

WESTERN AUSTRALIAN GOVERNMENT Gazette

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CONTENTS

PART 1

	Page
Local Government Act 1995—Shire of Bridgetown-Greenbushes—Local Law Relating to Fencing.....	3763-4
Town Planning and Development Act 1928—Town Planning Fees Notice 2004.....	3764-6

PART 2

Fisheries.....	3767-8
Local Government.....	3768
Parliament.....	3769
Planning and Infrastructure	3769-809
Police	3809-10
Public Notices.....	3810-1
Salaries and Allowances Tribunal	3810

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PUBLISHING ALTERATIONS

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

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

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

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JOHN A. STRIJK, Government Printer.

— PART 1 —

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

LOCAL LAWS RELATING TO FENCING

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Bridgetown-Greenbushes resolved on 26th August 2004 to make the following local laws.

The Shire of Dandaragan Local Laws Relating to Fencing as published in the *Government Gazette* on 9 May 2001 are adopted as local laws of the Shire of Bridgetown-Greenbushes, with the modifications which follow—

1. Preliminary

Wherever the Shire of Dandaragan is mentioned in the local laws substitute the Shire of Bridgetown-Greenbushes.

2. Clause 4 - Interpretation

2.1 Insert “Shire of Bridgetown-Greenbushes” into the interpretation of local government.

2.2 Delete existing interpretation for “Residential Lot” and substitute with “Residential Lot” means a lot within a Residential Zone of a Town Planning Scheme”.

2.3 Delete “Rural Lot” means a lot where a rural use —“ and substitute with “Rural Lot” means a lot within a Rural or Special Rural Zone of a Town Planning Scheme or —“.

2.4 Delete “Special Rural Lot” means a lot where a special rural use —

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;”.

3. Clause 6

3.1 Delete clause 6 (1) and replace with the following clause—

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless all owners of land which adjoins the relevant boundary agree to erect a fence which though different does not fail to comply with the requirements of a sufficient fence.

4. Clause 9

4.1 Delete the word “and” in the first line in of Clause 9 Maintenance of Fences and replace with the word “or”.

5. Clause 11

5.1 Delete clause 11.1 and replace with the following clause—

- (1) A person shall construct any fence on a Residential Lot, a Commercial Lot or an Industrial Lot from only those materials specified for a sufficient fence in respect of such lot in the First or Second Schedule or some other material approved by the Building Surveyor.

6. First Schedule

6.1 Clause A, (f) – Add the words “a maximum” after the word “placed” in the first line.

6.2 Add additional clause, Clause “E —

A fence constructed of colour bond or zinalume sheeting which satisfies the following specifications—

- (a) corner posts of timber to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres or in accordance with the modular steel fencing manufacturers written instructions;

- (b) corner posts of timber to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts centres or in accordance with the modular steel fencing manufacturers written instructions;
- (c) all timber posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (d) the total height and depth of the fence to consist of a single continuous colour bond or zincalume sheet;
- (e) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers written instructions; and
- (f) the height of the fence to be a minimum of 1800mm.

7. Second Schedule

Clause C – Add the words "painted or galvanised steel or" after the words "constructed of" in the first line.

8. Third Schedule

Insert name of "Shire of Bridgetown-Greenbushes".

Dated this 26th day of August 2004.

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of its Council in the presence of—

Cr R. J. WALSTER, Shire President.
T. P. CLYNCH, Chief Executive Officer.

PLANNING AND INFRASTRUCTURE

PI301*

Town Planning and Development Act 1928

Town Planning Fees Notice 2004

Made by the Minister for Planning and Infrastructure under section 29 of the Act.

1. Citation

This notice may be cited as the *Town Planning Fees Notice 2004*.

2. Commencement

The fees set out in Schedule 1 are prescribed as the fees to be charged on and from 31 August 2004 in respect of things referred to in the Schedule.

Note: The fees set out in this notice supersede those set out in the *Town Planning Fees Notice 2003*.

Schedule 1 — Fees

[cl. 2]

1. For the approval of subdivision or re-subdivision according to the following scale —

Number of Allotments	On lodgment of Application \$	On approval of each survey document \$
1	395	55
2	400	75
3	405	95
4	410	120
5	415	145
6-10	450	170
11-15	450	190
16-20	450	225
21-25	510	260
26-30	510	290
31-35	510	335
36-40	590	380
41-45	590	440
46-50	590	485
51-55	600	535
56-60	600	580
61-65	600	630
66-70	625	675
71-75	625	725
Over 75	625 + \$5 per lot in excess of 75 lots	725 + \$5 per lot in excess of 75 lots
2.	Additional fee for considering a minor variation to a plan of subdivision as part of the application for approval of subdivision or re-subdivision. Note: Where a minor variation is made at the request of the Commission, the Commission may waive some or all of the applicable fee.	50% of the fee payable under the column "On lodgment of Application" (in item 1 in the row that corresponds to the number of allotments)
3.	For the application for approval of every transfer, conveyance, lease or mortgage (regulation 8(2) of the <i>Town Planning and Development (Subdivisions) Regulations 2000</i>)	\$50.00

-
- | | | |
|----|--|----------|
| 4. | On application to the Commission for a class of lease or licence to use or occupy, or to be approved, under section 20(1c) of the Act | \$50.00 |
| | And for each lease or licence proposed | \$ 8.00 |
| 5. | On application to the Commission requesting reconsideration of a refusal to approve a plan, or the approval of a plan subject to the imposition of a condition, under section 24(5) of the Act | \$210.00 |

Note: No application or approval fees are payable on lots to be shown on a plan or diagram as being reserved for the purpose of a pedestrian accessway, right of way, truncation, road widening, or reserve for drainage or recreation.

ALANNAH MacTIERNAN, MLA, Minister for
Planning and Infrastructure.

— PART 2 —

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST PURSE SEINE FISHERY MANAGEMENT PLAN AMENDMENT 2004

FD 587/01 [648]

Made by the Minister under section 54(2).

Citation

1. This instrument may be cited as the *West Coast Purse Seine Fishery Management Plan Amendment 2004*.

Management plan amended

2. The amendments in this instrument are to the *West Coast Purse Seine Management Plan 1989**.

Clause 10A replaced

3. Clause 10A is deleted and the following clause is inserted instead —

“ Restrictions on fishing

10A. (1) The holder of a licence or a person acting on that person's behalf must not, at any time on or before 31 March 2005, fish for pilchards unless the total quantity of pilchards taken under the authority of the licence after 31 March 2004 is —

- (a) in the case of a licence that was first granted pursuant to clause 7, less than 168,750 kilograms;
- (b) in the case of a licence that was first granted pursuant to clause 12, less than the number of kilograms set out opposite the reference to that licence in Schedule 5.

(2) The holder of a licence or a person acting on that person's behalf must not, at any time on or before 31 March 2005, fish for a small pelagic fish that is not a pilchard unless the total quantity of small pelagic fish other than pilchards taken under the authority of the licence after 31 March 2004 is —

- (a) in the case of a licence that was first granted pursuant to clause 7, less than 168,750 kilograms;
- (b) in the case of a licence that was first granted pursuant to clause 12, less than the number of kilograms set out opposite the reference to that licence in Schedule 6.

(3) In Schedules 5 and 6, a reference in column 1 to a number is a reference to the licence that specifies that number in accordance with clause 9. ”.

Schedules 5 and 6 inserted

4. After Schedule 4 the following Schedules are inserted —

“ Schedule 5

Licence number	Total quantity of pilchards (kg)
WPSS1070	5,625
WPSS1067	5,625
WPSS1068	5,625
WPSS1058	22,500
WPSS1066	5,625

Schedule 6

Licence number	Total quantity of small pelagic fish other than pilchards (kg)
WPSS1070	5,625
WPSS1067	5,625
WPSS1068	5,625
WPSS1058	22,500
WPSS1066	5,625 ”.

[*Published in the Gazette of 8 September 1989. For amendments to 31 July 2004 see Notice No. 683 published in the Gazette of 24 February 1995, the *West Coast Purse Seine Management Plan*

Amendment 1997 published in the Gazette of 27 June 1997 (disallowed on 21 October 1997), the West Coast Purse Seine Management Plan Amendment 1999 published in the Gazette of 5 March 1999, the West Coast Purse Seine Management Plan Amendment 1999 published in the Gazette of 26 March 1999, the West Coast Purse Seine Fishery Management Plan Amendment 2000 published in the Gazette of 23 May 2000, the West Coast Purse Seine Fishery Management Plan Amendment 2001 published in the Gazette of 7 September 2001, the West Coast Purse Seine Fishery Management Plan Amendment 2002 published in the Gazette of 14 June 2002 and the West Coast Purse Seine Fishery Management Plan Amendment 2003 published in the Gazette of 4 November 2003.

See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices under the Fisheries Act 1905 immediately before the commencement of those regulations.]

Dated this 18th day of August 2004.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

City of Canning

SWIMMING POOL INSPECTION FEE

At the meeting of the City of Canning held on 24 August 2004, it was resolved to impose the following Swimming Pool Inspection Fee for the period 1 July 2004 to 30 June 2005—

Swimming Pool Inspection Fee	\$12.60 per year (GST inclusive)
	\$6.30 eligible pensioners

M. S. LEKIAS, Mayor.
D. CARBONE, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

Shire of Mundaring

(BASIS OF RATES)

Department of Local Government
and Regional Development,
31 August 2004.

DLGRD: MG 5-4 V4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon Tom Stephens MLC, Minister for Local Government and Regional Development, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the attached schedule to this notice shall be unimproved value for the purposes of rating with effect from 9 August 2004.

CHERYL GWILLIAM, Director General.

