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PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

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*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- 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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- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

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).

All other Notices

Per Column Centimetre—\$10.45

Bulk Notices—\$194.70 per page

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 —

MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining Amendment Regulations (No. 3) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations (No. 3) 2005*.

2. Commencement

These regulations come into operation on 1 July 2005.

3. The regulations amended

The amendments in these regulations are to the *Mining Regulations 1981**.

[* *Reprint 5 as at 16 July 2004.*]

4. Regulation 86A amended

Regulation 86A(7) is repealed and the following subregulations are inserted instead —

“

(7) For the purposes of subregulation (6), a royalty part-payment for a mineral shall be paid within 30 days after the end of the quarter during which a part-payment of the gross invoice value of the mineral was paid by the purchaser of the mineral.

(7a) The amount of a royalty part-payment shall be calculated using a method approved by the Director General of Mines.

”

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401

MARKETING OF POTATOES ACT 1946 POTATO MARKETING POOLS

Potato Marketing Corporation of
Western Australia.

In accordance with Section 26(2) of the Marketing of Potatoes Act 1946—

Pool 1, Season 2005/06

Pool Period: 1 July to 27 August 2005

Estimated mass of potatoes to be accepted: 9,120 tonne

Additional Specifications: Nil

Allocation of Market Entitlements to growers is in accordance with the guidelines established with the Minister for Agriculture.

CEMETERIES

CC401*

CEMETERIES ACT 1986

Shire of Harvey

SCALE OF FEES AND CHARGES

In pursuance of powers conferred upon it by Section 53 of the Cemeteries Act, the Shire of Harvey hereby records having resolved on the 26th April, 2005, that the following fees and charges shall apply to all cemeteries within the Shire of Harvey from the 1st July, 2005.

All fees and charges are inclusive of GST.

1. CEMETERY FEES

General Charges

1.1	Reservation of specific site (Non-refundable)	\$176.00
1.2	Ordinary land for grave 2.4m x 1.2m	\$595.00
1.3	Interment of an adult in a grave any depth to 2.1m deep, including registration fee and use of number plate	\$450.00
1.4	For interment of a child, under the age of seven (7) in grave any depth to 2.1m deep including registration fee and use of number plate.	\$205.00
1.5	Internment of a stillborn child	\$150.00
1.6	For interment of cremated ashes	\$188.00
	Bronze plaque for grave other than niche wall or rose garden	On Application
	Re-opening an ordinary grave;	
1.7	Each interment of an adult	\$450.00
1.8	Each interment of a child under seven (7) years	\$205.00
1.9	Each interment of a stillborn child	\$150.00

2. *Extra Fees*

2.1	Internment without due notice	\$215.00
2.2	Internment not in usual hours	\$215.00
2.3	Internment on a Saturday, Sunday or Public Holiday	\$240.00
2.4	Fee of exhumation	\$1100.00

3. Miscellaneous Charges

3.1	Funeral Director's Annual Licence Fee	\$88.00
3.2	Single Funeral Permit (Funeral Director's Only)	\$55.00
3.3	Single Funeral Permit (other than Funeral Director's)	\$250.00
3.4	Monumental Mason's Annual Fee	\$110.00
3.5	Single Monument Permit (Monumental Masons only)	\$55.00
3.6	Permit to erect a headstone/kerbing	\$66.00
3.7	Copy of Local Laws	\$22.00
3.8	Copy of Grant of Right of Burial	\$22.00
3.9	Renewal of Grant of Right of Burial	\$87.00
3.10	Refund of unexpired Grant of Right of Burial not to exceed the amount originally paid, less an administration fee of;	\$77.00

DISPOSAL OF ASHES**4. Niche Wall**

4.1	Reservation for placement	\$66.00
4.2	Placement in single niche including bronze plaque and standard inscription	\$229.00
4.3	Placement in double niche including bronze plaque and standard inscription	\$283.50
4.4	Second inscription	\$171.00
4.5	Plaque for reserved position: Single Niche	\$124.00
4.6	Plaque for reserved position: Double Niche	\$220.00
4.7	Standard niche wall vase	\$56.00
4.8	Tranquil vase (pyramid shape)	\$56.00
4.9	Conical vase	\$56.00
4.10	Additional Text Line	\$18.00

5. Memorial Garden of Remembrance

5.1	Reservation for Internment	\$66.00
5.2	Internment including bronze plaque 143mm x 117mm	\$229.00
5.3	a second internment	\$258.00
5.4	Second internment and plaque	\$229.00
5.5	Internment including bronze plaque 143mm x 117mm and reservation for three additional internments	\$315.00
5.6	Second, third and fourth internments and plaque (each)	\$229.00
5.7	Plaque for reserved position: Single	\$171.00

MICHAEL PARKER, Chief Executive Officer.

HEALTH

HE401*

MEDICAL ACT 1894**MEDICAL (UNMET AREA OF NEED) DETERMINATION (No. 5) 2005**Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.**Citation**1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 5) 2005*.**Commencement**2. This determination comes into operation on the day on which it is published in the *Government Gazette*.**Unmet area of need**

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

Expiry of determination

4. This determination expires 2 years after its commencement.

SCHEDULE

- Psychiatric Medical Services (Consultant Psychiatrists, Registrars, Junior Medical Officers and Medical Officers) in the following areas—

City of Albany
City of Kalgoorlie Boulder
Town of Northam
Shire of Northam
Town of Narrogin
Shire of Narrogin
City of Geraldton
Shire of Esperance
Shire of Beverley
Shire of Boyup Brook
Shire of Brookton
Shire of Broomehill
Shire of Bruce Rock
Shire of Carnamah
Shire of Chapman Valley
Shire of Chittering
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Denmark
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
Shire of Greenough
Shire of Irwin
Shire of Jerramungup
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojunup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
Shire of Meekatharra
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Shire of Mount Magnet
Shire of Mount Marshall
Shire of Mukinbudin
Shire of Mullewa
Shire of Murchison
Shire of Narembeen
Shire of Ngaanyajaraku
Shire of Northampton
Shire of Nungarin
Shire of Perenjori
Shire of Pingelly
Shire of Quairading
Shire of Ravensthorpe

Shire of Sandstone
 Shire of Serpentine-Jarrahdale
 Shire of Tammin
 Shire of Tambellup
 Shire of Three Springs
 Shire of Toodyay
 Shire of Trayning
 Shire of Victoria Plains
 Shire of Wagin
 Shire of Wandering
 Shire of West Arthur
 Shire of Westonia
 Shire of Wickepin
 Shire of Williams
 Shire of Wiluna
 Shire of Wongan-Ballidu
 Shire of Woodanilling
 Shire of Wyalkatchem
 Shire of Yalgoo
 Shire of Yilgarn
 Shire of York

Dated this 11th day of May 2005.

JIM McGINTY MLA, Minister for Health.

HE402*

MENTAL HEALTH ACT 1996

MENTAL HEALTH (AUTHORIZED MENTAL HEALTH PRACTITIONERS) ORDER 2005

Made by the Chief Psychiatrist under section 20.

Citation

1. This order may be cited as the *Mental Health (Authorized Mental Health Practitioners) Order 2005*.

Commencement

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

Authorized mental health practitioner

3. The mental health practitioner specified in Schedule 1 to this order is designated as an authorized mental health practitioner.

SCHEDULE 1

NAME	PROFESSION
Blankendaal, Joanne	Mental Health Nurse
Collins, Charlotte	Mental Health Nurse
Disspain, Catherine	Mental Health Nurse
Fincham, Mark	Mental Health Nurse
Gallaway, Peta	Mental Health Nurse
Glennen, Michael	Mental Health Nurse
Jermy, Craig	Mental Health Nurse
Johnson, Monika	Mental Health Nurse
Lambourne, Paul	Mental Health Nurse
McGivern, Catherine	Mental Health Nurse
Marler, Paula	Mental Health Nurse
Norton, Trevor	Mental Health Nurse
O'Brien, Margaret	Mental Health Nurse
Purton, Karl	Mental Health Nurse
Short, Jacqueline	Mental Health Nurse
Simpson, Michael	Mental Health Nurse
Stewart, Andrew	Social Worker
Tahana, Til	Mental Health Nurse
Tucker, Mary	Mental Health Nurse
Vandale, Marianne	Mental Health Nurse
Wilkins, Richard	Social Worker

Dated: 17 May 2005.

Dr ROWAN DAVIDSON, Chief Psychiatrist.

HE403*

MENTAL HEALTH ACT 1996
MENTAL HEALTH (AUTHORIZED MENTAL HEALTH PRACTITIONERS)
REVOCATION ORDER 2005

Made by the Chief Psychiatrist under section 20.

Citation

1. This order may be cited as the *Mental Health (Authorized Mental Health Practitioners) Revocation Order 2005*.

Commencement

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

Revocation of designation

3. The designation, as an authorized mental health practitioner, of the mental health practitioners specified in Schedule 1 to this order is revoked.

SCHEDULE 1

NAME	PROFESSION
Fraser, Ian	Mental Health Nurse
Fraser, Julie	Mental Health Nurse
Haigh, Alison	Mental Health Nurse
Jenkins, Louise	Mental Health Nurse
Mellican, Chris	Mental Health Nurse
Steiner, Gabe	Mental Health Nurse
Swallow, Natasha	Mental Health Nurse
Taylor, John Hughes	Mental Health Nurse
Whittaker, Geoff	Mental Health Nurse
Wolonski, Joe	Mental Health Nurse

Dated: 17 May 2005.

Dr ROWAN DAVIDSON, Chief Psychiatrist.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

Shire of Gingin
(BASIS OF RATES)

Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: GG5-4#4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 1 July 2005.

CHERYL GWILLIAM, Director General.

SCHEDULE

ADDITION TO GROSS RENTAL VALUE AREAS
SHIRE OF GINGIN

All that portion of land being Lots 67 to 77 inclusive and 127 to 130 inclusive as shown on Deposited Plan 40788 and Lots 44, 45, 63, 64, 78 to 83 inclusive and 131 to 135 inclusive as shown on Deposited Plan 41978.

LG402*

LOCAL GOVERNMENT ACT 1995*Shire of Capel*
(BASIS OF RATES)Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: CP5-4#04

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 17th February 2005.

CHERYL GWILLIAM Director General.

SCHEDULE**ADDITION TO GROSS RENTAL VALUE AREA**
SHIRE OF CAPEL

All those portions of land being Lot 1880, Lots 1895 to 1906 inclusive, Lots 2217 to 2219 inclusive, Lots 2234 to 2236 inclusive and Lots 2315 to 2320 inclusive as shown on Deposited Plan 42115; and Lots 1751 to 1756 inclusive and Lots 1790 to 1797 inclusive as shown on Deposited Plan 43595.

LG403*

LOCAL GOVERNMENT ACT 1995*Shire of Capel*
(BASIS OF RATES)Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: CP5-4#04

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 11 April 2005.

CHERYL GWILLIAM Director General.

SCHEDULE**ADDITION TO GROSS RENTAL VALUE AREA**
SHIRE OF CAPEL

All those portion of land being Lot 2110 as shown on Deposited Plan 42954.

LG404*

LOCAL GOVERNMENT ACT 1995*Shire of Capel*
(BASIS OF RATES)Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: CP5-4#04

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of

the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 31 March 2005.

CHERYL GWILLIAM Director General.

SCHEDULE
ADDITION TO GROSS RENTAL VALUE AREA
SHIRE OF CAPEL

All those portions of land being Lots 2079 to 2082 inclusive, Lots 2108, 2109 and 2111—2116 inclusive, Lots 2134 to 2139 inclusive and Lots 2154 to 2158 inclusive as shown on Deposited Plan 42954; Lots 2058 to 2066 inclusive, Lots 2076 to 2078 inclusive, Lots 2083 to 2085 inclusive, Lots 2103 to 2107 inclusive and Lots 2130 to 2133 inclusive as shown on Deposited Plan 42960; Lots 1812 to 1825 inclusive, Lots 2159 to 2171 inclusive and Lots 2176 to 2191 inclusive as shown on Deposited Plan 43633.

LG405*

LOCAL GOVERNMENT ACT 1995
Shire of Mundaring
(BASIS OF RATES)

Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: MG5-4#02

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 1 July 2005.

CHERYL GWILLIAM Director General.

SCHEDULE
ADDITIONS TO GROSS RENTAL VALUE AREA
SHIRE OF MUNDARING

All those portions of land comprised in the schedules below—

SCHEDULE “A”

All that land being Lots 30 to 40 inclusive and Lots 53 to 61 inclusive as shown on Plan 23731.

SCHEDULE “B”

All that land being Lot 123 as shown on Diagram 7405; Lot 123 as shown on Diagram 10412; Lot M1824 as shown on Diagram 13690; Lot 2 as shown on Diagram 16856; Lot 1 as shown on Diagram 41676; Lot 1 as shown on Diagram 47578; Lot 70 as shown on Diagram 56786; Lot 6 as shown on Diagram 60315; Lot 9 as shown on Diagram 60316; Lots 11 to 14 inclusive as shown on Diagram 62596; Lots 1 to 4 inclusive as shown on Diagram 64574; Lot 6 as shown on Diagram 72865; Lot 50 as shown on Diagram 85563; Lot 25 as shown on Diagram 85697; Lot 6 as shown on Diagram 90061; Lot 5 as shown on Diagram 90062 and Lots 700 and 701 as shown on Diagram 91434.

SCHEDULE “C”

All that land being Lots 200 to 203 inclusive, Lots 213 and 214 as shown on Deposited Plan 25023; Lots 204 to 211 inclusive as shown on Deposited Plan 25024; Lot 212 as shown on Deposited Plan 25620; Lots 43 and 46 as shown on Deposited Plan 27728; Lot 7 as shown on Deposited Plan 31944; Lot 508 as shown on Deposited Plan 34805; Lots 41 to 52 inclusive as shown on Deposited Plan 40033; Lot 17966 as shown on Deposited Plan 89327; Lot 2730 as shown on Deposited Plan 89958; Lot 2973 as shown on Deposited Plan 102083; Lot 1693 as shown on Deposited Plan 103788; Lot 1923 as shown on Deposited Plan 108984; Lot 2234 as shown on Deposited Plan 119018; Lot 26063 as shown on Deposited Plan 149992; Lot 26743 as shown on Deposited Plan 158704; Lot 307 as shown on Deposited Plan 160597; Lot 5369 as shown on Deposited Plan 164821; Lot 128 as shown on Deposited Plan 222834; Lots 82 and 87 as shown on Deposited Plan 222945; Lot 1225 as shown on Deposited Plan 247513; Lot 3209 as shown on Deposited Plan 254947 and Lot 1502 as shown on Deposited Plan 255841.

LG406*

LOCAL GOVERNMENT ACT 1995*Shire of Donnybrook-Balingup*

(BASIS OF RATES)

Department of Local Government
and Regional Development,
16 May 2005.

DLGRD: MG5-4#02

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 18 April 2005.

CHERYL GWILLIAM Director General.

SCHEDULE

ADDITION TO GROSS RENTAL VALUE AREAS

SHIRE OF DONNYBROOK-BALINGUP

All that portion of land being Lots 3 and 4 as shown on Diagram 90885.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982**NAVIGABLE WATERS REGULATIONS**

RESTRICTED SPEED AREAS—ALL VESSELS

“Nannup Hotel Cup”—2005

Blackwood River

Department for Planning and Infrastructure,
Fremantle WA, 20 May 2005.

Acting pursuant to the powers conferred by Section 115A of the Western Australian Marine Act 1982, the department by this notice exempts all vessels, as detailed below, from the provisions of Regulation 48 of the Navigable Waters Regulations.

The exemption shall only apply to authorised bona fide vessels approved by the committee of the Power Dinghy Racing Club (PRDC), for the “Nannup Hotel Cup” dinghy racing event, to be held on the Blackwood River on the 5th June 2005, between the Nannup Tourist Park and Sues Bridge on the Blackwood River.

