himself and assistants</p> <p>12. (d) Warehousing or storage of goods or vehicles which are being or about to be, or have been removed, and insurance thereof against fire, damage and in the case of motor vehicles, accident and third party risk</p> <p>12. (e) Removal or cartage expenses</p> <p>12. (f) Where animals or other livestock have been removed, for taking charge of same and for their keep while in custody of the bailiff whether before or after removal</p> <p>12. (g) REVS searches, corporate searches and any other search allowed by the clerk</p> | <p>The sums actually and reasonably paid</p>  |

| Item   | Service   | Fee     |
|--------|---|---------|
| 13.    | Where a bailiff is required to attend court in charge of any person including a prisoner ordered to attend for examination pursuant to an order of the court, or to lodge any person in a lock up, the reasonable travelling and other expenses of the officer and the person or prisoner, and in addition for each hour or part of an hour when the officer is necessarily engaged | \$33.50 |
| 14.(a) | <u>Attendance</u> on a judgment summons hearing or related matter   | \$2.20  |
|        | Other situations  | \$1.00  |
| 14.(b) | <u>Attendance</u> at trial  | \$2.60  |
| 15.    | Where a bailiff, or other person employed under a bailiff, shall be necessarily put to and incur extra trouble and expense in the discharge of any duty incidental to his office or employment or for any duty or service not herein provided, such sum or such additional sum, as the case may be, as the clerk may allow  |         |
| 16.    | If GST (within the meaning of section 195-1 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> of the Commonwealth) is payable on a service listed in this Table of bailiff fees, the fee for the service is the applicable fee in this table, increased by 10%   |         |

By Command of the Governor,

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

JU302\*

Trustee Companies Act 1987

## Trustee Companies (Designation of Trustee Companies) Regulations 2002

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Trustee Companies (Designation of Trustee Companies) Regulations 2002*.

**2. The Act amended**

The amendment in these regulations are to the *Trustee Companies Act 1987*\*.

[\* *Reprinted as at 1 November 1999.*

*For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 388-9.]*

**3. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting “AXA Trustees Limited.”;
- (b) by inserting in its appropriate alphabetical position —  
“ Perpetual Trustees Consolidated Limited. ”.

By Command of the Governor,

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

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**RACING, GAMING AND LIQUOR**

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RG301\*

Casino Control Act 1984

**Casino Control (Authorised Games)  
Amendment Notice (No. 2) 2002**

Given by the Gaming Commission of Western Australia under section 22(1).

**1. Citation**

This notice may be cited as the *Casino Control (Authorised Games) Amendment Notice (No. 2) 2002*.

**2. Principal notice amended**

The *Casino Control (Authorized Games) Notice 1985*\* given under section 22(1) of the *Casino Control Act 1984* is amended by inserting before the item commencing “Baccarat,” the following —

“ Arishinko ”.

[\* Published as at 20 December 1985, p. 4825.  
For amendments to 9 December 2002 see 2001 Index to  
Legislation of Western Australia, Table 4, p. 39-40 and  
Gazette 11 October 2002.]

Dated 17 December 2002.

For the Gaming Commission of Western Australia.

DAVID HALGE, Chief Casino Officer.

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## TRAINING

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TA301

### VOCATIONAL EDUCATION AND TRAINING ACT 1996 COLLEGES AMALGAMATION ORDER 2002

Made by the Minister for Training under the *Vocational Education and Training Act 1996*.

#### PART 1—PRELIMINARY

##### Citation

1. This order may be cited as the *Colleges Amalgamation Order 2002*.

##### Commencement

2. This order takes effect on 1 January 2003.

##### Objects of this order

3. The objects of this order are to—
  - (a) amalgamate Midland College of TAFE with South East Metropolitan College of TAFE;
  - (b) amalgamate the Balga Campus of West Coast College of TAFE with South East Metropolitan College of TAFE;
  - (c) continue the amalgamated college renamed as Swan TAFE;
  - (d) terminate the terms of office of the members of the governing councils of Midland College of TAFE and South East Metropolitan College of TAFE;
  - (e) appoint members of the governing council of Swan TAFE; and
  - (f) make provision in relation to other matters necessary for, or incidental to, giving effect to this Order and protecting the rights, interests and welfare of persons affected by this Order.

#### PART 2—AMALGAMATION AND RENAMING

##### Colleges amalgamated and renamed

4. With effect on and from 1 January 2003—
  - (a) the college known as Midland College of TAFE is amalgamated with South East Metropolitan College of TAFE; and
  - (b) the part of West Coast College of TAFE known as the Balga Campus is amalgamated with South East Metropolitan College of TAFE,and the college, as so amalgamated, is continued and renamed Swan TAFE.

#### PART 3—TERMINATION OF TERMS OF OFFICE

##### Termination of terms of office

5. The terms of office of the members of the Governing Councils of Midland College of TAFE and South East Metropolitan College of TAFE are terminated.

#### PART 4—APPOINTMENT OF MEMBERS OF GOVERNING COUNCIL

##### Appointment of members of Governing Council

6. (1) Subject to this clause, the persons whose names are listed below are appointed to be members of the Governing Council of Swan TAFE—
  - (a) Mr Eric Lumsden, 6 Vineyard Row, SWAN VIEW
  - (b) Ms Kerry Hardwick, 66 Roebuck Drive, SALTER POINT

- (c) Mr James Allen, Burswood International Resort Casino, Great Eastern Highway, BURSWOOD
  - (d) Ms Lisa Baker, 963 Lauffer Way, MAHOGANY CREEK
  - (e) Ms Adelle Cochran, City of Gosnells, PO Box 660, GOSNELLS
  - (f) Mr Russell Haynes, 3 Browne Street, SUBIACO
  - (g) Ms Jennifer Heathcote, Midland College of TAFE, Lloyd Street, MIDLAND
  - (h) Mr Ante Trlin, 120 Weir Road, BASKERVILLE
  - (i) Mr Keith Vuleta, 10 Pow Street, WEST SWAN
  - (j) Mr John Bollig, 5 Fraser Road, APPLECROSS
  - (k) Ms Peta Crane, 241 Grove Road, LESMURDIE
  - (l) Mr Richard Sheppard, 41 Willowmead Way, KELMSCOTT
- (2) The term of office of the members appointed under subclause (1)(a) to (i) is three years.
- (3) The term of office of the members appointed under subclause (1)(j) to (l) is two years.
- (4) Mr Eric Lumsden is appointed to be chairperson and Ms Kerry Hardwick is appointed to be deputy chairperson.

## PART 5—CONSEQUENTIAL PROVISIONS

### Interpretation

7. In this Part unless the contrary intention appears—

‘**an amalgamated college**’ means a college referred to in clause 4 and includes the part of West Coast College of TAFE known as Balga Campus.

‘**commencement day**’ means the day referred to in clause 2.

### Staff

8. (1) The persons who were employed or engaged by an amalgamated college immediately before the commencement day are, with effect on and from that day, to be taken to be employed or engaged by Swan TAFE on the same terms and conditions including the salary payable, as those on which they were employed or engaged immediately before the relevant day.

(2) A person to whom sub-clause (1) applies retains all his or her existing and accruing rights, including rights under the *Superannuation and Family Benefits Act 1938*, the *Government Employees Superannuation Act 1987* or the *State Superannuation Act 2000*, as the case may be, as if his or her employment or engagement by Swan TAFE were a continuation of his or her employment by an amalgamated college immediately before the relevant day.

(3) Nothing in this clause affects the powers of Swan TAFE as an employing authority under the *Public Sector Management Act 1994*.

### Students

9. (1) On and from the commencement day—

- (a) each person who was, immediately before the commencement day, enrolled as a student of an amalgamated college becomes an enrolled student of Swan TAFE;
- (b) each person who was, immediately before the commencement day, eligible to be enrolled as a student of any of the amalgamated colleges is eligible to be enrolled as a student of Swan TAFE; and
- (c) each person who was, immediately before the commencement day, entitled to be, but had not been, awarded a diploma, certificate or honorary award by an amalgamated college is entitled to be awarded an appropriate diploma, certificate or honorary award by Swan TAFE.

(2) A person who has completed part of a course of study as an enrolled student at an amalgamated college is to be taken to have completed that part of the course of study at Swan TAFE.

(3) Students enrolled at an amalgamated college under sub-clause (1) are entitled, on completion of their courses, to be awarded an appropriate award by Swan TAFE.

### Transfer of funds

10. (1) The entitlement of an amalgamated college or the Department to any funds for the amalgamated college or for any purposes of an amalgamated college is to be taken to be the entitlement of Swan TAFE and the necessary arrangements are to be made for that purpose in any account at the Department.

(2) Any moneys held on trust by an amalgamated college or for an amalgamated college, other than a trust to which the *Charitable Trusts Act 1962* applies, vests in Swan TAFE for the same purposes.

(3) Any money held in the Trust Fund of an amalgamated college or for an amalgamated college vests in the Swan TAFE Trust Fund.

**Fixed assets and consumables**

11. (1) All the rights, title and interest of the Minister for Training as a body corporate for the purposes of an amalgamated college immediately before the commencement day vests in the Minister for Training for the purposes of Swan TAFE on and from the commencement day.

(2) All the rights, title and interest of an amalgamated college immediately before the commencement day in stock in trade and other consumables used or to be used for the purposes of an amalgamated college vests in Swan TAFE on and from the commencement day.

**Liabilities**

12. (1) To the extent that they have not been fulfilled as at the commencement day, the subsisting and future obligations and liabilities of the Minister for Training in relation to an amalgamated college in respect of any lease or occupation of premises are to be obligations and liabilities of the Minister for Training in relation to Swan TAFE on and from the commencement day.

(2) To the extent that they have not been fulfilled as at the commencement day the subsisting and future obligations and liabilities of an amalgamated college in respect of—

- (a) any contract between an amalgamated college or for the purposes of an amalgamated college and any other person;
- (b) the computer and software and related contracts between an amalgamated college or for the purposes of an amalgamated college and any other person; and
- (c) transactions entered into in the ordinary course of business for goods or services provided for the purposes of an amalgamated college;

are to be the liabilities and obligations of Swan TAFE.

(3) Where—

- (a) the transfer of any obligation or liability referred to in sub-clause (1) or (2) requires the consent of a third party; and
- (b) the consent to the transfer of the obligation or liability cannot be obtained, the obligation or liability is, by force of this Order, transferred to the Minister for Training or Swan TAFE, as the case requires, and to the extent that the rights of third parties are affected the obligation or liability is to be taken to be a continuing obligation or liability of the Minister for Training or Swan TAFE.

**Financial provisions**

13. (1) As soon as practicable after the commencement day the Governing Council of Swan TAFE is to cause sections 66, 67 and 68 of the *Financial Administration and Audit Act 1985* to be complied with, in relation to an amalgamated college in respect of the period commencing 1 January 2002 and ending immediately before the commencement day.

(2) A report prepared under sub-clause (1) is to be taken to be an annual report for the purposes of section 69 of the *Financial Administration and Audit Act 1985*.

**References to an amalgamated college**

14. A reference to an amalgamated college or to West Coast College of TAFE in relation to the Balga Campus in any instrument, contract or legal proceedings made or commenced before the commencement day is to be read and construed as a reference to Swan TAFE.

Dated this 17<sup>th</sup> day of December 2002.

JOHN KOBELKE MLA, Minister for Training.

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## — PART 2 —

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### AGRICULTURE

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AG401\*

#### SOIL AND LAND CONSERVATION ACT 1945

##### MINGENEW LAND CONSERVATION DISTRICT

##### (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2002

Made by the Commissioner of Soil and Land Conservation.

#### 1. Citation

This Instrument may be cited as the *Mingenew Land Conservation District (Appointment of Members) Instrument 2002*.

#### 2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Mingenew Land Conservation District) Order 1986\**, the following members are appointed to the land conservation district committee for the Mingeneew Land Conservation District—

- (a) on the nomination of the Shire of Mingeneew: Ivan Kenneth Wilton of Mingeneew and Michelle Bagley of Yandanooka via Mingeneew;
- (b) to represent the Western Australian Farmers Federation (Inc): Jonathan Rowland Holmes of Mingeneew and Peter Horwood of Mingeneew; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) Eric Wayne Sanders of Mingeneew
  - (ii) Douglas Ian Parker of Mingeneew
  - (iii) Helen Maree Newton of Mingeneew
  - (iv) Roger Edward McCallum of Mingeneew
  - (v) Miles Obst of Mingeneew
  - (vi) Thomas Gordon Campbell of Mingeneew
  - (vii) Helen Kennedy Duane of Mingeneew
  - (viii) David Brindal of Mingeneew
  - (ix) Janette Lorraine Michael of Mingeneew
  - (x) Robyn Kay Soullier of Mingeneew

(\*Published in the Gazette of 5 September 1986 at pp. 3316-17 and amended in the Gazettes of 19 October 1990 at pp. 5264-65, 29 November 1991 at p. 5977, 17 May 1994 at p. 2069, 19 July 1994 at p. 3703 and an Amendment Order approved by Executive Council on 27 June 1997 {Department of Agriculture reference: 881759V03P0S}).

#### 3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 31 October 2005.

DAVID HARTLEY, Commissioner of Soil and  
Land Conservation.

Dated this 22<sup>nd</sup> day of November 2002.

AG402\*

#### SOIL AND LAND CONSERVATION ACT 1945

##### APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Melanie Strang of Gillingarra is appointed a member of the Dardanup Land Conservation District (*the Committee was established by an Order in Council, published in the Government Gazette of 11 September 1992 at pp. 4595-97 and amended in the Gazette of 23 April 1993 at pp. 2174-75 and an Amendment Order approved by Executive Council on 1 December 1998 (Department of Agriculture reference: 881843V02P00)*). The appointment is for a term ending on 31 March 2005.

DAVID HARTLEY, Commissioner of Soil and  
Land Conservation.

Dated this 11<sup>th</sup> day of December 2002.



AG403\*

**SOIL AND LAND CONSERVATION ACT 1945****APPOINTMENT**

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the Toodyay Land Conservation District, which Committee was established by an Order in Council, *published in the Government Gazette of 13 October 1989 at pp. 3805-06 and amended in the Gazettes of 18 May 1990 at p. 2336 and 30 April 1996 at pp. 1853-54—*

- (1) pursuant to Section 23 (2b) (b) of the Act, Sally Aileen Craddock of Toodyay is appointed a member of the Committee on the nomination of the Shire of Toodyay.
- (2) delete Claude Arthur Mills of Toodyay from representing the Shire of Toodyay.

DAVID HARTLEY, Commissioner of Soil and  
Land Conservation.

Dated this 11<sup>th</sup> day of December 2002.

AG404\*

**SOIL AND LAND CONSERVATION ACT 1945****APPOINTMENT**

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the Walpole-Tingledale Land Conservation District, which Committee was established by an Order in Council, *published in the Government Gazette of 20 March 1987 at pp. 984-85 and amended in the Gazettes of 1 December 1989 at pp. 4439-40 and 14 July 1995 at pp. 2963-64—*

- (1) pursuant to Section 23 (2b) (b) of the Act, Kim Barrow is appointed a member of the Committee on the nomination of the Shire of Denmark.
- (2) delete Graham Boyce from representing the Shire of Denmark.

DAVID HARTLEY, Commissioner of Soil and  
Land Conservation.

Dated this 9<sup>th</sup> day of December 2002.

## CEMETERIES

CC401\*

**CEMETERIES ACT 1986***Shire of Lake Grace***LAKE GRACE, NEWDEGATE, LAKE KING AND VARLEY CEMETERIES**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Shire of Lake Grace hereby records having resolved on its schedule of fees and charges to apply as follows—

| DETAIL                                  | CHARGE<br>(Excl GST) | CHARGE<br>(Inc GST) |
|---|----------------------|---------------------|
| 1. Burial Fees                          |                      |                     |
| (a) Interment                           |                      |                     |
| Adult Burial                            | \$320.00             | \$352.00            |
| Child Burial (under 7 years)            | \$240.00             | \$264.00            |
| Re-opening Fee: Adult                   | \$300.00             | \$330.00            |
| Child                                   | \$225.00             | \$247.50            |
| (b) Grant of Right of Burial (25 years) |                      |                     |
| Land for grave 2.4m x 1.2m              | \$50.00              | \$55.00             |
| Land for grave 2.4m x 2.4m              | \$80.00              | \$88.00             |
| Land for grave 2.4m x 3.6m              | \$100.00             | \$110.00            |
| (c) Additional Burial Services          |                      |                     |
| Interment without due notice            | \$50.00              | \$55.00             |
| Grave digging beyond 1.8m               | \$45.00              | \$49.50             |
| Vault permit                            | \$10.00              | \$11.00             |
| Interment (Weekends & Public Holidays)  | \$100.00             | \$110.00            |

| DETAIL   | CHARGE<br>(Excl GST) | CHARGE<br>(Inc GST) |
|--|----------------------|---------------------|
| 2. Exhumation Fees   |                      |                     |
| Exhumation fee   | \$200.00             | \$220.00            |
| Re-interment after exhumation  | \$200.00             | \$220.00            |
| 3. Monumental Permit Fees  |                      |                     |
| Permit—Headstone erection  | \$50.00              | \$55.00             |
| Permit—Monument  | \$140.00             | \$154.00            |
| Permit to enclose with kerbing, repair or<br>renovate any existing monumental work | \$50.00              | \$55.00             |
| 4. Placement of Ashes  |                      |                     |
| (a) Disposal of Ashes  |                      |                     |
| Interment of ashes in family grave   | \$50.00              | \$55.00             |
| (b) Niche Wall Fees  |                      |                     |
| Purchase of single niche   | \$25.00              | \$27.50             |
| Purchase of double niche   | \$50.00              | \$55.00             |
| (c) Interment of Ashes in Niche Wall   |                      |                     |
| Normal workday during the week   | \$75.00              | \$82.50             |
| Non workday  | \$150.00             | \$165.00            |

NEVILLE HALE, Chief Executive Officer.

## CONSUMER AND EMPLOYMENT PROTECTION

CE401

### ASSOCIATIONS INCORPORATION ACT 1987

Order Pursuant to Section 34(2)

#### THE ALZHEIMERS DISEASE AND RELATED DISORDERS ASSOCIATION OF WESTERN AUSTRALIA (INC.)

Pursuant to the provisions of Section 34(2) of the *Associations Incorporation Act 1987*, I hereby order that the undertaking of The Alzheimers Disease and Related Disorders Association of Western Australia (Inc.) be transferred to Alzheimer's Australia WA Ltd ACN 102 951 986 with effect from the date of publication of this order.

PATRICK WALKER, Commissioner for Fair Trading.

## CENSORSHIP

CS401\*

### CENSORSHIP ACT 1996

#### RESTRICTED CLASSIFICATION

I, Jim McGinty, 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 December 2002.

JIM MCGINTY, Attorney General.

#### Schedule

10 December 2002

#### Restricted Classification

Title or Description

40+ 2002 No 18

Adult Cinema Review Oct 2002

Allboy Nov-Dec 2002 Vol 4 No 9

Asian Babes Vol 11 No 2

Publisher

Blair Publishing Inc

Global Media Group

Color Ink Group

Fantasy Publications Ltd

Restricted Classification—*continued*

| Title or Description   | Publisher                        |
|--|----------------------------------|
| Australasian Sexpaper Nov-Dec 2002 No 135                                | Xpress Australia Pty Ltd         |
| Australian Rosie, The Nov-Dec 2002 No 162                                | Xpress Australia Pty Ltd         |
| Best of Club International No 43   | Paul Raymond Publications Ltd    |
| Best of Escort, The No 41  | Paul Raymond Publications Ltd    |
| Best of Gallery, The Vol 30 No 9   | Montcalm Publishing Corporation  |
| Best of Penthouse, The (Special Collector's Edition)<br>2002 Vol 34 No 5 | General Media Communications Inc |
| Best of Ravers No 1  | Galaxy Publications Ltd          |
| Big Ones (International) Vol 13 No 10                                    | Fantasy Publications Ltd         |
| Blueboy Nov 2002 Vol 13 No 7   | Global Media Group Ltd           |
| Buf Nov 2002 No 41   | Buf Publications Inc             |
| Buttman Vol 4 No 6   | EA Productions                   |
| Celebrity Skin Nov 2002 Vol 24 No 110                                    | Man's World Publications         |
| Cheri Dec 2002 Vol 27 No 5   | Cheri Magazine Inc               |
| Club International Vol 31 No 12  | Paul Raymond Publications Ltd    |
| Contact UK Vol 1 No 10   | Paul Raymond Publications Ltd    |
| D-Cup Nov 2002 No 62   | D-Cup Publications Inc           |
| Eros (Pantie Parade) Vol 4 No 7  | Red Hot Publications             |
| Eros (Pantie Parade) Vol 4 No 8  | Red Hot Publications             |
| Erotic Film Guide Presents Kinky Neighbors Vol 4 No 5                    | All Coasts Inc                   |
| Escort Vol 22 No 10  | Paul Raymond Publications Ltd    |
| Finally Legal Vol 4 No 11  | Dowager Inc                      |
| For Women Vol 10 No 8  | Fantasy Publications Ltd         |
| Freeway No 212   | Freeway                          |
| Genesis Dec 2002 No 66   | Genesis Publications Inc         |
| Gent (Home of the D-Cups) Dec 2002 No 66                                 | Gent Publications Inc            |
| Girls/Girls (Lesbian Lust) Dec 2002 No 62                                | Gem Publications Inc             |
| High Society Dec 2002 Vol 27 No 12                                       | High Society Periodicals Inc     |
| Hustler (Barely Legal Hardcore) Vol 1 No 1                               | JT Publishing Pty Ltd            |
| Hustler (Australia) (Cat 1) Vol 8 No 1                                   | JT Publishing Pty Ltd            |
| Hustler (Gold Edition) Vol 8 No 1  | JT Publishing Pty Ltd            |
| Hustler (Barely Legal) (Aus Edition) 2002 No 13                          | JT Publishing Pty Ltd            |
| Jock Nov 2002 Vol 13 No 8  | Global Media Group Ltd           |
| Just 18 Dec 2002 No 65   | Just 18 Inc                      |
| Just Come of Age Sep 2002 Vol 1 No 4                                     | World Media Group                |
| Just Girls Vol 20 No 11  | Paul Raymond Publications Ltd    |
| Just Girls Vol 20 No 12  | Paul Raymond Publications Ltd    |
| Leg Action Nov 2002 No 62  | Leg Action Publications Inc      |
| Mayfair Vol 37 No 11   | Paul Raymond Publications Ltd    |
| Mayfair Vol 37 No 12   | Paul Raymond Publications Ltd    |
| Men Only Vol 67 No 10  | Paul Raymond Publications Ltd    |
| Men Only's Christmas Crackers No 1                                       | Paul Raymond Publications Ltd    |
| Mens World Vol 14 No 12  | Paul Raymond Publications Ltd    |
| Mothers In Law Vol 3 No 3  | Fantasy Publications Ltd         |
| Naughty Neighbors (Holiday) 2002 Vol 8 No 12                             | The Score Group                  |
| Naughty Neighbors Dec 2002 Vol 8 No 12                                   | The Score Group                  |
| Penthouse Jan 2003 Vol 34 No 6   | General Media Communications Inc |
| Penthouse Forum Jan 2003 Vol 34 No 1                                     | General Media Communications Inc |
| Penthouse Letters Jan 2003 Vol 21 No 1                                   | General Media Communications Inc |
| Penthouse Variations Jan 2003 Vol 25 No 1                                | General Media Communications Inc |
| Playbirds (Pornstars) Iss 3  | Gold Star Publications           |
| Playbirds International No 22  | Gold Star Publications           |
| Playboy's Nudes Dec 2002   | Special Editions                 |
| Playgirl Oct 2002  | Playgirl                         |
| Ravers (Clean Shaven) No 8   | Galaxy Publications Ltd          |
| Razzle (Tongue & Groove) Iss 1   | Paul Raymond Publications Ltd    |
| Razzle Vol 20 No 10  | Paul Raymond Publications Ltd    |
| Razzle Vol 20 No 11  | Paul Raymond Publications Ltd    |
| Razzle Vol 20 No 12  | Paul Raymond Publications Ltd    |
| Razzle (Readers' Wives) Vol 31   | Paul Raymond Publications Ltd    |
| Real Wives Vol 9 No 9  | Fantasy Publications Ltd         |
| Score Dec 2002 Vol 11 No 12  | The Score Group                  |
| Soho Vol 2 No 12   | Paul Raymond Publications Ltd    |
| Stag (X-Rated Cinema & Video) Nov 2002 No 63                             | Stag Publications Inc            |
| Swank Desires (Lesbos) Nov 2002 No 50                                    | Dogwood Publications Inc         |
| Swank Pleasure (200 Uncensored Sex Acts) Nov 2002 No 52                  | Dogwood Publications Inc         |

Restricted Classification—*continued*

| Title or Description                                | Publisher                |
|---|--------------------------|
| Swank Private (Girls of the Orient) Nov 2002 No 48  | Dogwood Publications Inc |
| Swank Satin (Silk Stockings) Dec 2002 No 53         | Dogwood Publications Inc |
| Swank Uninhibited (Open Legs & Lace) Dec 2002 No 46 | Dogwood Publications Inc |
| Swank Unleashed (Hot 'n Older) Nov 2002 No 48       | Dogwood Publications Inc |
| Swank's Leisure Series (Butt Lust) Dec 2002 No 49   | Dogwood Publications Inc |
| Swank's Video World (DVD World) Dec 2002 No 42      | Dogwood Publications Inc |
| Swinger Club Dec 2002 Iss 16                        | Go Swinger Magazine      |
| X-Treme Amateur Girls Vol 3 No 4                    | Red Hot Publications     |

## CS402\*

## CENSORSHIP ACT 1996

## UNRESTRICTED CLASSIFICATION

I, Jim McGinty, 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 December 2002.

JIM MCGINTY, Attorney General.

## Schedule

10 December 2002

## Unrestricted Classification

| Title or Description                                 | Publisher                    |
|--|------------------------------|
| Australian Penthouse (National) Jan 2003 Vol 24 No 1 | Gemkilt Publishing Pty Ltd   |
| H & E Naturist Oct 2002                              | New Freedom Publications Ltd |
| Heavy Metal Jan 2003 Vol 26 No 6                     | Metal Mammoth Inc            |
| Hustler (Australia) Vol 8 No 1                       | JT Publishing Pty Ltd        |
| Perfection Feb 2003 No 5                             | Emeline Publications Inc     |
| Playboy Jan 2003 Vol 50 No 1                         | Playboy                      |
| Playboy's Playmates In Bed Dec 2002                  | Special Editions             |

## FISHERIES

## FI401\*

## FISH RESOURCES MANAGEMENT ACT 1994

## PILBARA TRAP FISHERY MANAGEMENT PLAN AMENDMENT 2002

FD 540/01 [423]

Made by the Minister under section 54(2).

**Citation**

1. This amendment may be cited as the *Pilbara Trap Fishery Management Plan Amendment 2002*.

**Principal Plan**

2. The amendments in this instrument are to the *Pilbara Trap Management Plan 1992\**.

**Clause 3 amended**

3. Clause 3 is amended in the item commencing "ALC" by deleting —  
" that is capable of transmitting to the Executive Director at any time accurate information as to the geographical position, course and speed of the authorised boat ".

**Clause 21 amended**

4. Clause 21 is amended —
  - (a) in subclause (1) by inserting after "clause" the following —  
" and is in effect ";
  - (b) by inserting after subclause (1) the following subclause —  
" (1a) For the purposes of subclause (1) a nomination is "in effect" until —  
    - (a) revoked in accordance with the approved directions for use; or

- (b) subject to subclause (3a), the end of the licensing period in which it applies, whichever occurs first.”;
- (c) in subclause (2) by —
  - (i) inserting at the end of paragraph (a) the following —
    - “ and ”;
  - (ii) deleting paragraph (b); and
  - (iii) deleting the paragraph designation “(c)” and inserting instead —
    - “ (b) ”;
- (d) by deleting subclause (3) and inserting the following subclause instead —
  - “ (3) The master of an authorised boat may submit a nomination in accordance with subclause (2) at any time the boat is —
    - (a) outside the waters of the Fishery; or
    - (b) inside a Port Area,
 but not otherwise.”; and
- (e) inserting after subclause (3) the following subclause —
  - “ (3a) At any time when the master of an authorised boat makes a nomination in accordance with this clause to use a specified number of traps any previous nomination in force in respect of the boat ceases to have effect. ”.

#### **Clause 23 amended**

5. Clause 23 is amended in paragraph (a) of subclause (4) by deleting “clause 21” and inserting instead —
- “ clause 22 ”.

#### **Clause 24 amended**

6. Clause 24 is amended —
- (a) in paragraph (a) by deleting “22(1),”; and
  - (b) in paragraph (b) by inserting after “12(2)(c)” the following —
    - “ , 22(1) ”.

#### **Schedule 4 amended**

7. Schedule 4 is amended by inserting after Item 5 the following item —
- “ Item 6 – The intersection of 17°58.00' south latitude and 122°13.60' east longitude (Port of Broome). ”.

*[\*Declared by Notice No. 501 published in the Gazette on 3 April 1992. For amendments to 30 November 2002 see Notice No. 640 published in the Gazette on 11 March 1994, the Pilbara Trap Management Plan Amendment 1997 published in the Gazette of 11 March 1997, the Pilbara Trap Management Plan Amendment (No 2) 1997 published in the Gazette of 30 December 1997 and the Pilbara Trap Fishery Management Plan Amendment 1999 published in the Gazette 24 December 1999. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices in force under the Fisheries Act 1905 immediately before the commencement of those regulations.]*

Dated this 12<sup>th</sup> day of December 2002.

K. M. CHANCE, Minister for Agriculture,  
Forestry and Fisheries.

#### **FI402\***

### **FISH RESOURCES MANAGEMENT ACT 1994** **NOTICE OF AUTHORIZED PERSONS**

FD 71/98 [493]

Made by the Minister under section 213.