SCHEDULE

ADDITION TO UNIMPROVED VALUE AREAS

All those portions of land being Lot 9 as shown on Plan 2581 and Lot 56 as shown on Plan 5912.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent To Bills

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 dates shown, to the undermentioned Bills passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

Short Title of Bill	Date of Assent	Act No.
Treasurer's Advance Authorisation Bill 2004	August 26 2004	19 of 2004
Marketing of Eggs Amendment Bill 2004	August 26 2004	20 of 2004

August 27 2004

L. B. MARQUET, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Cambridge

Town Planning Scheme No. 1—Amendment No. 12

Ref: 853/2/31/2 Pt 12

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Cambridge Town Planning Scheme Amendment on 24 August 2004 for the purpose of—

1. Recoding Lots 32 (SN 32), 105 (SN 38), 200 (SN 40), 102 (SN 50) and 33 (SN 50) Cambridge Street, West Leederville, from Residential R60 to Residential R160.
2. Modifying footnote (9) to the Zoning Table to include R160 as an "AA" use.
3. Amending the relevant Scheme Map and Town Planning Scheme Policy Manual as appropriate.

M. A. ANDERTON, Mayor.
G. D. PARTRIDGE, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Cockburn

Town Planning Scheme No. 3—Amendment No. 14

Ref: 853/2/23/20 Pt 14

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Cockburn Town Planning Scheme Amendment on 24 August 2004 for the purpose of amending the Scheme Maps as depicted on the Amendment Map by—

1. Recoding No 15 (Lot 162) Rosalind Way, Coolbellup from R40 to R60.
2. Recoding No 32 (Lot 1) Malvolio Road, Coolbellup from R40 to R60.
3. Recoding No 68 (Lot 4) Cordelia Avenue, Coolbellup from R50 to R60.
4. Recoding 2 (Lot 147) Curan Street and 71 (Lot 135) Coolbellup Avenue from R20 to R30 inclusive of the adjoining Pedestrian Accessway.

S. LEE, Mayor.
D. M. GREEN, for Chief Executive Officer.

PI403

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

Shire of Gingin

Town Planning Scheme No. 8—Amendment No. 76

Ref: 853/3/8/10 Pt 76

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Gingin Town Planning Scheme Amendment on 24 August 2004 for the purpose of—

1. Rezoning Lot 102 Wanneroo Road, Woodridge from 'Rural' to 'Horticulture Zone' as depicted on the Amending Map.
2. Including the following sub-clause within Appendix 9—
 - 4 (a) Lot 102 Wanneroo Road.
 - (b) In accordance with Table No 1—Zoning Table and sub-clause (c) of this part.
 - (c) (i) Only uses which in the opinion of Council are not considered to be nutrient exporting activities may be permitted within the area of the subject land delineated as 'Area A' on the Subdivision Guide Plan.
 - (ii) Activities associated with the Use Classes of 'Irrigated Horticulture' and 'Rural Pursuit' as incorporated within Table No 1—Zoning Table and defined in Appendix 1 (Interpretations) to this Scheme may only be permitted within the area of the subject land delineated as 'Area B' on the Subdivision Guide Plan in accordance with the following Table—

Discretionary Uses (AA)

Orchard

- Citrus
- Custard Apples
- Avocados
- Mangoes
- Peaches

Nursery

- Native Flowers

Not Permitted Uses

Orchard

- Grapevines

Market Gardens

- Carrots
- Cauliflowers
- Celery
- Lettuce
- Onions
- Potatoes
- Tomatoes
- Pumpkins
- Rockmelons
- Cabbages

Greenhouse Flowers

- Roses
- Carnations

Golf Course

Turf Production

- (iii) Council shall exercise its discretion in approving or refusing any use not listed in sub-clause (c) (ii) of this part by reference to the guidelines of the Department of Environmental Protection and Agriculture Western Australia for the identification of low-level nutrient activities. Uses not listed may only be approved by Council if the use has a similar or lower nutrient application/export level to the discretionary uses listed.
- (d) Any future subdivision shall be generally in accordance with the Subdivision Guide Plan adopted by Council on 19 October 1999.
- (e) The landowner complying with the requirements of the attached Management Plan.

MANAGEMENT PLAN
LOT 102 WANNEROO ROAD
WOODRIDGE

1.0 WINDBREAKS

Windbreaks reduce wind erosion of the topsoil and provide an improved microclimate for increased production. Trees with dense foliage are poor windbreaks. They are most effective if they provide a barrier that is 35-45 per cent permeable to the wind. The windbreaks need only be narrow forming a rather abrupt obstruction to the wind. If the belt of trees is too broad, it will act as a barrier and create eddying wind of high velocity.

Each individual property shall plant and align windbreaks based upon the following criteria—

- Alignment should be at right angles to the wind.
- The length of the windbreak is recommended to be at least 20 times the height of the trees, increasing to 30 times if they are not at right angles to the wind. In terms of the proposed allotments windbreaks should be positioned in relation to the location of horticultural activity and having regard to the direction of the prevailing winds i.e. along the south-west, north-west and eastern sectors of the allotments.
- Tree types used for windbreaks should be comprised of species that retain foliage to ground level ie: Tamarisk/some species pine. They should be in two rows to avoid gaps. Suitable tree types include a number of the Eucalypts i.e. Tuart, Coastal Morts and Meylacarpa.
- Trees should be spaced four metres apart.
- The retention of remnant vegetation for windbreaks should be utilised where possible within the proposed allotments.

A 20m wide tree planting buffer shall be provided along Wanneroo Road, as depicted on the Subdivision Guide Plan.

2.0 VEGETABLE WASTE INCLUDING SILAGE WASTE

- All stored vegetable and silage waste is required to be buried daily and covered completely with at least 4cm of sand, unless otherwise determined by Council.
- Vegetable waste to be trashed for soil improvement shall be turned into the soil within 5 days of the removal of the crop or portion of the crop.

3.0 FRUIT WASTE INCLUDING FALLEN FRUIT

All orchard developments within the Shire are required to comply with the Western Australian Plant Diseased Regulations 1989.

4.0 USE OF PESTICIDES

- The application of pesticides in conjunction with intensive agricultural production shall be in accordance with the Health (Pesticide) Regulation 1956 using correctly calibrated spraying equipment. The mixing of more chemical than required for immediate use and storage on site of mix pesticide chemicals shall not be permitted.
- After emptying and prior to disposal a pesticide container shall be rinsed out with water three times and the contents poured into the spray tank.
- Empty pesticide containers shall be disposed of in an authorised manner.
- After spraying, the spray tank shall be hosed down and partially filled with water. The diluted pesticide/water mixture shall then be sprayed on an area of land.

5.0 NOISE CONTROL

All developments within the Shire are required to comply with the Noise Abatement (Neighbourhood Annoyance) Regulations 1979, a prescribed standard under section 51 of the Environmental Protection Act 1986.

6.0 LAND CLEARING

Any land clearing shall comply with the Land Clearing Regulations administered under the Soil and Land Conservation Act 1945-82. Areas of remnant vegetation should be retained where possible and utilised for windbreaks or visual barrier to Gingin Brook Road and Wanneroo Road.

7.0 WATER SUPPLY

The land is situated in the Gingin Groundwater Area and a well licence for a bore must be obtained from the Waters & Rivers Commission. The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal systems, water bodies and neighbouring bores. The licence will contain a number of conditions including the quantity of water that can be pumped each year.

8.0 BUSH FIRE CONTROL

The landowner shall be responsible for the establishment and maintenance of firebreaks to the specifications and satisfaction of the Council and any other fire prevention measures that may be required by the Council for the estate will be at the landowners cost in proportion of the landholdings to the whole of the estate.

9.0 POWER SUPPLY

All proposed allotments shall be connected to the State electricity grid to provide for future 3 phase power requirements.

10.0 TELEPHONE

All proposed allotments shall be connected to the State telephone network.

11.0 BUFFER

In accordance with Council's Town Planning Policy 1.9, no horticultural activity is to be undertaken within a 500m buffer from the adjoining rural-residential development (Woodridge Estate), as depicted on the Subdivision Guide Plan.

12.0 NUTRIENT AND IRRIGATION MANAGEMENT**(A) Minimising Leaching of Nutrients****(i) Nitrates**

Heavy application of nitrogen fertiliser at planting is poor practice for environmental and agronomic reasons. Excess nitrate can not be taken up by plant roots and is leached rapidly down the soil profile, eventually reaching the groundwater table.

Recommended Best Practice

- Apply no more nitrogen fertiliser than the crop needs for good growth. Refer to Department of Agriculture WA fertiliser recommendations for different crops.
- Apply nitrogen fertiliser in small, regular doses throughout the life of the crop. This is especially important on sandy soils.

(ii) Phosphorus

Phosphorus is the main nutrient that causes algal blooms. It is bound to clay particles in most soils but is easily leached from grey or white sands and can enter waterways and wetlands via run-off and seepage.

Recommended Best Practice

- Have the PRI test conducted on light sandy soils. The PRI test result is important to determine the fertiliser strategy for those soils.
- Apply phosphorus according to soil phosphorus test levels.
- Over 70% of the total phosphorus fertiliser should be applied post-planting 'little and often' on light sandy soils.
- Consider using slow release sources of phosphorus and sulphur and dried granulated measures on light sands with low PRI.

(B) Irrigation Management

Efficient irrigation is of prime importance for environmentally sustainable production.

Recommended Best Practice

- Select the system components to best suit the site and crop conditions.
- Ensure the system has an effective means of controlling the time and duration of water application.
- The application rate of the sprinklers or emitters should not exceed the infiltration rate of the heaviest soil type on the property.
- Dripper systems are best to minimise water use and leaching on sands.
- To reduce wind spread use windbreaks and a combination of smaller sprinkler spacings and lower operating pressure is desirable.
- Check and maintain the irrigation system regularly.
- For effective scheduling of irrigation, it is important to monitor and record both; evaporation data and soil moisture readings.
- To minimise evaporation losses apply water during the coolest time of the day and at times when there is least wind.
- Water early in the morning if using sprinklers.

