

WESTERN AUSTRALIAN GOVERNMENT Gazette

1201



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SPECIAL PUBLICATION NOTICE GOVERNMENT GAZETTE—EASTER 2003

Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 2003.

EASTER ISSUES:

THURSDAY 17 APRIL (Copy closes Tuesday 15 April at 12.00 noon)

THURSDAY 24 APRIL (Copy closes Tuesday 22 April at 12.00 noon)

TUESDAY 29 APRIL (Copy closes Thursday 24 April at 12.00 noon)

There will be no edition for TUESDAY 22 APRIL.

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

— PART 1 —

ENVIRONMENT

EV301*

Environmental Protection Act 1986

Certificate of Agreement to Minor Changes of EPP (Goldfields Residential Areas)(Sulfur Dioxide) 2003

Given by the Minister under section 37(1) of the *Environmental Protection Act 1986*.

1. On the recommendation of the Authority, I agree to the making of minor changes to the *Environmental Protection (Goldfield Residential Areas)(Sulfur Dioxide) Policy 2003** as set out in clauses 2 and 3.

[* *Published in Gazette 18 March 2003, p. 799-806.*]

2. **Proposed amendment of clause 4**

Delete clause 4(1)(d) of the Policy and insert instead —

“

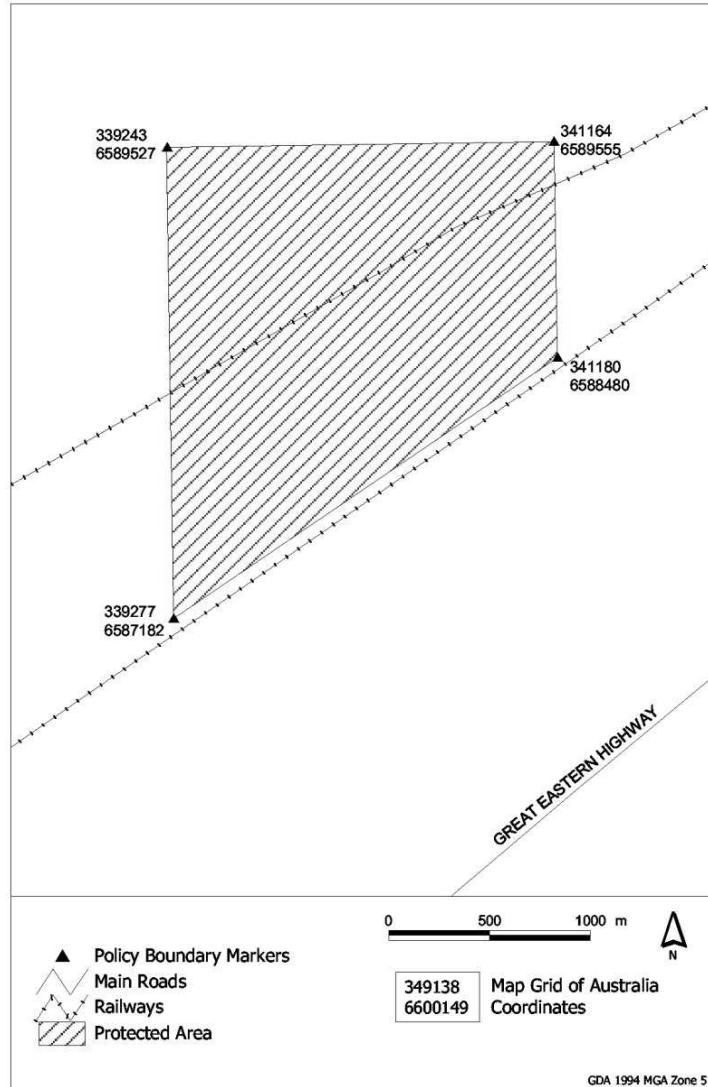
- (d) the area delineated on the EPP Map KURRJUN02 of the Kurrawang Aboriginal Reserve (being Reserve No. 23648, Jaurdi Location 23), a representation of which is set out in Schedule 4, the boundaries of which run from a point 6589527 mN and 339243 mE, then easterly to a point 6589555 mN and 341164 mE, then southerly to a point 6588480 mN and 341180 mE, then south westerly to a point 6587182 mN and 339277 mE.

”

3. Proposed amendment of Schedule 4

Delete the representation of EPP Map KURRJUN02 set out in Schedule 4 and insert the following representation instead —

“



”

JUDY EDWARDS, Minister for the Environment and Heritage.

— PART 2 —

CEMETERIES

CC401*

CEMETERIES ACT 1986**FEES AND CHARGES**

Kalgoorlie-Boulder Cemetery Board

In pursuance of the powers conferred by Section 53 of the Cemeteries Act 1986 the Kalgoorlie-Boulder Cemetery Board hereby records having resolved at a duly constituted meeting on the 18 March 2003 to set the following additional fees and charges effective from 1 May 2003. The fees and charges will run with and form part of the fees and charges gazetted on the 1 January 2002 and shall be payable upon application for the additional services detailed hereunder.

Fees and charges are inclusive of 10% GST

- (8) “(f) Memorial Walk Niche Wall
- | | |
|--|-----------|
| (i) Single (with no reservation) | \$460.00 |
| (ii) Double (first placement with reservation) | \$840.00 |
| (iii) Double (second placement) | \$215.00” |

Dated 9 April 2003.

T. COLE, Chairman.

FIRE AND EMERGENCY SERVICES

FE401*

**FIRE AND EMERGENCY SERVICES AUTHORITY OF
WESTERN AUSTRALIA ACT 1998****APPROVAL OF FESA UNITS**

Fire and Emergency Services Authority
of Western Australia.

I, Robert Mitchell, the Fire and Emergency Services Authority of Western Australia Chief Executive Officer, hereby declare under section 18M(1) of the *Fire and Emergency Services Authority of Western Australia Act 1998* that the following FESA Units are approved as FESA Units for the purposes of the Act—

Halls Creek FESA Unit
Wyndham FESA Unit
Kondinin FESA Unit
Hyden FESA Unit
York FESA Unit
Marble Bar FESA Unit

ROBERT MITCHELL, Chief Executive Officer,
Fire and Emergency Services Authority
of Western Australia.

HEALTH

HE401

MEDICAL ACT 1894**MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 5) 2003**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 5) 2003*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires 5 years after its commencement.

Schedule

General Medical Services in the following areas—

- Shire of Broomehill
- Shire of Gnowangerup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Tambellup
- Shire of Woodanilling

Dated this 9th day of April 2003.

R. C. KUCERA APM MLA, Minister for Health.

HE402*

HEALTH SERVICES (QUALITY IMPROVEMENT) ACT 1994**HEALTH SERVICES (QUALITY IMPROVEMENT)(APPROVED
COMMITTEE) ORDER (NO.2) 2003**

Made by the Minister for Health pursuant to section 7(1) of the Act.