GREG MARTIN, Chief Executive Officer,
Department for Planning and Infrastructure.

MINERALS AND PETROLEUM

MP401*

MINING ACT 1978

INSTRUMENT OF EXEMPTION

The Minister for State Development, pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby exempts all areas of land as described in the schedule hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from DIVISIONS 1 to 5 of Part IV of the Mining Act 1978.

SCHEDULE OF LAND DESCRIPTIONS

AREA 1—“LIVISTONA”

Description

All that portion of land bounded by lines from the starting point at the North Western corner of Reserve 41312(King Loc 695), thence South along the Western boundary of King Loc 695 to the South

Western corner of King Loc 695, thence South Westerly along the boundary of Ivanhoe pastoral Station 3114/640 King Loc 710 and the Northern side of the Victoria Highway, thence along the Northern Boundary of the Great Northern Highway and the boundary of King Loc 710, thence along the Southern boundary of Crown Reserve 21316 and the Northern boundary of Great Northern Highway, thence along the Western boundary of King Loc 710 and the Eastern boundary of a parcel of Vacant Crown Land which borders the Southern boundary of Reserve 1601(King Loc 497) to the a point on the Southern boundary of King Loc 497, thence due East along the boundary of King Loc 497 to the South East corner of King Loc 497, thence due North along the Eastern boundary of King Loc 497 to the South Western boundary of Reserve 21316, thence along the South Western boundary of reserve 21316 to a point on the boundary at Latitude 15° 50' 36" Longitude 128° 20' 34", thence 714.71 metres at 30° 52' 59", thence approximately 564 metres at 8° 52' 14" to the North Eastern boundary of reserve 21316, thence along the North Eastern boundary of reserve 21316 to a point at the intersection of the North Eastern corner of the Southern portion of Reserve 21316 and a point on the Southern boundary of Reserve 42155(King Loc 749), thence due East along the Southern boundary of King Loc 749 to the South Eastern corner of King Loc 749, thence due North along the Eastern boundary of King Loc 749 to the Southern corner of the Northern portion of Reserve 21316, thence North Easterly along the South Eastern boundary of Reserve 21316 to the North Eastern corner of the Northern portion of Reserve 21316, thence due East along the boundaries of King Loc 710 and King Loc 749 to a point at Latitude 15° 37' 32" and Longitude 128° 22' 56", thence due North along the Eastern boundary of King Loc 749 to a point at Latitude 15° 37' 29" and Longitude 128° 22' 56", thence to 15° 37' 30" 128° 22' 57", thence to 15° 37' 33" 128° 22' 59", thence to 15° 37' 34" 128° 23' 00", thence to 15° 37' 35" 128° 23' 2", thence to 15° 37' 37", 128° 23' 4", thence to 15° 37' 41" 128° 23' 9", thence to 15° 37' 42" 128° 23' 10", thence to 15° 37' 42" 128° 23' 13", thence to 15° 37' 43" 128° 23' 14", thence to 15° 37' 43" 128° 23' 16", thence to 15° 37' 43" 128° 23' 17", thence to 15° 37' 44" 128° 23' 18", thence to 15° 37' 44" 128° 23' 18", thence to 15° 37' 43" 128° 23' 19", thence to 15° 37' 44" 128° 23' 20", thence to 15° 37' 46" 128° 23' 24", thence to 15° 37' 47" 128° 23' 25", thence to 15° 37' 47" 128° 23' 27", thence to 15° 37' 48" 128° 23' 29", thence to 15° 37' 48" 128° 23' 31", thence to 15° 37' 52" 128° 23' 30", thence to 15° 38' 32" 128° 23' 27", thence to 15° 38' 48" 128° 23' 36", thence to 15° 39' 4" 128° 24' 1", thence to 15° 39' 25" 128° 24' 26", thence to 15° 39' 43" 128° 25' 14", thence to 15° 39' 30" 128° 25' 31", thence to 15° 39' 36" 128° 25' 55", thence to 15° 39' 6" 128° 26' 13", thence to 15° 38' 41" 128° 26' 13", thence to 15° 37' 46" 128° 26' 43" thence to 15° 37' 45" 128° 26' 58", thence to 15° 38' 51" 128° 30' 3", thence to 15° 38' 51" 128° 33' 14", thence to 15° 36' 20" 128° 35' 38", thence to 15° 35' 59" 128° 36' 34" thence to 15° 35' 56" 128° 38' 10" at the intersection of Parry Creek Rd and a track running South East from the Ord River, then in North Easterly direction along the track to the Southern bank of the Ord River to a point at 15° 33' 41" 128° 40' 16", thence South Easterly along the Southern bank of the Ord River to the intersection of the Southern bank of the Ord River and the Northern boundary of Reserve 1062, thence due West to the North Western corner of Reserve 1062, thence due South along the Western boundary of Reserve 1062 to a point at 15° 37' 19" 128° 40' 47", thence to 15° 37' 19" 128° 40' 33", thence to 15° 37' 26" 128° 40' 31", thence to 15° 37' 29" 128° 40' 29", thence to 15° 37' 58" 128° 40' 29", thence due East to Parry Creek Rd at 15° 37' 58" 128° 40' 56", thence South Westerly along Parry Creek Rd to a point at 15° 38' 25" 128° 40' 51", thence to 15° 39' 56" 128° 40' 00", thence to 15° 39' 51" 128° 39' 47", thence to 15° 40' 2" 128° 39' 41" thence South Easterly to a point on Parry Creek Rd at 15° 40' 11" 128° 39' 57", thence South Westerly along Parry Creek Rd to a point at 15° 43' 9" 128° 38' 55", thence to 15° 47' 1" 128° 31' 55", thence on bearing of 206° 40' 50" to intersect with the Boundary of King Loc 710 and the Northern Boundary of the Victoria Highway, thence along the Northern boundary of the Victoria Highway to the South Eastern corner of King Loc 695, thence along the eastern and Northern boundaries of King loc 695 to the starting point at the North Western corner of King Loc 695.

Excluding the area of Reserve 817 Radio Telecommunications Site

AREA 2—"NINGBING"

Description

Part A

All that portion of land bounded by lines from a starting point on the boundary of Carlton Hill Pastoral Station 3114/1176 King Loc 709 at 14° 53' 39" 128° 33' 57", thence North Westerly and then Southerly along the boundary of King Loc 709 to a point at 15° 4' 22" 128° 33' 47", thence in a Southerly direction along Emu Creek to the intersection of Mistake Creek, thence in a Southerly direction along Mistake Creek to a point at 15° 11' 5" 128° 36' 33", thence to 15° 11' 37" 128° 37' 00", thence to 15° 14' 54" 128° 39' 42", thence to 15° 13' 31" 128° 40' 17", thence to 15° 13' 03" 128° 40' 28", thence to 15° 12' 56" 128° 40' 23", thence to 15° 12' 50" 128° 40' 20", thence to 15° 12' 44" 128° 40' 17", thence to 15° 12' 38" 128° 40' 14", thence to 15° 12' 32" 128° 40' 11", thence to 15° 12' 27" 128° 40' 07", thence to 15° 12' 22" 128° 40' 03", thence to 15° 12' 15" 128° 40' 00", thence to 15° 12' 10" 128° 39' 57", thence to 15° 12' 08" 128° 39' 50", thence to 15° 12' 04" 128° 39' 44", thence to 15° 11' 58" 128° 39' 40", thence to 15° 11' 53" 128° 39' 35", thence to 15° 11' 47" 128° 39' 31", thence to 15° 11' 41" 128° 39' 28", thence to 15° 11' 35" 128° 39' 25", thence to 15° 11' 32" 128° 39' 19", thence to 15° 11' 28" 128° 39' 14", thence to 15° 11' 22" 128° 39' 11", thence to 15° 11' 16" 128° 39' 06", thence to 15° 11' 09" 128° 39' 06", thence to 15° 11' 03" 128° 39' 03", thence to 15° 11' 00" 128° 38' 56", thence to 15° 10' 58" 128° 38' 50", thence to 15° 11' 00" 128° 38' 44", thence to 15° 11' 00" 128° 38' 37", thence to 15° 10' 59" 128° 38' 30", thence to 15° 10' 55" 128° 38' 24", thence to 15° 10' 51" 128° 38' 19", thence to 15° 10' 47" 128° 38' 13", thence to 15° 10' 42" 128° 38' 09", thence to 15° 10' 36" 128° 38' 10", thence to 15° 10' 30" 128° 38' 13", thence to 15° 10' 23" 128° 38' 15", thence to 15° 10' 19" 128° 38' 20", thence to 15° 10' 16" 128° 38' 27", thence to 15° 10' 13" 128° 38' 33", thence to 15° 10' 09" 128° 38' 39", thence to 15° 10' 08" 128° 38' 44", thence to 15° 10' 06" 128° 38' 50", thence to 15° 10' 01" 128° 38' 55", thence to 15° 09' 57" 128° 39' 01", thence to 15° 09' 52" 128° 39' 05", thence to 15° 09' 46" 128° 39' 06", thence to 15° 09' 39" 128° 39' 05", thence to 15° 09' 33" 128° 39' 06", thence to 15° 09' 26" 128° 39' 07", thence to 15° 09' 19" 128° 39' 06",

thence to 15° 09' 12" 128° 39' 05", thence Northerly along Ningbing Rd at 14° 54' 6" 128° 34' 32", thence to 14° 54' 12" 128° 34' 17", thence to 14° 53' 56" 128° 33' 55", thence to 14° 53' 50" 128° 33' 53", thence to 14° 53' 49" 128° 33' 56", thence back to the starting point at 14° 53' 39" 128° 33' 57".

Part B

All that portion of land bounded by lines from a starting point at 15° 7' 14" 128° 40' 00", thence to 15° 7' 45" 128° 40' 15", thence to 15° 8' 8" 128° 40' 22", thence to 15° 8' 22" 128° 40' 26", thence to 15° 8' 29' 128° 40' 36", thence to 15° 8' 33" 128° 40' 49", thence to 15° 8' 31" 128° 41' 16", thence to 15° 8' 19" 128° 41' 34", thence to 15° 8' 3" 128° 41' 45", thence to 15° 7' 45" 128° 41' 38", thence to 15° 7' 30" 128° 41' 22", thence to 15° 7' 11" 128° 41' 3", thence to 15° 6' 54" 128° 41' 4", thence to 15° 6' 28" 128° 41' 2", thence to 15° 6' 9" 128° 40' 49", thence to 15° 5' 30" 128° 40' 28", thence to 15° 5' 2" 128° 40' 15", thence to 15° 4' 34" 128° 40' 1", thence to 15° 4' 18" 128° 39' 44", thence to 15° 4' 00" 128° 39' 34", thence to 15° 3' 43" 128° 39' 32", thence to 15° 3' 20" 128° 39' 32", thence to 15° 2' 53" 128° 39' 28", thence to 15° 2' 25" 128° 39' 10", thence to 15° 1' 48" 128° 38' 45", thence to 15° 1' 27" 128° 38' 23", thence to 15° 1' 16" 128° 38' 11", thence to 15° 1' 9" 128° 37' 49", thence to 15° 1' 12" 128° 37' 43", thence to 15° 1' 37" 128° 37' 45", thence to 15° 1' 46" 128° 37' 45", thence to 15° 2' 12" 128° 38' 3", thence to 15° 2' 27" 128° 38' 16", thence to 15° 2' 43" 128° 38' 21", thence to 15° 3' 4" 128° 38' 19", thence to 15° 3' 24" 128° 38' 12", thence to 15° 3' 43" 128° 37' 59", thence to 15° 4' 1" 128° 38' 2", thence to 15° 4' 16" 128° 38' 15", thence to 15° 4' 52" 128° 38' 34", thence to 15° 5' 21" 128° 38' 45", thence to 15° 5' 38" 128° 38' 52", thence to 15° 6' 3" 128° 38' 55", thence to 15° 6' 15" 128° 39' 10", thence to 15° 6' 21" 128° 39' 30", thence to 15° 6' 37" 128° 39' 59", thence to 15° 6' 56" 128° 40' 2", thence back to the starting point at 15° 7' 14" 128° 40' 00".

AREA 3—"PACKSADDLE SWAMP"

Description

All that portion of land bounded by lines from a starting point at the most Northerly corner of King Loc 482, thence South Westerly along the boundary of King Loc 482 to the most Northerly corner of King 676, thence South Westerly along the North Western boundary of King Loc 676 to the most Westerly corner of King Loc 676, thence South Westerly along the Northern boundary of the Southern portion of King Loc 482 to the most Westerly corner of King Loc 482, thence along the Northern end of Jabiru Rd, thence north Westerly along the North Eastern boundary of King Loc 906 to a point at 15° 49' 23" 128° 43' 54", thence along the boundary of King Loc 906 to the most Northern boundary of King Loc 905, thence along the Northern Western boundary of King Loc 905 to the North Western Corner of King Loc 905, thence South Easterly along the South Western boundary of King Loc 905 to a point where King Loc 905 intersects with Northern boundary of Packsaddle Rd, thence North and West along the Northern Boundary of Packsaddle Rd to the intersection of the Eastern side of Packsaddle Rd and Victoria Highway, thence East along Victoria Highway to a point at 15° 47' 38" 128° 41' 33", thence North to a point in the centre of the road at the start of bridge over the Diversion Dam, thence South Easterly along the boundaries between the 2 parcels of VCL that separate Lake Kununurra and the swamp area next to it going around Packsaddle Lagoon to a point at 15° 49' 19" 128° 44' 31", thence back to the starting point at 208° 6' 18".

AREA 4—"PINCOMBE"

Description

All that portion of land bounded by lines starting from a point at Latitude 15° 26' 40" & Longitude 128° 57' 20". Thence 1044.16 metres at 170° 7' 30", thence 531.97 metres at 188° 8' 6", thence 481.57 metres at 204° 1' 33", thence 4886.45 metres at 180° 00' 43", thence 1659.7 metres at 233° 1' 9", thence 1861.22 metres at 205° 16' 1", thence 1123.88 metres at 179° 53' 29", thence 2024.86 metres at 209° 00' 27", thence 790.17 metres at 260° 58' 17", thence 1165.28 metres at 223° 15' 18", thence 3964.36 metres at 211° 5' 7", thence 2064 metres at 237° 37' 57", thence 1042.25 metres at 253° 45' 25", thence 897 metres at 260° 34' 17", thence 883.78 metres at 295° 15' 55", thence 2485.37 metres at 268° 41' 58" to a point on the eastern boundary of VCL King loc 335, thence Northerly and Westerly along the Southern boundary of King Loc 1011 to the most Westerly point of King Loc 323 at 15° 35' 27" 128° 47' 44", thence South Easterly along western boundary of King Loc 323 for 185.31 metres, thence westerly at 90° 03' 27" to the boundary of King Loc 1011, thence north easterly along the boundary of King Loc 1011 to a point on the boundary of King Loc 1011 at Latitude 15° 32' 46" Longitude 128° 49' 8", thence 429.28 metres at 125° 5' 28", thence 2253.29 metres at 29° 51' 38", 1204.66 metres at 9° 21' 27", thence 626.87 metres at 90° 02' 33", thence 817.9 metres at 26° 34' 45", thence 406.02 metres at 11° 20' 37", thence 1148 metres at 26° 29' 16", thence 1749.06 at 116° 13' 44", thence 619.34 metres at 19° 21' 47", thence 2246.71 metres at 111° 53' 28", thence 1396.45 metres at 62° 17' 07", thence 505.87 metres at 35° 40' 7", thence 1942.04 at 89° 39' 52", thence 1967.02 metres at 32° 40' 18", thence 711.44 metres at 3° 25' 30", thence 4269.71 metres at 28° 1' 16", thence 875.65 metres at 90° 00' 47" back to the starting point at Latitude 15° 26' 40" Longitude 128° 57' 20".

