

WESTERN AUSTRALIAN GOVERNMENT Gazette

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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically. The following guidelines should be followed to ensure publication in the *Government Gazette*.

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- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2004 (Prices include GST).

Deceased Estate notices, (per estate)—\$22.45

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$52.40

Other articles in Public Notices Section—\$52.40 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

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Per Column Centimetre—\$10.45

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Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

PLANNING AND INFRASTRUCTURE

PI301*

Land Administration Act 1997

Land Administration Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Land Administration Amendment Regulations (No. 2) 2004*.

2. The regulations amended

The amendment in these regulations is to the *Land Administration Regulations 1998**.

[* Reprinted as at 6 September 2002.
For amendments to 27 September 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 202, and Gazette 5 March 2004.*]

3. Regulation 3B amended

After regulation 3B(b) the following paragraph is inserted —

“

(ba) the Minister within the meaning of section 4(1) of the *Transfer of Land Act 1893*;

”.

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

BEEKEEPERS ACT 1963

APPOINTMENTS

The Governor is pleased to appoint Kelly Joy Allan, Millie Jane Baker, Graham Ballantyne, Kylie Marie Burrell, Brian James Dickinson, Glenda Mary Gore, Nat Jaysen Gowrea, Zale Allana Horne, John Paul Hunt, Brett Anthony Kane, Lynne Kerr-Hemingway, Roxane Marie Knott, Andrea Neill, Alexander Peter Nielsen, Christopher Yorric Norwood, Carly Belinda Rogers, Lian Shaw as Inspectors under Section 5 of the *Beekeepers Act 1963*.

KIM CHANCE MLC, Minister for Agriculture, Forestry and Fisheries.

CONSUMER AND EMPLOYMENT PROTECTION

CE401*

PETROLEUM PRODUCTS PRICING ACT 1983

PETROLEUM PRODUCTS PRICING (DECLARED TERMINALS) ORDER 2004

Made by the Prices Commissioner under section 22A(2) of the Act.

1. Citation

This order may be cited as the *Petroleum Products Pricing (Declared Terminals) Order 2004*.

2. Commencement

This order comes into operation on 16 November 2004.

3. Declared terminals (Part IIIA Division 1)

(1) Subject to subclause (2), the terminals described in Schedule 1 are designated as declared terminals for the purposes of Part IIIA Division 1 of the Act.

(2) A terminal is designated as a declared terminal under subclause (1) only for the purposes of a motor fuel supplied from the terminal by a supplier mentioned in Schedule 2.

4. Revocation

The *Petroleum Products Pricing (Declared Terminals) Order 2002* is revoked.

Schedule 1 – Declared Terminals

[cl. 3(1)]

BP Australia Pty Ltd, Abernethy Road, Kewdale
BP Australia Pty Ltd, Swan Street, North Fremantle
Caltex Australia Petroleum Pty Ltd, Bracks Street, North Fremantle
Gull Petroleum (WA) Pty Ltd, Kwinana Beach Road, Kwinana
Mobil Oil Australia Pty Ltd, Kwinana Beach Road, Kwinana
The Shell Company of Australia Limited, Bracks Street, North Fremantle
BP Australia Pty Ltd, Port Drive, Broome
BP Australia Pty Ltd, Gladstone Street, Esperance
BP Australia Pty Ltd, Shenton Street, Geraldton
BP Australia Pty Ltd, Wilson Street, Port Hedland
Caltex Australia Petroleum Pty Ltd, Brunswick Road, Albany
Caltex Australia Petroleum Pty Ltd, Shenton Street, Geraldton
Caltex Australia Petroleum Pty Ltd, Wilson Street, Port Hedland
The Shell Company of Australia Limited, Port Drive, Broome
The Shell Company of Australia Limited, Brazier Street, Esperance
The Shell Company of Australia Limited, Augustus Street, Geraldton

Schedule 2 – Suppliers

[cl. 3(2)]

BP Australia Pty Ltd
Caltex Australia Petroleum Pty Ltd
The Shell Company of Australia Limited
Mobil Oil Australia Pty Ltd
Gull Petroleum (WA) Pty Ltd

FISHERIES

FI401***PEARLING ACT 1990****SECTION 23(8)**

Notice of Grant of Pearl Oyster Farm Lease—Cone Bay

FD 998/01

I, Peter Rogers, the Executive Director of the Department of Fisheries, Western Australia, pursuant to Section 23 of the Pearling Act 1990 (“the Pearling Act”) have granted an application by Maxima Pearling Company Pty Ltd, for a pearl oyster farm lease, in respect of areas of water located in Cone Bay.

Under section 33(1) of the Pearling Act a person aggrieved by my decision may, within 14 days after publication of this notice in the Gazette appeal against this decision by serving on the Minister for Agriculture, Forestry and Fisheries a statement in writing of the grounds of that appeal.

The statement of the grounds of appeal may be served on the Minister care of the following address—

The Executive Director, Department of Fisheries
Third Floor, SGIO Atrium
168-170 St George’s Terrace
PERTH WA 6000

Dated this 15th day of November 2004

P. P. ROGERS, Executive Director, Department of Fisheries.

FI402***PEARLING ACT 1990****Section 23(8)**

Notice of Grant of Pearl Oyster Farm Lease—Borda Island

FD 642/03

I, Peter Rogers, the Executive Director of the Department of Fisheries, Western Australia, pursuant to Section 23 of the *Pearling Act 1990* (“the *Pearling Act*”) have granted an application by Paspaley Pearling Company Pty Ltd, for a pearl oyster farm lease, in respect of areas of water located near Borda Island.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may, within 14 days after publication of this notice in the *Gazette* appeal against this decision by serving on the Minister for Agriculture, Forestry and Fisheries a statement in writing of the grounds of that appeal.

The statement of the grounds of appeal may be served on the Minister care of the following address—

The Executive Director, Department of Fisheries
Third Floor, SGIO Atrium
168-170 St George’s Terrace
PERTH WA 6000

Dated this 15th day of November 2004

P. P. ROGERS, Executive Director, Department of Fisheries.

LOCAL GOVERNMENT

LG401*

SHIRE OF UPPER GASCOYNE

Authorised Persons

It is hereby notified for public information that the following persons have been appointed as Authorised and registered officers pursuant to the following Acts and been authorised to enforce The following Acts—

- Local Government Act 1995
- Caravan Parks and Camping Act 1995
- Dog Act 1976 and Regulations
- Bush Fires Act 1954 and Regulations
- Litter Act 1979
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations

John Lonsdale Newton
 Len Holberton
 Keith Draper
 William Stocks
 Valerie Hobbs
 David Macdonald

The following persons have been appointed Casual Rangers/Authorised persons under provisions of the *Dog Act 1976* and regulations—

- Paul Baron
- Cody Dhu

All previous appointments are hereby cancelled.

JOHN L. NEWTON, Chief Executive Officer.

LG402*

BUSH FIRES ACT 1954

APPOINTMENTS

It is hereby noted for public information that in accordance with Section 38 of the Bushfires Act 1954, The Council of the Shire of Manjimup has appointed the following Officers for the 2004 / 2005 Fire Season.

Chief Bushfire Control Officer	Max Connor	Whole of Shire
1st Deputy Chief Bush Fire Control Officer	Remo Pessotto	Whole of Shire
2nd Deputy Chief Bush Fire Control Officer	Paul Owens	Whole of Shire
3rd Deputy Chief Bush Fire Control Officer	John Mayger	Whole of Shire
Training Officer	Remo Pessotto	Whole of Shire
Shire Ranger	Todd Ridley	Whole of Shire
Shire Ranger	Stephen Croft	Whole of Shire
Balbarrup / Wilgarup	Arthur Reeve	
	John Ryan	
Browns Road	Todd Ridley	
	Stephen Croft	
	Robert Marshall	
Dingup	Tom Muir	
Dunreath	Kerry Littlefair	
Eastbrook	David Bailey	
Glenoran	Michael Terrigno	
Jardee	Frank Shaw	
Linfarne	Albert Gorman	
Manjimup & Pemberton Towns	Todd Ridley	
	Stephen Croft	
Middlesex	John Mitchell	
	Don Kammann	
Mordalup	Mark Muir	
Northcliffe	Paul Owens	
	Rod Parkes	
	Peter Russell	
Northcliffe Central No 2	Robert Daubney	

Northcliffe East	Alan Daubney
Northcliffe Town	Paul Owens
Pemberton North	Hugh Jackson
Pemberton West	Charlie Chodorowski
Perup	Eric Ipsen
Quinninup	Tony Ryan
Quinninup Town	Greg Montgomery
Ringbarkers	Glen Hutchinson
Seven Day Road /Appadene	Alan Blakers
Smithbrook	Bill Rice
Springall	Paul Flynn
Springfield	Tom Backhouse
Upper Warren	Keith Jackson
	Frederick
Walpole	Kammann (Robert)
	Glen Burton
	Keith O'Brien
Yanmah	Michael Bedford
Windy Harbour	Brad Wren
	Warrick Hatch

Dated 16th November 2004.

VERN McKAY, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954

FIREBREAK NOTICE 2004/2005 (SECTION 33)

Notice to All Land Owners and Occupiers within the Shire of Manjimup

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 11th December 2004 (Zone 8) and 18th December 2004 (Zone 6) to plough, scarify, cultivate, or otherwise clear and thereafter maintain free from all flammable material until 26th April 2004, firebreaks in accordance with the following —

1. Town Sites

Fuel Hazard Reductions

(a) Remove all flammable material from the whole of the property.

or

(b) All flammable material mowed and maintained at a level not exceeding 100mm throughout the season.

NOTE: Please refer to notes at bottom of page for definition of “flammable material”

Fuel Storage / Hay Sheds

Clear the whole of the land of any inflammable material.

2. Plantations

Firebreaks

(a) Construct a trafficable firebreak no less than 10 metres wide around and inside the boundaries of all plantations: and

(b) Construct a trafficable firebreak not less than 6 metres wide within the plantation so as to divide the plantation into compartments not exceeding 28 hectares each: and

(c) Maintain all firebreaks in a trafficable condition and trees on both sides of the firebreaks are to be pruned to a minimum height of 5 metres to allow for unrestricted access to all maintenance and fire fighting vehicles so as to maintain an effective width of firebreak.

Dwellings and Outbuildings

Construct a 3 metre firebreak within 20 metres of any dwelling and / or outbuilding.

Fuel Storage / Haysheds

Construct a 6 metre firebreak immediately adjacent to any fuel storage and / or haysheds.

3. Rural

Firebreaks

(a) Abutting A Residential Zone

Where rural land, whether bushland or pastured, abuts a residential zone boundary, then a 3 metre firebreak shall be constructed along the common boundary of the residential zone.

(b) Bushland

Where bushland exceeds more than 1 hectare and abuts a boundary a trafficable firebreak not less than 3 metres must be constructed along the boundary and within 15 metres of that boundary.

Course Grain Crops

- (1) Shall have a 3 metre firebreak around the perimeter of the crop and are to remain in place until the crop is harvested: and
- (2) During the harvesting of the crop, shall have an operational fire-fighting unit of not less than 600 litres located within the paddock being harvested.

Dwellings and Outbuildings

Construct a 3 metre firebreak within 20 metres of any dwelling and or / out building.

Fuel Storage / Haysheds

Construct a 6 metre firebreak immediately adjacent to any fuel storage and / or haysheds.

4. Special Rural Bushland

Firebreaks

Trafficable firebreaks clear of all inflammable material and not less than 3 metres wide shall be constructed immediately inside the external boundary of all land and maintained throughout the season.

Fuel Hazard Reductions

Litter on your property must not exceed the depths as shown below. Depths are averaged over entire forested area.

(Karri) Litter depths not to exceed 30mm.

(Jarrah) Litter depth not to exceed 20mm.

(Jarrah, Marri and Karri) Litter depth not to exceed 30mm.

(Litter sampling and fuel calculation should be as approved by FESA procedures).

Dwellings / Outbuildings

Removal of all flammable material within 20 metres of any dwelling and / or out building.

Fuel Storage Haysheds

Construct a 6 metre firebreak immediately adjacent to any fuel storage and / or haysheds.

5. Special Rural / Pastured / Grassed

Fuel Hazard Reductions

All flammable material mowed and maintained at a level not exceeding 100mm throughout the season.

Dwellings / Outbuildings

Removal of all flammable material within 20 metres of any dwelling and / or outbuilding.

Fuel Storage/ Haysheds

Construct a 6 metre firebreak immediately adjacent to any fuel storage and / or haysheds.

6 Special Residential Bushland

Firebreaks

Where strategic firebreaks are located on your land, they must be maintained in accordance with this notice.

Fuel Hazard Reductions

- (a) In accordance with any conditions relating to "Special Residential" within the current Town Planning Scheme, for the Shire of Manjimup and any amendments.
or
- (b) If no conditions are listed in the Town Planning Scheme, then the provisions for categories 4 (Special Rural Bushland) and 5 (Special Rural / Pastured Grassed) apply.

Dwellings / Outbuildings

Removal of all flammable material within 20 metres of any dwelling and / or outbuilding.

Fuel Storage / Haysheds

Construct a 6 metre firebreak immediately adjacent to any fuel storage and / or haysheds.

For the purpose of this notice Flammable Material does not include live standing trees, or shrubs and cultivated plants located in gardens, but does include bracken fern.

Definitions

For the purpose of this notice the following definitions apply—

Plantations—Land upon which any pine or eucalypt species of tree is planted on an area exceeding 8 hectares.

Plantation Boundary—Shall mean parcels of land under separate ownership, lease or any form of contractual or financial arrangements whatsoever.

Rural Land—Unless otherwise referred to, Rural Land shall mean all land located outside the Town Sites.

Special Rural & Special Residential Land—Means all land contained in a Special Rural or Special Residential zone within the current Shire of Manjimup Town Planning Scheme and any amendments.

Town Site Lands—All land located within the gazetted Town Site boundary.

External Boundary—Means the external perimeter boundary of land contained within the same ownership, irrespective of whether it contains one or more allotments.

Bush Land—Land other than pastured or grassed land including plantations of less than 8 hectares.

Grassed Land—Land used for the purpose of grazing or cropping.

Fire Break—Means a portion of land being of the prescribed distance and clear of all flammable material and litter.

Litter—Means leaves, small sticks, twigs and branches immediately above the soil surface.

Trafficable—Means a track or road free from overhanging trees or limbs to a vertical height of 5 metres, accessible by 4 (four) wheel drive vehicles.

Flammable Material—For the purpose of this notice Flammable Material does not include live standing trees, or shrubs and cultivated plants located in gardens, but does include bracken fern.

Dated 16th November 2004.

VERN McKAY, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

State of Western Australia

PETROLEUM ACT 1967

NOTICE OF GRANT OF EXPLORATION PERMIT

EXPLORATION PERMIT NO. EP433 has been granted to Lansvale Oil and Gas Pty Ltd, Rough Range Oil Pty Ltd to have effect for a period of six (6) years from 28th October 2004.

W. L. TINAPPLE, Director, Petroleum and Royalties Division.

MP402*

State of Western Australia

PETROLEUM ACT 1967

NOTICE OF GRANT OF EXPLORATION PERMIT

EXPLORATION PERMIT NO. EP434 has been granted to Lansvale Oil and Gas Pty Ltd, Rough Range Oil Pty Ltd to have effect for a period of six (6) years from 28th October 2004.

W. L. TINAPPLE, Director, Petroleum and Royalties Division.

MP403*

State of Western Australia

PETROLEUM ACT 1967

NOTICE OF GRANT OF EXPLORATION PERMIT

EXPLORATION PERMIT NO. EP435 has been granted to Lansvale Oil and Gas Pty Ltd, Rough Range Oil Pty Ltd to have effect for a period of six (6) years from 28th October 2004.

W. L. TINAPPLE, Director, Petroleum and Royalties Division.

MP404***PETROLEUM PIPELINES ACT 1969**

GRANT OF PIPELINE LICENCE

Pipeline Licence No. PL65 was granted to Lionore Australia (Wildara) NL Dalrymple Resources NL to have effect for a period of 21 years from 11 November 2004.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

MP405**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Leonora.

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

S. P. SHARRATT, (SM), Warden.

To be heard in the Warden's Court at Leonora on 16th December, 2004.

MOUNT MARGARET MINERAL FIELD*Mount Malcolm District*

Prospecting Licences

37/6158—Creasy, Mark Gareth
37/6159—Creasy, Mark Gareth
37/6160—Creasy, Mark Gareth
37/6176—Creasy, Mark Gareth
37/6177—Creasy, Mark Gareth
37/6178—Creasy, Mark Gareth
37/6179—Creasy, Mark Gareth
37/6180—Creasy, Mark Gareth
37/6181—Creasy, Mark Gareth
37/6182—Creasy, Mark Gareth
37/6183—Creasy, Mark Gareth
37/6184—Creasy, Mark Gareth
37/6190—Creasy, Mark Gareth
37/6191—Creasy, Mark Gareth
37/6192—Creasy, Mark Gareth
37/6193—Creasy, Mark Gareth
37/6194—Creasy, Mark Gareth
37/6195—Creasy, Mark Gareth
37/6196—Creasy, Mark Gareth
37/6197—Creasy, Mark Gareth

Mt Morgans District

Prospecting Licences

39/3689—Regis Resources Ltd
39/3873—Regis Resources Ltd
39/3878—Regis Resources Ltd
39/4070—Creasy, Mark Gareth
39/4071—Creasy, Mark Gareth
39/4072—Creasy, Mark Gareth
39/4073—Creasy, Mark Gareth
39/4074—Creasy, Mark Gareth
39/4075—Creasy, Mark Gareth
39/4076—Creasy, Mark Gareth
39/4077—Creasy, Mark Gareth
39/4078—Creasy, Mark Gareth

MP406**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Leonora.

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

S. P. SHARRATT, (SM), Warden.

To be heard in the Warden's Court at Leonora on 16th December, 2004.

EAST MURCHISON MINERAL FIELD

Lawlers District

Prospecting Licence

36/1474—Hayes, Maurice Norman; Kiernan, Steven Thomas

MOUNT MARGARET MINERAL FIELD

Mount Malcolm District

Prospecting Licences

37/5672—Andrei, Frederick; Mindex Australia Pty Ltd

37/6104—Dixon, Trevor John

Mt Morgans District

Prospecting Licences

39/3150—Dixon, Trevor John

39/3151—Dixon, Trevor John

39/3997—Heke, Matini Raymond

39/4238—Sudholz, Tabatha; Walsham, Keith John

39/4239—Sudholz, Tabatha; Walsham, Keith John

39/4249—Van Blitterswyk, Wayne Craig

MP408**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Kalgoorlie WA 6430.

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

S. P. SHARRATT, (SM), Warden.

To be heard in the Warden's Court at Kalgoorlie on the 23rd December, 2004.

BROAD ARROW MINERAL FIELD

24/3296—Black Mountain Gold NL

EAST COOLGARDIE MINERAL FIELD

26/2136—Black Mountain Gold NL

26/2242—Intermin Resources Ltd

26/2243—Intermin Resources Ltd

26/2546—Black Mountain Gold NL

26/2547—Black Mountain Gold NL

26/2548—Black Mountain Gold NL

26/2549—Black Mountain Gold NL

26/2550—Black Mountain Gold NL

26/2551—Black Mountain Gold NL

26/2573—Black Mountain Gold NL

26/2574—Black Mountain Gold NL

26/2701—Kanowna Mines Ltd

26/2981—St Barbara Mines Ltd

26/2983—St Barbara Mines Ltd

NORTH EAST COOLGARDIE MINERAL FIELD

27/1274—Kanowna Mines Ltd
 27/1288—Kanowna Mines Ltd
 28/911—Oriole Resources Ltd
 28/912—Oriole Resources Ltd
 28/933—Oriole Resources Ltd
 28/934—Oriole Resources Ltd
 28/935—Oriole Resources Ltd
 28/936—Oriole Resources Ltd
 28/937—Oriole Resources Ltd
 28/938—Oriole Resources Ltd
 28/939—Oriole Resources Ltd

MP407**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
 Kalgoorlie WA 6430.

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

S. P. SHARRATT, (SM), Warden.

To be heard in the Warden's Court at Kalgoorlie on the 23rd December, 2004.

EAST COOLGARDIE MINERAL FIELD

25/1690—Fleetdale Pty Ltd

MP409**MINING ACT 1978**

INTENTION TO FORFEIT

Department of Industry and Resources,
 Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Regulations 1981, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 9 December 2004 it is the intention of the Minister for State Development under the provisions of Section 96A(1) and 97(1) of the Mining Act 1978 to forfeit such for breach of covenant, viz, non-payment of rent.

JIM LIMERICK Director General.

Number	Holder	Mineral Field
Exploration Licences		
08/1241	North, Donald Edward; Stevens, Paul	Ashburton
08/1249	Hare, Mark Edward; North, Donald Edward	Ashburton
15/752	Gibson, Peter Ronald	Coolgardie
31/520	Zeedam Enterprises Pty Ltd	North Coolgardie
31/560	Croesus Mining NL	North Coolgardie
80/2959	Heron Resources Ltd	Kimberley
Mining Leases		
12/3	Arc-Right Engineering Pty Ltd	Collie River
15/237	Kurana Pty Ltd	Coolgardie
15/455	Allen, Royce William	Coolgardie
51/38	Byron Exploration Pty Ltd	Murchison
52/638	Davis, Donald William	Peak Hill

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.
Magistrates Court Bill 2003	November 12 2004	47 of 2004
Magistrates Court (Civil Proceedings) Bill 2003	November 12 2004	48 of 2004
Local Government Amendment Bill 2003	November 12 2004	49 of 2004
Forest Products Amendment Bill 2004	November 12 2004	50 of 2004
Occupational Safety and Health Legislation Amendment and Repeal Bill 2004	November 12 2004	51 of 2004

Dated November 16 2004.

L B MARQUET, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI402*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

(As read in conjunction with the Western Australian Planning Commission Act 1985)

EXTENSION OF SUBMISSION PERIODS FOR AMENDMENTS TO PEEL REGION SCHEME

Peel Region Scheme Amendment No. 007/33A (General Omnibus No. 2) and Peel Region Scheme Amendment No. 008/33A (Structures in Artificial Waterways)

Further to the notice published on pages 5040 and 5041 of *Government Gazette* No. 191 on Friday 12 November 2004 in regard to the abovementioned amendments to the Peel Region Scheme, it is hereby notified for public information that the closing date for submissions on the respective amendments has been extended, and therefore—

- documents relating to the respective proposed amendments will be available for public inspection from Friday 12 November 2004 to Friday 4 February 2005; and
- submissions on the respective proposed amendments may be lodged with the Secretary, Western Australian Planning Commission, Unit 2B, 11-13 Pinjarra Road, Mandurah WA 6210, until 5.00 pm on Friday 4 February 2005.

IAN PATTERSON, Secretary, Western Australian Planning Commission.

PI403*

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

Town Planning Scheme No. 3—Amendment No. 8

Ref: 853/3/2/7 Pt 8

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 Geraldton Town Planning Scheme Amendment on 15 November 2004 for the purpose of inserting immediately after Clause 5.1.3 the following new clauses—

Unauthorized Existing Developments

- 5.1.4 The Council may grant planning consent 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 this Scheme.

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

Note—

1. Applications for approval to an existing development are made under Part VII of this Scheme.
2. The approval by the Council 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 consent.

J. ROSE, Deputy Mayor.
R. W. JEFFERIES, Chief Executive Officer.

PI404*

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

Town Planning Scheme No. 3—Amendment No. 36

Ref: 853/5/14/4 Pt 36

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Plantagenet Town Planning Scheme Amendment on 15 November 2004 for the purpose of including Delegation Provisions in accordance with the Model Scheme Text in section 7.7 of the Shire of Plantagenet Town Planning Scheme No. 3 as follows—

7.7 Delegation of Functions

- 7.7.1 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.
- 7.7.2 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 7.7.1.
- 7.7.3 The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.
- 7.7.4 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.

K. M. FORBES, President.
R. STEWART, Chief Executive Officer.

PI405*

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

Town Planning Scheme No. 3—Amendment No. 9

Ref: 853/10/7/3 Pt 9

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Exmouth Town Planning Scheme Amendment on 15 November 2004 for the purpose of deleting the words “contain 1 bedroom only within an” from sub-clause (i) of part (e) of Clause 4.10.

M. S. PURSLOW, President.
R. M. MANNING, Acting Chief Executive Officer.

PI401*

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

City of Rockingham

Town Planning Scheme No. 2

Ref: 853/2/28/4

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 No. 2 on 2 November 2004, the Scheme Text of which is published as a Schedule annexed hereto.

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

Schedule

CITY OF ROCKINGHAM
TOWN PLANNING SCHEME NO. 2
DISTRICT ZONING SCHEME

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

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PART 1—PRELIMINARY**1.1 Title**

The City of Rockingham Town Planning Scheme No. 2—District Zoning Scheme, (“the Scheme”) comes into operation on its Gazettal date.

1.2 Responsible Authority

The City of Rockingham is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text; and
- (b) the Scheme Map (Sheets 1-21)

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

- PART 1—PRELIMINARY
- PART 2—RESERVES
- PART 3—ZONES
- PART 4—GENERAL DEVELOPMENT REQUIREMENTS
- PART 5—SPECIAL CONTROLS
- PART 6—USE AND DEVELOPMENT OF LAND
- PART 7—NON-CONFORMING USES
- PART 8—ADMINISTRATION

1.6 Scheme Objectives**1.6.1 General Objectives**

The general objectives of the Scheme are:—

- (a) to establish the preferred use of land well in advance of development;
- (b) to optimise the provision of services and facilities for the community;
- (c) to ensure the co-ordinated provision of adequate land for development;
- (d) to conserve and enhance features of cultural, historical, environmental and natural significance; and
- (e) to reconcile community needs and aspirations with appropriate landuse and development.

1.6.2 Specific Objectives

The specific objectives of the Scheme are—

- (a) zoning the Scheme Area for the purposes described in the Scheme so as to promote the orderly and proper development of land by making suitable provisions for the use of land within the Scheme Area;
- (b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) to make provisions for the conservation and preservation of places of historic interest and landscape value;
- (e) to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste;
- (f) to most effectively utilise resources and facilitate employment opportunities whilst enhancing the amenity of residents and having regard to the preservation of the natural environment;
- (g) to encourage the use of modern land planning and design techniques so as to realise the economic, social and aesthetic advantage of combining different types of landuses in a co-ordinated community design;

- (h) to promote aesthetic control and design guidelines at all levels of landuse and development;
- (i) to promote co-ordinated development proposals and vehicular circulation systems;
- (j) to protect co-ordinated development proposals from ad-hoc and inconsistent development proposals;
- (k) to create a pedestrian traffic and landscape environment which complements the wide range of activities carried on or proposed within the Scheme Area;
- (l) to set aside land for future public use as reserves;
- (m) to encourage co-ordinated development of the Scheme Area having regard to the guidelines set out in the Planning Policies adopted by the Council for particular areas or the Scheme area as a whole, the Environmental Priorities of the City and any other strategies and policies adopted by the Council from time to time; and
- (n) to make provision for other matters incidental to town planning and landuse.

1.6.3 In considering applications for planning approval, subdivision or amendments to this Scheme, the Council shall have regard to the general and specific objectives mentioned in previous clauses 1.6.1 and 1.6.2.

1.7 Revocation of Existing Scheme

The City of Rockingham Town Planning Scheme No. 1 is repealed.

1.8 Relationship to Metropolitan Region Scheme

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

1.9 Relationship of Scheme to Local Laws

The provisions of this Scheme shall have effect notwithstanding any local law, regulation or order for the time in force in the Scheme Area, and where the provisions of the Scheme are inconsistent with the provisions of any local law, regulation or order, the provisions of the Scheme shall prevail.

1.10 Interpretation

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

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

1.10.2 If there is a conflict between the meaning of a word or expression in Schedule 1—Interpretations and the meaning of that word or expression in the Residential Design Codes—

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in Schedule 1—Interpretations prevails.

PART 2—RESERVES

2.1 Metropolitan Region Scheme Reserves

2.1.1 The land shown as “Metropolitan Region Scheme Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. Those lands are not reserved by this Scheme and compensation for injurious affection shall not be payable by the Council in respect of a Regional Reserve. The provisions of the Metropolitan Region Scheme continue to apply to those reserves.

2.1.2 The approval of Council under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve. The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve, unless specifically excluded by the Region Scheme.

2.2 Development and Use of Regional Reserves

Development and Use of Regional Reserves shall be in accordance with the provisions of the Metropolitan Region Scheme.

2.3 Local Reserves

The land shown as Local Reserves on the Scheme Map is land reserved under the Scheme for local government purposes or for the purposes shown on the Scheme Map.

2.4 Uses of Local Reserves

2.4.1 Any Local Reserves, until vested in the Council or other public authority, may be used—

- (a) for the purpose for which the land is reserved under this Scheme;
- (b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

- (c) for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or
- (d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;

but shall not be used otherwise for any other purpose.