Citation

1. This order may be cited as the *Health Services (Quality Improvement)(Approved Committee) Order (No.2) 2003*.

Commencement

2. This order comes into operation on the day on which it is published in the *Government Gazette*.

Clinical Safety and Quality Committee

3. The Clinical Safety and Quality Committee established by the Chief Executive Officer of St John of God Health Care (Subiaco) exercising the delegated authority of the Board of St John of God Health Care Inc is an approved quality improvement committee for the purposes of the Act.

Expiry of order

4. This order expires three years after its commencement.

Dated this 27th day of March 2003.

R. C. KUCERA APM MLA, Minister for Health.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**Bill Assented To**

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Bill passed by the

Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

Short Title of Bill
Nurses Amendment Bill 2002

Date of Assent
April 9 2003

Act No.
9 of 2003

PETER McHUGH, Acting Clerk of the Parliaments.

April 10 2003.

PLANNING AND INFRASTRUCTURE

PI401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME

Notice of Resolution—Clause 27

Land Bounded By Holmes and Balfour Streets and Furley
and Southern River Roads, Southern River

City of Gosnells

Amendment No. 1076/27

File No.: 812-2-25-23

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 8 April 2003 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1493.

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
1st floor, 469 Wellington Street
Perth | (iii) J. S. Battye Library
Alexander Library Building
Francis Street
Northbridge |
| (ii) City of Gosnells
2120 Albany Highway
Gosnells | |

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

PI402*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME

Notice of Resolution—Clause 27

Various Lots along Lyon Road & Gaebler Road, Banjup

City of Cockburn

Amendment No. 1077/27

File No.: 812-2-23-25

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 8 April 2003 to transfer land from the Urban Deferred zone to the Urban zone as shown on Plan Number 4.1492.

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
1st floor, 469 Wellington Street
Perth | (iii) J. S. Battye Library
Alexander Library Building
Francis Street
Northbridge WA |
| (ii) Municipal offices of City of Cockburn
Cnr Rockingham Road & Coleville Crescent
Spearwood WA | |

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

PI702*

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

Shire of Coolgardie

Town Planning Scheme No. 4—Consolidated Scheme

Ref: 853/11/4/6 Vol 2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon. Minister for Planning and Infrastructure approved the Shire of Coolgardie Town Planning Scheme No. 4 on 6 April 2003, the Scheme Text of which is published as a Schedule annexed hereto.

S. TRENOWDEN, President.
H. J. FRASER, Chief Executive Officer.

Schedule

Shire of Coolgardie

TOWN PLANNING SCHEME No. 4

(DISTRICT SCHEME)

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

Shire of Coolgardie

TOWN PLANNING SCHEME NO. 4

(DISTRICT SCHEME)

The Coolgardie Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended) hereby makes the following Town Planning Scheme for the purpose of—

- (a) setting aside land for future public use as reserves;
- (b) controlling development;
- (c) other matters authorised by the enabling Act.

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SCHEDULE	Places of Heritage Value
SCHEDULE	Additional Uses
ADOPTION	

PART I—PRELIMINARY

1.1 Citation

This Town Planning Scheme may be cited as the Shire of Coolgardie Scheme No. 4 hereinafter called 'the Scheme' and shall come into operation on the publication of the notice of the Minister's final approval thereof in the *Government Gazette*.

1.2 Responsible Authority

The Authority responsible for implementing the Scheme is the Council of the Shire of Coolgardie, hereinafter called 'the Council'.

1.3 Scheme Area

The Scheme applies to the whole of the District of the Shire of Coolgardie, as delineated on the Scheme Map by the broken black border.

1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text;
- (b) the Scheme Maps.

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

PART I	PRELIMINARY
PART II	LOCAL RESERVES
PART III	ZONES
PART IV	NON-CONFORMING USES
PART V	DEVELOPMENT REQUIREMENTS
PART VI	PLANNING CONSENT
PART VII	ADMINISTRATION

1.6 Scheme Objectives

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

1.7 General Obligations

Subject to the provisions of the Town Planning and Development Act 1928 (as amended) and all regulations made thereunder, and to the provisions of this Scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake or permit any new work if the use, new work, reconstruction, alteration or modification does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

1.8 Relationship of the Scheme to By-Laws

The provisions of the Scheme shall have effect, notwithstanding any by-law for the time being in force in the area and, where the provisions of the Scheme are at variance with the provisions of any by-law, the provisions of the Scheme shall prevail.

1.9 Interpretation

1.9.1 Except as provided in Schedule 1 or Clause 1.9.2 the words and expressions of the Scheme have their normal and common meaning.

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

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

1.10 Revocation of Existing Schemes

1.10.1 The Shire of Coolgardie Town Planning Scheme No. 1 (Coolgardie Townsite) as amended, which came into operation by publication in the *Government Gazette* on 18 May 1984 is hereby revoked.

1.10.2 The Shire of Coolgardie Town Planning Scheme No. 2 (Kambalda Townsite) as amended, which came into operation by publication in the *Government Gazette* on 18 May 1984 is hereby revoked.

1.10.3 The Shire of Coolgardie Town Planning Scheme No. 3 (Kambalda West Townsite) as amended, which came into operation by publication in the *Government Gazette* on 21 September 1984 is hereby revoked.

PART II—LOCAL RESERVES

2.1 Local Authority Scheme Reserves

The lands shown as Local Authority Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for local authority purposes or for the purposes shown on the Scheme Map.

These local reserves are set out hereunder—

- (a) Recreation
- (b) Public Purposes
- (c) Civic and Cultural

2.2 Matters to be Considered by the Council

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

- (a) the objectives as outlined below; and
- (b) the ultimate purpose intended for the reserve;

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

2.3 Objectives

2.3.1 The objectives for land shown as Recreation on the Scheme Map are—

- (a) To secure and reserve land for public access and recreation.
- (b) To maintain public recreation areas for the use of sporting and recreation bodies.
- (c) To preserve areas of natural vegetation worthy of retention.
- (d) To provide visual or noise buffer areas between incompatible uses.
- (e) To reflect and protect areas already set aside for National Parks or Crown Reserves.

2.3.2 The objectives for land shown as Public Purposes on the Scheme Map are—

- (a) To protect areas already set aside for public purposes by Crown Reserves.
- (b) To enable the Council to control development in public purpose reserves.

2.3.3 The objectives for land shown as Civic and Cultural on the Scheme Map are—

- (a) To set aside land for community, civic and cultural uses.