AREA 5—"ZIMMERMAN"

Description

All that portion of land bounded by lines starting from a point at the South East corner of Crown Reserve 42564 on the State border of Western Australian. Thence extending westerly along the southern boundary of Reserve 42564 to the southwestern corner of the Reserve. Thence extending 6,714.15 metres at 246° 45' 44", thence extending 3,452.02 metres at 222° 8' 26", thence extending 951.29 metres at 201° 59' 29", thence extending 1229.45 metres at 185° 32' 4", thence south easterly 11061.19 metres at 153° 14' 18" to a point on the northern boundary of VCL (King Loc 373, thence westerly along the northern boundary of King Loc 373 to the north eastern corner of King Loc 373 on the border of the State of Western Australia. Thence northerly along the State border to the starting point.

AREA 6—"WEABER"**Description**

All that portion of land bounded by lines from the starting point at the North Western Corner of A Class Reserve 34585 (King Loc 393), thence approximately 20.14km at 209° 56, 58" to the eastern bank of Sandy Creek, thence along the eastern bank of Sandy Creek to a point on the eastern creek bank at Latitude 15° 16' 57" Longitude 128° 42' 54", thence approximately 2980 metres at 226° 6' 22" to a point on the northern boundary of King Loc 711, thence 11720.04 metres at 129° 50' 11", thence due east to a point on the eastern boundary of King Loc 711, thence due south approximately 7535.7 metres along the boundary of King Loc 711 to the junction of King Loc 711 and the road from Limestone Mill Bore which runs east from Limestone Mill Bore to the State Border of Western Australia, thence along the road to the intersection of the road and the eastern boundary of King Loc 393, thence north along the eastern boundary of King Loc 393 to the North eastern corner of King Loc 393, thence west along the boundary of King Loc 393 to the starting point at the North Western corner of King Loc 393.

AREA 7—"PACKSADDLE FREEHOLD & EXTENSION"**Description****Part A**

All that portion of land bounded from a starting point at Latitude 15° 52' 5", Longitude 128° 41' 14", thence 1798.79 metres at 90° 05' 00", thence 29.75 metres at 194° 23' 05", thence 155 metres at 220° 20' 17", thence 155.1 metres at 220° 20' 17", thence 108.95 metres at 200° 17' 24", thence 120.95 metres at 159° 43' 08", thence 72.73 metres at 148° 43' 27", thence 90.41 metres at 161° 15' 55", thence 89.18 metres at 182° 54' 14", thence 55.82 metres at 190° 01' 47", thence 24.59 metres at 200° 18' 55", thence 239.27 metres at 223° 41' 38", thence 190.97 metres at 209° 13' 00", thence 170.3 metres at 197° 23' 15", thence 146.89 metres at 182° 19' 21", thence 211.75 metres at 189° 27' 36", thence 200.01 metres at 198° 10' 19", thence 160.03 metres at 213° 25' 40", thence 173.01 metres at 224° 44' 18", thence 84.8 metres at 241° 39' 41", thence 228.06 metres at 251° 16' 58", thence 147.58 at 233° 53' 54", thence 112.39 metres at 251° 54' 03", thence 56.94 metres at 238° 19' 16", thence 92.46 metres at 255° 24' 44", thence 104.58 metres at 245° 33' 42.57", thence 99.01 metres at 240° 04' 10", thence 172.02 metres at 233° 27' 28", thence 104.59 metres at 225° 19' 19", thence 91.56 metres at 232° 3' 40", thence 2597.92 at 00° 5' 9" back to the starting point.

Part B

All that portion of land bounded from a starting point at Latitude 15° 52' 05", Longitude 128° 42' 30", thence 1054.36 metres at 180° 4' 48", thence 896.61 metres at 69° 03' 27", thence at 166.44 metres at 180° 4' 40", thence 1218.14 metres at 146° 41' 55", thence 784.67 metres at 180° 4' 34", thence 1507.12 metres at 270° 4' 42", thence 2065.69 metres at 270° 4' 58", thence 50.94 metres at 53° 27' 29", thence 72 metres at 45° 19' 18", thence 146.22 metres at 53° 27' 18", thence 77.87 metres at 60° 4' 27", thence 77.75 metres at 65° 34' 02", thence 105.29 metres at 75° 24' 18", thence 63.17 metres at 58° 19' 19", thence 93.6 metres at 71° 53' 56", thence 38.09 metres at 66° 23' 35", thence 136.85 metres at 53° 53' 59", thence 214.33 metres at 71° 16' 52", 131.4 metres at 61° 39' 16", 222.57 metres at 44° 55' 17", thence 206.64 metres at 33° 25' 47", thence 242.04 metres at 18° 10' 12", thence 239.47 metres at 9° 27' 38", thence at 132.91 metres at 2° 19' 28", thence 123.11 at 17° 23' 3", thence 144.83 metres at 29° 12' 49", thence 255.29 metres at 43° 41' 53", thence 84 metres at 20° 17' 7", thence 86.23 metres at 10° 2' 5", thence 139.88 metres at 2° 54' 18", thence 150.64 metres at 341° 15' 47", thence 75.46 metres at 328° 43' 40", thence 27.6 metres at 339° 42' 52", thence 165.53 metres at 40° 20' 38", thence 126.91 metres at 14° 23' 12", 245 metres at 90° 4' 49" back to starting point.

AREA 8—"CARLTON PASTORAL COMPANY"**Description**

All that portion of land bounded by lines from the starting point at Latitude 15° 41' 10" Longitude 128° 40' 55", thence 383.21 metres at 131° 37' 42", thence 13.26 metres at 226° 6' 3", thence 138.81 metres at 214° 45' 29", thence 210.86 metres at 218° 40. 29", thence 167.25 metres at 213° 31' 34", thence 64.26 metres at 217° 58' 18", thence 74.74 metres at 212° 00' 26", 167.24 metres at 213° 31' 34", thence 138.83 metres at 214° 45' 45", thence 97.33 metres at 204° 6' 48", thence 114.46 metres at 207° 31' 38", thence 85.83 metres at 207° 32' 45", thence 79.45 metres at 204° 6' 31", thence 135 metres at 269° 56' 35", 530.27 metres at 269° 56' 56", thence 1277.68 metres at 269° 57' 00", thence 260.66 metres at 13° 28' 17", 298.68 metres at 14° 6' 49", thence 325.11 metres at 15° 8' 31", thence 360.2 metres at 13° 38' 50", thence 238.68 metres at 11° 58' 5", thence 2032.8 metres at 91° 25' 20" back to the starting point.

AREA 9—"CARLTON PASTORAL COMPANY" (being an addition to existing Section 19/187)**Description**

All that portion of land bounded by lined from the starting point at Latitude 15° 28' 53", Longitude 128° 32' 26", thence to Lat 15° 29' 55" Long 128° 32' 26", thence to Lat 15° 29' 55" Long 128° 32' 5", thence to Lat 15° 28' 55" Long 128° 32' 5", thence to Lat 15° 28' 55" Long 128° 31' 38", thence to Lat 15° 28' 48" Long 128° 31' 38", thence to Lat 15° 28' 53" Long 128° 32' 26" at the starting point.

AREA 10—"MG4 CONSERVATION BUFFER AREA" (being additions to existing Section 19/186)**Description****Part I**

All that portion of land bounded by lines from a starting point at 15° 23' 38" 128° 59' 01", thence to 15° 23' 15" 128° 57' 28", thence to 15° 23' 02" 128° 56' 36", thence to 15° 23' 01" 128° 56' 40", thence to

15° 23' 00" 128° 56' 42", thence to 15° 23' 00" 128° 56' 48", thence to 15° 23' 00" 128° 56' 52", thence to 15° 23' 00" 128° 56' 55", thence to 15° 23' 01" 128° 57' 01", thence to 15° 23' 03" 128° 57' 15", thence to 15° 23' 05" 128° 57' 27", thence to 15° 23' 05" 128° 57' 30", thence to 15° 23' 04" 128° 57' 37", thence to 15° 23' 03" 128° 57' 40", thence to 15° 23' 08" 128° 57' 43", thence to 15° 23' 09" 128° 57' 44", thence to 15° 23' 11" 128° 57' 44", thence to 15° 23' 12" 128° 57' 49", thence to 15° 23' 15" 128° 57' 55", thence to 15° 23' 16" 128° 57' 59", thence to 15° 23' 17" 128° 58' 03", thence to 15° 23' 18" 128° 58' 07", thence to 15° 23' 19" 128° 58' 12", thence to 15° 23' 19" 128° 58' 16", thence to 15° 23' 20" 128° 58' 20", thence to 15° 23' 20" 128° 58' 24", thence to 15° 23' 20" 128° 58' 26", thence to 15° 23' 20" 128° 58' 29", thence to 15° 23' 20" 128° 58' 33", thence to 15° 23' 20" 128° 58' 36", thence to 15° 23' 21" 128° 58' 38", thence to 15° 23' 21" 128° 58' 40", thence to 15° 23' 22" 128° 58' 42", thence to 15° 23' 23" 128° 58' 44", thence to 15° 23' 23" 128° 58' 46", thence to 15° 23' 25" 128° 58' 48", thence to 15° 23' 26" 128° 58' 51", thence to 15° 23' 27" 128° 58' 53", thence to 15° 23' 28" 128° 58' 55", thence to 15° 23' 30" 128° 58' 58", thence to 15° 23' 32" 128° 58' 58", thence to 15° 23' 34" 128° 58' 59", thence back to the starting point at 15° 23' 38" 128° 59' 01".

Part II

All that portion of land bounded by lines from a starting point at 15° 28' 52" 128° 47' 30", thence to 15° 26' 21" 128° 47' 30", thence to 15° 26' 44" 128° 47' 11", thence to 15° 28' 53" 128° 47' 11", thence back to the starting point at 15° 28' 52" 128° 47' 30"

Part III

All that portion of land bounded by lines from a starting point at 15° 31' 55" 128° 48' 04", thence to 15° 31' 44" 128° 48' 04", thence to 15° 31' 44" 128° 48' 05", thence to 15° 32' 06" 128° 48' 48", thence to 15° 32' 20" 128° 48' 32", thence to 15° 32' 20" 128° 48' 32", thence to 15° 31' 55" 128° 47' 56", thence to 15° 31' 55" 128° 47' 57", thence back to the starting point at 15° 31' 55" 128° 48' 04".

Part IV

All that portion of land bounded by lines from a starting point at 15° 38' 48" 128° 58' 44", thence to 15° 38' 48" 129° 00' 00", thence to 15° 40' 29" 129° 00' 00", thence to 15° 39' 23" 128° 59' 32", thence to 15° 39' 18" 128° 59' 29", thence back to the starting point at 15° 38' 48" 128° 58' 44".

Part V

All that portion of land bounded by lines from a starting point at 15° 30' 49" 128° 56' 43", thence to 15° 35' 26" 128° 56' 43", thence to 15° 38' 34" 128° 58' 23", thence to 15° 37' 50" 128° 57' 16", thence to 15° 37' 09" 128° 57' 16", thence to 15° 36' 47" 128° 57' 11", thence to 15° 36' 25" 128° 56' 58", thence to 15° 35' 33" 128° 56' 27", thence to 15° 34' 02" 128° 56' 14", thence to 15° 33' 36" 128° 56' 04", thence to 15° 33' 12" 128° 56' 01", thence to 15° 32' 52" 128° 56' 05", thence to 15° 32' 28" 128° 56' 06", thence to 15° 31' 51" 128° 56' 06", thence to 15° 30' 56" 128° 56' 32", thence back to the starting point at 15° 30' 49" 128° 56' 43".

Part VI

All that portion of land bounded by lines from a starting point at 15° 32' 29" 128° 49' 34", thence to 15° 32' 20" 128° 49' 16", thence to 15° 32' 43" 128° 49' 04", thence to 15° 32' 54" 128° 49' 20", thence back to the starting point at 15° 32' 29" 128° 49' 34".

Dated at Perth this 9th day of May 2005.

ALAN CARPENTER MLA, Minister for State Development.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Collie

Town Planning Scheme No. 1—Amendment No. 101

Ref: 853/6/8/1 Pt 101

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 Collie town planning scheme amendment on 15 May 2005 for the purpose of—

1. Amending the zoning of Lot 8 Wellington Location 796, Boys Home Road, Collie from "Rural" to "Special Use" with the notation "CIE—DIA": "Coolangatta Industrial Estate—Development Investigation Area" and adding a "Special Control Area" surrounding the property.
2. Amending the Scheme Text by introducing a new Special Use category under Table 11 (2) to be listed as "Coolangatta Industrial Estate—Development Investigation Area" and cross referenced to Clause 5.22.

3. Amending the Scheme Text by introducing a new Clause 5.22 into Part 5—General Provisions, as follows—

“Special Use Zone: Coolangatta Industrial Estate (CIA)—Development Investigation Area (DIA) and Special Control Area (SCA)”

The Special Control Area shown on the Scheme Map comprises the Coolangatta Industrial Estate and a buffer area. The Special Control Area is defined by the outer boundary of the acceptable levels of noise for a proposed 200MW power station.

The establishment of a 200MW Power Station within Stage 1 of the Coolangatta Estate generates the need for a buffer to prevent land use conflicts. The potential for additional industries in Stage 1 of the estate will need to demonstrate that the impacts will be contained within the Special Control Area to the satisfaction of the Western Australian Planning Commission, Environmental Protection Authority and Council.'

Collie Coal Basin Management and Planning Group

- 5.22.1 Prior to the establishment of the first industrial activity including any power station within the CIA-DIA, an advisory group is to be established comprising representatives of relevant agencies, local government and industry. The role of the advisory group is to make recommendations relating to the capacity of industry and mining within the Collie Coal Basin, based on an agreed model to define acceptable noise and air shed limits, and mechanisms to protect these limits under the town planning scheme.

Planning Requirements

- 5.22.2 The following provisions apply to the Special Use Zone: Coolangatta Industrial Estate—Development Investigation Area and Special Control Area.
- (a) Where land is identified on the Scheme Map as being within the Coolangatta Industrial Estate—Development Investigation Area, the local government shall require the preparation and approval of a Structure Plan for each stage of the Development Investigation Area, before recommending subdivision or approving development of land within the Development Investigation Area.
 - (b) Where an approved 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 the Scheme.
 - (c) All applications for development of land within the estate must be referred to the EPA and demonstrate their suitability and compliance with EPA guidelines and Regulations. Proposals that are likely to have a significant effect on the environment must be referred to the EPA pursuant to s38 of the EP Act.
 - (d) The proponent will be required to prepare a Noise Management Plan before subdivision or development of the first industrial activity including any power station. The Noise Management Plan will establish noise quotas for proposed industries within the relevant stage of the estate, and to establish a noise monitoring program regarding the cumulative impact of noise generated by industries in the estate, in consultation with the Department of Environment, to determine that EPA requirements are being met.
 - (e) Prior to subdivision or development of the first industrial activity including any power station within the relevant stage of the estate, the proponent is required to prepare the following studies to the satisfaction of the Department of Environment—
 - i. A program for collection of baseline data for the monitoring of atmospheric emissions, and preparation of an air quality management plan;
 - ii. A Nutrient and Drainage Management Plan or Strategy;
 - iii. An assessment of any areas of potential soil and groundwater contamination;
 - iv. A water supply strategy;
 - v. A traffic management plan;
 - vi. Ethnographical and archaeological surveys to ensure the protection of sites of Aboriginal heritage.
 - (f) Within the Rural Zone and Special Control Area all uses, including any residential uses are not permitted, with the exception of 'Rural Use'.