G. E. MORTON, President.
S. D. FRASER, Chief Executive Officer.

PI404***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Joondalup

District Planning Scheme No. 2—Amendment No. 21

Ref: 853/2/34/2 Pt 21

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Joondalup Town Planning Scheme Amendment on 24 August 2004 for the purpose of rezoning a portion of Lot 9016 (500) Burns Beach Road, Burns Beach, from "Rural" to "Urban Development".

J. PATERSON, Chairman of Commissioners.
C. HIGHAM, Acting Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Kalamunda

District Planning Scheme No. 2—Amendment No. 220

Ref: 853/2/24/16 Pt 220

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Kalamunda Town Planning Scheme Amendment on 24 August 2004 for the purpose of inserting in Appendix D of the Scheme Text—

1. Under column 'Particulars of Land'

255 WALNUT ROAD, BICKLEY

LOT 501

Under column 'Additional Uses'

- (a) A Restaurant is not permitted unless approval is granted by the Council 'AA'.
- (b) The Restaurant be restricted to a maximum of 50 seats.
- (c) Hours of operation shall be limited to 11.00 am to 5.00 pm in order to minimise the amount of light pollution which would potentially impact on the operations of the Perth Observatory.

E. TAYLOR, President.
D. E. VAUGHAN, Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Northampton

Town Planning Scheme No. 6—Amendment No. 7

Ref: 853/3/14/8 Pt 7

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Northampton Town Planning Scheme Amendment on 24 August 2004 for the purpose of—

1. Rezoning Lot 475 and the eastern portion of Lot 153 (to be known as Lot 102 on DP 39969) Stephen and Robinson Streets, Northampton, from Rural and Residential R5 to Residential, and applying a density coding of R10/30.
2. Inserting the following new clause into the Scheme Text—
 - 5.8.6 Within the area coded R10/30, development to the density and standards of the R30 Code shall be permitted only if the development is for Aged or Dependant Persons' Dwellings and where effluent is disposed of as part of a sewerage scheme operated by a licensed service provider to the satisfaction of the Health Department.
3. Amending the Scheme Maps accordingly.

G. V. PARKER, President.
G. L. KEEFFE, Chief Executive Officer.

PI407*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Rockingham

Town Planning Scheme No. 1—Amendment No. 363

Ref: 853/2/28/1 Pt 363

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Rockingham Town Planning Scheme Amendment on 24 August 2004 for the purpose of—

1. Rezoning Lot 4 and Lot 50 from Rural Zone to Development Zone.
2. Modifying Table XII of Council's Scheme Text "Peeldale" by adding Lot 4 and Lot 50 to the list of lots within the Peeldale Development Zone.

TABLE XII
PEELDALE

Locality	Provisions
Lot 4, Lot 5, Lot 50, Pt Lot 51 Baldivis Road, Baldivis	<ol style="list-style-type: none"> 1. The subdivision and development of the land shall generally be in accordance with the Development Zone Comprehensive Plan. 2. Prior to the submission of an application for subdivision approval and/or development, Council shall require the developer to prepare an Environmental Management Plan for the amendment area to meet the following objectives— <ul style="list-style-type: none"> • To maintain and, where possible, enhance the integrity, functions and environmental values of the wetland; • To maintain or enhance the quality of surface water so that existing and potential uses, including ecosystem maintenance, are protected; • To ensure the provisions of the Statement of Planning Policy No 2.1 The Peel-Harvey Coastal Plain Catchment and the Environmental Protection (Peel Inlet—Harvey Estuary) Policy 1992 are met.

The Environmental Management Plan shall be prepared to the requirements of the City of Rockingham in consultation with the Department of Environment.

The Plan shall include—

- Management objectives for the development as described above;
- A description of the wetland, its current functions and habitat assessment;
- Management actions to ensure the management objectives are achieved, including—
 - a drainage and catchment management plan incorporating Water Sensitive Urban Design Principles and Best Management Practices;
 - details of revegetation, provision of fauna habitats and weed control;
 - appropriate design of constructed wetlands to reduce potential mosquito populations;
 - management of human pressures and public access within the Public Open Space areas;
- A monitoring program, including definition of performance criteria and analysis procedures, to demonstrate whether the management objectives are being met;
 - Contingency plans to be implemented in the event that performance criteria are not met;
 - Details on how the proposed management measures will be or are incorporated into the Comprehensive Development Plan for the land; and
 - Identification of responsibilities for implementation of the Plan.

The plan shall be implemented to the satisfaction of the City of Rockingham.

B. SAMMELS, Mayor.
G. G. HOLLAND, Chief Executive Officer.

PI408*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Stirling

District Planning Scheme No. 2—Amendment No. 465

Ref: 853/2/20/34 Pt 465

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling Town Planning Scheme Amendment on 24 August 2004 for the purpose of inserting after Clause 1.6.7, the following new clause—

1.6.8 Delegation of Functions

- 1.6.8.1 The Council may, either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 1.6.8.2 The Chief Executive Officer may delegate to any employee of the City the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under clause 1.6.8.1.
- 1.6.8.3 The exercise of the power of delegation under clause 1.6.8.1 requires a decision of an absolute majority of the Council as if the power had been exercised under the Local Government Act 1995.
- 1.6.8.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under clause 1.6.8 as if the delegation were a delegation under Division 4 of part 5 of that Act.

D. C. VALLELONGA, Mayor.
 L. DELAHAUNTY, Chief Executive Officer.

PI409*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Wanneroo

District Planning Scheme No. 2—Amendment No. 21

Ref: 853/2/30/19 Pt 21

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Wanneroo Town Planning Scheme Amendment on 24 August 2004 for the purpose of—

1. Showing the western portion (of area 15,000 sq m) of Lot 27 Wanneroo Road, Neerabup as Additional Use on the Scheme Map.
2. Including the following in Section 1 of Schedule 2 of District Planning Scheme No 2—

Number: 1-29

Street/Locality: Wanneroo Road, Neerabup

Particulars of Land: Portion of Lot 27

Additional Use and Conditions (Where Applicable)—

Additional Use—

Sale of vegetable and flower seeds;

Sale of stockfeed;

Sale of fertiliser, fungicides and insecticides;

Sale and repair of farm machinery, farming implements and irrigation equipment;
 Showroom and hardware area for the display and sale of items related to the agricultural industry, with a maximum area open to the public of 2,000 square metres;

Warehouse for storage of the above items (not open to the public for sale of goods).

Conditions—

- (i) Development to include provision to Council's satisfaction of facilities for farmer advice and education;
- (ii) Development to be designed to be complementary to the rural character of the broader surrounding area.

J. KELLY, Mayor.
 C. JOHNSON, Chief Executive Officer.

PI501*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENT NO. 1074/33

Leighton Beach and Environs

Call For Public Submissions

The Western Australian Planning Commission is considering a proposal to amend the Metropolitan Region Scheme for land in the City of Fremantle and the Towns of Mosman Park and Cottesloe. Public comment is invited

At Leighton Beach the amendment will reflect several of the major components of the "*Leighton Planning Guidelines (December 2000)*" and make minor modifications to the existing road reservations in the area. At North Quay the amendment will reflect ongoing planning for the operational needs of the Port of Fremantle.

Full details of the proposals can be found in the Commission's explanatory *Amendment Report*. This document, along with the amending plan and other documentation showing the proposed changes to the zones and reservations of the Scheme, will be available for public inspection from 31 August 2004 to 3 December 2004 at the following locations—

- Department for Planning and Infrastructure, Wellington Street, Perth
- JS Battye Library, Francis Street, Northbridge
- City of Perth, St George's Terrace, Perth
- City of Fremantle, William Street, Fremantle
- Town of Cottesloe, 109 Broome Street, Cottesloe
- Town of Mosman Park, Memorial Park, Bay View Terrace, Mosman Park

Documents are also available from the Commission's Internet Site www.wapc.wa.gov.au.

Any person who wishes to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a submission form (Form 6A). This form is available from the display locations, the *Amendment Report* and the Internet.

Submissions must be lodged with the—

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

on or before 5.00pm Friday, 3 December 2004. Late submissions will not be considered.

I. PATTERSON, Secretary,
Western Australian Planning Commission.

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

Town of Northam

Town Planning Scheme No. 5

Ref: 853/4/3/5

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Northam Town Planning Scheme No. 5 on 23 August 2004, the Scheme Text of which is published as a Schedule annexed hereto.

R. M. HEAD, Mayor.
D. S. BURNETT, Chief Executive Officer.

Schedule

TOWN OF NORTHAM

Town Planning Scheme No. 5

The Town of Northam under the powers conferred by the *Town Planning and Development Act 1928* makes the following Town Planning Scheme.

Table of Contents

- | | |
|--------|--|
| Part 1 | Preliminary —sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws. |
| Part 2 | Local Planning Policy Framework —sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies. |

- Part 3 **Reserves**—sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 **Zones and the use of land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General development requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special control areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for planning approval**—sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for dealing with applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and administration**—sets out the general provisions for the administration and enforcement of the Scheme.
- Part 12 **Structure Plans**—sets out the procedure for the preparation and approval of structure plans prior to development and subdivision.

Schedules

- Schedule 1 Dictionary of defined words and expressions
 – General definitions
 – Land use definitions
- Schedule 2 Additional uses
- Schedule 3 Restricted uses
- Schedule 4 Special use zones
- Schedule 5 Exempted advertisements
- Schedule 6 Form of application for planning approval
- Schedule 7 Additional information for advertisements
- Schedule 8 Notice of public advertisement of planning proposal
- Schedule 9 Notice of determination on application for planning approval
- Schedule 10 Environmental conditions
- Schedule 11 Development areas
- Tables**
- | | |
|---|-----------------------|
| 1 | Zoning Table |
| 2 | Car Parking Standards |

PART 1—PRELIMINARY

1.1. Citation

1.1.1. The Town of Northam Scheme No. 5 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked—

Name—Town of Northam Town Planning Scheme No. 4 Gazettal date—12 October, 1993.