#### **Declaration**

1. The persons listed in the Schedule are authorized persons.

#### **Revocation**

2. The notice made under section 213 and published in the Government Gazette (No. 56) of 20 March 1998 is revoked.

#### **Schedule**

Dr Suzanne Gladys Ayvazian  
Dr Lynda Maree Bellchambers  
Dr Christopher Francis Chubb  
Dr Warrick Jeffrey Fletcher

Dr Daniel Joseph Gaughan  
Mr Gary Jackson  
Dr John Brian Jones  
Dr Mervi Inkeri Kangas  
Dr Craig Steven Lawrence  
Dr Rodney Charles Lenanton  
Dr Michael Colin Mackie  
Dr Gregory Bernard Maguire  
Dr Roy Melville-Smith  
Dr Brett Wymond Molony  
Dr Stephen John Newman  
Dr James William Penn  
Dr Jill St John  
Dr Peter Charles Stephenson  
Dated this 26<sup>th</sup> day of November 2002.

K. M. CHANCE, Minister for Agriculture,  
Forestry and Fisheries.

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## HERITAGE

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### HR401\*

#### HERITAGE OF WESTERN AUSTRALIA ACT 1990 CONSERVATION ORDER

Flying Boat Wreckage Site located in Roebuck Bay, Broome,

Whereas in my opinion it is necessary and desirable to provide special protection in respect of a Flying Boat Wreckage Site in Broome, being that portion of seabed land located in Roebuck Bay, Broome as is now defined by Heritage Council of Western Australia survey drawing No 4859 as prepared by Fugro Spatial Solutions Pty Ltd, (and was defined in Schedule 1 of notice HR401 published in the Government Gazette on 25 October 2002 on page 5318) and situated in Roebuck Bay, Broome ("the place") now pursuant to section 59(4) of the *Heritage of Western Australia Act 1990* (the Act), I, Dr Judy Edwards, Minister for the Environment and Heritage, hereby prohibit the demolition, damage or alteration of the place or any portion of the place, or any structure on the place.

Dated the 17th day of December 2002.

Dr JUDY EDWARDS, Minister for the Environment and Heritage.

### HR402\*

#### HERITAGE OF WESTERN AUSTRALIA ACT 1990

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

Notice is hereby given in accordance with Section 51(2) of the Heritage of Western Australia Act 1990 that, pursuant to directions from the Minister for the Environment & Heritage, the places described in Schedule 1 have been entered in the Register of Heritage Places on a permanent basis with effect from today.

##### Schedule 1

##### Description of Place

**Claremont Post Office** at 36 Guger Street, Cnr Bay View Terrace, Claremont; Lt 48 on P 51, being the whole of the land comprised in C/T V 1217 F 368.

**Claremont Railway Station** at Guger Street, Claremont; Ptn Swan Loc 11578, being part of the land comprised in C/T V 1947 F 700. Pts of Swan Loc 701 as contained in Ps 1671 & 2050. Ptn of Guger Street road reserve together as are defined in HCWA survey No 0486 prepared by Steffanoni Ewing & Cruickshank Pty Ltd.

**Cuballing Post Office & Quarters** at 195 Campbell Street, Cnr Alton Street, Cuballing; Lt 2 on D 33149 & being the whole of the land comprised in C/T V 7 F 219A.

**Cue Railway Station (fmr)** off Wittenoom Street, Cue; Lt 637 on Dep P 221385 being pt of CR 38357 & being the whole of the land contained in CLT V 3112 F 736.

**House, 4 Scott Street** at 4 Scott Street, Guildford; Lt 133 on P 13 being the whole of the land comprised in C/T V 1402 F 78.

**King Edward Memorial Hospital for Women** at Cnr Barker Road & Railway Parade, Subiaco; Perth Sub Lts 229 & 230, being the whole of the land comprised in C/T V 1199 F 535.

**Piccadilly Theatre & Arcade** located at 700-704 Hay Street, Perth; Ptn of Perth Town Lt F13 being (firstly) Lt 125 on D 1687 & (secondly) Lt 124 on D 926 & being the whole of the land comprised in C/T V 1927 F 822.

**Rechabite Hall** at 222-224 William Street, Northbridge; Lt 4 on D 4669 being the whole of the land contained in C/T V 684 F 193.

**Summer Hill Group** at Great Northern Highway, New Norcia; Ptn of Lt 101 on D 88368 & being pt of the land comprised in C/T V 2097 F 9 as is defined in HCWA survey No 3943 prepared by Steffanoni Ewing & Cruickshank Pty Ltd.

**The Grange** at Yardarino Road, Yardarino; That pt of Victoria Loc 1184, being part of the land comprised in C/T V 1850 F 422 as is defined in HCWA survey No1215 prepared by Steffanoni Ewing & Cruickshank Pty Ltd.

Pursuant to directions from the Minister for the Environment & Heritage, notice is hereby given in accordance with Section 49(1) of the Heritage of Western Australia Act 1990 that it is proposed that the places described in Schedule 2 be entered in the Register of Heritage Places. The Heritage Council invites submissions on the proposal which must be in writing & should be forwarded to the address below not later than 31 January 2003. The places will be entered in the Register on an interim basis with effect from today.

#### Schedule 2

##### Description of Place

**Menzies Town Hall & Shire Offices** at Shenton Street, Menzies; Lt 124 on DP 222801 being the whole of the land contained in C/T V 126 F 121.

**Old Butter Factory** at Peel Terrace, Busselton; Lts 1 & 2 on D 1723 being the whole of the land contained in C/T V 1375 F 11 & L 328 on DP 153145 being the whole of the land contained in C/T V 1021 F 81.

**Sea View Golf Course Club** at Jarrad Street, Cottesloe; Cottesloe Sub Lts 51, 52, 53, 58, 59 & 60, being CR 6613 & being the whole of the land comprised in CLR V 3032 Fs 32, 34, 36, 37, 38, 39 respectively. Cottesloe Sub Lts 61, 62, 68, 69 & 70, being CR 1664 & being the whole of the land comprised in CLR V 3032 Fs 40, 41, 43, 44, 45 respectively. Cottesloe Sub Lt 63, being CR 6271 & being the whole of the land comprised in CLR V 3032 F 42. Cottesloe Sub Lt 113, being the whole of the land comprised in C/T V 1183 F 659. That portion of Jarrad Street, being a part of Road Reserve 00926 (Gaz. 20/10/1899) as is situated between the eastern side of Marine Parade & the western side of Broome Street in Cottesloe.

#### NOTICE OF ADVICE REGARDING REGISTRATION OF CROWN PROPERTY

In accordance with the requirements of Section 47 (5) of the Heritage of Western Australia Act, the Heritage Council hereby gives notice that it has advised the Minister for the Environment & Heritage that the places listed in Schedule 3 should be entered in the Register of Heritage Places on an interim basis. The Heritage Council hereby gives notice of the interim registration and invites submissions on the matter; which must be in writing and should be forwarded to the address below not later than 31 January 2003. The places listed in Schedule 3 are vested in the Crown, or in a person on behalf of the Crown, in right of the State.

#### Schedule 3

##### Description of Place

**Flying Boat Wreckage Site** at Roebuck Bay, Broome; That portion of seabed land located in Roebuck Bay, Broome as is defined by HCWA survey No 4859 as prepared by Fugro Spatial Solutions Pty Ltd.

20 December 2002

STEPHEN CARRICK, Acting Director, Office of The Heritage Council.  
108 Adelaide Terrace East Perth WA 6004.

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## JUSTICE

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JU401\*

#### PRISONS ACT 1981

##### PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

| SURNAME | OTHER NAMES    | PERMIT No. | REVOCATION DATE  |
|---------|----------------|------------|------------------|
| Hocking | Phillip        | AP 0195    | 20 December 2002 |
| Jory    | Steven Graeme  | AP 0065    | 20 December 2002 |
| Young   | Everett Foster | AP 0171    | 20 December 2002 |

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN YEARWOOD, A/Director, Custodial Contracts.

20 December 2002.

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## LAND ADMINISTRATION

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LA401\*

### DAMPIER TO BUNBURY PIPELINE ACT 1997

#### DESIGNATED LAND

The DBNGP Land Access Minister, a body corporate established by section 29(1) of the *Dampier to Bunbury Pipeline Act 1997*, hereby order in accordance with Section 33(1) of the said Act, that the land contained in the Deposited Plans as listed in the land description described below is designated, at the beginning of the day this notice is published in the *Government Gazette*, as additional land in the DBNGP corridor.

#### LAND DESCRIPTION:

1. Portion of Lot 9682 on Deposited Plan 160632 as shown on Deposited Plan 31040 being part of the land comprised in Certificate of Title Volume 1646 Folio 735.
2. Portion of Lot 123 on Plan 2993 as shown on Deposited Plan 26783 being part of the land comprised in Certificate of Title Volume 2018 Folio 196.
3. Portion of Lot 10119 on Deposited Plan 206697 as shown on Deposited Plan 31033 being part of the land comprised in Certificate of Title Volume 1887 Folio 898.
4. Portion of Lot 5 on Diagram 24150 as shown on Deposited Plan 31045 being part of the land comprised in Certificate of Title Volume 1652 Folio 119.
5. Portion of Lot 2073 on Deposited Plan 114255 as shown on Deposited Plan 31044 being part of the land comprised in Certificate of Title Volume 1866 Folio 461.
6. Portion of Lot 1 on Diagram 7472 as shown on Deposited Plan 31041 being part of the land comprised in Certificate of Title Volume 1050 Folio 800.
7. Portion of Lot 2107 on Deposited Plan 114252 as shown on Deposited Plan 31043 being part of the land comprised in Certificate of Title Volume 1774 Folio 674.

The Plans may be inspected at the Department of Land Administration, Midland Square, Midland.

ALANNAH MacTIERNAN MLA, DBNGP Land Access Minister.

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## LOCAL GOVERNMENT

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LG402\*

### SHIRE OF LAKE GRACE

#### Authorised Officers

It is hereby notified for public information that the following persons have been appointed as Authorised Officers in accordance with the relevant acts hereunder are effective immediately—

- (1) **Local Government Act 1995**, Division 3, Subdivision 2, Certain provisions about land—s3.24:  
Neville Hale
- (2) **Local Government Act 1995**, Division 2, Subdivision 3, Powers of entry—s3.28, s3.29:  
Neville Hale
- (3) **Local Government Act 1995**, Division 2, Subdivision 4, Impounding goods involved in certain contraventions—s3.39:  
Neville Hale
- (4) **Local Government Act 1995**, Part 9, Division 2 Miscellaneous provisions about enforcement—s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-road) Act 1978**—s37:  
Neville Hale  
Lauder Coomber
- (5) **Local Government Act 1995**, Part 9, Division 2 Miscellaneous provisions about enforcement—s9.13, s9.16 and s9.17:  
Neville Hale  
Lauder Coomber
- (6) **Local Government Act 1995**, Part 9, Division 2 Miscellaneous provisions about enforcement—s9.19 and s9.20:  
Neville Hale
- (7) **Local Government (Miscellaneous Provisions) Act 1960**—s449 local governments may establish pounds and appoint pound keepers and rangers:  
Robert Hutter (Pound keeper)  
Robert Hutter (Ranger)  
Alan Snow (Ranger)  
Sean Lancaster (Ranger)



(8) **Dog Act 1976**—Registration Officers:

Neville Hale  
Lauder Coomber  
Anne Rintoul  
Mark Burbridge  
Kate Tozer  
Kelly Hawtin

(9) **Health Act 1911**—s27 Appointment of Environmental Health Officer:

Lino Lawrence Diletti

(10) **Bush Fires Act 1954**—s59(2)(a) and (3)—Issue of infringement notices, Council Delegation—Other 03

Deputy Chief Executive Officer  
Environmental Health Officer / Building Surveyor

All previous authorizations are hereby revoked.

NEVILLE HALE, Chief Executive Officer.

LG401

**CEMETERIES ACT 1986**

DECLARATION AND VESTING OF THE TWO MILE ROEBOURNE CEMETERY  
(RESERVE NO. 44427) ORDER 2002

Made by Governor in Executive Council under sections 4 and 5 of the *Cemeteries Act 1986*.

**Citation**

1. This Order may be cited as the *Declaration and Vesting of the Two Mile Roebourne Cemetery (Reserve No. 44427) Order 2002*.

**Commencement**

2. This Order shall take effect from the date of publication in the *Government Gazette*.

**Declaration of Two Mile Roebourne Cemetery (Reserve No. 44427)**

3. Reserve No. 44427 is hereby declared a cemetery to be known as the Two Mile Roebourne Cemetery.

**Vesting of Two Mile Roebourne Cemetery (Reserve No. 44427)**

4. The care, control and management of the Two Mile Roebourne Cemetery (Reserve No. 44427) is hereby vested in the Shire of Roebourne.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

LG403\*

**LOCAL GOVERNMENT ACT 1995**

*District of Belmont*

(CHANGE OF WARD BOUNDARIES AND NUMBER OF  
COUNCILLORS) ORDER 2002

Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Belmont (Change of Ward Boundaries and Number of Councillors) Order 2002*.

**2. Change of ward boundaries (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the Central Ward in the district of Belmont consists of the land described in Schedule 1.

(2) On and after the first ordinary elections day after the commencement of this order, the East Ward in the district of Belmont consists of the land described in Schedule 2.

(3) On and after the first ordinary elections day after the commencement of this order, the South Ward in the district of Belmont consists of the land described in Schedule 3.

(4) On and after the first ordinary elections day after the commencement of this order, the West Ward in the district of Belmont consists of the land described in Schedule 4.

### **3. Number of councillors changed (s. 2.18 (3) of the Act)**

On and after the first ordinary elections day after the commencement of this order—

- (1) The number of offices of councillor for the Council in the district of Belmont is 11 instead of 12.
- (2) The number of offices of councillor for the Central Ward in the district of Belmont is two (2) instead of three (3).

### **4. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(2) Part 4 of the Act applies to preparing for and conducting the election as if the amendments effected by clauses 2 and 3 had taken effect on the day on which this order commenced.

(3) For the purposes of subclause (2)—

- (a) Part 4 of the Act is modified to the extent necessary to give effect to subclauses (2) and (3); and
- (b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward, in relation to the district of Belmont, is to be read as a reference to the Central Ward, East Ward, South Ward and West Ward of the district as the respective ward is or will be, as a result of the operation of clauses 2 and 3 on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

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

## **SCHEDULE 1**

### **Central Ward**

All that portion of land bounded by lines starting from the intersection of the left bank of the Swan River with the centreline of Grandstand Road, a point on a present northwestern boundary of the City of Belmont and extending generally southeasterly along that centreline to the prolongation westerly of the centreline of Raconteur Drive; thence easterly to and generally southeasterly along that centreline and onwards to the centreline of the Great Eastern Highway; thence generally northeasterly along that centreline to the centreline of Keymer Street; thence generally southeasterly along that centreline to the centreline of Sydenham Street; thence southwesterly along that centreline to the centreline of Hardey Road; thence generally southeasterly along that centreline to the prolongation northeasterly of the centreline of Fulham Street; thence southwesterly to and generally southwesterly along that centreline to the centreline of Belmont Avenue; thence northwesterly along that centreline to the centreline of Wright Street; thence northeasterly along that centreline to the prolongation southeasterly of the centreline of Robinson Avenue; thence northwesterly to and generally northwesterly along that centreline and onwards to the centreline of Cleaver Terrace; thence northeasterly along that centreline to the prolongation southeasterly of the southwestern boundary of Lot 89, as shown on Deposited Plan 31399; thence northwesterly to and along that boundary and onwards to and along the southwestern boundary of Lot 88 to a southeastern side of the Great Eastern Highway; thence southwesterly along that side to the prolongation southeasterly of the northwestern boundary of Lot 6, as shown on Office of Titles Plan 1646; thence northwesterly to and along that boundary to the left bank of the Swan River, a point on a present northwestern boundary of the City of Belmont and thence generally northeasterly, generally northwesterly and again generally northeasterly along boundaries of that city to the starting point.

## **SCHEDULE 2**

### **East Ward**

All that portion of land bounded by lines starting from the intersection of the left bank of the Swan River with the centreline of Grandstand Road, a point on a present northwestern boundary of the City of Belmont and extending generally southeasterly along that centreline to the prolongation westerly of the centreline of Raconteur Drive; thence easterly to and generally southeasterly along that centreline and onwards to the centreline of the Great Eastern Highway; thence generally northeasterly along that centreline to the centreline of Keymer Street; thence generally southeasterly along that centreline to the centreline of Sydenham Street; thence southwesterly along that centreline to the centreline of Hardey Road; thence generally southeasterly along that centreline and onwards to and southeasterly along a northeastern boundary of Swan Location 33 to a southeastern boundary of Lot 6, as shown on Office of Titles Plan 14114 (Tonkin Highway—undedicated); thence generally southwesterly and southeasterly along boundaries of that lot and generally southeasterly along

boundaries of the northwestern severance of Lot 7, as shown on Office of Titles Plan 14115 to the westernmost southwestern corner of Lot 10488, as shown on Deposited Plan 216098; thence southeasterly along the southwestern boundary of that lot and southeasterly along the southwestern boundary of Lot 1, as shown on Office of Titles Diagram 63971 to the southernmost southwestern corner of Lot 10488, as shown on Deposited Plan 216098; thence southeasterly along the southwestern boundary of that lot and southeasterly along the northeastern boundary of the central severance of Lot 7, as shown on Office of Titles Plan 14115 to the westernmost southwestern corner of Lot 11872, as shown on Deposited Plan 191078; thence southeasterly along the southwestern boundary of that lot and southeasterly along the northeastern boundary of the southeastern severance of Lot 7, as shown on Office of Titles Plan 14115, to the northeastern boundary of Swan Location 32, as shown on Office of Titles Diagram 35328; thence southeasterly along that boundary and southeasterly along the northeastern boundary of former Lot 1, as shown on Office of Titles Diagram 78936 to the southwestern corner of Lot 11872, as shown on Deposited Plan 191078; thence southeasterly along the southwestern boundary of that lot to the southwestern corner of Lot 500, as shown on Office of Titles Diagram 54999; thence generally southeasterly along boundaries of that lot and southeasterly along the northeastern boundary of the eastern severance of Swan Location 32, as shown on Office of Titles Diagram 37250 and onwards to the northernmost northwestern boundary of the southeastern severance of Lot 1, as shown on Office of Titles Diagram 71274; thence northeasterly and southeasterly along boundaries of that lot (Tonkin Highway—undedicated) to the prolongation southwesterly of the northernmost northwestern boundary of Lot 13693 (Reserve 46524), as shown on Deposited Plan 221057, a point on a present southeastern boundary of the City of Belmont and thence generally northeasterly, northwesterly and generally southwesterly along boundaries of that city to the starting point.

### SCHEDULE 3

#### South Ward

All that portion of land bounded by lines starting from the intersection of a northern side of Orrong Road with the centreline of Fulham Street, a point on a present southwestern boundary of the City of Belmont and extending generally northeasterly along that centreline and onwards to the centreline of Hardey Road; thence generally southeasterly along that centreline and onwards to and southeasterly along a northeastern boundary of Swan Location 33 to a southeastern boundary of Lot 6, as shown on Office of Titles Plan 14114 (Tonkin Highway—undedicated); thence generally southwesterly and southeasterly along boundaries of that lot and generally southeasterly along boundaries of the northwestern severance of Lot 7, as shown on Office of Titles Plan 14115 to the westernmost southwestern corner of Lot 10488, as shown on Deposited Plan 216098; thence southeasterly along the southwestern boundary of that lot and southeasterly along the southwestern boundary of Lot 1, as shown on Office of Titles Diagram 63971 to the southernmost southwestern corner of Lot 10488, as shown on Deposited Plan 216098; thence southeasterly along the southwestern boundary of that lot and southeasterly along the northeastern boundary of the central severance of Lot 7, as shown on Office of Titles Plan 14115 to the westernmost southwestern corner of Lot 11872, as shown on Deposited Plan 191078; thence southeasterly along the southwestern boundary of that lot and southeasterly along the northeastern boundary of the southeastern severance of Lot 7, as shown on Office of Titles Plan 14115 to the northeastern boundary of Swan Location 32, as shown on Office of Titles Diagram 35328; thence southeasterly along that boundary and southeasterly along the northeastern boundary of former Lot 1, as shown on Office of Titles Diagram 78936 to the southwestern corner of Lot 11872, as shown on Deposited Plan 191078; thence southeasterly along the southwestern boundary of that lot to the southwestern corner of Lot 500, as shown on Office of Titles Diagram 54999; thence generally southeasterly along boundaries of that lot and southeasterly along the northeastern boundary of the eastern severance of Swan Location 32, as shown on Office of Titles Diagram 37250 and onwards to the northernmost northwestern boundary of the southeastern severance of Lot 1, as shown on Office of Titles Diagram 71274; thence northeasterly and southeasterly along boundaries of that lot (Tonkin Highway—undedicated) to the prolongation southwesterly of the northernmost northwestern boundary of Lot 13693 (Reserve 46524), as shown on Deposited Plan 221057, a point on a present southeastern boundary of the City of Belmont and thence generally southwesterly, generally northwesterly, again generally southwesterly and again generally northwesterly along boundaries of that City to the starting point.

### SCHEDULE 4

#### West Ward

All that portion of land bounded by lines starting from the intersection of a northern side of Orrong Road with the centreline of Fulham Street, a point on a present southwestern boundary of the City of Belmont and extending northeasterly along that centreline to the centreline of Belmont Avenue; thence northwesterly along that centreline to the centreline of Wright Street; thence northeasterly along that centreline to the prolongation southeasterly of the centreline of Robinson Avenue; thence northwesterly to and generally northwesterly along that centreline and onwards to the centreline of Cleaver Terrace; thence northeasterly along that centreline to the prolongation southeasterly of the southwestern boundary of Lot 89, as shown on Deposited Plan 31399; thence northwesterly to and along that boundary and onwards to and along the southwestern boundary of Lot 88 to a southeastern side of the Great Eastern Highway; thence southwesterly along that side to the prolongation southeasterly of the northwestern boundary of Lot 6, as shown on Office of Titles Plan 1646; thence northwesterly to and along that boundary to the left bank of the Swan River, a point on a present northwestern boundary of the City of Belmont and thence generally southwesterly and southeasterly along boundaries of that city to the starting point.

## LG404

**LOCAL GOVERNMENT ACT 1995***District of Mukinbudin***(CHANGE OF WARD BOUNDARIES AND REPRESENTATION)****ORDER 2002**

Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Mukinbudin (Change of Ward Boundaries and Representation) Order 2002*.

**2. Change of ward boundaries (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the Bonnie Rock Ward in the district of Mukinbudin consists of the land described in Schedule 1.

(2) On and after the first ordinary elections day after the commencement of this order, the Lake Brown/Dandanning Ward in the district of Mukinbudin consists of the land described in Schedule 2.

(3) On and after the first ordinary elections day after the commencement of this order, the Wattoning Ward in the district of Mukinbudin consists of the land described in Schedule 3.

(4) On and after the first ordinary elections day after the commencement of this order, the Wilgoyne Ward in the district of Mukinbudin consists of the land described in Schedule 4.

**3. Number of councillors changed (s. 2.18 (3) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the number of offices of councillor for the Town Ward in the district of Mukinbudin is four (4) instead of three (3).

(2) On and after the first ordinary elections day after the commencement of this order, the number of offices of councillor for the Wattoning Ward in the district of Mukinbudin is one (1) instead of two (2).

**4. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

(2) Part 4 of the Act applies to preparing for and conducting the election as if the amendments effected by clauses 2 and 3 had taken effect on the day on which this order commenced.

(3) For the purposes of subclause (2)—

(a) Part 4 of the Act is modified to the extent necessary to give effect to subclause (2); and

(b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward, in relation to the district of Mukinbudin, is to be read as a reference to the Bonnie Rock Ward, Lake Brown/Dandanning Ward, Town Ward, Wattoning Ward and Wilgoyne Ward of the district as the respective ward is or will be, as a result of the operation of clauses 2 and 3 on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council

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**SCHEDULE 1****Bonnie Rock Ward**

All that portion of land bounded by lines starting from the intersection of a northern side of Walton Road and a western side of Rabbit Proof Fence Road a point on a present eastern boundary of the Shire of Mukinbudin and extending westerly along northern sides of Walton Road and onwards to a northern side of Comerford Road; thence westerly along that side and onwards to a northwestern side of Comerford Road; thence southwesterly along that side to the easternmost southeastern corner of Lot 2835 as shown on Deposited Plan 204489; thence westerly, northerly and again westerly along southern boundaries of that lot to the southeastern corner of Lot 3975 as shown on Deposited Plan 206936; thence generally westerly and northerly along boundaries of that lot to a southern side of Molyneux Road; thence westerly along sides of that road and again westerly and southerly along sides of Bonnie Rock–Mukinbudin Road to a prolongation easterly of the northern boundary of Lot 14152 as shown on Deposited Plan 225468; thence westerly to and along the northern boundary of that lot to the northeastern corner of Avon Location 23234 (Reserve 18021); thence westerly and southerly along boundaries of that location to a northern side of Wattoning West Road; thence westerly, generally southwesterly and again westerly along sides of that road to the southwestern corner of the eastern severance of Lot 22832 as shown on Deposited Plan 142989; thence westerly to and along the southern boundary of the western severance of that lot to its southwestern corner a point on a present western boundary of the Shire of Mukinbudin and thence generally northerly, easterly and southerly along boundaries of that Shire to the starting point.

**SCHEDULE 2****Lake Brown/Dandanning Ward**

All that portion of land bounded by lines starting from the southwestern corner of Lot 14360 as shown on Deposited Plan 225429 a point on a present western boundary of the Shire of Mukinbudin and extending generally northeasterly along boundaries of that lot to its northernmost northeastern

corner a point on an eastern side of Kununoppin–Mukinbudin Road; thence northerly, easterly, generally northeasterly, again easterly and again northerly along that sides of that road to the southernmost southern boundary of the Muckinbudin Townsite; thence northerly, westerly, again northerly, easterly, again northerly, again easterly, again northerly, again easterly, again northerly, again westerly and again northerly to the centreline of Koorda–Bullfinch Road; thence generally easterly and southeasterly along that centreline to a prolongation southwesterly of the centreline of Mukinbudin North–East Road; thence generally northeasterly, easterly, again northeasterly, again easterly, again generally northeasterly and northerly along that centreline to a prolongation westerly of southern side Mukinbudin North–East Road; ; thence easterly to and along that side to a western side of Bonnie Rock–Lake Brown Road; thence southerly along that side to the prolongation westerly of a southern side of Mukinbudin North–East Road; thence westerly to and along that side to a southwestern side of Quanta Cutting–Weira Road; thence southeasterly and northeasterly along sides of that road to the northwestern corner of the southwestern severance of Lot 26237 as shown on Deposited Plan 154351; thence southeasterly along the southwestern boundary of that severance to a western side of Quanta Cutting–Weira Road; thence generally southerly along sides of that road and onwards to a prolongation westerly of a northern side of Morrison Road; thence easterly to and generally easterly along sides of that road to the southeastern corner of the northern severance of Lot 1 as shown on Office of Titles Diagram 64930 a point on present eastern boundary of the Shire of Mukinbudin and thence generally southerly, generally westerly and generally northerly along boundaries of that Shire to the starting point.

### SCHEDULE 3

#### Wattoning Ward

All that portion of land bounded by lines starting from the southwestern corner of Lot 14360 as shown on Deposited Plan 225429 a point on a present western boundary of the Shire of Mukinbudin and extending generally northeasterly along boundaries of that lot to its northernmost northeastern corner a point on an eastern side of Kununoppin–Mukinbudin Road; thence northerly, easterly, generally northeasterly, again easterly and again northerly along that sides of that road to the southernmost southern boundary of the Muckinbudin Townsite; thence westerly, northerly, easterly and southerly along boundaries of that Townsite to the centreline of Koorda–Bullfinch Road; thence generally easterly and southeasterly along that centreline to a prolongation southwesterly of the centreline of Mukinbudin North–East Road; thence generally northeasterly, easterly, again northeasterly, again easterly, again generally northeasterly and northerly along that centreline to a prolongation southeasterly of a southern side of Copeland Road; thence northwesterly to and northwesterly and westerly along sides of that road to a prolongation southerly of a eastern side of Copeland North Road; thence northerly to and along that side to a prolongation easterly of a southern side of Clamp Road; thence westerly to and along that side to a prolongation southerly of a eastern side of Bonnie Rock–Mukinbudin Road; thence northerly to and along that side to a prolongation easterly of the northern boundary of Lot 14152 as shown on Deposited Plan 225468; thence westerly to and along the northern boundary of that lot to the northeastern corner of Avon Location 23234 (Reserve 18021); thence westerly and southerly along boundaries of that location to a northern side of Wattoning West Road; thence westerly, generally southwesterly and again westerly along sides of that road to the southwestern corner of the eastern severance of Lot 22832 as shown on Deposited Plan 142989; thence westerly to and along the southern boundary of the western severance of that lot to its southwestern corner a point on a present western boundary of the Shire of Mukinbudin and thence generally southwesterly and generally southerly along boundaries of that Shire to the starting point.