Preparation of the Structure Plan

- 5.22.3 The Structure Plan relates to the relevant stage of the CIA -DIA that is being considered.
- 5.22.4 The Structure Plan may include plans and other documents.
- 5.22.5 The Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Development

Investigation Area, and, without limiting the generality of the foregoing, shall include the following details—

- (a) the stage of the CIA- DIA that the structure plan applies;
- (b) key opportunities and constraints of the Development Investigation Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, landuse, roads and public transport, and services;
- (c) the planning context for the Development Investigation Area including its regional planning context, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the proposed Structure Plan is to be integrated into the surrounding area;
- (d) the proposed allocation of major land uses and typical lot sizes;
- (e) the proposed indicative lot pattern and / or modules to accommodate future industrial uses;
- (f) the identification of permissible and discretionary land uses;
- (g) the management of environmentally sensitive locations, including identification of buffers, vegetation and habitat corridors;
- (h) the proposed principal road and other transport and movement systems;
- (i) proposed staging and anticipated timing of development;
- (j) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (k) be annotated to require that before the establishment of the first industrial activity within the relevant stage of the estate that appropriate studies, and procedures relative to Noise Management, Air Quality, Nutrient and Drainage, Potential Soil and Water Contamination, Water Supply and Traffic Management prepared by the proponents; and
- (l) such other information as may be required by the local government.

5.22.6 In considering a Proposed Structure Plan for part of a Development Investigation Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with surrounding areas, including how broad land uses, essential services, main movement systems are to be integrated and provide information on the arrangements for implementation.

Adoption and approval of Structure Plans

5.22.7 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the local government.

5.22.8 Upon receiving a Proposed Structure Plan, the local government 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.

5.22.9 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 local government, the local government has not made one of the determinations referred to in clause 5.22.8, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

5.22.10 (a) Where the Proponent is aggrieved by a determination of the local government under clause 5.22.8 (b) or (c) or clause 5.22.9, the Proponent may request the local government 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 5.22.10 (a), the local government is to forward to the Commission—

- (i) a copy of the Proposed Structure Plan;
- (ii) details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
- (iii) any other information the local government 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 5.22.10(b), the Commission is to make one of the determinations referred to in clause 5.22.8 and advise the local government and the Proponent accordingly.

(d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to making its determination under clause 5.22.10(c).

- (e) If within 60 days of receiving a Proposed Structure Plan under clause 5.22.10(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 5.22.8, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 5.22.11 Where the local government, or the Commission under clause 5.22.10, has determined that the Proposed Structure Plan is satisfactory for advertising, the local government 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 as decided by the Council; and (b) give notice or require the Proponent to give notice in writing to—
 - (i) all landowners affected by the Proposed Structure Plan; and
 - (ii) such public authorities and other persons as the local government 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 local government by a specified date being at least 28 days from the date of the notice and advertisement.
- 5.22.12 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government is to forward a copy of the Proposed Structure Plan to the Commission.
- 5.22.13 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 5.22.11 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.
- 5.22.14 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 5.22.13, the local government is deemed to have refused to adopt the Proposed Structure Plan.
- 5.22.15 Within 21 days of the local government making its determination under clause 5.22.13, or deemed refusal under clause 5.22.14, the local government is to forward to the Commission—
 - (a) a summary of all submissions and comments received by the local government in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to these;
 - (b) the local government's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
 - (c) any other information the local government considers may be relevant to the Commission's consideration of the Proposed Structure Plan.
- 5.22.16 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 local government.
- 5.22.17 If within 60 days of receiving the information referred to in clause 5.22.15, 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 5.22.16, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 5.22.18 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.
- 5.22.19 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause 5.22.16.
- 5.22.20 If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may—
 - (a) readvertise the Proposed Structure Plan; or
 - (b) require the Proponent to readvertise the Proposed Structure Plan and, thereafter, the procedures set out in clause 5.22.11 onwards are to apply.
- 5.22.21 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government 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 local government thinks fit.
- 5.22.22 A Structure Plan is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

Change or Departure from Structure Plan

- 5.22.23 The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.
- 5.22.24 (a) The local government 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 local government under clause 5.22.23 materially alters the intent of the Structure Plan, then the Commission—
- (i) may require the local government to follow the procedures set out in clauses 5.22.7 onwards in relation to the change or departure; and
 - (ii) is to notify the local government of this requirement within 10 days.
- 5.22.25 Any change to or departure from a Structure Plan that is not within clause 5.22.23 is to follow the procedures set out in clause 5.22.7 to 5.22.22.

Operation of Structure Plan

- 5.22.26 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 5.22.21.
- 5.22.27 Subject to clause 5.22.29, if a Structure Plan imposes a classification on the land included in it by reference to reserves or zones, then—
- (a) the provisions of the Structure Plan apply to the land 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 Investigation Area.
- 5.22.28 Without limiting the generality of clause 5.22.27, 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 zone under 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 local government in regard to compensation set out under the Town Planning and Development Act 1928 (as amended) apply as if the land were 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.
- 5.22.29 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.
- 5.22.30 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves or zones is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

Appeal

- 5.22.31 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 5.22.10 or 5.22.17.
- in the exercise of the Commission's powers under clause 5.22.16.

5.22.32 The Proponent may appeal, in accordance with Part V of the Town Planning Act, any decision made by the local government under clause 5.22.23.

4. Amending Clause 5.20—Controlled Development Area—Buffer to Collie Power Station by adding after the words in paragraph one—

“...all uses are not permitted with the exception of Rural Uses and General Industry as permitted in accordance with Clause 5.22...”

B. H. ROBERTS, President.

I. H. MIFFLING, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Exmouth

Town Planning Scheme No. 3—Amendment No. 12

Ref: 853/10/7/3 Pt 12

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Exmouth town planning scheme amendment on 13 May 2005 for the purpose of—

1. Amending Schedule No.3—Special Use by adding the following;

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
5	Lot 51, Lyndon Location 221 Minilya—Exmouth Road	<ul style="list-style-type: none"> • Strategic Industrial • Industrial • Composite development comprising a combination of industrial and single housing on each lot • Home occupation • Public open space • Development Investigation Area 	<p>General Conditions</p> <p>The following Conditions apply generally to Lot 51—</p> <ul style="list-style-type: none"> • Subdivision and development of land shall be generally in accordance with Plan No. 1—Subdivision Guide Plan, which forms part of this Schedule. • Requirements pertaining to the Industrial Zone under the Scheme apply to all development except as may be otherwise provided in this Schedule and on Plan No. 1. • Caretakers Dwelling are only permissible on the lots specifically designated for this purpose on Plan No. 1, and as referenced in this Schedule, and may only be approved in accordance with the provisions of the Scheme. • In addition to those matters prescribed in Clause 8.5 of the Scheme Council shall have regard to; <ul style="list-style-type: none"> — any approved Environmental Management Plan applying to land included in this zone; — buffer separation distances as prescribed in the Environmental Protection Authority's <i>Guidelines for Environment and Planning</i>; — the level and extent of emissions likely to be generated by the proposed use;

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
			<ul style="list-style-type: none"> — the adequacy of the proposed method of onsite effluent, trade waste and stormwater disposal that will be generated by the proposed use. • Pursuant to Clause 4.9 (Control of Advertisements) and Schedule 5 of the Scheme, no advertisement will be permitted to be displayed facing the Minilya-Exmouth Road. • Development Approval is required for a Dwelling and all other uses permissible pursuant to the Zoning Table and provisions of this Schedule. • Plan No.1—The Subdivision Guide Plan, shall depict— <ul style="list-style-type: none"> (a) A single entry/exit road from the Minilya-Exmouth Road, contained within a minimum 25 metre wide reserve; (b) Local roads contained within a 20 metre wide reserve, although narrower road reserves may be supported by Council based on the intended role and function of the road; (c) An Industrial Use envelope and a Residential Use envelope separated by a minimum 10 metre wide vegetated buffer, where both an industrial use and residential use is to be carried out on the same lot; (d) A nominated vehicle crossover and access easement to the industrial use envelope, separated from the residential use envelope; (e) Public Open Space along the Minilya-Exmouth Road frontage of Lot 51, which is to be vested free of cost in the Shire of Exmouth; (f) A minimum 6.0 metre wide emergency access easement to the south providing emergency access to the Minilya-Exmouth Road. No development including fencing is permitted in the emergency access easement; (g) Reserves/easements as deemed necessary by Council for drainage purposes; (h) The location of any entry statement;

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
			<p>(i) The industrial envelope within the Composite Industrial Precinct shall not comprise less than 60% of the area of the lot (including the vegetated buffer but excluding the access easement).</p> <ul style="list-style-type: none"> • An approved Foreshore Management Plan be prepared and implemented by the subdivider for that section of the Exmouth Gulf coast abutting Lot 51. • The Foreshore Management Plan referred to above shall include a schedule of management works to be undertaken by the subdivider, and an implementation timeframe agreed to between the subdivider and Council. The requirement for a Foreshore Management Plan shall be a condition of subdivision approval and shall be approved prior to clearance of any Diagram of Surveys for subdivision. <p><u>Additional Conditions relating to Strategic Industrial Precinct</u></p> <p>Those portions of Lot 51 designated as Strategic Industrial on Plan No.1 permit industrial uses in accordance with Scheme requirements and the following additional provisions;</p> <ul style="list-style-type: none"> • Notwithstanding the requirements of Table No.1, the Zoning Table, the following uses are SA; <ul style="list-style-type: none"> — Fuel Depot — Noxious Industry • Notwithstanding the requirements of Table No.1, the Zoning Table, the following uses are X (not permitted). <ul style="list-style-type: none"> — Light Industry — Service Industry — Motor Vehicle & Marine Sales — Plant Nursery — Public Amusement — Showroom — Veterinary Clinic — Warehouse — Caretaker's Dwelling • The use "Storage Yard" as defined in Schedule No.1 is a permissible (AA) use. • A minimum 5.0 metre wide landscaping strip is required at the front of each lot. <p><u>Additional Conditions Relating to the Industrial Precinct</u></p> <p>Those portions of Lot 51 designated as Industrial on Plan No.1 permit</p>

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
			<p>industrial uses in accordance with Scheme requirements and the following additional provisions;</p> <ul style="list-style-type: none"> • Notwithstanding the requirements of Table No.1, the Zoning Table, the following uses are X (not permitted); <ul style="list-style-type: none"> — Fuel Depot — Noxious Industry — Service Station • Caretaker's Dwelling is an IP use. • Any Caretaker's Dwellings shall be situated on each lot as follows; <ul style="list-style-type: none"> — For the non corner lots any caretaker's dwelling shall not protrude forward of the rear most setback of the industrial use as either constructed or operating on the land. — For those corner lots designated Ind.1 and Ind.2 on Plan No.1 any caretaker's dwelling shall be located forward of the front most setback of the industrial use as either constructed or operating on the land. The front of these lots is indicated on Plan No.1. <p><u>Additional Conditions Relating to Composite Development Precinct</u></p> <p>That portion of Lot 51 designated as Composite on Plan No.1 permits Industrial and Residential uses on a lot, within defined building envelopes separated by a vegetated buffer. The following conditions apply—</p> <ul style="list-style-type: none"> • An industrial use permitted by the Scheme under this zone or approved by Council is to be contained within the Industrial envelope only and is subject to the Industrial use provisions prescribed by the Scheme; • Only one (1) industrial business is permitted to be established on each lot within the Composite Area; • Approval by Council of a residential use in the Composite Area shall only be granted where— <ul style="list-style-type: none"> (a) The applicant has submitted an acoustic report which provides an assessment of noise impact associated with current and potential industrial uses and recommends appropriate noise attenuation measures to the dwelling to address any such impact.

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
			<p>(b) An industrial use has been lawfully established on the same lot upon which the residential use is intended to be established;</p> <p>OR</p> <p>Simultaneous approval has been granted by Council for an industrial use on the same lot;</p> <ul style="list-style-type: none"> Where simultaneous approval has been granted by Council for both an industrial and residential use on the same lot, the physical development approved within the Industrial Envelope must be completed prior to occupation of the dwelling. A dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved industrial use on that lot; Only one (1) dwelling shall be permitted on each lot within the Composite Area; No administrative and other associated functions of the approved industrial use are to be carried out within the associated dwelling, unless approval for a Home Occupation has first been granted by Council. Any proposed vegetated buffer and landscaped areas shall only be used for their intended and approved purpose, and shall be established prior to any approved use commencing; Notwithstanding the requirements of Table No.1—The Zoning Table, for the Industrial zone the following uses are not permitted in the Composite Area; <ul style="list-style-type: none"> Fuel depot; Extractive industry; Dog kennels; Noxious industry; Caretaker's dwelling; Motor vehicle sales; Showroom; Motor vehicle wreckers; Transport depot; Service station. Any residential development shall accord with the Western Australian Planning Commission <i>Statement of Planning Policy (SPP) 3.1—Residential Design Codes</i>, and other applicable provisions of the Scheme;

	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
			<ul style="list-style-type: none"> • The minimum site area per dwelling, minimum frontage, minimum open space and outdoor living area and minimum boundary setbacks shall be equivalent to the R20 code site requirements prescribed in Table 1 of SPP 3.1; • Development within the Industrial envelope for industrial purposes shall accord with the requirements prescribed in Clause 5.8.3 and 5.8.4 except that separate vehicle crossovers and driveways shall be provided to both the industrial use envelope and the residential use envelope contained on the same lot; • In addition to the requirements of Clause 4.2, all parking provided for any approved industrial use shall be contained generally wholly within the Industrial envelope; • Additional parking may be permitted within the Residential envelope where a Home Occupation approval has been granted for the carrying out of administrative and associated functions related to the industrial use on that lot. • Variations to the location of nominated vehicle crossover and access easement to the industrial use envelope, or reductions in road reserve widths, as may be indicated on Plan No.1, are permitted at the discretion of the Council. • Memorials are required on all new titles at the time of lot creation to advise prospective purchasers that lots in the area will be developed for Industrial uses. Final wording to be to the satisfaction of the Local Authority. <p><u>Conditions relating to the Development Investigation Area</u></p> <p>Plan No.1 nominates the south eastern portion of the site as Development Investigation Area. It is the intention that this area be used for tourist related activities which may include a caravan park and associated uses.</p> <p>Prior to the use and development of the Development Investigation Area for such purposes the site is to be the subject of analysis of flood risk and environmental impacts and further amendment to the Scheme.</p>

2. Amending Clause 5.8.2(a) by deleting the words

“Lyndon Location 221 is hereby designated as a strategic industrial area”

and replacing them with the following;

“Lot 50 and portion of Lot 51 Lyndon Location 221 are hereby designated as a ‘Strategic Industrial Area’. The affected portion of Lot 51 is identified on Plan No.1 referenced in

Schedule No.3—Special Use Zones and excludes those portions identified as Composite, Industrial, Public Open Space and Development Investigation Area.”

3. Deleting Clause 5.8.2(d) and renumber Clause (e) accordingly.
4. Deleting Note 2 from Notes related to Table 1—Zoning Table and notation X2 from Zoning Table and renumber Note 3 accordingly.
5. Amending the Scheme Maps accordingly.

R. J. COOPER, President.
K. J. GRAHAM, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Canning

Town Planning Scheme No. 40—Amendment No. 128

Ref: 853/2/16/44 Pt 128

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 Canning town planning scheme amendment on 16 May 2005 for the purpose of—

1. Scheme Map Modification—

Designating a Scheme Overlay Map titled “Perth Airport Buffer Special Control Area (SCA1)”.

2. Scheme Text Modification—

Amending clause 2.3 and adding the provisions wholly contained as part of proposed section “2.9 Special Control Areas”, as detailed below—

2.3 DEVELOPMENT AND USE OF LAND

2.3.1 Application for Development Approval

[Amend paragraph]

2.3.1.3 The Council's prior Development Approval on land zoned by the Scheme is not required if the development consists of—

[To]

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

[Add clause]

2.3.1.7 Notwithstanding that any development by reason of paragraph 2.3.1.3 does not require the approval of the Council pursuant to the Scheme, an application must nevertheless be submitted to the Council where required in accordance with clause 2.9 of the Scheme.

[Add clause]

2.9 SPECIAL CONTROL AREAS

2.9.1 Operation of Special Control Areas

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

Special Control Area No.:	Title / Location:
SCA1	Perth Airport Buffer Special Control Area

2.9.1.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

2.9.1.3 Without affecting the generality of the provisions of the Scheme, in the case of conflict with any such provisions, the provisions of this section shall prevail.