2.4 Compensation

2.4.1 Where the Council refuses planning consent for the development of a local reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

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

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

PART III—ZONES

3.1 Zones

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

- (i) Residential
- (ii) Commercial
- (iii) Light Industrial
- (iv) Industrial
- (v) Special Use
- (vi) Townsite
- (vii) Rural/Mining

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

3.2 Objectives

3.2.1 Residential Zone

The use of land in the Residential Zone shall be consistent with the following objectives—

- (a) The zone shall be predominantly residential.
- (b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- (c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

3.2.2 Commercial Zone

The use of land in the Commercial Zone shall be consistent with the following objectives—

- (a) To provide a variety of service functions, predominantly commercial, service, and administrative uses.
- (b) To maintain a compact and accessible centre.
- (c) To centralise commercial and service functions.
- (d) To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- (e) To preclude the storage of bulky and unsightly goods where they may be in public view.
- (f) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- (g) To provide sheltered places for pedestrians.
- (h) To restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions.
- (i) to reduce uses attracting large volumes of truck traffic other than to service retail outlets.
- (j) To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

3.2.3 Light Industrial Zone

The use of land in the Light Industrial Zone shall be consistent with the following objectives—

- (a) to provide a location for light and service industries which operate as an integral part of the function of a town centre;
- (b) to provide a location for outlets that provide a service to the community and are compatible with the scale and operation of the town centre and surrounding areas.

3.2.4 Industrial Zone

The use of land in the Industrial Zone shall be consistent with the following objectives—

- (a) To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.
- (b) To provide a location where separate vehicular access is provided.
- (c) To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

3.2.5 Special Use Zone

The use of land in the Special Use Zone shall be consistent with the following objectives—

- (a) To provide an area where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare of surrounding users.
- (b) To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.

3.2.6 Townsite Zone

The Townsite Zone is shown diagrammatically on the Scheme Map. The zone shall deem to apply to all the land within the Townsite Boundary of the town indicated.

The use of land in the Townsite zone shall be consistent with the following objectives—

- (a) To maintain a small town atmosphere.
- (b) To maintain the status quo of uses within the zone.
- (c) To allow a variety of uses necessary to service the normal functions of a small townsite.

3.2.7 Rural/Mining Zone

The use of land in the Rural/Mining Zone shall be consistent with the following objectives—

- (a) The zone shall consist of predominantly rural and mining uses.
- (b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- (c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- (d) To prevent any development which may affect the viability of a holding.
- (e) To provide for and monitor mining activities and its associated works, however, restricting the residential component of the activities to the townsites of the Shire.

3.3 Zoning Table

3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the

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

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

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

‘SA’ means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

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

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

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

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an Application for Planning Consent.

3.4 Additional Uses

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

3.5 Special Use Zone

No person shall use land or any building structure thereon in a special use zone, except for the purpose set against that land in Schedule II and subject to compliance with any conditions specified in the Schedule with respect to the land.

TABLE 1—ZONING TABLE

KEY TO COLUMNS—

USE CLASSES

1 RESIDENTIAL
2 COMMERCIAL
3 INDUSTRIAL4 LIGHT INDUSTRIAL
5 SPECIAL USE
6 TOWNSITE
7 RURAL/MINING

ZONES	1	2	3	4	5	6	7
1. Additional Accommodation	AA				*	AA	AA
2. Aged & Dependent Persons' Dwelling	AA				*	AA	
3. Caravan Park					*		
4. Caretaker's Dwelling	P	AA	AA	AA	*	AA	AA
5. Car Park	AA	AA	AA	AA	*	AA	AA
6. Car Sales Premises		P	AA	AA	*	AA	
7. Cemeteries/Crematoria					*	AA	AA
8. Civic Building		AA			*	AA	
9. Consulting Room	SA	AA		AA	*	AA	
10. Drive-In Theatre					*		
11. Dry Cleaning Premises		AA	AA	AA	*	AA	
12. Educational Establishment					*	AA	
13. Fast Food Outlet		P	SA	AA	*	AA	
14. Fish Shop		AA	AA	AA	*	AA	
15. Fuel Depot			P	AA	*	AA	
16. Funeral Parlour		AA	AA	AA	*	AA	
17. Health Centre		P		AA	*	AA	
18. Home Occupation	AA	AA		AA	*	AA	AA
19. Hospital				AA	*		
20. Hotel/Tavern		P			*	AA	
21. Industry Cottage	AA	P	P	P	*	AA	
22. Industry Extractive			SA		*	SA	SA
23. Industry General			AA		*	SA	
24. Industry Hazardous					*		
25. Industry Light			P	P	*	AA	
26. Industry Noxious					*		SA
27. Industry Rural			P	AA	*	AA	AA
28. Industry Service		SA	P	P	*	AA	
29. Milk Depot			P	P	*	AA	
30. Motel		AA			*	AA	
31. Motor Repair Station		AA	P	P	*	AA	
32. Office		P	AA	P	*	AA	
33. Petrol Filling Station		AA	P	P	*	AA	
34. Professional Office		P		P	*	AA	
35. Public Amusement		P			*	AA	
36. Public Assembly		P			*	AA	
37. Public Recreation	P	P	P	P	*	P	P
38. Public Utility	AA	AA	P	P	*	AA	AA
39. Public Worship	SA				*	AA	AA
40. Radio/TV. Installation	SA	AA	AA	AA	*	AA	AA
41. Reception Centre		P		SA	*	AA	
42. Residential Building	AA	AA			*	AA	
43. Residential					*		
Single House	P	AA			*	P	P
Attached House	AA				*	AA	
Grouped Dwelling	AA	AA			*	AA	
44. Restaurant		P			*	AA	
45. Rural Pursuit	AA				*		P
46. Service Station		AA	P	P	*	AA	
47. Shop		P		AA	*	AA	
48. Showroom		P	P	P	*	AA	
49. Sportsground					*	P	P
50. Stables				SA	*		AA
51. Trade Display		AA	P	P	*	AA	
52. Transport Depot			P	AA	*	AA	
53. Veterinary Consulting Rooms		AA	AA	P	*	AA	AA
54. Zoological Gardens					*		AA

* Uses as determined by the Council as per Schedule II and the Scheme Map.

PART IV—NON-CONFORMING USES

4.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent—

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

4.2 Extension of Non-Conforming Use

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

4.3 Change of Non-Conforming Use

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

4.4 Discontinuance of Non-Conforming Use

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

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

4.5 Destruction of Buildings

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

PART V—DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to Clause 5.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

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

- (a) The development of land in a local reserve, where such land is held by the Council or vested in a public authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested for a public utility, for any purpose for which such land may be lawfully used by that authority.
- (b) The erection of a boundary fence except as otherwise required by the Scheme;
- (c) Subject to Clause 5.1.3, the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table, except where the single dwelling house is not the first erected on the lot;
- (d) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

5.1.3 Development of Land using Moveable Buildings

- (a) The Council is not generally in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.
- (b) The Council shall not permit the establishment, occupation or erection of donga type structures for residential purposes within a Townsite Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

- (c) The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of the moveable buildings policy.
- (d) The Council will only permit site built and relocated structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area.
- (e) The Council will not permit the storing or use of a 'container', as defined in the moveable buildings policy, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.
- (f) The Council may give special consideration for the use of 'containers' outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the 'containers' will not detract from the amenity of the locality.