1.2. Responsible authority

The Town of Northam (“**the Local Government**”) is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area which covers all of the Local Government district of the Town of Northam.

1.4. Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-5).

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

Note: The Scheme Map comprises five sheets at a scale of 1:5000 illustrating zones, reserves, residential density codes and special control areas.

1.5. Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the Local Government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;

- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the First Schedule to the Town Planning Act.

1.6. The aims of the Scheme

The aims of the Scheme are to—

- (a) develop the Town in a sustainable way that conserves, and where possible enhances, the Town's natural environmental values by : discouraging ad hoc urban sprawl, encouraging in-fill development of existing serviced residential areas, and encouraging the extension of sewerage services into the Light and Service Industry Zone;
- (b) support a variety of housing choice in the Residential Zone and encourage residential development where appropriate in other zones, in particular the Business Zone and Mixed Use Zone;
- (c) provide for rural–residential lifestyles in a manner that protects the natural landscape and minimises impacts on adjacent land uses;
- (d) identify preferred Local Centre Zone locations where local community centres will be encouraged; and,
- (e) identify the main watercourses running through developed areas to the Avon/Mortlock River System that need special attention to control stormwater run-off.

1.7. Definitions

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

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

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

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

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

1.8. Relationship with local laws

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

1.9. Relationship with other Schemes

No other Schemes apply to the Scheme Area

1.10. Relationship with Region Schemes

No Region Scheme applies to the Scheme Area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1. Scheme determinations to conform with Local Planning Strategy

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

(The Town of Northam Local Planning Strategy 2000 has been prepared and endorsed under the Town Planning Amendment Regulations 1999.)

2.2. Local Planning Policies

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

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

2.3. Relationship of Local Planning Policies to Scheme

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

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

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be

consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4. Procedure for making or amending a Local Planning Policy

2.4.1. If the Local Government resolves to prepare a Local Planning Policy, the Local Government—

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

2.4.2. After the expiry of the period within which submissions may be made, the Local Government is to—

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

2.4.3. If the Local Government resolves to adopt the Policy, the Local Government is to—

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

2.4.4. A Policy has effect on publication of a notice under clause 2.4.3(a).

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

2.4.6. Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by the Local Government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

PART 3—RESERVES

3.1. Reserves

Certain lands within the Scheme area are classified Local Reserves.

3.2. Regional Reserves

There are no Regional Reserves in the Scheme Area.

3.3. Local Reserves

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

3.4. Use and development of Local Reserves

3.4.1. A person must not—

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

3.4.2. In determining an application for planning approval the Local Government is to have due regard to—

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

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

PART 4—ZONES AND THE USE OF LAND

4.1. Zones

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

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

4.2. Objectives of the zones

4.2.1 The Town Centre Zone. Objectives are to—

- Provide for the main retail shopping and office needs of the town as a whole and the surrounding region.
- Provide a “MainStreet” environment with high levels of amenity to enhance the character of the town centre.
- Provide increased levels of public amenities including shaded areas and street furniture.
- Provide for safe and efficient pedestrian and vehicular movement.
- Provide sufficient parking for cars, caravans and buses.

4.2.2 The Local Centre Zone. Objectives are to—

- Identify preferred locations for proposed local neighbourhood centres at an early stage.
- Provide the local convenience shopping, office, health, welfare and community services that may be required for the neighbourhood.
- Provide for the preparation and adoption of a guide plan before any development is commenced, and for development to be carried out in conformity with a guide plan adopted by the Local Government.

4.2.3 The Business Zone. Objectives are to—

- Provide for offices and associated commercial services in an administrative and civic precinct of the town.
- Ensure development enhances local amenity through the provision of public amenities and landscaping.
- Provide for the safe and efficient movement of pedestrians and vehicles.
- Provide sufficient parking for cars and buses.

4.2.4 The Mixed Use Zone. Objectives are to—

- Provide for a range of residential, office, commercial and other compatible uses.
- Ensure development enhances local amenity through the provision of public amenities and landscaping.
- Provide for the safe and efficient movement of pedestrians and vehicles. Achieve high standards of landscaping and presentation of buildings to adjacent roads.

4.2.5 The Light and Service Industry Zone. Objectives are to—

- Accommodate light and service industries and associated uses that are compatible, and are acceptable in proximity to rivers and residential areas.
- Achieve high standards of landscaping and presentation of buildings to adjacent roads.
- Provide sufficient parking and space for the movement, loading and unloading of large vehicles.

4.2.6 The Residential Zone. Objectives are to—

- Provide for a variety of housing to meet the needs of different household types in accordance with a general residential Density Code of R15.
- Retain single houses as the predominant form of residential development particularly in areas outside where the Scheme has provisions for the special application of the Residential Planning Codes.
- Encourage further subdivision and in-fill development close to the town centre.

4.2.7 The Special Residential Zone. Objectives are to—

- Provide for spacious living at densities lower than those in the Residential Zone.
- Protect the natural scenic landscape.

4.2.8 The Rural Residential Zone. Objectives are to—

- Accommodate people wishing to reside in a rural environment where they may follow rural pursuits.
- Preserve the rural landscape.
- Discourage further subdivision, particularly where lots have frontage to only one road.

4.3. Zoning Table

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

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

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

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

- (a) the Local Government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

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

2. The Local Government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
3. In considering a 'D' or 'A' use, the Local Government will have regard to the matters set out in clause 10.2.
4. The Local Government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.4. Interpretation of the Zoning Table

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

4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category listed in the Zoning Table the Local Government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5. Additional uses

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

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

4.6. Restricted uses

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

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

4.7. Special use zones

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

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

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

4.8. Non-conforming uses

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

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

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

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not—

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

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

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

4.10. Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11. Termination of a non-conforming use

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

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

4.12. Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Local Government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

All development of land is to comply with the provisions of the Scheme. Where a requirement or standard is not readily determined from a study of the Scheme, such requirement or standard may be determined by the Local Government.

5.2 Development Guide Plans

5.2.1 The Local Government may require the preparation and adoption of a development guide plan prior to subdivision and development being approved in any zone.

5.2.2 Where the Local Government requests the preparation of a development guide plan, no development shall be commenced before a development guide plan has been prepared by the Proponent and adopted by the Local Government.

5.3 Building Facades

Where lots in the Town Centre, Business, Mixed Use and Light and Service Industry zones have common boundaries with public reserves, buildings shall be designed and constructed to present a façade of brick, plate glass or other approved material to those boundaries.

5.4 Minimum Building Setbacks

5.4.1 In the Town Centre Zone buildings may be constructed up to lot boundaries subject to compliance with the Building Code of Australia. Where buildings are not constructed up to lot boundaries, the Local Government may require compliance with sub-clauses 5.4.2 and 5.4.4 to the extent it that it considers these appropriate.

5.4.2 In the Local Centre, Business, Mixed Use and Service and Light Industry zones, buildings shall be set back 7.5 metres from a road reserve or rear lot boundary and 4 metres from a side lot boundary.

5.4.3 The Local Government may approve buildings up to side lot boundaries subject to compliance with the Building Code of Australia and Fire and Emergency Services Authority requirements and the approval of adjoining property owners.

5.4.4 In the Local Centre, Business, Mixed Use and Service and Light Industry zones, that portion of a lot within 3 metres of a road reserve boundary shall only be used for landscaping, for an approved means of access or for an approved trade display; and, that portion of a lot from 3 metres of a road reserve boundary to any building shall only be used for landscaping, for approved parking, loading or unloading areas for vehicles, or for an approved trade display.

5.4.5 In the Special Residential Zone, no building or effluent disposal system shall be constructed closer than 15 metres to a road reserve or rear lot boundary, or 5 metres of a side lot boundary. Where a lot has frontage to more than one road reserve, the Local Government may permit the construction of buildings to within 10 metres of one road reserve boundary.

5.4.6 In the Rural Residential Zone, no building or effluent disposal system shall be constructed closer than 20 metres to any lot boundary.

5.5 Residential Planning/ Design Codes (“R Codes”)

5.5.1 A copy of the R Codes is to be kept and made available for public inspection at the offices of the Local Government.

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

5.5.3 The residential density applicable to land within the Scheme area is to be determined by reference to the R Code density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a R Code density, as being contained within the area defined by the centre-line of those borders.

5.6 Special application of the R Codes

5.6.1 Special application of the R Codes applies to the Residential Zone where dual R Codes are illustrated on the Scheme Map. The Local Government may grant a “density bonus” up to the higher R Code illustrated on the Scheme Map for the land concerned, after complying with the requirements of sub-clauses 9.4.3 to 9.4.6 inclusive.

5.6.2 The Local Government may also grant a “density bonus” to a maximum of R30 on corner lots within the Residential R15 zone after complying with the requirements of sub-clauses 9.4.3 to 9.4.6 inclusive.

5.6.3 The provisions of Clause 5.6.1 and 5.6.2 above shall not apply to land within the Avon/Mortlock Special Control Area, which is subject to Clause 6.3.

5.6.4 In granting density bonuses, the Local Government shall take into account the extent to which the development proposed complies with its policies and design guidelines, and shall require the development to be connected to the Water Corporation’s sewer.

5.7 Restrictive covenants

5.7.1 Subject to clause 5.7.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the R Codes which apply under the Scheme.