2.9.2 Perth Airport Buffer Special Control Area

Land included within the boundaries of the Perth Airport Buffer Special Control Area (SCA1) is shown on the Scheme Map.

The boundaries of the Special Control Area conforms to that area defined by the 20 ANEF Noise Contour, as defined under the Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport, which is prepared under the Town Planning and Development Act.

2.9.2.1 Purpose

The land corridor defined by the boundaries of this Special Control Area is the basis for implementation of the Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport.

The planning intent and objectives of the Perth Airport Special Control Area are—

- (a) To support the implementation of Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport.
- (b) To promote the long term viability of the Perth Airport so as to enable its on-going development and operation.
- (c) To prevent unreasonable encroachment of incompatible (noise sensitive) land uses and those activities affected or potentially impacted upon by aircraft noise.
- (d) To provide for appropriately designed and constructed development of low to medium density residential uses within suitable locations within the Special Control Area.
- (e) To minimise the impact of aircraft noise on existing and future communities within the Special Control Area.

2.9.2.2 Application Requirements

2.9.2.2.1 The development or use of premises in the Perth Airport Buffer Special Control Area for the purposes of a single house on a lot requires the prior planning approval of the Local Government, in accordance with the provisions of the Scheme.

2.9.2.2.2 Applications for planning approval must be accompanied by a statement or report which demonstrates that the development achieves all of the relevant policy measures under the Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport.

2.9.2.3 Subdivision and Development Requirements

Subject to the Scheme, Council shall not support the subdivision, development or use of land in the Perth Airport Special Control Area unless in accordance with the Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport.

2.9.2.4 Relevant Considerations

In considering any development application, the Council will have regard to a range of matters including but not limited to the following—

- (a) existing development and land uses on a lot/development site;
- (b) levels of background noise to which a site is subject to during a 24 hour period;
- (c) levels of aircraft noise likely to be experienced at a site during a 24 hour period;
- (d) frequency and peak times of overflights during a 24 hour period;
- (e) likely noise attenuation from the type of construction and mitigation design features proposed;
- (f) level of sensitivity to aircraft noise of a proposed use; and
- (g) occupational characteristics of the proposed development.

2.9.2.5 Referral of Applications

Applications for planning approval in the Perth Airport Buffer Special Control Area may be referred to the Westralia Airport Corporation for comment and advice in accordance with Statement of Planning Policy No. 5.1—Land Use Planning in the Vicinity of Perth Airport.

M. S. LEKIAS, Mayor.

D. CARBONE, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of York

Town Planning Scheme No. 2—Amendment No. 10

Ref: 853/4/34/2 Pt 10

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 York town planning scheme amendment on 16 May 2005 for the purpose of—

1. Rezoning Lot 547 Neville Street from 'Recreation and Open Space' to 'Special Use'.
2. Inserting at Schedule 3 specific land use and development requirements for the site—

Schedule 3

No.	Particulars of Land	Special Use	Conditions
2.	Lot 547, Cnr Neville St and Macartney St	Uses permissible in the "Town Centre zone". Residential uses.	1. Development with frontage to Macartney Street to be developed for commercial uses or a mix of commercial/residential purposes.

No.	Particulars of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 2. All development within the site will comply with Council's Heritage Design Guidelines. 3. All development requires Council approval. 4. Any subdivision or development for residential purposes should— <ul style="list-style-type: none"> • Accord with the R20 code unless otherwise determined by Council; • Incorporate notification on title indicating that residential amenity may be affected by noise and vibration from the rail line; • Incorporate noise abatement measures to the satisfaction of the Council; and • Incorporate a buffer along the western boundary of the site.

J. D. GREGORY, President.
L. COX, Acting Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Esperance

Town Planning Scheme No. 22—Amendment No. 31A

Ref: 853/11/6/21 Pt 31A

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 Esperance town planning scheme amendment on 17 May 2005 for the purpose of—

1. In the Zoning Table substituting the symbol “SA” for the symbol “P” for the “Industry -Rural” use in the “Rural Zone”.
2. Inserting the following after clause 2.4.2 and renumbering the existing clauses accordingly—

“2.4.3 Matters to be Considered by Council

The Council in considering an application for planning consent 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 aims and provisions of the Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been progressed to public submissions being sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any Local Planning Strategy certified by the Commission in accordance with the *Town Planning Regulations 1967*, any Planning Policy adopted by the Council under the Scheme, any heritage policy statement for a designated heritage area adopted under the Scheme, 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 or protection of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990* or which is included in the Heritage List under the Scheme, and the effect of the proposal on the character or appearance of a heritage area;
 - (i) the compatibility of a use or development with its setting;
 - (j) any social issues that have an effect on the amenity of the locality;
 - (k) the cultural significance of any place or area affected by the development;
 - (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
 - (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, or any other risk;
 - (n) the preservation of the amenity of the locality;
 - (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to—
 - the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
 - potential impacts of noise, dust, light, and other pollutants on surrounding land uses; and
 - level of risk and mitigation measures proposed.
 - (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring, and parking of vehicles;
 - (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
 - (s) whether public utility services are available and adequate for the proposal;
 - (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (u) whether adequate provision has been made for access by disabled persons;
 - (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
 - (w) whether the proposal is likely to cause soil erosion or land degradation;
 - (x) the potential loss of any community service or benefit resulting from the planning approval;
 - (y) the comments or any relevant submissions received on the application under Clause 2.4.1;
 - (z) the need to protect Aboriginal sites of significance as required under the *Aboriginal Heritage Act 1972*; and
 - (za) any other planning consideration the Council considers relevant.”
3. Inserting the following after clause 5.6.6—
- “5.6.7 Rural Industry
- The Council when determining applications for ‘Rural Industry’ will take into account the scale and nature of such uses and their need for a location with adequate infrastructure and separation from sensitive uses.
- Note: Rural Industry is designated as “Industry- Rural” under Clause 4.2.3 Zoning Table No. 1 and in Appendix 10 “Interpretations.”
4. In clause 5.11.6 paragraph 2 changing “AA” to “SA”; “Health Department of WA” to “Department of Health”; and “Water Corporation” to “Water and Rivers Commission”.
5. In clause 5.11.6 changing the numbering of paragraph 3 to paragraph 4 and inserting the following paragraph in numeric order—
- “3. Despite any other provision of the Scheme “Rural Home Business” and “Rural Industry” may be permitted with the special approval of the Council (“SA”) with advice from the Water and Rivers Commission, the Department of Environment, and the Department of Health on a lot any part of which is within Special Control Area 3B as shown on the Scheme Map.
- Note: Rural Industry is designated as “Industry- Rural” under Clause 4.2.3 Zoning Table No. 1 and in Appendix 10 “Interpretations.”
6. In Appendix 10 inserting the following interpretation in alphabetic order—
- “BULK STORAGE FACILITY: means land or buildings used for the bulk storage of goods such as (but not limited to) minerals, woodchips, grain, fuel, and fertilisers;”

7. Inserting the following in Appendix 12—

No.	Description of Land	Special Use	Conditions
3.	Shark Lake Industrial Park. Location 1044, part of Lots 1 and 2, and Part Lot 1, Shark Lake Road and Coolgardie-Esperance Highway, Monjingup.	<p>Industrial Park.</p> <p>Only those uses listed below may be permitted; all other uses are not permitted. Applications for planning consent for the uses listed below shall be determined by the Council as though they are classified as “AA” uses under clause 4.2.2—</p> <ul style="list-style-type: none"> — Bulk Storage Facility — Builder’s Storage Yard — Earthmoving Equipment—Depot For — Factory Unit Building — Fuel Depot — Grain Depot — Industry—General — Industry—Light — Industry—Rural — Motor Vehicle Wrecking Premises — Public Utility — Radio and TV Installation — Salvage Yard — Sawmill — Trade Display — Transport Depot 	<p>(a) The objectives of the zone are to—</p> <ul style="list-style-type: none"> (i) provide for development of industries that require large sites and which cannot reasonably be developed within established industrial areas due to a requirement for separation from sensitive land uses. (ii) provide for transport infrastructure for storage and or processing of bulk goods including connection to the state rail system and a rail connection to the Esperance Port. (iii) ensure that noise, vibration, light, and emissions to the atmosphere, including odour, are managed in accordance with statutory requirements and high standards, and do not adversely affect the environment or health, welfare, or amenity of nearby sensitive uses, including residential development. (iv) contain cumulative environmental impacts within the agreed separation distance from sensitive land uses. (v) maintain water quality in the discharge of drainage. <p>(b) An Outline Development Plan for the whole of the Shark Lake Industrial Park is to be prepared and adopted under the Scheme before the Council determines applications for planning consent or makes recommendations to the Commission on applications for subdivision.</p> <p>(c) The Council shall determine applications for planning consent and make recommendations to the Commission on applications for subdivision in accordance with the Outline Development Plan adopted under paragraph (b).</p>

No.	Description of Land	Special Use	Conditions
			<p>(d) In addition to any other provision of the Scheme the Outline Development Plan is to address—</p> <ul style="list-style-type: none"> (i) the alignment of major infrastructure including roads and railways; (ii) provision for major infrastructure required for wastewater disposal, water supply, and electricity; (iii) best practice management of stormwater drainage; (iv) wetlands and associated areas, remnant vegetation and other areas worthy of protection; (v) separation between industry and sensitive land uses having regard for Statement of Planning Policy No. 4.1 <i>State Industrial Buffer Policy</i>; and Environmental Protection Authority guidance for the separation of industrial and residential uses; (vi) the location of industry to maintain separation distances which protect the amenity of any sensitive land uses, particularly but not limited to, those in Special Control Area 3B; and (vii) the interface between industrial and other land uses including the provision of landscaping. <p>(e) A proposal which would generate industrial liquid, solid, or gaseous wastes may be referred by the Council to the Department of Environment and if it is a significant proposal as defined in S. 37B of the <i>Environmental Protection Act 1986</i> it is to be assessed by the Environmental Protection Authority under S. 38 of that Act.</p> <p>(f) The grant of planning consent for a proposal which would generate industrial liquid, solid, or gaseous wastes shall be subject to industrial wastes being treated and disposed</p>

No.	Description of Land	Special Use	Conditions
			<p>of in accordance with advice received from the Department of Environment.</p> <p>(g) The Council in considering an application for planning consent is to have due regard to the Environmental Assessment 22 August 2003 and the Summary and Environmental Assessment 22 June 2004, prepared by Landform Research.</p> <p>(h) The perimeter of the zone shall be landscaped as provided on the Outline Development Plan and to the satisfaction of the Council.</p>

8. Inserting the following in Appendix 13—

DESCRIPTION OF LAND	SPECIAL CONTROL AREAS PROVISIONS
SCA 3A Shark Lake Industrial Park	<p>PURPOSES</p> <p>(i) To identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;</p> <p>(ii) To ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park; and</p> <p>(iii) To minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park.</p> <p>APPLICATION REQUIREMENTS</p> <p>Despite any other provision of the Scheme planning consent is required for all use and development including a single house.</p>
	<p>RELEVANT CONSIDERATIONS</p> <p>In addition to provisions of the Scheme the Council in considering applications for planning consent is to have due regard to—</p> <p>(i) Statement of Planning Policy No. 4.1 <i>State Industrial Buffer Policy</i>;</p> <p>(ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;</p> <p>(iii) guidelines for the assessment of risk;</p> <p>(iv) the <i>Environmental Protection (Noise) Regulations 1997</i>;</p> <p>(v) the potential for adverse environmental impacts and the management of such potential impacts; and</p> <p>(vi) a general presumption against construction of dwellings and other sensitive uses in SCA 3A;</p> <p>and shall determine applications for planning consent accordingly.</p> <p>REFERRAL OF APPLICATIONS</p> <p>The Council may refer applications for planning consent to the Department of Environment and the Council is to have due regard to recommendations and advice received from the Department of Environment when determining applications.</p>
SCA 3B Shark Lake Industrial Park	<p>PURPOSES</p> <p>(i) To identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;</p> <p>(ii) To ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park;</p>

DESCRIPTION OF LAND	SPECIAL CONTROL AREAS PROVISIONS
	<p>(iii) To minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park'; and</p> <p>(iv) To provide for "Rural Home Business" and "Industry—Rural" uses subject to the provisions of the Scheme.</p> <p>APPLICATION REQUIREMENTS</p> <p>(i) Despite any other provision of the Scheme planning consent is required for all use and development including a single house.</p> <p>(ii) Despite any other provision of the Scheme "Rural Home Business" and "Rural Industry" uses may be determined by the Council subject to clause 5.11.6.3.</p> <p>RELEVANT CONSIDERATIONS</p> <p>In addition to provisions of the Scheme the Council in considering applications for planning consent is to have due regard to—</p> <p>(i) Statement of Planning Policy No. 4.1 <i>State Industrial Buffer Policy</i>;</p> <p>(ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;</p> <p>(iii) guidelines for the assessment of risk;</p> <p>(iv) the <i>Environmental Protection (Noise) Regulations 1997</i> and use of noise insulation within dwellings; and</p> <p>(v) the potential for adverse environmental impacts and the management of such potential impacts;</p> <p>and shall determine applications for planning consent accordingly.</p> <p>REFERRAL OF APPLICATIONS</p> <p>The Council may refer applications for planning consent to the Department of Environment and the Council is to have due regard to recommendations / advice received from the Department of Environment when determining applications.</p>
<p>SCA 3C</p> <p>Shark Lake Industrial Park</p>	<p>PURPOSES</p> <p>(i) To identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;</p> <p>(ii) To ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park;</p> <p>(iii) To minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park'; and</p> <p>(iv) To encourage conservation of environmental values and protection of water quality in Shark Lake.</p>
	<p>APPLICATION REQUIREMENTS</p> <p>Despite any other provision of the Scheme planning consent is required for all use and development including a single house.</p> <p>RELEVANT CONSIDERATIONS</p> <p>In addition to provisions of the Scheme the Council in considering applications for planning consent is to have due regard to—</p> <p>(i) Statement of Planning Policy No. 4.1 <i>State Industrial Buffer Policy</i>;</p> <p>(ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;</p> <p>(iii) guidelines for the assessment of risk;</p> <p>(iv) the <i>Environmental Protection (Noise) Regulations 1997</i> and use of noise insulation within dwellings;</p> <p>(v) the potential for adverse environmental impacts and the management of such potential impacts; and</p> <p>(vi) a general presumption against construction of dwellings and other sensitive uses in SCA 3C;</p> <p>and shall determine applications for planning consent accordingly.</p>

DESCRIPTION OF LAND	SPECIAL CONTROL AREAS PROVISIONS
	REFERRAL OF APPLICATIONS The Council may refer applications for planning consent to the Department of Environment and the Council is to have due regard to recommendations / advice received from the Department of Environment when determining applications.
9. Rezoning part of Location 1044, part of Lots 1 and 2 and Part Lot 1, Shark Lake Road and Coolgardie-Esperance Highway, Monjingup, from Rural to Special Use as depicted on the Scheme Amendment Map. 10. Designating Special Control Areas 3A, 3B, and 3C all within approximately 1,000 metres of part of Location 1044 Shark Lake Road and Coolgardie-Esperance Highway, Monjingup, as depicted on the Scheme Amendment Map. 11. Reclassifying Shark Lake Road between Coolgardie-Esperance Highway and South Coast Highway from No Zone to Local Scheme Reserve for Important Local Roads, as depicted on the Scheme Amendment Map. 12. Reclassifying Lot 24, Lot 1463 (Reserve 23880), Reserve 27681, and Unallocated Crown Land, Shark Lake Road, Paterson Road, and Kalgoorlie-Esperance railway, Monjingup, from Rural Zone to Local Scheme Reserve for Parks and Recreation, as depicted on the Scheme Amendment Map. 13. Reclassifying parts of Reserve 23527 (Helms Arboretum), Coolgardie-Esperance Highway, Monjingup, from Rural Zone to Local Scheme Reserve for Parks and Recreation, as depicted on the Scheme Amendment Map.	