5.2 Special Design Areas

The following provisions shall apply to all land included in the area designated on the Scheme Maps as a Special Design Area in addition to any other provisions which are more generally applicable to such land under this Scheme.

Prior to considering any development proposal in a Special Design Area the Applicant will provide the Council with adequate information and drawings to—

- (a) ensure that the proposal will be compatible in scale, design and setback to the adjacent buildings;
- (b) ensure that the building materials, textures and colours are sympathetic to the appropriate existing structures in the Special Design Area;
- (c) ensure that existing facades, considered by the Council to be of architectural, historic or heritage value, are retained and enhanced;
- (d) provide suitable shelter for pedestrians using the footpaths along the frontage of land within the Special Design Area.

The Council may request any additional information that it considers necessary to properly assess the proposal.

5.3 Development on Land Subject to Dampness or Flooding

5.3.1 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or all of the following measures shall be carried out—

- (a) the subsoil shall be effectively drained;
- (b) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
- (c) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.

5.3.2 A building shall not be constructed upon any land defined by the Council as being liable to flooding or inundation.

5.4 Development Table

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table II—Development Table, or in the Residential Planning Codes for residential development.

TABLE II—DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45m ² of gross floor area.
Consulting Room	*	*	*	0.4 in Res. Zone 0.5 Elsewhere	30 in Res. Zone	1 for every 30m ² of gross floor area, plus 1 for each person employed.
Day Care Centre	7.5	7.5	*	*	*	1 for every employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Fast Food Outlet	*	*	*	*	*	*
Funeral Director	*	*	*	*	10	As determined by the Council (minimum 6).

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per dwelling.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 4 m ² of bar and lounge area.
Industrial-Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial-Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial-General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Office	*	*	*	*	*	1 for every 30m ² plot ratio area.
Professional Office	*	*	*	0.5	*	1 for every 30m ² plot ratio area.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	*	*	1 for every 10m ² of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m ² of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.
Vehicle Sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.
Veterinary Consulting Rooms	*	*	*	*	30	1 for every 10m ² gross floor area, plus 1 for each person employed.

NOTES

- (i) * means 'to be determined by the Council' in each particular case.
(ii) Landscaping to be generally at street frontage.

5.4.1 Development Requirements

Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine.

For the purposes of this Clause, the predominant uses in zones and local reserves shall be deemed to be as outlined in their respective objectives.

5.4.2 Combined Uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the Council shall determine.

5.5 Development of Land Subject to Non-Conforming use Rights

5.5.1 Except where otherwise provided, development of non-conforming uses shall be in conformity with the provisions of the Scheme relevant to that use. In a particular case, the Council may require that a non-conforming use comply with the setbacks and other provisions set out for the predominant use of that zone.

5.5.2 Any change of use or development shall be in accordance with Table I provided that the Council may permit—

- (i) minor repairs or maintenance necessary to ensure the safety and health of the public and users of the property;

- (ii) an extension of the buildings subject to the non-conforming use by up to 20% of the floor area of the building existing at the time of gazettal of the Scheme, or by such greater proportion which the Council considers will not prejudice the objectives of this Scheme, provided always that such extension is within the limits of the setbacks in this Scheme.

5.6 Discretion to Modify Development Standards

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

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

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

5.7 Residential Development

5.7.1 Development in the Residential Zone shall comply with the objectives for that Zone as outlined in Part III and the Residential Planning Codes.

- 5.7.2
- (a) For the purpose of the Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1, together with any amendments thereto.
 - (b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
 - (c) Unless otherwise provided for in the Scheme, development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.
- 5.7.3
- (a) The Residential Planning Code for land zoned Residential and Commercial shall be R10/R30.
 - (b) Residential development shall be permitted at the R10 density, however, the Council may approve developments up to the R30 density as an 'AA' use.
 - (c) Any development proposed at a density greater than R10, subject to clause (b) above, will only be considered by the Council if it can be proven that an effective method of effluent disposal, satisfactory to the Council's requirements, can be provided. If this cannot be provided, development of residential use shall be permitted to the R10 code.
 - (d) Notwithstanding the right to develop a single house on an existing lot, residential development in the 'Rural/Mining' Zone shall comply with the specific requirements of the Council, however these shall not be lesser than those specified for the Residential Planning Code 'R2'.
 - (e) The Residential Planning Code for land zoned Townsite shall be R10. The Townsite Zone includes the Townsites of Kunanalling, Bulla Bulling, Widgiemooltha and Higginsville.

5.8 Development on Land Abutting a Residential Zone

Any non-residential development on land abutting a Residential Zone shall conform to such standards as the Council determines. These standards shall be assessed on the basis of the potential nuisance of the proposed development on the residential area.

5.9 Commercial Development

5.9.1 Commercial development in the Commercial Zone shall comply with the requirements of Table II and the objectives for that Zone as outlined in Part III.

5.9.2 Loading Docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.

5.9.3 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

5.10 Industrial Development

5.10.1 Industrial Development in the Industrial Zone shall comply with the requirements of Table II and the objectives for that Zone as outlined in Part III.

5.10.2 The front setback area may be used only for the purposes of landscaping, visitors carparking or access. The Council may approve the use of the front setback area for display or for loading and unloading of vehicles. No material or product may be stored within the front setback area.

5.10.3 Where an open storage area is visible from a public place or street, and is not of a display nature, it shall be screened to the satisfaction of the Council.

5.10.4 Street setback areas shall be landscaped, including an area of not less than one metre wide adjacent to each side boundary, except where an access is shared between adjacent lots. Areas other than the front setback that are visible from a public street or place shall be developed with landscaped open space or screened to the approval of the Council.

5.10.5 Loading Docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.

5.10.6 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

5.10.7 The Council may require a bond or bank guarantee from a developer to ensure that landscaping and/or other development works are designed and carried out to the satisfaction of the Council. In the case of planting, the works shall be brought to a standard considered by the Council to be properly established.

5.11 Special Use Development

5.11.1 Where Council considers a particular development or use to be incompatible with the predominant uses in other zones, it may require such a development or use be restricted to the Special Use Zone.

5.11.2 Schedule II outlines the restricted uses allowed in the Special Use Zone.

5.11.3 Development in a Special Use Zone shall be permitted in accordance with the requirements of Table II for the use specified on the Scheme Map and outlined in Schedule II, and with any other requirements specified by the Council.

5.11.4 Development within the Zone 'Special Use—Mungari Industrial Park' shall conform to the specific requirements of the Council. The objective of the zone is to provide a location for industries, particularly of the type that relate to raw material extraction in the region or to products consumed or produced by the mining industry. The perimeter of the zone is included in a 'Special Control Area' to prevent the construction of dwellings within 1 kilometre of the zone.