### SCHEDULE 4

#### Wilgoyne Ward

All that portion of land bounded by lines starting from the intersection of a northern side of Walton Road and a western side of Rabbit Proof Fence Road a point on a present eastern boundary of the Shire of Mukinbudin and extending westerly along northern sides of Walton Road and onwards to a northern side of Comerford Road; thence westerly along that side and onwards to a northwestern side of Comerford Road; thence southwesterly along that side to the easternmost southeastern corner of Lot 2835 as shown on Deposited Plan 204489; thence westerly, northerly and again westerly along southern boundaries of that lot to the southeastern corner of Lot 3975 as shown on Deposited Plan 206936; thence generally westerly and northerly along boundaries of that lot to a southern side of Molyneux Road; thence westerly along sides of that road and again westerly and southerly along sides of Bonnie Rock–Mukinbudin Road to a prolongation westerly of a southern side of Clamp Road; thence easterly to and along the side of that road and onwards to a eastern side of Copeland North Road; thence southerly along the side of that road and onwards to a southern side of Copeland Road; thence easterly and southeasterly along sides of that road and onwards to a southern side of Mukinbudin North–East Road; thence easterly along that side to a western side of Bonnie Rock–Lake Brown Road; thence southerly along that side to the prolongation westerly of a southern side of Mukinbudin North–East Road; thence westerly to and along that side to a southwestern side of Quanta Cutting–Weira Road; thence southeasterly and northeasterly along sides of that road to the northwestern corner of the southwestern severance of Lot 26237 as shown on Deposited Plan 154351; thence southeasterly along the southwestern boundary of that severance to a western side of Quanta Cutting–Weira Road; thence generally southerly along sides of that road and onwards to a prolongation westerly of a northern side of Morrison Road; thence easterly to and generally easterly along sides of that road to the southeastern corner of the northern severance of Lot 1 as shown on Office of Titles Diagram 64930 a point on present eastern boundary of the Shire of Mukinbudin and thence northerly along boundaries of that Shire to the starting point.

**LG405\*****LOCAL GOVERNMENT ACT 1995***District of Wagin***(CHANGE OF NUMBER OF COUNCILLORS) ORDER 2002**

Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Wagin (Change of Number of Councillors) Order 2002*.

**2. Number of councillors changed (s. 2.18(3) of the Act)**

On and after the first ordinary elections day after the commencement of this order, the number of offices of councillor on the council of the Shire of Wagin is eleven (11) instead of thirteen (13).

**3. Transitional directions (s. 9.62 of the Act)**

(1) The directions in this clause are made in order to give effect to clause 2.

(2) Of the six (6) offices of councillor on the council of the Shire of Wagin that become vacant on the day of the ordinary elections held in 2003, two (2) cease to exist on so becoming vacant.

(3) The remaining four (4) offices of councillor on the council of the Shire of Wagin continue in existence on and after the day of the ordinary elections held in 2003.

(4) Part 4 of the Act, with any necessary changes, applies to preparing for and conducting the ordinary elections in 2003 as if the changes effected by clauses 2 and 3 had taken effect on the day this order commenced.

By Command of the Governor,

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

**LG406\*****LOCAL GOVERNMENT ACT 1995***District of Laverton***(CHANGE OF WARD BOUNDARIES) ORDER 2002**

Made by the Governor in Executive Council.

**1. Citation**

This Order may be cited as the *District of Laverton (Change of Ward Boundaries) Order 2002*.

**2. Change of ward boundaries (s. 2.2 (1) (c) of the Act)**

(1) On and after the first ordinary elections day after the commencement of this order, the land described in Schedule 1 shall be transferred from the Country Ward to the Town Ward in the district of Laverton.

**3. Election to fill vacancies (s. 4.11 and 9.62 of the Act)**

(1) Any poll needed for an election to fill offices of Councillor in the district of Laverton is to be held on the first ordinary elections day after the commencement of this order.

(2) Part 4 of the Act applies to preparing for and conducting the election as if the amendments effected by clause 2 had taken effect on the day on which this order commenced.

(3) For the purposes of subclause (2)—

(a) Part 4 of the Act is modified to the extent necessary to give effect to subclause (2); and

(b) without limiting paragraph (a), a reference in Part 4 of the Act to a ward, in relation to the district of Laverton, is to be read as a reference to the Town Ward and Country Ward of the district as the respective ward is or will be, as a result of the operation of clause 2 on and after the first ordinary elections day after the commencement of this order.

By Command of the Governor,

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

**SCHEDULE 1**

All that land comprising Lot 45 (Reserve 24830), portion of Lot 26 (reserve 6884) and portion of Beria Road as delineated in black and coloured yellow on Department of Land Administration Deposited Plan 31265.

LG407\*

*SHIRE OF MURRAY*

## Appointment of Authorised Persons

It is hereby notified for public information that effective from December 11, 2002 Sheryl Ann Thomason has been appointed to the position of Ranger for the Shire of Murray and is authorised to enforce and administer the following Acts and Local Laws as a authorised person or authorised officer—

- Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
- Section 449 of the Local Government (Miscellaneous Provisions) Act, as Pound Keeper and Ranger;
- Part 9 Division 2 of the Local Government Act 1995;
- Section 9.13, 9.15 of the Local Government Act 1995;
- Part 3 Subdivision 4 of the Local Government Act 1995;
- Section 3.39 of the Local Government Act 1995;
- Dog Act 1976 for the purposes of registering, seizing, impounding, detaining and destroying dogs;
- Section 33E(1) Dog Act;
- Caravan Parks and Camping Grounds Act 1995
- Litter Act 1979;
- Bush Fires Act 1954—as a Bush Fire Control Officer and Prosecutor

All previous appointments remain current.

N. G. LEACH, Chief Executive Officer.

LG408\*

*SHIRE OF DUMBLEYUNG*

## Appointment of Dumbleyung Brigade/Dual Fire Control Officer

I hereby notify the public that as of 17 December 2002 the following Dual Bush Fire Control Officers from Kulin, Woodanilling, Wickepin, Katanning, Wagin and Kent are appointed—

|                   |                       |                |
|-------------------|-----------------------|----------------|
| Kulin Dual FCO    | Woodanilling Dual FCO | Wagin Dual FCO |
| Peter Mullan      | Roger Crosby          | Glen Ward      |
| Michael Dearlove  | Eric Crossley         | Steve Angwin   |
| Wickepin Dual FCO | Katanning Dual FCO    | Kent Dual FCO  |
| Keith Parnell     | Richard Marshall      | Jeff Patterson |
|                   | Eric Kowald           |                |

All previous appointments are hereby cancelled.

IAN V. CRAVEN, Chief Executive Officer.

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**MINERALS AND PETROLEUM**

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MP401\*

**PETROLEUM ACT 1967**

## RENEWAL OF PETROLEUM EXPLORATION PERMIT

Exploration Permit No. EP61, held by ChevronTexaco Australia Pty Ltd, Texaco Australia Pty Ltd, Mobil Australia Resources Company Pty Limited, and Santos Offshore Pty Ltd has been renewed for five (5) years commencing

12 December 2002.

W. L. TINAPPLE, Director Petroleum Division.

**MP402\*****PETROLEUM (SUBMERGED LANDS) ACT 1967****GRANT OF EXPLORATION PERMIT**

Exploration Permit No. WA-334-P has been granted to Apache Northwest Pty Ltd and Tap (Harriet) Pty Ltd to have effect for a period of six (6) years from 17 December 2002.

W. L. TINAPPLE, Director Petroleum Division.

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**MP403\*****PETROLEUM (SUBMERGED LANDS) ACT 1967****GRANT OF EXPLORATION PERMIT**

Exploration Permit No. WA-335-P has been granted to Apache Northwest Pty Ltd to have effect for a period of six (6) years from 17 December 2002.

W. L. TINAPPLE, Director Petroleum Division.

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**MP404****MINING ACT 1978****CANCELLATION OF FORFEITURE**

Department of Mineral and Petroleum Resources,  
Perth WA 6000.

In accordance with Section 97A(2) of the Mining Act 1978, I hereby cancel the forfeiture of the undermentioned mining lease, previously declared forfeited for non payment of penalty under Section 97(6) and restore the lessee's to their former estate.

CLIVE BROWN, Minister for State Development.

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38/221

Hill, Gregory Horace  
Hill, Patrick John

Mt Margaret Mineral Field

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**MP405****MINING ACT 1978****FORFEITURES**

Department of Mineral and Petroleum Resources,  
Perth WA 6000.

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

CLIVE BROWN, Minister for State Development.

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**Number****Holder****Mineral Field****Exploration Licences**

31/497

Selmac Minerals Pty Ltd

North Coolgardie

38/1321

Gemcoral Holdings Pty Ltd

Mt Margaret

77/587

Gondwana Resources Ltd

Yilgarn

Savage Australian Exploration Pty Ltd

**Mining Lease**

77/652

Gondwana Resources Ltd

Yilgarn



**MP406****MINING ACT 1978**  
**APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mineral and Petroleum Resources,  
Canopus Street,  
Southern Cross WA 6426.

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

P. NICHOLLS (SM), Warden.

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To be heard in the Warden's Court, Southern Cross on the 11<sup>th</sup> day of February 2003.

**YILGARN MINERAL FIELD**

Miscellaneous Licences

Prospecting Licences

|          |  |
|----------|--|
| P77/3107 | Gasgoyne Gold Mines NL and Orion Resources NL                    |
| P77/3108 | Treacy, Joseph Allen   |
| P77/3109 | Treacy, Joseph Allen   |
| P77/3110 | Treacy, Joseph Allen   |
| P77/3154 | Gondwana Resources Ltd and Savage Australian Exploration Pty Ltd |
| P77/3348 | Axis Consultants Pty Ltd   |

**MP407****MINING ACT 1978**  
**APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mineral and Petroleum Resources,  
Perth.

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

S. P. SHARRATT, Warden.

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To be heard in the Warden's Court, Marble Bar on the 13<sup>th</sup> February 2003.

**PILBARA MINERAL FIELD**

*Nullagine District*

Prospecting Licence

46/1284 Chadwick, Jeffrey William

**MP408****MINING ACT 1978**  
**APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mineral and Petroleum Resources,  
Leonora.

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.

D. IMLAH (SM), Warden.

To be heard in the Warden's Court at Leonora on 16<sup>th</sup> day of January 2003.

MOUNT MARGARET MINERAL FIELD

*Mount Malcolm District*

Prospecting Licences

|         |                     |
|---------|---------------------|
| 37/6158 | Creasy, Mark Gareth |
| 37/6176 | Creasy, Mark Gareth |
| 37/6177 | Creasy, Mark Gareth |
| 37/6178 | Creasy, Mark Gareth |
| 37/6179 | Creasy, Mark Gareth |
| 37/6180 | Creasy, Mark Gareth |
| 37/6181 | Creasy, Mark Gareth |
| 37/6182 | Creasy, Mark Gareth |
| 37/6183 | Creasy, Mark Gareth |
| 37/6184 | Creasy, Mark Gareth |
| 37/6190 | Creasy, Mark Gareth |
| 37/6191 | Creasy, Mark Gareth |
| 37/6192 | Creasy, Mark Gareth |
| 37/6193 | Creasy, Mark Gareth |
| 37/6194 | Creasy, Mark Gareth |
| 37/6195 | Creasy, Mark Gareth |
| 37/6196 | Creasy, Mark Gareth |
| 37/6197 | Creasy, Mark Gareth |

*Mount Margaret District*

Prospecting Licences

|         |                          |
|---------|--------------------------|
| 38/2760 | Westex Resources Pty Ltd |
| 38/2761 | Westex Resources Pty Ltd |
| 38/2762 | Westex Resources Pty Ltd |

*Mount Morgans District*

Prospecting Licences

|         |                     |
|---------|---------------------|
| 39/3952 | Sanders, Noel Brian |
| 39/3956 | Sanders, Noel Brian |
| 39/3980 | Reid, Roger         |
| 39/4070 | Creasy, Mark Gareth |
| 39/4074 | Creasy, Mark Gareth |
| 39/4075 | Creasy, Mark Gareth |
| 39/4076 | Creasy, Mark Gareth |
| 39/4077 | Creasy, Mark Gareth |
| 39/4078 | Creasy, Mark Gareth |
| 39/4079 | Creasy, Mark Gareth |

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**MP409**

**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,  
Mt Magnet 10 December 2002.

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.

S. WILSON, Warden.

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To be heard in the Warden's Court, Mt Magnet on the 14<sup>th</sup> January 2003.

MURCHISON MINERAL FIELD

*Mt Magnet District*

Prospecting Licences

|          |                        |
|----------|------------------------|
| P58/1125 | Le Feure, Denis George |
|----------|------------------------|

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## MEDICAL BOARD WA

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MX401

### MEDICAL ACT 1894 ORDERS OF THE BOARD

1. "A meeting of the Medical Board was convened on 9 April 2002 to consider the conviction in the District Court of WA on 2 April 2002 of registered medical practitioner Dr Andy Eu-Jin Teh. Dr Teh did not appear, nor did he have representation. Upon hearing Mr Paul Tottle, Counsel Assisting the Medical Board, the Board ordered that—
  - (a) The name of Dr Andy Eu-Jin Teh be removed from the Register of medical practitioners in Western Australia
  - (b) The name of the patient involved in the offences be suppressed."
2. "An Inquiry was convened 8 July 2002 and upon hearing Mr Paul Tottle, Counsel Assisting the Medical Board, and Mr John Ley Counsel for Dr Lucien Edouard Lagrange, on the allegations contained in the Notice of Inquiry issued 13 November 2001 the Board finds Dr Lucien Edouard Lagrange guilty of infamous or improper conduct and ORDERS THAT—
  - (a) the name of Dr Lucien Edouard Lagrange be removed from the Register;
  - (b) Dr Lucien Edouard Lagrange pay two thirds of the reasonable costs of the Inquiry into his Conduct."

Yours sincerely,

SIMON M. HOOD, Registrar.

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## PLANNING AND INFRASTRUCTURE

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PI406\*

### WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

#### NOTICE OF DELEGATION

#### City Rail Development Committee

File: 970-1-1-64; 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission ('the Commission') by resolution made on 17 December 2002 and acting pursuant to the provisions of section 20 of the *Western Australian Planning Commission Act 1985* ('the Act') does hereby—

Revoke its delegation of functions to the City Rail Development Committee as published in the *Government Gazette* of 29 November 2002 (pages 5677-5678) and the corrigendum published on 6 December 2002 (pages 5733-5734);

AND

Delegate its functions as set out in schedule 1 to the City Rail Development Committee being a committee of that name established by the Commission under section 19(1) of the Act in the manner set out in schedule 2.

In accordance with section 20(5) of the Act, a reference in this instrument to a function or a power of the Commission includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the Commission by the Act or any other written law as the case requires.

#### SCHEDULE 1—FUNCTIONS DELEGATED

1. All functions of the Commission as set out in sections 18 (1)(a), (bb) (c) and (d) of the Act.
2. Without limiting the powers in paragraph 1, power to—
  - (i) prepare plans and processes for the delivery of the City Rail Development Project described in Schedule 3; and
  - (ii) report, advise and make recommendations to the Minister for Planning and Infrastructure ("the Minister") and the Commissioner, Western Australian Government Railways ("the WAGR Commissioner") on all planning, land acquisition and project issues for the City Rail Development Project, including, without limitation, the plans and processes referred to in sub-paragraph (i) and procurement strategies and implementation, resource allocation, financial management and development works.

#### SCHEDULE 2—APPLICATION OF DELEGATION

The delegation of functions set out in Schedule 1 applies to the City Rail Development Committee subject to the following conditions—

1. the delegation excludes the power to expend Commission funds;

2. the delegation excludes the power to enter into contracts involving the acquisition of land or the redevelopment of property; and
3. the delegation is limited to the scope of the terms of reference and responsibilities of the City Rail Development Committee as determined by the Commission and as set out in Schedule 3.

#### SCHEDULE 3—TERMS OF REFERENCE AND RESPONSIBILITIES

##### Terms of Reference

The City Rail Development Committee is established to—

- Undertake planning functions associated with the delivery of the City Rail Development project; and
- Provide such guidance and advice to the Western Australian Planning Commission and Minister for Planning and Infrastructure concerning the City Rail Development project as the Minister requests.

The City Rail Development project is defined as that portion of the South West Metropolitan Railway project located between the Narrows Bridge and the connection to the Northern Suburbs railway. It includes civil and drainage works, tunnel structures, stations, rail infrastructure and all urban development works associated with railway construction. It excludes signals and communications.

##### Responsibilities

The Committee will—

- Develop plans and processes for delivery of the City Rail Development project according to and consistent with the approved budget and timeframe, for approval by the Minister and implementation by government agencies;
- Monitor the implementation by relevant agencies, including the WAGR Commissioner, of approved management plans and processes;
- Report to the Minister and to the Perth Urban Rail Development Steering Committee on project issues, including contracting strategy (subject to the conditions detailed below), resource allocation, financial management and development works;
- Make recommendations to the Minister on project issues;
- Report and make recommendations to the Minister and the Commission on planning issues and land acquisition;
- Make recommendations to the Minister on opportunities for the delivery of additional urban development works (including the sinking of the Fremantle-Midland rail lines and removal of the William Street overpass), with due regard to funding availability and other project constraints.

The Committee shall have no involvement in any evaluation, recommendation or approval of any recommendation, in relation to the procurement of any works or services for the City Rail Development project.

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

PI401\*

#### METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

##### METROPOLITAN REGION SCHEME NOTICE OF RESOLUTION—CLAUSE 27

*City of Wanneroo*

Lots 63 to 69 Landsdale Road, Landsdale

Amendment No. 1066/27

File No.: 812-2-30-55; 812-2-30-56

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 10 December 2002 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1490.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- |  |  |
|--|--|
| (i) Department for Planning and Infrastructure<br>1st floor, 469 Wellington Street<br>PERTH WA | (iii) J S Battye Library<br>Alexander Library Building<br>Francis Street<br>NORTHBRIDGE WA |
| (ii) Municipal offices of City of Wanneroo<br>1204 Wanneroo Road<br>ASHBY WA                   |  |

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

PI402\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME  
NOTICE OF RESOLUTION—CLAUSE 27***City of Wanneroo*

Lots 9-10, 28, 30 and 75-76 Pinjar &amp; Vincent Roads, Sinagra

Amendment No. 1067/27

File No.: 812-2-30-53

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 10 December 2002 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1482.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- |  |  |
|--|--|
| (i) Department for Planning and Infrastructure<br>1st floor, 469 Wellington Street<br>PERTH WA | (iii) J S Battye Library<br>Alexander Library Building<br>Francis Street<br>NORTHBRIDGE WA |
| (ii) Municipal offices of City of Wanneroo<br>1204 Wanneroo Road<br>ASHBY WA                   |  |

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

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PI403\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME  
NOTICE OF RESOLUTION—CLAUSE 27***City of Wanneroo*

Lots 207 &amp; 220 Breakwater Drive, Two Rocks

Amendment No. 1068/27

File No.: 812-2-30-51

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 10 December 2002 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1491.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- |  |  |
|--|--|
| (i) Department for Planning and Infrastructure<br>1st floor, 469 Wellington Street<br>PERTH WA | (iii) J S Battye Library<br>Alexander Library Building<br>Francis Street<br>NORTHBRIDGE WA |
| (ii) Municipal offices of City of Wanneroo<br>1204 Wanneroo Road<br>ASHBY WA                   |  |

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

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PI404\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME  
NOTICE OF RESOLUTION—CLAUSE 27***City of Gosnells*

Lot 1575 Holmes Street, Southern River

Amendment No. 1069/27

File No.: 812-2-25-24

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission

and acting under delegated powers, resolved on 10 December 2002 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1483.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- |  |   |
|--|---|
| (i) Department for Planning and Infrastructure<br>1st floor, 469 Wellington Street<br>PERTH WA | iii) J S Battye Library<br>Alexander Library Building<br>Francis Street<br>NORTHBRIDGE WA |
| (ii) Municipal office of the City of Gosnells<br>2120 Albany Highway<br>GOSNELLS WA            |   |

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

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**PI405\***

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

**METROPOLITAN REGION SCHEME  
NOTICE OF RESOLUTION—CLAUSE 27**

*City of Stirling*

Lots 504, 505 and Pt Lot 7 North Beach Road, Gwelup

Amendment No. 1070/27

File No.: 812-2-20-19

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 10 December 2002 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1485.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- |  |   |
|--|---|
| (i) Department for Planning and Infrastructure<br>1st floor, 469 Wellington Street<br>PERTH WA | iii) J S Battye Library<br>Alexander Library Building<br>Francis Street<br>NORTHBRIDGE WA |
| (ii) Municipal offices of City of Stirling<br>Civic Place<br>STIRLING WA                       |   |

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

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**PI701\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**Advertisement of Approved Town Planning Scheme**

*City of Cockburn*

Town Planning Scheme No. 3

Ref: 853/2/23/20

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 and Infrastructure approved the City of Cockburn Town Planning Scheme No. 3 on 3 December 2002, the Scheme Text of which is published as a Schedule annexed hereto.

S. LEE, Mayor.  
R. W. BROWN, Chief Executive Officer.

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Schedule

*City of Cockburn*

Town Planning Scheme No. 3

The City of Cockburn, under the powers conferred by the Town Planning and Development Act 1928 makes the following Town Planning Scheme.

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| Part 5  | General Development Requirements—sets out the planning requirements which may apply to a particular use or development in a zone.  |
| Part 6  | Special Control Areas—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues, development areas, structure plans and development contribution areas.   |
| Part 7  | Heritage Protection—sets out special provisions which apply for heritage places and areas.   |
| Part 8  | Development of Land—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.  |
| Part 9  | Application for Planning Approval—sets out the procedure for applying for planning approval including both the use and development of land.  |
| Part 10 | Procedure for Dealing with Applications—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.   |
| Part 11 | Enforcement and Administration—sets out the general provisions for the administration and enforcement of the Scheme.   |
| Part 12 | Schedules—contains a dictionary of defined words and expressions, additional uses, restricted uses, special use zones, exempted advertisements, forms of application and decision notice, additional information for advertisements, notice of advertising for planning proposal, environmental conditions, restrictive covenants, development areas and development contribution areas. |

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## **PART 1 PRELIMINARY**

### **1.1 Citation**

1.1.1 The City of Cockburn Town Planning Scheme No. 3 ('the Scheme') comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

- (a) Town Planning Scheme—District Zoning Scheme No. 2 gazetted on 14 February 1992.

### **1.2 Responsible Authority**

1.2.1 The City of Cockburn is the responsible authority for implementing the Scheme.

Note: The Scheme Area is also subject to the Metropolitan Region Scheme (see clause 1.10)

### **1.3 Scheme Area**

1.3.1 The Scheme applies to the Scheme Area which covers all of the local government of the district of the City of Cockburn as shown on the Scheme Map, with the exception of—

- (a) the area referred to in Schedule 1 of the Hope Valley—Wattleup Redevelopment Act 2000;
  - (b) Rottnest Island and Carnac Island;
- which are excluded from the Scheme.

### **1.4 Contents of Scheme**

1.4.1 The Scheme comprises—

- (a) The Scheme Text
- (b) The Scheme Map (Sheets 1 - 25)

1.4.2 The Scheme is to be read in conjunction with the Local Planning Strategy.

Note: The Scheme Map comprises the whole of the district of the City of Cockburn which includes Carnac and Rottnest Islands.

### **1.5 Purposes of the Scheme**

1.5.1 The purposes of the Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme Area;
- (b) set aside land as reserves for public purposes.
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the First Schedule to the Town Planning Act.

### **1.6 The Aims of the Scheme**

1.6.1 The aims of the Scheme are to—

- (a) ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience;
- (b) ensure that the future development and use of land within the district occurs in an orderly and proper way so that the quality of life enjoyed by its inhabitants is not jeopardised by poor planning, unacceptable development and the incompatible use of land.

## **1.7 Definitions**

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have—

- (a) in the Town Planning Act; or
- (b) if they are not defined in that Act—
  - (i) in the Dictionary of defined words and expressions in Schedule 1; or
  - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics, are not part of the Scheme.

1.7.4 The symbols for building envelopes and heritage places are shown on the Scheme Map for information purposes only and are not part of the Scheme.

1.7.5 Notwithstanding anything else in the Scheme, where a use in the Resource Zone is defined in the Statement of Planning Policy No. 2—Peel-Harvey Coastal Plan Catchment Policy or the Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy, it shall have the meaning given to it in each respective Policy except that where there is conflict between the two Policies and the Scheme the Statement of Planning Policy No. 6 prevails over Statement of Planning Policy No. 2 and in the Resource Zone both Policies prevail over the use class definitions contained in Schedule 1 to the Scheme.

Note: Reference to the Residential Design Codes and their application in respect of the Scheme are contained in clause 5.2.

## **1.8 Relationship with local laws**

1.8.1 Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

## **1.9 Relationship with other Schemes**

1.9.1 There are no other Schemes of the City of Cockburn which apply to the Scheme Area.

## **1.10 Relationship with the Metropolitan Region Scheme**

1.10.1 The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect.

Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

# **PART 2 LOCAL PLANNING POLICY FRAMEWORK**

## **2.1 Scheme determination to conform with Local Planning Strategy**

2.1.1 Except to the extent that the Local Planning Strategy is inconsistent with this Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

## **2.2 Local Planning Strategy**

The procedure for preparing, adopting and amending the Local Planning Strategy is set out under the Town Planning Regulations 1967.

## **2.3 Local Planning Policies**

2.3.1 The local government may prepare a Local Planning Policy in respect of 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 the Policy.

## **2.4 Relationship of Local Planning Policies to Scheme**

2.4.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.4.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In exercising powers under the Scheme, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

**2.5 Procedures for making or amending a Local Planning Policy**

2.5.1 If a local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.5.2 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.5.3 If the local government resolved to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.5.4 A Policy has effect on publication of a notice under clause 2.5.3(a).

2.5.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.5.6 Clauses 2.5.1 to 2.5.5 apply, with any necessary changes applying to the amendment of a Local Planning Policy.

**2.6 Revocation of Local Planning Policy**

2.6.1 A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under *clause 2.5* that is specifically expressed to supersede the existing Local Planning Policy; or
- (b) publication of a formal notice of rescission by the local government once a week for 2 consecutive weeks in a local newspaper circulating in the Scheme Area.

**PART 3 RESERVES****3.1 Reserves**

3.1.1 Certain lands within the Scheme Area are classified as—

- (a) Regional Reserves; or
- (b) Local Reserves.

**3.2 Regional Reserves**

3.2.1 The land shown as “Regional Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act.

3.2.2 Regional Reserves are not reserved by this Scheme.

3.2.3 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

**3.3 Local Reserves**

3.3.1 “Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

**3.4 Use and Development of Local Reserves**

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government shall have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

**PART 4 ZONES AND THE USE OF LAND****4.1 Zones**

4.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.

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

#### 4.2 Objectives of the Zones

4.2.1 The objectives of the zones are—

- (a) Residential Zone  
To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.
- (b) Regional Centre Zone  
To provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses.
- (c) District Centre Zone  
To provide for weekly shopping needs, local offices, health, welfare and community facilities, consistent with the district-serving role of the centre.
- (d) Local Centre Zone  
To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local—serving role of the centre.
- (e) Mixed Business Zone  
To provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.
- (f) Business Zone  
To provide for the development of offices and associated commercial uses.
- (g) Industry Zone  
To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.
- (h) Light and Service Industry Zone  
To provide for light and service industries and associated uses which are compatible with and acceptable with close proximity to, residential uses.
- (i) Development Zone  
To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme.
- (j) Rural Zone  
To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- (k) Rural Living Zone  
To provide for residential use in a rural environment.
- (l) Resource Zone  
To provide for the protection of the Perth Metropolitan underground water resource in accordance with the requirements of Statement of Planning Policy No. 6 published by the Western Australian Planning Commission on 12 June 1998.
- (m) Special Use Zone  
To provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any of the other zones included in the Scheme.

#### 4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

4.3.2 The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.
- ‘X’ means a use that is not permitted by the Scheme.

4.3.4 A change in the use of land from one use to another is permitted if—

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot providing that the use is not a non-conforming use in which case clause 4.9 applies; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.

4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use may only proceed by way of an amendment to the Scheme.

#### **4.4 Interpretation of the Zoning Table**

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

4.4.2 If a person proposes to carry out any use that is not specifically mentioned in the—

- (a) Zoning Table—Table 1 and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the table the local government may—
  - (i) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - (ii) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - (iii) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
- (b) Land Use Suitability—Table 1 contained in the Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy which applies to the permissibility of use and development of land in the Resource Zone, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the Table, the use is not permitted.

#### **4.5 Additional Uses**

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

Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land.