I. S. MICKEL, President.
M. ARCHER, Chief Executive Officer.

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TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
Shire of Cuballing
 Town Planning Scheme No. 2

Ref: 853/4/9/2

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 Cuballing Town Planning Scheme No. 2 on 11 May 2005, the scheme text of which is published as a Schedule annexed hereto.

I. L. WATTS, President.
P. T. NAYLOR, Chief Executive Officer

SCHEDULE

Shire of Cuballing

Town Planning Scheme No. 2.

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

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TOWN PLANNING AND DEVELOPMENT ACT 1928*Shire of Cuballing*

Town Planning Scheme No. 2

PART 1—PRELIMINARY**1.1 Citation**

1.1.1 The Shire of Cuballing Scheme No. 2 (“**the Scheme**”) comes into operation on its Gazettal date

1.1.2 The following Scheme is revoked—

Shire of Cuballing Town Planning Scheme No. 1 (Gazettal Date 18 February 1994)

1.2 Responsible authority

The Shire of Cuballing is the responsible authority for implementing the Scheme.

1.3 Scheme area

The Scheme applies to the Scheme area, which covers all of the local government district of the Shire as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-3)

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

Note: The Scheme Maps comprise sheets 1 to 3 depicting the reservation of land for public purposes and the zoning and density coding of remaining land within the Scheme Area.

1.5 Purposes of Scheme

The purposes of the Scheme are to—

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

1.6 The aims of the Scheme

The aims of the Scheme are—

- To protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning;
- To encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire;
- To provide opportunities for planned, contained and sustainable rural residential development with access to services and infrastructure within and abutting the existing town sites;

- To protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised;
- To protect the existing local heritage by encouraging compatible development which will aid the restoration and retention of the property.

1.7 Definitions

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

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

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

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

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

1.8 Relationship with local laws

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

1.9 Relationship with other Schemes

There are no other Schemes of the Shire of Cuballing, which apply to the Scheme area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

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

(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)

2.2 Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

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

2.4 Procedure for making or amending a Local Planning Policy

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

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

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

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

2.4.3 If the local government resolves to adopt the policy, the local government is to—

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

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

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1 Reserves

Certain lands within the Scheme area are classified as Local Reserves.

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

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

3.4 Use and development of Local Reserves.

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local reserve,

without first having obtained planning approval under Part 9 of the Scheme.

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

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

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

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

4.2 Objectives of the zones

The objectives of the zones are—

(a) Rural Townsite Zone

- To provide for a range of compatible uses within the town sites for a range of services, residential types, community and recreational facilities that may be found in a small country town;
- To encourage land uses which may positively affect the living and visual amenity on local amenities;
- To provide for the protection of the natural environment;
- To protect or enhance any local reserves;
- To encourage the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape;
- To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts.

(b) General Agriculture Zone

- To preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- To allow for the extraction of basic raw materials where it is environmentally and socially acceptable;
- To ensure the preservation of the rural character and rural appearance of land within the □ zone;
- To encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities;
- To protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity;

- To preserve and protect the natural undeveloped land areas throughout the zone; and
- To ensure that natural drainage patterns/catchments through out the Shire are recognised in land management practices.

(c) **Rural-Residential Zone**

- To provide for rural smallholdings and a low density residential living environment in close proximity to the Rural Townsite zones;
- To ensure that all lots are adequately serviced with the necessary infrastructure;
- To ensure that no development is undertaken, specifically outbuildings, unless a single dwelling is existing on the property or is to be constructed at the same time.

4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, 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.

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

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

Zoning Table

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Abattoir	X	X	A
Agriculture—extensive	X	X	P
Agriculture—intensive	X	A	P
Agroforestry	X	X	A
Amusement parlour	A	X	X
Animal establishment	X	A	D
Animal husbandry—intensive	X	X	A
Aquaculture	X	A	D
Bed & breakfast	P	P	P
Betting agency	A	X	X
Caravan park	A	A	A
Caretaker's dwelling	D	X	X
Carpark	A	A	X
Childcare premises	D	D	X
Cinema/theatre	A	X	X
Civic use	P	P	P
Club premises	D	D	D
Community purpose	D	D	D
Consulting rooms	D	X	X
Convenience store	P	X	X
Corrective institution	X	X	A
Dwelling	P	P	P
Educational establishment	A	X	A
Exhibition centre	D	D	D
Family day care	D	D	X
Fast food outlet	A	X	X
Fuel depot	D	X	D
Funeral parlour	A	X	X
Home business	D	D	P
Home occupation	P	P	P
Home office	P	D	P

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Home store	D	X	X
Hospital	A	X	X
Hotel	A	X	X
Industry—cottage	D	D	D
Industry—extractive	X	X	A
Industry—general	A	X	X
Industry—light	D	X	X
Industry—mining	X	X	X
Industry—rural	X	X	D
Industry—service	D	X	X
Lunch bar	D	X	X
Marine filling station	D	X	X
Market	D	X	D
Medical centre	D	X	X
Motel	D	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle wash	D	X	X
Nightclub	A	X	X
Office	D	X	X
Park home park	A	X	A
Place of worship	D	A	X
Plantation	X	X	A
Public Utility	A	A	A
Reception centre	D	A	A
Recreation—private	D	D	D
Residential building	P	P	P
Restaurant	D	A	A
Restricted premises	A	X	X
Rural Home Business	X	D	D
Rural pursuit	X	D	P
Service station	D	A	X
Shop	P	X	X
Showroom	D	X	X
Storage	D	X	D
Tavern	D	X	X
Telecommunications infrastructure	D	D	P
Trade display	D	X	X
Veterinary centre	D	A	X
Warehouse	D	X	X
Winery	D	X	A

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

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

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

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

4.4 Interpretation of the Zoning Table

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

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

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

4.5 Additional uses

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

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

4.6 Restricted uses

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

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

4.7 Special use zones

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

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

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

4.8 Non-conforming uses

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

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

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

4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

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

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

4.10 Discontinuance of non-conforming use

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

4.11 Termination of a non-conforming use

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

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

4.12 Destruction of non-conforming use buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

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

5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

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

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

5.3 Special application of Residential Design Codes

There are no exclusions or variations to the Residential Design Codes, which apply to the Scheme.

5.4 Restrictive covenants

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5 Development Standards and Requirements

Except where otherwise provided in the Scheme, development standards and requirements shall be in accordance with the Development Table—General.

5.6 Variations to site and development standards and requirements

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

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

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

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

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

DEVELOPMENT TABLE—GENERAL

Zone	Use	Min Lot Area (m2)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
1. Rural Townsite	Residential	See Residential Design Codes as listed in this Schedule or as Determined by Council							
	Commercial	-	-	15	7.5	Nil or 2m if abutting a Residential property	1 per 20m2 of gross leasable floor area		
	Shop	-	-	15	7.5	Nil or 2m if abutting a Residential property	1 per 10m2 of gross leaseable floor area		
	Office	-	-	15	7.5	Nil or 2m if abutting a residential property	1 per 20m2 of gross leasable floor area		
	Eating House			15	7.5	2m	1 per 5m2 of Public area		
	Hotel	1 ha	80	20	15	10	1 per bedroom and 1 per 5m2 of public area	25	
	Tavern	4000	40	20	15	10	1 per 5m2 of Public area	25	
	Motel	4000	80	20	15	10	1.5 per accommodation Unit	20	
	Educational Establishment	To be determined by Council	30m	20	10	5m	As determined by Council	As determined by Council	As determined by Council
	Service Station	1500 (Roadhouse 2000)	25	20	7.5	5	20	As determined by Council	Boundary setbacks apply to Pumps, Canopy, Buildings
	Place of Public Worship	2000	20	15	7.5	2	1 per 5 seats	50	
	General Industry	2000	25	20	7.5	5m on one side	As determined by Council	As determined by Council	
	Light/Service Industry	1000	25	11	7.5	5m on one side	As determined by Council	As determined by Council	
All other Permitted Uses	As listed in this Schedule or as determined by Council								

Zone	Use	Min Lot Area (m2)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
2. Rural Residential	All other Permitted Uses	As listed in this Schedule or as determined by Council							
3. General Agricultural	Abattoir		As determined by Council	50	20	20	As determined by Council	As determined by Council	As determined by Council
	Rural Pursuit	1 ha	50m	15	15	5	As determined by Council	As determined by Council	As determined by Council
	All other Permitted Uses	As listed in this Schedule or as determined by Council							

5.7 Environmental conditions

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

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

5.7.3 The local government is to—

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

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

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

5.8 Development of Land without Constructed/Dedicated Road Frontage or Access

Notwithstanding any other provision of the Scheme, the Councils planning approval is required for any development on land abutting an un-constructed road or a lot or location which does not have frontage to a constructed road/dedicated road. In considering such an application, the Council may—

- (a) refuse the application until the road has been constructed or access by means of a constructed/dedicated road is provided; or
- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
- (c) require other legal arrangements are made for permanent legal access, to the satisfaction of the Council.

5.9 Categories of Development or Development in areas affected by Local Planning Policies

Where Council adopts a Local Planning Policy under the provisions of Part 2 of the Scheme, the provisions of such a policy affecting a specific area or development type will be taken into account by Council in determining applications for planning approval in addition to the relevant provisions of the Scheme.

5.10 Amenity Provisions**5.10.1 Relocated Second-hand buildings**

The Local Government may permit the erection of a transported dwelling on a lot where the design and location of the building is to the satisfaction of the Local Government, and in its opinion, does not adversely affect the amenity of the locality.

5.10.2 Outbuildings

- (a) The setback from boundaries for outbuildings will be in accordance with those applicable to dwellings under the Residential Design Codes in a Residential Zone or as indicated in the Development Table—General for non-residential zones except as provided for in Council's Local Planning Policy—Outbuildings.
- (b) Planning approval will not be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- (c) The design and construction of outbuildings will be in accordance with the provisions of Council's Local Planning Policy—Outbuildings.

5.11 Development in the General Agriculture Zone

5.11.1 Council may grant approval of up to two dwellings on any lot, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

5.11.2 Council will support more intensive forms of agricultural production in the General Agriculture zone subject to—

- (a) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land and/or land degradation;
- (b) evidence from suitably qualified consultants and/or the Department of Agriculture on the suitability of the proposed lots and lot size for the intended land use;
- (c) evidence of suitable land care management issues addressing retention of remnant vegetation, revegetation areas, land degradation and salinity management;
- (d) evidence that the proposed activity is compatible with broadacre agriculture or that adverse impacts can be contained within the site; and
- (e) such other matters as may be determined by Council.

5.11.3 Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, Council shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Drainage Plan and/or Soil Conservation Plan which relates to land within the Scheme area.

5.11.4 Tree Planting/Vegetation Corridors/Greenbelt

In order to improve the environmental amenity of areas that Council considers deficient in tree cover, Council may require as a condition of any planning approval, the planting of such trees and/or groups of trees and species as specified by the Council.

5.11.5 Council may also require tree planting and/or drainage measures in designated areas through its Local Planning Policy—Natural Resource Management.

5.11.6 Areas designated under the provisions of Sub-Clause 5.11.5 shall be identified on the Policy Map and/or marked on an overlay to the Scheme Maps.

5.12 Development in the Rural Residential Zone

5.12.1 Only one dwelling will be permitted on any lot used only for rural living purposes.

5.12.2 Council may permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling.

5.12.3 Council may require an Outline Development Plan to be prepared by the proponent and endorsed by Council in the Rural Residential Zone prior to any development or subdivision being approved or recommended for approval.

5.12.4 An Outline Development Plan will be required when the proposed development proposes to create more than five (5) lots or an area greater than 10 ha is to be subdivided.

5.12.5 The Outline Development Plan will need to contain the information listed in Council's Local Planning Policy—Rural Residential Development.

5.12.6 All subdivision shall have a minimum lot size of 4 ha unless the lots can be connected to a reticulated water supply.

5.12.7 All development, including a single house will require an application for planning approval to be made to Council unless it is within a defined building envelope accepted by Council and be subject to the provisions of Clause 8.1 of the Scheme.

5.12.8 In order to conserve the rural environment of features of natural beauty all trees shall be retained unless their removal is authorized by Council, and all building confined to the specific building envelope.

5.12.9 Development proposals will need to have due regard to the EPA Position Statement No. 2—Environmental Protection of Native Vegetation in Western Australia.

5.12.10 Development proposals will need to have due regard to the protection of wetlands and watercourses as required by the EPA through the setting aside of dryland buffers.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of special control area

6.1.1 There are no Special Control Areas which apply to the Scheme.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

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

7.1.2 In the preparation of the Heritage list the local government is to—

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

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

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

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

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

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

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

- (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2 Designation of a heritage area

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

7.2.2 The local government is to—

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

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

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

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

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

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

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

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

7.2.7 The local government may modify or revoke a designation of a heritage area.

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

7.3 Heritage agreements

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

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

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

7.4 Heritage assessment

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

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

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage list under clause 7.2.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for approval to commence development

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

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

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

8.2 Permitted development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes or the Development Table—General;
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) the proposed dwelling is a transportable house;
 - (iv) the proposed dwelling is a relocated second hand dwelling or part thereof;
 - (v) outbuildings associated with a dwelling are proposed on a lot of 2 hectares or less and which is outside a defined building envelope accepted by Council;
 - (vi) the proposed dwelling is on land which is zoned Rural Residential and a building envelope has not been formally identified for the lot;
 - (vii) the proposed dwelling is to be located in a local policy area declared by Council under the provisions of Part 2 of the Scheme.
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the heritage list or in a heritage area.
- (g) agriculture extensive, home business, home occupation, home office and rural pursuit in the General Agriculture Zone;
- (h) the erection of a boundary fence except where otherwise required by the Scheme;
- (i) the carrying out of any works on, in, over or under a street or road by a public authority acting in pursuant of its statutory obligations;
- (j) the carrying out of works urgently required for public safety or for the safety or security of plant or equipment or for the maintenance of essential services
- (k) the use of land in a reserve, where such land is vested in Council or vested in a Public Authority—
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

provided the development complies with the provisions of the Development Table—General for the surrounding or relevant land use zone as determined by Council.

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

8.3 Amending or revoking a planning approval

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

8.4 Unauthorized existing developments

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

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

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

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

PART 9—APPLICATIONS FOR PLANNING APPROVAL**9.1 Form of application**

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

- (a) a use or commencement of development on a Local reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2 to be made in the form prescribed in Schedule 5 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

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

9.2 Accompanying material

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

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

9.3 Additional material for heritage matters

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

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

9.4 Advertising of applications

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

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

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

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

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

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

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

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

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with other authorities

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

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

10.2 Matters to be considered by local government

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

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

- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1;
- (za) any other planning consideration the local government considers relevant.

10.3 Determination of applications

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

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

10.4 Form and date of determination

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

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

10.5 Term of planning approval

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

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

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

10.6 Temporary planning approval

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

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

10.7 Scope of planning approval

Planning approval may be granted—

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

10.8 Approval subject to later approval of details

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

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

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters may be made no later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed refusal

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

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

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

10.10 Appeals

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

PART 11—ENFORCEMENT AND ADMINISTRATION**11.1 Powers of the local government**

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

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

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

11.2 Removal and repair of existing advertisements

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

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

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

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

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

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

11.3 Delegation of functions

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

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

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

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

11.4 Person must comply with provisions of Scheme

A person must not—

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

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

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

is guilty of an offence.

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

11.5 Compensation

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

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for the 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,

no later than 6 months after the application is refused or the permission granted.

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

11.6 Purchase or taking of land

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

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

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

11.7 Notice for removal of certain buildings

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

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

Schedules

Schedule 1	Dictionary of defined word and expressions General definitions Land use definitions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Form of application for planning approval
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Schedule 10	Environmental Conditions (Does not apply to this Scheme)

SCHEDULE ONE

Dictionary of defined words and expressions

1. General definitions

In the Scheme—

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

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

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

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

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

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

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

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

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

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

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

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

“local government” means the Shire of Cuballing.