5.11.5 Development within a 'Special Control Area' shall be permitted in accordance with zoning, except that no residential development shall be permitted.'

5.12 Rural Development

Development in the Rural/Mining Zone shall comply with the objectives for that Zone as outlined in Part III, and with such requirements as the Council shall see fit relative to the proposed use.

5.13 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an outbuilding; carport or garage; pergola; shadehouse or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft.

5.14 Car Parking

5.14.1 Car Parking required to be provided pursuant to the provisions of this Scheme shall be laid out and constructed in accordance with the layouts of parking bays and manoeuvring aisles shown in Schedule IV. Car Parking Layouts, except that where the angles of car parking vary from those shown, Council may determine the width of the manoeuvring aisle which in no case shall be less than four metres. Car Parking bays shall be capable of use independently of each other.

All driveways and parking areas shall be—

- (a) constructed and surfaced to the Council's satisfaction with appropriate measures for drainage and the disposal of surface water, and;
- (b) provided at the time of the development and thereafter maintained to the satisfaction of Council.

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

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by Council of that area of his land which would have been occupied by the parking space.
- (b) Payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the Council may use this Fund to provide public parking facilities anywhere within the proximity of the site in respect of which a cash-in-lieu arrangement is made.
- (c) If an owner or developer shall object to the amount or the costs or values determined by Council pursuant to sub-clause (a), the matter may be referred to arbitration.

5.15 Places of Heritage Value

5.15.1 The places described in Schedule No. V are considered by the Council to be of historic, architectural, scientific, scenic or other value and should be retained in their present state or restored to their original state or to a state acceptable to the Council.

5.15.2 A person shall not without the special approval of the Council at or on a place of heritage value carry out any development including, but without limiting the generality of the foregoing:—

- (a) the erection, demolition or alteration of any building or structure (not including fencing, wells, bore or troughs and minor drainage works ancillary to the general pursuits in the locality);
- (b) clearing of land or removal of trees associated with a building of Heritage Value;

- (c) the erection of advertising signs;
- (d) clearing of land.

5.15.3 The Council may give its special approval to development at or on a Place of Heritage Value if the development—

- (a) complies with the land use requirements of the zone in which the development is proposed; and
- (b) complies with the requirements of any policy or code in respect of a Place of Heritage Value.

5.15.4 The Council may give its special approval to the restoration of a Place of Heritage Value notwithstanding that the work involved does not comply with the Residential Planning Codes or with the provisions of the Zoning and Development Table for the zone or area in which the place exists.

5.16 Parking of Commercial Vehicles

5.16.1 A person shall not park or stand a commercial vehicle on a road reserve or on private property within a Residential Zone for a continuous period in excess of one hour, unless it is garaged or otherwise screened from view from any street, or unless the vehicle is being used in connection with building or construction works on the site.

5.16.2 A person shall not repair, service or clean a commercial vehicle in a Residential Zone unless such work is carried out in a domestic garage, or outbuilding. Such work shall only be permitted where it does not cause injury, to or prejudicially affect, the amenity of the neighbourhood by causing the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.

PART VI—PLANNING CONSENT

6.1 Application for Planning Consent

6.1.1 Every Application for Planning Consent shall be made in the form prescribed in Schedule III(a) to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.1.2 Unless Council waives any particular requirement every Application for Planning Consent shall be accompanied by—

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

6.2 Advertising of Applications

6.2.1 Where an application is made for Planning Consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions in this Clause.

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

6.2.3 Where the Council is required or decides to give notice of an Application for Planning Consent the Council shall cause one or more of the following to be carried out—

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

6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.

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

6.3 Determination of Applications

6.3.1 In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

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

6.3.3 The Council shall issue its decision in respect of an Application for Planning Consent in the form prescribed in Schedule III(c) to the Scheme.

6.3.4 Where the Council approves an Application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.

6.3.5 Where considered necessary the Council, or its Building/Health Surveyor with delegated authority, may impose conditions that require an owner or applicant to;

- (a) obtain a special building licence that specified a limited validity time, or a special building licence that requires a renewal, until such time as the Council is satisfied that the planning consent conditions have been met;
- (b) provide a bond or bank guarantee to the Council to provide the surety for the completion of the development to a standard of presentation acceptable to the Building/Health Surveyor, and that the works are completed within the specified time period.

These conditions may be imposed where a development relates to moveable buildings, landscaping or other matters where performance is an important part of the Council's approval.

6.4 Deemed Refusal

6.4.1 Where the Council has not within sixty days of the receipt by it of an Application for Planning Consent either conveyed its decision to the applicant or given notice of the Application in accordance with Clause 6.2 the Application may be deemed to have been refused.

6.4.2 Where the Council has given notice of an Application for Planning Consent in accordance with Clause 6.2 and where the Council has not within ninety days of receipt by it of the Application conveyed its decision to the applicant, the Application may be deemed to have been refused.

6.4.3 Notwithstanding that an Application for Planning Consent may be deemed to have been refused under Clauses 6.4.1 or 6.4.2 the Council may issue a decision in respect of the Application at any time after the expiry of the sixty day or ninety day period specified in those Clauses, as the case may be.

PART VII—ADMINISTRATION

7.1 Powers of the Scheme

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

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

7.2 Offences

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

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with;
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

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

7.3 Notices

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

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

7.4 Claims for Compensation

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

7.5 Appeals

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

7.6 Power to make Policies

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

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

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

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by—

- (a) Preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.
- (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

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

SCHEDULE I—INTERPRETATIONS

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

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

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

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

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

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

- “Amusement Machine”** means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with the electronic screen(s) operated by one or more players for amusement or recreation.
- “Amusement Parlour”** means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
- “Battle-axe Lot”** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- “Betting Agency”** means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).
- “Boarding House”** means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include—
- premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended);
 - premises used as a boarding school approved under the Education Act 1928 (as amended);
 - a single or attached house, grouped or multiple dwelling;
 - any building that is the subject of a strata title issued under the provisions of the Strata Titles Act 1985 (as amended).
- “Builder’s Storage Yard”** means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- “Building”** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.
- “Building Envelope”** means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.
- “Building Line”** means the line between which any public place or public reserve a building may not be erected except by or under the authority of an Act.
- “Building Setback”** means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
- “Camping Area”** means land used for the lodging of persons in tents or other temporary shelter.
- “Car Sales Premises”** means land and buildings used for the sale and display of cars, whether new or second-hand, but does not include a workshop.
- “Caravan Park”** means land and buildings used for the parking of caravans under the By-Laws of the Council or the Caravan Parks and Camping Grounds Regulations, 1974 (as amended) made pursuant to the provisions of the Health Act 1911-1979 (as amended).
- “Caretaker’s Dwelling”** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- “Car Park”** means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- “Cattery”** means the use of an approved outbuilding 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.
- “Cemeteries/Crematoria”** means land and buildings used for the storage and disposal of bodies by burning or burial, or both.
- “Civic Building”** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for the administrative or other like purpose.
- “Civic Use”** means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- “Club Premises”** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- “Commercial Vehicles”** means a vehicle, whether licenced or not, which is used or designed for use for business, trade, commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 5 tonnes.
- “Commission”** means the State Planning Commission constituted under the State Planning Commission Act 1985.