2.4.2 The use of any Local Reserve which is not owned by or has not been vested in the Council shall not be changed without the approval in writing of the Council unless the proposed new use is a public work exempted from the requirement of development approval by Section 32 of the Act.

2.5 Development of Local Reserves

Except as otherwise provided in this Part, no person shall on any land comprising or forming part of a Local Reserve, commence or carry out any development without first applying for and obtaining the approval in writing of the Council and without affecting the generality of the foregoing, no person shall without such approval—

- (a) demolish or damage any building work or thing forming part of, affixed to or growing from the Local Reserve;
- (b) remove or damage any tree on the Local Reserve;
- (c) excavate, spoil or waste any part of the Local Reserve so as to destroy, affect or impair its usefulness for the purpose of which it is reserved; or
- (d) construct, extend or alter any building or structure, except a boundary fence of a kind defined or accepted by the Council as a sufficient fence in the relevant locality.

The provisions of this clause shall not in any way limit or affect the interpretation of the general provisions of the Scheme relating to developments and applications for planning approval insofar as they affect land partly zoned under the Scheme, and where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned.

2.6 Right to Grant Approval or Refusal

2.6.1 Any application for planning approval on any land or the portion of any land included in a Local Reserve shall be made on the form prescribed by the Council.

2.6.2 The Council may, on an application for planning approval by an owner of land, any part of which is included in a Local Reserve, either refuse its approval, or grant its approval without conditions or with such conditions as it thinks fit.

2.6.3 Where an application for planning approval involves land, part of which is zoned under this Scheme and part of which is included in a Local Reserve, the Council may, where the circumstances permit, give one decision in respect of the part of the development on land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.

2.7 Dealing with Applications

Provisions in the Scheme relating to applications for planning approval and the exercise of any discretion thereon shall insofar as they are inconsistent with the provisions of the Part, apply to Local Reserves.

2.8 Matters to be Considered by the Council

In considering whether to give planning approval to the development of any land comprising or forming part of a Local Reserve, the Council shall have regard to the purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting planning approval.

2.9 Development Standards on Reserved Land

Where the Council considers the development of any Local Reserve by any person, the Council shall to the extent that it is reasonable to do so apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.

2.10 Power to Deal with Reserved Land

Where the Council has acquired land for a Local Reserve or the land is reserved under the Scheme as Local Reserve and is in Council ownership, the Council shall not enter into any lease or licence or resolve to dispose of the land for a purpose inconsistent with the purpose for which the land was acquired or is reserved unless that use or purpose is permitted by the Scheme.

2.11 Compensation

2.11.1 If the Council refuses to give planning approval for development on a Local Reserve and the fact of the land being reserved is the reason or one of the reasons for such refusal, or if the Council grants approval subject to a condition unacceptable to the applicant being a condition imposed only by reason of the land being reserved, and the applicant having exhausted all rights of appeal in respect of the refusal or imposition of the unacceptable condition (and subject to clause 2.11.2), the owner of the land may claim compensation from the Council for injurious affection in accordance with the Act. The amount of compensation payable by the Council shall not exceed the difference between—

- (a) the value of the land as affected by the refusal of approval, or by the imposition of the unacceptable condition as the case may be; and
- (b) the value of the land as not so affected.

Each of the values referred to in paragraphs (a) and (b) of this clause shall be market value and shall be assessed as at the date of the claim for compensation.

If the claimant and the Council cannot agree upon the amount of compensation payable, it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985.

2.11.2 No claim shall be made for compensation for injurious affection pursuant to clause 2.11.1 unless and until the applicant first has pursued all avenues for appeal against the Council's decision, and unless on such appeal the Council's refusal is upheld for the reason that, or for reasons including the fact that the land is reserved under the Scheme, and no claim for compensation for injurious affection in respect of the imposition of an unacceptable condition shall be made unless upon appeal a condition unacceptable to the applicant is upheld which relates to the land the subject of the appeal being reserved under the Scheme.

2.11.3 A claim for compensation under this clause shall be made within six (6) months of the decision of the Council refusing approval or imposing an unacceptable condition, or within six (6) months of the determination of an appeal against the refusal or imposition of the unacceptable condition.

2.11.4 Where compensation for injurious affection is claimed as a result of the operation of section 12 of the Act, Council may at its option elect to acquire the land so affected in accordance with the Land Acquisition and Public Works Act 1902 instead of paying compensation.

2.12 Right of Disposal

2.12.1 The Council may deal with or dispose of land acquired for a Local Reserve pursuant to the preceding clause upon such terms and conditions as it thinks fit, provided the land is used for, or preserved for, a use compatible with the purpose for which it was reserved, and subject to any other laws, the Council may grant a lease of the land.

2.12.2 Land referred to in clause 2.12.1 may be leased for any purpose or may be used under licence for any purpose pending the ultimate use of the land for the purpose for which it was acquired or is reserved, and provided the lease or licence will not compromise the ultimate use of the land for that purpose.

PART 3—ZONES

3.1 Classification

3.1.1 The Scheme Area is divided into the following zones—

- Residential
- Development
- City Centre
- Waterfront Village
- Baldivis Town Centre
- Commercial
- Special Commercial
- Service Commercial
- Port Kennedy Business Enterprise
- Light Industry
- General Industry
- Special Industry
- Rural
- Special Rural
- Special Residential
- Community Purposes
- Special Use

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

3.2 Zoning Table

3.2.1 Table No.1—Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross reference between the list of Use Classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted by the Scheme 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 6.3;
- 'IP' means a use that is not permitted unless the use is incidental to the predominant use of the land as determined by the Council;
- 'X' means a use that is not permitted by the Scheme.

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

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

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

3.3 Additional Uses

3.3.1 Notwithstanding anything contained within the Zoning Table, the land specified in Schedule No. 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 No. 2 with respect to that land.

3.3.2 Additional Uses will be illustrated on the Scheme Map by a broken black border around the affected lot and an identification number cross-referenced to Schedule No. 2.

3.4 Special Use Zone

3.4.1 Special Use Zones are set out in Schedule No. 3 and are in addition to the zones in the Zoning Table.

3.4.2 A person shall not use any land, or any building or structure on land in a Special Use Zone, except for the purpose set out against that land in Schedule No. 3 and subject to compliance with any conditions set out in Schedule No. 3 with respect to that land.

3.4.3 Each Special Use Zone will be numbered on the Scheme Map and cross-referenced to Schedule No. 3.

TABLES
ZONING TABLE

USE CLASS	ZONING	Residential	Development	City Centre	Waterfront Village	Baldivis Town Centre	Commercial	Special Commercial	Service Commercial	Port Kennedy Business Enterprise	Light Industry	General Industry	Special Industry	Rural	Special Rural	Special Residential	Community Purposes	Special Use			
Abattoir		X	Use class permissibility is to be determined with reference to the designations in the approved Structure Plan. Refer to Clause 4.2.9.2 and 4.2.9.3.	X	X	X	X	X	X	X	X	X	X	A	As per Clause 4.12, Schedule No. 4 and Plan No's 3 and 4	As per Clause 4.13, Schedule No.5 and Plan No's 5, 6 and 7	As per Schedule No. 3	X			
Amusement Parlour	X	D		D	D	D	X	X	X	X	X	X	X	X				X	X	X	
Ancillary Accommodation	IP	X		X	X	X	X	X	X	X	X	X	X	IP				X	X	X	X
Bed and Breakfast	IP	X		X	X	X	X	X	X	X	X	X	X	IP				X	X	X	X
Camping Area	X	X		X	X	X	X	X	X	X	X	X	X	A				X	X	X	X
Car Wash	X	D		D	D	D	X	D	D	D	D	D	X	X				X	X	X	X
Caravan Park	X	X		X	X	X	X	X	X	X	X	X	X	A				X	X	X	X
Caretaker's Dwelling	IP	IP		IP	IP	IP	IP	IP	IP	IP	IP	X	X	IP				IP	IP	IP	IP
Carpark	X	D		D	D	D	D	D	D	P	X	X	X	X				X	X	X	X
Cattery	X	X		X	X	X	X	X	X	X	X	X	X	D				X	X	X	X
Child Care Premises	A	D		D	D	D	X	D	X	D	X	X	X	D				D	D	D	D
Cinema/Theatre	X	D		D	D	D	X	D	D	D	X	X	X	X				X	X	X	X
Club Premises	X	D		D	D	D	X	X	X	X	X	X	X	X				X	X	X	X
Community Use	D	D		D	D	D	D	D	D	D	D	X	X	D				D	D	D	D
Communications Antennae—Commercial	X	D		D	D	D	D	D	D	D	D	D	D	D				D	D	D	D
Communications Antennae—Domestic	P	P		P	P	P	P	P	P	P	P	P	P	P				P	P	P	P
Convenience Store	X	D		D	D	D	X	X	X	X	X	X	X	X				X	X	X	X
Consulting Rooms	X	D		D	D	D	P	D	D	D	X	X	X	X				X	X	X	X
Contractor's Yard	X	X		X	X	X	X	X	X	D	D	D	D	X				X	X	X	X

USE CLASS	ZONING	Residential	Development	City Centre	Waterfront Village	Baldvis Town Centre	Commercial	Special Commercial	Service Commercial	Port Kennedy Business Enterprise	Light Industry	General Industry	Special Industry	Rural	Special Rural	Special Residential	Community Purposes	Special Use	
Display Home Centre		D	Use class permissibility is to be determined with reference to the designations in the approved Structure Plan. Refer to Clause 4.2.9.2 and 4.2.9.3.	X	X	D	X	X	X	X	X	X	X	X			X		
Dog Kennels		X		X	X	X	X	X	X	X	X	X	X	X	D			X	
Dry Cleaning Premises		X		D	D	D	D	X	D	D	D	X	X	X	X			X	
Educational Establishment		X		D	D	D	D	D	D	D	X	X	X	A				D	
Extensive Agriculture		X		X	X	X	X	X	X	X	X	X	X	D				X	
Fast Food Outlet		X		D	D	D	D	X	D	X	X	X	X	X				X	
Fuel Depot		X		X	X	X	X	X	X	D*	D	D	D	D				X	
Funeral Parlour		X		D	D	D	D	X	D	D	D	D	X	X				X	
Health Studio		X		D	D	D	D	X	D	D	D	X	X	X				X	
Home Business		D		D	D	D	X	X	X	X	X	X	X	X				X	
Home Occupation		D		D	D	D	X	X	X	X	X	X	X	D				X	
Homestore		A		X	X	X	X	X	X	X	X	X	X	A				X	
Hospital		X		X	X	D	X	X	X	X	X	X	X	X				D	
Hospital : Special Purposes		X		X	X	D	X	X	X	X	X	X	X	X				A	
Hotel		X		D	D	D	A	X	X	X	X	X	X	X				X	
Industry : Cottage		D		D	D	D	X	X	X	X	X	X	X	D				X	
Industry : Extractive		X		X	X	X	X	X	X	X	X	X	X	A				X	
Industry : General		X		X	X	X	X	X	X	X	X	D	X	X				X	
Industry : Hazardous		X		X	X	X	X	X	X	X	X	X	A	X				X	
Industry : Light		X		X	X	D	X	X	X	D*	P	D	X	X				X	
Industry : Noxious		X		X	X	X	X	X	X	X	X	X	A	X				X	
Industry : Rural		X		X	X	X	X	X	X	D*	X	X	X	D				X	
Industry : Service		X		X	X	D	X	X	P	D*	D	D	X	X				X	
Intensive Agriculture		X		X	X	X	X	X	X	X	X	X	X	D				X	
Laundromat		X		D	D	D	D	D	D	D	D	X	X	X				X	
Livestock Holding Facility		X		X	X	X	X	X	X	X	X	X	X	D				X	
Lodging House		A		D	D	D	X	X	X	X	X	X	X	A				X	
Lunch Bar		X		D	D	D	D	X	D	D	D	D	X	X				X	
Market		X		D	D	D	D	X	D	D	D	X	X	X				X	
Medical Centre		X		D	D	D	D	P	D	D	X	X	X	X				D	
Motel		X		D	D	D	D	X	X	X	X	X	X	X				X	
Motor Vehicle and Marine Sales Premises		X		X	X	D	X	X	P	P	D	D	X	X				X	
Motor Vehicle Repair Station		X		X	X	D	X	X	X	P*	D	D	X	X				X	
Motor Vehicle Wrecking Premises		X		X	X	X	X	X	X	P*	D	D	X	X				X	
Museum		X		D	D	D	D	D	X	X	X	X	X	D				D	
Night Club				D	D	D	A	X	X	X	X	X	X	X				X	
Nursing Home		X		X	X	D	X	X	X	X	X	X	X	X				D	
Office		X		D	D	D	D	P	P	P	IP	IP	IP	X				D	
Open Air Display		X		X	X	D	X	X	P	D	D	IP	X	X				X	
Piggery		X		X	X	X	X	X	X	X	X	X	X	X				X	
Plant Nursery		X	X	X	D	X	X	D	D	D	D	X	D				X		
Poultry Farm		X	X	X	X	X	X	X	X	X	X	X	X				X		
Prison		X	X	X	X	X	X	X	X	X	X	X	X				X		

As per Clause 4.12, Schedule No. 4 and Plan No's 3 and 4

As per Clause 4.13, Schedule No.5 and Plan No's 5, 6 and 7

As per Schedule No. 3

USE CLASS	ZONING		Development	City Centre	Waterfront Village	Baldivis Town Centre	Commercial	Special Commercial	Service Commercial	Port Kennedy Business Enterprise	Light Industry	General Industry	Special Industry	Rural	Special Rural	Special Residential	Community Purposes	Special Use				
	Residential																					
Private Recreation	X		Use class permissibility is to be determined with reference to the designations in the approved Structure Plan. Refer to Clause 4.2.9.2 and 4.2.9.3.	D	D	D	D	X	D	D	D	X	X	D	As per Clause 4.12, Schedule No. 4 and Plan No's 3 and 4	As per Clause 4.13, Schedule No.5 and Plan No's 5, 6 and 7	As per Schedule No. 3	X				
Produce Store	X			X	X	X	X	X	X	D	D	X	X	D								X
Public Amusement	X			D	D	D	D	X	D	D	D	X	X	X								X
Public Exhibition	X			D	D	D	D	X	X	X	X	X	X	D								IP
Public Utility	D			D	D	D	D	D	D	D*	D	D	D	D								D
Public Worship : Place of	A			D	D	D	D	X	D	D	D	X	X	A								D
Reception Centre	X			D	D	D	D	X	X	X	X	X	X	A								X
Reformatory	X			X	X	X	X	X	X	X	X	X	X	X								X
Residential:																						
(a) Single House	P			D	D	D	X	X	X	X	X	X	X	P								X
(b) Grouped Dwelling	D			D	D	D	D	X	X	X	X	X	X	X								X
(c) Multiple Dwelling	D			D	D	D	D	X	X	X	X	X	X	X								X
Residential Building	D			D	D	D	D	X	X	X	X	X	X	D								D
Restaurant	X			D	D	D	D	X	X	X	X	X	X	A								X
Restricted Premises	X			D	D	D	D	X	X	X	X	X	X	X								X
Rural Pursuit	X			X	X	X	X	X	X	X	X	X	X	D					X			
Salvage Yard	X			X	X	X	X	X	X	D*	X	D	X	X					X			
Sawmill	X			X	X	X	X	X	X	X	X	A	X	A					X			
Service Station	X			D	D	D	D	X	X	D*	X	X	X	X					X			
Shop	X			D	D	D	P	X	X	X	X	X	X	X					X			
Short Stay Accommodation	X			D	D	D	D	X	X	X	X	X	X	A					X			
Showroom	X			D	D	D	D	X	P	P	D	D	X	X					X			
Stable	X			X	X	X	X	X	X	X	X	X	X	D					X			
Stockyards	X			X	X	X	X	X	X	X	X	X	X	D					X			
Tavern	X			D	D	D	D	X	X	X	X	X	X	X					X			
Telecommunications Infrastructure	X			D	D	D	D	D	D	D	D	D	D	D					D			
Trade Display	X			X	X	X	X	X	D	D	D	D	X	IP					X			
Transport Depot	X			X	X	X	X	X	X	D*	D	D	X	X					X			
Veterinary Clinic	X			D	D	D	D	P	D	D	D	X	X	D					X			
Veterinary Hospital	X			X	X	X	X	D	D	D	D	X	X	D					X			
Warehouse	X		D	D	D	D	X	P	P	D	D	X	X					X				
Zoological Gardens	X		X	X	X	X	X	X	X	X	X	X	A					X				

*Refer to sub-clauses 4.9.4.1(a), 4.9.4.1(b), 4.9.4.2(a) and 4.9.2.1(b).

PART 4—GENERAL DEVELOPMENT REQUIREMENTS**4.1 Residential Zone****4.1.1 Objective**

To promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area.

4.1.2 Residential Development: Residential Design Codes—

- (a) For the purposes of this Scheme “Residential Design Codes” means the Residential Design Codes set out in Appendix 2 to the Statement of Planning Policy No. 3.1, together with any amendments thereto.
- (b) A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the Council.
- (c) Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of those Codes.
- (d) The Residential Design Codes density applicable to land within the Scheme Area shall be determined by reference to the Residential Design Codes density number superimposed on the particular areas shown on the Scheme Map as being contained within the solid black line borders, or where such an area abuts another area having a Residential Design Code density, as being contained within the centre-line of those borders.
- (e) Development to the residential density as shown on the Scheme Map shall only be permitted upon connection to reticulated sewerage or in compliance with the Government Sewerage Policy requirements for development of unsewered land; otherwise the provisions of the R5 density code shall apply.

4.1.3 Special Application of Residential Design Codes—

- (a) In order to encourage residential development within the City Centre Zone, Waterfront Village Zone and the Baldivis Town Centre Zone, the Council may exercise its discretion in respect of the standard Residential Design Code provisions.
- (b) Use of discretionary power by the Council in relation to the standard provisions of the Residential Design Codes for residential development in the City Centre Zone, Waterfront Village Zone and the Baldivis Town Centre Zone, is detailed in clauses 4.3.8, 4.4.8 and 4.5.5 respectively.
- (c) The Council may only exercise its discretion in respect of such development standards provided that it is satisfied that such use of discretionary power is in the interest of orderly and proper planning and will not detract from the respective desired City Centre, Waterfront Village and Baldivis Town Centre environments.
- (d) Notwithstanding that a single house or two grouped dwellings do not require planning approval, any person who wishes the Council to exercise its discretion in respect of any particular provision of the Residential Design Codes relating to the erection of a single house or two grouped dwellings shall, at the time of lodging an application for a building license or earlier, apply for Council's Planning Approval for the exercise of discretion.

The Council may exercise its discretion with or without conditions or may refuse to grant its consent. The Council shall, before granting its consent, satisfy itself that—

- (i) the discretion requested is one which the Council has the power to exercise; and
- (ii) exercise of the discretion would not compromise the objectives of the Residential Design Codes.

4.2 Development Zone**4.2.1 Interpretation**

In clause 4.2, unless the context otherwise requires—

‘Proponent’ means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan;

‘Proposed Structure Plan’ means a Structure Plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 4.2.5; and

‘Structure Plan’ means an Proposed Structure Plan that has been both approved by the Commission and adopted by the Council under clause 4.2.6.15.

4.2.2 Operation

- (a) Development Areas adopted and approved subsequently to the date of gazettal of this Scheme are shown on Plan No. 1 as DA with a number and included in Schedule No. 9.
- (b) In respect of a Development Area shown on Plan No. 1, the provisions applying to the Development Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

4.2.3 Purpose

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

4.2.4 Planning Requirements—

- (a) The Council requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving the development of land within the Development Area.
- (b) Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule No. 9.
- (c) The Council or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Council or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.
- (d) Schedule No. 9 describes the Development Areas in more detail and sets out the purpose and particular requirements that may apply to the Development Area.

4.2.5 Preparation of Structure Plans—

- (a) A Structure Plan may include plans and other documents;
- (b) A Structure Plan may, with the agreement of the Council, be prepared and implemented in stages;
- (c) A Structure Plan may relate to only part of a Development Area;
- (d) A Structure Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the Development Area, and, without limiting the generality of the foregoing, may include the following details—
 - (i) the area to which the Structure Plan applies;
 - (ii) key opportunities and constraints of the Development Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
 - (iii) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
 - (iv) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
 - (v) the proposed indicative lot pattern and general location of any major buildings;
 - (vi) estimates of future lots, dwellings, population, employment and retail floor space;
 - (vii) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
 - (viii) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
 - (ix) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
 - (x) details as appropriate relating to vehicular access and parking, the location, orientation and design of buildings and the space between buildings, conservation areas, heritage places, special development control provisions; and
 - (xi) such other information as may be required by the Council.
- (e) In considering a Proposed Structure Plan for part of a Development Area, the Council may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

4.2.6 Adoption and Approval of Structure Plans

4.2.6.1 A Proposed Structure Plan may be prepared by a Proponent or the Council. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the Council.

4.2.6.2 Upon receiving a Proposed Structure Plan, the Council is to either—

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

4.2.6.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.2.6.2, the Council is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

4.2.6.4 (a) Where the Proponent is aggrieved by a determination of the Council under clause 4.2.6.2(b) or (c) or clause 4.2.6.3, the Proponent may request the Council by notice in writing to forward the Proposed Structure Plan to the Commission.

- (b) Within 21 days of receiving a notice from the Proponent under clause 4.2.6.4(a), the Council is to forward to the Commission—
 - (i) a copy of the Proposed Structure Plan;
 - (ii) details of the Council's determination including any modifications to the Proposed Structure Plan required by the Council; and
 - (iii) any other information the Council considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.
- (c) Upon receiving a Proposed Structure Plan in accordance with clause 4.2.6.4(b), the Commission is to make one of the determinations referred to in clause 4.2.6.2 and advise the Council and the Proponent accordingly.
- (d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the Council prior to making its determination under clause 4.2.6.4(c).
- (e) If within 60 days of receiving a Proposed Structure Plan under clause 4.2.6.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.2.6.2, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

4.2.6.5 Where the Council, or the Commission under clause 4.2.6.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the Council is to—

- (a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 6.3.3 of the Scheme; and
- (b) give notice or require the Proponent to give notice in writing to—
 - (i) all landowners affected by the Structure Plan; and
 - (ii) such public authorities and other persons as the Council nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the Council by a specified date being at least 21 days from the date of the notice and advertisement.

4.2.6.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the Council is to forward a copy of the Proposed Structure Plan to the Commission.

4.2.6.7 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 4.2.6.5 is to either—

- (a) adopt the Proposed Structure Plan with or without modifications; or
- (b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.

4.2.6.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.2.6.7, the Council is deemed to have refused to adopt the Proposed Structure Plan.

4.2.6.9 Within 21 days of the Council making its determination under clause 4.2.6.7, or deemed refusal under clause 4.2.6.8, the Council is to forward to the Commission—

- (a) a summary of all submissions and comments received by the Council in respect of the Proposed Structure Plan, and the Council's decisions or comments in relation to these;
- (b) the Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
- (c) any other information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

4.2.6.10 The Commission is to either—

- (a) approve the Proposed Structure Plan with or without modifications; or
- (b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the Council.

4.2.6.11 If within 60 days of receiving the information referred to in clause 4.2.6.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.2.6.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.

4.2.6.12 If the Commission approves the Proposed Structure Plan, it is to notify the Council and Proponent of its decision within 14 days of the date of the Commission's decision.

4.2.6.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the Council prior to approving the Proposed Structure Plan under clause 4.2.6.10.

4.2.6.14 If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the Council may—

- (a) readvertise the Proposed Structure Plan; or
- (b) require the Proponent to readvertise the Structure Plan

and, thereafter, the procedures set out in clause 4.2.6.5 onwards are to apply.

4.2.6.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the Council is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to—

- (a) the Proponent;

- (b) the Commission; and
 - (c) any other appropriate person or public authority which the Council thinks fit.
- 4.2.6.16 A Structure Plan is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.
- 4.2.7 Change or Departure from Structure Plan
- 4.2.7.1 The Council may adopt a minor change to or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan.
- 4.2.7.2 (a) The Council is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Commission considers that the change or departure adopted by the Council under clause 4.2.7.1 materially alters the intent of the Structure Plan, then the Commission—
 - (i) may require the Council to follow the procedures set out in clause 4.2.6 in relation to the change or departure; and
 - (ii) is to notify the Council of this requirement within 10 days.
- 4.2.7.3 Any change to or departure from a Structure Plan that is not within clause 4.2.7.1 is to follow the procedures set out in clause 4.2.6.
- 4.2.8 Detailed Area Plans
- 4.2.8.1 (a) (i) The Council or the Commission may, by notice in writing, require a person to prepare and submit to the Council a detailed area plan within the time specified in the notice.
- (ii) A person may prepare and submit to the Council a detailed area plan.
- (b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted—
- (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
 - (ii) in place of a development approval required to comply with clause 2.3.3 of the Residential Design Codes; or
 - (iii) for any other planning purpose.
- (c) The Council is to—
- (i) approve with or without conditions; or
 - (ii) refuse to approve
- the detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 4.2.8.1(a), or such longer period as may be agreed in writing between the person and the Council, the Council has not made one of the determinations referred to in clause 4.2.8.1(c), the Council is deemed to have refused to approve the detailed area plan.
- (e) The Council is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- (f) The Council's refusal to approve a detailed area plan under clause 4.2.8 is not a valid reason for the Council to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 4.2.6.
- 4.2.8.2 Unless clause 4.2.8.1(b)(ii) applies, once approved by the Council, the detailed area plan is to be used as the basis for—
- (a) making recommendations to the Commission on subdivision applications; and
 - (b) determining development applications
- with respect to the land subject to the detailed area plan.
- 4.2.8.3 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 Council.
- 4.2.8.4 (a) An approved detailed area plan may be modified or varied with the approval of the Council, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.

- (b) The Council is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

4.2.9 Operation of a Structure Plan

4.2.9.1 A Structure Plan commences operation on the date it is adopted by the Council pursuant to clause 4.2.6.15.

4.2.9.2 Subject to clause 4.2.9.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then—

- (a) the provisions of the Structure Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.

4.2.9.3 Without limiting the generality of clause 4.2.9.2, under a Structure Plan:—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (b) the standards and requirements applicable to the zones and Residential Design Code R-Code designations of the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;
- (d) where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the Council in regard to compensation set out in clauses 8.6 and 8.7 inclusive apply as if the land was correspondingly reserved under the Scheme; and
- (e) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

4.2.9.4 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.

4.2.9.5 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

4.2.10 Appeal

4.2.10.1 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any—

- (a) determination or decision made by the Commission;
- (b) requirement imposed by or modification sought by the Commission; or
- (c) determinations deemed to have been made by the Commission under clauses 4.2.6.4 or 4.2.6.11

in the exercise of the Commission's powers under clause 4.2.

4.2.10.2 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any decision made by the Council under clause 4.2.7.1

4.2.10.3 A person who has submitted a detailed area plan under clause 4.2.8 may appeal, in accordance with Part V of the Town Planning Act, any decision made by the Council under clauses 4.2.8.1 or 4.2.8.4.

4.2.11 Comprehensive Development Plans Made under Previous Scheme

4.2.11.1 Any Comprehensive Development Plan duly approved by the Council and the Commission under clause 5.25 of Town Planning Scheme No.1, is to have the full force and effect as if it were approved as a Structure Plan under clause 4.2.6.15.

4.2.11.2 Any Comprehensive Development Plan that, on the Gazettal date, is being prepared under clause 5.25 of Town Planning Scheme No.1, may continue to be prepared in the manner required under that scheme, and following approval by the Council and the Commission is to have the full force and effect as if it were approved as a Structure Plan under clause 4.2.6.15.

4.3 City Centre Zone

4.3.1 Objective

The objective of the City Centre Zone is to contribute to the development of integrated retail, office, commercial, residential, civic and cultural facilities in the Strategic Regional Centre generally in accordance with the objectives and principles outlined in the Development Policy Plan and supported by any other Plan or Policy that the Council and the Commission adopt from time to time as a guide to future development within the zone.

4.3.2 Development Policy Plan—

- (a) In considering applications for planning approval for development within the City Centre Zone, the Council shall ensure that the general arrangement of buildings, pedestrian movement systems and activity nodes, carparking and services areas, public spaces and streetscape structures has due regard to the Development Policy Plan.

- (b) The Development Policy Plan incorporates both general and area specific policy statements. Subjects of general policy statements include—
- (i) urban design;
 - (ii) land use;
 - (iii) residential development; and
 - (iv) transport.

4.3.3 Precinct Planning—

- (a) To promote localised character and diversity under a single City Centre Zone, the Council shall designate certain Precincts within the City Centre Zone.
- (b) The specific requirements detailed under Precinct Planning Policies, as set out in the Development Policy Plan, shall be considered by the Council when dealing with any application for planning approval.
- (c) Precinct Planning Policies will generally cover the following—
- (i) location;
 - (ii) desired future character;
 - (iii) preferred uses; and
 - (iv) performance standards.