#### **4.6 Restricted Uses**

4.6.1 Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A Restricted Use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

#### **4.7 Special Use Zones**

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

#### **4.8 Non-Conforming Uses**

4.8.1 Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

#### **4.9 Extensions and changes to a non-conforming use**

4.9.1 A person must not—

- (a) alter or extend a non-conforming use;

- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

#### 4.10 Discontinuance of Non-Conforming Use

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

#### 4.11 Termination of a Non-Conforming Use

4.11.1 The local government may effect the discontinuance of a non-conforming use by the purchase of the land and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

#### 4.12 Destruction of Non-Conforming Use Buildings

4.12.1 If a building used for a non-conforming use is destroyed to 75% or more of its value, 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 not permitted by the Scheme, except with the planning approval of the local government.

| TABLE 1—ZONING TABLE                        |             |                 |                 |              |                |          |                            |          |              |       |          |             |             |
|---|-------------|-----------------|-----------------|--------------|----------------|----------|----------------------------|----------|--------------|-------|----------|-------------|-------------|
| ZONES                                       |             |                 |                 |              |                |          |                            |          |              |       |          |             |             |
| USE CLASS                                   | RESIDENTIAL | REGIONAL CENTRE | DISTRICT CENTRE | LOCAL CENTRE | MIXED BUSINESS | BUSINESS | LIGHT AND SERVICE INDUSTRY | INDUSTRY | RURAL LIVING | RURAL | RESOURCE | SPECIAL USE | DEVELOPMENT |
| <b>RESIDENTIAL USES</b>                     |             |                 |                 |              |                |          |                            |          |              |       |          |             |             |
| Ancillary Accommodation (R-Code)            | P           | X               | X               | X            | X              | X        | X                          | X        | D            | D     | NOTE 1   | NOTE 2      | NOTE 3      |
| Child Care Premises                         | A           | P               | P               | P            | D              | D        | A                          | A        | A            | A     |          |             |             |
| Civic Use                                   | D           | P               | P               | P            | P              | D        | P                          | P        | A            | A     |          |             |             |
| Dwelling Aged or Dependent Persons (R-Code) | D           | X               | P               | P            | X              | X        | X                          | X        | D            | D     |          |             |             |
| Caretaker's                                 | P           | P               | P               | P            | P              | X        | P                          | P        | X            | X     |          |             |             |
| Grouped (R-Code)                            | P           | D               | P               | P            | D              | X        | X                          | X        | X            | X     |          |             |             |
| Multiple (R-Code)                           | D           | D               | P               | P            | D              | X        | X                          | X        | X            | X     |          |             |             |
| Educational Establishment                   | D           | D               | D               | D            | P              | A        | D                          | D        | A            | D     |          |             |             |
| Home Business                               | A           | P               | P               | P            | P              | D        | X                          | X        | D            | D     |          |             |             |
| Home Occupation                             | D           | P               | P               | P            | D              | A        | X                          | X        | D            | D     |          |             |             |
| Home Office                                 | P           | P               | P               | P            | D              | A        | X                          | X        | D            | D     |          |             |             |
| House Lodging                               | A           | D               | D               | D            | D              | X        | A                          | X        | X            | X     |          |             |             |
| Single (R-Code)                             | P           | D               | D               | D            | D              | A        | X                          | X        | P            | P     |          |             |             |
| Place of Worship                            | D           | D               | D               | D            | P              | D        | D                          | D        | A            | A     |          |             |             |
| Residential Building (R-Code)               | D           | D               | D               | D            | D              | X        | X                          | X        | X            | X     |          |             |             |
| Tourist Accommodation                       | A           | D               | D               | D            | D              | D        | X                          | X        | A            | A     |          |             |             |

| ZONES           |                                      |             |                 |                 |              |                |          |                            |          |              |       |          |             |             |
|-----------------|--------------------------------------|-------------|-----------------|-----------------|--------------|----------------|----------|----------------------------|----------|--------------|-------|----------|-------------|-------------|
| USE CLASS       |                                      | RESIDENTIAL | REGIONAL CENTRE | DISTRICT CENTRE | LOCAL CENTRE | MIXED BUSINESS | BUSINESS | LIGHT AND SERVICE INDUSTRY | INDUSTRY | RURAL LIVING | RURAL | RESOURCE | SPECIAL USE | DEVELOPMENT |
| COMMERCIAL USES |                                      |             |                 |                 |              |                |          |                            |          |              |       |          |             |             |
| Commercial      | Bank                                 | A           | P               | P               | P            | P              | P        | P                          | P        | X            | X     | NOTE 1   | NOTE 2      | NOTE 3      |
|                 | Garden Centre                        | X           | P               | D               | D            | P              | X        | P                          | P        | X            | A     |          |             |             |
|                 | Market                               | X           | P               | P               | A            | D              | A        | A                          | X        | X            | X     |          |             |             |
|                 | Nursery                              | X           | D               | D               | A            | P              | X        | P                          | P        | A            | D     |          |             |             |
|                 | Office                               | A           | P               | P               | D            | P              | P        | P                          | P        | X            | X     |          |             |             |
|                 | Showroom                             | X           | P               | D               | X            | P              | X        | P                          | P        | X            | X     |          |             |             |
|                 | Veterinary Consulting Rooms          | X           | P               | D               | A            | P              | D        | P                          | P        | A            | A     |          |             |             |
|                 | Veterinary Hospital                  | X           | A               | A               | X            | D              | X        | P                          | P        | X            | A     |          |             |             |
| Entertainment   | Amusement Parlour                    | X           | P               | D               | A            | D              | A        | D                          | D        | X            | X     | NOTE 1   | NOTE 2      | NOTE 3      |
|                 | Betting Agency                       | X           | P               | P               | D            | P              | X        | D                          | A        | X            | X     |          |             |             |
|                 | Club Premises                        | A           | P               | P               | D            | P              | D        | P                          | P        | A            | X     |          |             |             |
|                 | Fast Food Outlet                     | X           | D               | P               | D            | P              | X        | P                          | X        | X            | X     |          |             |             |
|                 | Hotel/Tavern                         | X           | P               | P               | A            | D              | X        | P                          | X        | A            | X     |          |             |             |
|                 | Motel                                | A           | P               | D               | X            | A              | X        | D                          | X        | A            | A     |          |             |             |
|                 | Public Amusement                     | A           | P               | D               | X            | D              | X        | P                          | P        | A            | X     |          |             |             |
|                 | Reception Centre                     | A           | P               | D               | A            | P              | A        | D                          | X        | A            | A     |          |             |             |
|                 | Recreation—Private                   | X           | P               | D               | A            | P              | X        | P                          | P        | D            | A     |          |             |             |
|                 | Restaurant                           | A           | P               | P               | A            | P              | D        | D                          | X        | A            | A     |          |             |             |
| Health Services | Consulting Rooms                     | D           | P               | P               | D            | P              | P        | P                          | A        | X            | X     | NOTE 1   | NOTE 2      | NOTE 3      |
|                 | Health Studio                        | A           | P               | P               | A            | P              | D        | P                          | P        | A            | A     |          |             |             |
|                 | Medical Centre                       | A           | P               | P               | D            | P              | P        | D                          | D        | A            | X     |          |             |             |
|                 | Hospital                             | A           | D               | D               | X            | D              | D        | A                          | A        | A            | X     |          |             |             |
| Shop            | Convenience Store                    | A           | P               | P               | P            | X              | A        | P                          | X        | A            | X     | NOTE 1   | NOTE 2      | NOTE 3      |
|                 | Lunch Bar                            | A           | P               | P               | P            | A              | D        | D                          | D        | D            | A     |          |             |             |
|                 | Shop                                 | X           | P               | P               | P            | X              | X        | X                          | X        | X            | X     |          |             |             |
|                 | Home Store                           | A           | P               | P               | P            | X              | A        | X                          | X        | A            | X     |          |             |             |
| Transport       | Commercial Vehicle Parking           | D           | P               | P               | A            | P              | X        | P                          | P        | D            | D     | NOTE 1   | NOTE 2      | NOTE 3      |
|                 | Motor Vehicle, Boat or Caravan Sales | X           | P               | P               | X            | P              | X        | P                          | D        | X            | X     |          |             |             |
|                 | Motor Vehicle Hire Premises          | X           | D               | D               | X            | P              | X        | P                          | P        | X            | X     |          |             |             |
|                 | Motor Vehicle Wash                   | X           | D               | D               | X            | P              | X        | P                          | P        | X            | X     |          |             |             |
|                 | Petrol Filling Station               | X           | P               | P               | A            | D              | X        | P                          | P        | X            | X     |          |             |             |
|                 | Service Station                      | X           | D               | D               | A            | D              | X        | P                          | P        | X            | X     |          |             |             |

| TABLE 1—ZONING TABLE |                                 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |
|----------------------|---------------------------------|-----------------|-----------------|--------------|----------------|----------|----------------------------|----------|--------------|-------|----------|-------------|-------------|--------|
| ZONES                |                                 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |
| USE CLASS            | RESIDENTIAL                     | REGIONAL CENTRE | DISTRICT CENTRE | LOCAL CENTRE | MIXED BUSINESS | BUSINESS | LIGHT AND SERVICE INDUSTRY | INDUSTRY | RURAL LIVING | RURAL | RESOURCE | SPECIAL USE | DEVELOPMENT |        |
| INDUSTRIAL USES      |                                 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |
| Industry             | Cottage                         | A               | D               | A            | X              | D        | X                          | P        | P            | A     | A        | NOTE 1      | NOTE 2      | NOTE 3 |
|                      | Extractive                      | X               | X               | X            | X              | X        | X                          | X        | A            | X     | A        |             |             |        |
|                      | General                         | X               | X               | X            | X              | X        | X                          | X        | P            | X     | X        |             |             |        |
|                      | General (licensed)              | X               | X               | X            | X              | X        | X                          | X        | D            | X     | X        |             |             |        |
|                      | Light                           | X               | X               | X            | X              | D        | X                          | P        | P            | X     | X        |             |             |        |
|                      | Noxious                         | X               | X               | X            | X              | X        | X                          | X        | X            | X     | X        |             |             |        |
|                      | Service                         | X               | X               | A            | X              | D        | X                          | P        | P            | X     | X        |             |             |        |
| Storage              | Fuel Depot                      | X               | X               | X            | X              | X        | X                          | A        | P            | X     | A        |             |             |        |
|                      | Storage Yard                    | X               | A               | X            | X              | A        | X                          | P        | P            | X     | A        |             |             |        |
|                      | Warehouse                       | X               | D               | D            | X              | P        | X                          | P        | P            | X     | X        |             |             |        |
| Transport            | Motor Vehicle Repair            | X               | X               | X            | X              | P        | X                          | P        | P            | X     | X        |             |             |        |
|                      | Motor Vehicle Wrecking          | X               | X               | X            | X              | X        | X                          | X        | D            | X     | X        |             |             |        |
|                      | Transport Depot                 | X               | X               | X            | X              | X        | X                          | P        | P            | X     | X        |             |             |        |
| RURAL USES           |                                 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |
| Farm Supply Centre   | X                               | D               | A               | X            | P              | X        | P                          | P        | A            | A     | NOTE 1   | NOTE 2      | NOTE 3      |        |
| Hobby Farm           | A                               | X               | X               | X            | X              | X        | X                          | A        | P            | P     |          |             |             |        |
| Rural                | Industry                        | X               | X               | X            | X              | X        | X                          | D        | D            | A     |          |             |             | A      |
|                      | Pursuit                         | X               | X               | X            | X              | X        | X                          | X        | X            | D     |          |             |             | P      |
| USES NOT LISTED      |                                 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |
| Uses not listed      | In accordance with clause 4.4.2 |                 |                 |              |                |          |                            |          |              |       |          |             |             |        |

NOTE 1: Development and use of land is to be in accordance with—

- (i) Statement of Planning Policy No. 2—Peel-Harvey Coastal Plain Catchment Policy gazetted on 21 February 1992; and
- (ii) Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy gazetted on 12 June 1998;
- (iii) Despite the provisions of Statement of Planning Policy No. 2 and Statement of Planning Policy No. 6 referred to in (i) and (ii), Use Classes Cattery, Dog Kennels and Poultry Farm (housed) are uses not permitted 'X' in the Resource Zone, with the exception of (iv).
- (iv) Cattery and Dog Kennels may only be permitted within the Resource zone in accordance with Schedule 2—Additional Uses.
- (v) The Use Classes of Plant Nursery (wholesale and retail) and Equestrian Activity prescribed in Table 1 of the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy shall only be permitted on a lot which has an area in excess of 4 hectares.

NOTE 2: Development and use of land is to be in accordance with clause 5.10 and Schedule 4.

NOTE 3: Development and use of land is to be in accordance with an approved Structure Plan prepared and adopted under clause 6.2.5.

## PART 5 GENERAL DEVELOPMENT REQUIREMENTS

### 5.1 Compliance with Development Standards and Requirements

5.1.1 Any development of land is to comply with the provisions of the Scheme.



5.1.2 Despite the general development requirements specified in this Part, where different development requirements are provided for in relation to a particular area of land referred to in either Schedule 2—Additional Uses, Schedule 3—Restricted Uses, Schedule 4—Special Use Zones or Schedule 11—Development Areas, the development requirements specified in the Schedules shall prevail.

### **5.2 Residential Design Codes**

5.2.1 A copy of the Residential Design Codes, as amended, shall be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of those Codes.

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

### **5.3 Sewerage Connection**

5.3.1 Notwithstanding any provision of this Scheme to the contrary but subject to clause 5.3.2 all residential development shall be connected to a comprehensive sewerage system.

5.3.2 Where no such system is available, no residential development other than the erection of a single house shall be approved unless—

- (a) the Department recommends to the local government that there are exceptional circumstances which warrant a variation of the requirements in clause 5.3.1 or;
- (b) immediately prior to the gazettal date the land in respect of which approval is sought is used for the purpose of two or more dwellings;
- (c) the development conforms with the Government Sewerage Policy for the Perth Metropolitan Region or any subsequent equivalent State Government policy or amendments to that policy.

5.3.3 In this clause “Department” shall have the same meaning as is given to it in the Health Act.

### **5.4 Special Application of Residential Design Codes**

5.4.1 In Residential zones coded R20 the local government may vary the minimum site area per dwelling and the minimum lot area/ rear battleaxe requirements in Columns 3 and 4 of Table 1 of the Codes by permitting 2 grouped dwellings on any lot with an area of 900m<sup>2</sup> or greater but in all other respects the development shall conform with the requirements of the R20 code.

5.4.2 In respect of land in the R30 to R60 codes where a detailed area plan has been approved by the local government the minimum requirements of Table 1 regarding the total percentage of open space can be reduced up to a maximum of 5% below the Code requirement, subject to—

- (a) the land being located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
- (b) the development providing for solar orientated design.

5.4.3 In respect of Lot 61 Beenyup Road, Atwell, the minimum requirements of Table 1 in respect of the total percentage of open space in the R25 code can be reduced by a maximum 5% below the code requirement subject to—

- (a) the land being either located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
- (b) the development providing for solar orientated design;
- (c) the development being in accordance with a detailed area plan approved by the local government.

### **5.5 Restrictive Covenants**

5.5.1 Subject to clause 5.5.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which, is that the number of residential units which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.5.2 Where clause 5.5.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.5.1, have been prohibited unless the application has been dealt with as an ‘A’ use and has complied with all of the advertising requirements of clause 9.4.

### **5.6 Variations to Site and Development Requirements**

5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.6.2 In considering an application for planning approval under this clause, where, in the opinion of local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the local government shall—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and

- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## 5.7 Environmental Conditions

5.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to that land.

5.7.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act.

## 5.8 Residential Uses

### 5.8.1 Tenure

- (a) Single house allotments created as freehold or survey strata lots should comply with the minimum area of lot per dwelling as prescribed under Table 1 of the Residential Design Codes.

### 5.8.2 Convenience and Functionality

- (a) Every development shall be designed to ensure that it is convenient and functional for those who will use the development particularly in respect to—
  - (i) the relationship of the development to the use and enjoyment of the adjoining lots;
  - (ii) the convenient location of public and resident facilities provided on the lot;
  - (iii) safety and amenity;
  - (iv) accessibility of driveways, footpaths, car parking bays, service bays and storage areas.
- (b) A development which requires planning approval under the Scheme, that complies with or may be approved under the provisions of the Residential Design Codes but cannot demonstrate convenience and functionality, will not be approved, unless the local government determines otherwise in any particular case.

### 5.8.3 Other Residential Development

- (a) Residential development which is not provided for under the Residential Design Codes shall conform to the development Standards and requirements determined by the local government in each particular case.

### 5.8.4 Parking of Commercial Vehicles

- (a) Despite any other provision of this Scheme, no commercial vehicle is permitted to remain on privately owned land within the Residential Zone for a period longer than is necessary for loading or unloading unless the local government has issued a planning approval permitting the parking of such a vehicle.
- (b) A commercial vehicle may be permitted to be parked within a Residential Zone, provided that—
  - (i) the vehicle is parked on a lot containing only a single house;
  - (ii) the vehicle forms an essential part of the occupation of an occupant of the dwelling;
  - (iii) vehicles exceeding 8 metres in length are parked parallel to the side boundary of the lot and behind the building line;
  - (iv) no repairs are to be undertaken on the lot;
  - (v) in the opinion of the local government, it is not likely to adversely affect the amenity of the surrounding land;
  - (vi) the local government may apply any conditions to the approval it sees fit;
  - (vii) the local government has the ability to withdraw its approval at any time for any reason.
- (c) An approval granted under clause 10.3.1(a)—
  - (i) is granted to the person to whom it is issued;
  - (ii) is not capable of being transferred or assigned to any other person;
  - (iii) does not run with the land in respect of which it is granted.

### 5.8.5 Home Occupation and Home Business

- (a) Application—
  - (i) No person shall commence a home occupation or home business without first having applied for and received the planning approval of the local government.

- (ii) A home occupation or home business can only be undertaken subject to clause 5.8.5 (a)(i) by the owner of the land and is not transferable.
- (iii) On the sale of the property or change in ownership of the land the home occupation or home business entitlement ceases.

#### 5.8.6 Vehicle Parking

- (a) The following vehicle parking provisions apply to the Residential Use Classes.

| <b>Table 2—Residential Use Classes—Vehicle Parking</b>   |  |                           |   |
|--|--|---------------------------|---|
| USE CLASS  | VEHICLE PARKING PROVISIONS   |                           |   |
|  | Car Parking Bays   | Delivery Bays             | Bicycle Racks   |
| • Child Care Premises  | 1 : 1 employee Plus<br>1 : 10 children                               | Not applicable            | Not applicable  |
| • Civic Use  | 1 : 4 seats OR *<br>1 : 4 people accommodated                        | Not applicable            | 1 : 30 seats OR*<br>1 : 100 people accommodated   |
| • Dwelling<br>—Aged or Dependent Persons Ancillary Accommodation<br>—Caretakers<br>—Grouped<br>—Multiple | As prescribed in the Residential Design Codes                        | Not applicable            | For Grouped and Multiple Dwellings.<br>1 : 4 units for residents<br>1 : 16 units for visitors |
| • Education Establishment<br>—Primary School<br>—High School   | 1 : 1 Class Room<br>1 : 1 Class Room Plus<br>1 : 25 Year 12 Students | 1 : lot<br>1 : lot        | 1 : 4 students<br>1 : 2 students  |
| • Home Business  | As prescribed in the Residential Design Codes                        | Not applicable            | Not applicable  |
| • Home Occupation  | As prescribed in the Residential Design Codes                        | Not applicable            | Not applicable  |
| • Home Office  | As prescribed in the Residential Design Codes                        | Not applicable            | Not applicable  |
| • Home Display Centre  | 5 : 1 Display Home   | Not applicable            | Not applicable  |
| • House—Lodging<br>—Single   | 1 : 4 Beds<br>As prescribed in the Residential Design Codes          | 1 : Service/Storage Area  | Not applicable  |
| • Place of Worship   | 1 : 4 seats OR *<br>1 : 4 people accommodated                        | Not applicable            | 1 : 30 seats OR*<br>1 : 100 people accommodated   |
| • Tourist Accommodation  | 1 : 1 Unit or<br>1 : Bedroom   | 1 : Administration Centre | Not applicable  |

NOTE: (1) \* Whichever is the greater.

- (2) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

### 5.9 Commercial and Industrial Uses

#### 5.9.1 Building Setback

- (a) A building shall be setback from lot boundaries in accordance with the provisions of the Building Code of Australia.
- (b) A building shall be setback from boundaries or erected on boundaries so that the impact on the use and amenity of the adjoining buildings is minimised and the scale and bulk of the building is compatible with the streetscape.

#### 5.9.2 Landscaping

- (a) A minimum on-site provision of ten percent (10%) of the total area of the lot or of a defined portion of the lot, the subject of an Application for Planning Approval, shall be set aside, developed and maintained as a landscaped area.
- (b) Despite clause 5.9.2(a) the local government may reduce the minimum on-site provision to not less than five percent (5%) of the total area of the lot to be set aside, developed and maintained as a landscaped area where the owner agrees in writing either as part of the Application for Planning Approval or separately that all of the street verge abutting the lot shall be included in the landscape area in accordance with clause 5.9.2(c).
- (c) Where the street verge is included in the landscaped area it shall be developed and maintained by the owner as an integral part of the on-site provision referred to in clause 5.9.2. (b).

- (d) The landscaped area provided on the lot shall have a minimum width of not less than 1.5 metres and distributed in areas of not less than 4.0 square metres.
- (e) There shall be not less than one (1) shade tree planted for every 50 square metres of the total landscaped area provided on the lot and within the street verge.
- (f) There shall be not less than one (1) shade tree planted in the car parking area for every 10 car parking spaces provided on the lot.
- (g) The landscaping is to be confined to the area of the lot between the building or the use of the land and the boundaries of the lot adjoining the public road reserve, or other public reserve, unless the local government agrees otherwise in any special circumstance.

#### 5.9.3 Amenity

- (a) Buildings shall be located on land abutting a residential zone so as to minimise overshadowing on, and to maximise privacy within adjoining, existing or future residences.
- (b) Buildings shall be designed so that they are complementary with their surroundings and adjoining development in terms of their external appearance, design, height, scale and bulk.
- (c) Buildings shall be located on the lot and provide landscaped areas which enhance the streetscape and add to the attractiveness of the locality of which they form part.
- (d) Advertising signs shall be—
  - (i) attached to the walls or facade of a building or structure so as not to protrude above the height of the wall to the building or the structure;
  - (ii) limited to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses up to a maximum of six (6) advertisements to each sign where units, strata title units or businesses exceed 6 in number or the development comprises a service station as one component then a maximum of two pylon signs or hoardings are permitted for that site;
  - (iii) erected on the property to which they relate;
  - (iv) professionally designed and installed and not detract from the streetscape within which they are located.
- (e) Each premises will clearly display their street number and where there is no street number allocated to the property, the lot number shall be displayed instead.

#### 5.9.4 Convenience and Functionality

- (a) Every development shall be designed to ensure that it is convenient and functional for those who will use the development particularly in respect to—
  - (i) the relationship of the development to the use and enjoyment of the adjoining lots;
  - (ii) the convenient location of public and employee facilities provided on the lot;
  - (iii) safety and amenity;
  - (iv) accessibility of driveways, footpaths, car parking bays, service bays and storage areas.
- (b) A development which requires planning approval under the Scheme that complies with the development standards and requirements of the Scheme, but cannot demonstrate convenience and functionality will not be approved, unless the local government determines otherwise in any particular case.

#### 5.9.5 Vehicle Parking

- (a) A person shall not use land for a purpose specified in Table 3 and Table 4 unless car parking spaces, delivery bays and bicycle racks of the number specified in the Table are provided and maintained and are sealed, drained and marked to the local government's specifications.

#### 5.9.6 Cash Payment in Lieu of Providing Car Parking Spaces

- (a) Except as provided in clause 5.9.5 the local government may agree with an applicant for approval to commence development to accept a cash payment in lieu of the provision of paved car parking spaces, subject to—
  - (i) a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the car parking spaces required by the Scheme, plus the value, as estimated by a licensed valuer appointed by the local government, of that area of land which would have been occupied by the parking spaces and manoeuvring area;
  - (ii) the local government having either provided, or having made firm proposals for providing a public car parking station in the vicinity of the land the subject of the application, before the local government agrees to accept a cash payment in lieu of the provision of car parking spaces;
  - (iii) payments under this clause shall be paid into a special fund to be used to provide public car parking stations within the locality from which it was collected;
  - (iv) all costs incurred in obtaining the valuation shall be borne by the applicant for approval to commence development.

#### 5.9.7 Joint Use of Car Parking Facilities

- (a) Car parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this clause.

- (b) If there is a deficiency in the number of car parking spaces provided to serve any building or use, the local government may permit the car parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of car parking spaces provided that the peak hours of operation of the buildings or uses so sharing are different and do not substantially overlap.
- (c) The local government may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this clause when, in the opinion of the local government, such arrangements are deemed necessary to improve design, functionality or amenity.
- (d) The following requirements shall be complied with by any person seeking to take advantage of the provisions of this clause—
- evidence shall be provided sufficient to satisfy the local government that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of car parking spaces or the reciprocal access and circulation arrangements is proposed;
  - the number of car parking spaces which may be credited from one building or use to another building or use shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first building or use during its off-peak hours of operation;
  - the local government may require a legal agreement to be prepared at the expense of the person seeking to take advantage of the provisions of this clause, detailing the relevant arrangements of the joint usage, and executed by all parties concerned;
  - Any such agreement shall be capable of operating as a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that the restraint cannot be removed without the consent of the local government upon the local government being satisfied that the joint use of parking facilities is no longer required.

#### 5.9.8 Vehicle Parking—Commercial Use Classes

- (a) The following vehicle parking provisions apply to the Commercial Use Classes—

| Table 3—Commercial Use Classes—Vehicle Parking |                               |  |                           |   |
|--|-------------------------------|--|---------------------------|---|
| USE CLASS                                      |                               | VEHICLE PARKING PROVISIONS                                     |                           |   |
|  |                               | Car Parking Bays   | Delivery Bays             | Bicycle Racks   |
| Commercial                                     | - Bank                        | 1 : 20m <sup>2</sup> gla                                       | 1 : 500m <sup>2</sup>     | Not applicable  |
|  | - Garden Centre               | 1 : 50m <sup>2</sup> gla                                       | 1 : lot                   | Not applicable  |
|  | - Market                      | 1 : 20m <sup>2</sup> gla                                       | Not applicable            | Not applicable  |
|  | - Nursery                     | 1 : 50m <sup>2</sup> gla                                       | 1 : lot                   | Not applicable  |
|  | - Office                      | 1 : 50m <sup>2</sup> gla                                       | 1 : 500m <sup>2</sup>     | 1 : 200m <sup>2</sup> gla employees<br>1 : 750m <sup>2</sup> gla visitors |
|  | - Showroom                    | 1 : 50m <sup>2</sup> gla                                       | 1 per unit                | Not applicable  |
|  | - Veterinary Consulting Rooms | 1 : 20m <sup>2</sup> gla                                       | Not applicable            | Not applicable  |
|  | - Veterinary Hospital         | 1 : 20m <sup>2</sup> gla                                       | 1 : Service/ Storage Area | Not applicable  |
| Entertainment                                  | - Amusement Parlour           | 1 : 4 seats OR<br>1 : 4 people accommodated                    | 1 : 500m <sup>2</sup> gla | 1 : 50m <sup>2</sup> gla  |
|  | - Betting Agency              | 1 : 15m <sup>2</sup> gla                                       | Not applicable            | 1 : 100m <sup>2</sup> gla   |
|  | - Club Premises               | 1 : 50m <sup>2</sup> gla                                       | 1 : 500m <sup>2</sup>     | Not applicable  |
|  | - Fast Food Outlet            | 1 : 15m <sup>2</sup> gla                                       | 1 : Service/ Storage Area | 1 : 50m <sup>2</sup> gla  |
|  | - Hotel/ Tavern               | 1 : 2m <sup>2</sup> nla of Drinking Area<br>Plus 1 : 1 bedroom | 1 : Service/ Storage Area | 1 : 50m <sup>2</sup> gla  |
|  | - Motel                       | 1 : 1 Unit plus<br>1 : 1 Employee                              | 1 : Service/ Storage Area | 1 : 30 seats OR*<br>1 : 100 people accommodated                           |
|  | - Private Recreation          | 1 : 4 seats OR*<br>1 : 4 people accommodated                   | 1 : Service/ Storage Area | Not applicable  |
|  | - Reception Centre            | 1 : 4 seats OR*<br>1 : 4 people accommodated                   | 1 : Service/ Storage Area | 1 : 30 seats OR*<br>1 : 100 people accommodated                           |
|  | - Restaurant                  | 1 : 4 seats OR*<br>1 : 4 people accommodated                   | 1 : Service/ Storage Area | 1 : 30 seats OR*<br>1 : 100 people accommodated                           |

| <b>Table 3—Commercial Use Classes—Vehicle Parking</b> |   |  |                            |   |
|---|---|--|----------------------------|---|
| USE CLASS   |   | VEHICLE PARKING PROVISIONS   |                            |   |
|   |   | Car Parking Bays   | Delivery Bays              | Bicycle Racks   |
| Health Services                                       | - Consulting Rooms                        | 5 : 1 Practitioner OR*<br>5 : 1 Consulting Room<br>1 : 15m <sup>2</sup> gla  | Not applicable             | 1 : 50 people accommodated  |
|   | - Medical Centre                          | 5 : 1 Practitioner OR*<br>5 : 1 Consulting Room  | Not applicable             | 1 : 400m <sup>2</sup> gla employees<br>1 : 200m <sup>2</sup> gla visitors |
|   | - Hospital                                | 1 : 3 Beds Plus<br>1 : 2 staff   | 1 : Building               | 1 : 10 beds   |
| Shop  | - Convenience Store                       | 1 : 15m <sup>2</sup> nla<br>1 : 1 employee Plus<br>2 : 1 Service Bays  | 1 : Service/ Storage Area  | 1 : 20m <sup>2</sup> nla  |
|   | - Home Store                              | 1 : 12m <sup>2</sup> nla   | 1 : Service/ Storage Area  | 1 : 200m <sup>2</sup> nla   |
|   | - Lunch Bar                               | 1 : 15m <sup>2</sup> nla   | Not applicable             | 1 : 20m <sup>2</sup> nla  |
|   | - Shop                                    | 1:12m <sup>2</sup> nla for 0-5,000m <sup>2</sup> nla<br>1:14m <sup>2</sup> nla for 5,000-10,000m <sup>2</sup> gla<br>1:16m <sup>2</sup> nla for 10000m <sup>2</sup> and over gla | 1 : 1000m <sup>2</sup> nla | 1 : 200m <sup>2</sup> nla   |
| Transport   | - Commercial Vehicle Parking              | 1 : per vehicle Plus<br>1 : employee   | Not applicable             | Not applicable  |
|   | - Motor Vehicle, Boat or Caravan Sales    | 1 : 5 vehicles for sale Plus<br>1 : 1 employee   | 1 : Service/Storage Area   | Not applicable  |
|   | - Motor Vehicle Hire Premises             | 1 : 5 vehicles for hire Plus<br>1 : 1 employee   | 1 : Service/Storage Area   | Not applicable  |
|   | - Motor Vehicle Wash                      | 1 : 1 wash bay   | Not applicable             | Not applicable  |
|   | - Retail Filling Station/ Service Station | 1:15m <sup>2</sup> nla<br>1 : 1 employee Plus<br>2 : 1 service bay   | 1 : Service/Storage Area   | 1 : 20m <sup>2</sup> nla  |

NOTE: (1) \* Whichever is the greater.