5.7.2 Where clause 5.7.1 operates to extinguish or vary a restrictive covenant the Local Government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.7.1, have been prohibited unless the application has been dealt with as an ‘A’ use and has complied with all of the advertising requirements of clause 9.4.

5.8 Variations to site and development standards and requirements

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.8.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that—

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

5.9 Environmental conditions

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

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

5.9.3 The Local Government is to—

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

5.9.4 Except to the extent necessary for the construction of approved buildings and driveways, or for approved bushfire control purposes, no person shall clear land of vegetation or remove, cut down or damage any mature tree within a Special Residential or Rural Residential zone without the prior approval of the Local Government. For the purposes of this sub-clause, the Special Residential and Rural Residential zones include road reserves.

5.10 Car parking requirements

5.10.1 The design of off-street car parking areas shall be in accordance with Australian Standards AS2890.1, AS 2890.2, or any other requirements for engineering design of off-street car parking adopted by the Local Government. Car parking areas shall be constructed and maintained to the satisfaction of the Local Government, and shall include adequate provision for shade trees, customers and staff parking, and for manoeuvring, loading and unloading of vehicles.

5.10.2 The minimum number of on-site car parking bays to be provided for specified developments shall be in accordance with Table 2. Where a use class or type of development is not specified in Table 2, the Local Government shall determine the number of car parking bays to be provided.

5.10.3 Notwithstanding sub-clause 5.10.2, the Local Government may determine that a general on-site car parking requirement shall apply to development proposed in the following zones—

- (a) 1 bay per 20 sq m nla in the Town Centre, Local Centre and Business Zones;
- (b) 1 bay per 25 sq m nla in the Mixed Use Zone; and
- (c) 1 bay per 30 sq m nla in the Light and Service Industry Zone.

5.10.4 The Local Government may permit car parking to be provided in stages provided adequate space is set aside to its satisfaction on the land concerned to meet the full car parking requirement in the future, and the owner enters into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Local Government.

5.10.5 If the Local Government grants planning approval for car parking on adjacent premises which rely on the reciprocal movement of vehicles or pedestrians between or across those premises, the adjacent landowners shall allow the necessary reciprocal access and parking at all times to the satisfaction of the Local Government.

5.11 Cash in lieu of car parking

5.11.1 The Local Government may accept a cash payment in lieu of the provision of on-site car parking subject to being satisfied that there is adequate provision for car parking, or a reasonable expectation that there will be adequate provision for public car parking, in the proximity of the proposed development.

5.11.2 The cash payment shall be calculated having regard to the likely cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Local Government, of that area of land which would have had to be provided to meet the car parking requirements specified for the proposed development.

5.11.3 Any cash payment received by the Local Government pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks as deemed appropriate by the Local Government.

5.12 Landscaping requirements

5.12.1 The Local Government may require an application for planning approval to be accompanied by landscaping plans. Prior to the occupation of premises for the purposes of the planning approval, landscaping is to be planted, and is thereafter to be maintained to the satisfaction of the Local Government, in accordance with the landscaping plan approved by the Local Government.

5.12.2 The Local Government may require landowners to plant and maintain landscaping to its satisfaction on adjacent road verges as a condition of planning approval.

5.12.3 With the exception of areas around which authorised screen walls have been erected, landscaping shall be planted and maintained by the owners, to the satisfaction of the Local Government, on all portions of lots that are not covered by approved buildings, storage areas, accessways or parking bays.

5.12.4 In the Special Residential and Rural Residential zones, the Local Government may as a condition of any approval, require lot owners to plant and maintain to its satisfaction, mature trees and shrubs to promote the natural landscape values of the area.

5.13 Amenity

5.13.1 No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Local Government, create glare or in any other way whatsoever significantly detract from the amenity of the locality or tend to depreciate the value of adjoining property. All premises shall be so used and maintained so as to preserve the local amenity to the satisfaction of the Local Government.

5.13.2 No premises or appliances shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent or in such a manner as will, in the opinion of the Local Government, create or be a nuisance to any inhabitant, or to traffic or persons using any land in the vicinity.

5.13.3 Screen walls 1.8 m high to a specification approved by and to the satisfaction of the Local Government shall be provided to screen the rear of all premises where the Local Government considers this necessary to protect the amenity of adjoining premises.

5.14 Storage of materials and rubbish

The storage of materials, rubbish and unused vehicles shall be screened from view to the satisfaction of the Local Government.

5.15 Stormwater drainage

All stormwater shall be retained on site or drained in accordance with the Local Government's private stormwater drainage specifications.

5.16 Keeping of animals

5.16.1 No bees, cattle, goats, sheep, horses, or any other animal specified from time to time by the Local Government to be inappropriate in a residential neighbourhood, shall be kept in the Residential Zone.

5.16.2 No cattle, goats, sheep or any other animal specified from time to time by the Local Government to be inappropriate in special residential neighbourhoods shall be kept, and no more than one horse, may be kept on any lot in a Special Residential Zone.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of special control areas

6.1.1 The following special control areas are shown on the Scheme Map—

- (a) Development Areas shown on the Scheme Map as DA with a number
- (b) Avon/Mortlock Rivers

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

6.2 Development Areas

6.2.1 Interpretation

In clause 6.2, unless the context otherwise requires—

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

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

6.2.2 Purpose of Development Area.

6.2.2.1 The purposes of Development Areas are to—

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

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

6.2.3 Subdivision and Development in Development Areas

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

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

6.2.4 Structure Plan required

6.2.4.1 The Local Government is not to—

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

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

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

6.2.5 Preparation of proposed structure plans

6.2.5.1 A proposed structure plan may be prepared by—

- (a) the Local Government; or
- (b) an owner.

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

6.2.6 Details of proposed structure plan

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

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydro-geological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (iii) existing and future land use;

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

6.2.6.2 The maps referred to in clause 6.2.6.1 are to—

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

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

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

6.2.7. Submission to Local Government and Commission

6.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the Local Government.

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

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

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

6.2.8. Advertising of structure plan

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

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;

- (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
 - (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed structure plan;
 - (ii) all owners and occupiers who, in the opinion of the Local Government, are likely to be affected by the adoption of the proposed structure plan;
 - (iii) such public authorities and other persons as the Local Government nominates.
- 6.2.8.2 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed structure plan;
 - (b) specify when and where the proposed structure plan may be inspected; and
 - (c) invite submissions to the Local Government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 6.2.9 Adoption of proposed structure plan
- 6.2.9.1 The Local Government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
- (a) adopt the proposed structure plan, with or without modifications; or
 - (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.
- 6.2.9.2 (a) In making a determination under clause 6.2.9.1, the Local Government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
- (b) If the Commission requires modifications to the proposed structure plan, the Local Government is to consult with the Commission prior to making a determination under clause 6.2.9.1.
- 6.2.9.3 If the Local Government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the Local Government may—
- (a) readvertise the proposed structure plan; or
 - (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan; and thereafter, the procedures set out in clause 6.2.8.1 onwards are to apply.
- 6.2.9.4 If within the period referred to in clause 6.2.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the Local Government, the Local Government has not made a determination under clause 6.2.9.1, the Local Government is deemed to have refused to adopt the proposed structure plan.
- 6.2.10 Endorsement by Commission
- 6.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.2.9.1, the Local Government is to forward the proposed structure plan to the Commission for its endorsement.
- 6.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
- 6.2.10.3 The Commission is to notify the Local Government of its determination under clause 6.2.10.2.
- 6.2.11 Notification of structure plan
- 6.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.2.10.3, the Local Government is to forward a copy of the structure plan to—
- (a) any public authority or person that the Local Government thinks fit; and
 - (b) where the structure plan was submitted by an owner, to the owner.
- 6.2.12 Operation of structure plan
- 6.2.12.1 A structure plan comes into effect—
- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.10.2; or
 - (b) on the day on which it is adopted by the Local Government under clause 6.2.9.1 in all other cases.
- 6.2.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.
- 6.2.13 Inspection of structure plan
- 6.2.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 is to be kept at the Local Government's administrative offices, and is to be made available for inspection by any member of the public during office hours.
- 6.2.14 Variation to structure plan
- 6.2.14.1 The Local Government may vary a structure plan—
- (a) by resolution if, in the opinion of the Local Government, the variation does not materially alter the intent of the structure plan;
 - (b) otherwise, in accordance with the procedures set out in clause 6.2.6 onwards.

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

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

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

6.2.14.5 The Commission is to notify the Local Government of its determination under clause 6.2.14.4.

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

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

6.2.15 Detailed area plan

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

- (a) the Local Government; or
- (b) an owner.

6.2.15.2 A detailed area plan may include details as to—

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

6.2.15.3 When a proposed detailed area plan is prepared under clause 6.2.15.1, the Local Government is to—

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

6.2.15.4 The advertisement and notice are to—

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

6.2.15.5 The Local Government is to consider all submissions received and—

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

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

6.2.15.7 Once approved by the Local Government, the detailed area plan constitutes a variation of the structure plan.

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

6.2.16 Appeal

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

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

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

6.3. Avon /Mortlock Rivers Special Control Area

6.3.1 Purpose.

6.3.1.1 To retain the physical and biological features along the waterway necessary for the healthy functioning of the waterway in terms of water conveyance, water quality and ecological functions.

6.3.1.2 To avoid development which would adversely alter the capacity of the special control area to convey floodwaters.

6.3.1.3 To discourage more intensive residential and rural residential settlement in the special control area through subdivision and development.

6.3.1.4 To ensure that the Local Government is indemnified when development is approved below specified levels.

6.3.2 Application Requirements.

6.3.2.1 Planning approval is required to construct or extend any building, including a single house, or to carry out any other form of development on any land affected by the special control area.

6.3.2.2 Public works or community facilities may be permitted within the special control area provided they are designed and located in such a manner so as to minimise flood risk, property damage and obstruction to river flow.