4.3.4 Promotion of Mixed Land Use

To promote the creation of a diversity of land uses and development in the City Centre within the planning parameters which shall apply to individual Precincts, the Council shall take all reasonable steps to encourage a mixture of uses within individual building developments with the establishment of a lively and attractive streetfront environment as a priority objective.

4.3.5 Enhancement of Public Domain—

- (a) When considering any application for planning approval, the Council shall have regard for the likely impact on the development of quality public spaces and minimising undesirable day and night time pedestrian activity.
- (b) The Council shall have particular regard for the development of a public street network which shall be defined by generally contiguous building frontages (as defined in Precinct Planning Policy guidelines and other relevant Policy statements).

4.3.6 Urban Structure

In assessing applications for planning approval, the Council shall take account of and shall ensure that the following principles are generally adhered to—

- (a) development shall contribute to the framing up of a coherent structure of public streets defined by streetfront buildings in general conformity with the provisions of the Development Policy Plan;
- (b) development shall contribute to the establishment of a traffic-calmed, pedestrian friendly environment in both Civic Boulevard and Central Promenade;
- (c) traffic circulation, vehicle access points and car parking shall be arranged to minimise impact on the central or Civic core of the City while maintaining essential kerbside parking consistent with the provisions of the Development Policy Plan; and
- (d) as a general principle, car parking shall be clustered behind buildings which front the public street.

4.3.7 Planning Control—

- (a) In assessing applications for planning approval and formulating recommendations and comments on applications for the subdivision of land, the Council shall take into account the objective of the City Centre Zone and the principles and policies as set out in the Development Policy Plan.
- (b) Prior to formulating any comments and recommendations on applications for the subdivision of land within the City Centre Zone, the Council will require the applicant to prepare and submit an Integrated Development Guide Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts, any rights of way or access easements required and any other information required by the Council.
- (c) An Integrated Development Guide Plan prepared in accordance with clause 4.3.7 (b) shall take account of and adhere to the principles and proposals as set out in the Development Policy Plan.
- (d) Where a proposed Integrated Development Guide Plan will require the Local Commercial Strategy to be amended, the Commission's endorsement of the Plan will be necessary.
- (e) An Integrated Development Guide Plan prepared or received by the Council shall be considered by the Council for adoption and in making its decision the Council may—
- (i) reject the Plan;
 - (ii) adopt the Plan with or without modifications.
- (f) An applicant aggrieved by the Council—
- (i) refusing an Integrated Development Guide Plan;
 - (ii) approving an Integrated Development Guide Plan subject to conditions or requirements unacceptable to the applicant; or

- (iii) failing to make a decision on an Integrated Development Guide Plan within 35 days of the date of submission of the Plan;

shall have a right of appeal under Part V of the Town Planning and Development Act 1928.

- (g) An applicant dissatisfied by a decision of the Council in respect of an Integrated Development Guide Plan may, within 14 days of the date of the Council's decision, request the Council in writing for a reconsideration of the Plan. In that case the operative date for the purpose of the appeal right arising under paragraph (e) shall be the refusal or approval upon the reconsideration of the Plan.

4.3.8 Special Application of Residential Design Codes

In order to encourage residential development within the City Centre Zone, consistent with the urban design objectives for individual Precincts set out in the Development Policy Plan or other adopted Policies, and subject to clause 4.1.3 (c) of the Scheme, the Council may exercise its discretion in respect of the standard Residential Design Codes provisions in relation to: car parking; street and side setbacks; distance between buildings in different occupancies on the same lot; and open space—both general, communal and specific to dwellings.

4.3.9 Carparking Standards

Notwithstanding the provisions of clause 4.15.1 and the standards set out in Table No. 2, the Development Policy Plan contains special provisions for recommended car parking under the Development Policy Plan. Table No. 3 sets out the recommended minimum car parking standard and maximum car parking allowances within the City Centre zone.

4.3.10 Modification of Development Policy Plan—

- (a) The Council may modify the Development Policy Plan, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the desired City Centre environment.
- (b) Modifications to the Development Policy Plan shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless in the opinion of the Council the proposed modification is minor.
- (c) Where a proposed modification to the Development Policy Plan will result in the Local Commercial Strategy being amended, the Commission's endorsement of the Plan will be necessary.

4.4 Waterfront Village Zone

4.4.1 Objective

To contribute to the development of integrated tourist and recreation-related retail, District Centre retail, office, commercial, residential, civic and cultural facilities generally in accordance with the objectives and principles outlined in the Rockingham Beach Waterfront Village Policy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.

4.4.2 Waterfront Village Policy—

- (a) In considering applications for planning approval or otherwise planning for development within the Waterfront Village Zone, the Council shall ensure that the general arrangement of buildings, public spaces, pedestrian and vehicle movement systems, carparking and service areas and townscape elements has due regard to the Policy.
- (b) The Policy incorporates both general and area specific policy statements. General policy statements include—
 - (i) urban design and townscape; and
 - (ii) transport and parking.

4.4.3 Precinct Planning—

- (a) To promote localised character and diversity, the Council shall designate certain Precincts within the Waterfront Village Zone.
- (b) The specific requirements detailed under Precinct Planning Policies, as set out in the Policy, shall be considered by the Council when dealing with any application for planning approval.
- (c) Precinct Planning Policies will generally cover the following—
 - (i) location;
 - (ii) desired future character;
 - (iii) preferred uses; and
 - (iv) development standards.

4.4.4 Promotion of Mixed Land Use

To promote the creation of a diversity of land uses and development in the Waterfront Village Zone within the planning parameters which shall apply to individual Precincts, the Council shall take all reasonable steps to encourage a mixture of uses within individual building developments with the establishment of a lively and attractive streetfront environment as a priority objective.

4.4.5 Enhancement of Public Domain

When considering any application for planning approval, the Council shall have regard for the likely impact of the development on quality public spaces and minimising undesirable day and night time pedestrian activity.

4.4.6 Urban Structure

In assessing applications for planning approval, the Council shall take account of and shall ensure that the following principles are generally adhered to—

- (a) subject to the specific requirements of individual Precinct Planning Policies, development shall contribute to the framing up of a coherent structure of public streets defined by buildings and townscape in general conformity with the provisions of the Policy;
- (b) development shall contribute to the establishment of a traffic-calmed, pedestrian friendly environment in both Rockingham Beach Road and Kent Street;
- (c) traffic circulation, vehicle access points and car parking shall be arranged to minimise impact on the Waterfront Village Zone while maintaining essential kerbside parking consistent with the provisions of the Policy; and
- (d) as a general principle, car parking shall be clustered behind buildings which front the public street.

4.4.7 Planning Control—

- (a) In assessing applications for planning approval and formulating recommendations and comments on applications for the subdivision of land, the Council shall take into account the objective of the Waterfront Village Zone and the principles and policies as set out in the Rockingham Beach Waterfront Village Policy.
- (b) An applicant dissatisfied by a decision of the Council in respect of an application for planning approval may, within 14 days of the date of the Council's decision, request the Council in writing for a reconsideration of the decision.
- (c) Where a proposed development in the zone will require the Local Commercial Strategy to be amended, the Commission's endorsement of the proposal will be necessary.

4.4.8 Special Application of Residential Design Codes

In order to encourage residential development within the Waterfront Village Zone, consistent with the urban design objectives for individual Precincts set out in the Policy or other adopted Policies, and subject to clause 4.1.3(c) of the Scheme, the Council may exercise its discretion in respect of the standard Residential Design Codes provisions in relation to: car parking; street and side setbacks; distance between buildings in different occupancies on the same lot; and open space—both general, communal and specific to dwellings.

4.4.9 Carparking Standards

Notwithstanding the provisions of clause 4.15.1 and the standards set out in Table No. 2, the Waterfront Village Zone is subject to special provisions for recommended car parking contained within the Waterfront Village Policy. Table No. 4 sets out the recommended car parking standards and maximum car parking allowances within the Waterfront Village Zone.

4.4.10 Modification of Rockingham Beach Waterfront Village Policy—

- (a) The Council may modify the Waterfront Village Policy, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the desired Waterfront Village environment.
- (b) Modifications to the Waterfront Village Policy shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless in the opinion of the Council the proposed modification is minor.
- (c) Where a proposed modification to the Waterfront Village Policy will result in the Local Commercial Strategy being amended, the Commission's endorsement of the proposal will be necessary.

4.5 Baldivis Town Centre Zone

4.5.1 Objective

To establish a clear and concise statement of planning principles to guide the development of the Baldivis Town Centre having due regard to the objectives and principles outlined in the Baldivis Town Centre Policy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.

4.5.2 Baldivis Town Centre Policy—

- (a) For the purposes of Clause 4.5 of this Scheme, 'the Policy' means the Baldivis Town Centre Policy adopted by the Council and otherwise referred to as Planning Policy No. 6.12 including any amendments made under clause 4.5.7 and any associated policies and performance standards adopted by the Council from time to time.
- (b) In assessing development applications on land within the Baldivis Town Centre Zone, the Council shall have due regard for both the general principles and the more specific use precinct requirements of the policy.
- (c) A copy of the Baldivis Town Centre Policy shall be kept and made available for public inspection during working hours at the offices of the Council.

4.5.3 Planning Principles

In determining any development application within the Baldivis Town Centre Zone, the Council shall—

- (a) be guided by the objectives of the Baldivis Town Centre Policy;
- (b) have due regard to the impact of the development on the establishment, quality and use of the public domain;

- (c) seek to encourage a mix of uses both within individual developments and more broadly within the Centre as a whole; and
- (d) consider the specific requirements of the policies established by the policy for each of the use precincts within the Zone.

4.5.4 Planning Control—

- (a) In assessing applications for planning approval and formulating recommendations and comments on applications for the subdivision of land, the Council shall have due regard to the objective of the Baldivis Town Centre Zone and the principles and policies as set out in the Baldivis Town Centre Policy.
- (b) Prior to formulating any comments and recommendations on applications for the subdivision and development of land within the Baldivis Town Centre Zone, the Council will require the applicant to prepare and submit an Integrated Development Guide Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council.
- (c) An Integrated Development Guide Plan prepared in accordance with clause 4.5.4 (b) shall take account of and adhere to the principles and proposals as set out in the Baldivis Town Centre Policy.
- (d) Where a proposed Integrated Development Guide Plan will require the Local Commercial Strategy to be amended, the Commission's endorsement of the Plan will be necessary.
- (e) An Integrated Development Guide Plan prepared or received by the Council shall be considered by the Council for adoption and in making its decision the Council may—
 - (i) reject the Plan;
 - (ii) adopt the Plan with or without modifications.
- (f) An applicant aggrieved by the Council—
 - (i) refusing an Integrated Development Guide Plan;
 - (ii) approving an Integrated Development Guide Plan subject to conditions or requirements unacceptable to the applicant; or
 - (iii) failing to make a decision on an Integrated Development Guide Plan within 35 days of the date of submission of the Plan;shall have a right of appeal under Part V of the Town Planning and Development Act 1928.
- (g) An applicant dissatisfied by a decision of the Council in respect of an Integrated Development Guide Plan may, within 14 days of the date of the Council's decision, request the Council in writing for a reconsideration of the Plan. In that case the operative date respectively for the purpose of the appeal right arising under paragraph (e) shall be the refusal or approval upon the reconsideration of the Plan.

4.5.5 Special Application of Residential Design Codes

In order to encourage residential development consistent with the precinct policies established by the Baldivis Town Centre Policy, and subject to clause 4.1.3(c) of the Scheme, the Council may exercise its discretion in respect of the Residential Design Codes in relation to: carparking; street and side setbacks; distances between buildings in different occupancies on the same lot; and open space.

4.5.6 Carparking Standards

Notwithstanding the provisions of clause 4.15.1 and the standards set out in Table No. 2, in assessing recommended parking standards for development within the Baldivis Town Centre Zone, the Council shall apply the standards and cash-in-lieu provisions of Council's Development Policy Plan and as detailed on Table No. 3, as well as any specific requirements set out in the Baldivis Town Centre Policy.

4.5.7 Modification of Baldivis Town Centre Policy—

- (a) The Council may modify the Baldivis Town Centre Policy, provided that it is satisfied that such modification will, whilst generally maintaining the broad objectives of the original policy, enhance the orderly and proper planning of the Centre and not detract from the desired Town Centre environment.
- (b) Modifications to the Baldivis Town Centre Policy shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless in the opinion of the Council and the Commission the proposed modification is minor.
- (c) Where a proposed modification to the Baldivis Town Centre Policy will result in the Local Commercial Strategy being amended, the Commission's endorsement of the proposal will be necessary.

4.5.8 Environmental Conditions

Subdivision and development shall comply with those requirements of Schedule No.8 of the Scheme—Environmental Conditions, relating to the Baldivis Town Centre.

4.6 Commercial Zone

4.6.1 Objective

To provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the City consistent with the Council's Local Commercial Strategy

and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.

4.6.2 Form of Development—

- (a) In considering applications for planning approval in the Commercial Zone, the Council shall ensure that that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.
- (b) Where a proposed Commercial development will require the Local Commercial Strategy to be amended, the Commission's endorsement will be necessary.

4.6.3 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Commercial Zone in accordance with the provisions of clause 4.15 and Table No.2.

4.6.4 Setbacks

In assessing applications for planning approval, the Council shall take into account the following requirements when determining the setbacks for developments in the Commercial Zone:—

- (a) where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the Residential Design Codes for the particular density code of the adjoining residential lot;
- (b) in all other cases, setbacks to be determined by the Council taking into account the principles outlined in clause 4.6.2 and the requirements of the Building Code of Australia.

4.6.5 Landscaping—

- (a) Subject to (b) below, within any development in a Commercial Zone a minimum of ten percent (10%) of the total site area shall be provided as landscaping in the form approved by the Council. The area of the site required to be provided under this sub-clause shall not include areas which would normally be set aside for pedestrian movement.
- (b) Where the provision of ten percent (10%) of the total site area as landscaping is not practicable, the Council may consider an equivalent contribution towards streetscape works in the public streets adjoining the property, based on the principles outlined in clause 4.6.2. Streetscape works may incorporate elements such as kerbside parking, pedestrian footpaths, soft landscaping, street trees, lighting and street furniture.

4.7 Special Commercial Zone

4.7.1 Objective

To provide for the development of Offices, Medical Centres, Veterinary Clinics, Veterinary Hospitals and the like in convenient locations within the Scheme Area. The Special Commercial Zone is to cater for the demand for office floorspace as generated by the needs of residents within the municipality, consistent with the Councils Local Commercial Strategy and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.

4.7.2 Form of Development

In considering applications for planning approval in the Special Commercial Zone, the Council shall ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

4.7.3 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Special Commercial Zone in accordance with the provisions of clause 4.15 and Table No.2.

4.7.4 Setbacks

In assessing applications for planning approval, the Council shall take into account the following requirements when determining the setbacks for developments in the Special Commercial Zone—

- (a) where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the Residential Design Codes for the particular density code of the adjoining residential lot;
- (b) in all other cases, setbacks to be determined by the Council taking into account the principles outlined in clause 4.7.2 and the requirements of the Building Code of Australia.

4.7.5 Landscaping—

- (a) Subject to (b) below, within any development in a Special Commercial Zone a minimum of ten percent (10%) of the total site area shall be provided as landscaping in the form approved by the Council. The area of the site required to be provided under this sub-clause shall not include areas which would normally be set aside for pedestrian movement.
- (b) Where the provision of ten percent (10%) of the total site area as landscaping is not practicable, the Council may consider an equivalent contribution towards streetscape works in the public streets adjoining the property, based on the principles outlined in clause 4.7.2. Streetscape works may incorporate elements such as kerbside parking, pedestrian footpaths, soft landscaping, street trees, lighting and street furniture.

4.8 Service Commercial Zone

4.8.1 Objective

To promote the establishment of showrooms/storerooms, service functions, offices, commercial recreation and bulk retail uses requiring larger floor areas with a high standard of building development, landscaping and working environment.

4.8.2 Form of Development

In considering applications for planning approval in the Service Commercial Zone, the Council shall ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

4.8.3 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Service Commercial Zone in accordance with the provisions of clause 4.15 and Table No. 2.

4.8.4 Setbacks

The following setback requirements shall apply to all development in the Service Commercial Zone—

- (a) a minimum front setback of nine (9) metres shall apply;
- (b) where a lot has frontage to two or more streets, the prescribed front setback of nine (9) metres shall apply to the primary street and a minimum setback of three (3) metres shall apply to the secondary street or streets, unless otherwise determined by Council.

4.8.5 General Development Provisions

The following general development provisions shall apply to all developments in the Service Commercial Zone, unless otherwise specified in the East Rockingham Development Guidelines described in clause 4.10.6—

- (a) The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. The second floor level, or its equivalent, may be constructed of other material in accordance with the Building Code of Australia and to the satisfaction of the Council;
- (b) No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of the Council are unsightly or detract from the amenity of the locality. Any industrial fencing (e.g. chain wire fencing) forward of the street building setback line shall be landscaped to the satisfaction of the Council;
- (c) No use of the area between the street alignment and building setback lines shall be permitted other than for landscaping or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes approved by the Council, excluding the landscaping setback area.

4.8.6 Landscaping

Within any development in a Service Commercial Zone a minimum of ten percent (10%) of the total site area shall be provided as landscaping in the form approved by the Council. The ten percent landscaping provision shall comprise a minimum five (5) metre wide planting strip adjacent to the primary street boundary, and a minimum three (3) metre wide planting strip on the secondary street or streets, plus the street verge to be landscaped and maintained to the satisfaction of the Council. The area of the site required to be provided under this sub-clause shall not include areas which would normally be set aside for pedestrian movement.

4.8.7 East Rockingham Industrial Park—

- (a) In assessing applications for planning approval and formulating comments and recommendations on applications for the subdivision of the land comprising Part Crown Grant 1490 Patterson Road, Rockingham, otherwise known as the Challenger Business Park, the Council shall take into account the Subdivision Guide Plan (92/02/12), as signed by the Chief Executive Officer.
- (b) In considering applications for planning approval within the Challenger Business Park, the Council shall ensure that general site planning, built form and landscaping have due regard to the East Rockingham Development Guidelines as outlined in clause 4.10.6 and consider the protection of the amenity of nearby residential areas.

4.9 Port Kennedy Business Enterprise Zone

4.9.1 Objective

To promote service commercial and office land uses within the area to service the demands of the locality and in recognition of the Council's regional responsibility to provide light industrial land within the region, encourage the development of light industrial land uses in an orderly and proper manner.

4.9.2 Form of Development

In considering applications for planning approval in the Port Kennedy Business Enterprise Zone, the Council, in addition to any other aim or objective of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following—

- (a) promotion of a high standard of building development, landscaping and working environment;

- (b) protection of the amenities of adjacent residential areas;
- (c) management of drainage systems and landuse to promote groundwater conservation; and
- (d) safe movement of vehicular and pedestrian traffic in the area.

4.9.3 Planning Control

4.9.3.1 In formulating comments and recommendations on applications for the subdivision of land in the Port Kennedy Business Enterprise Zone, the Council shall take into account the Subdivision Guide Plan certified by the Chief Executive Officer.

4.9.3.2 Prior to the consideration of any subdivision or development on Lot 17 and Pt Lots 582, 583, and 757 Port Kennedy Drive, Port Kennedy, a Subdivision Guide Plan shall be submitted for the approval of the Council and certification by the Chief Executive Officer which addresses, inter alia, the protection of a representative sample of Becher Suite Wetlands, however, not exceeding 10% of the subdivisional area.

4.9.4 Land Use Control

4.9.4.1 Notwithstanding Table No.1 of the Scheme, the following specific provisions shall apply to any lot with frontage to Warnbro Sound Avenue, Port Kennedy Drive, Ennis Avenue or any adjacent parallel service road, as shown hatched on the Subdivision Guide Plan certified by the Chief Executive Officer—

- (a) 'Fuel Depot', 'Industry: Rural', 'Motor Vehicle Wrecking Premises' and 'Salvage Yard' shall be "X" uses within the above described portion of the Zone;
- (b) 'Motor Vehicle Repair Station' shall be an "D" use within the above described portion of the Zone;
- (c) In considering any application for planning approval within this portion of the Zone, Council may—
 - (i) Only approve a use that is not considered to have a detrimental affect on the visual amenity of the locality as viewed from the perimeter roads and in this regard, may impose specific requirements relating to both landscaping and use of building materials to achieve this objective; and
 - (ii) Only consider uses which do not emit any light, noise, dust or odours considered detrimental to the existing or future amenity of landowners in the vicinity.

4.9.4.2 Notwithstanding Table No.1 of the Scheme, the following specific provisions shall apply to any lot within 50m of the northern boundary of the Zone, as defined by the broken black line on the Subdivision Guide Plan certified by the Chief Executive Officer—

- (a) 'Fuel Depot', 'Industry: Light', 'Industry: Rural', 'Industry: Service', 'Motor Vehicle Wrecking Premises', 'Public Utility', 'Salvage Yard', 'Service Station' and 'Transport Depot' shall be "X" uses within the above described portion of the Zone;
- (b) 'Motor Vehicle Repair Station' shall be an "D" use within the above described portion of the Zone;
- (c) Lots directly abutting the northern boundary of the Zone will be required to provide and maintain a vegetation buffer to the satisfaction of the Council;
- (d) Development on lots directly abutting the northern boundary shall be setback a distance no less than 1.0 times the maximum height of the proposed structure;
- (e) Residential dwellings within this portion of the Zone shall be located between the predominant use on the site and the northern boundary;
- (f) The Council may impose special conditions in relation to building material if deemed appropriate; and
- (g) No use will be permitted if it is deemed by the Council to have a detrimental affect on the existing or future amenity of the residential land to the north.

4.9.5 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Port Kennedy Business Enterprise Zone in accordance with the provisions of clause 4.15 and Table No.2.

4.9.6 Setbacks

The following setback requirements shall apply to all development in the Port Kennedy Business Enterprise Zone—

- (a) a minimum front setback of nine (9) metres shall apply; and
- (b) where a lot has frontage to two or more streets, the prescribed front setback of nine (9) metres shall apply to the primary street and a minimum setback of three (3) metres shall apply to the secondary street or streets, unless otherwise determined by Council.

4.9.7 General Development Provisions

The following general development provisions shall apply to all developments in the Port Kennedy Business Enterprise Zone—

- (a) The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. The second floor level, or its equivalent, may be constructed of other material in accordance with the Building Code of Australia and to the satisfaction of the Council;

- (b) No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of the Council are unsightly or detract from the amenity of the locality. Any industrial fencing (e.g. chain wire fencing) forward of the street building setback line shall be landscaped to the satisfaction of the Council; and
- (c) No use of the area between the street alignment and building setback lines shall be permitted other than for landscaping or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes approved by the Council, excluding the landscaping setback area.

4.9.8 Landscaping

Within any development in the Port Kennedy Business Enterprise Zone a minimum of ten percent (10%) of the total site area shall be provided as landscaping in the form approved by the Council.

The ten percent landscaping provision shall comprise a minimum five (5) metre wide planting strip adjacent to the primary street boundary, and a minimum three (3) metre wide planting strip on the secondary street or streets, plus the street verge to be landscaped and maintained to the satisfaction of the Council. The area of the site required to be provided under this sub-clause shall not include areas which would normally be set aside for pedestrian movement.

4.10 Industrial Zones

4.10.1 Objectives

The following objectives apply to industrial zoned land within the Scheme Area—

- (a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;
- (b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate landuse, design and landscaping controls; and
- (c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards.

4.10.2 Form of Development

In considering an application for planning approval on industrial zoned land, the Council, in addition to any other aim or objective of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following—

- (a) promotion of a high standard of building development, landscaping and working environment;
- (b) protection of the amenity of adjacent residential and open space areas;
- (c) management of drainage systems and land uses to promote groundwater conservation; and
- (d) to ensure safe movement of vehicular and pedestrian traffic in the area.

4.10.3 Parking

Provision shall be made for the on-site parking of motor vehicles for all development on industrial zoned land in accordance with the provisions of clause 4.15 and Table No. 2.

4.10.4 General Development Provisions

On all industrial zoned land within the City, unless otherwise specified in the Industrial Policy or East Rockingham Development Guidelines—

- (a) The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council.
- (b) No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council.
- (c) No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council.

4.10.5 Improvement Plan No.14 (IP 14)—

- (a) Improvement Plan No. 14, hereinafter referred to as IP14, was initiated in 1988 under the provisions of Section 37A of the Metropolitan Region Town Planning Scheme Act 1959 (as amended) for the purpose of advancing the planning, development and use of the land affected by the Plan for industrial purposes.
- (b) In considering applications for planning approval or otherwise planning for development on industrial zoned land in the East Rockingham Industrial Park (IP14 Area), the Council shall have regard to the Industrial Policy.

- (c) The Industrial Policy incorporates both general and specific policy statements. General policy statements address—
- Air Quality;
 - Noise;
 - Risks and Hazards;
 - Water Quality; and
 - Social Environment.

4.10.6 East Rockingham Development Guidelines—

- (a) The East Rockingham Development Guidelines have been prepared to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (IP14 Area).
- (b) Objectives—
- The main objectives of the East Rockingham Development Guidelines are—
- (i) to achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well designed buildings;
 - (ii) to achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and
 - (iii) to avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region.
- (c) In considering applications for planning approval and otherwise planning for development within the East Rockingham Industrial Park, the Council shall have due regard to the East Rockingham Development Guidelines.

4.10.7 Modification of Policy and/or Guidelines—

- (a) The Council may modify the Industrial Policy or the East Rockingham Development Guidelines, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the amenity of the locality.
- (b) Modifications shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless the proposed modification is minor.

4.10.8 Light Industry Zone

On all land zoned Light Industry, unless otherwise specified in the Industrial Policy or East Rockingham Development Guidelines—

- (a) Setbacks: A minimum front setback of fifteen (15) metres shall apply. Where a lot has frontage to two or more streets, the prescribed front setback of fifteen (15) metres shall apply to the primary street and a minimum setback of three (3) metres shall apply to the secondary street, or streets, unless otherwise determined by the Council.
- (b) Landscaping. Provision shall be made for a minimum area of landscaping of 10% of the site, comprising a minimum 5 metre wide planting strip adjacent to the primary street boundary, and a minimum 3 metre wide planting strip on the secondary street plus the street verge to be landscaped and maintained to the satisfaction of the Council.

4.10.9 General Industry Zone

On all land zoned General Industry, unless otherwise specified in the East Rockingham Development Guidelines—

- (a) Setbacks: A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings. Where a lot has frontage to two or more streets, the prescribed front setbacks of twenty five (25) metres and fifteen (15) metres shall apply to the primary street and the setback to the secondary street shall be determined by the Council, but shall not be less than the prescribed minimum landscaping setback requirement.
- (b) Landscaping. Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary. At the discretion of Council, additional landscaping may be required on the remainder of the site.

4.10.10 Special Industry Zone

On all land zoned Special Industry, unless otherwise specified in the East Rockingham Development Guidelines—

- (a) Setbacks: A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings. Where a lot has frontage to two or more streets, the prescribed front setbacks of twenty five (25) metres and fifteen (15) metres shall apply to the primary street and the setback to the secondary street shall be determined by the Council, but shall not be less than the prescribed minimum landscaping setback requirement.
- (b) Landscaping: Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary. At the discretion of Council, additional landscaping may be required on the remainder of the site.

4.11 Rural Zone

4.11.1 Objective

To preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.

4.11.2 General Provisions

On all land zoned Rural in the Scheme Area, unless otherwise recommended in the Rural Land Strategy—

- (a) **Setbacks:** All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway.
- (b) **Clearing of Vegetation:** No native or remnant vegetation shall be removed or cleared unless approved by the Council, and other than for the purpose of a fire break, fire protection within a building protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.

Note: The extent of the 'building protection zone' is defined in the publication 'Planning for Bush Fire Protection'. For slopes up to 10 degrees the building protection zone has a width of 20 metres and within this area clearance of vegetation for the purposes of fire protection may be undertaken without the need for planning approval.

- (c) **Agricultural Pursuits:** Intensive agriculture or rural pursuits, and the breeding and keeping of animals for commercial gain, shall not be permitted without the prior approval of the Council. The Council will only grant approval after being satisfied that the character and amenity of the site will not be adversely affected and the land is capable of supporting the activities when the land management practices to be implemented by the applicant will be considered.

The Council may, in granting approval, impose limits on stocking, having due regard to the Stocking Rate Guidelines provided by the Department of Agriculture, and any other condition it sees fit to maintain the environmental quality, landscape character and amenity of the site and locality.