(2) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

#### 5.9.9 Vehicle Parking—Industrial Land Use Classes

(a) The following vehicle parking provisions apply to the Industrial Use Classes—

| <b>Table 4—Industrial Use Classes—Vehicle Parking</b> |                               |   |                           |                           |
|---|-------------------------------|---|---------------------------|---------------------------|
| USE CLASS   |                               | VEHICLE PARKING PROVISIONS                                |                           |                           |
|   |                               | Car Parking Bays  | Delivery Bays             | Bicycle Racks             |
| Industry  | - Cottage                     | 1 : 50m <sup>2</sup> gla                                  | Not applicable            | Not applicable            |
|   | - Extractive                  | 1 : 1 employee  | Not applicable            | Not applicable            |
|   | - General/ General (Licensed) | 1 : 50m <sup>2</sup> gla                                  | 1 : Service/ Storage Area | 1 : 200m <sup>2</sup> gla |
|   | - Light                       | 1 : 50m <sup>2</sup> gla                                  | 1 : Service/ Storage Area | 1 : 200m <sup>2</sup> gla |
|   | - Service                     | 1 : 50m <sup>2</sup> gla                                  | 1 : Service/ Storage Area | 1 : 200m <sup>2</sup> gla |
| Storage   | - Fuel Depot                  | 1 : 1 employee  | 1 : Building              | Not applicable            |
|   | - Storage Yard                | 1 : 1 employee  | Not applicable            | Not applicable            |
|   | - Warehouse                   | 1 : 100m <sup>2</sup> gla                                 | 1 : Unit                  | Not applicable            |
| Transport   | - Motor Vehicle Repair        | 5 : 1 Service Bay   | 1 : Unit                  | Not applicable            |
|   | - Motor Vehicle Wrecking      | 1 : 1 employee Plus<br>1 : 200m <sup>2</sup> of Yard Area | 1 : Building              | Not applicable            |
|   | - Transport Depot             | 1 : 1 employee  | 1 : Building              | Not applicable            |

NOTE: (1) \* Whichever is the greater.

- (2) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

## **5.10 Rural Uses**

### **5.10.1 Water Supply**

- (a) Where reticulated water supply is not provided to a lot the landowner or the subdivider shall be responsible for providing a potable water supply where it is proposed to use the land for the agistment of stock or for residential purposes.
- (b) Where it is proposed to use the land for residential purposes and a potable water supply is not available then the landowner shall be responsible for providing a rainwater storage tank with a minimum capacity of 90,000 litres.

### **5.10.2 Building Envelopes**

- (a) Only one single house may be erected on a lot.
- (b) Where a building envelope is shown on a lot in accordance with clause 5.10.12(a), every building erected on that lot shall be located within the boundaries of the building envelope.
- (c) The local government may on the written request of the landowner relocate or modify the shape or area of a building envelope if in the opinion of the local government the relocation or modification of the building envelope will not have a detrimental impact on the neighbours, the amenity of the area, the use of the land or the environment.
- (d) Where no building envelope is shown on a lot, no building shall be erected within 10 metres of any boundary of the lot or 20 metres from any road reserve.
- (e) Despite clauses 5.10.2 (b), (c) and (d) no person shall—
- (i) clear or suffer to permit to be cleared any flora within a distance of 50 metres from the lot boundary adjoining the road reserve of Berrigan Drive Jandakot, Tapper Road Banjup and Warton Road Banjup except for the purpose of complying with the requirements of the Bush Fires Act, constructing a dedicated road or vehicular accessway;
  - (ii) erect a building on Lots 101, 103, 104, 105, 106, 107 and 119 closer to Solomon Road Jandakot than 100 metres from the lot boundary adjoining the Solomon Road road reserve.
- (f) Despite clause 5.10.2(a) the local government may allow ancillary accommodation on a lot where—
- (i) a single house already exists on the lot;
  - (ii) in the Rural Zone and the Rural Living Zone the net area of the ancillary accommodation does not exceed 100m<sup>2</sup>;
  - (iii) in the Resource Zone the net area of the ancillary accommodation does not exceed 60m<sup>2</sup> and the area of the lot is to be greater than 2 ha.

### **5.10.3 Fencing**

- (a) Fencing shall be erected in accordance with the Local Law—Fencing.

### **5.10.4 Rehabilitation**

- (a) The local government may require the owner of any land to rehabilitate land, which in its opinion has been eroded, neglected, degraded or cleared in such a way as to harm the environment or reduce the amenity of the adjoining, nearby or surrounding land.

### **5.10.5 Protection of Land and Existing Vegetation**

- (a) No existing vegetation existing on a lot shall be cleared except for the purposes of—
- (i) erecting an approved building or structure on the lot;
  - (ii) providing vehicular access;
  - (iii) complying with the Bush Fires Act;
  - (iv) complying with an approval issued by the local government.
  - (v) a rural pursuit being established for commercial purposes.
- (b) The clearing of vegetation on any lot other than for the purposes nominated in clause 5.10.5 (a) shall require the approval of the local government.
- (c) The local government may serve notice on any owner or occupier of land within the Rural Zone, Rural Living Zone or Resource Zone—
- (i) to preserve any specified vegetation and the maintenance and protection of the vegetation so specified shall continue until the local government determines otherwise;
  - (ii) to plant vegetation;
  - (iii) to remove stock where in the opinion of the Department of Agriculture the land has been overgrazed.

### **5.10.6 Protection of Wetlands**

- (a) The local government may require wetlands and their fringing phreatophytic vegetation to be preserved and protected from pollution, destruction and inappropriate use and management.
- (b) Any wetland which is identified for protection under a policy of the Environmental Protection Authority shall be preserved and protected in accordance with any conditions imposed by the local government or the Authority.

## 5.10.7 Over-grazing

- (a) Where, in the opinion of the local government, land is being grazed or stocked which causes topsoil to be exposed or trees to be ring-barked to the general detriment of the natural beauty of the area or use of the land, the local government may refer the matter to the Department of Agriculture for investigation and recommendation, and having had regard to the recommendations, the local government may by notice to the owner or occupier order the reduction of number of, or removal of stock or the protection of trees by fencing or lattice binding within the time limited by the notice.

## 5.10.8 Parking of Commercial Vehicles

- (a) Two commercial vehicles may be parked on land owned by the owner of the vehicles in the Rural Zone without the approval of the local government.
- (b) One commercial vehicle may be parked on land owned by the owner of the vehicle without the approval of the local government within the Rural Living Zone and the Resource Zone.
- (c) A commercial vehicle may be permitted to be parked within the Rural Living Zone and the Resource Zone, provided that—
- (i) the vehicle is parked on a lot containing only a single house;
  - (ii) the vehicle forms an essential part of the occupation of an occupant of the dwelling;
  - (iii) any repairs undertaken on the lot, must be carried out in an area which is fully screened from the street and adjoining properties;
  - (iv) in the opinion of the local government, it is not likely to adversely affect the amenity of the surrounding land;
  - (v) the local government may apply any conditions to the approval it sees fit;
  - (vi) the local government has the ability to withdraw its approval at any time for any reason.
- (d) Despite clause 5.10.8 (a) and clause 5.10.8 (b) to park more than two commercial vehicles on land in the Rural Zone or to permit more than one commercial vehicle to remain longer than is necessary for loading and unloading on land in the Rural Living Zone and the Resource Zone, an application must be applied for and obtained from the local government.
- (e) An approval granted under clause 5.10.8(d)—
- (i) is granted to the person to whom it is issued;
  - (ii) is not capable of being transferred or assigned to any other person;
  - (iii) does not run with the land in respect of which it is granted.

## 5.10.9 Water Table and Effluent Disposal

- (a) The minimum vertical distance of land on which a building is to be erected above the highest known water table as determined by the Water and Rivers Commission or the Health Department of WA shall be 1.2 metres.
- (b) Every Single House and dwelling in the Rural Zone and Rural Living Zone shall be connected to an approved domestic waste effluent disposal system where—
- (i) the vertical distance between the bottom of the domestic waste effluent disposal system is greater than 1.2 metres above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than 100 metres, the local government may approve the installation of a septic effluent disposal system.
  - (ii) the vertical distance between the bottom of the domestic waste effluent disposal system is less than 1.2 metres, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than 100 metres, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the local government and the Health Department of WA.
- (c) Every Single House and dwelling in the Resource Zone shall be connected to an approved domestic waste effluent disposal system where—
- (i) the vertical distance between the bottom of the domestic waste effluent disposal system is greater than 2 metres above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than 100 metres, the local government may approve the installation of a septic effluent disposal system.
  - (ii) the vertical distance between the bottom of the domestic waste effluent disposal system is less than 2 metres, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than 100 metres, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the local government and the Health Department of WA.

## 5.10.10 Vehicle Parking—Rural Use Classes.

- (a) The following vehicle parking provisions apply to the Rural Use Classes—

| Table 5—Rural Use Classes—Vehicle Parking |                            |               |                |
|---|----------------------------|---------------|----------------|
| USE CLASS                                 | VEHICLE PARKING PROVISIONS |               |                |
|   | Car Parking Bays           | Delivery Bays | Bicycle Racks  |
| • Farm Supply Centre                      | 1 : 100m2 gla              | 1 : Building  | Not applicable |



| Table 5—Rural Use Classes—Vehicle Parking   |   |                                |                                  |
|---|---|--------------------------------|----------------------------------|
| USE CLASS                                   | VEHICLE PARKING PROVISIONS                  |                                |                                  |
|   | Car Parking Bays                            | Delivery Bays                  | Bicycle Racks                    |
| • Hobby Farm / Animal Husbandry - intensive | Not applicable                              | Not applicable                 | Not applicable                   |
| • Rural – Industry<br>– Pursuit             | 1 : 100m <sup>2</sup> gla<br>Not applicable | 1 : Building<br>Not applicable | Not applicable<br>Not applicable |

NOTE: (1) \* Whichever is the greater.

(2) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

#### 5.10.11 Resource Zone

- (a) The use and development of land within the Resource Zone shall be in accordance with the provisions of—
  - (i) The Statement of Planning Policy No. 2—Peel-Harvey Coastal Plain Catchment Policy.
  - (ii) The Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy.
- (b) Where there is conflict between Statement of Planning Policy No. 2 and Statement of Planning Policy No. 6, Planning Policy No. 6 shall prevail.
- (c) Despite the provisions of the Policies referred to in clause 5.10.11(a)(i) and clause 5.10.11(a)(ii) the Use Classes of Cattery, Dog Kennels and Poultry Farm (housed) are uses not permitted 'X' in the Resource Zone, except that a Cattery and Dog Kennels may be permitted in part of the Resource Zone in accordance with Schedule 2—Additional Uses—No. AU7.
- (d) Although the Use Classes of Plant Nursery (wholesale and retail) and Equestrian Activity in Table 1 of Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy are an 'AA' use they will not be permitted on lots within the Resource Zone which have an area less than 4 hectares.
- (e) Any use which is not provided for in Statement of Planning Policy No. 2—Peel-Harvey Coastal Plain Catchment Policy or included in Table 1 of Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy is not permitted 'X' in the Resource Zone.
- (f) Every application for planning approval which is annotated as an 'AA' use in Table 1—Land Use Suitability for the Rural—Water Protection Zone in Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy shall be referred to the Water and Rivers Commission for advice and any other authority considered relevant to the application by the local government prior to the local government making its determination.

#### 5.10.12 Rural Living Zone

- (a) Every lot created in the Rural Living Zone shall have located on it a building envelope.
- (b) Despite clause 5.10.12 (a) where an existing lot in the Rural Living Zone does not have assigned to it a Building Envelope then clause 5.10.2 (d) applies.
- (c) Despite clause 5.10.2 (c), the maximum area of a building envelope shall not exceed 2000m<sup>2</sup> and shall not have a dimension less than 25 metres.
- (d) The clearing of land, the erection of buildings and structures shall be confined to that area of the lot contained within the building envelope, unless the owner applies for and receives planning approval from the local government to do otherwise.
- (e) Subject to clause 5.10.12 (f), a person shall not clear or cause, permit or suffer to be cleared any existing vegetation except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act unless the local government has in its discretion granted planning approval.
- (f) A person shall not clear or cause, permit or suffer to be cleared any existing vegetation nearer to a boundary of a Lot than the minimum Building Setback distances referred to in clause 5.10.2 (d) and 5.10.2 (e) from any road reserve except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act.
- (g) The local government, in considering any application for planning approval to clear existing vegetation outside the building envelope on any Land shall have regard to the effects of the proposed clearing on erosion, water quality and other elements of the physical environment and may refer such applications to the Department of Environmental Protection or the Department of Agriculture or both for investigation and recommendation, and shall have due regard to those recommendations in its determination of the application for planning approval.
- (h) The local government may, by notice served upon any Owner or occupier of Land to require the preservation of specified trees or groups of trees whether located within or outside the building envelope and thereafter no Owner or occupier shall cut remove or otherwise destroy or cause or suffer to be cut removed or otherwise destroyed any tree or trees so specified unless the local government rescinds the requirement.
- (i) The local government may by notice served upon any Owner or occupier of Land to require that person within the time limited by the notice to plant trees on that Land where in the opinion of the local government the land has been degraded, neglected or allowed to erode to the extent that the condition of the land detracts from the amenity of the locality.

- (j) The erection of buildings and structures shall be of a design and scale and built of materials which will result in the buildings and structures being, in the opinion of the local government, in harmony with the natural environment or rural surroundings in which they are situated.

### **5.11 Special Use Zone**

#### **5.11.1 Reference**

- (a) The Special Use Zones each have an individual reference number displayed on the Scheme Map.

#### **5.11.2 Use**

- (a) The use and development of land in the Special Use Zone is contained in clause 4.7."

### **5.12 Extractive Industry Uses**

#### **5.12.1 Application Requirements**

- (a) Unless the local government waives any particular requirement each application for planning approval for an extractive industry shall include the following information in addition to the requirements of clause 10.2.1—
  - (i) a report detailing the existing physical environment including geology, soil profiles, surface and ground water hydrology, identified sites of historic / heritage or cultural significance, current land use, zoning, surrounding land use and potential external impacts;
  - (ii) a flora and fauna report for the site prepared by a qualified botanist to the specifications and satisfaction of local government, and is to include, but not limited to, consideration of any declared rare flora or priority species and declared sites of environmental and biological significance;
  - (iii) a vehicle access plan detailing site ingress / egress, road haulage routes, frequency of vehicle movements and proposals for any vehicle maintenance and fuel storage facilities;
  - (iv) a plan showing excavation stages, existing and final site levels together with cross-sections;
  - (v) a management plan detailing the measures to be taken to control dust, noise, erosion, soil and groundwater pollution, fire and weeds, including demonstrated compliance with any relevant standard and the protection of any features of the land to be retained or preserved;
  - (vi) a rehabilitation plan and implementation programme to either restore the land as close as possible to its condition prior to the extraction of materials or to provide for a future use appropriate to, and consistent with the zoning of the land;
  - (vii) details of the proposed times of operation.
- (b) The information provided under clause 9.2.1 and the requirements of clauses 5.12.2 and 5.12.3 form the basis of local government's determination of the application for planning approval.

#### **5.12.2 Setbacks and Screening**

- (a) A setback of not less than 40 metres wide to a road reserve or other public reserve and not less than 20 metres wide to all other boundaries to the lot is to be provided unless determined otherwise by the local government.
- (b) The setback shall comprise the existing vegetation which shall remain undisturbed except for—
  - (i) accessways for entering and leaving the extractive industry site;
  - (ii) firebreaks as may be required under the Bush Fires Act;
  - (iii) re-vegetation to reinstate or supplement the existing vegetation to provide an effective visual screen from adjoining and nearby public and private owned land;
  - (iv) public and private utility infrastructure.

#### **5.12.3 Rehabilitation**

- (a) Permanent rehabilitation of the site is to occur progressively at a similar rate as the extraction or at a time agreed between the quarry operator and the local government.
- (b) Soil profiles are to be reconstructed to facilitate rehabilitation of the site.
- (c) Revegetation is to be based on the planting of native flora typical of the locality with the species and plant density to be determined by the local government having regard to the rehabilitation plan submitted under clause 5.12.1(a)(vi).
- (d) The rehabilitation and stabilising of completed excavation are to be progressively implemented in accordance with the approved rehabilitation plan and shall be managed, maintained and monitored by the landowner for a minimum of 2 years to the local government's satisfaction.

### **5.13 Development Zone**

5.13.1 There shall be no change to any land use or development existing on land within the Development Zone without the owner of the land having made an application for and received the approval of the local government.

5.13.2 Existing land use and development within the Development Zone which were legally approved prior to the gazettal of the Scheme may continue to operate in accordance with the approval, licence or permit granted.

#### **5.14 Protection of Native Fauna**

5.14.1 Where land is to be cleared of vegetation for development which requires planning approval, and the area and type of vegetation in the opinion of the local government may provide habitats for terrestrial native fauna, the owner of the land is to prepare a Native Fauna Management Plan to the satisfaction of the local government on the advice of the Department of Conservation and Land Management prior to clearing the land.

5.14.2 The Native Fauna Management Plan is to be prepared by a suitably qualified person acceptable to the local government on the advice of the Department of Conservation and Land Management.

5.14.3 The Native Fauna Management Plan is to include, but not limited to the following—

- (a) a description of the field survey and recording methodology;
- (b) a description of the “trapping” procedure if required;
- (c) the identification of a suitable alternative habitat for the terrestrial native fauna if required;
- (d) a time frame and programme for undertaking the surveys, trapping and relocation of any terrestrial native fauna;
- (e) the field survey results and recommendations;
- (f) the method of relocating the terrestrial native fauna if appropriate;
- (g) the method of protecting and conserving the existing habitat where any terrestrial native fauna is to be retained on-site.

### **PART 6 SPECIAL CONTROL AREAS**

#### **6.1 Operation of Special Control Areas**

6.1.1 The following Special Control Areas are shown on the Scheme Map—

- (a) Development Areas shown on the Scheme Map as DA with a number and included in Schedule 11.
- (b) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule 12.

6.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

#### **6.2 Development Areas**

##### **6.2.1 Interpretation**

In clause 6.2, unless the context otherwise requires—

‘**owner**’ means an owner or owners of land in the Development Area; and

‘**structure plan**’ means a structure plan that has come into effect in accordance with clause 6.2.12.1.

##### **6.2.2 Purpose of Development Areas**

6.2.2.1 The purposes of Development Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

6.2.2.2 Schedule 11 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

##### **6.2.3 Subdivision and Development in Development Areas**

6.2.3.1 The development of land within a Development Area is to comply with Schedule 11.

6.2.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.

##### **6.2.4 Structure Plan Required**

6.2.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development

of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

6.2.4.2 Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

##### **6.2.5 Preparation of Proposed Structure Plans**

6.2.5.1 A proposed Structure Plan may be prepared by—

- (a) the local government; or
- (b) an owner.

6.2.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

#### 6.2.6 Details of Proposed Structure Plan

6.2.6.1 A proposed structure plan is to contain the following details—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;
  - (iv) major open spaces and parklands;
  - (v) major public transport routes and facilities;
  - (vi) the pattern and disposition of land uses; and
  - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 6.2.6.1(b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in clause 6.2.6.1(c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

6.2.6.2 The maps referred to in clause 6.2.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.2.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

6.2.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Planning Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Planning Codes when recommending subdivision or approving development of land within a Development Area.

6.2.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

#### 6.2.7 Submission to local government and Commission

6.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

6.2.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

6.2.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

6.2.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

#### 6.2.8 Advertising of Structure Plan

6.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.2.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
  - (iii) such public authorities and other persons as the local government nominates.

#### 6.2.8.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

#### 6.2.9 Adoption of proposed Structure Plan

6.2.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

6.2.9.2 (a) In making a determination under clause 6.2.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 6.2.9.1.

6.2.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—

- (a) re-advertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 6.2.8.1 onwards are to apply.

6.2.9.4 If within the period referred to in clause 6.2.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 6.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

#### 6.2.10 Endorsement by Commission

6.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

6.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

6.2.10.3 The Commission is to notify the local government of its determination under clause 6.2.10.2.

#### 6.2.11 Notification of Structure Plan

6.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.2.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

## 6.2.12 Operation of Structure Plan

### 6.2.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.10.2; or
- (b) on the day on which it is adopted by the local government under clause 6.2.9.1 in all other cases.

6.2.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

## 6.2.13 Inspection of Structure Plan

6.2.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

## 6.2.14 Variation to Structure Plan

### 6.2.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 6.2.6 onwards.

6.2.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

6.2.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

6.2.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.2.14.3, the Commission is to determine whether to endorse the proposed variation.

6.2.14.5 The Commission is to notify the local government of its determination under clause 6.2.14.4.

### 6.2.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 6.2.14.1 (a).

## 6.2.15 Detailed Area Plan

6.2.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—

- (a) the local government; or
- (b) an owner.

### 6.2.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

### 6.2.15.3 When a proposed detailed area plan is prepared under clause 6.2.15.1, the local government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed detailed area plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
  - (iii) such public authorities and other persons as the local government nominates.

6.2.15.4 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed detailed area plan;
- (b) specify when and where the proposed detailed plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

6.2.15.5 The local government is to consider all submissions received and—

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

6.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.2.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.2.15.5, the local government is deemed to have refused to approve the detailed area plan.

6.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

6.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.2.15 onwards provided such variations do not prejudice the intention of any related structure plan.

#### 6.2.16 Appeal

6.2.16.1 An owner who has submitted a proposed structure plan under clause 6.2.7.1 may appeal, under Part V of the Town Planning Act—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.2.8.1;
- (b) any determination of the local government—
  - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
  - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

6.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.2.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 6.2.15.

### 6.3 Development Contribution Areas (DCA)

#### 6.3.1 Purpose

- (a) To identify areas (DCA) requiring Cost Contributions that relate to subdivision and development;
- (b) To provide for the equitable sharing of costs of Infrastructure between Owners, and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the Development Contribution Area; (DCA)
- (c) To co-ordinate the timely provision of Infrastructure.

#### 6.3.2 Interpretation

In Part 6, unless the context otherwise requires—

**“Administration Costs”** means such costs as are necessary for the implementation of the Development Contribution Plan.

**“Cost Contribution”** means the contribution to the cost of Infrastructure payable by an Owner under Part 6 and the applicable Development Contribution Plan;

**“Infrastructure”** means services and facilities which, in accordance with the Commission’s policy, it is reasonable for Owners to make a Cost Contribution towards; and

**“Owner”** means an owner of land that is located within a Development Contribution Area.

#### 6.3.3 Development Contribution Plan Pre-requisite to Subdivision and Development

- (a) Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule 12 and the provisions of Part 6;
- (b) The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Schedule 12 as part of the Scheme;
- (c) Subject to clause 6.3.3(e), the local government is not to support subdivision or approve development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6.3.6(a) for the payment of the Owner’s Cost Contribution;
- (d) Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner’s contribution towards the provision of Infrastructure in the Development Contribution Area.

#### 6.3.4 Content and Principles of Development Contribution Plans

- (a) The Development Contribution Plan is to specify—
  - (i) the Development Contribution Area to which the Development Contribution Plan applies;
  - (ii) the Infrastructure to be funded through the Development Contribution Plan; and
  - (iii) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan;
- (b) The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—
  - (i) it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
  - (ii) it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;
  - (iii) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
  - (iv) the Cost Contributions for the owners land for which a contribution is to be made shall be the proportion that the land the subject of the contribution bears to the total area of land within the Development Contribution Area for which the Cost Contributions have yet to be made;
  - (v) the Cost Contribution is to take into account the highest and best uses attainable for the Owners' land; and
  - (vi) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.
- (c) For the purposes of clause 6.3.4(c)(iv), in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for—
  - (i) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
  - (ii) existing public open space;
  - (iii) government primary and secondary schools; and
  - (iv) such other land as is set out in the Development Contribution Plan, is to be excluded;
- (d)
  - (i) Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the local government in accordance with the best and latest information available to the local government until the expenditure on the relevant item of Infrastructure has occurred;
  - (ii) An Owner may request the local government to have such estimated costs independently certified by an appropriate qualified person.
- (e) Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the local government may—
  - (i) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or
  - (ii) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.
- (f) Where an Owner's Cost Contribution is adjusted under clause 6.3.4(e), the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

#### 6.3.5 Liability for Cost Contributions

An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of—

- (a) the local government confirming to the Commission that conditions of subdivision approval supervised by the local government and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;
- (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;
- (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- (d) at the time of applying to the local government or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
- (e) the development of the first single house or outbuildings associated with a single house on a lot which has not been subdivided will be exempt from making a Cost Contribution payment until such a time as the lot is either subdivided or developed.



### 6.3.6 Collection and Enforcement

- (a) (i) The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution by—
  - (aa) cheque or cash;
  - (bb) transferring to the local government land to the value of the Cost Contribution;
  - (cc) some other method acceptable to the local government; or
  - (dd) any combination of these methods.
- (ii) the Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the local government;
- (b) (i) The amount of any Cost Contribution for which an Owner is liable under clause 6.3.5, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may at the owner's expense lodge a caveat against the Owner's title to that land.
- (ii) The local government may, at the Owner's expense and subject to such other conditions as the local government thinks fit, withdraw a caveat lodged under clause 6.3.6(b)(i) to permit a dealing and then re-lodge the caveat to prevent further dealings.
- (iii) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 6.3.6(b).

### 6.3.7 Administration of Funds

- (a) The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid.
- (b) The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.
- (c) The local government is to provide to every Owner an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.
- (d) The local government is to only expend funds collected in the Development Contribution Area to which the Development Contribution Plan relates.

### 6.3.8 Shortfall or Excess in Cost Contributions

- (a) If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may—
  - (i) make good the shortfall from its municipal fund;
  - (ii) enter into agreements with Owners to fund the shortfall; or
  - (iii) raise loans or borrow from a financial institution,but nothing in clause 6.3.8(a)(i) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard;
- (b) If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

### 6.3.9 Valuation

- (a) (i) Unless Part 10 of the Land Administration Act 1997 applies, clause 6.3.9 applies if it is necessary to ascertain the Value of any land for the purposes of Part 6;
- (ii) In clause 6.3.9—
  - "Value"** means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require—
    - (aa) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
    - (bb) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
    - (cc) taking into account the added value of all other improvements on or appurtenant to the land;
  - "Valuer"** means a licensed valuer agreed by the local government and the Owner, or where the local government and the Owner are unable to reach agreement, a valuer appointed by the President for the time being of the Western Australian Division of the Australian Property Institute;
- (b) If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value;

- (c) If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 6.3.9(f);
- (d) (i) At the request of the local government or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer;  
(ii) The Valuer may—
  - (aa) reconsider the Values placed on other land in the Development Contribution Area; and
  - (bb) make such revisions as considered just and equitable to those Valuesif the Valuer considers this is necessary as a result of a revaluation made under clause 6.3.9(b);
- (e) The date of valuation is the date that the Owner's liability to pay the Owner Cost Contribution to the local government arises under clause 6.3.5, or such other date as is agreed between the local government and the Owner;
- (f) (i) where there is a dispute or difference between the local government and the Owner regarding a Value, the dispute or difference is to be resolved as follows—
  - (aa) by any method agreed upon by the local government and the Owner; or
  - (bb) if the local government and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985;(ii) in any case, mediation of the dispute is to be attempted without prejudice to the rights of either the local government or the Owner.

#### 6.3.10 Land Acquisition

- (a) The local government may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the Town Planning Act.

#### 6.3.11 Arbitration

- (a) Subject to clause 6.3.9(f), any dispute between any Owner and the local government in connection with the Cost Contribution required to be made by an Owner under clause 6.3 is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

### 6.4 The Peel-Harvey Coastal Plain Catchment (PHC)

#### 6.4.1 Purpose

- (a) The purpose of the Peel Harvey Coastal Plain Catchment is to give effect to the provisions of Statement of Planning Policy No. 2—The Peel-Harvey Coastal Plain Catchment made under the Town Planning and Development Act 1928, which was published in the Western Australian Government Gazette on 21 February 1992, together with any amendments thereto.
- (b) The Peel-Harvey Coastal Plain Catchment is delineated on the Scheme Map as contained in the legend and identified by the reference "PHC".

#### 6.4.2 Use and Development

- (a) The local government shall be guided by the Objectives and Policy Statements contained in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the local government.
- (b) For the purposes of the definition of development under the Act "Intensive Agriculture" shall be deemed to be a material change of use requiring approval of the local government.
- (c) In considering a proposal to develop land for Intensive Agriculture the local government shall—
  - (i) take account of soil types, slope and surface water drainage and proximity to the estuary, and associated wetlands and draining and riparian vegetation.
  - (ii) take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, with respect to the potential impact of the proposal on the environment and surface and groundwater quality.
  - (iii) seek advice from the Department of Agriculture and Environmental Protection Authority and take account of that advice in making its determination or defer the decision pending a formal assessment under Part IV of the Environmental Protection Act.

### 6.5 Jandakot Airport (JA)

#### 6.5.1 Purpose

- (a) The Jandakot Airport is owned by the Federal Government, is leased and operated by a private company and is the subject of an airport master plan.
- (b) The Jandakot Airport is delineated on the Scheme Map as contained in the legend and identified by the reference "JA".

#### 6.5.2 Use and Development

- (a) In considering any proposal for the subdivision, use or development of land within the boundaries of the Airport, referred to the local government by the lessee, the local government shall have regard to the Jandakot Airport Master Plan and Environmental Strategy for the airport land, approved by the Federal Government, when providing advice on a proposal.

- (b) In considering any proposal for the airport referred to the local government for consideration and advice by the lessee, the local government shall have regard for the—
  - (i) recommendation made for the airport in the Darling System—System 6 Report, reference M94;
  - (ii) Water Catchment Reserve under the Metropolitan Region Scheme;
  - (iii) Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy;
  - (iv) Perth's Bushplan—Regionally Significant Bushland reference 388;
  - (v) potential impact, if any, on the safety, convenience and amenity of the adjoining and nearby residents in proximity to the airport;
  - (vi) any other matter the local government considers appropriate to adequately consider the proposal.
- (c) The referral of and processing of any proposals for the airport is to be undertaken in accordance with any informal or formal protocol established and agreed between the airport lessee and the local government.
- (d) For development or land use proposals submitted to the local government for advice that part of the airport reserved under the Metropolitan Region Scheme, the proposal shall be referred to the Commission in accordance with clause 3.2 .
- (e) For development or land use proposals submitted to the local government for advice for that part of the airport land zoned under the Scheme, the proposal shall be forwarded to the Commission with the local government's recommendation for its consideration.