- “Community Home”** means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown.
- “Consulting Rooms”** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
- “Consulting Rooms Group”** means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- “Containers”** These structures, although considered ‘buildings’ by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes ‘seainers’ and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.
- “Convenience Store”** means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200 sq.m. gross leasable area.
- “Day Care Centre”** means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
- “Development”** shall have the same meaning given to it in and for the purposes of the Act.
- “Display Home Centre”** means a group of two or more dwellings which are intended to be open for public inspection.
- “District”** means the Municipal District of the Shire of Coolgardie.
- “Dog Kennels”** means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- “Donga Type”** structures are those usually designed to provide for workforce accommodation in small individual units. the structures are generally those (such as ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.
- “Drive-In Theatre”** means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
- “Dry Cleaning Premises”** means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- “Educational Establishment”** means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.
- “Effective Frontage”** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—
- where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
 - where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
 - where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.
- “Factory Unit Building”** means an industrial building designed, used or adopted for use as two or more separately occupied production or storage areas.
- “Family Care Centre”** means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).
- “Fast Food Outlet”** means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.
- “Fish Shop”** means a building where wet fish and similar foods are displayed and offered for sale.
- “Frontage”** means the boundary line or lines between a site and the street or streets upon which the site abuts.
- “Fuel Depot”** means land and building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.
- “Funeral Parlour”** means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

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

“Gazettal Date” means the date of which this Scheme is published in the *Government Gazette*.

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

“Harbour Installation” means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

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

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier’s family;
- (c) does not occupy an area greater than twenty square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2 sq.m in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;
- (i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises); and
- (j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

“Hospital” means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

“Hospital Special Purposes” means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

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

“Hotel” means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

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

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

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process;

but does not include—

- (i) the carrying out of agriculture;
- (ii) site work on buildings, work or land;
- (iii) in the case of edible goods the preparation of good for sale from the premises;
- (iv) panel beating, spray painting or motor vehicle wrecking.

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

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

“Industry—Extractive” means an industry which involves—

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

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

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

“Industry—Light” means an industry—

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

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

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

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

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

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

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

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

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

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

“Marina” means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.

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

“Marine Filling Station” means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

“Market” means land and buildings used for a fair, a farmer’s or producer’s market, or a swapmeet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

- “Medical Centre”** means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
- “Milk Depot”** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- “Mobile Home”** means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.
- “Mobile Home Park”** means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.
- “Motel”** means land and buildings used or intended to be used to accommodate patrons in a manner similar to an Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.
- “Motor Vehicle and Marine Sales Premises”** means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.
- “Motor Vehicle Hire Station”** means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
- “Motor Vehicle Repair Station/Motor Repair Station”** means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel, beating, spray painting and chassis re-shaping.
- “Motor Vehicle Wash Station”** means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.
- “Motor Vehicle Wrecking Premises”** means land and buildings used for the storage, breaking up or dismantle of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- “Moveable buildings”** means a building designed for ease of transporting from one location to another, and includes ‘Transportable’, ‘Donga Type’, ‘Relocated’ and ‘Containers’ type buildings as defined in this part.
- “Museum”** means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- “Non-Conforming Use”** means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.
- “Nursery”** means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.
- “Office”** means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.
- “Owner”** in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—
- (a) is entitled to the land for an estate in fee simple in possession; or
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
 - (c) is a lessor or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
- “Petrol Filling Station”** means land and buildings used for the supply of petroleum products and motor vehicle accessories.
- “Piggery”** shall have the same meaning given to it in and for the purposes of the Health Act 1911-1979 (as amended).
- “Places of Natural Beauty”** means the natural beauties of the area including rivers, lakes and other inland waters, banks of rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.
- “Plot Ratio”** means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth.
- “Potable Water”** 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 Organisation—1971’.
- “Poultry Farm”** means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911-1979 (as amended).

- “Prison”** shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- “Private Hotel”** means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1979 (as amended).
- “Private Recreation”** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.
- “Produce Store”** means land and buildings wherein fertilisers and grain are displayed and offered for sale.
- “Professional Office”** means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.
- “Public Amusement”** means land and buildings used for the amusement or entertainment of the public, with or without charge.
- “Public Assembly-Place of”** means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourses, trotting tracks, or showgrounds.
- “Public Authority”** shall have the same meaning given to it in and for the purposes of the Act.
- “Public Mall”** means any public street or right-of-way designed especially for pedestrians who shall have right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.
- “Public Recreation”** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.
- “Public Utility”** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- “Public Worship-Place of”** means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.
- “Radio and TV Installation”** means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
- “Residential Building”** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—
- temporarily by town or more persons, or
 - permanently by seven or more persons,
- who do not comprise a single family; but does not include a hospital or sanatorium, a prison, an hotel, a motel, or a residential school.
- “Reception Centre”** means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.
- “Reformatory”** means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.
- “Relocated”** structures are those that have previously been constructed on a building site elsewhere. The structures that are relocated are not necessarily designed to be relocated, and may include ‘site built’ structures.
- “Restaurant”** means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.
- “Restoration”** means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.
- “Rural Pursuit”** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—
- (a) the growing of vegetables, fruit, cereals or food crops;
 - (b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
 - (c) the stabling, agistment or training of horses;
 - (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
 - (e) the sale of produce grown solely on the lot;
- but does not include the following except as approved by the Council—
- (i) the keeping of pigs;

- (ii) poultry farming;
 - (iii) the processing, treatment or packing of produce;
 - (iv) the breeding, rearing or boarding of domestic pets.
- “Salvage Yard”** means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
- “Sawmill”** means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.
- “Schedule”** means a schedule to the Scheme.
- “Service Station”** means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.
- “Shared Dwelling”** means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.
- “Shop”** means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector’s yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.
- “Showroom”** means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel; magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.
- “Site Built”** means a structure that is built on location and is generally new. Site built structures usually resemble traditional housing designs, with pitched rooves with a regular house design and layout, and are usually designed to accommodate families.
- “Sports Ground”** means any land used for any sport; but does not include land within the curtilage of a dwelling, if not used commercially.
- “Stables”** means land, buildings and appurtenances thereto used for the keeping and agistment of livestock.
- “Tavern”** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended).
- “Trade Display”** means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- “Transportable”** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- “Transport Depot”** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- “Veterinary Consulting Rooms”** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.
- “Veterinary Hospital”** means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.
- “Warehouse”** means a building wherein goods are stored and may be offered for sale by wholesale.
- “Wayside Stall”** means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.
- “Wholesale”** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a ‘wholesale merchant’ for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1, 1930 (as amended).
- “Wine House”** means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act 1970 (as amended).
- “Zone”** means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include reserved land.
- “Zoological Gardens”** means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