- (d) **Rural Subdivision:** The subdivision of rural land will only be supported by the Council in situations where the proposed subdivision will result in regular shaped, conventional lots and where the lot sizes are consistent in area with the majority of the existing Rural zoned lots in the Planning Unit as defined in the Rural Land Strategy. Council will also support proposals where the subdivision does not result in an increase in lot density in the case of a boundary realignment. Such subdivision shall not impinge on the ability of adjacent lots to achieve further subdivision.
- (e) **Peel Harvey Coastal Plain Catchment:** In accordance with the provisions of clause 5.1, the Council shall be guided by the objectives and provisions of the policy statement contained in the Environmental Protection Policy (Peel-Harvey Estuarine System) 1991 and the Peel-Harvey Coastal Plain Catchment—Statement of Planning Policy No. 2.1, in determining applications within the subject area.
- (f) **Serpentine River And Peel Drains:** The Council shall be guided by the recommendations of the Serpentine River Flood Study, administered by the Water Corporation, in determining applications adjacent to the Serpentine River or the network of secondary Peel Drains.
- (g) **Swan Coastal Plain Lakes:** In accordance with the provisions of clause 5.2, the Council shall be guided by the objectives of the Policy Statements contained in the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992, in determining applications within the subject area.

4.11.3 Precinct Planning—

- (a) The Rural Land Strategy divides the Scheme area into Rural Planning Units which reflect varying development potential based on land capability, location and the committed nature of land. The Rural Planning Precincts are shown on Plan No. 2.
- (b) The specific requirements and performance standards under each Planning Units, as set out in the Strategy, shall be considered by the Council in dealing with any application for planning approval.

4.11.4 Planning Control

In assessing applications for rezoning, planning approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objective for the particular Zone and the principles and policies as set out in the Rural Land Strategy.

4.11.5 Modification of Rural Land Strategy—

- (a) The Council, with the agreement of the Commission, may modify the Rural Land Strategy, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the amenity of the locality.
- (b) Modifications to the Rural Land Strategy shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless in the opinion of the Council and the Commission, the proposed modification is minor.

4.12 Special Rural

4.12.1 Objectives—

- (a) To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.
- (b) To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.

4.12.2 Application Procedure

Notwithstanding the provisions of clause 6.1.2, the Council's prior approval to commence development shall be required for any development or use of land within the Special Rural zone.

4.12.3 Planning Control

In assessing applications for planning approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objectives of the Special Rural Zone, the principles and policies as set out in the Rural Land Strategy and the Provisions Relating to Specified Areas as identified on Plan No's 3 and 4 and set out in Schedule No.4.

4.12.4 Special Provisions

In addition to such other provisions of the Scheme as may affect it, any land which is included in a Special Rural Zone shall be subject to those provisions as may be specifically set out against it in Schedule No. 4.

4.13 Special Residential Zone

4.13.1 Objective—

- (a) To set aside areas where the retention of vegetation and landform or other features which distinguish the land, warrant a larger residential lot size than that expected in a standard residential zone.
- (b) To ensure that all development within Special Residential zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.5 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.

4.13.2 Application Procedure

Notwithstanding the provisions of clause 6.1.2, the Council's planning approval shall be required for any development or use of land within the Special Residential Zone.

4.13.3 Planning Control

In assessing applications for planning approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objectives of the Special Residential Zone, the principles and policies as set out in the Rural Land Strategy and the Provisions Relating to Specified Areas as identified on Plan No's 5, 6 and 7 and set out in Schedule No. 5.

4.13.4 Special Provisions

In addition to such other provisions of the Scheme as may affect it, any land which is included in a Special Residential Zone shall be subject to those provisions as may be specifically set out against it in Schedule No. 5.

4.14 Community Purposes Zone

4.14.1 Objective

To provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area.

4.14.2 Form of Development

In considering applications for planning approval in the Community Purposes Zone, the Council shall ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

4.14.3 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Community Purposes Zone in accordance with the provisions of clause 4.15 and Table No. 2.

4.14.4 Planning Control—

- (a) Setbacks: In determining applications for planning approval, the Council shall take into account the following requirements when determining the setbacks for developments in the Community Purposes Zone—
 - (i) where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the Residential Design Codes for the particular density code of the adjoining residential lot;

- (ii) in all other cases, setbacks to be determined by the Council taking into account the principles outlined in clause 4.14.2 and the requirements of the Building Code of Australia.
- (b) Landscaping
Within any development in a Community Purposes Zone the Council may require a contribution of up to ten percent (10%) of the total site area to be provided as landscaping in the form approved by the Council. The area of the site required to be provided under this clause should not include areas which would normally be set aside for pedestrian movement.

4.15 Carparking

4.15.1 Parking Requirements

Notwithstanding the provisions of clauses 4.3.9, 4.4.9 and 4.5.6 and Tables No. 3 and No. 4 of the Scheme, an application for planning approval shall make provision for parking bays in accordance with the standards and requirements of this Part and Table No. 2.

4.15.2 Uses and Requirements Not Specified

Where the purpose for which the land or building is to be used is not specified in Table No. 1, or where for a particular use a carparking requirement is not specified in Table No. 2, the Council shall determine the number of carparking bays to be provided on the land having regard to—

- (a) the nature of the proposed development;
- (b) the number of employees likely to be employed on the site;
- (c) the anticipated demand for parking; and
- (d) the orderly and proper planning of the locality.

4.15.3 Parking to be On-Site

Subject to the provisions of clauses 4.15.4 and 4.15.6, parking bays required to be provided under the Scheme in relation to any use or development shall be provided on the site of such use or development.

4.15.4 Reciprocal Parking

Where a development comprises separate uses that operate at different times to one another, the Council upon being satisfied that such separate operating times will be permanent, may determine the parking requirements on a reciprocal-use basis, providing conditions specifying separate operating times are imposed on the planning approval and these conditions are complied with at all times.

4.15.5 Parking for Combined Uses

Where a development contains a variety of uses, parking shall be calculated on an individual-use basis in accordance with the requirements prescribed in Table No. 2 and clause 4.15.2 and, if applicable, the Residential Design Codes.

4.15.6 Cash-In-Lieu of Parking Provision

The Council may agree to accept a cash payment in lieu of the provision of carparking, but subject to the following requirements—

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays required by this Scheme, plus the value, as estimated by a sworn valuer appointed by the Council, of that area of his land which would have been occupied by the parking spaces and manoeuvring area;
- (b) payments made under this clause shall be paid into a parking fund to be used for the provision of public carparking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in which a cash-in-lieu arrangement is made; and
- (c) all costs incurred in obtaining the valuation shall be borne by the developer proposing the cash-in-lieu contribution.

4.15.7 Additional Development or Change of Use

Where an appropriate parking area has been provided to a level commensurate with the approved development and an application for planning approval is lodged with the Council to expand the development or change a use within the development, the result of which generates the need for additional parking, the Council shall either—

- (a) require the provision of additional parking on-site; or
- (b) accept a cash-in-lieu of parking payment in accordance with clause 4.15.6 in the event that additional parking cannot be provided on-site.

4.15.8 Construction/Design Standards

Unless otherwise permitted by the Council, vehicle parking, manoeuvring and circulation areas, including crossovers, shall be designed, constructed, sealed, drained, kerbed, marked and landscaped to the specifications and satisfaction of the Council.

TABLE NO. 2
CARPARKING TABLE *

USE CLASS	MINIMUM CARPARKING REQUIREMENT
Child Care Premises	1 bay per employee and 1 bay per eight children
Cinema/Theatre	1 bay per 4 seats
Club Premises	1 bay for every 4 persons the building is designed to accommodate
Consulting Rooms	5 bays per consultant
Convenience Store	6 bays per 100m ² NLA
Fast Food Outlet	1 bay per 11m ² NLA (including outdoor eating areas)
Health Studio	1 bay per 15m ² NLA available to the public, including swimming pools
Homestore	6 bays per 100m ² NLA
Hospital	1 bay per 3 beds
Hotel	1 bay per bedroom, plus 1 bay for every 5m ² of bar and public areas, including lounges, beer gardens and restaurants
Industry, Showroom, Warehouse	1 bay per 50m ² NLA for factory units and showrooms, plus 1 bay per 100m ² NLA for warehouses or 1 bay per employee, whichever is the greater
Lunch Bar	6 bays per 100m ² NLA
Market	3 bays per stall or 1 bay per 10m ² of floorspace (whichever is the greater)
Medical Centre	5 bays per practitioner
Motor Vehicle Repair Station	1 bay for every service bay, plus 1 bay per employee
Night Club	1 bay for every 5m ² of bar and public areas, including lounges, beer gardens and restaurants
Office	1 bay per 20m ² NLA
Open Air Display	1 bay per 200 m ² display area
Plant Nursery	1 bay per 50m ² indoor display and sales NLA and 1 bay per 200m ² outdoor display area
Private Recreation	1 bay for every 4 persons the building is designed to accommodate
Public Worship: Place of	1 bay per 4 persons accommodated
Reception Centre	1 bay for every 4 persons the building is designed to accommodate
Residential	In accordance with the Residential Design Codes
Restaurant	1 bay for every 4 persons the building is designed to accommodate
Service Station	1 bay for every service bay, plus 1 bay per employee and 6 bays per 100m ² NLA of retail floorspace
Shop	6 bays per 100m ² NLA
Short Stay Accommodation	1 bay per unit, plus 1 bay per employee
Showroom	1 bay per 50m ² NLA
Tavern	1 bay for every 5m ² of bar and public areas, including lounges, beer gardens and restaurants
Veterinary Clinic	5 bays per consultant
Warehouse	1 bay per 100m ² NLA

* Refer to Table No.3 for recommended carparking provision within the City Centre and Baldivis Town Centre zones and Table No.4 for the Waterfront Village Zone.

TABLE NO. 3
RECOMMENDED CARPARKING STANDARDS/ALLOWANCES WITHIN THE CITY CENTRE & BALDIVIS TOWN CENTRE ZONES*

USE	MINIMUM PARKING STANDARD (and MAXIMUM PARKING ALLOWABLE—in brackets)
Residential	At the discretion of Council (See Residential Design Codes)
Cinema, Theatre	1 bay per 6 (4) seats
Consulting Rooms	3 (5) bays per consultant
Fast Food Outlet	1 bay per 15 (10) m ² NLA
Health Studio	1 bay per 15m ² NLA available to the public, including swimming pools
Office	1 bay per 30 (20) m ² NLA
Private Recreation, Restaurant, Reception Centre	1 bay for every 6 (4) persons the building is designed to accommodate
Shop	1 bay per 17 (15) m ² NLA
Showroom, Warehouse	1 bay per 60 (40) m ² NLA
Hotel, Tavern, Short Stay Accommodation	1 bay per bedroom plus 1 bay for every 5 (4) m ² of bar and public areas including lounges, beer gardens and restaurants
Child Care Premises	1 bay per staff member plus an adequate number of drop off bays, (at the discretion of Council)
Public Worship—Place of	1 bay per 6 (4) seats

*Subject to the provisions and qualifications detailed under Transport Policy 6.5.6—Parking, as contained within Planning Policy No.8.1—Rockingham City Centre Development Policy Plan.

TABLE NO. 4
RECOMMENDED CARPARKING STANDARDS WITHIN THE
WATERFRONT VILLAGE ZONE*

USE	MINIMUM PARKING STANDARD (and MAXIMUM PARKING ALLOWABLE—in brackets)
Residential	At the discretion of Council (See Residential Design Codes)
Cinema, Theatre	1 bay per 6 (4) seats
Consulting Rooms	3 (5) bays per consultant
Fast Food Outlet	1 bay per 15 (10) m ² NLA
Health Studio	1 bay per 15m ² NLA available to the public, including swimming pools, (at the discretion of Council)
Office	1 bay per 30 (20) m ² NLA
Private Recreation, Restaurant, Reception Centre	1 bay for every 6 (4) persons the building is designed to accommodate
Shop	1 bay per 17 (15) m ² NLA
Showroom, Warehouse	1 bay per 60 (40) m ² NLA
Hotel, Tavern, Short Stay Accommodation	1 bay per bedroom plus 1 bay for every 5 (4) m ² of bar and public areas including lounges, beer gardens and restaurants
Child Care Premises	1 bay per staff member plus an adequate number of drop off bays
Public Assembly, Public Worship	1 bay per 6 (4) seats

*Subject to the provisions and qualifications detailed under Planning Policy No. 8.2—Rockingham Beach Waterfront Village.

4.16 Home Occupations and Home Businesses

4.16.1 Home Occupations—

- (a) The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation—
- (i) does not employ any person not a member of the occupier's household;
 - (ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (iii) does not occupy an area greater than 20 square metres;
 - (iv) does not display a sign exceeding 0.2 square metres;
 - (v) does not involve the retail sale, display or hire of goods of any nature;

- (vi) 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
 - (vii) does not involve the use of an essential service of greater capacity than normally required in the zone;
- (b) In assessing applications for planning approval in accordance with clause 4.16.1(a), the Council shall take into account the objectives of the particular zone and any Policy pertaining to that zone and the Home Occupation Policy.
- (c) Council will also consider specific issues including the specific method and location of the operation, the potential for nuisance to the surrounding neighbourhood, impacts on neighbours, hours of operation, traffic generation, carparking requirements and the location of any associated storage areas.
- 4.16.2 Home Businesses—**
- (a) The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:—
- (i) does not employ more than 2 people not members of the occupier's household;
 - (ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (iii) does not occupy an area greater than 50 square metres;
 - (iv) does not involve the retail sale, display or hire of goods of any nature;
 - (v) 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
 - (vi) does not involve the use of an essential service of greater capacity than normally required in the zone;
- (b) In assessing applications for planning approval in accordance with clause 4.16.2(a), the Council shall take into account the objectives of the particular zone and any Policy pertaining to that zone and the Home Business Policy.
- (c) Council will also consider specific issues including the specific method and location of the operation, the potential for nuisance to the surrounding neighbourhood, impacts on neighbours, hours of operation, traffic generation, carparking requirements and the location of any associated storage areas.

4.17 Commercial Vehicles

4.17.1 A person shall not park or permit to be parked a licensed or unlicensed commercial vehicle in the Residential, Special Residential or Development (residential use class) zones, unless planning approval has been granted by the Council, pursuant to Part 6 of this Scheme.

4.17.2 In assessing applications for planning approval, the Council shall take into account the objectives of the particular zone, any Policy pertaining to that zone which Council may from time to time adopt as well as specific issues including on-site parking location, potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance, frequency and times of arrival/departure, parking duration, the use of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis.

4.18 Amenity

4.18.1 No land, building, vehicle, machine, tool or electrical appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration, illumination or waste products in such quantity or extent or in such a manner as to create or be a nuisance to any inhabitant of the neighbourhood of such land or to traffic or persons using roads in the vicinity.

4.18.2 No property shall be maintained or finished so that in the opinion of the Council its external appearance would disfigure the locality or tend to blight the appearance of neighbouring properties. Further, all land and buildings shall be so used and maintained as to preserve the amenity of the neighbourhood in which they are situated.

4.19 Restrictive Covenants

4.19.1 Subject to the provisions of clause 4.19.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which, is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.19.2 Where clause 4.19.1 operates to extinguish or vary a restrictive covenant the Council is not to grant planning approval to the development of the land which would, but for the operation of clause 4.19.1, 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 6.3.3.

4.20 Discretion to Modify Development Standards

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

4.20.1A For mixed-use development in respect of which a default R-60 density coding otherwise applies under section 4.2 of the Residential Design Codes, if a development is the subject of an application for planning approval and does not comply with the site area requirements applicable to R-60, the Council may, notwithstanding the non-compliance, approve the application provided it accords with the performance criteria set out in a planning policy adopted under the provisions of clause 8.9.

4.20.2 In considering an application for planning approval under this clause, where, in the opinion of the Council, 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 Council is to—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 6.3.3;
- (b) have regard to any expressed views prior to making its determination to grant the variation.

4.20.3 The power conferred by this clause may only be exercised if Council is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 6.6;
- (b) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- (c) the non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
- (d) the spirit and purpose of the requirements or standards will not be unreasonably departed from.

4.21 Environmental Conditions

4.21.1 In accordance with Section 7A4 of the Town Planning and Development Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F and 48G of the Environmental Protection Act, are incorporated into the Scheme by—

- (a) Clauses 4.21.1 to 4.21.3 inclusive;
- (b) Schedule No.8 of the Scheme;
- (c) Appropriate modifications to the Scheme Maps.

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

4.21.3 The Council shall maintain a register of all the Statements published under sections 48F and 48G of the Environmental Protection Act referred to in sub-clause 4.21.1 which shall be made available for public inspection at the offices of the Council.

4.22 Licensed Premises Applications

4.22.1 Unless Council waives any particular requirement, every application for a Premises to be licensed under the Liquor Licensing Act 1988 shall be accompanied by the following—

- (a) A full set of the liquor licensing application papers;
- (b) A full set of the floor, site and elevation plans of the premises;
- (c) Full details as to what conditions are sought to be imposed on the license;
- (d) Details on how the proposed business to be licensed is to be managed;
- (e) Any other plan or information that the Council may reasonably require to enable the application to be determined.

4.22.2 In determining any application for a Licensed Premises, Council shall take into account the General and Specific Objectives of the Scheme, clause 6.6 of the Scheme and have regard to any relevant Policy of the Council.

PART 5—SPECIAL CONTROLS

5.1 The Peel-Harvey Coastal Plain Catchment

5.1.1 The Statement of Planning Policy No. 2.1—The Peel-Harvey Coastal Plain Catchment was published in the *Government Gazette* of the 21st February 1992 to ensure that existing and proposed landuses within the catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. A portion of the catchment is contained within the Scheme area.

5.1.2 The Council shall be guided by the objectives and policy statements contained in the Statement of Planning Policy No. 2.1, together with the Environmental Protection (Peel-Harvey Estuarine System) Policy of the Environmental Protection Authority published in March 1992, copies of which shall be kept and made available for public inspection at the offices of the Council.

5.1.3 For the purposes of the definition of development under the Town Planning and Development Act 1928 (as amended), clearing of land and the commencement of Intensive Agriculture on any land shall be deemed to be development of land and a material change of use thereby requiring the approval of the Council.

5.1.4 In considering an application to develop land for Intensive Agriculture within the Peel-Harvey Coastal Plain Catchment, the Council shall—

- (a) take account of soil types, slope, groundwater flows, surface water drainage and proximity to the Peel-Harvey Estuary;

- (b) take account of the objectives of the Statement of Planning Policy No. 2.1, as amended, with respect to the potential impact of the proposal on the environment and water quality; and
- (c) consult with Agriculture WA, Water and Rivers Commission and the Department of Environment and take account of any advice in making its determination, or defer its decision pending formal assessment by the Environmental Protection Authority under Part IV of the Environmental Protection Act 1986.

5.2 The Swan Coastal Plain Lakes Policy

5.2.1 The Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 was published in the *Government Gazette* of 18 December 1992, for the purpose of protecting the environmental values of lakes on the Swan Coastal Plain. A number of those lakes are located within the Scheme Area.

5.2.2 The Council shall be guided by the objectives and policy statements contained in the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992, copies of which shall be kept and made available for public inspection at the offices of the Council.

5.3 Control of Advertisements

5.3.1 Power to Control Advertisements—

- (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to the Council's Signs, Hoardings and Bill Posting Local-Laws.
- (b) Applications for the Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of clause 6.2 and shall be accompanied by a completed Additional Information for Advertisements form as set out in Schedule No. 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.
- (c) The 'advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

5.3.2 Existing Advertisements

An existing advertisement is one which:—

- (a) was lawfully erected, placed or displayed prior to the Gazettal Date; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the Gazettal Date,

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

5.3.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which maybe affected.

5.3.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 5.3.1 (a), the Council's prior planning approval is not required in respect of an exempted advertisement listed in Schedule No.6. The exemptions listed in Schedule No.6 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a Heritage Area established or designated under clause 5.4.

5.3.5 Scheme to Prevail

Where any provision of this Clause is found to be at variance with the provisions of any Local Law with respect to signs, the provisions of the Scheme shall prevail.

5.4 Heritage—Areas and Places of Cultural Significance

5.4.1 Purpose and Intent

The purpose and intent of the heritage provisions are—

- (a) to ensure the conservation of any place, area, building, object or structure of heritage value;
- (b) to afford the opportunity for existing traditional uses to be continued, to allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality; and
- (c) to ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.

5.4.2 Heritage List—

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

- (b) In the preparation of the Heritage List the Council is to—
 - (i) have regard to the Municipal Inventory prepared by the Council under section 45 of the Heritage of Western Australia Act 1990;
 - (ii) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- (c) In considering a proposal to include a place on the Heritage List, the Council is to:—
 - (i) 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 5.4.2(a) and the reasons for the proposed entry;
 - (ii) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - (iii) carry out such other consultations as it thinks fit; and
 - (iv) 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.
- (d) Where a place is included on the Heritage List, the Council is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and the owner and occupier of the place.
- (e) The Council is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- (f) The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 5.4.2(c).
- (g) Heritage places contained within the IP14 area (refer clause 4.10.5), marked with an asterisk on the Heritage List, are to be conserved on the basis of either incorporation as a part of future industrial development or for removal and relocation elsewhere in the municipality.

5.4.3 Designation of a Heritage Area

- (a) If, in the opinion of the Council, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the Council may, by resolution, designate that area as a Heritage Area.
- (b) The Council is to adopt for each Heritage Area a 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 keep a copy of the Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.
- (c) If the Council proposes to designate any area as a Heritage Area, the Council is to—
 - (i) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Planning Policy for the Heritage Area;
 - (ii) advertise the proposal by publishing a notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the Scheme area, erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation, and such other methods as the Council considers appropriate to ensure widespread notice of the proposal; and
 - (iii) carry out other such consultation as the Council considers appropriate.
- (d) Notice of a proposal under clause 5.4.3(c)(ii) is to specify the area subject of the proposed designation, where the proposed Planning Policy which will apply to the proposed heritage area may be inspected, and in what form and 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.
- (e) After the expiry of the period within which submissions may be made, the Council is to review the proposed designation in the light of any submissions made, and resolve to adopt the designation with or without modification, or not to proceed with the designation.
- (f) If the Council resolves to adopt the designation, the Council 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.
- (g) The Council may modify or revoke a designation of a Heritage Area.
- (h) Clauses 5.4.3(c) to (f) apply, with any necessary changes, to the amendment of a designation of a Heritage Area.

5.4.4 Heritage Agreements

The Council 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.

5.4.5 Heritage Assessment

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

5.4.6 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 5.4.2(a); or
- (b) enhance or preserve heritage values in a heritage area designated under clause 5.4.3(a);

the Council may vary any site or development requirement specified in the Scheme or the Residential Design Codes provided that, where in the Council's opinion 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 variation, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and have regard to any expressed views prior to making its decision to grant the variation.

In granting any variation, the Council may require a formal agreement with an owner who is to benefit from the variation for any of the purposes prescribed for a Heritage Agreement by Section 29 of the Heritage of Western Australia Act 1990. The agreement may specify the owner's obligations and contain memorials noted on relevant certificates of title.

5.4.7 Applications for Planning Approval—

- (a) In dealing with any matters which may affect a Heritage Area or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy statement of the Council.
- (b) The Council may, in considering any application that may affect a Heritage Area or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- (c) Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the Heritage List or contained within a Heritage Area, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of Clause 6.1 of the Scheme.
- (d) For the purposes of sub-clause 6.1.1 of the Scheme, the term 'development' shall have the meaning as set out in the Act but shall also include, in relation to any place entered in the Heritage List or contained within a Heritage Area, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

5.4.8 Formalities of Application

In addition to the application formalities prescribed in clause 5.4.7 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a Heritage Area, to provide one or more of the following to assist the Council in its determination of the application—

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

5.5 Development Contributions

5.5.1 Interpretation

In clause 5.5, unless the context otherwise requires—

'Cost Contribution' means the contribution to the cost of Infrastructure payable by an Owner under clause 5.5 and the applicable Development Contribution Plan;

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

'Owner' means an owner of land that is located within a Development Contribution Area.

5.5.2 Operation

- (a) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule No. 10.
- (b) In respect of a Development Contribution Area shown on the Scheme Map, the provisions applying to the Development Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.5.3 Purpose—

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

5.5.4 Development Contribution Plan Pre-requisite to Subdivision and Development

5.5.4.1 Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule No. 10 and the provisions of clause 5.5.

5.5.4.2 The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Schedule No.10 as part of the Scheme.

5.5.4.3 Subject to clause 5.5.4.5, the Council is not to support subdivision or approve development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 5.5.7.1 for the payment of the Owner's Cost Contribution.

5.5.4.4 Clause 5.5.4.3 does not apply to the development of a single house or outbuildings associated with a single house on a lot which has not been subdivided since the coming into operation of clause 5.5.

5.5.4.5 Where a Development Contribution Plan is necessary but is not in effect, the Council may support subdivision or approve development where the Owner has made other arrangements satisfactory to the Council with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area.

5.5.5 Content and Principles of Development Contribution Plans

5.5.5.1 The Development Contribution Plan is to specify—

- (a) the Development Contribution Area to which the Development Contribution Plan applies;
- (b) the Infrastructure to be funded through the Development Contribution Plan; and
- (c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan.

5.5.5.2 (a) A Development Contribution Plan is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.

- (b) The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.

5.5.5.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

- (a) it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
- (b) it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;
- (c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
- (d) the Cost Contribution is to be based upon the proportion that the area of that Owner's land bears to the total area of land within the Development Contribution Area;
- (e) the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and
- (f) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.

5.5.5.4 For the purposes of paragraph 5.5.5.3(d), in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for—

- (a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
- (b) existing public open space;
- (c) government primary and secondary schools; and
- (d) such other land as is set out in the Development Contribution Plan,

is to be excluded.

5.5.5.5 (a) Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the Council in accordance with the best and latest information available to the Council until the expenditure on the relevant item of Infrastructure has occurred.

- (b) Where requested in writing by an Owner, the Council is to have such estimated costs independently certified by an appropriate qualified person.

5.5.5.6 Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the Council may—

- (a) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or
- (b) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.

5.5.5.7 Where an Owner's Cost Contribution is adjusted under clause 5.5.5.6, the Council, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

5.5.6 Liability for Cost Contributions

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

- (a) the Council confirming to the Commission that conditions of subdivision approval supervised by the Council and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;
- (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;
- (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- (d) at the time of applying to the Council or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
- (e) on the expiry of the Development Contribution Plan.

5.5.7 Collection and Enforcement

5.5.7.1 (a) The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution by—

- (i) cheque or cash;
- (ii) transferring to the Council land to the value of the Cost Contribution;
- (iii) some other method acceptable to the Council; or
- (iv) any combination of these methods.

(b) The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the Council.

5.5.7.2 (a) The amount of any Cost Contribution for which an Owner is liable under clause 5.5.6, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the Council may lodge a caveat against the Owner's title to that land.

(b) The Council may, at the Owner's expense and subject to such other conditions as the Council thinks fit, withdraw a caveat lodged under clause 5.5.7.2(a) to permit a dealing and then re-lodge the caveat to prevent further dealings.

(c) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the Council may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 5.5.7.2.

5.5.8 Administration of Funds

5.5.8.1 The Council is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

5.5.8.2 The Council is to provide to every Owner an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

5.5.9 Shortfall or Excess in Cost Contributions

5.5.9.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the Council may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 5.5.9.1(a) restricts the right or power of the Council to impose a differential rate to a specified Development Contribution Area in that regard.

5.5.9.2 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the Council is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

5.5.10 Valuation

Method 1—Market Value

5.5.10.1 (a) Unless Part 10 of the *Land Administration Act* 1997 applies, clause 5.5.10 applies if it is necessary to ascertain the Value of any land for the purposes of clause 5.3.

(b) In clause 5.5.10—

“Value” means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require—

- (i) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
- (ii) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
- (iii) taking into account the added value of all other improvements on or appurtenant to the land.

“Valuer” means a licensed valuer agreed by the Council and the Owner, or where the Council and the Owner are unable to reach agreement, a valuer appointed by the President of the Australian Property Institute for the time being.

5.5.10.2 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the Council requesting a review of the amount of the Value, at the Owner’s expense, within 28 days after being informed of the Value.

5.5.10.3 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 5.5.10.6.

5.5.10.4 (a) At the request of the Council or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.

(b) The Valuer may—

- (i) reconsider the Values placed on other land in the Development Contribution Area; and
- (ii) make such revisions as considered just and equitable to those Values, if the Valuer considers this is necessary as a result of a re-valuation made under clause 5.5.10.2.

5.5.10.5 The date of valuation is the date that the Owner’s liability to pay the Owner’s Cost Contribution to the Council arises under clause 5.5.6, or such other date as is agreed between the Council and the Owner.

5.5.10.6 (a) Where there is a dispute or difference between the Council and the Owner regarding a Value, the dispute or difference is to be resolved as follows—

- (i) by any method agreed upon by the Council and the Owner; or
- (ii) if the Council and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.

(b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the Council or the Owner.