## PART 7 HERITAGE PROTECTION

### 7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme Area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the heritage List the local government is to—

- (a) have regard to the Municipal Inventory prepared by the local government pursuant to Section 45 of the Heritage of Western Australia Act 1990; and
- (b) include on the Heritage List such of the entries on the Municipal Inventory it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the local government shall—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description referred to in clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the local government shall give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government shall keep copies of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. The purpose and intent of the heritage provisions are—

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

2. A "place" is defined in Schedule 1 and may include works, buildings and contents of buildings.

### 7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area to be a Heritage Area.

7.2.2 The local government is to—

- (a) adopt for each Heritage Area a Local Planning Policy which is to comprise—
  - (i) a map showing the boundaries of the Heritage Area;
  - (ii) places of heritage significance; and
  - (iii) objectives and guidelines for the conservation of the Heritage Area;
- (b) keep a copy of the Local Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate an area as a Heritage Area, the local government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the Heritage Area;

- (b) advertise the proposal by—
  - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
  - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
  - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
- (c) carry out such other consultation as the local government considers appropriate;

7.2.4 Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed Heritage Area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which a submission may be made, the local government is to—

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a Heritage Area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes to amendment of a designation of a Heritage Area.

### **7.3 Heritage Agreements**

7.3.1 The local government may, in accordance with the Heritage of Western Australia Act 1990, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building in so far as the interest of that owner or occupier permits.

Note: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.

2. Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.

### **7.4 Heritage Assessment**

7.4.1 Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place listed on the Heritage List.

### **7.5 Variations to Scheme provisions for a Heritage Place or Heritage Area**

Where desirable to—

- (a) facilitate the conservation of a Heritage Place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a Heritage Area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

## **PART 8 DEVELOPMENT OF LAND**

### **8.1 Requirement for Approval to Commence Development**

8.1.1 Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

Note: 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).

2. Development includes the erection, placement and display of any advertisements.

3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.

### **8.2 Permitted Development**

8.2.1 Except as otherwise provided in the Scheme, the following development does not require the planning approval of the local government—

- (a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building except where the building is—
  - (i) located in a place that has been entered in the Register of Places under the Heritage of Western Australia Act 1990;

- (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
  - (iii) included on the Heritage List under clause 7.1 of this Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
  - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
  - (ii) the development will be located in a Heritage Area designated under the Scheme;
  - (iii) clause 8.2.1 (i) applies;
- (c) the demolition of any building or structure except where the building or structure is—
  - (i) located in a place that has been entered in the Register of Places under the Heritage of Western Australia Act 1990;
  - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
  - (iii) included on the Heritage List under the Scheme;
  - (iv) located within a Heritage Area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area; and
- (g) the erection of a fence;
- (h) the erection on a single lot of two grouped dwellings, including extensions and ancillary outbuildings, where the proposed development complies with the Residential Design Codes, and where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table;
- (i) the erection on a single lot of a single house, including extensions and ancillary outbuilding with an area of less than 100 square metres and a wall height not exceeding 3 metres in the Rural Zone, Rural Living Zone and Resource Zone, and the single house addition or outbuilding are located within a building envelope applying to the lot, where a single house is designated with the symbol 'P' in the cross-reference to that Use Class and the respective Zones in the Zoning Table, in the case of the Rural Zone and the Rural Living Zone, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 6.
- (j) the erection of a single house and two grouped dwellings including any ancillary outbuildings and swimming pools which comply with the provisions of a Detailed Area Plan;
- (k) Family Day Care Centre.
- (l) The parking of commercial vehicles in accordance with clause 5.10.8(a) and 5.10.8(b).

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 20D Town Planning Act.

### **8.3 Amending, Revoking or Refusing a Planning Approval**

8.3.1 The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.3.2 Where planning approval has been granted subject to conditions, and one or more of the conditions have not been complied with to the satisfaction of the local government, the local government may refuse to issue an approval for the further use or development of the land to which the conditions of a previous approval are outstanding.

### **8.4 Unauthorised Existing Developments**

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful development upon the grant of planning approval.

Note: 1. Applications for approval to an existing development are made under Part 9.

2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

## **PART 9 APPLICATION FOR PLANNING APPROVAL**

### **9.1 Form of Application**

9.1.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;

- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2;
- (e) alteration or extension of a non-conforming use under clause 4.9.1;
- (f) a change of a non-conforming use under clause 4.9.3;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval under an approval under clause 10.8.1;
- (l) the erection, placement or display of an advertisement;

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

Note: 1. An application for approval for one or more of the following—

- the clearing of vegetation under clause 5.9.12;
- the filling of land, other than as a pre-requisite for development or land use; and
- demolition of a building, structure or place on the Heritage List under clause 7.1.1;

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

2. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a region reserve shall be referred by the local government to the Commission for determination. No separate determination is made by the local government.

3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is—

- (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme, or
- (b) within or partly within a Planning Control Area duly declared by the Commission pursuant to Section 35C of the Scheme Act or Section 37B of the Commission Act, or
- (c) affected by a Notice of Delegation published in the Government Gazette by the Commission under Section 20 of the Commission Act and is not of a type which may be determined by the local government under that Notice, is to be referred by the local government to the Commission in accordance with the Notice of Delegation.

Separate determinations are made by the local government under this Scheme and the Commission under the Region Scheme.

## 9.2 Accompanying Material

9.2.1 Unless the local government waives any particular requirement every application for planning approval shall be accompanied by—

- (a) a plan or plans to scale of not less than 1:500 showing—
  - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;
  - (ii) the existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing structures and vegetation proposed to be removed;
  - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
  - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (viii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

### **9.3 Additional Material for Heritage Matters**

9.3.1 Where an application relates to a place entered on the Heritage List or within a Heritage Area, the local government may require an applicant to provide one or more of the following to assist the local government 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) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government 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.

### **9.4 Advertising of Applications**

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose referred to in that clause, the local government may require that notice is first given in accordance with clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice or decide to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development shall be served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating, that submissions may be made to the local government by a specified date being not less than 14 days from the date specified in the notice;
- (b) notice of the proposed use or development shall be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is published;
- (c) sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The Notice referred to in clause 9.4.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

## **PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS**

### **10.1 Consultations with Other Authorities**

10.1.1 In considering any application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

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

10.2.1 The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application—

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area, including the Metropolitan Region Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the Environmental Protection Act 1986;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any local planning policy adopted by the local government under clause 2.5, any heritage policy statement for any designated Heritage Area adopted under clause 7.2.2 and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

- (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of WA Act 1990, or which is included in the Heritage of WA Act, and the effect of the proposal on the character or appearance of a Heritage Area;
- (i) the compatibility of a use or development within its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (za) any other consideration the Local government considers relevant.

### **10.3 Determination of Applications**

10.3.1 In determining an application for planning approval the local government may—

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

### **10.4 Form and Date of Determination**

10.4.1 As soon as practicable after making a decision in relation to the application, the local government shall convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

### **10.5 Term of Planning Approval**

10.5.1 Where the local government grants planning approval for development of land—

- (a) the development is to be substantially commenced within two (2) years, or such other period as specified in the approval, after the date of determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1 (a).

### **10.6 Temporary Planning Approval**

10.6.1 Where a local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

### **10.7 Scope of Planning Approval**

10.7.1 Planning approval may be granted—

- (a) for the use or development for which the approval is sought;



- (b) for that use or development of land, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

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

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local governments; and may include—

- (a) the siting, design, external appearance of the buildings;
- (b) means of access;
- (c) landscaping; or
- (d) such other matters as the local government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than two (2) years after the date of the determination of the first approval, or such other period as is specified in the approval.

### **10.9 Deemed Refusal**

10.9.1 Subject to clause 10.9.2, an application for planning approval shall be deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is subject of a notice under clause 9.4 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clauses 10.9.1 and 10.9.2 as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

### **10.10 Appeals**

10.10.1 An applicant aggrieved by a decision of the local government in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Town Planning Act.

## **PART 11 ENFORCEMENT AND ADMINISTRATION**

### **11.1 Powers of the Local Government**

11.1.1 The local government in implementing the Scheme has the power to—

- (a) 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 matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme Area under the provisions of the Scheme or the Town Planning Act.
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### **11.2 Removal and Repair of Existing Advertisements**

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme is, in the opinion of the local government, in conflict with the amenity of a locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt, or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, an advertisement has deteriorate to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

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

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served upon the advertiser and shall specify—

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and

- (c) the period, not being less than 60 days from the date of the local government's determination, within which the action specified shall be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of local government.

### 11.3 Delegation of Functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.

11.3.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

Note: Section 10(4) of the Town Planning Act provides that a person who—

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or
- (b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority under its powers under that scheme;

is guilty of an offence.

Penalty: \$50,000 and a daily penalty of \$5,000.

### 11.4 Person must comply with provisions of Scheme

11.4.1 A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme Area—
  - (i) otherwise than in accordance with the provisions of the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme;
  - (iv) otherwise than in accordance with any standards laid down and all requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

### 11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the Town Planning Regulations 1967; or
- (b) where the land has been reserved for a public purpose and—
  - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
  - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,not later than 6 months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

Note: 1. A claim for compensation in respect of the refusal of planning approval or imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the (Metropolitan Region Town Planning Scheme Act 1959 / Western Australian Planning Commission Act 1985).

2. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.

### 11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.

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

11.7.1 Under section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The local government may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

### **11.8 Heritage Advisory Committee**

11.8.1 The local government may establish a Heritage Advisory Committee to advise it on any matter arising under this clause.

11.8.2 The membership of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.

### **11.9 Advisory Committees**

11.9.1 The local government may from time to time establish Advisory Committees to advise it on any matters in the Scheme, subject to such terms of reference, procedures and conditions of office as the local government thinks fit.

11.9.2 The membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the local government have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

11.9.3 The Advisory Committee shall comprise no more than 5 members appointed by the local government and shall be chaired by a person elected by the Committee.

11.9.4 A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

11.9.5 When dealing with any matter involving an application for planning approval or Structure Plans or when dealing with any other matter involving a development or land use proposal, the local government shall have due regard to any relevant recommendation of any Advisory Committee.

### **11.10 Reference Committees**

11.10.1 The local government may from time to time establish Reference Committees to advise it on any matters of community interest subject to such terms, procedures and conditions of office as the local government thinks fit.

11.10.2 The local government shall determine which if any matters are referred to the Reference Committee for consideration and advice.

11.10.3 Reference Committees shall represent the community of a specified locality within the district and comprise residents and ratepayers from that locality.

11.10.4 A Reference Committee shall comprise no more than 7 residents and/or ratepayers appointed by the Local government and shall be chaired by a person elected by the Committee.

11.10.5 A member of the Reference Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

11.10.6 When dealing with any matter of community interest including Applications for planning approval, Structure Plans or when dealing with any matter involving a development or land use proposal referred to it by the local government, the local government shall have due regard to any relevant recommendation of any Reference Committee.

### **11.11 Site Notification**

11.11.1 Where the development of land is to be delayed for any reason the local government may require the owner of the land to erect a sign on the site advising the public of the proposed use of the land and if known the likely date of commencement or anticipated completion.

11.11.2 Any sign erected under clause 11.11.1, shall be of a size and erected in a location specified by the local government and shall include the name, address and contact telephone number of the owner or a representative of the owner for the purpose of receiving enquiries from the public.

11.11.3 The local government may under any circumstances that it sees fit require the landowner of any public or private land to erect a sign to provide advice to the public about the ownership of the land, the responsibility for the care and maintenance of the land and any development thereon and the names and telephone numbers of the authority which have been responsible for the approval of the use or development of the land or the name and telephone numbers of the owner or the owner's representative of the land for the purpose of receiving enquiries from the public.

### **11.12 Arbitration on Value**

11.12.1 Where for any purpose under the Scheme land is required to be valued and there is a dispute or difference between the local government and a landowner regarding that value, the dispute or difference shall be resolved as follows—

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
- (b) by some other method agreed upon by the local government and the landowner; and

- (c) in any case mediation may be attempted without prejudice to the use of any other method of determination,
- and the value shall be determined—
- (d) as at the date of acquisition of the land by the Local government or the date of election to purchase or acquire if that occurs earlier, unless the Scheme stipulates some other date as the date of valuation; and
- (e) without regard to any increase or decrease in value attributable wholly or in part to the Scheme.

## PART 12 SCHEDULES

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### *Schedule 1 Dictionary of Defined Words And Expressions*

#### 1. General Definitions

In this Scheme—

#### GENERAL DEFINITIONS

|                                      |  |
|--------------------------------------|--|
| <b>advertisement:</b>                | means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. 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. |
| <b>amenity:</b>                      | means all those factors which combine to form the character of an area and include the present and likely future amenity.  |
| <b>building:</b>                     | has the same meaning as is given to it in the Residential Design Codes.  |
| <b>building envelope:</b>            | 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.  |
| <b>building setback:</b>             | means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.  |
| <b>buffer area:</b>                  | means an area which has been prescribed by the local government or other competent Government Agency around land and buildings which because of the nature of their use may generate pollution within which sensitive uses are either restricted or prohibited.  |
| <b>classification:</b>               | means the designation of land use on a Structure Plan which uses the same description and objectives as provided for in the Scheme for each zone under Part 4.   |
| <b>commercial vehicle:</b>           | means any vehicle used or intended to be used in a business or trade which has a tare weight in excess of 3.5 tonnes, and excludes vehicles directly associated with the conduct of a rural pursuit, business or trade on the lot for which the vehicle or vehicles are used.  |
| <b>conservation:</b>                 | has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .   |
| <b>conservation management plan:</b> | means a plan which sets out how a conservation area is to be managed to ensure that the purpose of a conservation area will be achieved and maintained.  |
| <b>constraints map:</b>              | means a map that shows the physical and man-made constraints that affect the land the subject of a Structure Plan and shall be used as the basis for preparing the plan and establishing any design criteria to guide subdivision and development.   |
| <b>contamination:</b>                | means the pollution of the environment to an extent which exceeds the standards adopted by the Environmental Protection Authority.   |

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| <b>convenience:</b>                    | means the accessibility of the facilities and services provided within a neighbourhood or an employment centre which are dispersed at acceptable travel distances within their respective catchments and operate at times and at a level of service appropriate to the people they serve.   |
| <b>cultural heritage significance—</b> | has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .  |
| <b>Development Area:</b>               | means an area designated as “Development Area (DA)” on the Scheme Map.  |
| <b>Detailed Area Plan:</b>             | means a plan which enhances, elaborates and expands on the details or provisions contained in a Proposed Structure Plan or Structure Plan and has been approved by the local government under clause 6.2.7.   |
| <b>district:</b>                       | means the Municipal District of the City of Cockburn.   |
| <b>edible goods:</b>                   | has the same meaning given to ‘food’ defined in the <i>Health Act 1911</i> .  |
| <b>environment:</b>                    | has the same meaning as in the <i>Environmental Protection Act 1986</i> .   |
| <b>eco-system:</b>                     | means living things, their physical, biological and social surroundings and interactions between them.  |
| <b>existing vegetation:</b>            | means native and exotic vegetation existing on land within the district.  |
| <b>facilities:</b>                     | means the amenities other than services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as public open space and community purposes sites.   |
| <b>floor area:</b>                     | has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board.   |
| <b>frontage:</b>                       | when used in relation to a building that is used for— <ul style="list-style-type: none"> <li>(a) residential purposes, has the same meaning as in the Residential Design Codes; and</li> <li>(b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.</li> </ul> |
| <b>Gazettal date:</b>                  | in relation to a scheme, means the date on which the Scheme is published in the Gazette under section 7(3) of the Town Planning Act.  |
| <b>gross lettable area (gla):</b>      | means in relation to a building the area of all floors capable of being exclusively occupied and used by a tenant, 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.  |
| <b>height:</b>                         | when used in relation to a building that is used for— <ul style="list-style-type: none"> <li>(a) residential purposes, has the same meaning as in the Residential Design Codes; or</li> <li>(b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;</li> </ul>                                      |
| <b>incidental use:</b>                 | means a use of premises which is ancillary and subordinate to the predominant use.  |
| <b>landscaped area:</b>                | means an area set aside on a lot exclusively for the purpose of the installation and maintenance of landscaping.  |
| <b>landscaping:</b>                    | means grass, groundcover, plants, shrubs, and trees, installed and irrigated in accordance with plans approved by the Council.  |
| <b>local government:</b>               | means the City of Cockburn.   |
| <b>Local Planning Strategy:</b>        | means the Local Planning Strategy of the local government prepared as the Scheme Report for the purposes set out in Regulation 12A of the <i>Town Planning Regulations 1967</i> .   |
| <b>lot:</b>                            | has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot.  |
| <b>minerals:</b>                       | has the same meaning as in the <i>Mining Act 1978</i> .   |
| <b>minimum development height:</b>     | means the lowest height datum at which the floor of a building may be constructed.  |
| <b>municipal inventory:</b>            | has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .  |
| <b>native fauna:</b>                   | means terrestrial fauna native to Australia.  |
| <b>nature reserve:</b>                 | means an area of land reserved for the conservation and protection of flora and fauna and where public access may be permitted or prohibited, depending upon the statutory purpose of the reserve.  |
| <b>native species:</b>                 | means plants and animals indigenous to a given locality.  |
| <b>non-conforming use:</b>             | has the same meaning as it has in section 12(2)(a) of the Town Planning Act.  |

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| <b>net-lettable area (nla):</b>    | means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas— <ul style="list-style-type: none"> <li>(a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</li> <li>(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.</li> </ul> |
| <b>non-conforming use:</b>         | has the same meaning as it has in section 12(2)(a) of the Town Planning Act.   |
| <b>owner:</b>                      | in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity— <ul style="list-style-type: none"> <li>(a) is entitled to the land for an estate in fee simple in possession;</li> <li>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;</li> <li>(c) is a lessor or licensee from the Crown; or</li> <li>(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 from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise.</li> </ul>  |
| <b>permitted height contours:</b>  | means a contour line defined on a plan of subdivision lodged with the local government which specifies the height above the natural surface of the land above which buildings or structures may not be erected.  |
| <b>place:</b>                      | in Part 7 (Heritage Protection) has the same meaning as it has in the <i>Heritage of Western Australia Act 1990</i> .  |
| <b>plot ratio:</b>                 | in the case of residential dwellings has the same meaning as in the Residential Design Codes.  |
| <b>pollution:</b>                  | means the alteration of the environment to its detriment due to the condition of the air, land or water or other aspect of the environment, so as to make it harmful or potentially harmful to the health, welfare, safety and sustainability of all plants and animals dependent upon the condition of the environment for their survival and well being.   |
| <b>potable water:</b>              | means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organisations".   |
| <b>precinct:</b>                   | means a definable area where particular planning policies, guidelines or standards apply.  |
| <b>predominant use:</b>            | means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.  |
| <b>premises:</b>                   | means land or buildings.   |
| <b>public authority:</b>           | has the same meaning given to it in the Town Planning Act.   |
| <b>Region Scheme—Metropolitan:</b> | means the Metropolitan Region Scheme within the meaning of the <i>Metropolitan Region Town Planning Scheme Act 1959</i> .  |
| <b>rehabilitation:</b>             | means the restoration of an area of land to support native ecosystems typical of the locality and the recreation of similar land forms and the reclamation of altered land forms to re-establish native ecosystems occurring in the locality of similar topography and soil characteristics.   |
| <b>Residential Design Codes:</b>   | means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time.   |
| <b>retail:</b>                     | means the sale or hire of goods or services to the public.   |
| <b>revegetation:</b>               | means the re-establishment of vegetation on land which has been excavated, cleared, eroded or otherwise despoiled in order to recreate vegetation communities existing prior to their removal and that the vegetation so established is protected and maintained to assure their survival.   |
| <b>services:</b>                   | means the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as sewerage, drainage, water supply, power supply, telecommunications, roads and ways, and transport services.   |
| <b>setback:</b>                    | means the distance a building, structure or use is located from the lot boundary on which the building, structure or use is located.   |

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| <b>shade tree:</b>                         | means a tree which will grow to at least 5 metres in height and develop a natural canopy which will provide shade to at least 25m <sup>2</sup> on the ground at some time during the day, between the months of December and February of each year.  |
| <b>shop-local:</b>                         | means the use of land and buildings less than 1000m <sup>2</sup> net lettable area wherein the only goods or services offered for sale are foodstuffs, toiletries, stationery or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher's shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of the local government serves the day to day shopping needs of the immediate locality. |
| <b>shopping centre—district:</b>           | means a group of shops, offices and community facilities with a net lettable area of between 10,000 m <sup>2</sup> and 20,000 m <sup>2</sup> which serves the needs of the surrounding district of approximately 25,000 to 50,000 catchment population, is serviced by a district distributor road, public transport services, and located between 3 kilometres and 5 kilometres from another District Shopping Centre.  |
| <b>shopping centre—neighbourhood:</b>      | means a group of local shops and offices with a net lettable area of between 1000m <sup>2</sup> and 5000m <sup>2</sup> which serves the needs of the immediate locality of approximately 6000 catchment population, is serviced by a local distributor road, a public transport route and located between 1.5 kilometres and 3.0 kilometres from another neighbourhood shopping centre.  |
| <b>shopping centre regional:</b>           | means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 30,000 m <sup>2</sup> or more which serves the needs of the surrounding region of between 50,000 to 100,000 catchment population, is served by a primary road and regional public transport services, and located between 5 kilometres and 10 kilometres from another Regional Shopping Centre.  |
| <b>shopping centre regional strategic:</b> | means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 50,000 m <sup>2</sup> or more which functions as a major employment centre for the surrounding region with a catchment population of 100,000 people or more, is served by a primary road and regional public transport services and located between 5 kilometres and 10 kilometres from another Strategic Regional Shopping Centre.  |
| <b>sign:</b>                               | means a sign as defined under the local government's Signs, Hoardings and Bill Postings By-laws.   |
| <b>site improvement:</b>                   | means reclamation of land by drainage or filling, the construction of a retaining wall or other structures or walls appertaining thereto, the excavation, grading, levelling, filling or compaction of land, the removal of rock, stone, sand and soil and the clearing of timber, scrub or other vegetation.  |
| <b>stable:</b>                             | means any building in which a horse is stabled or kept and includes any shed, loose box, stall or shelter used for the keeping, stabling, feeding, watering, grooming, sheltering, shoeing or veterinary treatment of a horse.   |
| <b>substantially commenced:</b>            | means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development   |
| <b>streetscape:</b>                        | means the visual quality of a street depicted by road width, street verge planting, characteristics and features, public utilities constructed within the road reserve, the setback of the buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.  |
| <b>street verge:</b>                       | means the publicly owned land located between the edge of the road pavement and the boundary of the lot and comprises part of the road or right of way reserve.  |
| <b>Town Planning Act:</b>                  | means the <i>Town Planning and Development Act 1928</i> .  |
| <b>wholesale:</b>                          | means the sale of goods or materials to be sold by others.   |
| <b>works:</b>                              | means any activity undertaken to prepare land, by way of clearing vegetation, the excavation and levelling of land, the demolition of existing buildings and structures on land or any other site preparations undertaken in readiness for development, but excludes the marking out and pegging of land by measurement or survey, soil testing or other site investigations undertaken as a preliminary to development.   |
| <b>zone:</b>                               | 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 or special control area.   |

## 2. Land Use Definitions

In this Scheme—

### LAND USE DEFINITIONS

- agriculture—extensive:** means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive.
- agriculture—intensive:** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (b) the establishment and operation of plant or fruit nurseries;
  - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
  - (d) aquaculture, whereby any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act 1905* (as amended) and the *Fisheries Regulations 1938* (as amended) is required.
- agroforestry:** means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.
- airport:** means the Jandakot Airport used for light aircraft and pilot training, including airport operations, aircraft storage and maintenance, associated offices, facilities and accommodation planned and developed in accordance with an adopted Airport Master Plan.
- amusement parlour:** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises.
- animal establishment:** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre, cattery or dog kennels
- animal husbandry—intensive:** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.
- bank:** a shop where money is exchanged and business is transacted.
- 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.
- betting agency:** means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*.
- caravan park:** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.
- caretaker's dwelling:** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
- carpark:** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.
- cattery:** means the use of an approved outbuilding constructed in accordance with the Health Act Model By-laws Series "A" Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.
- child care premises:** has the same meaning as in the *Community Services (Child Care) Regulations 1988*.
- cinema/theatre:** means premises where the public may view a motion picture or theatrical production.
- civic use:** means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.
- club premises:** means premises used by a legally constituted club or association or other body of persons united by a common interest.
- commercial vehicle parking:** means the parking of any vehicle used or intended to be used in the course of a business or trade which has a tare weight of 3.5 tonnes or more.
- community purpose:** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
- consulting rooms:** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.



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| <b>convenience store:</b>         | means premises— <ul style="list-style-type: none"> <li>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;</li> <li>(b) operated during hours which include, but may extend beyond, normal trading hours;</li> <li>(c) which provide associated parking; and</li> <li>(d) the floor area of which does not exceed 300 square metres net lettable area.</li> </ul> |
| <b>convention centre:</b>         | means land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.   |
| <b>corrective institution:</b>    | means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.  |
| <b>distribution centre:</b>       | means land and buildings used for the storage of goods, the breaking down and making up of lots of goods for transfer onto commercial vehicles for distribution to other warehouses, showrooms, shops or other retail outlets, but does not include the display or sales of goods.  |
| <b>dog kennels:</b>               | means land and buildings used for the boarding and breeding of dogs where the premises are registered or required to be registered by the local government and includes the sale of dogs where that use is incidental to the predominant use.   |
| <b>educational establishment:</b> | means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.   |
| <b>exhibition centre:</b>         | means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.   |
| <b>family day care:</b>           | means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> .  |
| <b>farm supply centre:</b>        | means the use of land and buildings for the supply of— <ul style="list-style-type: none"> <li>(a) vegetable seeds,</li> <li>(b) fertilisers,</li> <li>(c) agricultural chemicals,</li> <li>(d) stock foods,</li> <li>(e) tractors,</li> <li>(f) farm machinery, farm implements or components, or</li> <li>(g) irrigation equipment,</li> </ul> and includes the maintenance, repair and servicing of those items.  |
| <b>fast food outlets:</b>         | means premises 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 lunch bar.  |
| <b>fuel depot:</b>                | means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a petrol filling station or service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.   |
| <b>funeral parlour:</b>           | means premises used to prepare and store bodies for burial or cremation.  |
| <b>garden centre:</b>             | 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 but in any land use area other than an industrial land use area does not include the sale or display in bulk of sand, gravel, rocks, blue metal, cement, firewood, sleepers or other items for use in a house or garden.             |
| <b>hardware store:</b>            | means land and buildings used for the storage, display and sale of building products, construction equipment and other similar items used primarily for domestic purposes.  |
| <b>health studio:</b>             | means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.  |
| <b>hobby farm:</b>                | means the use of land for rural living, the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any building normally associated therewith.  |
| <b>home business:</b>             | means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which— <ul style="list-style-type: none"> <li>(a) does not employ more than 2 people not members of the occupier's household;</li> </ul>  |

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 50 square metres;
  - (d) does not involve the retail sale, display or hire of goods of any nature;
  - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
  - (f) does not involve the use of an essential service of greater capacity than normally required in the zone.
- home occupation:** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ any person not a member of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 20 square metres;
  - (d) does not display a sign exceeding 0.2 square metres;
  - (e) does not involve the retail sale, display or hire of goods of any nature;
  - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
- home office:** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
- (a) entail clients or customers travelling to and from the dwelling;
  - (b) involve any advertising signs on the premises; or
  - (c) require any external change to the appearance of the dwelling.
- home store:** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling.
- hospital:** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.
- hotel:** means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.
- industry:** means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance or repairing of goods or products on the same land used for—
- (a) the storage of goods;
  - (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail; or
  - (d) the provision of amenities for employees.
- industry—cottage:** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—
- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
  - (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
  - (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
  - (d) does not occupy an area in excess of 50 square metres; and
  - (e) does not display a sign exceeding 0.2 square metres in area.
- industry—extractive:** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining.