6.3.2.3 A minimum finished floor level of all buildings to be constructed within the flood fringe shall be 500mm above the designated 100 year flood level unless the Local Government considers that a variation to this requirement can be justified and has paid due regard to the advice of the Department of Environment on the matter.

6.3.3 Consideration of applications

6.3.3.1 In considering any rezoning request, subdivision or development application the Local Government shall have regard to the following:—

- (a) The removal of or damage to riparian vegetation or other nearby vegetation which influences the waterway.
- (b) Harm to water quality or habitat values of the waterway.
- (c) The intent and purpose of the Linear River Valley Greenways system identified in the Avon Arc Sub-Regional Strategy to encourage protection and rehabilitation of the river system.

6.3.3.2 When determining applications for planning approval or any variation to the minimum finished floor level, the Local Government may impose conditions, including those relating to:—

- (a) flood proofing for new industrial or commercial development;
- (b) the placing of an appropriate notice on the title to warn owners and potential purchasers of the potential flood risk;
- (c) any other conditions designed to reduce flood risk.

6.3.4 Referral of Applications

The Local Government may consult with the Department of Environment Water and Catchment Protection and any other relevant authority before determining an application for planning approval.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

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

7.1.2. In the preparation of the Heritage List the Local Government is to—

- (a) have regard to the municipal inventory prepared by the Local Government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

- 7.1.3. In considering a proposal to include a place on the Heritage List the Local Government is to—
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

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

7.1.5. The Local Government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

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

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

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

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

7.2. Designation of a heritage area

7.2.1. If, in the opinion of the Local Government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the Local Government may, by resolution, designate that area as a heritage area.

7.2.2. The Local Government is to—

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

7.2.3. If a Local Government proposes to designate an area as a heritage area, the Local Government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the Local Government appropriate to ensure widespread notice of the proposal; and
- (c) carry out such other consultation as the Local Government considers appropriate.

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

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

7.2.5. After the expiry of the period within which submissions may be made, the Local Government is to—

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

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

7.2.7. The Local Government may modify or revoke a designation of a heritage area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. Heritage agreements

The Local Government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

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

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

7.4. Heritage assessment

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

7.5. Variations to Scheme provisions for a heritage place or heritage area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
 - (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,
- the Local Government may vary any site or development requirement specified in the Scheme or the R Codes by following the procedures set out in clause 5.8.2.

PART 8—DEVELOPMENT OF LAND

8.1. Requirement for approval to commence development

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

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

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

8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of the Local Government —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the Local Government under the Scheme to vary the provisions of the R Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) family day care;
- (f) any works which are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees;
- (g) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area; and
- (h) any minor additions or alterations provided the Local Government authorises the issue of a building licence.

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

8.3. Amending or revoking a planning approval

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

8.4. Unauthorized existing developments

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

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

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

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

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1. Form of application

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

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.8;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

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

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

9.2. Accompanying material

Unless the Local Government waives any particular requirement every application for planning approval is to be accompanied by—

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

9.3. Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the Local Government may require an applicant to provide one or more of the following to assist the Local Government in its determination of the application —

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Local Government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4. Advertising of applications

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

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

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

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the Local Government may require notice to be given in accordance with clause 9.4.3.

9.4.3. The Local Government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

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

9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the Local Government.

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

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1. Consultation with other authorities

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

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

10.2. Matters to be considered by the Local Government

The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application —

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

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

10.3. Determination of applications

In determining an application for planning approval the Local Government may—

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

10.4. Form and date of determination

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

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

10.5. Term of planning approval

10.5.1. Where the Local Government grants planning approval for the development of land—

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

10.5.2. A written request may be made to the Local Government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6. Temporary planning approval

Where the Local Government grants planning approval, the Local Government may impose conditions limiting the period of time for which the approval is granted.

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

10.7. Scope of planning approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8. Approval subject to later approval of details

10.8.1. Where an application is for a development that includes the carrying out of any building or works, the Local Government may grant approval subject to matters requiring the subsequent planning approval of the Local Government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the Local Government thinks fit.

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

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

10.9. Deemed refusal

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

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

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

10.10. Appeals

An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Town Planning Act.

PART 11—ENFORCEMENT AND ADMINISTRATION**11.1. Powers of the Local Government**

11.1.1. The Local Government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

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

11.2. Removal and repair of existing advertisements

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

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

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

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

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

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

11.3. Delegation of functions

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

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

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

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

11.4. Person must comply with provisions of Scheme

A person must not—

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

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

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

is guilty of an offence.

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

11.5. Compensation

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

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

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

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

11.6. Purchase or taking of land

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

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

Note: Section 13 of the Town Planning Act empowers the Local Government to purchase or compulsorily acquire land comprised in a scheme.

11.7. Notices for removal of certain buildings and breaches of the Scheme

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

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

Schedules

Schedule 1	Dictionary of defined words and expressions
	General definitions
	Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental conditions
Schedule 11	Development areas

—————

Schedule 1—Dictionary of defined words and expressions

[cl. 1.7]

1. General definitions

In the Scheme—

“**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. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**”, when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the R Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the *Town Planning Act*;

“**height**” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the R Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**Local Government**” means the Town of Northam;

“**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Amendment Regulations 1999* as amended from time to time;

“**lot**” has the same meaning as in the *Town Planning Act* but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

- “**non-conforming use**” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;
- “**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;
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - (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 from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
- “**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “**plot ratio**”, in the case of residential dwellings has the same meaning as in the R Codes;
- “**precinct**” means a definable area where particular planning policies, guidelines or standards apply;
- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**proponent**” means the owner of land to which a Proposed Structure Plan relates;
- “**Proposed Structure Plan**” means a structure plan that has been prepared under the provisions of the Scheme;
- “**region scheme**” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;
- “**R Codes**” means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1 and, when replaced by the Residential Design Codes, means those codes as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**Structure Plan**” means a Proposed Structure Plan that has been adopted by the Local Government and approved by the Commission under the provisions of the Scheme;
- “**Town Planning Act**” means the *Town Planning and Development Act 1928*;
- “**wholesale**” means the sale of goods or materials to be sold by others;
- “**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of plant or fruit nurseries;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - (d) aquaculture;
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**carpark**” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or Local Government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 square metres;
 - (d) does not involve the retail sale, display or hire of goods of any nature;
 - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - (f) does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ any person not a member of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;
- “home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
- entail clients or customers travelling to and from the dwelling;
 - involve any advertising signs on the premises; or
 - require any external change to the appearance of the dwelling;
- “home store”** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
- “hospital”** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
- “hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;
- “industry”** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—
- the storage of goods;
 - the work of administration or accounting;
 - the selling of goods by wholesale or retail; or
 - the provision of amenities for employees,
- incidental to any of those industrial operations;
- “industry—cottage”** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—
- does not cause injury to or adversely affect the amenity of the neighbourhood;
 - where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
 - is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
 - does not occupy an area in excess of 50 square metres; and
 - does not display a sign exceeding 0.2 square metres in area;
- “industry—extractive”** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;
- “industry—general”** means an industry other than a cottage, extractive, light, mining, rural or service industry;
- “industry—light”** means an industry—
- in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
 - the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
- “industry—mining”** means land used commercially to extract minerals from the land;
- “industry—rural”** means—
- an industry handling, treating, processing or packing rural products; or
 - a workshop servicing plant or equipment used for rural purposes;
- “industry—service”** means—
- an industry—light carried out from premises which have a retail shop front and from which goods manufactured on the premises may be sold; or
 - premises having a retail shop front and used as a depot for receiving goods to be serviced;
- “lunch bar”** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “night club”** means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “recreation—private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “residential building”** has the same meaning as in the R Codes;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;
- “restricted premises”** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted under the *Censorship Act 1996*;
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
- “rural pursuit”** means any premises used for—
- (a) the rearing or agistment of animals;
 - (b) the stabling, agistment or training of horses;
 - (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
 - (d) the sale of produce grown solely on the lot,
- but does not include agriculture—extensive or agriculture—intensive;
- “service station”** means premises used for—
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,
- but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- “shop”** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
- “showroom”** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
- “storage”** means premises used for the storage of goods, equipment, plant or materials;
- “tavern”** means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;
- “telecommunications infrastructure”** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
- “trade display”** means premises used for the display of trade goods and equipment for the purpose of advertisement;

“**veterinary centre**” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“**warehouse**” means premises used to store or display goods and may include sale by wholesale;

“**winery**” means premises used for the production of viticultural produce and may include sale of the produce.

—————
Schedule 2—Additional uses

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1	Lot 340 (159) Wellington Street (corner Charles Street).	Office, Showroom or Warehouse.	Standard development conditions applicable to the Mixed Use Zone.
2	Lot 112 (35) Mitchell Avenue	Reception Centre	Refer to conditions of planning approval.
3	Lots 30, 34, 100 and portions of Town Lots 7 and 8 (334) Fitzgerald Street	Flour Mill and Associated Uses.	Refer to conditions of planning approval.

—————
Schedule 3—Restricted uses

[cl. 4.6] Note—No restricted uses apply to the Scheme at the Gazettal date.