SCHEDULE II—SCHEDULE OF USES IN SPECIAL USE ZONE

LOT DESCRIPTION	PERMITTED SPECIAL USE	SCHEME MAP DESIGNATION
Lots 206 and 2107 Bayley Street, and lots 103, 104 and 2108 Woodward Street, COOLGARDIE	Caravan Park and ancillary uses	CP
Lots 2109, 2154 & 2031 Renou/Londonderry Streets, COOLGARDIE	Caravan Park and ancillary uses	CP
Ptn Loc 37 Great Eastern Highway, COOLGARDIE	Caravan Park and ancillary uses	CP
35500/Lot 2126 Lefroy/Hunt Streets, COOLGARDIE	Aged Persons' Homes	APH
Untitled area between Lefroy and Hunts Streets, COOLGARDIE	Aged Persons' Homes	APH
Lot 959 Salmon Gum and Bluebush Roads, KAMBALDA WEST	Aged Persons' Homes	APH
Lots 2030 & 2153 Bayley Street, COOLGARDIE	Motel	M
Lot 967 Salmon Gum/Bluebush Roads, KAMBALDA WEST	Motel	M
Lot 971 Kambalda/Marianthus Roads, KAMBALDA WEST	Tourist Bureau	TB
Lots 379 and 380 Lindsay Street, COOLGARDIE	Church	Ch
Lots 139 and 140 Lefroy/Lindsay Streets, COOLGARDIE	Church	Ch
Lot 362 Lindsay Street, COOLGARDIE	Church	Ch
Lot 437 Larkin Street, KAMBALDA	Church	Ch
31470 (lot 1149) Callitris and Salmon Gum Roads, KAMBALDA WEST	Church	Ch
Lot 57 Kambalda Road, KAMBALDA WEST	Country Club	CC
Portion of Mt Burges Station, Jaurdi Loc 80, COOLGARDIE EAST	Industrial Uses related to mineral extraction or to products consumed or produced by the mining industry Industry—Extractive Industry—General Industry—Hazardous Industry—Noxious Industry—Rural	MIP
Reserve 8403 (lot 1965) Cnr Taylor and Parkes Streets, COOLGARDIE	Single Persons' accommodation for a maximum of 160 persons, a caretaker's residence and common dining facilities	SPA
Portion of Mungari Station, Jaurdi Loc 82, Coolgardie	Industrial Use related to mineral extraction or to products consumed or produced by the mining industry. Industry Extractive, Industry General, Industry Hazardous, Industry Noxious, Industry Rural.	MIP

SCHEDULE III (A)—APPLICATION FOR PLANNING CONSENT

FORM 1

Shire of Coolgardie

TOWN PLANNING SCHEME No. 4

APPLICATION FOR PLANNING CONSENT

Name of Owner of Land) Surname
 on which development) Christian Names
 proposed) Address in Full

Submitted by
 Address for Correspondence
 Locality of Development
 Title Office Description of Land—
 Lot No. Street Loc. No.
 Plan or Diagram Certificate of Title Vol Fol
 The type of development and the nature of the proposed buildings are as follows—

The approximate cost of proposed development is

The estimated time of completion is

The approximate number of persons to be employed when the development is completed is

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land

NOTE: A separate application is required to be submitted to the Council for a building licence (where applicable).

SCHEDULE III(B)—NOTICE OF APPLICATION FOR PLANNING CONSENT*Shire of Coolgardie*

TOWN PLANNING SCHEME No. 4

NOTICE OF APPLICATION FOR PLANNING CONSENT

TO THE OCCUPIER/OWNER

IN ACCORDANCE with the provisions of this Scheme the Council of the Shire of Coolgardie hereby gives you notice that an Application for Planning Consent has been received as detailed below. The Council invites submissions from interested parties concerning the proposal within twenty-one (21) days of the service of this notice. The Council will duly consider such submissions prior to determining the Application.

Application submitted by

Location of proposal

The type of development and the nature of the proposed buildings are as follows—

The estimated time of completion is

The approximate number of persons to be employed when the development is completed is

Interested parties may request further details from the Council office in Coolgardie.

Submissions shall be received within 21 days from the date indicated below.

SHIRE CLERK

DATE

SCHEDULE III(C)—PLANNING APPROVAL*Shire of Coolgardie*

TOWN PLANNING SCHEME No. 4

PLANNING APPROVAL*

REFUSAL OF PLANNING APPROVAL*

Application Dated: Owner of Land—

Applicant:

Details of Land—

Lot No. Street Loc. No.

Certificate of Title Vol Folio

Conditions of Approval (where applicable)—

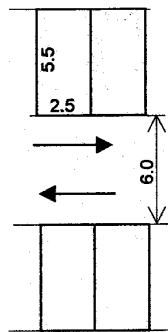
Signed
SHIRE CLERK

DATE

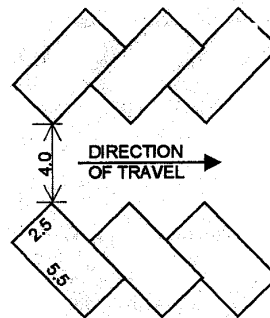
This Approval is valid for a period of months only.

* Delete as applicable

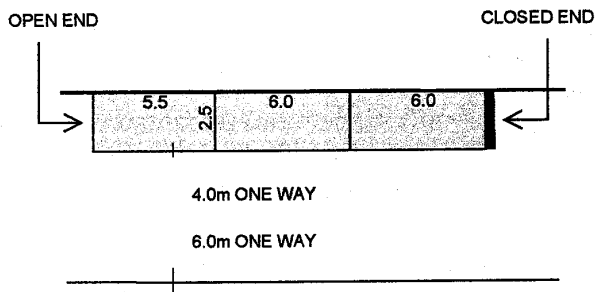
SCHEDULE IV—CAR PARKING LAYOUTS



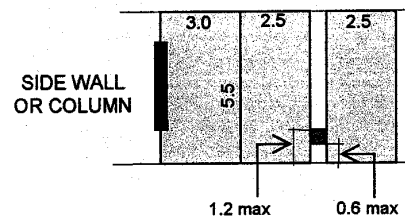
90° PARKING



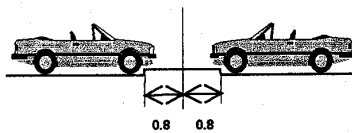
45° PARKING



PARALLEL PARKING

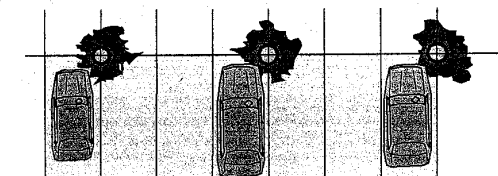


OBSTRUCTIONS



WHEEL STOP MODIFICATIONS

Not to affect drainage



SHADE TREE LANDSCAPING

Kerb ring not to exceed 900 mm diameter

90° & 45° Parking	- 5.5m x 2.5m
Parallel Parking	- 6.0m x 2.5m or 5.5m x 2.5m where open ended