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| <b>industry—general:</b>                     | means an industry other than a cottage, extractive, general (licensed), light, mining, noxious, rural or service industry, or motor vehicle repair or motor vehicle wrecking.   |
| <b>industry—general (licensed)</b>           | means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production or design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.   |
| <b>industry—light:</b>                       | means an industry— <ul style="list-style-type: none"><li>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;</li><li>(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.</li></ul> |
| <b>industry—mining:</b>                      | means land used commercially to extract minerals from the land.   |
| <b>industry—noxious:</b>                     | means an industry which is an offensive trade within the meaning of Schedule 2 of the Health Act but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, Schedule 2 of the Health Act prevails and includes a landfill site, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm.                         |
| <b>industry—rural:</b>                       | means— <ul style="list-style-type: none"><li>(a) an industry handling, treating, processing or packing rural products; or</li><li>(b) a workshop servicing plant or equipment used for rural purposes.</li></ul>  |
| <b>industry—service:</b>                     | means— <ul style="list-style-type: none"><li>(a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or</li><li>(b) premises having a retail shop front and used as a depot for receiving goods to be serviced.</li></ul>   |
| <b>liquor store:</b>                         | means a building the subject of a Store Licence granted under the provisions of the Liquor Act.   |
| <b>lodging house:</b>                        | has the same meaning as is given to it in and for the purposes of the Health Act.   |
| <b>lunch bar:</b>                            | means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.   |
| <b>marine engineering:</b>                   | means the carrying out of any process for and incidental to the fitting out, maintenance and repair of ships, including the construction of boats, but excluding all blasting other than wet slurry blasting operations as defined by Clean Air Act Regulations.  |
| <b>marine filling station:</b>               | means premises used for the storage and supply of liquid fuels and lubricants for marine craft.   |
| <b>market:</b>                               | means premises used for the display and sale of goods from stalls by independent vendors.   |
| <b>masonry production:</b>                   | means land and buildings used in the production of slabs, blocks, paving and construction bricks, manufactured from the sand and minerals extracted from the land on which the manufacturing plant is located or from elsewhere.  |
| <b>medical centre:</b>                       | means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).   |
| <b>motel:</b>                                | means premises 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 may comprise premises licensed under the <i>Liquor Licensing Act 1988</i> .  |
| <b>motor vehicle, boat or caravan sales—</b> | means premises used to sell or hire motor vehicles, boats or caravans.  |
| <b>motor vehicle repair:</b>                 | means premises used for or in connection with— <ul style="list-style-type: none"><li>(a) electrical and mechanical repairs, or overhauls, to vehicles; or</li><li>(b) repairs to tyres,</li></ul> but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.  |

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| <b>motor vehicle wash:</b>     | means premises where the primary use is the washing of motor vehicles.   |
| <b>motor vehicle wrecking:</b> | means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second hand motor vehicles accessories and spare parts.   |
| <b>night club:</b>             | means premises—<br>(a) used for entertainment with or without eating facilities; and<br>(b) licensed under the <i>Liquor Licensing Act 1988</i> .  |
| <b>nursery:</b>                | means land and buildings used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden decor.  |
| <b>office:</b>                 | means premises used for administration, clerical, technical, professional or other like business activities.   |
| <b>park home park:</b>         | has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .   |
| <b>petrol filling station:</b> | means land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery.  |
| <b>place of worship:</b>       | means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.  |
| <b>public amusement:</b>       | means land and buildings used for the amusement or entertainment of the public, with or without charge.  |
| <b>reception centre:</b>       | means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.   |
| <b>recreation—private:</b>     | means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.  |
| <b>residential building:</b>   | has the same meaning as in the Residential Design Codes and does not include a lodging house.  |
| <b>restaurant:</b>             | means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i> .   |
| <b>restricted premises:</b>    | means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—<br>(a) publications that are classified as restricted under the <i>Censorship Act 1996</i> ;<br>(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. |
| <b>rural pursuit:</b>          | means any premises used for—<br>(a) the rearing or agistment of animals;<br>(b) the stabling, agistment or training of horses;<br>(c) the growing of trees, plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens;<br>(d) the sale of produce grown solely on the lot,<br>but does not include agriculture—extensive or agriculture—intensive, and a hobby farm.                  |
| <b>service station:</b>        | means premises used for—<br>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/ convenience retail nature; and<br>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,<br>but does not include premises used for transport depot, panel beating, spray painting, major repairs or wrecking, petrol filling station.         |
| <b>shop:</b>                   | means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store and nursery.  |
| <b>showroom:</b>               | means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.   |
| <b>storage:</b>                | means premises used for the storage of goods, equipment, plant or materials.   |
| <b>tavern:</b>                 | means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises.  |

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| <b>telecommunications infrastructure:</b> | means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.   |
| <b>tourist accommodation:</b>             | means land and buildings used for the purpose of short term accommodation primarily for tourists visiting the district and includes cabins, chalets, camping grounds, caravan parks, short stay self contained accommodation and similar forms of tourist accommodation, together with uses ancillary to the primary use, but does not include a caravan park, hotel, bed and breakfast or motel.                    |
| <b>trade display:</b>                     | means premises used for the display of trade goods and equipment for the purpose of advertisement.   |
| <b>transport depot:</b>                   | means land or buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, including management, maintenance and repair of the vehicles used and includes the garaging or parking of such vehicles associated with this use, but does not include the parking of a commercial vehicle in the residential and rural land use areas. |
| <b>veterinary centre:</b>                 | means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders and includes the accommodation of sick animals.  |
| <b>veterinary</b>                         | means a building used in connection with the treatment of sick animals, but does not include the accommodation overnight of such animals.  |
| <b>warehouse:</b>                         | means premises used to store or display goods and may include sale by wholesale.   |

**Notes—**

1. Where there is a difference between a definition contained in Schedule 1 to the Scheme and a definition contained in the Model Scheme Text the Scheme prevails.
2. Where there is a difference between a definition contained in Schedule 1 to the Scheme and a definition contained in the Statement of Planning Policy No. 6—Jandakot Groundwater Protection Policy or the Statement of Planning Policy No. 2—Peel Harvey Coastal Plain Catchment Policy the Policies prevail, and where there is a difference between the Policies, the Statement of Planning Policy No. 6 prevails.

**Schedule 2 Additional Uses**

| <b>No.</b> | <b>Description of Land</b>  | <b>Additional Use</b>  | <b>Conditions</b> |
|------------|---|--|-------------------|
| AU 1       | Lot 77 on Diagram 86541 Jandakot Road, Jandakot   | Masonry Production   | Planning Approval |
| AU 3       | Portion of Lot Pt 29 on Plan 4489 Redmond Road, Hamilton Hill   | Motor Vehicle Hire Premises<br>Restricted to caravans and trailers only on Portion of Lot 29 and includes the storage and cleaning of those motor vehicles but does not include the mechanical repair or servicing.  | Planning Approval |
| AU 5       | Lot Pt 6 on Plan 1700 Rockingham Road, Spearwood  | Liquor Store and Convenience Store   | Planning Approval |
| AU 6       | Lot 500 on Diagram 59789 Liddelow Road, Banjup  | The uses listed hereunder with a total maximum gross lettable area of 300m <sup>2</sup> are permitted on the land:—<br>— convenience store (200m <sup>2</sup> gla)<br>— hardware store (100m <sup>2</sup> gla)<br>— tourist facilities which includes a kiosk, gift shop, gardens, menagerie and flora and fauna reserve<br>— nature reserve | Planning Approval |
| AU 7       | Lots 1 to 9, 13 to 20 On Plan 14230, and Lots 21 - 25 on Diagram 69564, Acourt Road, Warton Road, Hybrid Court and Hebe Road, Banjup. | Cattery and Dog Kennels  | Planning Approval |

| No.  | Description of Land   | Additional Use  | Conditions         |
|------|---|---|--------------------|
| AU 8 | Lots 1173 to 1178, 1186 on Diagram 99272 Lanao Way, Atwell. | <p>1. Additional Uses.</p> <p>Aged or dependent persons dwelling (P)</p> <p>Civic building (P)</p> <p>Grouped dwelling (P)</p> <p>Home occupation (P)</p> <p>Multiple dwelling (P)</p> <p>Consulting rooms (P)</p> <p>Child Care Centre (P)</p> <p>Health studio (P)</p> <p>Medical centre (P)</p> <p>Museum (P)</p> <p>Office (P)</p> <p>Restaurant (P)</p> <p>Educational establishment (AA)</p> <p>Place of public worship (AA)</p> <p>2. Design Requirements</p> <p><b>Building Location:</b> The buildings shall have a maximum front setback to "main street" of 3.0 metres. Nil side setbacks are permitted.</p> <p><b>Building Frontage:</b> Buildings shall have frontages to the "main street", with windows / doors comprising not less than 50% of the facade.</p> <p><b>Building Form:</b> Buildings shall have pitched roofs of not less than 26 degrees.</p> <p><b>Carparking:</b> No parking will be allowed in front of the building. Council will consider reciprocal parking arrangements with other "main street" developments.</p> <p><b>Service Areas:</b> All service areas are to be concealed from public view and accessed from the rear lane.</p> <p><b>Vehicle Access:</b> Vehicle access shall be from the rear lane, only crossovers indicated on the Plan will be permitted on "main street".</p> <p><b>Pedestrian Amenity:</b> Buildings shall provide weather protection with verandahs, awnings or colonnades at entries.</p> | Planning Approval  |
| AU 9 | Lot 618 on Plan 23619 Lomax Court, Beeliar                  | <p>1. Additional Uses.</p> <p>Aged or dependent persons dwelling (P)</p> <p>Civic building (P)</p> <p>Grouped dwelling (P)</p> <p>Home occupation (P)</p> <p>Multiple dwelling (P)</p> <p>Consulting rooms (P)</p> <p>Child Care Centre (P)</p> <p>Health studio (P)</p> <p>Medical centre (P)</p> <p>Museum (P)</p> <p>Office (P)</p> <p>Restaurant (P)</p> <p>Educational establishment (AA)</p> <p>Place of public worship (AA)</p> <p>2. Design Requirements</p> <p><b>Building Location:</b> The buildings shall have a maximum front setback to "main street" of 3.0 metres. Nil side setbacks are permitted.</p> <p><b>Building Frontage:</b> Buildings shall have frontages to the "main street", with windows / doors comprising not less than 50% of the facade.</p>  | Planning Approval. |

| No.   | Description of Land   | Additional Use  | Conditions                                       |
|-------|---|---|--|
|       |   | <p><b>Building Form:</b> Buildings shall have pitched roofs of not less than 26 degrees.</p> <p><b>Carparking:</b> No parking will be allowed in front of the building. Council will consider reciprocal parking arrangements with other “main street” developments.</p> <p><b>Service Areas:</b> All service areas are to be concealed from public view and accessed from the rear lane.</p> <p><b>Vehicle Access:</b> Vehicle access shall be from the rear lane, only crossovers indicated on the Plan will be permitted on “main street”.</p> <p><b>Pedestrian Amenity:</b> Buildings shall provide weather protection with verandahs, awnings or colonnades at entries.</p>  |  |
| AU 10 | Portion of Lot 81 on Plan 8190 Wattleup Road, Wattleup                            | <p>Fruit and Vegetable Warehouse and Distribution Centre for the handling, processing treating, packing and carrying of fruit and vegetables limited in floor area to that in plans approved by Council at its meeting of 18th January 2000.</p> <p>In order to protect the amenity of the locality, Council may impose conditions at its discretion for the development relating to the following—</p> <ol style="list-style-type: none"> <li>1. Controlling off-site noise impacts by the orientation and layout of buildings and ensuring that all processing and handling is undertaken within buildings. In addition, all noise generated must comply with the Environmental Protection (Noise) Regulations 1997;</li> <li>2. Limiting hours of operation to between 9am and 5pm Monday to Friday only, accepting that any changes to hours of operation will require a new planning consent;</li> <li>3. Managing of off-site dust impacts by ensuring the construction of all vehicle manoeuvring and parking areas are in accordance with Council's requirements; and</li> <li>4. Requiring that development setbacks and landscape buffers along Wattleup Road and with adjoining properties comprising suitable screening vegetation species be installed.</li> </ol> | Planning Approval.                               |
| AU 13 | Lot 52 on Diagram 50562 Boyd Crescent, Hamilton Hill                              | <p>• Dwellings—Grouped<br/>—Multiple</p> <ol style="list-style-type: none"> <li>1. Any residential development shall incorporate design elements to minimise the potential for noise nuisance from nearby industrial properties.</li> </ol>   | Planning Approval.                               |
| AU 14 | Lot 502 on Diagram 99880 Sudlow Road, Bibra Lake, Australian Paper Manufacturers. | Effluent Ponds, inert landfill.   | As required in all current and future approvals. |
| AU 15 | Lot 222 on Diagram 94448 Cockburn Road, Hamilton Hill                             | Drum Recycling which is limited to the cleaning and reclamation of Steel and Plastic containers together with their handling and storage.   |  |

| No.   | Description of Land  | Additional Use   | Conditions         |
|-------|--|--|--------------------|
| AU 16 | Lot 102, Pt Lot 4 & 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Pt Lot 1 Garston Way, Hamilton Hill | Fashion Leather Park and shall include— <ul style="list-style-type: none"> <li>• Educational establishment</li> <li>• Factory unit building</li> <li>• Industry—Cottage</li> <li>• Industry—General</li> <li>• Industry—Light</li> <li>• Industry—Service</li> <li>• Office</li> <li>• Public Amusement</li> <li>• Recreation—Private</li> <li>• Reception Centre</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Showroom</li> </ul> | Planning Approval. |
| AU 17 | Lot 156 Shoal Court, Coogee  | Three grouped dwellings.   | Planning Approval. |

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***Schedule 3 Restricted Uses***

| No.  | Description of Land  | Restricted Use   | Conditions        |
|------|--|--|-------------------|
| RU 1 | Lots 401 to 406, 409, 410 on Plan 15590, Lots 407, 408 on Diagram 77115 and Lot 411 on Plan 15582 Bibra Drive and Lewington Gardens, Bibra Lake. | Aged or dependent persons dwelling and hospital  | Planning Approval |
| RU 2 | Lot Pt 28 on Plan 1700 Favazzo Place, Spearwood.   | Service Station and Motor Repair Station.  | Planning Approval |
| RU 3 | Lot 303 on Diagram 72454 Gorham Way, Spearwood.  | Aged or dependent persons dwelling.  | Planning Approval |
| RU 4 | Lots 101, 102, 103, 104 and 105 Omeo Street, South Lake.   | Those uses which may be permitted within the Local Centre Zone as set out in Table 1 Zoning Table subject to retail floor space being restricted to a maximum of 4,500m <sup>2</sup> and other commercial—non-retail floor space to a maximum of 4,000m <sup>2</sup> gla.  | Planning Approval |
| RU 5 | Lot 2 on Diagram 48222 Azelia Road, Spearwood  | Private Recreation.  | Planning Approval |
| RU 6 | Lots 194, 195, 196 and 218 on Plan 23231, and Lot 197 on Diagram 96391 Berrigan Drive, Jandakot  | Office, Restaurant and Fast Food Outlet, veterinary consulting rooms, reception centre, health studio, medical centre, shop.   | Planning Approval |
| RU 7 | Lot 1170 on Plan 23939 and Lot 1172 on Diagram 99271 Lydon Boulevard, Atwell.  | 1. Restricted Use<br>Those uses which may be permitted within the Commercial Zone as set out in Table 1—Zoning Table, to be developed in accordance with the following—<br>2. Design Requirements<br><b>Building Location:</b> The building shall be located on the eastern portion of the site with maximum setbacks to the south and east boundaries of between nil and two metres, where indicated on the Plan. |                   |



| No.  | Description of Land  | Restricted Use   | Conditions         |
|------|--|--|--------------------|
|      |  | <p><b>Building Frontage:</b> Frontage to the “main street” shall have windows/doors comprising not less than 50% of the area of the facade. Major retail entry points shall front “main street”.</p> <p><b>Building Form:</b> Roof pitch shall not be less than 26 degrees unless adequately treated by parapets.</p> <p><b>Carparking:</b> Reciprocal parking rights shall be applied to the retail carpark to allow use by the community centre and patrons of the child care centre and other small establishments along “main street”.</p> <p>Carbays provided within the public road reserve will be credited to the retail development.</p> <p>Carparking shall be provided predominantly in the western part of the site.</p> <p><b>Service Areas:</b> The main service area shall be screened from the public view, located away from the “main street” pedestrian environment and accessed from Lydon Boulevard.</p> <p><b>Vehicle Access:</b> Vehicle accesses shall be restricted to those indicated on the Plan.</p> <p><b>Pedestrian Amenity:</b> Weatherproof verandahs, awnings or colonnades shall be provided to the south and east facades of the building. Pedestrian paths around the development shall be a minimum of 2.5 metres wide.</p> |                    |
| RU 8 | CSL 4252 and Portion of Reserve 44544 (Loc. 4253) Murdoch Drive, North Lake  | Those uses which may be permitted within the Mixed Business Zone as set out in the Zoning Table excluding Garden Centre, Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repair, Nursery, Industry—Cottage and Industry—Service.   | Planning Approval. |
| RU 9 | Industrial zoned lots bounded by Rollinson Road, Railway Reserve, Fremantle Lot 2104 McTaggart Cove, Cockburn Road and Region Parks and Recreation, Hamilton Hill. | <p>The Council shall permit the use of land and Buildings for the carrying out of any process for and incidental to the production of meat and allied products, in accordance with the provisions of the Health Act of 1911 and any Regulations or By-laws made under that Act and includes—</p> <p>(a) abattoirs for the slaughtering of livestock and the processing, packing, freezing and wholesaling of meat, and the carrying on of all processes related thereto, including freezer works and associated stock agistment yards;</p> <p>(b) the manufacture of by-products of livestock slaughtering, including:</p> <p>(i) the production of edible offals from the entrails of livestock slaughtered;</p> <p>(ii) the rendering of fat;</p> <p>(iii) the preparation of skins and leather, including the drying, curing and pickling of animal skins and hides, tanning and fell-mongering;</p>  | Planning Approval. |

| No.  | Description of Land  | Restricted Use   | Conditions |
|------|--|--|------------|
|      |  | <p>(c) the processing of rock lobster or other crustacea, shell fish or wet fish including the freezing, the packing thereof for sale and the production and storage of bait to rock lobster fishermen;</p> <p>(d) the production of any commodity being a direct use of substances resulting from the slaughter of livestock, that from time to time is made possible by technological advancement of increase in scale of production or both if the said production does not contravene any Act or Regulation governing the production of meat;</p> <p>(e) the manufacture of edible goods.</p>  |            |
| RU10 | Pt Lot 1 North Lake Road, Lot 125 & 781 Berrigan Drive, South Lake | <p>1. Those uses which may be permitted within the Mixed Business Zone as set out in Table 1—Zoning Table excluding Hotel/Tavern, Veterinary Hospital, Industry—Cottage, Civic Use, Educational Establishment, Club Premises, Commercial Vehicle Parking, Recreation—Private, Reception Centre, Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repair and Fast Food Outlet.</p> <p>2. Design and Application Requirements</p> <p>A masonry wall not less than 2 metres in height shall be constructed along boundaries with land zoned Residential;</p> <p>No vehicular access being permitted to Labyrinth Way.</p> <p>Preparation of a traffic and circulation study by a suitably qualified and independent consultant at the developer's cost, to the Council's satisfaction.</p> <p>Information on the possible impact of lighting and noise on the adjoining residences being submitted by the developer to the satisfaction of the Council; and</p> <p>The development application being advertised for public comment to the satisfaction of the Council.</p> |            |

#### *Schedule 4 Special Use Zones*

| No.  | Description of Land   | Special Use  | Conditions  |
|------|---|--|---|
| SU 1 | Berrigan Drive, Jandakot, the Glen Iris Golf Course Estate. | Golf Course Estate, Private Recreation, Hotel, Convention Centre and associated uses - means land used and designed for a golf course, integrated with residential development and associated commercial and community facilities. | Structure Plan adopted to guide Subdivision, land use and Development—Glen Iris Golf Course Estate.             |
| SU 2 | Cockburn Road, Henderson, the Henderson Industrial Area     | Marine Engineering, Shipbuilding and the manufacture fabrication and assembly of components for use by the offshore petroleum industry and marine engineering.   | Structure Plan adopted to guide Subdivision, land use and Development - Henderson Industrial Area (DA15) (DA17) |

| No.  | Description of Land  | Special Use   | Conditions  |
|------|--|---|---|
|      |  | In the southern section of the industrial area as delineated on the Structure Plan the land may be used for Marine Engineering and general industries which are directly related to, or in support of marine engineering together with other general industrial uses restricted to the carrying out of any process for and incidental to the fabrication, manufacture and repair of structures for large scale industrial uses in the energy, transport, chemical and mining industries which need to be located on the coast to enable transport of any of its primary products by sea.  |   |
| SU 5 | Hamilton Road, Spearwood, the Watsonia Abattoir and Small Goods Manufacturers. | <p>Abattoir - includes the use of land and buildings for the carrying out of any process for or incidental to the slaughtering of pigs and the manufacture of meat products and the treatment of offal, together with the manufacture of dairy products in accordance with the provisions of the Health Act, and any Regulations or By-laws made under the Act and includes—</p> <ul style="list-style-type: none"> <li>(a) abattoirs for the slaughtering of pigs and the carrying on of all processes related thereto including pig agistment yards;</li> <li>(b) the processing and canning of meat products and the manufacture of smallgoods;</li> <li>(c) the curing of bacon and ham;</li> <li>(d) the manufacturing of meat meal;</li> <li>(e) the rendering of fat;</li> <li>(f) the manufacture of butter;</li> <li>(g) the packaging of cheese;</li> <li>(h) the production of any commodity being a direct use of substances resulting from the slaughter of pigs that from time to time is made possible by technological advancement and increased in scale of production which is not in contravention of any Act or regulation governing the production of meat and meat products.</li> </ul> <p>Including without limiting the generality of the foregoing any process which treats waste from the existing and future operations within the zone.</p> | Planning Approval—Watsonia.   |
| SU 6 | Dean Road, Jandakot, the Glen Iris Golf Course Estate Commercial Area.         | Private Recreation, Hotel, Convention Centre and Associated Uses.   | Structure Plan adopted to guide Subdivision, land use and Development—Glen Iris Golf Course Estate. |
| SU 7 | North Lake Road, Bibra Lake, Private Recreation Area.                          | Private Recreation and may include an Educational Establishment, Health Studio, Reception Centre, Restaurant, Caretakers Residence, Club Premises, Child Care Centre, Place of Public Worship and Fast Food Outlet.   | Planning Approval—for individual lots.  |

| No.  | Description of Land  | Special Use  | Conditions   |
|------|--|--|--|
| SU 8 | Progress Drive, Bibra Lake, Adventure World.                                   | Amusement Park - includes land and buildings designed and used for parks, gardens, playgrounds, swimming pools, rides, zoological gardens, restaurants, and similar recreation, leisure and entertainment facilities which are not normally open to the public without charge.   | Planning Approval—Adventure World  |
| SU 9 | Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park | <p>Marine Industry Technology Park - includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering located within a purpose built industrial park planned and developed in accordance with an adopted Structure Plan and design and development guidelines which provides for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p> <p>1. Objectives</p> <p>In considering an application for Planning Approval in the SU9 zone the Council, in addition to any other matter it is required to consider, shall have regard to the following objectives—</p> <ul style="list-style-type: none"> <li>(a) the promotion of the purposes and functions of the Technology Development Act 1983 (as amended);</li> <li>(b) the encouragement of research and development;</li> <li>(c) the encouragement of pleasant and efficient facilities;</li> <li>(d) the consideration and improvement of appropriately located development within the zone;</li> <li>(e) the safe movement of vehicular and pedestrian traffic; and</li> <li>(f) the protection of the amenity of areas adjacent to the zone.</li> </ul> <p>2. Permitted Uses</p> <p>Notwithstanding that land use must be in accordance with an adopted Structure Plan, the following uses shall be directly related to or incidental to ship design, ship building, ship repair and marine engineering:—</p> <ul style="list-style-type: none"> <li>• research and development (P);</li> <li>• product or process development and improvement (P);</li> <li>• supply of technology based products and services (D);</li> <li>• provision of specialist services to increase the capability of companies in technology industries (D);</li> <li>• education and training (P);</li> <li>• light and service industry (D);</li> <li>• office administration (P);</li> <li>• support services, including but not limited to, child care centre, lunch bar, and restaurant (D);</li> </ul> | Structure Plan adopted to guide Subdivision, land use and Development—Marine Industry Technology Park. (DA6) |

| No. | Description of Land | Special Use  | Conditions |
|-----|---------------------|--|------------|
|     |                     | <ul style="list-style-type: none"> <li>• other activities/ uses which the Council is satisfied are directly linked and associated to marine related industries (D); and</li> <li>• a use that is not mentioned above is not permitted (X) within the SU9 zone.</li> </ul>  |            |
|     |                     | 3. Development Standards   |            |
|     |                     | <p>The following provisions apply to all land included in the SU9 zone in addition to any provisions which are more specifically applicable to that land under the Scheme:—</p>  |            |
|     |                     | (a) Building Setbacks  |            |
|     |                     | <ul style="list-style-type: none"> <li>(i) Where a lot has frontage to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue the minimum building setback shall be 20 metres. Buildings to other streets shall be setback a minimum of 10 metres from the street frontage;</li> <li>(ii) Side and rear boundary setbacks shall be a minimum of 5 metres.</li> </ul>   |            |
|     |                     | (b) Landscaping  |            |
|     |                     | <ul style="list-style-type: none"> <li>(i) A minimum of 25% of each lot shall be set aside as landscaped open space;</li> <li>(ii) Lots with a boundary to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue shall set aside a 10 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the Council;</li> <li>(iii) A minimum 3 metre wide landscape strip shall be provided along the side and rear boundaries of all lots.</li> </ul>                          |            |
|     |                     | (c) Vehicle Parking and Servicing Facilities   |            |
|     |                     | <ul style="list-style-type: none"> <li>(i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4—Vehicle Parking Provisions;</li> <li>(ii) Vehicle parking and servicing areas shall be screened from the street and either located behind the building or the 3 metre wide landscape strip;</li> <li>(iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</li> </ul> |            |
|     |                     | (d) Building Design  |            |
|     |                     | <ul style="list-style-type: none"> <li>(i) Buildings shall exhibit a high degree of architectural integrity and design, and shall reflect the nature of the Marine Technology Park;</li> </ul>   |            |

| No.   | Description of Land   | Special Use  | Conditions   |
|-------|---|--|--|
|       |   | <p>(ii) A schedule of external finishes, materials and colours are to accompany any application for Planning Consent.</p> <p>(e) Signage</p> <p>(i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the Council as a separate application;</p> <p>(ii) Signage is to complement the architectural proportion and scale of the building. Roof signs will not be permitted.</p>  |  |
| SU 10 | Troode Street, Munster, Cable Water Ski Park.   | Private Recreation   | Planning Approval - Water Ski Park   |
| SU 11 | Russell Road, Munster, Cockburn Cement Works. Works site as defined in the Cement Works Agreement Act 1971. | Cement Works and Conservation Area, includes land and buildings used for the manufacture of cement lime and associated products for use in the construction industry and includes excavation and earthworks associated with manufacture of cement together with the surrounding areas of buffer land retained and conserved to separate the works from adjoining uses, and operates in accordance with the "Cement Works (Cockburn Cement Limited) Agreement Act" 1971 (as amended) and to the Agreement as annexed to that Act.   | <p>Planning Approval—Cockburn Cement.</p> <p>Conditions provided for in the Cement Works Agreement Act 1971 (as amended) and the Agreement as annexed to that Act.</p> |
| SU 12 | Lot 503 Phoenix Road, Bibra Lake, Australian Paper Manufacturers.   | <p>Paper Manufacturing includes land and buildings used and designed for the manufacture and recycling of paper and paper products and includes the areas required for the dispersion of waste effluent generated by the processes used, together with surrounding areas on-site required to separate the industry from adjoining uses and operates in accordance with the "Paper Mill Agreement Act" No. 43 of 1960.</p> <p>The uses permitted or permissible in the SU12 zone shall be—</p> <ol style="list-style-type: none"> <li>1. All uses carried out in the SU12 zone at the time of gazettal of the Scheme;</li> <li>2. All uses otherwise provided for in the Papermill Agreement Act 1960 and the agreement connected to that Act;</li> <li>3. Without limiting the generality of the foregoing, any process which uses waste resulting from the above uses.</li> <li>4. Any other use which is incidental or ancillary to the manufacture or recycling of paper products in conformity with the Paper Mill Agreement Act.</li> </ol> | As required in all current and future approvals.   |
| SU 14 | Calvary Christian School, 110 Rockingham Road, Hamilton Hill.   | Private Educational Establishment.   | Planning Approval  |
| SU 15 | Port Community High School, 410 Carrington Street, Hamilton Hill.   | Private Educational Establishment.   | Planning Approval  |

| No.   | Description of Land   | Special Use                        | Conditions        |
|-------|---|------------------------------------|-------------------|
| SU 16 | St Jerome's Primary School, Troode Street, Munster.             | Private Educational Establishment. | Planning Approval |
| SU 17 | St Luke's Primary School, The Grange, Beeliar.                  | Private Educational Establishment. | Planning Approval |
| SU 18 | Rehoboth Christian School, 326 Yangebup Road, Yangebup.         | Private Educational Establishment. | Planning Approval |
| SU 19 | MacKillop Catholic Primary School, 340 Yangebup Road, Yangebup. | Private Educational Establishment. | Planning Approval |
| SU 20 | Beeliar Catholic College, Hammond Road, Success.                | Private Educational Establishment. | Planning Approval |

#### *Schedule 5 Exempted Advertisements*

| Land Use and/ or Development                 | Exempted Sign   | Maximum Size    |
|--|---|-----------------|
| In all zones except in the Residential Zone. | Advertising. Relating directly to advising the name, address, telephone number and purpose of the service provided on the property on which it is located. (Refer to clause 8.2.1 (k) ) | 4 square metres |
| In all zones                                 | Property for sale or auction sign.  | 6 square metres |
| In all zones                                 | Advisory signs. About future development or proposal.   | 6 square metres |
| In all zones                                 | Temporary sign. Advertising a coming event within the district where it will not be erected for more than 4 weeks.  | 4 square metres |
| In all zones except the Residential Zone.    | Advertising signs. Displayed on walls, windows or verandah facades which do not project above the wall or roof on which it is attached.   | 6 square metres |

#### *Schedule 6 Form of Application for Planning Approval*

##### APPLICATION FOR PLANNING APPROVAL

###### OWNER DETAILS—

Name .....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E-Mail.....

Contact Person.....

Signature..... Date.....

Signature..... Date.....

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

###### APPLICANT DETAILS—

Name .....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E-Mail.....

Contact person for correspondence .....

Signature..... Date.....

## APPLICANT DETAILS—

Lot No..... House/Street No..... Location No.....  
 Diagram or Plan No..... Certificate of Title No..... Folio.....  
 Diagram or Plan No..... Certificate of Title No..... Folio.....  
 Title Encumbrances (eg, easements, restrictive covenants) .....  
 Street Name ..... Suburb.....  
 Nearest Street Intersection .....

Existing Building/Land Use .....  
 Description of proposed development and/or use .....  
 .....  
 Nature of any existing buildings and/or use.....  
 .....  
 Approximate cost of proposed development.....  
 Estimated time of completion.....

## OFFICE USE ONLY

Acceptance Officer's Initials: ..... Date Received.....  
 Council Reference No. ....

*Schedule 7 Additional Information for Advertising*

NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

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

.....  
 .....

2. Details of Proposed Sign—

- (a) Type of structure on which advertisement is to be erected (ie freestanding, wall mounted, other)—

.....

- (b) Height: ..... Width:..... Depth:.....

- (c) Colours to be used .....

- (d) Height above ground level — (to top of advertisement); .....  
 — (to underside):.....