Method 2—Fair Nett Expectance Value

5.5.10.7 (a) Unless Part 10 of the Land Administration Act 1997 applies, clause 5.5.10 applies if it is necessary to ascertain the Value of any land for the purposes of clause 5.5.

(b) In clause 5.5.10—

“Value” means the fair nett expectance value inclusive of subdivisional profit from and in respect of the sale of the vacant land in its optimum subdivided form—

- (i) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
- (ii) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
- (iii) taking into account the added value of all other improvements on or appurtenant to the land.

“Valuer” means a licensed valuer agreed by the Council and the Owner, or where the Council and the Owner are unable to reach agreement, a valuer appointed by the President of the Australian Property Institute for the time being.

5.5.10.8 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the Council requesting a review of the amount of the Value, at the Owner’s expense, within 28 days after being informed of the Value.

5.5.10.9 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 5.5.10.6.

5.5.10.10 (a) At the request of the Council or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.

(b) The Valuer may—

- (i) reconsider the Values placed on other land in the Development Contribution Area; and
- (ii) make such revisions as considered just and equitable to those Values, if the Valuer considers this is necessary as a result of a re-valuation made under clause 5.5.10.8.

5.5.10.11 The date of valuation is the date that the Owner's liability to pay the Owner's Cost Contribution to the Council arises under clause 5.5.6, or such other date as is agreed between the Council and the Owner.

5.5.10.12 (a) Where there is a dispute or difference between the Council and the Owner regarding a Value, the dispute or difference is to be resolved as follows—

- (i) by any method agreed upon by the Council and the Owner; or
 - (ii) if the Council and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.
- (b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the Council or the Owner.

5.5.11 Land Acquisition

The Council may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the Town Planning and Development Act.

5.5.12 Arbitration

Subject to clause 5.5.10.6, any dispute between any Owner and the Council in connection with the Cost Contribution required to be made by an Owner under clause 5.5 is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

PART 6—USE AND DEVELOPMENT OF LAND

6.1 Requirement for Planning Approval

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

6.1.2 The planning approval of the Council is not required for the following use or development of land—

- (a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
 - (i) for the purposes for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purposes for which such land may be lawfully used by that authority.
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the erection on a lot of a single house or two grouped dwellings, including any extension, ancillary outbuildings and swimming pools in a zone where the proposed use is designated with the symbol "P" or "D" in the cross-reference to that zone in the Zoning Table, except where otherwise provided by the Scheme;
- (d) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building, except where the building is located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, the subject of an order under Part 6 of the Heritage of Western Australia Act or included on the Heritage List under clause 5.4.2 of the Scheme;
- (f) the carrying out of works urgently necessary in the public safety or security of plant or equipment or for the maintenance of essential services.
- (g) the demolition of any building or structure except where the building or structure is located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, the subject of an order under Part 6 of the Heritage of Western Australia Act, included on the Heritage List under clause 5.4.2 of the Scheme or located within a Heritage Area designated under the Scheme;
- (h) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
 - (i) a home office;
 - (j) a family day care centre;
- (k) any of the exempted classes of advertisements listed in Schedule No.6 except in respect of a place included in the Heritage List or in a Heritage Area.

6.1.3 Notwithstanding that any development by reason of clause 6.1.2 does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 if the land the subject of the application is wholly or partly—

- (a) within an area duly declared by the Commission to be a Planning Control Area pursuant to section 35C of the Metropolitan Region Town Planning Scheme Act 1959.
- (b) on or abutting land zoned or reserved by the Metropolitan Region Scheme; or

- (c) affected by a gazetted notice of resolution made by the Western Australian Planning Commission pursuant to clause 32 of the Metropolitan Region Town Planning Scheme Act 1959 (as amended).

6.2 Application for Planning Approval

6.2.1 Every application for planning approval shall be made on the form prescribed by the Council, and is to be signed by the owner(s), and accompanied by such plans and other information as is required under the Scheme.

6.2.2 Unless the Council waives any particular requirement, every application for planning approval is to be accompanied by—

- (a) a location plan to a scale of at least 1:5000 upon which the land the subject of the application is clearly identified;
- (b) a plan or plans to a scale of not less than 1:500 showing—
- (i) street names, lot number(s), north point and the dimensions of the site;
 - (ii) the 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 and dimensioned position of 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;
 - (ix) existing and proposed walls and fences;
 - (x) existing and proposed sealed areas;
 - (xi) stormwater drainage and on-site disposal;
 - (xii) existing and proposed levels, embankments and retaining walls (where the proposed development involves alterations to the natural level of the ground);
- (c) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (d) any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
- (e) any other plan or information that the Council may reasonably require to enable the application to be determined.

6.3 Advertising of Applications

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

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

6.3.3 The Council 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 Council, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Council by a specified date being not less than fourteen (14) days from the date 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 Council by a specified day being not less than fourteen (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 fourteen (14) days from the date of publication of the notice referred to in paragraph (b) of this clause.

6.3.4 The notice referred to in clause 6.3.3 (a) and (b) is to be in the form prescribed by the Council, with such modifications as are considered appropriate by the Council.

6.3.5 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 Council.

6.3.6 After the expiration of the specified time 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 Council is to consider and determine the application.

6.4 Procedure for Dealing with Applications

6.4.1 Subject to clause 6.4.2, an application for planning approval in respect of land which is wholly zoned or reserved by the Scheme shall be determined by the Council in accordance with the provisions of the Scheme and the Metropolitan Region Scheme.

6.4.2 An application for planning approval in respect of land which is—

- (a) wholly zoned or reserved by the Scheme; or
- (b) partly within a regional reserve and partly zoned or reserved by the Scheme; or
- (c) affected by a gazetted notice of resolution made by the Commission pursuant to clause 32 of the Metropolitan Region Scheme; or
- (d) within or partly within a Planning Control Area duly declared by the Commission,

shall be dealt with by the Council in accordance with the requirements of the Notice of Delegation published in the *Government Gazette* from time to time by the Commission acting pursuant to the provisions of section 20 of the Western Australian Planning Commission Act 1985. Where that Notice of Delegation requires the application to be determined by the Commission, the procedure is as follows—

- (i) one copy of the application and supporting papers submitted by the applicant shall, within seven days of receipt of the application, be forwarded by the Council to the Commission for determination by the Commission pursuant to the provisions of the Scheme and the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959;
- (ii) the Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme; and
- (iii) the Council may, within 42 days of receipt of that application (or such further period as the Commission may allow) forward to the Commission its recommendation as to the manner in which the application should be determined.

6.5 Consultations with Other Authorities

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

6.5.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council is to consult with that authority before making its determination.

6.6 Matters to be Considered by the Council

The Council, 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 Council relevant to the use or development the subject of the application—

- (a) the objectives and provisions of the Scheme and any other relevant town planning scheme(s) operating within the Scheme Area, including the Metropolitan Region Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the Environmental Protection Act 1986;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State of Western Australia;
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.9, any heritage policy statement for a designated heritage area adopted under clause 5.4, and any other plan or guideline adopted by the Council 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 into the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.4, 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 mitigate impacts on the natural environment;
- (m) the likely effect of the proposal on the Environmental Priorities of the City;
- (n) 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, bushfire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) 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;
- (q) 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;

- (r) 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;
- (s) whether public transport services are necessary, and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists;
- (v) whether adequate provision has been made for access by disabled persons;
- (w) 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;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted;
- (zb) any other planning considerations the Council considers relevant.

6.7 Determination of Applications

6.7.1 In determining an application for planning approval the Council may—

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

6.7.2 As soon as practicable after making a determination in relation to the application, the Council is to convey its decision to the applicant in the form prescribed by the Council.

6.7.3 Where the Council grants planning approval for the use or development of land—

- (a) the use or 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.

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

6.8 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.

6.9 Approval Subject to Later Approval of Details

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

6.9.2 In respect to an approval requiring subsequent planning approval, the Council may require such further details as it thinks fit prior to considering the application.

6.9.3 Where the Council has granted approval subject to matters requiring the later planning approval of the Council, 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.

6.10 Deemed Refusal

6.10.1 Subject to clause 6.10.2, 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 Council within sixty (60) days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.

6.10.2 An application for planning approval which is the subject of a notice under clause 6.3 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.

6.10.3 Notwithstanding that an application for planning approval being deemed to have been refused, the Council may issue a determination in respect of the application at any time after the expiry of the period specified in clause 6.10.1 or 6.10.2, as the case requires, and that determination is valid and effective from the date of determination as if it had been made before the period expired.

6.11 Amending or Revoking a Planning Approval

The Council 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.

6.12 Unauthorised Existing Developments

6.12.1 The Council 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.

6.12.2 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.

6.12.3 If the Council grants planning approval in respect of an application made under clause 6.12.1, the planning approval is not taken as—

- (a) authorising development before the date on which the Council resolved to grant the planning approval; or
- (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning approval.

6.13 Appeals

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

PART 7—NON-CONFORMING USES

7.1 Non-Conforming Use Rights

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

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

7.2 Extension of Non-Conforming Use

7.2.1 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;
- (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.

7.2.2 An application for planning approval under this clause is to be advertised in accordance with clause 6.3.

7.3 Change of Non-Conforming Use

Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council 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 Council, closer to the intended purpose of the zone.

7.4 Discontinuance of Non-Conforming Use

7.4.1 Where a non-conforming use of any land or building has been discontinued for a period of six (6) months or more, the land must not be used after that period otherwise than in conformity with the provisions of the Scheme;

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

7.5 Destruction of 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 Council.

PART 8—ADMINISTRATION

8.1 Powers of the Council

8.1.1 The Council 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 Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning and Development Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

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

8.2 Removal and Repair of Existing Advertisements

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

8.2.2 Where, in the opinion of the Council, 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 Council may by written notice require the advertiser to—

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

8.2.3 For the purposes of clauses 8.2.1 and 8.2.2 any notice is to be served on the advertiser and is to specify—

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

8.2.4 Any person on whom notice is served under this clause may appeal under Part V of the Town Planning and Development Act against the determination of the Council, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

8.3 Offences

8.3.1 A person shall not erect, alter or add to a building or use or change the use of any land or building, or permit or suffer any land or building to be used or the use of any land or building to be changed for any purpose—

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

8.3.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy open to Council is liable to the penalties prescribed by section 10 of the Act.

8.3.3 The offences and penalties specified in clause 8.3 apply to the advertiser, as defined in clause 5.3.1(c).

8.4 Notice for Removal of Certain Buildings

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

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

8.5 Enforcement

Failure to comply with the conditions imposed by the Council on the grant of planning approval or failure to carry out development in strict accordance with the plan approved by the Council in respect of a particular proposal shall constitute a contravention of the Scheme and the Council may—

- (a) by written notice served on the owner and/or occupier of the land, in accordance with clause 8.4, require the development to be carried out in accordance with the conditions imposed on any approval granted and/or in strict accordance with the plans approved within the period specified in the notice (not being less than 28 days) failing which Council may enter the land and carry out the work itself and recover any expenses so incurred from the person in default as a simple contract debt in such court of civil jurisdiction as is competent to deal with the amount of the claim; and/or
- (b) prosecute the owner or occupier of the land as the case may be pursuant to section 10 of the Act.

8.6 Compensation

8.6.1 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 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.

8.6.2 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 8.6.1.

8.7 Election to Purchase and Valuation

8.7.1 Where compensation for injurious affection is claimed pursuant to clause 8.6, the Council may, at its option, elect to acquire the land so affected instead of paying compensation.

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

8.7.3 Where the Council elects to acquire land as provided in clause 8.7.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with clause 8.7.4.

8.7.4 The value of the land referred to in clause 8.7.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
- (b) by some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

8.7.5 The Council may deal with or dispose of land acquired for a Local Reserve upon such terms and conditions as it sees fit provided the land is used for, or preserved for, a use compatible with the use for which it is reserved.

8.8 Appeals

8.8.1 An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part 5 of the Act and the rules and regulations pursuant to the Act.

8.8.2 For the purpose of the Scheme, a discretionary power includes, but is not limited to—

- (a) determination of a use that is not specifically mentioned in the Zoning Table under clause 3.2.4;
- (b) determination of whether an operation on land or a change of use constitutes development as defined in Schedule 1;
- (c) refusal of planning approval under clause 6.7;
- (d) conditions imposed on a planning approval under clause 6.7;
- (e) refusal of an extension of the term of a planning approval under clause 6.7.4;
- (f) a decision in respect of the removal and repair of existing advertisements under clause 8.2.

8.9 Planning Policies

8.9.1 The Council may prepare a 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.

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

8.9.3 A Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval, but the Council 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.

8.9.4 If Council resolves to prepare a Planning Policy, the Council—

- (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 Council considers appropriate.

8.9.5 After the expiry of the period within which submissions may be made, the Council 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.

8.9.6 If the Council resolves to adopt the Policy, the Council 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 Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

8.9.7 A Policy has effect on publication of a notice under clause 8.9.6(a).

8.9.8 A copy of each 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 Council.

8.9.9 Clauses 8.9.4 to 8.9.8, with any necessary changes, apply to the amendment of a Policy.

8.9.10 A Policy may be revoked by—

- (a) the adoption by Council of a new Policy under clauses 8.9.4 to 8.9.8 that is expressed to supersede the existing Policy; or
- (b) publication of a notice of revocation by the Council once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

8.10 Delegation

8.10.1 The Council 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.

8.10.2 The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 8.10.1.

8.10.3 The exercise of the power of delegation under clause 8.10.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.

8.10.4 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.

SCHEDULES

SCHEDULE NO. 1

INTERPRETATIONS

Abattoir:	means a premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
Absolute Majority:	shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1995.
Act:	means the Town Planning and Development Act, 1928 (as amended).
Additional Use:	means a 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.
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.
Amusement Machine:	means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
Amusement Parlour:	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.
Ancillary Accommodation:	has the same meaning as is given to that term in the Residential Design Codes.
Appeal Tribunal:	means the Town Planning Appeal Tribunal constituted under section 42 of the Act.
Authorised Officer:	means an Officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
Baldivis Town Centre Policy:	means Planning Policy No. 6.12—Baldivis Town Centre Policy, as adopted by the Council and endorsed by the Commission, together with any amendments and associated policies and performance standards.
Battle-axe Lot:	has the same meaning as is given to that term in the Residential Design Codes.

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.
Building:	has the same meaning as is given to that term in the Residential Design Codes.
Building Codes:	means the Building Code of Australia 1996.
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. (Interchange with Niteclub)
Camping Area:	means land used for the lodging of persons in tents or other temporary shelter.
Car Wash:	means premises where the primary use is the washing of motor vehicles.
Caravan Park:	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> .
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 premises in which cars are displayed for sale.
Cattery:	means the use of an approved outbuilding constructed in accordance with the City of Rockingham Health Local Laws 1996 for the purpose of breeding or boarding on behalf of any other person or for keeping more than two (2) cats over the age of three (3) months.
Child Care Premises:	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> .
Cinema/Theatre:	means premises where the public may view a motion picture or theatrical production.
City Centre:	means the Rockingham Strategic Regional Centre.
Club Premises:	means premises used or designed for use by a legally constituted club or association or other body of persons united by a common interest.
Commercial Vehicle:	means a vehicle, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.
Commission:	means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.
Communications Antennae -Commercial:	means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communication where its vertical or horizontal dimensions exceed two metres but does not include telecommunications infrastructure
Communications Antennae -Domestic:	means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed two metres.
Community Use/Purpose:	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities and services by organisations involved in activities for community benefit.
Conservation:	means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will— (a) enable the cultural heritage significance of that place or precinct to be retained; and

- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct,
and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.
- Consulting Rooms: means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
- Contractor's Yard: means premises used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- 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 300m² net lettable area.
- Council: means the Council of the City of Rockingham.
- Cultural Heritage Significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- Development: means—
- (a) the development or use of any land, including demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation, or other works; and
 - (c) in relation to a building entered in the Heritage List, any act or thing that—
 - (i) is likely to change the character of the place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building.
- Development Policy Plan: means Planning Policy No. 8.1—City Centre Development Policy Plan dated June 1994, as adopted by the Council and endorsed by the Commission, together with any amendments and associated policies and performance standards.
- Display Home Centre: means a group of two or more dwellings which are intended to be open for public inspection as examples of dwelling design.
- District: means the district of the City of Rockingham.
- Dog Kennels: means premises used for the boarding and breeding of dogs where such premises are licensed or required to be licensed by the Council under the City of Rockingham Local Law Relating to Dogs; and may include the sale of dogs where such use is incidental to the predominant use.
- Dry Cleaning Premises: means premises used for the cleaning of garments and other fabrics by chemical processes.
- Dwelling: means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—
- (a) a single person;
 - (b) a single family; or
 - (c) no more than six persons who do not comprise a single family.
- East Rockingham Development Guidelines: means Planning Policy No. 7.2—East Rockingham Industrial Park Development Guidelines, as adopted by the Council and endorsed by the Commission, together with any amendments and associated policies and performance standards;
- Educational Establishment: means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

Environmental Priorities:	means the Environmental Priorities of the City as set out in the State of the Environment Report, as adopted by the Council, together with any amendments or associated policies and performance standards.
Exempted Advertisement:	means an exempted advertisement referred to in Schedule No. 6.
Existing Advertisement:	means an existing advertisement referred to in clause 5.3.2.
Extensive Agriculture:	means premises used for the raising of stock or crops but excludes intensive agriculture, piggeries, poultry farms and animal husbandry.
Family Day Care Centre:	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> .
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.
Frontage:	when used in relation to a building that is used for— (a) residential purposes, has the same meaning as in the Residential Design Codes; (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.
Fuel Depot:	means premises used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.
Funeral Parlour:	means premises occupied by an undertaker where bodies are stored and prepared for burial or cremation, and may include facilities to conduct memorial services.
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 and Development Act.
Gross Leasable Area:	means in relation to a building, the area of all floors capable of being occupied by a tenant for exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
Health Studio:	means premises designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
Height:	when used in relation to a building that is used for— (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above.
Heritage List:	means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the Council that conservation and protection under the provisions of this Scheme is warranted.
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.
- Homestay Accommodation:** means building(s) used for the short term accommodation of tourists and holiday makers and includes other buildings for the amenity of residents, but does not include a Hotel.
- Homestore:** means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a net lettable area not exceeding 150m², 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.
- Hospital—Special Purposes:** means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.
- 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.
- Incidental Use:** means a premises which is ancillary and subordinate to the predominant use.
- Industrial Policy:** means Planning Policy 7.1—East Rockingham Industrial Park: Environmental Planning Policy, as adopted by the Council and endorsed by the Commission, together with any amendments thereto and associated policies and performance standards.
- 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—
- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations;
- Industry-Cottage:** means a trade or light industry producing arts and craft goods which does not fall within the provisions of a “home occupation” and which, in the opinion of Council—
- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²;
- (e) does not display a sign exceeding 0.2m² in area.
- Industry—Extractive:** means an industry which involves—
- (a) the extraction, quarrying or removal of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and includes the treatment, storage and management of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted;
- (b) the production of salt by the evaporation of salt water.

Industry—General:	means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.
Industry—Hazardous:	means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.
Industry—Light:	means an industry— <ul style="list-style-type: none"> (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
Industry—Noxious:	means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986 or an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911, but does not include dry cleaning premises, laundromat, piggery or poultry farm.
Industry—Rural:	means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
Industry—Service:	means a light industry carried out from premises which may 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.
Integrated Development Guide Plan:	means a plan prepared in accordance with paragraph (b) of clause 4.3.7 of the Scheme Text and which deals <i>inter alia</i> with the matters referred to in that paragraph.
Intensive Agriculture:	means the use of land for the purposes of trade, commercial reward or gain, including such building and earthworks, normally associated with the following— <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic and native plants, 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); (d) The development of land for the keeping, rearing or fattening of livestock in feedlots; (e) aquaculture.
Land:	shall have the same meaning given to it in and for the purposes of the Act.
Laundromat:	means a building, open to the public in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.
Licensed Premises:	means any premises licensed or proposed to be licensed under the Liquor Licensing Act 1988.
Livestock Holding Facility:	means the holding, housing or keeping of cattle, sheep, pigs, goats, horses or the like, whether in open or enclosed pens, yards, feedlots or otherwise in substantial numbers prior to sale, transport or export.
Local Commercial Strategy:	means Planning Policy No. 6.3—Local Commercial Strategy, as adopted by the Council and endorsed by the Commission, together with any amendments and associated policies and performance standards.
Local Reserve:	means land shown on the Scheme Map as a Local Reserve.
Lodging House:	shall have the same meaning as is given to it in and for the purposes of the Health Act, 1911 (as amended).
Lot:	has the same meaning as in the Town Planning and Development Act, but does not include a strata or survey strata lot.
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).
Metropolitan Region Scheme:	means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the <i>Government Gazette</i> of the 9th August 1963 and as amended from time to time.
Minister:	means the Minister for Planning and Infrastructure or the Minister of the Western Australian Government responsible for town planning.
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 and Marine Sales Premises:	means premises used for the display, sale and/or hire of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.
Motor Vehicle Repair Station:	means premises used for or in conjunction 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 Wrecking Premises:	means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
Museum:	means premises used for storing and exhibiting objects illustrative of antiquities, historical culture, natural history, art, nature and curiosities.
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, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
Night Club:	means premises— (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Licensing Act 1988</i> .
Non-Conforming Use:	has the same meaning as it has in section 12(2)(a) of the Town Planning Act.
Nursing Home:	means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include a Medical Centre or hospital;
Office:	means premises used for administration, clerical, technical, professional or other like business activities.
Open Air Display:	means the use of land as a site for the open air display and/or sale and hire of goods and equipment.
Owner:	in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity— (a) is entitled to the land for an estate in fee simple in possession; or (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land; or (c) is a lessor or licensee from the Crown; or (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Peel-Harvey Coastal Plain Catchment:	means all of the land within the Scheme Area located within the administrative boundary of the Peel-Harvey Coastal Plain Catchment, as set out in the Commission's Statement of Planning Policy No. 2.1.
Piggery:	shall have the same meaning given to it in and for the purposes of the Health Act, 1911.
Place:	means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable and includes— (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary; (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and (c) as much of the land beneath the place as is required for the purposes of its conservation.
Plant Nursery:	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden activities.
Plot Ratio:	means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or private open balconies.
Policy:	means a planning policy made in accordance with clause 8.9.
Potable Water:	means water in which the levels of physical, chemical and microbiological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organisation.
Poultry Farm:	means premises used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911.
Precinct Policy Plan:	means a published policy of the Council relating specifically to a precinct of the City Centre identified in the Development Policy Plan, the specific requirements for such a policy being detailed in the Development Policy Plan.
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.
Prison:	shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981.
Private Recreation:	means premises used for indoor or outdoor leisure, recreation or sport which are not normally open to the public without charge.
Produce Store:	means premises wherein fodders, fertilisers and grain are displayed and offered for sale.
Public Amusement:	means premises used for the amusement or entertainment of the public, with or without charge.
Public Authority:	shall have the same meaning given to it in and for the purposes of the Act.
Public Exhibition:	means premises used for the display of materials, for promotion of artistic, cultural or educational purposes.
Public Utility:	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
Public Worship— Place Of:	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.
Reception Centre:	means premises used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.
Reformatory:	means premises used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.
Reserve:	means any land reserved for a public purpose.

Residential Building:	has the same meaning as in the Residential Design Codes.
Residential Design Codes:	means the Residential Design Codes in the Western Australian Planning Commission Statement of Planning Policy No. 3.1, as amended from time to time.
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.
Restoration:	means any work or process on, at or in respect of a building, structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.
Restricted Premises:	means any premises, part or parts thereof, used or designed to be used primarily 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.
Retail:	means the sale or hire of goods or services to the public.
Rural Land Strategy:	means Planning Policy No. 5.2—Rural Land Strategy, as adopted by Council and endorsed by the Commission, together with any amendments and associated policies and performance standards.
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 extensive agriculture or intensive agriculture.
Salvage Yard:	means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
Sawmill:	means premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.
Schedule:	means a schedule to the Scheme.
Scheme Area:	means the area to which the Scheme applies as described in clause 1.3.
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.
Short Stay Accommodation:	means the occupation of a chalet, caravan, camp, or any other form of tourist accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.
Showroom:	means premises, or part thereof, used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, hardware supplies or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
Special Use Zones:	apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

Stable:	means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
Stockyards:	means any land, building or other structure used for the holding and/or sale of animal stock.
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.
Tavern:	means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises.
Telecommunications Infrastructure:	means 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 purposes of advertisement.
Transport Depot:	means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration; or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
Veterinary Clinic:	means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
Veterinary Hospital:	means premises used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
Warehouse:	means premises used to store or display goods and may include sale by wholesale.
Waterfront Village Policy:	means Planning Policy No. 8.2—Rockingham Beach Waterfront Village Policy, as adopted by Council and endorsed by the Commission, together with any amendments and associated policies and performance standards.
Waterway:	shall have the same meaning given to it in and for the purposes of the Act.
Wholesale:	means the sale of any 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.
Zoological Gardens:	means premises used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

SCHEDULE NO. 2
ADDITIONAL USES
 (under clause 3.3)

No.	Site Description	Additional Use	Special Conditions
1.	Lot 108 Lake Street, Rockingham	Motel	N/A
2.	Lot 153 Safety Bay Road, Safety Bay	Consulting Rooms	N/A
3.	Lot 47 Cnr Safety Bay and Penguin Roads, Safety Bay	Marine Sales Maintenance and Repairs	N/A
4.	Lot 166 Cnr Safety Bay and McLarty Roads, Safety Bay	Marine Sales, Maintenance and Repairs	N/A
5.	Lot 2 and Pt Lot 201 Cnr Kent and Wanliss Streets, Rockingham	Medical Centre and Ancillary Offices	N/A

No.	Site Description	Additional Use	Special Conditions
6.	Lot 12 Cnr Dixon Road and Crocker Street, Rockingham	Service Station	N/A
7.	Lot 959 Ray Street, Rockingham	Office	Only for the use of the Silver Chain Nursing Association Inc.
8.	Lot 324 Cnr Cygnus & Read Streets, Rockingham	Consulting Rooms	N/A
9.	Lot 301 Cnr Read Street and Council Avenue, Rockingham	Offices and Restaurants	In accordance with the restriction imposed by the Minister for Planning dated the 13th March 1989
10.	Lot 10 Cnr Council Avenue and Hefron Street, Rockingham	Squash Courts	N/A
11.	Lot 116 Cnr Council Avenue and Kitson Street, Rockingham	Offices	N/A
12.	Lot 271 Safety Bay Road, Waikiki	Consulting Rooms	N/A
13.	Lot 6 Fifty Road, Baldivis	Residential Building	N/A
14.	Lot 71 Cnr Mandurah and Outridge Roads, Baldivis	Restaurant, Reception Centre and Tavern	N/A
15.	Lot 293 Kerosene Lane, Baldivis	Marron/Fish Farm and Four Associated Grouped Dwellings	N/A
16.	Lot 688 Grange Drive, Coo loongup	Medical Centre	N/A
17.	Lot 127 Fletcher Road, Karnup	Short Stay Accommodation	Not exceeding 15 bedrooms.
18.	Lot 1331 Dixon Road, Mandurah	Consulting Rooms	N/A
19.	Lot 139 Paxton Way, Port Kennedy	Club Premises	N/A
20.	Lot 231 Safety Bay Road, Warnbro	Motor Repair Station, Showroom for Hire of Garden Equipment and Trailers or Office	N/A
21.	Lot 54 (No. 74A) Parkin Street, Rockingham	Furniture and Antiques Showroom, in association with the existing residence.	
22.	Lot 299 Kerosene Lane, Baldivis	<p>(a) The retail sale of fruit and vegetables; and</p> <p>(b) The retail sale of eggs, bread, pastries, milk, cheese, poultry, preserves, confectionery, and non-alcoholic refreshments as an incidental use to the use referred to in paragraph (a).</p>	<p>The use of the land for the purposes referred to in paragraphs (a) and (b) shall conform to the following requirements—</p> <p>(i) the floor area of any building or buildings used for that purpose shall not exceed 234m²; and</p> <p>(ii) no goods other than those specified in paragraphs (a) and (b) shall be sold.</p> <p>The use of the land for the purpose referred to in paragraphs (a) and (b) shall cease upon the land ceasing to be used for the purpose of a market garden.</p> <p>The use of the land for the purpose referred to in paragraphs (a) and (b) is conditional on the preparation and</p>

No.	Site Description	Additional Use	Special Conditions
			adherence to a suitable traffic management plan
23.	Lot 685 Grange Drive, Cooloongup	Ambulance (Transport) Depot	N/A

SCHEDULE NO. 3
SPECIAL USE ZONES
(under clause 3.4)

No.	Site Description	Use	Special Conditions
1.	Lots 1487 and 1512 Lake Street, Rockingham	Caravan Park and Ancillary Uses	N/A
2.	Reserve 29935 (Lot 1305) Cnr Rockingham and Governor Roads, Rockingham	Caravan Park and Ancillary Uses	N/A
3.	Lot 20 Arcadia Drive, Safety Bay	Short Stay Accommodation and Ancillary Uses	N/A
4.	Lot 12 Mandurah Road, Baldivis	Private School, Church and Ancillary Uses	N/A
5.	Lots 24 and 25 Cnr Val and Harrison Streets, Rockingham	Carparking Area	N/A
6.	Lot 501 Warnbro Sound Avenue, Port Kennedy	Open Air Display	N/A
7.	Lot 51 Dixon Road, East Rockingham	Caravan Park and Ancillary Uses	N/A
8.	Lot 10 Cnr Mandurah and Fifty Roads, Baldivis	Caravan Park and Ancillary Uses	N/A
9.	Ptn of Lots 51, 52, 93 and 94 Secret Harbour Blvd, Secret Harbour	Golf Course and Ancillary Uses	N/A

SCHEDULE NO. 4
SPECIAL RURAL ZONES
PROVISIONS RELATING TO SPECIFIED AREAS
(Referring to Clause 4.12 and Plan No's 3 and 4)

SPECIAL RURAL ZONES
PORTIONS OF PLANNING UNIT 2 OF THE RURAL LAND STRATEGY

Location Table

Plan Reference	Description of Location *
2(i)	Land generally bounded by Sixty Eight, Baldivis, Foster, Churcher and Eighty Roads including former Pt Lots 736, 737, 738, 741-744, 745, 746, 748, 749, 853, 1 and 2, Baldivis
2(ii)	Land generally bounded by Stakehill, Fletcher, Nairn and Paganoni Roads, Freeway Reserve and Pine Plantation including former Lots 879, 880, 881 Stakehill Road, 870-875, 10, 13 & 16 Fletcher Road, Pt Lot 1A Paganoni Road, Baldivis
2(iii)	Lot 9 of Peel Estate Lots 856-858 Stakehill Road and Lots 15, 20, 25, and 33 Churcher Rd, Baldivis
2(iv)	Lot 500 Paganoni Rd, Karnup
2(v)	Lot 129 Stakehill Road, Baldivis

* Lot Reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Where appropriate, Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. The Council will generally not recommend approval to lot sizes less than two (2) hectares.
3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
- (b) The following uses are not permitted, unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae—Commercial
- (c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure
- (d) Notwithstanding the above, for the Location 2(iv) on Lot 500 Paganoni Road, Baldivis, Landscape Supply Yard and Wildlife Park shall be treated as ('D') uses, in the locations identified on the Subdivision Guide Plan.
- (e) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
- (f) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.
8. Where no building envelopes are required, all development, including the clearing of land, (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Thirty (30) metres from other subdivisional roads (primary setback);
 - (b) Ten (10) metres from all other boundaries;
 - (c) Forty (40) metres from Mandurah Road;
 - (d) Fifty (50) metres from the Kwinana Freeway reservation,;
 - (e) Setbacks to tourism uses shall be a minimum of thirty (30) metres from any adjoining boundary and the setback shall be vegetated to ensure screening of the activity;
 - (f) Land adjoining the explosive depot to incorporate a further 70 metre landscape buffer;
 - (g) For Location 2(iv), the existing shed on lot 2 Fletcher Road is exempt from this requirement.
9. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
10. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.

11. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council;
12. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
13. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for the use and development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.
14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.

For Location 2(iii), the Council may approve the grazing of animals outside the Building Envelope, if specified, provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees and result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.

Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
15. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.
17. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of diagrams of survey.

The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area (Tree Planting Area Guide Plan depicted on the Subdivision Guide Plan), and vegetation retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.

The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of Strategic Revegetation (or Tree Planting) Areas.
18. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
19. All fencing shall be constructed in accordance with Councils Local Law.
20. Development affecting wetlands shall comply with the provisions of the Department of Environmental Protection (Swan Coastal Lakes) Policy 1992 and development within the Peel-Harvey Catchment Area shall comply with Statement of Planning Policy No. 2.1 (The Peel-Harvey Coastal Plain Catchment).
22. With respect to Location 2(iii), for the purpose of maintaining the environmental quality of Churcher Swamp and associated 50 metre buffer, there shall be no—
 - (a) Clearing, filling, excavating, grazing or artificial retention, pumping or diversion of water within Churcher Swamp and associated 50 metre buffer;
 - (b) Spraying (pesticide/herbicide), cultivation, fertilising or tilling of land within Churcher Swamp and associated 50 metre buffer. The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA's requirements or pest control as authorised by Council.

23. The developer making arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land. Furthermore, for Location 2(iv) that prospective purchasers of those lots located within 500 metres of the market garden on Lot 3 Fletcher Road, Baldivis, are to be made aware of the existence of the market garden.
24. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit:—
- (a) the impact of stocking rates;
 - (b) the impact on groundwater resources;
 - (c) tree and vegetation preservation;
 - (d) nutrient application; or
 - (e) the clearing of land.
25. Where lots have been identified as containing vegetation that is of regional conservation value (such as being included within Bush Forever as Bush Forever Site No. 278), the following requirements shall apply—
- (a) Management of the vegetation to comply with the approved Environmental Management Plan prepared to ensure its long term protection. The Environmental Management Plan shall include a Fire Management Plan and Strategic Revegetation Plan and shall address boundary fencing and strategic firebreaks to avoid unnecessary fragmentation, clearing and degradation of the vegetation;
 - (b) The Environmental Management Plan will be provided to prospective purchasers;
 - (c) Building Envelopes shall be defined at the time of subdivision and be of a size sufficient to include all buildings and the required 20 metre fuel reduction zone around buildings. The location and area of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council;
 - (d) No clearing or development, other than for fire management purposes (consistent with the Fire Management Plan) or to construct a vehicle accessway which has received the prior written approval of the Council shall be approved outside the designated Building Envelopes;
 - (e) A Memorial be placed on Title of each lot to notify prospective landowners of the conservation value of the vegetation on the site;
 - (f) In the Priority Conservation Area, no planting of non-indigenous species is permitted;
 - (g) No uses other than single dwelling, associated outbuildings and home occupation to be approved;
 - (h) On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council;
 - (i) The use of a bore for the purpose of groundwater extraction is not permitted. In this regard, a 90,000 litre rainwater storage tank is required on each lot to the Council's satisfaction;
 - (j) All buildings and outbuildings are to utilise non-reflective materials in their construction and where possible are to use earth tones and colours such that the buildings are sympathetic to, and integrated with, the surrounding environment;
 - (k) The keeping of horses or livestock is not permitted;
 - (l) All subdivision is to be in general accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to Lot 10 Fletcher Road, Karnup. No further subdivision is recommended;

Should any of the above requirements conflict with other provisions in the Scheme that relate to the Special Rural zone, the above requirements shall prevail.

SPECIAL RURAL ZONES
PORTIONS OF PLANNING UNIT 3 OF THE RURAL LAND STRATEGY

(Referring to Clause 4.12 and Plan No's 3 and 4)

Location Table

Plan Reference	Description of Location*
3(i)	Lots 1-11, 13, 14, 16, 18, 19, 22, 200 and 201 Emerald Court; Lots 20 and 21 Singleton Beach Road; Lots 22-26 and 29 Jade Court; Lots 27, 28 and 30 Penson Street, Singleton.
3(ii)	Portion of Lots 28 and 29 Sawley Close; Lots 27 and 32-36 Trennant Park Gardens; Pt Lots 14-16 and Lot 17 Dampier Drive; Lots 1 and 2 and portion of Lot 3 Crystaluna Drive; portion of Lots 4,10,12 and 13 Peelford Glen, Golden Bay.

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. (a) The Council will not recommend approval to further subdivision of the lots, other than generally in accordance with the Subdivision Guide Plan.
(b) Notwithstanding the above, the Council will generally not recommend approval to lot sizes less than two (2) hectares, where reticulated water is not provided, or one (1) hectare, where reticulated water is provided.
(c) Only one building shall be constructed within the area shown on the subdivision plan as the 'Building Envelope'.
3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
(b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae
(c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure
(d) Notwithstanding the above, for former Planning Unit 6 (the land generally bound by Stakehill Road, Warnbro Sound Avenue, Mandurah Road and north of Pt Lot 1 Gordon Road), the following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Intensive Agriculture
 - (ii) Rural Pursuit
 - (iii) Stables
 - (iv) Veterinary Clinic
 - (v) Veterinary Hospital
(e) Notwithstanding points 3(a) and (b) above, for Location 3(i), Intensive Agricultural Pursuits for commercial gain shall not be permitted.
(f) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
(g) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.
8. Where no building envelopes are required, all development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Forty (40) metres from Mandurah Road;
 - (b) Thirty (30) metres from other subdivisional roads (primary setback)
 - (c) Ten (10) metres from all other boundariesunless otherwise specified in the Rural Land Strategy.

9. Notwithstanding the above, for Location 3(ii), where no building envelope is shown buildings shall be setback a minimum of 15 metres from the primary street frontage, 5 metres from the side boundaries and 10 metres from the rear and be positioned to minimize any disturbance if existing vegetation on the lot. The setbacks may be varied if in the opinion of the Council it would result in the retention of vegetation on the site.
10. All lots below two (2) hectares in area shall be connected to a reticulated water supply. Where lots are not connected to a reticulated water supply, a person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
11. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
12. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.
13. Notwithstanding point 12 above, for Location 3(ii), on-site effluent disposal systems servicing development on the lots shall be in the form of alternative wastewater treatment systems having approved phosphorus retention capability, in accordance with the specifications and to the satisfaction of Council.
14. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
15. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for the use or development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.
16. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.

The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.

Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.
17. Notwithstanding point 16 above, for Location 3(ii), being portion of Lots 28 and 29 Sawley Close, Lots 27 and 32-36 Trennant Park Gardens; Portion of Lots 14-16 and Lot 17 Dampier Drive; Lots 1 and 2 and portion of Lot 3 Crystaluna Drive; Portions of Lots 4,10,12 and 13 Peelford Glen, Golden Bay; the keeping of horses or livestock is not permitted.
18. Notwithstanding point 16 above, for Location 3(i), being on the land south of Singleton Beach Road, one horse may be accommodated on each lot, with other livestock being considered at the discretion of the Council, and with the advice of Agriculture WA. On the land north of Singleton Beach Road, horses and livestock are not permitted.
19. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law,
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
20. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.

21. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of diagrams of survey.
- The developer shall maintain the trees and shrubs planted, and vegetation to be retained on each lot, to the satisfaction of the Council, until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those plants and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.
- The developer shall notify any prospective purchaser of the requirement for the continued maintenance of Strategic Revegetation Areas.
22. Within areas designated 'Landscape Protection Area' and 'Landscape Buffer' on the Plan of Subdivision, no trees or other flora shall be removed. No indigenous trees or substantial vegetation shall be removed without the prior approval of Council, except where—
- The trees are dead, diseased or dangerous;
 - The establishment of a fire access track is required under regulation or local law;
 - Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - Access to an approved development site is required;
 - Subdivisional works require the removal of vegetation.
- Such land is to be managed in a manner so as to avoid being laid bare of vegetation resulting in loose, wind erodable conditions and shall not be used for any purpose which, in the opinion of Council, would adversely affect the purpose of landscape protection.
23. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
24. All fencing shall be in accordance with the Council's Local Law.
25. Development affecting wetlands shall comply with the provisions of the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.
26. With respect to Location 3(i) for on the land north of Singleton Beach Road, the following provisions apply—
- The subdivider shall provide additional vegetation screening as deemed necessary by Council;
 - Each building envelope and front setback area shall be rehabilitated by each owner within 12 months of the construction of a dwelling;
 - The subdivider shall ensure that all surface disturbance resulting from the construction of service lines be rehabilitated to the satisfaction of Council;
27. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.
28. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit—
- the impact of stocking rates;
 - the impact on groundwater resources;
 - tree and vegetation preservation;
 - nutrient application; or
 - the clearing of land.

SPECIAL RURAL ZONES
PORTIONS OF PLANNING UNIT 4 OF THE RURAL LAND STRATEGY

(Referring to Clause 4.12 and Plan No's 3 and 4)

Location Table

Plan Reference	Description of Location*
4(i)	Lot 11 (No.153) Mandurah Road, Baldivis (now 30 and 31 Mandurah Road)
4(ii)	Lots 1-4 Bamber Place, Baldivis; Lots 5 & 6 Tincombe Grove, Baldivis;
4(iii)	Pt Lot 12 Mandurah Road, Karnup; Lot 102 Stakehill Road, Karnup; Lot 301-303 Olive Hill Close, Karnup;
4(iv)	Lot 891 Fletcher Road, Karnup;

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. The Council will generally not recommend approval to lot sizes less than two (2) hectares, where reticulated water is not provided, or one (1) hectare, where reticulated water is provided.
3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
- (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae—Commercial
- (c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure
- (d) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
- (e) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. For Location 4(iii) land uses other than a single residence that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Department of Environment that the land use does not involve excessive nutrient application or the clearing of the land.
8. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.
9. Where no building envelopes are required, all development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Forty (40) metres from Mandurah Road
 - (b) Thirty (30) metres from other subdivisional roads (primary setback)
 - (c) Ten (10) metres from all other boundariesunless otherwise specified in the Rural Land Strategy.
10. With respect to Location 4(ii) all allotments are to be connected to reticulated sewer.
11. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
12. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
13. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;

- (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.
14. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
15. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any use or development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.
16. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.
- In Locations 4(i), (iii), and (iv), the Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.
- Where, in the opinion of the Council, the continued presence of animals is likely to contribute, or is contributing to dust pollution and soil erosion, notice may be served on the owner of the land, requiring immediate removal of the animals specified in the notice for a period specified in the notice.
17. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
- (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
18. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.
19. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of the diagrams of survey.
- The developer shall maintain the trees and shrubs planted and vegetation to be retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.
- The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of Strategic Revegetation Areas.
20. All fencing shall be in accordance with the Council's Local Laws.
21. In Location 4(ii) boundary fencing shall only be of a post and wire strand construction to a maximum height of 1.2 metres.
22. Development affecting wetlands shall comply with the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.
23. With respect to Location 4(i), and in particular Lots 30 and 31 Mandurah Road, no development, clearing, filling, excavation, filling of land, grazing or any other use is permitted in the area designated on the Subdivision Guide Plan as 'Opwin Swamp' or the 50 metre no development buffer, without the specific approval of the Council.
24. With respect to Location 4(i), and in particular In relation to Lots 30 and 31 Mandurah Road, for the purposes of maintaining 'Opwin Swamp', the following Management Provisions shall apply—
- (a) No new dams, artificial retention of water, pumping, diversion of water or modification of Opwin Swamp's natural form shall be undertaken without the prior approval of the Council;
 - (b) The activities of stock on the land immediately surrounding Opwin Swamp shall be controlled such that the problems of erosion, pollution and vegetation degradation do not occur;
 - (c) A no spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from Opwin Swamp shall apply. The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA's requirements, or pest control as authorised by the Council.

25. With respect to maintaining Stakehill Swamp, the following Wetland Management Provisions shall apply—
- (a) No new dams, artificial retention of water, pumping, diversion of water or modification to the natural form of the wetland shall be undertaken without the prior approval of Council;
 - (b) A no-spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser us fertiliser application buffer of 50 metres from the foreshore of the wetlands shall apply. The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA requirements or pest control as authorised by Council;
 - (c) The developer shall prepare and implement a Wetland Management Plan to the specification and satisfaction of the Department of Environment and Council, at the time of subdivision.
26. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
27. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.
28. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit—
- (a) the impact of stocking rates;
 - (b) the impact on groundwater resources;
 - (c) tree and vegetation preservation;
 - (d) nutrient application; or
 - (e) the clearing of land.

SPECIAL RURAL ZONES

PORTIONS OF PLANNING UNIT 5 OF THE RURAL LAND STRATEGY

(Referring to Clause 4.12 and Plan No's 3 and 4)

Location Table

Plan Reference	Description of Location*
5(i)	Lots 1,2,3, 532-538 and 450 Baldivis Road, Baldivis being the land generally bounded by Baldivis, Karnup and Stakehill Roads and Freeway Reserve, Baldivis;
5(ii)	Lots 1063 to 1068 Baldivis Road and Karnup Road, Baldivis;
5(iii)	Eastern Side of Amarillo Drive and Hilltop Drive, Karnup (including former lots 77-92);
5(iv)	Lot 1006 Baldivis Road, Baldivis;

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. The Council will generally not recommend approval to lot sizes less than two (2) hectares.
3. (a) The following uses is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
- (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae—Commercial
- (c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure

- (d) Notwithstanding the above, for Location 5(i), on Lots 532-538 and 540 Baldvis Road, Baldvis the following uses additional to Clauses above are not permitted unless approval is granted by the Council ('D')—
- (i) Veterinary Surgery
 - (ii) Veterinary Hospital
- (e) Notwithstanding the above, for Location 5(ii), the following uses are also permitted ('P') on Lots 1063 to 1068 Cnr Baldvis Road and Karnup Road, Baldvis—
- (i) Healing Clinic and Retreat Centre are permitted uses only within that land identified on the Subdivision Guide Plan. These uses are defined as follows—
Healing Clinic: means a building or part of a building, designed or adapted for the use of practitioners who are suitably qualified in the prevention or treatment of physical or mental injuries or ailments.
Retreat Centre: means a building with short stay accommodation facilities designed or adapted for conducting group workshops and seminars.
- With regard to the permitted Healing Clinic and Retreat Centre, the following carparking requirements shall apply—
- Healing Clinic: ten (10) parking bays.
Retreat Centre: one (1) parking bay per short stay accommodation unit.
- (f) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
- (g) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
 5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
 6. At the time of applying for Planning Approval, a plan of the site shall be submitted by the applicant, to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
 7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council.
 8. Where no building envelopes are required, all development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Fifty (50) metres from the Kwinana Freeway Reservation;
 - (b) Forty (40) metres from Mandurah Road;
 - (c) Thirty (30) metres from other subdivisional roads (primary setback);
 - (d) Ten (10) metres from all other boundaries;
 - (e) Setbacks to tourism uses in Location 5 (iii) shall be a minimum of 30 metres from any adjoining boundary and the setback shall be vegetated to ensure screening of the activity.unless otherwise specified in the Rural Land Strategy.
 9. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
 10. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
 11. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.
 12. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
 13. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any the use or development of land including intensive agricultural pursuits and the breeding or keeping of animals for commercial gain in Location 5(iii). The

Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.

14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.

The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.

Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.

15. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—

- (a) The trees are dead, diseased or dangerous;
- (b) The establishment of a fire break as required under regulation or local law;
- (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
- (d) Access to an approved development site is required;
- (e) Subdivisional works require the removal of vegetation.

16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.

17. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of the diagrams of survey.

The developer shall maintain the trees and shrubs planted, and vegetation retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.

The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas.

18. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.

19. All fencing shall be in accordance with the Council's Local Law. With respect to Location 5(i) boundary fencing shall only be of a post and wire strand construction, to a maximum height of 1.2 metres.

20. Development affecting wetlands shall comply with the provisions of the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and development within the Peel-Harvey Catchment shall comply with Statement of Planning Policy No. 2.1 (The Peel-Harvey Coastal Plain Catchment).

21. With respect to Location 5(i), to ensure adequate flood protection for dwellings, a minimum building floor level 0.5 metres above the 1:100 year flood level, in areas of inundation is required, as determined by the Council.

22. With regards to maintaining Beenyup Pool at Location 5(ii), the following 'Beenyup Pool Management Provisions' shall apply—

- (a) No new dams, artificial retention of water, pumping, diversion of water or modification of the wetland's natural form shall be undertaken without the prior approval of the Council.
- (b) The activities of stock on the land immediately surrounding Beenyup Pool shall be controlled such that problems of erosion, pollution and vegetation degradation do not occur.
- (c) A no spray (pesticide/herbicide), non cultivation and no nitrogenous fertiliser application buffer of 50 metres from the foreshore of Beenyup Pool shall apply. The no spray requirements does not preclude the carrying out of noxious weed control in accordance with Agriculture WA's requirements or pest control as authorised by the Council.

23. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.

24. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit—
- (a) The impact of stocking rates;
 - (b) The impact on groundwater resources;
 - (c) Tree and vegetation preservation;
 - (d) Nutrient application; or
 - (e) The clearing of land.
25. With respect to Location 5(iv), the following provisions shall apply—
- (a) Pipeline Protection Plan—
 - (i) Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the Local Government with the concurrence of the Department of Mineral and Energy on advice from the Department of Environment and the high pressure natural gas pipeline operator.
 - (ii) The plan referred to in Provision 25(a)(i) shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-1970, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority.
 - (b) High Pressure Natural Gas Pipeline—
 - (i) The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement—
 1. Ground disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with Provision 25(b)(ii);
 2. Temporary residence (including caravans, camping and similar);
 3. Storage of materials and equipment;
 4. Fires and barbecues;
 5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);
 6. Refuse disposal and landfill;
 7. Service stations, fuel lines and storage of fuel;
 8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and
 9. Large obstructions to line of site along the easement.
 - (ii) The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the Local Government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in Provision 25(a)(i)—
 1. Cycleways and footpaths;
 2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);
 3. Public Open Space;
 4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in Provision 25(a)(i);
 5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).
 - (iii) Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—
 1. 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environment and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;
 2. 32 metres to the boundary of each residential lot; in the case of residential development; and
 3. At the Local Government's discretion, following consultation with the Department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.

**SPECIAL RURAL ZONES
PORTIONS OF PLANNING UNIT 6 OF THE RURAL LAND STRATEGY**

(Referring to Clause 4.12 and Plan No's 3 and 4)

Location Table

Plan Reference	Description of Location*
6(i)	Lot 448 Baldivis Road and Lot 449 cnr Baldivis Road and St Albans Road, Baldivis
6(ii)	Lot 914 Telephone Lane, cnr Haines Road, Lot 471 cnr Telephone Lane and Mundijong Road; Lot 913 Haines Road; Lots 5, 501, Pt Lot 585, Pt Lot 586 and Pt Lot 587 Doghill Road; Lots 589 and 590 Haines Road, Baldivis Lot 913 Haines Road, Baldivis
6(iii)	Peel Estate lots 111 and 1112 being Lot 106 and 854 cnr Powell and Doghill Roads, Baldivis; Lots 1109 and 1110 and 51 Doghill Road, Baldivis (being Lots 200-203 Powell Road, Baldivis)
6(iv)	Pt lot 926 Young Road, Baldivis

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
 2. The Council will generally not recommend approval to lot sizes less than eight (8) hectares minimum.
 3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
 (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae—Commercial
 (c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure
 (d) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
 - (e) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme
5. In addition to a building licence, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. All development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Fifty (50) metres from Kwinana Freeway;
 - (b) Thirty (30) metres from other subdivisional roads (primary setback);
 - (c) Ten (10) metres from all other boundaries;
 - (d) For Location 6(i) a 50 metre landscaped buffer is required along the Kwinana Freeway Reservation.

unless otherwise specified in the Rural Land Strategy.

8. For Location 6(ii) and (iii) land uses other than a single residence that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Department of Environment that the land use does not involve excessive nutrient application or the clearing of the land.

9. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
10. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
11. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.
12. Stormwater drainage shall be contained on-site to the satisfaction and specification of the Council.
13. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.

The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.

Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
14. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
15. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australian and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.
17. The developer shall, within the Strategic Revegetation Areas shown on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of diagrams of survey.

The developer shall maintain the trees and shrubs planted and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.

The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas.
18. All fencing shall be in accordance with the Council's Local Laws.
19. Development affecting wetlands shall comply with the provisions of the Department of Environment Environmental Protection (Swan Coastal Lakes) Policy 1992 and development within the Peel-Harvey Catchment Area shall comply with Statement of Planning Policy No. 2.1 (The Peel-Harvey Coastal Plain Catchment).
20. With respect to Location 6(ii), to ensure adequate flood protection for dwellings—
 - (a) A minimum building floor level of 0.5 metres above the 1:100 year flood level in areas of inundation is required and sand pads shall be graded and landscaped to the Council's satisfaction; and
 - (b) No development is permitted within 20 metres of the 1:100 floodway.
21. Drainage reserves shall be fenced to the satisfaction of Council to prevent stock access and to promote revegetation.

22. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.
23. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit—
 - (a) the impact of stocking rates;
 - (b) the impact on groundwater resources;
 - (c) tree and vegetation preservation;
 - (d) nutrient application; or
 - (e) the clearing of land.

SPECIAL RURAL ZONES
PORTIONS OF PLANNING UNIT 7 OF THE RURAL LAND STRATEGY
(Referring to Clause 4.12 and Plan No's 3 and 4)

Location Table

Plan Reference	Description of Location*
7(i)	Lots 13, 100 & 101 St Albans Road, Baldivis; Part Lot 926 Young Road, Baldivis; Lots 503 and 504 Doghill Road, Baldivis; Lot 1 Doghill Road, Baldivis
7(ii)	Lot 12 Doghill Road, Baldivis
7(iii)	Fmr Lot 1004, lot 21 Doghill Road, Baldivis
7(iv)	Lot 300 St Albans Road, Baldivis
7(v)	Lot 3 Doghill Road, Baldivis

*Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described in the 'Location Table', and shall form part of the Scheme.
 2. The Council will generally not recommend approval to lot sizes less than two (2) hectares (based on land capability).
 3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only)
 (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
 - (ii) Residential Building
 - (iii) Rural Pursuit
 - (iv) Caretakers Dwelling as an incidental use
 - (v) Communications Antennae—Commercial
 (c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A')—
 - (i) Bed and Breakfast
 - (ii) Home Business
 - (iii) Industry—Cottage
 - (iv) Intensive Agriculture
 - (v) Telecommunications Infrastructure
 (d) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
 - (e) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
 5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
 6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
 7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building

envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.

8. All development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council—
 - (a) Thirty (30) metres from subdivisional roads (primary setback)
 - (b) Ten (10) metres from all other boundaries
 - (c) Thirty (30) metres from Saint Albans Roadunless otherwise specified in the Rural Land Strategy.
9. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required.
10. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
11. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.

Notwithstanding the above, the development of portion of Lot 100 Young Road and Lot 2 Doghill Road, and proposed Lot 1 Young Road (formerly the western portion of Lot 926 Young Road), shall be serviced with a nutrient fixing effluent disposal system to the satisfaction of Council.

12. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
13. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for the use and development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.
14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Western Australia.

The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.

Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.

15. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.
17. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of diagrams of survey.

The developer shall maintain the trees and shrubs planted, and vegetation retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the

new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.

The developer shall notify any prospective purchaser of the requirement for the continued maintenance of the Strategic Revegetation Areas.

18. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
19. All fencing shall be in accordance with the Council's Local Laws.
20. Development affecting wetlands shall comply with the provisions of the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and development within the Peel-Harvey Catchment shall comply with Statement of Planning Policy No. 2.1 (The Peel-Harvey Coastal Plain Catchment).
21. Minimum setbacks for uses and developments from the centre of the gas pipeline easement shall be 45 metres to the building envelope, or at the Council's discretion.
22. The development of roads (with minimum depth of cover over the pipeline of 1.2 metres) and signage may be permitted within the gas pipeline easement with the written approval of the Council on advice from the pipeline operator.
23. The following development is prohibited within the high pressure natural gas pipeline easement—
 - (a) ground breaking activities other than for the purposes for which the easement was created;
 - (b) temporary residence (including caravans, camping or similar);
 - (c) storage of materials and equipment;
 - (d) fires and barbecues;
 - (e) explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);
 - (f) refuse disposal and landfill;
 - (g) vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn/grass);
 - (h) large obstructions to line of sight along the easement.
24. Development shall comply with the provisions of Statement of Planning Policy No. 2.1—The Peel-Harvey Coastal Catchment.
25. A minimum building level of 0.5 metres above the 1 in 100 year flood level shall be achieved, with the batters of the sand pad being graded and landscaped to Council's satisfaction.
26. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land, and where the land is affected, the location of the gas pipeline, required buffers, management and landuse requirements, and the orchard on Lot 2 Doghill Road, Baldivis (landowners within 500 metres of the orchard to be advised).
27. With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit—
 - (a) the impact of stocking rates;
 - (b) the impact on groundwater resources;
 - (c) tree and vegetation preservation;
 - (d) nutrient application; or
 - (e) the clearing of land.