No.	Description of land	Restricted use	Conditions

—————
Schedule 4—Special use zones

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1	Lot 1 (79) Newcastle Road (corner Martin Road)	Fire and Emergency Service Authority District HQ	See planning approvals (TPS 4 Amd 17 also refers)
2	Lot 5 West Road	Garden Centre	See planning approvals
3	Lot 2 (122) Newcastle Road (corner Suburban Road and West Street)	Health Club	See planning approvals (TPS 4 Amd 5 also refers)
4	Lot 64 (82-84) Newcastle Road (corner Hutt Street)	Medical Offices and Consulting Rooms	See planning approvals (TPS 4 Amd 9 also refers)

—————
Schedule 5—Exempted advertisements

[cl. 8.2 (g)]

Land use and/or Development	Exempted sign	Maximum size
BUSINESS / COMMERCIAL USES IN BUSINESS, LOCAL CENTRE, MIXED USE AND TOWN CENTRE ZONES Includes—Amusement Parlour; Betting Agency; Carpark; Cinema / Theatre; Club Premises; Consulting Rooms; Convenience Store; Exhibition Centre; Fast Food Outlet; Funeral Parlour; Hotel; Market; Medical Centre; Motel; Night Club; Office; Reception Centre; Restaurant; Restricted Premises; Shops; Tavern; Veterinary Centre; and, Winery.	All advertisements fixed to the building below the top of the awning or, in the absence of an awning, below a height of 5 metres from the ground floor of the building, subject to compliance with the Local Government’s relevant Local Laws One free-standing advertisement on any lot with frontage to Fitzgerald Street and Peel Terrace provided that there is no other free-standing advertisement within 40 m along those frontages and the total area of advertisements on any lot does not exceed 1 sq m for every 1 m of frontage that that lot has to those roads.	

Land use and/or Development	Exempted sign	Maximum size
CONSTRUCTION SIGNS Dwellings	For the construction period—one per street frontage with details of the project, professional consultants and contractors.	2 sq m
Commercial and industrial project	As above	5 sq m
CIVIC / COMMUNITY USES IN THE BUSINESS, LOCAL CENTRE, MIXED USE AND TOWN CENTRE ZONES	Use the same requirements as Business / Commercial Uses.	
Includes—Child Care Premises; Club Use; Community Premises; Educational Purpose; and, Hospital; and, Place of Worship.	Use the same requirements as Business / Commercial Uses.	
DWELLINGS	One plate describing the address and contact details, and the nature of the use	0.2 sq m.
Includes—Aged or Dependent Persons Dwelling; Ancillary Accommodation; Bed & Breakfast; Family Day Care; Grouped Dwelling; Home Business; Home Occupation; Home Office; Multiple Dwelling; Single Bedroom Dwelling; and, Single House.	One plate describing the address and contact details, and the nature of the use	0.2 sq m.
LIGHT & SERVICE INDUSTRIAL ZONE USES	Up to four advertisements on the walls of the building if they do not project above the eaves of roof ridge or project from the building.	Advertisements must total less than 5 sq m.
Includes—Fuel Depot; Cottage, Extractive, General, Light, Rural and Service Industries; Lunch Bar; Motor Vehicle Repair, Sales and Wash; Service Station; Showroom; Storage; and, Warehouse.	One free-standing advertisement on any lot with frontage to Old York Road, York Road, Peel Terrace, Yilgarn Avenue, Newcastle Road or Mitchell Avenue, provided that there is no other free-standing advertisement within 40 m along those frontages and the total area of advertisements on any lot does not exceed 1 sq m for every 1 m of frontage that that lot has to the abovementioned roads.	Advertisements must total less than 5 sq m.
RECREATIONAL USES	All advertisements that are not visible from outside the complex.	
Includes—Private Recreation; Public Places; Race Courses; Showgrounds; and Sports Complexes, Grounds & Stadia.	All advertisements that are not visible from outside the complex.	
RESERVES	Signs relating to the functions of government, a public authority or Local Government, excluding those of a promotional nature.	Up to 2 sq m each
Includes—Highway, Local Road, Public Purposes, Railway, Recreation and Regional Road Reserves.	Traffic signs erected by government, a public authority or Local Government. Signs pursuant to and in accordance with a Statute.	Up to 2 sq m each
RESIDENTIAL ZONE USES	Use the same requirements as Dwellings.	
RURAL RESIDENTIAL ZONE USES	Use the same requirements as Dwellings.	
SALES	For the period the home is on display—the same requirements as Dwellings plus one sign for each group of dwellings displayed by a project builder with details of the builder and range of dwellings on display.	5 sq m.
Display Homes	For the period the home is on display—the same requirements as Dwellings plus one sign for each group of dwellings displayed by a project builder with details of the builder and range of dwellings on display.	5 sq m.
Goods or Livestock	One per lot (not normally used for goods or livestock sales) for up to three months	2 sq m.

Land use and/or Development	Exempted sign	Maximum size
Property transactions	For the transaction period— Dwellings—one per lot frontage with details of the proposed transaction relating to the lot on which the advertisement is placed. Commercial and industrial property transactions as for dwellings above. Large complexes or properties as for dwellings above.	2 sq m 5 sq m 10 sq m.
SPECIAL RESIDENTIAL ZONE USES	Use the same requirements as Dwellings.	
TEMPORARY "A" FRAME SIGNS ON FOOTPATHS	One per business premise provided the sign: is covered by the proprietor's public liability insurance policy; is securely placed against the front wall/window of the premises; does not protrude more than 600mm into the adjacent footpath; and, is removed from the footpath when the business is closed.	900mm high 600mm wide

Schedule 6—Form of application for planning approval

[cl. 9.1.1]

Application for planning approval

Owner Details		
Name:		
Address:		Postcode:
Phone: (work): (home)— (mobile):	Fax—	E-mail—
Contact person:		
Signature:	Date:	
Signature:	Date:	
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant Details		
Name:		
Address:		Postcode:
Phone: (work): (home)— (mobile):	Fax—	E-mail—
Contact person for correspondence:		
Signature:	Date:	

Property Details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:	Suburb:	
Nearest street intersection:		

Existing building/land use:
Description of proposed development and/or use—
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference no:	

(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format).

Schedule 7—Additional information for advertisements

[cl. 9.1.2]

Note: to be completed in addition to the Application for Planning Approval form

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:		
2.	Details of proposed sign:		
	(a)	Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):	
	(b)	Height:	Width: Depth:
	(c)	Colours to be used:	
	(d)	Height above ground level : - <input type="checkbox"/> (to top of advertisement)— <input type="checkbox"/> (to underside):	
(e)	Materials to be used— Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source—		
3.	Period of time for which advertisement is required—		
4.	Details of signs (if any) to be removed if this application is approved—		
	Note:	This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.	
	Signature of advertiser(s): (if different from land owners)		
	Date:		

Schedule 8—Notice of public advertisement of planning proposal

[cl. 9.4.4]

TOWN PLANNING ACT 1928

Town of Northam

Notice of public advertisement of planning proposal

The Local Government has received an application to use and/or develop land for the following purpose and public comments are invited.		
Lot No:	Street:	Suburb:
Proposal:		
Details of the proposal are available for inspection at the Local Government's office. Comments on the proposal may be submitted to the Local Government in writing on or before the day of		
Signed—	Dated—	
for and on behalf of the Town of Northam.		

Schedule 9—Notice of determination on application for planning approval

[cl. 10.4.1]

TOWN PLANNING ACT 1928

Determination on application for planning approval

Location:	
Lot No:	Plan/Diagram:
Vol. No:	Folio No:
Application Date:	Received On:
Description of proposed development—	
.....	
.....	
The application for planning approval is—	
<input type="checkbox"/> granted subject to the following conditions—	
<input type="checkbox"/> refused for the following reasons(s)—	
Conditions/reasons for refusal:	
.....	
.....	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the Local Government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of appeal under Part V of the <i>Town Planning Act 1928</i> . An appeal must be lodged within 60 days of the determination.
Signed—	Dated—
.....
for and on behalf of the Town of Northam.	

(The content of the determination notice must conform to Schedule 9 but minor variations may be permitted to the format).

Schedule 10—Environmental conditions

[cl. 5.6.1]

Note—There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

Schedule 11—Development areas

[cl. 6.2.2]

No.	Description of Land	Specific Purpose and Requirements
1.	Area south east of Throssell Street comprising Lots 201, 202, 204, 205, 206 Pt 64 and Lots 2 and 3 Throssell Street.	A comprehensive area drainage plan to ensure stormwater run-off is managed to achieve flows that do not exceed the natural flows across Throssell Street. Staging subdivision to achieve the progressive and timeous construction of the arterial / distributor road network, in particular the connectivity of Roediger Drive.

Table 1
ZONING TABLE (Clause 4.3)

ZONES	
1. Town Centre 2. Local Centre 3. Business 4. Mixed Use	5. Light & Service Industry 6. Residential 7. Special Residential 8. Rural Residential

USE CLASSES	1	2	3	4	5	6	7	8
Aged or Dependent Persons Dwellings	D	D	D	D	X	D	D	X
Amusement Parlour	D	A	D	A	X	X	X	X
Ancillary Accommodation	X	X	D	D	X	D	D	D
Animal Establishment	X	X	X	X	X	X	X	A
Animal Husbandry—Intensive	X	X	X	X	X	X	X	X
Bed and Breakfast	X	X	D	D	X	P	D	D
Betting Agency	P	D	P	D	X	X	X	X
Caravan Park	X	X	X	A	X	X	X	A
Caretaker's Dwelling	P	P	P	P	D	D	D	D
Carpark	D	A	D	D	D	X	X	X
Child Care Premises	P	D	P	P	X	D	X	X
Cinema/Theatre	P	A	D	X	X	X	X	X
Civic Use	D	D	P	D	D	X	X	X
Club Premises	P	A	P	D	X	X	X	X
Community Purpose	P	A	D	D	A	A	X	X
Consulting Rooms	P	D	P	P	A	A	X	X
Convenience Store	P	D	D	D	A	X	X	X
Educational Establishment	D	A	P	D	A	A	X	X
Exhibition Centre	P	X	P	A	X	X	X	X
Family Day Care	X	X	D	D	X	D	D	D
Fast Food Outlet	P	D	D	D	X	X	X	X
Fuel Depot	X	X	X	X	A	X	X	X
Funeral Parlour	A	X	D	A	X	X	X	X
Grouped Dwellings	X	X	D	D	X	D	X	X
Home Business	D	D	D	D	D	A	A	A
Home Occupation	D	D	D	D	D	D	D	D
Home Office	P	P	P	P	P	P	P	P
Home Store	X	A	X	A	X	A	X	X
Hospital	D	X	A	A	X	X	X	X
Hotel	P	A	D	A	X	X	X	X
Industry—Cottage	D	A	D	D	P	A	A	A
Industry—Extractive	X	X	X	X	X	X	X	A
Industry—General	X	X	X	X	X	X	X	X
Industry—Light	X	X	X	X	P	X	X	X
Industry—Mining	X	X	X	X	X	X	X	X
Industry—Rural	X	X	X	X	D	X	X	A
Industry—Service	D	A	D	D	P	X	X	X
Lunch Bar	P	D	P	P	P	X	X	X
Market	D	A	A	A	X	X	X	X
Medical Centre	D	A	D	A	X	X	X	X
Motel	X	X	X	A	X	A	X	A
Motor Vehicle, Boat or Caravan Sales	X	X	X	D	P	X	X	X