- (e) Materials to be used:.....

Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source—

.....

3. Period of time for which advertisement is required:.....

4. Details of signs (if any) to be removed if this application is approved:.....

.....

.....

.....

Note: This 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 owners)

Date:.....



**Schedule 8 Notice of Public Advertisement of Planning Approval**

TOWN PLANNING ACT 1928 (as amended)

*City of Cockburn***NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

The Council has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO ..... STREET..... SUBURB.....  
PROPOSAL—

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

SIGNED:

DATED—

.....  
for and on behalf of the City of Cockburn.

**Schedule 9 Notice of Determination on Application for Planning Approval**

TOWN PLANNING ACT 1928 (as amended)

*City of Cockburn***DECISION ON APPLICATION FOR PLANNING APPROVAL**

LOCATION: .....

LOT:..... PLAN/DIAGRAM:.....

VOL NO:..... FOLIO NO:.....

Application Date: ..... Received on: .....

Description of proposed development: .....

The application for planning approval is—

- granted subject to the following conditions—
- refused for the following reasons(s)—

CONDITIONS / REASONS FOR REFUSAL—

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.

Note 3: If an applicant is aggrieved by this decision there is a right of appeal pursuant to the provisions of Part V of the Town Planning Act. An appeal must be lodged within 60 days of the Council's decision.

SIGNED:

DATED—

.....  
for and on behalf of the City of Cockburn.

**Schedule 10 Environmental Conditions**

| SCHEME OR AMENDMENT NO.    | GAZETTAL DATE | ENVIRONMENTAL CONDITIONS   |
|----------------------------|---------------|--|
| Town Planning Scheme No. 3 |               | There are no environmental conditions imposed by the Minister for the Environment which apply to the Scheme. |

*Schedule 11 Development Areas*

| REF. NO. | AREA   | PROVISIONS   |
|----------|--|--|
| DA 1     | PACKHAM  | <ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. To provide for residential development (excluded from the odour buffer surrounding Watsons or buffer to the Woodman Point WWTP, Munster Pump Station) and other appropriate land uses.</li> <li>3. Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.</li> <li>4. Land uses classified on the Structure Plan apply in accordance with clause 6.2.13.</li> </ol>   |
| DA 2     | PHOENIX ROAD   | <ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. Notwithstanding any provision of this Scheme to the contrary, land within the Owner Development Scheme can be developed to a maximum R Code density of R20, however, the Council may permit the land north of Forrest Road being developed to a maximum R Code density of R40, in accordance with an adopted Structure Plan.</li> <li>3. In the case of dwellings designed for the accommodation of aged or dependent persons, the Council shall not exercise its discretion to permit up to fifty percent (50%) greater the number of dwellings provided by the Residential Design Codes applying to the site.</li> </ol> |
| DA 3     | BEELIAR<br>(DEVELOPMENT ZONE)                            | <ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. Subdivision of the land for single housing shall conform with the requirements of the R Code density of R20, except that the minimum lot size may be reduced to 350m<sup>2</sup>, but the minimum average lot size must remain at 500m<sup>2</sup>, however, the Council may permit portions of the land being developed to a maximum R Code density of R40, in accordance with an adopted Structure Plan.</li> </ol>  |
| DA 4     | YANGEBUP<br>(DEVELOPMENT ZONE)                           | <ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> </ol>   |
| DA 5     | MUNSTER<br>(DEVELOPMENT ZONE)                            | <ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement.</li> <li>3. The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.</li> </ol>  |
| DA 6     | MARINE INDUSTRY<br>TECHNOLOGY PARK<br>(DEVELOPMENT ZONE) | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for a Marine Industry Technology Park.</li> </ol>  |

| REF. NO. | AREA | PROVISIONS   |
|----------|------|--|
|          |      | <ol style="list-style-type: none"> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> <li>4. The objectives of the Development Area are to:— <ul style="list-style-type: none"> <li>• promote the purposes and functions of the Technology Development Act 1983 (as amended);</li> <li>• encourage research and development;</li> <li>• provide for the development of attractive and efficient facilities;</li> <li>• require appropriately located development within the Development Area;</li> <li>• provide for the safe movement of vehicular and pedestrian traffic;</li> <li>• protect the amenity of adjacent areas; and</li> <li>• ensure the uses within the Development Area are directly related to or incidental to ship design, ship building, ship repair and marine engineering.</li> </ul> </li> <li>5. The following uses are 'P' permitted uses, subject to the uses being related to the purposes of a Marine Industry Technology Park— <ul style="list-style-type: none"> <li>• caretakers dwelling</li> <li>• educational establishment</li> <li>• residential building</li> <li>• bank</li> <li>• office</li> </ul> </li> <li>6. The following uses are 'D' uses which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a marine industry technology park— <ul style="list-style-type: none"> <li>• child care premises</li> <li>• civic use</li> <li>• showroom</li> <li>• private recreation</li> <li>• restaurant</li> <li>• health studio</li> <li>• convenience store</li> <li>• lunch bar</li> <li>• industry—light</li> <li>• industry—service</li> <li>• warehouse</li> </ul> </li> <li>7. All other uses are 'X' uses, not permitted.</li> <li>8. Land use and development within the Development Area shall be in accordance with the adopted Structure Plan.</li> <li>9. The local government may approve or permit any change or departure from the approved Structure Plan which in the opinion of the Council— <ul style="list-style-type: none"> <li>• is minor in that it does not substantially affect the purpose or intent of the Structure Plan;</li> <li>• has minimal impact upon any person other than the Proponent; and</li> <li>• does not affect the interest of any authority or body providing or likely to provide services within the Area of the Structure Plan;</li> </ul> </li> <li>10. Any other proposed change or departure shall be required to undergo the procedures contained in clause 6.2.15 before the Council considers whether to approve or permit it.</li> </ol> |

| REF. NO. | AREA | PROVISIONS  |
|----------|------|---|
|          |      | <p>11. The following provisions apply to all land included in the Development Area in addition to any provisions which are more specifically applicable to that land under the Scheme—</p> <p>(a) Building Setbacks</p> <p>(i) A person shall not erect or cause or permit to be erected any building or any portion of a building in the Development Area nearer to a street alignment than the minimum Building Setback distance;</p> <p>(ii) Where a lot has frontage to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue the minimum building setback shall be 20 metres. Buildings to other streets shall be setback a minimum of 10 metres from the street frontage.</p> <p>(iii) Side and rear boundary setbacks shall be a minimum of 5 metres.</p> <p>(b) Landscaping</p> <p>(i) A minimum of 25% of each lot shall be set aside as landscaped open space;</p> <p>(ii) Lots with a boundary to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue shall set aside a 10 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the local government;</p> <p>(iii) A minimum 3 metre wide landscape strip shall be provided along the side and rear boundaries of all lots;</p> <p>(iv) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;</p> <p>(c) Parking and Servicing Facilities</p> <p>(i) Parking shall be provided in accordance with the Table 2—Residential Uses—Vehicle Parking, Table 3—Commercial Uses—Vehicle Parking and Table 4—Industrial Use Classes—Vehicle Parking as appropriate;</p> <p>(ii) Parking and servicing areas shall be screened from the street and either located behind the building or the 3 metre wide landscape strip;</p> <p>(iii) Where parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</p> <p>(d) Building Design</p> <p>(i) Buildings shall exhibit a high degree of architectural integrity and design, and shall reflect the nature of the Marine Industry Technology Park;</p> |

| REF. NO. | AREA                                | PROVISIONS   |
|----------|-------------------------------------|--|
|          |                                     | (e) Signage  |
|          |                                     | (i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the local government as a separate application.  |
|          |                                     | (ii) Signage is to complement the architectural proportion and scale of the building;  |
|          |                                     | (iii) Roof signs will not be permitted.  |
| DA 8     | SUCCESS LAKES<br>(DEVELOPMENT ZONE) | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for Residential development.</li> <li>3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with clause 6.2.13.</li> <li>4. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>5. No subdivision or development of incompatible use will be supported within the generic buffer area associated with the poultry on Lot 19 Hammond Road and the piggery on Pt Lot 15 Lyon Road until the use of the land ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.</li> <li>6. No residential development will be supported within the midge buffer area or Water Corporation treatment plant buffer area.</li> <li>7. Development of Shops (retail uses) within the Development Area shall be a maximum of 1,000m<sup>2</sup> NLA for the local centre associated with the railway precinct and 200m<sup>2</sup> NLA maximum in other centres.</li> <li>8. As and when required, the local government shall initiate procedures to close portion of the existing Russell Road upon construction of the deviation of Russell Road in accordance with the Metropolitan Region Scheme and shall recommend to the Department of Land Administration that the land be amalgamated with the adjoining Lot 202 and transferred free of cost to that land owner.</li> </ol> |
| DA 9     | GAEBLER ROAD<br>(DEVELOPMENT ZONE)  | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for Residential development.</li> <li>3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 6.2.13.</li> <li>4. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> </ol>   |

| REF. NO. | AREA                               | PROVISIONS  |
|----------|------------------------------------|---|
|          |                                    | <ol style="list-style-type: none"> <li>No subdivision or development of incompatible use will be supported within the generic buffer area associated with the kennels on Pt Lot 11 Barfield Road or the piggery on Pt Lot 15 Lyon Road until the use of the ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer requirements associated with the market gardens on Lot 37 Gaebler Road to be determined in consultation with the local government and Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.</li> <li>Development of Shops (retail uses) within the Development Area shall be a maximum of 5,000m<sup>2</sup> NLA within the neighbourhood centre immediately south of Russell Road and 200m<sup>2</sup> NLA maximum in other centres.</li> </ol>  |
| DA 10    | ATWELL SOUTH<br>(DEVELOPMENT ZONE) | <ol style="list-style-type: none"> <li>Structure Plan adopted to guide subdivision, land use and development.</li> <li>To provide for Residential development.</li> <li>The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 6.2.13.</li> <li>The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>No subdivision or development of incompatible use will be supported within the generic buffer area associated with the piggery on Pt Lot 15 Lyon Road until the use of the land ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.</li> <li>Development of Shops (retail uses) within the Development Area shall be a maximum of 2700m<sup>2</sup> NLA for the Village Centre and 200m<sup>2</sup> NLA for the Local Centre.</li> <li>The Structure Plan for Pt 212 is to include a strong pedestrian connection between the proposed Success Railway Station and the Village Centre, in addition to Gibbs Road.</li> <li>The Structure Plan shall retain the existing remnant vegetation in the Reserve of Beenyup Road unless the local government agrees in particular circumstances that some of the vegetation may be removed.</li> </ol> |
| DA 11    | LYON ROAD<br>(DEVELOPMENT ZONE)    | <ol style="list-style-type: none"> <li>Structure Plan adopted to guide subdivision, land use and development.</li> <li>To provide for Residential development.</li> <li>Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |

| REF. NO. | AREA   | PROVISIONS   |
|----------|--|--|
| DA 13    | HAMMOND ROAD<br>(DEVELOPMENT ZONE)                       | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for Residential development.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |
| DA 14    | BEENYUP ROAD<br>(DEVELOPMENT ZONE)                       | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for Residential development.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |
| DA 15    | JERVOISE BAY<br>(SOUTHERN HARBOUR)<br>(DEVELOPMENT ZONE) | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development unless the land has already been subdivided into industrial lots.(SU2)</li> <li>2. To provide for Marine Engineering, Ship Building, Ship Repair and the fabrication of components for the off shore petroleum industry.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13 and in the absence of a Structure Plan in accordance with SU 2—Schedule 4.</li> </ol>   |
| DA 16    | SOUTH BEACH<br>(DEVELOPMENT ZONE)                        | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development. (SU4)</li> <li>2. To provide for uses consistent with the zonings and reservations in the MRS.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>  |
| DA 17    | HENDERSON<br>(NORTHERN HARBOUR)<br>(DEVELOPMENT ZONE)    | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development, unless the land has already been subdivided into industrial lots. (SU 2)</li> <li>2. To provide for marine engineering, shipbuilding, and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine industry.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13 and in the absence of a Structure Plan in accordance with SU 2—Schedule 4.</li> </ol> |
| DA 18    | BRIGGS STREET<br>(DEVELOPMENT ZONE)                      | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for residential development.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |
| DA 19    | MURIEL COURT<br>(DEVELOPMENT ZONE)                       | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for residential development.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |
| DA 20    | SOLOMON ROAD<br>(DEVELOPMENT ZONE)                       | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for light and service industrial and mixed use development, to complement the Thomsons Lake Regional Centre.</li> <li>3. Land Uses classified on the structure plan apply in accordance with clause 6.2.13.</li> </ol>   |

| REF. NO. | AREA                 | PROVISIONS   |
|----------|----------------------|--|
| DA 21    | SIMPER ROAD TRIANGLE | <ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide Light and Service Industrial development.</li> <li>3. Land Uses classified on the Structure Plan apply in accordance with clause 6.2.13.</li> <li>4. The Council may impose conditions it deems necessary including but not limited to— <ol style="list-style-type: none"> <li>(a) the use of landscaping, siting and fencing of the light or service industrial development to screen it from view from residential areas.</li> <li>(b) siting of the light or service industrial development to prevent noise from impacting on the locality.</li> </ol> </li> </ol> |

### ***Schedule 12 Development Contribution Plan***

1. Ref No: DCA 1

Area: Success North

Provisions: All landowners within DCA 1 shall make a proportional contribution to the widening and upgrading of Hammond Road between Beeliar Drive and Bartram Road, Success.

The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.

Contributions shall be made towards the following items—

  - Land reserved for Hammond Road under the Metropolitan Region Scheme;
  - Full earthworks;
  - Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;
  - Dual use path (one side only);
  - Pedestrian crossings (where appropriate at the discretion of the local government);
  - Drainage;
  - Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;
  - Servicing infrastructure relocation where necessary.

Participants and Contributions: In accordance with the Cost Contribution Schedule adopted by the local government for DCA 1.
2. Ref No: DCA 2

Area: Success Lakes

Provisions: All landowners within DCA 2 with the exception of Lot 500 Hammond Road shall make a proportional contribution to the cost of common infrastructure.

The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.

Contributions shall be made towards the following items—

  1. Land and works for Hammond Road between Bartram Road and Russell Roads; and
  - 50% of Russell Road between Hammond Road/Frankland Avenue and Kwinana Freeway.



|                                 |   |
|---------------------------------|---|
|                                 | <p>This comprises the following—</p> <ul style="list-style-type: none"> <li>• Land reserved for Hammond and Russell Roads under the Metropolitan Region Scheme;</li> <li>• Full earthworks;</li> <li>• Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway should be provided;</li> <li>• Dual use path (one side only);</li> <li>• Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>• Drainage;</li> <li>• Costs to administer cost sharing arrangements—preliminary engineering design and costings, valuations, annual reviews and audits and administration costs;</li> <li>• Servicing infrastructure relocation where necessary.</li> </ul>   |
| Participants and Contributions: | In accordance with the Cost Contribution Schedule adopted by the local government for DCA 2.  |
| 3. Ref No:                      | DCA 3   |
| Area:                           | Gaebler Road  |
| Provisions:                     | <p>All landowners within DCA 3 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items—</p> <ol style="list-style-type: none"> <li>1. Land and works for Hammond Road/Frankland Avenue between Russell Road and Gaebler Road; and<br/>50% of Russell Road between Hammond Road/Frankland Avenue and Kwinana Freeway.<br/>This comprises the following— <ul style="list-style-type: none"> <li>• Land reserved for Hammond Road/Frankland Avenue and Russell Road under the Metropolitan Region Scheme;</li> <li>• Full earthworks;</li> <li>• Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;</li> <li>• Dual use path (one side only);</li> <li>• Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>• Drainage;</li> <li>• Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;</li> <li>• Servicing infrastructure relocation where necessary;</li> </ul> </li> <li>2. The cost of a set of traffic signals at the intersection of Russell and existing Hammond Road.</li> <li>3. In the event that a high school site is included on the Southern Suburbs District Structure Plan within the area south of Gibbs Road and east of the Kwinana Freeway, a proportional contribution shall be made to the provision of a pedestrian / cyclist bridge across the Freeway in the vicinity of Gaebler Road.</li> </ol> |
| Participants and Contributions: | In accordance with the Cost Contribution Schedule adopted by the local government for DCA 3.  |

4. Ref No: DCA 4  
 Area: Yangebup West  
 Provisions: All landowners within DCA 4 and DCA5 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA 4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue.  
 The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.  
 The contribution shall include the following—
- Land requirements for the other Regional Road Reservation between Watson Road and Spearwood Avenue under the MRS;
  - Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road and where necessary to accommodate channelisation at intersections and drainage;
  - Full earthworks;
  - Construction of a four lane median divided kerbed road;
  - Dual use path (both sides);
  - Pedestrian Crossings (where appropriate at the discretion of the Local Government);
  - Lighting
  - Landscaping;
  - Traffic signals and roundabouts at major intersections;
  - Drainage
  - Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs;
  - Servicing infrastructure relocation where necessary;
- Costs for the repayment of any loans raised by the local authority for the purchase of any land for Beeliar Drive or for any of the abovementioned works.
- Participants and Contributions: In accordance with the Cost Contribution Schedule adopted by the local government for DCA 4.
5. Ref No: DCA 5  
 Area: Yangebup East  
 Provisions: All landowners within DCA5 and DCA4 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue and all landowners within DCA5 south of Beeliar Drive shall make a proportional contribution of 30.65% of the cost of Spearwood Avenue between Beeliar Drive and Fancote Avenue and all landowners north of Beeliar Drive shall make a proportional contribution to 100% of the cost of closing Yangebup Road at the Railway Line.  
 The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the cost contribution schedule.
- Contributions shall be made towards the following items for Beeliar Drive—
- Land requirements for the Other Regional Road Reservation between Watson Road and Stock Road;
  - Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road and where necessary to accommodate channelisation at intersections and drainage;
  - Full earthworks;

- Construction of a four lane median divided kerbed road;
- Dual use path (both sides);
- Pedestrian Crossings (where appropriate at the discretion of the Local Government);
- Lighting;
- Landscaping;
- Traffic signals and roundabouts at major intersections;
- Drainage;
- Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;
- Servicing infrastructure relocation where necessary;

Costs for the repayment of any loans raised by the local government for the purchase of any land for the road reserve or any of the abovementioned works.

Contributions shall be made towards the following items for Spearwood Avenue—

- Land requirements for a 25 metre wide road reserve;
- Full earthworks;
- Construction of a two lane kerbed road with channelisation at intersections;
- Dual use path (one side only);
- Traffic Management devices;
- Drainage;
- Servicing infrastructure relocation where necessary;

Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.

Participants and Contributions:

In accordance with the Cost Contribution Schedule adopted by the local government for DCA 5.

6. Ref No:

DCA 6

Area:

Munster

Provisions:

All landowners within DCA6 shall make a proportional contribution to 23.4% of the cost of widening and upgrading of Beeliar Drive (Mayor Road) between Stock Road and Cockburn Road, Munster.

The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.

Contributions shall be made towards the following items—

- Land requirements for the Other Regional Road Reservation between Stock Road and Cockburn Road as reserved in the Metropolitan Region Scheme;
- Additional land where necessary to accommodate channelisation at intersections and drainage;
- Full earthworks;
- Construction of a two lane kerbed road;
- Dual use path(both sides);
- Pedestrian Crossings (where appropriate at the discretion of the Local Government);
- Lighting;
- Landscaping;
- Traffic management devices;
- Drainage;
- Servicing infrastructure relocation where necessary;

- Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits.
  - Costs for the repayment of any loans raised by the local government for the purchase of any land for the road reserve or any of the abovementioned works.
- Participants and Contributions: In accordance with the Cost Contribution Schedule adopted by the local government for DCA 6.

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#### ADOPTION (Regulation 13(1) )

Adopted by resolution of the Council of the City of Cockburn at the general meeting of the Council held on the twenty first day of December 1999.

S. LEE, Mayor.  
R. W. BROWN, Chief Executive Officer.

Date 26 November 2002.

#### FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Cockburn at the general meeting of the Council held on the twenty sixth day of November, 2002 and the seal of the municipality was pursuant to that resolution hereunto affixed in the presence of—

S. LEE, Mayor.  
R. W. BROWN, Chief Executive Officer.

Date 26 November 2002.

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

RAY STOKES, Delegated under S20 of WAPC Act 1985.

Date 28 November 2002.

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3. Final Approval Granted

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date 3 December 2002.

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## RACING, GAMING AND LIQUOR

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RG401

### 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<br>for<br>Objections |
|--|----------------------------|--|--------------------------------|
| <b>APPLICATIONS FOR THE GRANT OF A LICENCE</b> |                            |  |                                |
| 9505   | Brushwood Estate Pty Ltd   | Application for the grant of a Producer's licence in respect of premises situated in Yallingup and known as Brushwood Wines                  | 13/1/03                        |
| 9507   | Tarin Rock Tennis Club Inc | Application for the grant of a Club Restricted licence in respect of premises situated in Tarin Rock and known as Tarin Rock Tennis Club Inc | 29/1/03                        |

| App. No.  | Applicant  | Nature of Application   | Last Date<br>for<br>Objections |
|---|--|---|--------------------------------|
| <b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>         |  |   |                                |
| 9511  | Venturion Investments Pty Ltd                      | Application for the grant of a Restaurant licence in respect of premises situated in Ballajura and known as (to be advised)   | 20/1/03                        |
| 9512  | Venturion Investments Pty Ltd                      | Application for the grant of a Tavern licence in respect of premises situated in Ballajura and known as (to be advised)   | 20/1/03                        |
| 9496  | The University of WA Sport and Recreation Assn Inc | Application for the grant of a Club licence in respect of premises situated in Crawley and known as The University of WA Sport and Recreation Assn Inc                              | 13/1/03                        |
| <b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b> |  |   |                                |
| 14182   | Binang Pty Ltd & Ashlin Pty Ltd                    | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Exmouth and known as Potshot Inn                                 | 9/1/03                         |
| 14222   | AAPC Properties (WA) Pty Ltd                       | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Broome and known as Mercure Inn Continental Broome               | 15/1/03                        |
| <b>APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>        |  |   |                                |
| 160117  | City of Bunbury Surf Life Saving Club Inc          | Application to add, vary or cancel a condition of the Club Restricted licence in respect of premises situated in Bunbury and known as the City of Bunbury Surf Life Saving Club Inc | 5/1/03                         |

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

H. R. HIGHMAN, Director of Liquor Licensing.

## **SALARIES AND ALLOWANCES TRIBUNAL**

**SX401\***

### **SALARIES AND ALLOWANCES ACT 1975**

#### **VARIATION TO A DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL PURSUANT TO SECTION 6B**

Entitlements of Former Premiers, Ministers and Members of Parliament  
(Determined on 15 December 1999)

In Part 2—Former Ministers of the Crown, Former Members of the Legislative Assembly and Legislative Council—2A and 2B Travel delete paragraph 2.2(c).

Signed at Perth this 18th day of December 2002.

R. H. C. TURNER, AM, Chairman.  
J. A. S. MEWS, Member.  
M. L. NADEBAUM, Member.  
Salaries and Allowances Tribunal.

## **WORKSAFE**

**WS401\***

### **OCCUPATIONAL SAFETY AND HEALTH ACT 1984**

#### **OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**

##### **EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13**

(No. 26 of 2002)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to NDC Wireless from the requirements of Regulation 3.117(1) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to hold a Class 1 demolition licence during the

dismantling of the communication structure located at Ningaloo Station Homestead Pastoral Lease. I further grant an exemption from the requirements of Regulation 3.118(a) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to ensure that any Class 1 demolition work is done by a holder of a Class 1 demolition licence during the dismantling of the same communication structure.

This exemption is subject to the following conditions—

- A documented method statement and job safety analysis is to be prepared by a competent person prior to the work commencing.
- The dismantling work is to be directly supervised by a competent person at all times during the dismantling of the structure.
- All personnel involved with rigging work are to hold an appropriate rigging certificate of competency.
- All personnel involved with working at heights are to have completed the appropriate training for this work and be competent in the use of fall injury prevention systems in use.
- Adequate public protection is to be provided and maintained during the structure dismantling process.
- All adjacent power sources are to be isolated or disconnected during the dismantling.
- All personnel required to work on the communication structure are to have been trained in identifying, monitoring and controlling Radio Frequency Electro-magnetic Emissions.

Dated this 17th day of December 2002.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

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## PUBLIC NOTICES

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**ZZ201**

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

In the matter of the Estate of Jack Wedge, late of 597 Maru Court, Roebourne in the State of Western Australia, Pensioner, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 15th day of May 2001, are required by the Executor, Robert Vojakovic to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 20th day of January 2003, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he then has had notice.

Dated the 11th day of December 2002.

GARRY E. SAME, Taylor Smart.

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**ZZ202**

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Stanislav Vanr late of 29 Hillway, Nedlands in the State of Western Australia, retired hospital orderly, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed deceased, who died on the 4th day of November 2002 are required by the executor to send particulars of their claims to the Executor care of Macdonald Rudder Solicitors of level 10, 28 The Esplanade, Perth, 6000 within one month from the date of the publication of this notice after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

MACDONALD RUDDER, Solicitors for the Executor.  
Level 10/28 The Esplanade, Perth.  
Ph: (08) 9322 5211 Fax: (08) 9322 4611.

**ZZ203****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estates of the undermentioned deceased persons are required by the personal representatives of care of Messrs Frank Unmack & Cullen, 11 Cantonment Street, Fremantle to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives may convey or distribute the assets having regard only to the claims of which they have then had notice—

Keegan, Rewa Betsy, late of 31 Meares Avenue, Parmelia, died 14 August 2002.

Lyon, James Cobbett, late of Unit 33, 158 Bibra Drive, Bibra Lake, died 24 October 2002.

Dated this 17th day of December 2002.

FRANK UNMACK & CULLEN.

**ZZ204****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Clarence Ronald Howe, late of 1 Layburn Place, Ferndale, Western Australia, Soldier/Public Servant, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the deceased who died on 7 September 2002 are required by the Executor Adam Lindsay Howe to send particulars of their claim to him, care of Butcher Paull & Calder, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: JMC/2002 0655) within one (1) month of the date of publication hereof after which date the Executor may convey or distribute the assets having regard to the claims of which he then has notice.

Dated 18 December 2002.

BUTCHER PAULL & CALDER, as solicitors for the Executors.

**ZZ205****TRUSTEES ACT 1962****DECEASED ESTATES**

## 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 20th January 2003, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Babenko, Katarzyna, late of Applecross Nursing Home River Way Applecross, died 3/8/02, (DE19793606EM35)

Bennetts, Elizabeth Ann, late of Unit 10/55 Alexander Drive Menora, died 17/11/02, (DE19882553EM43)

Brockman, Joseph Maitland, late of Craiglea Nursing Home 38 Alday Street East Victoria Park, died 24/5/01, (DE30335755EM36)

Dewar, Mary Elizabeth Sidey, late of Kelmscott River Gardens Aged Care 89 Clifton Street Kelmscott, died 23/2/02, (DE33016052EM34)

Djeela, Charlie, late of Wyndham District Hospital Minderoo Street Wyndham, died 7/11/02, (DE30319803EM26)

Edwards, Phyllis Doreen, late of 194 Belmont Avenue Kewdale, died 23/11/02, (DE19782956EM13)

Holding, Kathleen Julia, late of 124 Bateman Road Mt Pleasant, died 28/11/02, (DE19851800EM34)

Jones, Donald John Thomas, late of Unit 1/12 Caledonian Avenue Maylands, died on or around 8/5/1999, (DE30333452EM13)

Jones, Eileen Doris Ethel, late of Howard Solomon Nursing Home Hybanthus Road Ferndale, died 26/11/02, (DE20010597EM23)

MacKay, Colin Stuart, late of 60 Hopkinson Way Wilson, died 11/11/02, (DE33019938EM12)

Main, Anthony Clifton, late of 48 Wakefield Court Albany, died 20/11/02, (DE33019503EM45)

Martynszyn, Wolodymyr, late of Salisbury House Guildford Road Guildford, died 15/6/02, (DE33015534EM26)

Michel, Grace Norma, late of 21 Angelo Street Armadale formerly of Mertome Village 30 Winifred Road Bayswater, died 10/12/02, (DE30307264EM32)

O'Keefe, Colin Hector, late of 8 Rowethorpe Hillview Terrace Bentley, died 14/9/02, (DE19640857EM26)

Pullin, Arthur Keith, late of 240 Carrington Street Hilton, died 6/9/02, (DE33017470EM43)

Rooney, William Joseph, late of Oaks Nursing Home 2-10 Oakwood Crescent Waikiki, died 21/10/02, (DE30228735EM26)

Sherlock, John, late of 62 Gwentyfred Street South Perth, died 23/10/02, (DE30330167EM36)

Slowik, Hildegard, late of 9 Holmwood Way Embleton, died 5/10/02, (DE19850087EM32)

Wakeford, Alice Edgley, late of Mount St Camillus Nursing Home 138 Lewis Road Forrestfield formerly of 23 Hopetoun Terrace Shenton Park, died 16/11/02, (DE19621208EM13)

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

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**ZZ206****PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act, 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 18th day of December 2002.

A. R. McLAREN, Public Trustee,  
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Moore, Gladys Edna, (DE19980600EM26); High Wycombe; 30/3/02; 18/10/02.

Weston, Beryl, (DE30318659EM36); Carmel; 13/4/1999; 18/10/02.

Lyon, Bernard Percival, (DE19753826EM36); Greenmount; 4/5/02; 18/10/02.

Turner, Olive, (DE19780808EM36); Mandurah; 12/6/02; 23/10/02.

Vanadzins, Eileen Veronica, (DE30323456EM17); Leederville; 5/7/02; 8/11/02.

Crook, Fred, (DE30335095EM16); York; between 8-11/10/02; 5/12/02.

Doyle, Michael Ernest, (DE30334012EM26); Subiaco; 26/6/01; 9/12/02.

Wychodcew, Bronislawa, (DE30307511EM27); Midland; 10/10/01; 10/12/02.

Larbey, John Noel, (DE33015203EM36); Bedford; 3/6/02; 10/12/02.



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