SCHEDULE NO. 5
SPECIAL RESIDENTIAL ZONES
PROVISIONS RELATING TO SPECIFIED AREAS

(Referring to Clause 4.13 and Plan No. 5)

SPECIAL RESIDENTIAL ZONES
PORTIONS OF PLANNING UNIT 3 OF THE RURAL LAND STRATEGY

Location Table

Plan Reference	Description of Location*
3(i)	Golden Bay Lots 21-26, 29, 30, 31, 101-104, 109, 110 Sawley Close; Lots 105-108 Tuckey Place; Lots 111-116 Lipscombe Close; Lots 117-122 Boothman Close Lot 6 Gaze Grove; Portion of Lots 4, 5, 10-13, 127-133 Peelford Glen; Portion of Lots 14-16 Dampier Drive; Lots 1-26, 29-31 Sawley Close; 15 and 16 Dampier Drive; 2,3 Crystaluna Drive, Pt lot 10 Ayrton Court; Lots 4 and 13, 5-12, 37 Peelford Glen, Golden Bay (Amend 356)
3(ii)	Secret Harbour

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. The Council will not recommend approval to further subdivision of the lots, other than generally in accordance with the Subdivision Guide Plan.
3. (a) The following use is permitted ('P')—
 - (i) Residential—Single house (maximum of one (1) per lot only) and one (1) outbuilding per lot
 - (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Bed and Breakfast
 - (ii) Home Occupation
 - (iii) Industry—Cottage
 - (iv) Residential Building
 - (c) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.
 - (d) Uses not listed are subject to Clause 3.2.4 of the Scheme.
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.
6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.
8. With respect to Location 3(i), all lots shall be connected to a reticulated water supply.
9. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
10. With respect to Location 3(i), on-site effluent disposal systems servicing development of the lots shall be in the form of alternative wastewater treatment systems having approved phosphorous retention capability, in accordance with the specifications and to the satisfaction of the Council.
11. With respect to Location 3(ii), on-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.
12. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
13. The keeping of horses or livestock is not permitted.
14. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
15. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.

16. With respect to Location 3(i), within areas designated "Landscape Protection Area" and "Landscape Buffer" on the Subdivision Guide Plan, no trees or other flora shall be removed. The removal of trees or other flora to comply with the Bushfires Act 1954 will be permitted.
The land with particular reference to the Landscape Protection Area and Landscape Buffer is to be managed in such a manner as to avoid being laid bare of vegetation resulting in loose, wind erodible conditions.
Land within the Landscape Protection Area and Landscape Buffer shall not be used for any purpose which in the opinion of the Council would adversely affect the purpose of landscape protection, nor without the written consent of the Council.
17. Boundary fencing shall only be of post and wire strand construction to a maximum height of 1.2 metres.
18. With respect to Location 3(i), development affecting wetlands shall comply with the provisions of the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.
19. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
20. With respect to Location 3(i), any development on those lots marked with an 'S' on the Subdivision Guide Plan are subject to special housing design requirements as specified in Council's Planning Policy No. 2.14—Development Guidelines for the Peelhurst Special Residential Estate. These requirements are necessary in order to minimise the amount of site earthworks to protect the landscape character of each lot.
21. With respect to Location 3(i), a minimum dryland buffer of 50 metres or 1 metre AHD higher than the furthest extent of the wetland dependant vegetation, which ever is largest, is required around a wetland. No development, building envelopes or clearing of land is permitted within this buffer area.
22. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.

**SPECIAL RESIDENTIAL ZONES
PORTIONS OF PLANNING UNIT 4 OF THE RURAL LAND STRATEGY**

(Referring to Clause 4.13 and Plan No. 6)

Location Table

Plan Reference	Description of Location*
4(i)	Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lot 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way.
4(ii)	Land referred to as Woodleigh Grove, Baldivis being Lots 326 and 330 Eighty Road including Part Eighty Road, Manor App, Treetop Way, Oak Way, Loxley Place, Archer Close.

* Lot reference at the time of rezoning and may have changed.

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location Table'—

1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer, as the subdivision plan relating to the areas as described above in the 'Location Table', and shall form part of the Scheme.
2. The Council will generally not recommend approval to lot sizes less than 5000m² minimum.
3. (a) The following use is permitted ('P')—
 - (i) Residential—Single House (maximum of one (1) per lot only), and one (1) outbuilding per lot.
 (b) The following uses are not permitted unless approval is granted by the Council ('D')—
 - (i) Bed and Breakfast
 - (ii) Home Occupation
 - (iii) Industry—Cottage
 - (iv) Residential Building
 (c) All other uses are not permitted ('X').
4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
5. In addition to a building licence, the Council's prior approval to commence development shall be required and such application shall be made on the form prescribed by the Council.

6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.
7. Where building envelopes are required, any residence and all other outbuildings, retaining walls and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.
8. All lots shall be connected to a reticulated water supply.
9. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.
10. Where lots are not required to be connected to a reticulated sewer supply, the method of on-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that—
 - (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;
 - (b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and
 - (c) has been approved in writing by the Council.

Notwithstanding the above, Lots 45-49 Eighty Road, 15-19 Postans Court, 20-30, Lot 36, 43 and 44 Brodie Court, 31-35, 37, 40 and 58 Foxton Green, 50-56, Lots 38 and 39 Chandler Ramble, the eastern moiety of Lot 332 Mandurah Road and Lots 326 and 330 Eighty Road, Baldvis shall be connected to a reticulated sewer supply.

11. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.
12. The keeping of horses and livestock is not permitted.
13. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where—
 - (a) The trees are dead, diseased or dangerous;
 - (b) The establishment of a fire break as required under regulation or local law;
 - (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication "Planning for Bushfire";
 - (d) Access to an approved development site is required;
 - (e) Subdivisional works require the removal of vegetation.
14. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.
15. The developer shall, within the Strategic Revegetation Area or Landscape buffer/ Planting Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of the diagrams of survey.

The developer shall maintain the trees and shrubs planted, and vegetation to be retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.

The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas or Landscape buffer/ Planting Areas.
16. Boundary fencing shall only be of post and wire strand construction to a maximum height of 1.2 metres.
17. Development affecting wetlands shall comply with the Department of Environment Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.
18. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
19. With respect to Location 4(i), for the purposes of maintaining Baldvis Swamp and Hollow Swamp, the following Wetland Management Provisions shall apply—
 - (a) No new dams, artificial retention of water, pumping, diversion of water or modification to the natural form of the wetland shall be undertaken without the prior approval of Council;

- (b) A no-spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from the foreshore of the wetlands shall apply. The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA requirements or pest control as authorised by Council;
 - (c) The developer shall prepare and implement a Wetland Management Plan to the specification and satisfaction of the Department of Environment and Council, at the time of subdivision.
20. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.

**SPECIAL RESIDENTIAL ZONES
WARNBRO DUNES**

(Referring to Clause 4.13 and Plan No. 7)

Location

Lots 1-128 of Pt Lot 7 Fendam Street & Herlihy Way, Warnbro

Provisions

In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in the 'Location'—

1. The Council will generally not recommend approval to further subdivision of the land.
2. (a) The following uses are permitted ('P')—
 - (i) Residential—Single House (maximum of one (1) per lot only);
 - (ii) Caretakers Dwelling (may be provided within the single dwelling where it can be demonstrated that there is a requirement for such a facility).
- (b) The following use is not permitted unless approval is granted by the Council ('D')—
 - (i) Home Occupation
- (c) All other uses are not permitted ('X').
3. The symbols used in Provision 2 above have the same meaning as those set out in clause 3.2.2 of the Scheme.
4. In addition to a building licence, Council's prior approval to commence development shall be required and such application shall be made on the form prescribed by the Council.
5. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show existing and proposed site contours and other information as requested by the Council.
6. Any residence and all other outbuildings and effluent disposal systems shall only be constructed within designated building envelope identified at the time of subdivision. The building envelope shall be to the satisfaction of the Council and may be varied at the discretion of the Council, if—
 - (a) Council receives advice from a qualified environmental consultant that the variation will result in an environmental benefit; and
 - (b) only after consultation with the owners of affected or adjoining properties.
7. Earthworks shall not take place outside the Building Envelope unless to comply with Provision 12 or for the purpose referred to in Provision 10(b) of this Table.
8. In considering applications for the construction of a building on a lot, Council shall have regard to the following objectives—
 - (a) the need to prevent the importation of an excessive amount of fill that would raise a building envelope to an artificially high level; and
 - (b) the need to seek a balance between cutting and filling in attaining the proposed finished levels of the property.
9. No natural vegetation within the Building Envelope shall be cleared unless all reasonable measures are immediately taken to prevent soil erosion.
10. Clearing of any natural vegetation outside the Building Envelope is prohibited except—
 - (a) for the purpose of complying with the Bush Fires Act 1954;
 - (b) to construct a vehicle accessway which has received the prior written approval of the Council; and
 - (c) if required, to provide a 3 metre wide planting strip of fire retardant vegetation.
11. No person shall drive a vehicle on that part of the lot outside the Building Envelope in such a way as to cause or be likely to cause damage to vegetation or soil erosion.
12. Firebreaks shall be maintained to the satisfaction of the Bush Fires Board and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.
13. No flammable material, including flammable vegetation, shall be permitted to remain within a distance of 3 metres from the external wall of any habitable building on the lot.

14. Every dwelling shall have connected to it a nutrient-fixing effluent disposal system that—
- (a) has a vertical separation of 2 or more metres between the base of the leach drain or soak well and the highest recorded groundwater level; and
 - (b) has been approved in writing by the Council.
15. Any garage, carport or outbuilding constructed on the lot shall be of the same materials as the dwelling building except if the garage, carport or outbuildings is screened from the view of all roads, public accessways or designated areas of public open space.
16. Fencing shall only be erected on the boundary of the Building Envelope, not the property boundary.
17. The grazing of animals is prohibited.
18. (a) If, in the opinion of the Council—
- (i) a condition of planning approval is not being, or has not been, complied with; or
 - (ii) development is being or has been carried out in contravention of the Scheme or other than in accordance with the approved plans,
- then the Council shall give to the owner and occupier of the relevant land or building a notice in writing requiring the owner and occupier, or both, to comply with the condition, the Scheme or the approved plans, as the case may be, within a specified period as determined by the Council.
- (b) If the notice under Provision 18(a) is not complied with, an Officer of the Council, authorised by the Council for that purpose, may lawfully enter the land to carry out any works necessary to comply with the notice.
 - (c) The Council may recover any expenses incurred under Provision 18(b) in any manner in which it is from time to time entitled to recover rates levied by it under the Council Act 1995.

SCHEDULE NO. 6
EXEMPTED ADVERTISEMENTS
(under clause 5.3.4)

LANDUSE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building subject to compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws. A maximum of one free-standing composite advertising sign appurtenant to the lot boundary adjacent to the primary street frontage as determined by Council.	As per Signs, Hoarding and Bill Posting Local Laws.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from the building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²

LANDUSE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Showroom, race course, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by or on behalf of any such body, and;</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, carpark, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality and;</p> <p>(c) Advertisement signs illuminated and non-illuminated required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used for the managing agent thereof.	2m ²

COLUMN 1 TEMPORARY SIGNS	COLUMN 2 EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	COLUMN 3 MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites—advertisement signs displayed only for the duration of the construction as follows—</p> <p>(i) Dwelling</p>	One advertisement per street frontage containing details of the project and professional consultants and the contractors undertaking the construction work.	2m ²

COLUMN 1 TEMPORARY SIGNS	COLUMN 2 EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	COLUMN 3 MAXIMUM AREA OF EXEMPTED SIGN
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects (iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above. One sign as for (i) above. One additional sign showing the name of the project builder.	5m ² 10m ² 5m ²
Sale of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— (a) Dwellings (b) Multiple Dwellings, Commercial and Industrial Properties (c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above. One sign as for (a) above	Each sign shall not exceed an area of 2m ² Each sign shall not exceed an area of 5m ² Each sign shall not exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project building of the range of dwellings on display.	2m ² 5m ²

SCHEDULE NO. 7

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

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

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

2. Address in full:

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

4. Details of Proposed Sign

Height: _____ Width: _____ Depth: _____

Colours to be used: _____

Height above ground level (to top of Advertisement: _____

(to underside): _____

Materials to be used: _____

Illuminated: Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc:

If yes, state intensity of light source: _____

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

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

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

Signature of Advertiser: _____

(if different from landowners)

Date: _____

SCHEDULE NO. 8
ENVIRONMENTAL CONDITIONS
 (Under clause 4.21)

Scheme or Amt No.	Location of Land	Gazettal Date	Environmental Conditions	
TPS No.1— Amt 295	Baldivis Town Centre—Lots 6, 13 and Pt Lots 10 and 26 cnr Nairn Road and Safety Bay Road, Baldivis (EC1 on Scheme Map)	18.2.00	1	Environmental Management Plans The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 of the Minister for the Environment's 'Statement that a Scheme may be Implemented No. (5-2-7) published on 13.12.99— <ul style="list-style-type: none"> • Drainage and Nutrient Management Plan; • Soil and Groundwater Contamination and Remediation Plan; and • Pipeline Protection Plan.
			1-1	
			1-2	
			2	High Pressure Natural Gas Pipeline
			2-1	The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement— <ol style="list-style-type: none"> 1. Ground disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this table; 2. Temporary residence (including caravans, camping and similar); 3. Storage of materials and equipment;

Scheme or Amt No.	Location of Land	Gazettal Date	Environmental Conditions	
			2-2	<p>4. Fires and barbecues;</p> <p>5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</p> <p>6. Refuse disposal and landfill;</p> <p>7. Service stations, fuel lines and storage of fuel;</p> <p>8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</p> <p>9. Large obstructions to line of sight along the easement.</p>
			2-3	<p>The following landuses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 of this Table—</p> <p>1. Cycleways and footpaths;</p> <p>2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</p> <p>3. Public open space;</p> <p>4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in 1-1 of this Table; and</p> <p>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</p>
				<p>Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <p>1. 96 metres in the case of sensitive development as determined by the Council on advice of the Department of Environment and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</p> <p>2. 32 metres to the boundary of each residential lot, in the case of residential development; and</p> <p>3. At the Council's discretion, following consultation with the Department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</p>
TPS No.1— Amt 300	Pt Lot 306, Part Lot 16, Lot 774 and Lot 313 Fifty Road, Baldivis (EC2 on Scheme Map)	13/12/02	1 1-1	<p>Environmental Management Plans.</p> <p>The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be Implemented" No.000580 published on 19th December 2001, and shall be subsequently implemented in accordance with the provisions of the Plans:</p>
				1. Drainage and Nutrient Management Plan;

Scheme or Amt No.	Location of Land	Gazettal Date	Environmental Conditions	
				<ol style="list-style-type: none"> 2. Soil and Groundwater Contamination Investigation and Remediation Plan; 3. Pipeline Protection Plan. 4. Spray Drift Investigation and Management; and 5. Vegetation Management Plan;
			<p>2</p> <p>2-1</p> <p>2-2</p> <p>2-3</p>	<p>High Pressure Natural Gas Pipeline.</p> <p>The following activities, landuses and developments are prohibited within the high pressure natural gas pipeline easement—</p> <ol style="list-style-type: none"> 1. Ground disturbing activities, other than for the purposes for which the easement was created and for uses and developments that comply with condition 2-2 of this Table; 2. Temporary residence (including caravans, camping and similar); 3. Storage of materials and equipment; 4. Fires and barbecues; 5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil); 6. Refuse disposal and landfill; 7. Service stations, fuel lines and storage of fuel; 8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and 9. Large obstructions to line of sight along the easement. <p>The following uses and developments may be permitted within the high pressure natural gas pipeline easement with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 of this Table—</p> <ol style="list-style-type: none"> 1. Cycleways and footpaths; 2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres); 3. Public open space; 4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table; and 5. Car parking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres). <p>Minimum setbacks for uses and developments from the centre of the high pressure natural gas pipeline shall—</p> <ol style="list-style-type: none"> 1. Be 96 metres, in the case of sensitive development as determined by the Local Government on advice from the Department of Environment and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals; 2. In the case of residential development, 32 metres to the boundary of each residential lot; and

Scheme or Amt No.	Location of Land	Gazettal Date	Environmental Conditions
			<p>3. At the local government's discretion, following consultation with the Department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people, within 96 metres of the centre of the pipeline.</p> <p>3 Development in Proximity to Market Gardens</p> <p>3-1 If the market gardens adjacent to Pt Lots 306 and 16 are continuing to operate at the time of subdivision, noise attenuation measures shall be designed and implemented so that noise impacts on the amendment area are in accordance with the Environmental Protection (Noise) Regulations 1997.</p>

SCHEDULE NO. 9
DEVELOPMENT AREAS
 (Under clause 4.2)

Reference No.	Area	Provisions
DA1	Palm Beach Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA2	Cape Peron Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA3	Waikiki Gardens	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA4	Kennedy Park Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA5	St Michel Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA6	Secret Harbour Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA7	Anstey Park Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA8	Port Kennedy Resort	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA9	Fifty Road, Baldivis	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.

Reference No.	Area	Provisions
DA10	Settlers Hills Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA11	Lot 731 Eighty Road, Baldivis	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA12	Lots 1&2 Baldivis Road, Baldivis	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA13	Bayshore Gardens Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA14	Golden Bay	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA15	St Clair Estate	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA16	Statewise	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA17	Lot 500 Grand Ocean Blvd, Pt Kennedy	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA18	Green Meadows	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA19	CALM Baldivis	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA20	Lots 19-21 Clyde Ave, Baldivis	<p>An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</p> <p>In regards to Lots 19-21 Clyde Avenue, Baldivis the following provisions shall apply—</p> <p>1 Pipeline Protection Plan</p> <p>1-1 Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the Local Government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environment and the high pressure natural gas pipeline operator.</p> <p>1-2 The plan referred to in condition 1.1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-1970, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk</p>

Reference No.	Area	Provisions
		<p>criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority.</p> <p>2 High Pressure Natural Gas Pipeline</p> <p>2.1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement—</p> <ol style="list-style-type: none"> 1. Ground disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2.2 of this table; 2. Temporary residence (including caravans, camping and similar); 3. Storage of materials and equipment; 4. Fires and Barbecues; 5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil); 6. Refuse disposal land landfill; 7. Service stations, fuel lines and storage of fuel; 8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and 9. Large obstructions to line of sight along the easement. <p>2.2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the Local Government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1.1 of this Table—</p> <ol style="list-style-type: none"> 1. Cycleways and footpaths; 2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres); 3. Public Open Space; 4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1.1 of this Table; and 5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres). <p>2.3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <ol style="list-style-type: none"> 1. 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environment and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;

Reference No.	Area	Provisions
		<ol style="list-style-type: none"> 2. 32 metres to the boundary of each residential lot; in the case of residential development; and 3. At the Local Government's discretion, following consultation with the Department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.
DA21	Lot 1 Warnbro Sound Avenue	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA22	Baldivis (North)	<p>An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</p> <p>In regards to Portion of Lot 323 Eighty Road, Baldivis the following provisions shall apply—</p> <p>1 High Pressure Natural Gas Pipeline</p> <p>Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <ol style="list-style-type: none"> 1. 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environment and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals; 2. 32 metres to the boundary of each residential lot; in case of residential development; and 3. At the Local Government's discretion, following consultation with the department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.
DA23	Lots 11 and Pt 26 Safety Bay Rd, Baldivis	<p>An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</p> <p>In regards to Lot 11 Clyde Avenue and Pt Lot 26 Safety Bay Road, Baldivis the following provisions shall apply—</p> <p>1 Pipeline Protection Plan</p> <p>1-1 Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the Local Government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environment and the high pressure natural gas pipeline operator.</p> <p>1-2 The plan referred to in condition 1.1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines</p>

Reference No.	Area	Provisions
		<p>Act 1969-1970, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority.</p> <p>2 High Pressure Natural Gas Pipeline</p> <p>2.1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement—</p> <ol style="list-style-type: none"> 1. Ground disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2.2 of this table; 2. Temporary residence (including caravans, camping and similar); 3. Storage of materials and equipment; 4. Fires and Barbecues; 5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil); 6. Refuse disposal land landfill; 7. Service stations, fuel lines and storage of fuel; 8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and 9. Large obstructions to line of sight along the easement. <p>2.2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the Local Government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1.1 of this Table—</p> <ol style="list-style-type: none"> 1. Cycleways and footpaths; 2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres); 3. Public Open Space; 4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1.1 of this Table; and 5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres). <p>2.3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <ol style="list-style-type: none"> 1. 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environment and the pipeline operator, and including aged

Reference No.	Area	Provisions
		<p>persons accommodation, child care centres, schools and hospitals;</p> <ol style="list-style-type: none"> 2. 32 metres to the boundary of each residential lot; in the case of residential development; and 3. At the Local Government's discretion, following consultation with the Department of Environment and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.
DA24	Lot 169 Rae Road, Safety Bay	An approved Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.
DA25	Peeldale—Lots 4, 5, 50 and Pt Lot 51 Baldivis Road, Baldivis	<ol style="list-style-type: none"> 1. The subdivision and development of the land shall be generally in accordance with the approved Structure Plan together with all approved amendments and detailed area plans, where applicable. 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; <p>The Environmental Management Plan shall be prepared to the requirements of the City of Rockingham in consultation with the Department of Environment and the Water and Rivers Commission.</p> <p>The Plan shall include—</p> <ul style="list-style-type: none"> — 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— <ul style="list-style-type: none"> — 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;

Reference No.	Area	Provisions
		<ul style="list-style-type: none"> — 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. <p>The plan shall be implemented to the satisfaction of the City of Rockingham.</p>

SCHEDULE NO. 10
DEVELOPMENT CONTRIBUTION AREAS
 (Under clause 5.5)

Reference No.	Area	Provisions

ADOPTION

Adopted by resolution of the Council of the City of Rockingham at the Ordinary meeting of the Council held on the 26th day of August 1997.

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

FINAL APPROVAL

1. Adopted for Final Approval by resolution of the City of Rockingham at the Ordinary meeting of the Council held on the 27th day of August 2002 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

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

2. Adopted for Final Approval, as modified, by resolution of the City of Rockingham at the Ordinary Meeting of the Council held on the 24th day of August 2004 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

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

3. Recommended/Submitted for Final Approval by the Western Australian Planning Commission—

R. KOHN, Delegated Under Section 20 of WAPC Act 1985.

Date: 28 October 2004.

4. Final Approval Granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date: 2 November 2004.

POLICE

PO401***ROAD TRAFFIC ACT 1974**
TEMPORARY SUSPENSION OF REGULATIONS

I, Graham William Moon, Inspector (Traffic Services) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by Section 83(1) of that Act, and the consent of the Local Authorities having been obtained and nominated for the purposes of—

G. W. MOON, Inspector (Traffic Services).

A TRIATHLON by members/entrants of the GERALDTON TRIATHLON ASSN on 6 November 2004 between the hours of 15:00 Hrs and 17:00 Hrs, 13 November 2004 between the hours of 15:00 Hrs and 17:00 Hrs, 18 December 2004 between the hours of 15:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—RUNDLE PARK—KEMPTON STREET, CROWTHERTON STREET, CHAPMAN ROAD, CHAPMAN VALLEY ROAD AND RETURN.

All participants to wear approved head protection at all times for the cycle event.

A TRIATHLON by members/entrants of the SCHOOL SPORT WA on 5 November 2004 between the hours of 09:30 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—ESPLANADE, NEDLANDS AND DALKEITH.

All participants to wear approved head protection at all times for the cycle event.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—50 METRES LEFT LANE CLOSURE ON MOUNTS BAY ROAD THROUGH TURNING LANE INTO HACKETT DRIVE FOR 50 METRES, IN THE TOWN OF SUBIACO.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—50 METRES LEFT LANE CLOSURE ON THE AVENUE, LEFT TURN THROUGH INTERSECTION OF BIRDWOOD PARADE AND CONTINUE FOR 50 METRES, IN THE CITY OF NEDLANDS.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—50 METRES LEFT LANE CLOSURE ON QUEENSLEA DRIVE, LEFT THROUGH INTERSECTION INTO STIRLING HIGHWAY AND CONTINUE THROUGH TO RICHARDSON STREET, IN THE TOWN OF CLAREMONT.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—STOP/SLOW BATON AND TRAFFIC OFFICIAL AT INTERSECTION OF JOHNSTON STREET AND LILLA STREET TO ALLOW LEFT TURN FOR PARTICIPANTS, IN THE SHIRE OF PEPPERMINT GROVE.

All participants to wear approved head protection at all times.

A VINTAGE & CLASSIC MOTORCYCLE HILLCLIMB by members/entrants of the ALBANY VINTAGE & CLASSIC MOTORCYCLE CLUB on 7 November 2004 between the hours of 06:00 Hrs and 18:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—APEX DRIVE, ALBANY

A CYCLE TIME TRIAL RACE (15 KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 7 November 2004 between the hours of 07:30 Hrs and 10:00 Hrs, 16 November 2004 between the hours of 06:00 Hrs and 08:30 Hrs, 30 November 2004 between the hours of 06:00 Hrs and 08:30 Hrs, 14 December 2004 between the hours of 06:00 Hrs and 08:30 Hrs, 21 December 2004 between the hours of 06:00 Hrs and 08:30 Hrs, 28 December 2004 between the hours of 06:00 Hrs and 08:30 Hrs, 4 January 2005 between the hours of 06:00 Hrs and 08:30 Hrs, 18 January 2005 between the hours of 06:00 Hrs and 08:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—FORREST DRIVE AND LOVEKIN DRIVE IN KINGS PARK.

All participants to wear approved head protection at all times.

A CYCLE RACE by members/entrants of the MELVILLE FREMANTLE CYCLING CLUB on 10 October 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 17 October 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 31 October 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 7 November 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 14 November 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 21 November 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 28 November 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 12 December 2004 between the hours of 08:00 Hrs and 10:30 Hrs, 19 December 2004 between the hours of 08:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—CANVALE ROAD AND WITTENBERG DRIVE IN CANNING VALE.

All participants to wear approved head protection at all times.

A TRIATHLON by members/entrants of the HEDLAND TRI SPORTS ASSOCIATION on 28 November 2004 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—CRAWFORD STREET, MCGREGGOR STREET, ANDERSON STREET AND EDGAR STREET IN THE TOWN OF PORT HEDLAND.

A CRITERIUM CYCLE RACE by members/entrants of the EASTERN GOLDFIELDS CYCLE CLUB on 3 November 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 10 November 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 17 November 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 24 November 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 1 December 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 8 December 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 15 December 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 22 December 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 29 December 2004 between the hours of 17:00 Hrs and 18:45 Hrs, 5 January 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 12 January 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 19 January 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 26 January 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 2 February 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 9 February 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 16 February 2005 between the hours of 17:00 Hrs and 18:45 Hrs, 23 February 2005 between the hours of 17:00 Hrs and 18:45 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—NAMBI WAY, MELROSE ROAD, STOCKYARD WAY AND CARNEGIE ROAD IN KALGOORLIE.

All participants to wear approved head protection at all times.

A CRITERIUM CYCLE RACE by members/entrants of the EASTERN GOLDFIELDS CYCLE CLUB on 7 November 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 14 November 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 21 November 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 28 November 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 5 December 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 12 December 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 19 December 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 26 December 2004 between the hours of 07:30 Hrs and 09:45 Hrs, 2 January 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 9 January 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 16 January 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 23 January 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 30 January 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 6 February 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 13 February 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 20 February 2005 between the hours of 07:30 Hrs and 09:45 Hrs, 27 February 2005 between the hours of 07:30 Hrs and 09:45 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—NAMBI WAY, MELROSE ROAD, STOCKYARD WAY AND CARNEGIE ROAD IN KALGOORLIE.

All participants to wear approved head protection at all times.

A DUATHLON by members/entrants of the TRIATHLON WA on 24 October 2004 between the hours of 08:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—ACCESS ROAD, BRODIE HALL DRIVE, DE LAETER WAY, TURNER AVENUE, HAYMAN ROAD, HILL VIEW TERRACE, JARRAH ROAD, KENT STREET IN BENTLEY.

A SOLAHART DONNYBROOK MARATHON RELAY by members/entrants of the SOLAHART DONNYBROOK MARATHON RELAY on 20 November 2004 between the hours of 10:00 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—SOUTH WEST HIGHWAY, BOYUP BROOK ROAD, PRESTON ROAD, EMERALD STREET, STEERE STREET IN DONNYBROOK.

A TRIATHLON by members/entrants of the BUNBURY TRIATHLON CLUB on 31 October 2004 between the hours of 07:30 Hrs and 09:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—RICH ROAD, MINNINUP ROAD, FISHERMANS ROAD, CHISELHURST AVENUE IN THE SHIRE OF CAPEL.

A AQUATHON SERIES by members/entrants of the NICKOL BAY TRIATHLON CLUB on 21 November 2004 between the hours of 07:30 Hrs and 09:00 Hrs, 28 November 2004 between the hours of 07:30 Hrs and 09:00 Hrs, 5 December 2004 between the hours of 07:30 Hrs and 09:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—WARAMBIE ROAD, SEARIPPLE ROAD, WELCOME ROAD AND BALMORAL ROAD IN KARRATHA.