USE CLASSES	1	2	3	4	5	6	7	8
Motor Vehicle Repair	X	X	X	D	P	X	X	X
Motor Vehicle Wash	X	X	X	D	P	X	X	X
Multiple Dwellings	D	A	D	A	X	A	X	X
Night Clubs	A	X	D	A	X	X	X	X
Office	P	D	P	P	D	X	X	X
Place of Worship	P	A	D	D	X	A	X	X
Reception Centre	P	A	P	D	X	X	X	A
Recreation—Private	D	A	D	D	A	X	X	A
Residential Building	P	D	D	D	X	A	X	X
Restaurant	P	D	P	P	X	X	X	A
Restricted Premises	P	X	X	X	X	X	X	X
Rural Pursuit	X	X	X	X	X	X	A	D
Service Station	X	A	D	D	P	X	X	X
Shops	P	D	D	X	X	X	X	X
Showroom	P	X	D	D	P	X	X	X
Single Bedroom Dwelling	X	X	D	D	X	D	X	X
Single House	X	X	D	D	X	P	P	P
Storage	X	X	D	D	P	X	X	X
Tavern	P	A	P	A	A	X	X	X
Telecommunications Infrastructure	D	D	D	D	D	D	D	D
Trade Display	D	X	D	D	D	X	X	X
Veterinary Centre	X	A	A	A	D	X	X	A
Warehouse	X	X	D	A	P	X	X	X
Winery	X	X	X	A	A	X	X	A

TPS NO 5 TABLE 1

Table 2
CAR PARKING REQUIREMENT [Clause 5.7.2]

USE CLASSES	MINIMUM NO OF BAYS REQUIRED
Aged or Dependent Persons Dwellings	To comply with R Codes
Caravan Park	1 per site + 1 per every 10 sites for visitors
Child Care Premises	1 per employee + visitors or drop-off/pick-up bays at 1 per 6 children accommodated
Cinema / Theatre	1 per 4 persons accommodated.
Civic Use	1 per 20m ² nla or 1 per 4 persons accommodated
Club Premises	1 per 4 persons accommodated
Community Purpose	1 per 20m ² nla or 1 per 4 persons accommodated
Consulting Rooms	4 per practitioner
Educational Establishment	1 per employee + student & visitor bays at 1 per 10 children accommodated
Fast Food Outlet	1 per 20m ² nla & 1 per 4 patrons dining at premises (Queuing spaces may be regarded as parking bays)
Funeral Parlour	6 + 1 per 4 persons accommodated in chapel
Grouped Dwellings	To comply with R Codes
Hospital	1 per employee on duty + 1 per 4 beds
Hotel / Motel	1 per 2m ² bar & lounge floor area, 1 per 4 restaurant dining seats and 1 per bedroom
Industry—Light / Service	1 per 50m ² open space used for industrial purposes + 1 per 30m ² nla
Lunch Bar	1 per 20m ² nla
Medical Centre	6 per practitioner
Motor Vehicle, Boat or Caravan Sales	1 per employee + 1 per 100m ² display area

USE CLASSES	MINIMUM NO OF BAYS REQUIRED
Multiple Dwellings	To comply with R Codes
Night Clubs	1 per 4 persons accommodated
Office	1 per 25m ² nla
Place of Worship	1 per 4 persons accommodated
Reception Centre	1 per 4 persons accommodated
Restaurant	1 per 4 persons accommodated
Service Station	1 per service bay + 1 per employee
Shops	1 per 20m ² nla
Showroom	1 per 100m ² nla + 1 per employee
Single Bedroom Dwelling	To comply with R Codes
Single House	To comply with R Codes
Tavern	1 per 2m ² bar & lounge floor area + 1 per 4 restaurant dining seats
Veterinary Centre	4 per practitioner
Warehouse	1 per 100m ² nla + 1 per 100m ² outdoor storage / warehousing area

Note—nla means net lettable area

ADOPTION

Adopted by the resolution of the Council of the Town of Northam at the Ordinary Meeting of the Council held on the 14th day of March 2001 and modified as required by the Western Australian Planning Commissions Reference 853/4/3/5 dated 10 April 2002 and 15 July 2004.

R. M. HEAD, Mayor.
D. S. BURNETT, Chief Executive Officer.

FINAL APPROVAL

Adopted for final approval by resolution of the Town of Northam at the Ordinary Meeting of the Council held on the 11th day of August 2004.

The Common Seal of the Town of Northam was hereunto affixed by authority of a resolution of the Council in the presence of—

R. M. HEAD, Mayor.
D. S. BURNETT, Chief Executive Officer.

Recommended/submitted for final approval—

PHIL WOODWARD, Delegated under S.20 of WAPC Act 1985.

Dated: 16 August 2004.

Final Approval granted—

A. MacTIERNAN, Minister for Planning & Infrastructure.

Dated: 23 August 2004.

POLICE

PO501

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892-1982 unclaimed and stolen property will be sold by public auction at South West Auctioneering Company, Lot 51 Strelley Street, Busselton on 18 September 2004.

K. O'CALLAGHAN, Commissioner of Police.

PO502*

POLICE ACT 1892**POLICE AUCTION**

Under the provisions of the Police Act 1892-1992, unclaimed and forfeited property and bicycles will be sold by public auction Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 22nd September 2004 at 10.00 am.

The auction is to be conducted by Mr Brad Buckle, Mr. Craig Edwards, Mr. Kevin Grickage.

K. O'CALLAGHAN Commissioner of Police,
Western Australia Police Service.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975**SALARIES AND ALLOWANCES TRIBUNAL****Determination Variation**

The determination of the Salaries and Allowances Tribunal made on 19 August 2004 under sections 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975*, is hereby varied by a further determination, to make the amendments set out below—

Insert in Section 4 of Part 4 the following—

“4.9 Where through necessity use of the vehicle involves travel into the Northern Territory or South Australia, Tribunal approval is required prior to such usage.”

Insert in Section 4 of Part 6 the following—

“4.4 A claim shall not be made under this Section for a purpose covered by Section 5 of this Part.”

Dated at Perth this 26th day of August 2004.

Professor M. C. WOOD, Chairman.
M. L. NADEBAUM, Member.
Salaries and Allowances Tribunal

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

Phyllis Joan Mayhew, late of 7/6 Beverley Road, Cloverdale, Western Australia, Secretary, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on the 15th day of May 2004, are required by the trustee Ronald George Mayhew of c/- Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth WA 6832 to send particulars of their claims to them by the date being one month from the publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ202

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

Keith Gordon Agnew, late of 12 Chrysostom Street, North Beach, Western Australia, Bank Manager, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on the 21st day of May 2003, are required by the

trustee Jeremy Robert Birman of Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth WA 6832 to send particulars of their claims to them by the date being one month from the publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ203**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Geoffrey Thompson Newstead, late of Koh-I-Noor Nursing Home, 34 Pangbourne Street, Wembley, Western Australia, Retired Air Force Officer, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the abovenamed deceased who died on the 10th day of August 2004 are required by the personal representative Peter Geoffrey Newstead of c/- Franklyn Simon Wheatley, PO Box 1363, West Perth, Western Australia to send particulars of their claims to him by the 5th day of October 2004 after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ204**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Agnes Mitchell Rothnie late of Howard Solomon Nursing Home, 91 Hybanthus Road, Ferndale, Western Australia, Home Duties, deceased. Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 21st day of February 2004, are required by the trustee Jeffrey Robert Cahill of C/- Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth, WA, 6832 to send particulars of their claims to them by the date being one month from the publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ205**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Feliks Wyrzykowski, late of 84 Central Avenue, Redcliffe, Western Australia, abattoirs worker, deceased. Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 15th day of December 2000, are required by the trustee Peter John Wyrzykowski of C/- Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth, WA, 6832 to send particulars of their claims to them by the date being one month from the publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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 2005

All subscriptions are for the period from 1 January to 31 December 2005. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and 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	830.50
Interstate	848.10
Overseas (airmail)	1,158.00
Bound Volumes of full year	1,104.40

<i>Gazettes on CD ROM from 1998</i> (per year).....	756.80
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INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	361.90
Interstate	431.20
Overseas (airmail)	548.00

<i>Gazettes on CD ROM from 1998</i> (per year).....	327.80
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HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
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Bound Volumes of Hansard

Within WA	777.70
Interstate	789.80

<i>Hansards on CD ROM from 1999</i> (per year)	807.40
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STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

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Within WA.....	282.70
Interstate	313.50
Overseas	290.00
Half Calf Bound Statutes	775.50

<i>Bound Volumes on CD ROM from 1998</i> (per year).....	281.60
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Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	302.50
Interstate	313.50
Overseas (airmail).....	407.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	415.80
Interstate	435.60
Overseas (airmail)	590.00

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.