“Local Planning Strategy” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

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

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

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

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

- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- “non-conforming use”** has the same meaning as it has in section 12(2)(a) of the Town Planning Act;
- “owner”** in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—
 - (a) is entitled to the land for an estate in fee simple in possession;
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - (c) is a lessor or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
- “place”** in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “plot ratio”** in the case of residential dwellings has the same meaning as in the Residential Design Codes;
- “precinct”** means a definable area where particular planning policies, guidelines or standards apply;
- “predominant use”** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “premises”** means land or buildings;
- “region scheme”** means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;
- “Residential Design Codes”** means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
- “retail”** means the sale or hire of goods or services to the public;
- “substantially commenced”** means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “Town Planning Act”** means the *Town Planning and Development Act 1928*;
- “wholesale”** means the sale of good or materials to be sold by others;
- “zone”** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “abattoir”** means land and buildings for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products;
- “agriculture—extensive”** means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “agriculture intensive”** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
 - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of plant or fruit nurseries;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - (d) aquaculture;
- “agroforestry”** means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “amusement parlour”** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “animal husbandry—intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots;
- “aquaculture”** means any fish farming operation for which a Fish Farm license issued pursuant to the provisions of Part V of the Fisheries Act, 1905 (as amended), and the Fisheries Regulations, 1938 (as amended), is required
- “bed and breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

- “betting agency”** means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “child care premises”** has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “cinema/theatre”** means premises where the public may view a motion picture or theatrical production;
- “civic use”** means premises used by the government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “club premises”** means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “community purpose”** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “consulting rooms”** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “convenience store”** means premises—
- 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;
 - operated during hours which include, but may extend beyond, normal trading hours;
 - which provide associated parking;
 - the floor area of which does not exceed 300 square metres net lettable area;
- “corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “exhibition centre”** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “family day care”** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulation 1988*;
- “fast food outlet”** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily of the premises, but does not include a lunch bar;
- “fuel depot”** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “funeral parlour”** means premises used to prepare and store bodies for burial or cremation;
- “home business”** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - 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
 - 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—
- does not employ any person not a member of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 20 square metres;
 - does not display a sign exceeding 0.2 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel license under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (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 crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“industry—extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining;

“industry—general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry—light” means an industry—

- (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—mining” means land used commercially to extract minerals from the land;

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“lunch bar”—means premises or part or premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within an industrial or commercial area;

“marine filling station”—means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

“market”—means premises used for the display and sale of goods from stalls by independent vendors;

“medical centre”—means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“motel”—means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

“motor vehicle, boat or caravan sales”—means premises used to sell or hire motor vehicles, boats or caravans;

“motor vehicle repair”—means premises used for or in connection with—

(a) electrical and mechanical repairs, or overhauls, to vehicles; or

(b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash”—means premises where the primary use is the washing of motor vehicles;

“night club”—means premises—

(a) used for entertainment with or without eating facilities; and

(b) licensed under the *Liquor Licensing Act 1988*;

“office”—means premises used for administration, clerical, technical, professional or other like business activities;

“park home park”—has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

“place of worship”—means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“plantation”—has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“reception centre”—means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation—private”—means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“residential building”—has the same meaning as in the Residential Design Codes;

“restaurant”—means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

“restricted premises”—means premises used for the sale by retail or wholesale, or the offer by hire, loan or exchange, or the exhibition, display or delivery of—

(a) publications that are classified as restricted under the *Censorship Act 1996*;

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“rural 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 5 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 200 square metres;

(d) 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 more than 3 vehicles or more than 3.5 tonnes tare weight; and

(e) does not involve the use of an essential service of greater capacity than normally required in the zone.

“rural pursuit”—means any premises used for—

(a) the rearing or agistment of animals;

(b) the stabling, agistment or training of horses;

(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or

(d) the sale of produce grown solely on the lot;

but does not include agriculture—extensive or agriculture—intensive;

“service station”—means premises used for—

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop”—means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“showroom”—means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“storage”—means premises used for the storage of goods, equipment, plant or materials;

“tavern”—means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“telecommunications infrastructure”—means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

“trade display”—means premises used for the display of trade goods and equipment for the purpose of advertisement;

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

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

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

**SCHEDULE TWO
ADDITIONAL USES**

No.	Description of land	Additional use	Conditions

**SCHEDULE THREE
RESTRICTED USES**

No.	Description of land	Restricted use	Conditions

**SCHEDULE FOUR
SPECIAL USE ZONES**

No.	Description of land	Special use	Conditions
1.	Pt Lot 244 Ridley Street, Cuballing	Dwelling Home Business Home Occupation Home Office Home Store	(i) All use and development shall be in accordance plans, and conditions approved by the local government; (ii) No alterations or extensions to the land use shall be undertaken without the approval of the local government.

**SCHEDULE FIVE
EXEMPTED ADVERTISEMENTS**

Land Use and/or Development	Exempted Sign	Maximum Size
Dwellings	One Professional Name Plate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worships, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Shops, Showrooms and other uses appropriate to the Town site 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 5 metres from the ground floor level of the building.	N/A
Industrial	A maximum of 4 advertisements applied to or affixed to the wall of the building.	

**SCHEDULE SIX
FORM OF APPLICATION FOR PLANNING APPROVAL**

Shire of Cuballing

Town Planning Scheme No. 2

Application for Planning Approval

Owner details—		
Name—		
Address—		
Postcode:		
Phone:		FAX:
Home:	Work:	Email:
Mobile:		
Contact Person—		
Signature:		Date:
Signature:		Date:
The signature of the owner(s) is required on all applications. This application will not proceed without that signature.		

Applicant details—		
Name—		
Address—		
Postcode:		
Phone:		FAX:
Home:	Work:	Email:
Mobile:		
Contact Person for Correspondence—		
Signature:		Date:

Part 2

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

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

Office Use Only
Acceptance Officer's initials: Date Received—
Local Government Reference No:

SCHEDULE SEVEN**ADDITIONAL INFORMATION FOR SIGNS (ADVERTISEMENTS)**

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

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—
.....
.....
.....
2. Details of proposed sign—
 - (a) Type of structure on which advertisement is to be erected
(i.e. free standing, wall mounted, other):.....
.....
 - (b) Height:..... Width:..... Depth:.....
 - (c) Colours to be used:.....
 - (d) Height above ground level—
 - (to top of advertisement):
 - (to underside):
 - (e) Materials to be used:

.....
Illuminated: Yes / No
If yes, state whether steady, moving flashing, alternating, digital, animated or scintillating
and state intensity of light source:.....
.....
3. Period of time for which advertisement is required:
.....
4. Details of signs (if any) to be removed if this application is approved—
.....
.....
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s):

(if different from landowners).....

Date:.....

SCHEDULE EIGHT

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

(cl. 9.4.4)

Town Planning and Development Act 1928 (As Amended) 1928

Shire of Cuballing

Notice of Public Advertisement of Planning Proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: _____ Street: _____

Locality: _____

Proposal:

.....

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

Signed:

Dated:

for and on behalf of the Shire of Cuballing.

SCHEDULE NINE

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Town Planning and Development Act 1928 (As Amended) 1928

Shire of Cuballing

Determination on Application for Planning Approval

Location:

Lot: _____ Plan/Diagram: _____

Vol. No: _____ Folio No: _____

Application Date: _____ Received on: _____

Description of proposed development:

.....

The application for planning approval is—

☐ Granted subject to the following conditions—

☐ Refused for the following reason(s)

Conditions/reasons for refusal—

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning and Development Act 1928 (As Amended) 1928. An appeal must be lodged within 60 days of the determination.

Signed:

Date:

for and on behalf of the Shire of Cuballing.

SCHEDULE TEN
Environmental conditions

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

ADOPTION

Adopted by resolution of the Council of the SHIRE OF CUBALLING at the meeting of the Council held on the 21st day of December 2001 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

I. WATTS, President.
P. NAYLOR, Chief Executive Officer.

FINAL APPROVAL

Adopted by resolution of the Council of the Shire of Cuballing at the meeting of the Council held on the 21st day of October 2004 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

I. WATTS, President.

Date: 8 April 2005

P. NAYLOR, Chief Executive Officer.

Date: 8 April 2005

Recommended for Approval—
Delegated under s20 of WAPC Act 1985
Signed: J. BELL.
Date: 5 May 2005
Final Approval—

A. MacTIERNAN, Minister for Planning and Infrastructure.

Date: 11 May 2005

PI702*

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

Town Planning Scheme No. 3

Ref: 853/4/23/3

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 Northam Town Planning Scheme No. 3 on 13 May 2005, the scheme text of which is published as a Schedule annexed hereto.

A. W. LLEWELLYN, Shire President.
A. J. MIDDLETON, Chief Executive Officer.

Schedule

Shire of Northam

Town Planning Scheme No. 3

District Zoning Scheme

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

Table of Contents

- Part 1 **Preliminary**—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Local Planning Policy Framework**—sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.
- Part 3 **Reserves**—sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 **Zones and the use of land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General development requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special control areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for planning approval**—sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for dealing with applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and administration**—sets out the general provisions for the administration and enforcement of the Scheme.

Schedules

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

Appendices

- Appendix 1 Scheme Maps

PART 1—PRELIMINARY**1.1. Citation**

1.1.1. The Shire of Northam Scheme No. 3 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked—

Shire of Northam Town Planning Scheme No. 2—18th October 1987

1.2. Responsible authority

The Shire of Northam is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area which covers all of the local government district of the Shire as shown on the Scheme Map.

1.4. Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-9).

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

Note: The Scheme Map comprises nine (9) separate map sheets. Map 1 is at a scale of 1:200,000 and covers all of the local government district of the Shire. Maps 2 to 9 are at a scale of 1:10,000 and cover the Wundowie, Bakers Hill, Clackline and Grass Valley townsites and the Spencers Brook locality.

1.5. Purposes of Scheme

The purposes of the Scheme are to—

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

1.6. The aims of the Scheme

The aims of the Scheme are—

- to secure the amenity, health and convenience of the Scheme area and the inhabitants thereof;
- to ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;
- to provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;
- to preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Shire;
- to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- to protect and enhance the environmental values and natural resources of the Scheme Area including the protection of remnant vegetation and the rehabilitation and revegetation of degraded land;
- to promote ecologically sustainable land use and development;
- to assist the effective implementation of the State Planning Strategy, State Planning Framework (SPP No. 8) and other adopted strategies and policies as these apply to the Wheatbelt Region; and
- to make provision for other matters necessary or incidental to town planning and development generally.

1.7. Definitions

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

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

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

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

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

1.8. Relationship with local laws

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

1.9. Relationship with other Schemes

There are no other Schemes of the Shire of Northam which apply to the Scheme area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1. Scheme determinations to conform with Local Planning Strategy

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

(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)

2.2. Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

2.3. Relationship of Local Planning Policies to Scheme

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

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

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

2.4. Procedure for making or amending a Local Planning Policy

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

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

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

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

2.4.3. If the local government resolves to adopt the Policy, the local government is to—

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

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

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

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

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

PART 3—RESERVES

3.1. Reserves

Certain lands within the Scheme area are classified as Local Reserves,

3.2. Regional Reserves

There are no regional reserves in the Scheme area.

3.3. Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map, the categories of which are listed hereunder—

- Conservation of Flora and Fauna;
- Major Road;
- Parks and Recreation;
- Public Purposes;
- Railway;
- State Forest.

3.4. Use and development of Local Reserves

3.4.1. A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

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

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

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

PART 4—ZONES AND THE USE OF LAND

4.1. Zones

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

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

4.2. Objectives of the zones

The objectives of the zones are—

Residential Zone

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.

Commercial Zone

To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

Industrial Zone

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by nature of their operations should be separated from residential areas.

Tourist Zone

To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

Agriculture Local Zone

To provide for horticulture, intensive agriculture, agroforestry, local services and industries, buffer areas for extractive industries, tourist uses and conservation of landscape qualities in accordance with the capability of the land.

Agriculture Regional Zone

To provide for extensive agricultural uses which contribute to the general wellbeing of the region and State and which are compatible with the capability of the land.

Rural Smallholding Zone

To provide for residential accommodation in association with rural pursuits on smaller land holdings. This zone provides for home businesses, cottage industries, home offices and activities in combination with conservation of remnant vegetation in accordance with the capability of the land.

Special Use Zone

To provide for special categories of land use which are not fully compatible with other zones in the Scheme

4.3. Zoning Table

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

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

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

‘X’ means a use that is not permitted by the Scheme.

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

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

- Note:
- The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 - The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 - In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.
 - The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

Table 1: Zoning Table

P—Permitted D—Discretion A—Advertising X- Not Permitted

	ZONES						
	Residential	Commercial	Industrial	Tourist	Agriculture Regional	Agriculture Local	Rural Smallholding
Residential							
Dwelling	P	X	X	X	P	P	P
Grouped Dwelling	A	X	X	X	X	X	X
Multiple Dwelling	A	X	X	X	X	X	X
Residential Building	D	X	X	D	X	X	X
Home Occupation	D	X	X	X	P	P	P
Rural Home Business	X	X	X	X	A	A	X
Caretakers Dwelling	X	D	D	D	D	D	D
Caravan Park	X	X	X	P	X	A	X
Park Home Park	X	X	X	P	X	A	X
Bed & Breakfast	A	D	X	D	A	D	D
Tourist Accommodation	X	D	X	P	A	A	A
Licensed Premises							
Hotel	X	P	X	P	X	X	X
Tavern	X	P	X	P	X	X	X
Motel	X	P	X	P	X	X	X
Restaurant	A	P	X	P	X	X	X

	ZONES						
	Residential	Commercial	Industrial	Tourist	Agriculture Regional	Agriculture Local	Rural Smallholding
Commercial							
Shop	X	P	X	X	X	X	X
Consulting Rooms	A	P	X	X	X	X	X
Convenience Store	A	P	D	D	X	X	X
Fast Food Outlet	X	P	D	D	X	X	X
Lunch Bar	X	P	D	X	X	X	X
Market	X	P	D	D	X	X	X
Trade Display	X	P	P	X	X	X	X
Office	X	P	D	X	X	X	X
Service Station	X	P	D	D	X	X	X
Funeral Parlour	X	A	D	X	X	X	X
Night Club	X	D	X	P	X	X	X
Cinema/Theatre	X	P	X	P	X	X	X
Industrial							
General Industry	X	X	P	X	X	X	X
Service Industry	X	X	P	X	X	X	X
Cottage Industry	A	X	P	X	A	D	P
Mining Industry	X	X	A	X	A	A	X
Extractive Industry	X	X	P	X	A	A	X
Warehouse	X	D	P	X	X	X	X
Fuel Depot	X	X	P	X	X	X	X
Motor Vehicle Repairs	X	P	P	X	X	X	X
Community							
Child Care Premises	D	D	X	X	X	X	X
Civic Use	X	D	X	D	X	X	X
Club Premises	X	D	X	D	X	A	X
Community Purposes	X	D	X	D	A	A	A
Corrective Institution	X	X	D	X	A	A	X
Educational	D	D	D	X	A	A	X
Exhibition Centre	X	D	D	X	X	X	X
Hospital	X	D	X	X	X	X	X
Place of Worship	A	X	X	X	A	A	X
Reception Centre	X	D	X	D	A	A	X
Rural							
Agriculture Extensive	X	X	X	X	P	P	X
Agriculture Intensive	X	X	X	X	D	D	A
Agroforestry	X	X	X	X	D	D	A
Animal Husbandry	X	X	X	X	D	D	A
Rural Pursuit	X	X	X	X	D	D	A
Veterinary Centre	X	D	D	X	A	D	D
Industry Rural	X	X	D	X	A	A	A

Note: Special Use zones to be regulated in accordance with conditions specified in Schedule 4.

4.4. Interpretation of the Zoning Table

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

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

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

4.5. Additional uses

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

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

4.6. Restricted uses

There are no restricted uses which apply to the Scheme.