A CYCLE TIME TRIAL by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 12 December 2004 between the hours of 07:00 Hrs and 11:00 Hrs, 30 January 2005 between the hours of 07:00 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—HOPELANDS ROAD, PUNRAK ROAD, KARNUP ROAD, RAPIDS ROAD, LOWLANDS ROAD, KARGOTICH ROAD, MUNDIJONG ROAD, ST ALBANS ROAD, FOLLY ROAD, YOUNGS ROAD AND SERPENTINE ROAD IN THE SHIRE OF SERPENTINE JARRAHDAL.

All participants to wear approved head protection at all times.

A CYCLE TIME TRIAL (40KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 13 March 2005 between the hours of 07:00 Hrs and 13:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—HOPELANDS ROAD, PUNRAK ROAD, KARNUP ROAD AND LAKES ROAD IN THE SHIRE OF SERPENTINE JARRAHDAL.

All participants to wear approved head protection at all times.

A DUATHLON by members/entrants of the ALBANY TRIATHLON CLUB on 24 October 2004 between the hours of 09:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—LOWER DENMARK ROAD AND GRASMERE ROAD IN THE SHIRE OF ALBANY.

A TRIATHLON by members/entrants of the ALBANY TRIATHLON CLUB on 7 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 14 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 21 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—BARKER ROAD, GRAHAM STREET, SANDFORD ROAD, NORTH ROAD AND ALBANY HIGHWAY IN THE ALBANY AREA.

A AQUATHON by members/entrants of the ALBANY TRIATHLON CLUB on 19 December 2004 between the hours of 08:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—WHALERS COVE AND QUARANUP ROAD IN ALBANY.

A TRIATHLON by members/entrants of the DUMBLEYUNG EVENTS COMMITTEE on 6 November 2004 between the hours of 11:30 Hrs and 13:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—CNR ABSOLON & BENNETT STREET, PETERSON ROAD, SOUTH DUMBLEYUNG ROAD IN DUMBLEYUNG.

A CRITERIUM CYCLE RACE by members/entrants of the PEEL DISTRICT CYCLING CLUB on 5 December 2004 between the hours of 08:00 Hrs and 11:00 Hrs, 12 December 2004 between the hours of 08:00 Hrs and 11:00 Hrs, 19 December 2004 between the hours of 08:00 Hrs and 11:00 Hrs, 6 February 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 13 February 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 20 February 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 27 February 2005 between the hours of 08:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—ORESTES STREET, EROS PLACE, ORMSBY TERRACE, ACHERON ROAD IN SAN REMO.

All participants to wear approved head protection at all times.

A TRIATHLON AND DUATHLON by members/entrants of the SPORTS PERFORMANCE AND MANAGEMENT on 10 October 2004 between the hours of 08:00 Hrs and 13:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—HARBOUR DRIVE, SEAWARD DRIVE, DORCAS DRIVE, CARMELIA STREET, BASHFORD STREET, INDIAN OCEAN DRIVE, CERVANTES ROAD, SEVILLE STREET, ARAGON STREET, BROWN STREET, GREEN STREET AND CATALONIA STREET IN JURIE BAY.

A TRIATHLON EVENT by members/entrants of the HEDLAND TRI SPORTS ASSOCIATION on 13 November 2004 between the hours of 16:00 Hrs and 17:00 Hrs, 11 December 2004 between the hours of 16:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—CRAWFORD STREET, SUTHERLAND STREET, KEESING STREET AND ATHOL STREET IN THE TOWN OF PORT HEDLAND.

A CYCLE (PAIRS) TIME TRIAL RACE (28KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 17 October 2004 between the hours of 07:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—KARGOTICH ROAD, LEIPOLD ROAD, KING ROAD AND MUNDIJONG ROAD IN THE SHIRE OF SERPENTINE JARRAHDALE.

All participants to wear approved head protection at all times.

A CYCLE TIME TRIAL RACE (160KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 10 April 2005 between the hours of 07:30 Hrs and 15:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—HOPELAND ROAD, PUNRAK ROAD, KARNUP ROAD, RAPIDS ROAD, LOWLANDS ROAD, KARGOTICH ROAD, MUNDIJONG ROAD, ST ALBANS ROAD, FOLLY ROAD, YOUNG ROAD AND SERPENTINE ROAD IN THE SHIRE OF SERPENTINE JARRAHDALE.

All participants to wear approved head protection at all times.

A CRITERIUM CYCLE RACE FOR 'CELEBRATE MUNDIJONG' by members/entrants of the PEEL DISTRICT CYCLING CLUB on 7 November 2004 between the hours of 08:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—COCKRAM ROAD, ANSTEY ROAD, RICHARDSON ROAD AND ADONIS ROAD IN MUNDIJONG.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—20 METRES LEFT LANE CLOSURE ON JOHNSON PARADE, LEFT TURN THROUGH INTERSECTION OF BAYVIEW TERRACE AND CONTINUE FOR 50 METRES, 50 METRES LEFT LANE CLOSURE ON OWSTON STREET, LEFT TURN THROUGH INTERSECTION OF WELLINGTON STREET AND CONTINUE FOR 50 METRES, IN THE TOWN OF MOSMAN PARK.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—50 METRES LEFT LANE CLOSURE ON MCCABE STREET, LEFT TURN THROUGH INTERSECTION OF STIRLING HIGHWAY AND CONTINUE FOR 150 METRES, 300 METRES LEFT LANE CLOSURE ON STIRLING HIGHWAY THROUGH INTERSECTION OF ALFRED ROAD AND CONTINUE FOR 150 METRES, 1000 METRES LEFT LANE CLOSURE ON STIRLING HIGHWAY THROUGH INTERSECTION OF TYDEMAN ROAD AND CONTINUE ACROSS STIRLING BRIDGE TO CANNING HIGHWAY, IN THE CITY OF FREMANTLE.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—200 METRES LEFT LANE CLOSURE ON CANNING HIGHWAY, LEFT THROUGH INTERSECTION OF PRESTON POINT ROAD AND CONTINUE FOR 100 METRES, IN THE TOWN OF EAST FREMANTLE.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—100 METRES LEFT LANE CLOSURE ON LENTONA ROAD, LEFT THROUGH INTERSECTION OF CANNING HIGHWAY AND CONTINUE THROUGH NORTH LAKE ROAD INTERSECTION FOR 100 METRES, IN THE CITY OF MELVILLE.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—50 METRES LEFT LANE CLOSURE ON MENDS STREET, LEFT THROUGH INTERSECTION OF MILL POINT ROAD AND CONTINUE FOR 100 METRES, 50 METRES LEFT LANE CLOSURE ON MILL POINT ROAD, THROUGH INTERSECTION OF COODE STREET AND CONTINUE FOR 50 METRES, 150 METRES LEFT LANE CLOSURE ON MILL POINT ROAD/WAY ROAD, LEFT THROUGH INTERSECTION OF CANNING HIGHWAY AND CONTINUE THROUGH BERWICK STREET INTERSECTION FOR 100 METRES, IN THE CITY OF SOUTH PERTH.

All participants to wear approved head protection at all times.

A MASS PARTICIPATION BICYCLE RIDE by members/entrants of the ROTARY CLUB OF ST GEORGE on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—100 METRES LEFT LANE CLOSURE ON MILL POINT ROAD/CAUSEWAY ON RAMP, LEFT THROUGH INTERSECTION OF CAUSEWAY AND CONTINUE FOR 100 METRES, IN THE TOWN OF VICTORIA PARK.

All participants to wear approved head protection at all times.

A TRIATHLON (SUMMER SERIES) by members/entrants of the MANDURAH TRIATHLON CLUB INC on 7 November 2004 between the hours of 06:30 Hrs and 09:30 Hrs, 21 November 2004 between the hours of 06:30 Hrs and 09:30 Hrs, 23 January 2005 between the hours of 06:30 Hrs and 09:30 Hrs, 13 February 2005 between the hours of 06:30 Hrs and 09:30 Hrs, 27 February 2005 between the hours of 06:30 Hrs and 09:30 Hrs, 13 March 2005 between the hours of 06:30 Hrs and 09:30 Hrs, 10 April 2005 between the hours of 06:30 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—MARY STREET, LEIGHTON ROAD, PAUL STREET AND FAIRBRIDGE ROAD, IN HALLS HEAD.

All participants to wear approved head protection at all times for the cycle event.

A TRIATHLON (POWER STN BCH TRIATHLON) by members/entrants of the SPORTS PERFORMANCE AND MANAGEMENT on 7 November 2004 between the hours of 06:00 Hrs and 09:30 Hrs, 10 April 2005 between the hours of 06:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—FROM POINT CATHERINE PARK AT MCTAGGART COVE ALONG MCTAGGART COVE, ROBB ROAD, ROLLINSON ROAD, BENNETT AVENUE AND RETURN TO POINT CATHERINE PARK, IN HAMILTON HILL.

All participants to wear approved head protection at all times for the cycle event.

A TRIATHLON by members/entrants of the SCHOOL SPORT WA on 8 November 2004 between the hours of 09:30 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—RIVERTON DRIVE AND WATERSBY GROVE, IN THE CITY OF CANNING.

All participants to wear approved head protection at all times for the cycle event.

A CYCLING ROAD RACE by members/entrants of the WEST COAST MASTERS CYCLING COUNCIL INC on 14 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 21 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 5 December 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 19 December 2004 between the hours of 09:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—BRADFORD STREET, CHILVERS STREET, VALENTINE STREET AND HAZELHURST STREET, IN KEWDALE.

All participants to wear approved head protection at all times.

A CYCLING TIME TRIAL RACE (50KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 14 November 2004 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—BROOKTON HIGHWAY, KARRAGULLEN (ADJACENT TO EASTERN BORDER OF TOMEIO'S SERVICE STATION), HEADING SOUTH EAST FOR 25 KILOMETRES TO TURNING POINT AND RETURN TO FINISH OPPOSITE START.

All participants to wear approved head protection at all times.

A FOOT RACE—FOUNDERS 10 MILER by members/entrants of the WEST AUSTRALIAN MARATHON CLUB on 14 November 2004 between the hours of 07:00 Hrs and 09:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—PERRY LAKES DRIVE HOCKEY GROUNDS, OCEANIC DRIVE, ALDERBURY STREET, BROOKDALE STREET, UNDERWOOD AVENUE, AROUND PERRY LAKES 3 TIMES AND RETURN TO HOCKEY GOUNDS, IN THE TOWN OF CAMBRIDGE.

A CYCLE RACING by members/entrants of the PEEL DISTRICT CYCLING CLUB on 9 January 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 16 January 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 23 January 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 30 January 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 6 March 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 13 March 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 20 March 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 27 March 2005 between the hours of 08:00 Hrs and 11:00 Hrs, 3 April 2005 between the hours of 08:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—SMEATON WAY, PICKARD AVENUE AND BEALE WAY, IN CITY OF ROCKINGHAM.

All participants to wear approved head protection at all times.

A CYCLE RACING by members/entrants of the PEEL DISTRICT CYCLING CLUB on 14 November 2004 between the hours of 08:00 Hrs and 11:00 Hrs, 21 November 2004 between the hours of 08:00 Hrs and 11:00 Hrs, 28 November 2004 between the hours of 08:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—SMEATON WAY, PICKARD AVENUE AND BEALE WAY, IN CITY OF ROCKINGHAM.

All participants to wear approved head protection at all times.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988

SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
10505	Michael Francis O'Brien and Kim O'Brien	Application for the grant of a producer's licence in respect of premises situated in Margaret River and known as Celestial Bay.	28/11/2004
10506	Sunland Australia Pty Ltd	Application for the grant of a restaurant licence in respect of premises situated in Northbridge and known as Pavillion Lifestyle Café.	17/11/2004
10507	Goldshow Pty Ltd	Application for the grant of a restaurant licence in respect of premises situated in Inglewood and known as Avenue Nine.	18/11/2004
10511	Allen Shaw, Andrew Pimm and Christopher Stewart Martin	Application for the grant of a Producer's licence in respect of premises situated in Allanson and known as Brew 42	30/11/2004

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i>			
10513	Woolworths Limited	Application for the grant of a Wholesaler's licence in respect of premises situated in Perth Airport and known as Woolworths Distribution Centre - Perth Airport	29/11/2004
10514	Justin Hatziathanasiou	Application for the grant of a Restaurant licence in respect of premises situated in Coolbinia and known as Bugzy's	21/11/2004
10515	LMS Property Group Pty Ltd and Turbo Enterprises Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Perth and known as LM Distributors	25/11/2004
10516	Moltoni Holdings Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Gingin and known as Windshaker Ridge	07/12/2004
10517	Fraser Gallop Estate Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Busselton and known as Fraser Gallop Estate	24/11/2004
10521	Another Horse Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Guilderton and known as Cafe Amooore	01/12/2004
10523	Vincor Australia Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in West Perth and known as Vincor Australia Pty Ltd	03/12/2004
10525	Malcolm Robert Washbourne and Ann Spencer	Application for the grant of a Producer's licence in respect of premises situated in Wilyabrup and known as Arimia Estate	29/11/2004
APPLICATION FOR EXTENDED TRADING PERMIT—ONGOING EXTENDED HOURS			
21783	Perth Waterfront Pty Ltd	Application for the grant of an extended trading permit - ongoing extended hours, in respect of premises situated in Perth and known as The Lucky Shag Waterfront Bar	21/11/2004
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
207723	Secret Harbour Pty Ltd	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Secret Harbour and known as Secret Harbour Golf Links.	25/11/2004
208384	Panache Perth Pty Ltd	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Subiaco and known as Panache Gourmet Food & Wine Perth	30/11/2004

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

Dated: 17 November 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

TREASURY AND FINANCE

TF401

FINANCIAL ADMINISTRATION AND AUDIT ACT 1985

TREASURER'S INSTRUCTIONS

It is notified for general information that, pursuant to section 58 of the *Financial Administration and Audit Act 1985*, the Treasurer has issued the following amended Treasurer's Instructions to be effective from the date this notice is published in the *Government Gazette*.

Treasurer's Instruction	Topic
310	Payments and Returned Payments
521	Portability of Employer's Unfunded Liability for Superannuation Under Schemes Administered by the Government Employees Superannuation Board
904	Performance Indicators
953	Publication and Presentation of Estimates
953H	Publication and Presentation of Estimates by Statutory Authorities that Receive Funding Through the Appropriation 'Contribution to Hospital Fund' Within the Consolidated Fund
955	Contributions by Owners Made to Wholly Owned Public Sector Entities
1106	Transition to Australian Equivalents to International Financial Reporting Standards
1201	Structure of the Internal Audit Function

The full suite of Financial Administration Legislation (including the Treasurer's Instructions) may be purchased from the State Law Publisher and is also available for download from the Department of Treasury and Finance's homepage www.dtf.wa.gov.au and click on Financial Legislation—FAAA & Tis under the item Treasury.

TRANSPORT

TR401*

WESTERN AUSTRALIAN MARINE ACT 1982

PERSONAL WATERCRAFT—CLOSURE OF WATERS TO NAVIGATION

City of Bunbury

Leschenault Estuary and Collie River

Department for Planning and Infrastructure
Fremantle WA, 19 November 2004.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, the department by this notice revokes Notice TR401 as published in the *Government Gazette* on 5 November 2004 and hereby closes the following areas of water to navigation by personal watercraft—

Leschenault Estuary: Closed to navigation by personal watercraft—All those waters of the Leschenault Estuary to the west of a line commencing at the Turkey Point boat launching ramp and extending to the eastern extremity of the sea wall on the northern shore of "The Cut" unless transiting through the Estuary directly to or from the Collie River to open waters.

Collie River: Closed to navigation by personal watercraft—All the waters of the Collie River except when launching or recovering from the Grand Canals but must only navigate directly to or from open waters.

GREG MARTIN, Chief Executive Officer,
Department For Planning And Infrastructure.

WATER

WA401*

COUNTRY TOWNS SEWERAGE ACT 1948


COUNTRY SEWERAGE AREA ORDER NUMBER 2 OF 2004

Made by the Governor in Executive Council under Section 4 of the Act.

Citation

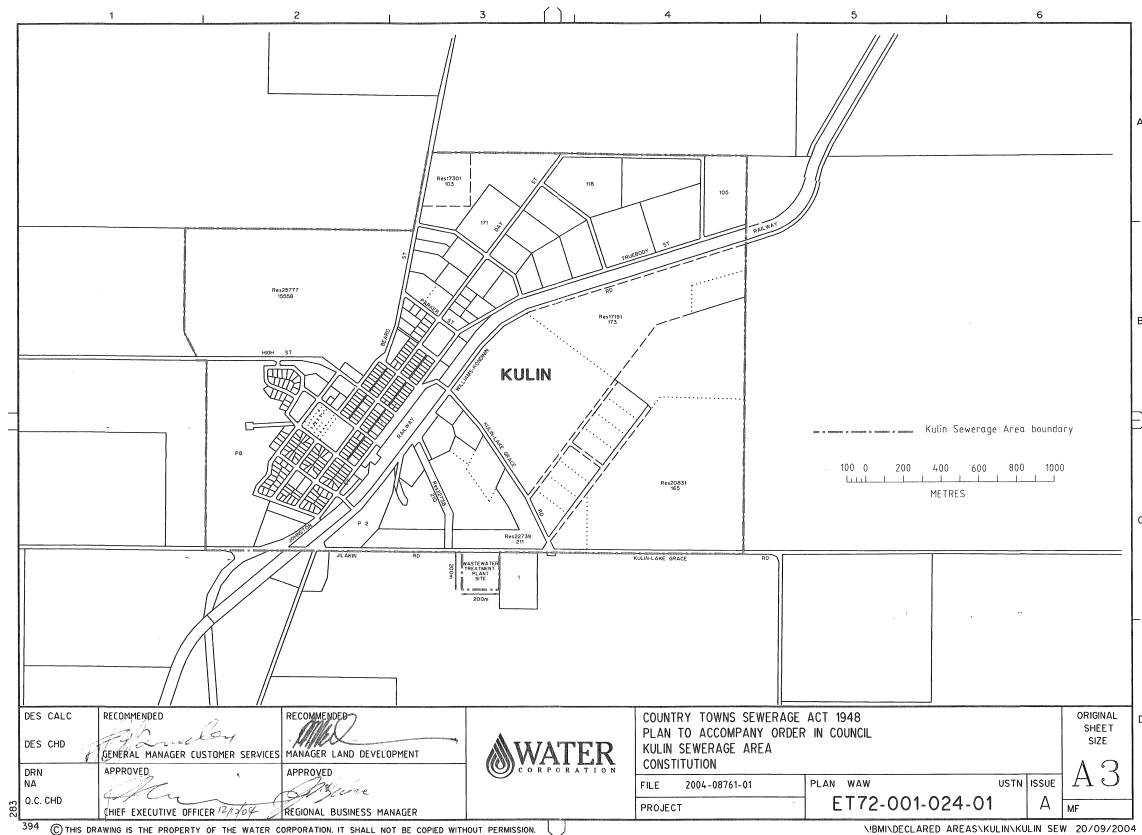
This Order may be cited as the Country Sewerage Areas Order Number 2 of 2004.

Kulin Sewerage Area constituted

The boundary of the Kulin Sewerage Area is shown bordered in red  on Water Corporation plan ET 72-001-024-01.

Information plan of Kulin Area

The boundary of the Kulin Sewerage Area as constituted by this Order is shown for information purposes in the plans in Schedule 1.



WA402*

WATER AGENCIES (POWERS) ACT 1984
NOTICE OF PROPOSAL TO CONSTRUCT FACILITY
Shire of Victoria Plains
Gillingarra Trial Biosolids Facility

The Water Corporation proposes to construct a trial biosolids Storage Facility on a property within the Shire of Victoria Plains.

The Water Corporation will initially construct the trial facility, to store biosolids produced from the Water Corporation's wastewater treatment plants in Perth, and monitor it for twelve months to assess the building structure, floor integrity, and operation and maintenance activities along with odour and fly control.

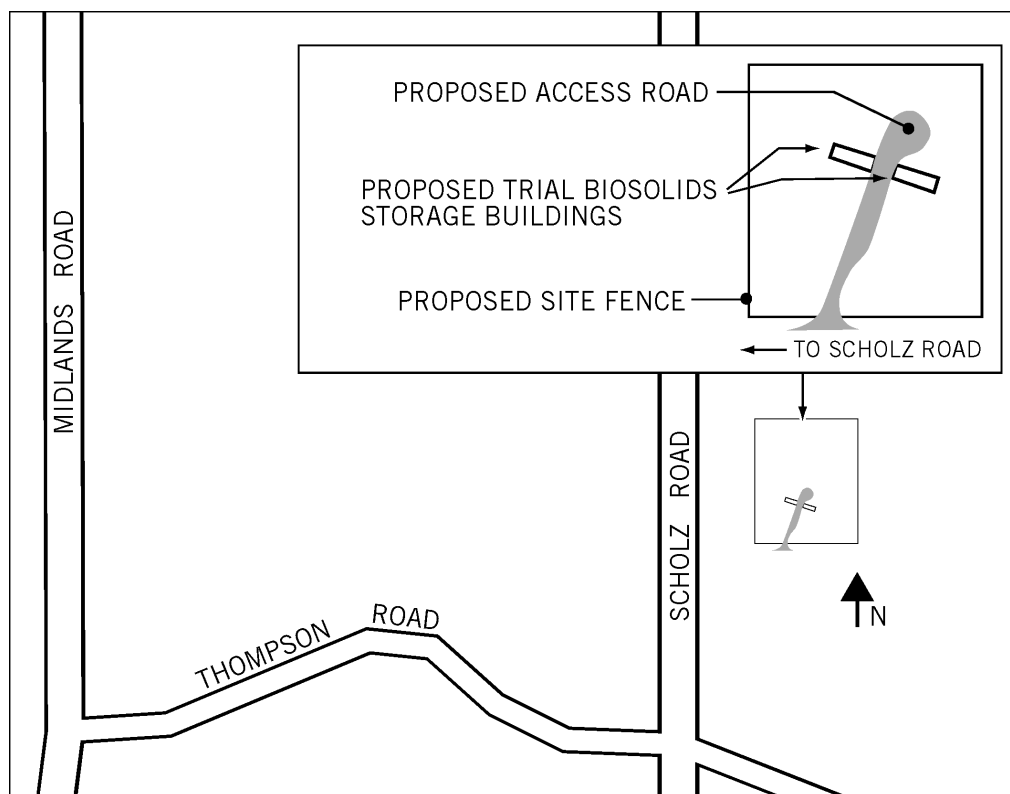
The proposed facility will be situated on a private agricultural property in the locality of Gillingarra, 20km south of Moora.

The proposed works are scheduled to commence in March 2005 and be completed in July 2005.

A copy of this Notice of Proposal (referred to as GJ10-0-1) is available Moora District Water Corporation office, Lot 370 Drummond Street, Moora.

Further information may be obtained from the Water Corporation website at www.watercorporation.com.au/wastewater/wastewater_biosolids.cfm or by contacting the Project Manager, Dale Sliker, on (08) 9420 2236.

Objections to the proposed works will be considered if lodged in writing to the Project Manager, Dale Slieker, Water Corporation, 629 Newcastle Street, Leederville, 6007 or PO Box 100, Leederville, 6902, before the close of business on 20 December 2004.



WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
 EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13
 (No. 44 of 2004)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Downer Engineering Power Pty Ltd from the requirements of Regulation 3.98 of the Occupational Safety and Health Regulations 1996, with respect to the need to comply with the requirement to fit flashback arrestors in circumstances in which single hose LPG gas systems are used by your company for work-related purposes.

Dated this 15 day of November 2004

NINA LYHNE, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Edmund James Gray, late of 50 Finchley Crescent, Balga in the State of Western Australia, Bus Driver, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estate of the deceased, who died on the 2nd day of September 2004, are required by the

Executor, Robert Vojakovic to send the particulars of their claim to Messrs Taylor Smart of Level 8, 50 St George's Terrace, Perth in the State of Western Australia, by the 20th day of December 2004, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he then has had notice.

Dated the 16th day of November 2004.

GARRY E. SAME, Taylor Smart.

ZZ202

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Horace Robert Carter, late of Bethel Hostel, Bethel Way, Albany in the State of Western Australia, Retired Storeman, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estate of Horace Robert Carter, deceased who died on the 20th day of March 2004 at Albany in the State of Western Australia are required by the personal representatives Doris Lillian Zimmerli of 49 Amazon Drive, Mandurah, Western Australia and George William Carter of 144 Ulster Road, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the 16th day of December 2004 after which date the personal representatives may convey or distribute the assets having regard only to the claim for which they have then had notice.

ZZ203

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Robert Carter, late of Lot 8, Old Elleker Road, Gledhow, Albany in the State of Western Australia, Floriculturist, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estate of John Robert Carter, deceased who died on the 2nd day of February 2003 at Albany in the State of Western Australia are required by the personal representatives George William Carter of 144 Ulster Road, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the 16th day of December 2004 after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

ZZ204

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of the late Kevin Gallagher of Unit 9, 91 Waterloo Street, Tuart Hill in the State of Western Australia supervisor deceased, who died on 13th August 2004.

Creditors and other persons having claim (to which section 63 of the Trustees Act 1962 relates) are required by the Solicitor for the Administrator Sarah Curthoys of Curthoys & Co, Solicitors of PO Box 259, Victoria Park, 6979 to send particulars of their claims to her by 31st December 2004 after which date the Solicitor for the Administrator may convey or distribute the assets having regard only to the claims of which she has notice.

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

Notice to Creditors and Claimants

In the estate of the late Leonie Elizabeth Tange of 9 Vanilla Glades, Kenwick in the State of Western Australia self employed deceased, who died on 10th June 2004.

Creditors and other persons having claim (to which section 63 of the Trustees Act 1962 relates) are required by the Solicitor for the Administrator Sarah Curthoys of Curthoys & Co, Solicitors of PO Box 259, Victoria Park, 6979 to send particulars of their claims to her by 31st December 2004 after which date the Solicitor for the Administrator may convey or distribute the assets having regard only to the claims of which she has notice.

ZZ206**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Myrna Joy Bosio, late of 6 Ethan Court, Riverton, Western Australia, Burser, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the deceased who died on 11 August 2004 are required by the Executor William Bosio to send particulars of their claim to him, care of Butcher Paull & Calder, 8th floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: JMC/JC/2004 0743) within one month of the date of publication hereof after which date the Executor may convey or distribute the assets having regard to the claims of which he then has notice.

Dated 16th November 2004.

BUTCHER PAULL & CALDER, as solicitors for the Executor.

ZZ207**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Claims against the estate of Ronald Aloysius Clifford Lewin, late of Mendi, Southern Highland Province, Papua New Guinea, Teacher, deceased should be sent to Dorothy Mathilda Bridget Lewin of 11 Bredgar Way, Marangaroo, WA within one (1) month of the date of publication hereof after which date the personal representative may convey or distribute the assets having regard only to any claims received.

DOROTHY MATHILDA BRIDGET LEWIN.

ZZ208**PUBLIC TRUSTEE ACT 1941****ADMINISTERING OF ESTATES**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act, 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 17th day of November 2004.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Cox, Aubrey Clarence (DE33004694EM36); Subiaco; 22/9/2000; 15/9/04.

Townsend, Laurence Henry (DE19753840EM26); Mt Pleasant; 12/9/04; 1/11/04.

ZZ209

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 19th December 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Blackman, Margery, late of Craigville Gardens 1 French Road Melville formerly of 123 Kitchener Road Alfred Cove, died 24/9/04, (DE19580798EM23)

Hudson, Herbert Raymond, late of Unit 3/101 Thomas Street Subiaco, died 12/10/02, (DE19954311EM113)

Jones, Harold Llewellyn, late of 42 Beaumont Way Greenwood, died 12/10/04, (DE19992206EM12)

Kennedy, Elizabeth, late of 39 Brunswick Road Thornlie, died 10/10/04, (DE19915746EM27)

McLaren, David John, late of Elanora Villas Lodge 37 Hastie Street Bunbury, died 4/10/04, (DE19753937EM37)

Minchin, Roslyn Anne, late of 36 Pyrus Way Forrestfield, died 23/10/04, (DE33013857EM13)

Playle, Joyce Doreen, late of Tanby Hall Room 14/5 Belrose Crescent Cooloongup, died 29/10/04, (DE19932639EM36)

Rudd, Pamela Reynolds, late of Unit 3/10 Kent Street Busselton, died 7/10/04, (DE19750235EM32)

Stockford, Bessie Allan, late of Brightwater Care 95 Imperial Circuit Madeley, died 28/10/04, (DE19763143EM36)

Vose, Desmond James, late of St Michael's Nursing Home 53 Wasley Street North Perth formerly of 17 Ewing Street Bentley, died 24/10/04, (DE19921449EM22)

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

WESTERN AUSTRALIA

LABOUR RELATIONS REFORM ACT 2002

Price: \$25.85 counter sales
Plus postage on 400 grams

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

CRIMINAL INVESTIGATION
(IDENTIFYING PEOPLE) ACT 2002

Price: \$18.50 counter sales
Plus postage on 272 grams

*Prices subject to change on addition of amendments.



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