Driveway Widths	90°	- 6.0m two way access
	45°	- 4.0m one way access
	Parallel	- 4.0m one way access - 6.0m two way access

SCHEDULE V—PLACES OF HERITAGE VALUE**A—BUILDINGS AND STRUCTURES OF HISTORIC OR ARCHITECTURAL VALUE**

ITEM	PROPERTY LOCATION
1. Public Buildings	
Post Office Building	Bayley Street
Mines Office	Bayley Street
Hospital	Hunt Street
Warden Finnerty's Cottage	2 McKenzie Street
Town Hall	Cnr Lefroy and Bayley Streets
Railway Station	Woodward Street
Primary School	Hunt Street
St. Mary's Church	Lefroy Street
St. Anthony's Convent of Mercy	Lindsay Street
Masonic Hall	Lindsay Street
Water Supply Office	Taylor Street
2. Hotels	
Denver City	Cnr Lefroy and Bayley Streets
Railway (now Railway Lodge)	Cnr Lefroy and Bayley Streets
Cremonne (now Pre Primary)	Bayley Street
Marvel Loch (now RSL)	Bayley Street
White Hart (now derelict)	Hunt Street
3. Residential	
Residence	22 Bayley Street
Residence	87 Bayley Street
Residence	3 Forrest Street
Residence	9 King Street
Residence	5 McDonald Street
Residence	2 Shaw Street
Residence	13 Shaw Street
Residence	14 Shaw Street
Residence	15 Shaw Street
Residence	103, 105, 107 Woodward Street
4. Commercial	
Moran's Store	Bayley Street
4 Shops (opposite Town Hall)	Bayley Street

B—PLACES AND OBJECTS OF HISTORIC OR OTHER VALUE

ITEM	PROPERTY LOCATION
1. Places and Objects	
COOLGARDIE	
Exhibition Building Ruins	Bayley Street
Park	Bayley Street
Mercy Taylor Monument (in Park)	Bayley Street
Stone Paved ROW's (cobble stones)	rear Bayley Street
Old Cemetery	Forrest Street
Pavilion (in bowling club area)	Sylvester Street
Toorak Hill and Reservoir	1.5 kilometres north of Town
State Battery	Southeast of Town
Fly Flat	Great Eastern Highway northeast of Town
KAMBALDA	
John Morgan Well	George Cowsill Street

SCHEDULE VI—ADDITIONAL USES

LOT DESCRIPTION	ADDITIONAL USES	SPECIAL CONDITIONS
Lot 253 Larkin Street KAMBALDA	Day Care Centre	

ADOPTION

Adopted by resolution of the Council of the Shire of Coolgardie at the Ordinary meeting of the Council held on the 29th day of March 2001.

S. TRENOWDEN, Shire President.
H. J. FRASER, Chief Executive Officer.

Dated 3 April 2001.

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Coolgardie at the meeting of the Council held on the 23rd day of January 2003, and the seal of the Municipality was pursuant to that resolution herewith affixed in the presence of—

S. TRENOWDEN, Shire President.
H. J. FRASER, Chief Executive Officer.

Dated 4 February 2003.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL—

J. BELL, delegated under S.20 of WAPC Act 1985.

Dated 1 April 2003.

FINAL APPROVAL GRANTED—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Dated 6 April 2003.

PUBLIC NOTICES

ZZ401**DISPOSAL OF UNCOLLECTED GOODS ACT 1970****SALVATION ARMY**

The Salvation Army Bridge House Centre wishes to advise that any items left on the property by ex-clients and visitors between 26th February 2002 (approx.) to 3rd April 2003 will be disposed of under Part III of the Disposal of Goods Act 1970. Any items belonging to such person may be picked up at 11-15 Wright Street, Highgate, before 1st June 2003. Items include clothing, small personal items and books.

CHARLIE JACOBSEN (Captain),
Assistant Officer Bridge House WA.

WESTERN AUSTRALIA

VICTIMS OF CRIME ACT 1994

**Price: \$3.10 counter sales
Plus postage on 30 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

MINES SAFETY AND INSPECTION ACT 1994

**Price: \$17.25 counter sales
Plus postage on 260 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

SURVEILLANCE DEVICES ACT 1998

**Price: \$13.35 counter sales
Plus postage on 205 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

PAWNBROKERS AND SECONDHAND DEALERS ACT 1994

**Price: \$8.20 counter sales
Plus postage on 365 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

LABOUR RELATIONS REFORM ACT 2002

**Price: \$23.85 counter sales
Plus postage on 400 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**CRIMINAL INVESTIGATION
(IDENTIFYING PEOPLE) ACT 2002**

**Price: \$13.35 counter sales
Plus postage on 175 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**CRIMINAL INVESTIGATION
(EXCEPTIONAL POWERS) AND
FORTIFICATION REMOVAL ACT 2002**

**Price: \$8.20 counter sales
Plus postage on 95 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

ROAD SAFETY COUNCIL ACT 2002

**Price: \$3.10 counter sales
Plus postage on 30 grams**

*Prices subject to change on addition of amendments.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION CHARGES 2003

All subscriptions are for the period from 1 January to 31 December 2003. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

All Gazettes	\$
Within WA	781.00
Interstate	797.50
Overseas (airmail)	1,089.00
Bound Volumes of full year	1,039.50

Electronic Gazette Online

(includes all Gazettes from Jan 1998)

Existing hard copy subscriber	178.20
Electronic Subscription only	594.00
<i>Gazettes on CD ROM from 1998</i>	
(per year).....	711.70

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	339.90
Interstate	404.80
Overseas (airmail)	515.00

Electronic Gazette Online

(includes all Gazettes from Jan 1996)

Existing hard copy subscriber	110.00
Electronic Subscription only.....	220.00
<i>Gazettes on CD ROM from 1998</i>	
(per year).....	308.00

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	741.40
Interstate	906.40
Overseas (airmail)	854.00

Bound Volumes of Hansard

Within WA	731.50
Interstate	742.50
<i>Hansards on CD ROM from 1999</i>	
(per year)	759.00

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	265.10
Interstate	293.70
Overseas	272.00
Half Calf Bound Statutes	729.30

Bound Volumes on CD ROM from 1998

(per year).....	264.00
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Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	283.80
Interstate	293.70
Overseas (airmail).....	382.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	390.50
Interstate	409.20
Overseas (airmail)	555.00

Electronic Statutes Online

Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc

	\$
1st user	697.40
2nd and each additional user (each)	348.70
More than 4 users—site licenses apply— please contact our sales staff for rates	

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