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

4.7. Special use zones

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

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

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

4.8. Non-conforming uses

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

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

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

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

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

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

4.10. Discontinuance of non-conforming use

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

4.11. Termination of a non-conforming use

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

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

4.12. Destruction of non-conforming use buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS**5.1. Compliance with development standards and requirements**

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

5.2. Residential Planning Codes

5.2.1. A copy of the Residential Planning Codes is to be kept and made available for public inspection at the offices of the local government.

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

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

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

5.3. Special application of Residential Planning Codes

There are no exclusions or variations to the Residential Planning Codes which apply to the Scheme.

5.4. Restrictive covenants

5.4.1. Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.

Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5. Variations to site and development standards and requirements

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

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

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

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and

the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 Environmental conditions

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

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

5.6.3. The local government is to—

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

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

5.7 Site and Development Requirements

5.7.1 Table 2 sets out the site and development requirements for various land uses which may be supplemented by the local government's specific requirements.

5.7.2 The local government in determining applications for any development may require such development to comply generally with the standards required for various land uses as required in Table 2 to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.

5.7.3 The site and development requirements for the development of uses not referred to in Table 2 shall be in accordance with the local government's specific requirements in each particular case.

Table 2: Site and Development Requirements Table **

CONTROLS	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Φ Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Child Care Premises	7.5	7.5	*	*	*	1 for every 4 children plus 1 per employee.
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	20 in Res Zone	1 for every 30sqm of gross lettable area, plus 1 per employee
Educational Establish-ment	9.0	7.5	5.0	*	20	1 per full time employee, plus bays for students as determined by the Council
Fast Food Outlet	*	*	*	1.0	*	1 for every 10 sqm retail floor area
Funeral Parlour	*	*	*	1.0	10	As determined by the Council (minimum 6)
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee
Hotel	*	*	*	*	10	1 for every bedroom plus 3 per sqm bar and lounge area plus 1 space per 2 employees
Industry General	7.5	10	5	*	15	1 per 2 employees
Industry Light	7.5	10	5	*	10	1 per employee
Industry Service	7.5	10	5	*	10	1 per 2 employees
Library	*	*	*	*	*	1 for every 35sqm floor area
Motel	9.0	7.5	3 per storey	1.0	20	1 per unit, plus 3 spaces per 25sqm of service area plus 1 space per 2 employees
Office	*	*	*	1.0	*	1 for every 40sqm gross lettable area
Private Clubs & Institutions	*	*	*	0.5	*	1 for every 45sqm of gross lettable area.
Reception Centre	*	*	*	0.5	20	1 for every 4 persons whom the building is designed to accommodate
Restaurant	*	*	*	1.0	*	1 for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever the greater
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site
Shop	*	*	*	1.0	*	1 for every 20sqm of gross lettable area

CONTROLS	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Φ Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Showroom	*	*	*	1.0	10	1 for every 100sqm of gross lettable area
Veterinary Centre	*	*	*	*	20	1 for every 10sqm gross floor area, plus 1 for each person employed

* * This table is intended as a guideline and may be varied at the discretion of the local government.

* Means to be determined by the local government in each particular case.

Φ Landscaping to be generally at street frontage and is a percentage of lot area.

5.8 General Appearance of Building and Preservation of Amenity

The local government may refuse to approve the commencement or carrying out of any development involving any building or other work if, in its opinion, the proposed building or other work would have an adverse effect on the amenity of the locality. In exercising its discretion under this clause the local government shall have regard to—

- (a) the external appearance of the building and any associated structures and landscaping;
- (b) the design of all sides of the building where applicable, particularly those visible from a public road;
- (c) the dimensions and proportions of the building or structure;
- (d) the use of compatible building and landscape materials, taking into consideration tone, texture, scale, shape and colour;
- (e) the effect on existing or future buildings on nearby properties, and on the occupants of these buildings;
- (f) the environment resulting from the building itself and the effect of that environment on the occupants of the building and the local government's intentions for the development of the surrounding locality;
- (g) the effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;
- (h) the effect on the landscape and environment generally; and
- (i) any other matter which in the opinion of the local government is relevant to the amenity of the locality.

5.9 Car Parking

5.9.1 Car parking spaces for residential development shall be provided in accordance with the Residential Planning Codes.

5.9.2 The minimum dimension of any parking space required under the provisions of the Scheme shall be 5.5metres x 2.5metres excluding all access drives

5.9.3 Where the maximum dimensions of any open car parking area exceeds 20metres in length or width, garden planting equivalent in area to 10% of the number of parking spaces shall be provided within the parking area for the purpose of visual relief and so long as the garden planting areas shall be maintained in good order the said garden planting areas shall be included in calculations as car parking and not as landscaping.

5.9.4 The car parking layouts on any lot within the town centre commercial area shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated car parking area.

5.9.5 Where the developer can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in the Scheme landscaping may be provided in lieu of car parking spaces not constructed and the said landscaping shall be included in calculations as car parking but not as landscaping.

5.9.6 The local government at its discretion may accept the payment of cash in lieu of car parking spaces.

5.10 Transportable and Second-Hand Dwellings

5.10.1 The local government may permit a transportable or second-hand dwelling to be placed on a lot within the Scheme area and used as a residential dwelling if, in the opinion of the local government, the transportable or second-hand dwelling—

- (a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the transportable or second-hand dwellings and the lot upon which it is to be located following transportation and will not detrimentally affect the amenity of the locality in which the transportable or second-hand dwelling is to be located; or
- (a) has been constructed of suitable materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

5.11 Caretakers Dwellings

5.11.1 A caretaker's dwelling shall not be constructed on a lot with an area less than 2,000m².

5.11.2 A caretaker's dwelling shall not be constructed on any lot until an approved predominant use for that lot has been established and the local government has resolved that the dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.

5.11.3 Where the local government approves the development of a caretakers dwelling such dwelling is required to be located at the rear of the lot and screened from the road frontage unless otherwise approved by the local government.

5.11.4 The total floor area measurement of a caretakers dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.

5.11.5 Only one caretakers dwelling is permitted on a given lot. This includes the provision of only one caretakers dwelling on a lot with existing and/or proposed strata lots.

5.11.6 The use of a caravan as a caretakers dwelling is not permitted.

5.11.7 A caretakers dwelling shall not be occupied by any person other than the owner or manager or an employee of the use established on the land.

5.11.8 The local government will not support the subdivision or development of land that will—

- (a) allow a caretakers dwelling to be sold separately from the predominant use of the land; or
- (b) restrict the future potential use of the land.

5.12 Development of Lots Abutting Undedicated and/or Unconstructed Roads

5.12.1 Notwithstanding anything else appearing in the Scheme planning approval is required for development of land abutting an undedicated and/or unconstructed road or a lot which does not have direct frontage to a dedicated and/or constructed road. In considering an application for planning approval in these circumstances the local government shall—

- (a) refuse the application until the road has been dedicated and/or constructed or access by means of a dedicated and constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of dedicating and/or constructing the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the local government.

5.13 Development of Lots Abutting a Major Road Reserve

5.13.1 Within 50 metres of a Major Road Reserve where this Reserve is within the Agriculture—Local zone, Agriculture—Regional zone or Rural Smallholding zone, the following shall not be permitted except with the approval of the local government—

- (a) the construction of a building or other work with the exception of a fence;
- (b) the clearing of trees or substantial indigenous vegetation with the exception of those which are dead, diseased or dangerous or for the purpose of a firebreak.

5.13.2 The use and/or development of land within view of a Major Road Reserve will be subject to the provisions and policies applicable to the zone in which the land is located as well as any additional conditions or standards imposed by the local government for the purpose of maintaining the visual amenity of these areas.

5.14 Clearing of land including Remnant Vegetation

5.14.1 No clearing of any remnant native vegetation shall occur without the prior approval of the local government except the following—

- (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
- (b) clearing as may be reasonably required to construct an approved building and curtilage thereto; (a)
- (c) clearing of trees that are dead, diseased or dangerous;
- (d) clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the local government;
- (e) clearing required to establish a low fuel area; and
- (f) clearing so as to remove invasive plant species.

5.14.2 The clearing of any land of an area greater than one (1) hectare requires the prior approval of the Commissioner of Soil Conservation.

5.15 Commercial Zone

5.15.1 Development in the Commercial zone shall comply with the requirements of Table 2 and the objectives for that zone as outlined in Part 4.

5.15.2 In considering any application for planning approval within the Commercial zone the local government shall have regard to and may require the provision of loading docks and/or rear access. In particular, the local government may impose conditions relating to—

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

5.16 Tourist Zone

5.16.1 Development in the Tourist zone shall comply with the objectives for that zone as outlined in Part 4 and any other requirements as may be imposed by the local government.

5.16.2 In controlling development within a Tourist zone the local government may at its discretion specify conditions relating to lot area, minimum effective frontage, development type and style, plot ratio, car parking, landscaping, setbacks and any other provision affecting the development of a Tourist zoned lot.

5.17 Industrial Zone

5.17.1 Development in the Industrial zone shall comply with the requirements of Table 2 and the objectives for that zone as outlined in Part 4.

5.17.2 Within the industrial zone, the development of factory tenement buildings, for the purpose of providing multiple factory units on a lot, shall not be permitted unless the following requirements are complied with—

- (a) No factory unit shall have a floor area of less than 100 square metres;
- (b) Each factory unit shall have a service yard which shall be a minimum of 50% of the unit floor area;
- (c) Access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;
- (d) Off street parking may be provided as an overall area onsite and shall provide for all employees onsite with a minimum staff parking requirement of four bays per unit. Customer parking shall be provided as an additional figure of one bay per unit;
- (e) All facades to be of masonry construction or other material approved by the local government;
- (f) Other requirements for access to the area of units for loading and unloading, and for traffic circulation, servicing and building clearance shall be at the discretion of the local government, taking into account the provisions of the Scheme.
- (g) A development plan for a factory unit shall show a garden area, which shall meet the approval of the local government. Immediately upon completion of the units the garden shall be constructed and maintained.

5.18 Agriculture—Local Zone

5.18.1 Development in the Agriculture—Local zone shall comply with the objectives for that zone as outlined in Part 4.

5.18.2 The minimum setback for any building on a lot classified Agriculture—Local zone shall be 25 metres from the front boundary and 20 metres from all side and rear boundaries.

5.19 Agriculture—Regional Zone

5.19.1 Development in the Agriculture—Regional zone shall comply with the objectives for that zone as outlined in Part 4.

5.19.2 The minimum setback for any building on a lot classified Agriculture—Regional zone shall be 25 metres from the front boundary and 20 metres from all side and rear boundaries.

5.19.3 Within the Agriculture—Regional zone the local government will not generally support the erection of more than one single dwelling per lot. The local government may only consider granting approval to additional dwellings under the following circumstances—

- (a) where the landowner clearly demonstrates that the development is required for farm management purposes; or
- (b) the additional dwelling(s) will only accommodate a family member or workers accommodation.

5.19.4 The existence of more than one single dwelling on a lot classified Agriculture—Regional zone shall not be construed as a basis for the local government's support for the subdivision of the lot.

5.20 Rural Smallholding Zone

5.20.1 Development in the Rural Smallholding zone shall comply with the objectives for that zone as outlined in Part 4 and any other requirements as laid out in Schedule 11.

5.20.2 The minimum setback for any building on a lot classified Rural Smallholding zone shall be—

- (a) 15 metres from the front boundary and 10 metres from all side and rear boundaries where the lot size is between 1.0 hectares and 1.5 hectares; or
- (b) 25 metres from the front boundary and 20 metres from all side and rear boundaries where the lot size is greater than 1.5 hectares.

5.20.3 A building on a lot must be contained within the building envelope defined on the plan lodged under the provisions of clause 5.23.7 except that the local government may permit construction of buildings in areas other than the building envelope if it is satisfied that the proposed location thereof will not be detrimental to the landscape or the environment.

5.20.4 Within the Rural Smallholding zone no indigenous tree or other substantial vegetation may, unless with the approval of the local government, be felled, removed or damaged, except—

- (a) trees which are dead, diseased or are dangerous;
- (b) for each lot, within an area not exceeding 2,000m² for the purpose of a house and outbuildings;
- (c) for fences, accessways and firebreaks required by a regulation or by-law.

5.20.5 Not more than one single house may be erected and occupied on a lot within a Rural Smallholding zone.

5.20.6 All buildings intended for residence except those occupied on a temporary basis must provide for the catchment and storage of at least 92,000 litres of water unless it can be shown that the residence can be connected to and supplied from an existing reticulated water supply or to an alternative supply of potable water.

PART 6—SPECIAL CONTROL AREAS

6.1. Operation of special control areas

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

1. Avon River Special Control Area
2. Landscape Protection Special Control Area
3. Spencers Brook Special Control Area
4. Northam Town Expansion Special Control Area

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

6.2 Avon River Special Control Area

Purpose

6.2.1 The purpose of the Avon River Special Control Area is to—

- (i) Preserve the ecological values of the Avon River as a significant drought refuge for freshwater fishes and water birds;
- (ii) Avoid development that would negatively impact upon the ecological values and landscape qualities of the area;
- (iii) Ensure that land use in the area, including grazing, cultivation and recreational activities does not degrade the area;
- (iv) Ensure that any development takes place in such a manner so as to safeguard the welfare of people in the area; and
- (v) Ensure that future infrastructure development does not adversely alter the capacity of the area to convey floodwaters.

6.2.2. Application Requirements

Planning approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

6.2.3. Relevant Considerations

6.2.3.1 In considering any rezoning request, subdivision or development application the local government will have regard to the following—

- (a) There is a general presumption against rezoning of land within the area for more intensive land uses, such as residential, industrial and rural residential.
- (b) Subdivision applications for land entirely within the area will generally not be supported by the local government to avoid creating the potential for additional development.
- (c) The local government may consider supporting subdivision applications within the area where—
 - (i) the subdivision is for the use of land which will not create the potential for additional development;
 - (ii) subdivision is for boundary realignment, rationalization of landholdings or lots created for management purposes, which will not create the potential for additional development within the floodplain area;
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

6.2.3.2 Development applications for land within the area should not be approved where the development may result in an obstruction to major river flows and increase flood levels upstream. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

6.2.3.3 Public works (for example, road or bridge construction) or community facilities may be permitted within the floodplain, subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimize flood risks, property damage and obstruction to the river flow.

6.2.3.4 Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level, as determined by the Department of Environment, Water and Catchment Protection, to provide adequate protection from major floods.

6.2.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

6.2.5 Conditions of Approval

The local government's approval to any subdivision and/or development on land within the Avon River Special Control Area may be conditional upon one or more of the following—

- (a) Planting and/or retention of vegetation;
- (b) Fencing of remnant vegetation;
- (c) Control of stock along wetland and foreshore areas;
- (d) Prohibition of dwellings and effluent disposal systems within 100 metres of wetland and foreshore areas;
- (e) Management of stormwater drainage;
- (f) Creation of rights of public access to foreshore areas;
- (g) Preparation of conservation management plans;
- (h) Preparation and registration of restrictive covenants and/or deeds of agreement to secure performance of land management agreements.

6.3 Landscape Protection Special Control Area

6.3.1 Purpose

The purpose of the Landscape Protection Special Control Area is to—

- (i) Preserve the visual amenity and landscape quality of the area;
- (ii) Avoid development which would negatively impact upon the ecological values and landscape qualities of the area; and
- (iii) Ensure that land use in the area, including grazing, mining activities and recreational activities does not degrade the area.

6.3.2 Application Requirements

Planning approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

6.3.3 Relevant Considerations

6.3.3.1 In considering any rezoning request, subdivision or development application the local government will have regard to the following—

- (a) It is considered that subdivision may be possible within this area in accordance with the Shire of Northam Local Planning Strategy.
- (b) The local government may consider supporting subdivision applications where—
 - (i) the subdivision is for the use of land which is in accordance with the Local Rural Strategy;
 - (ii) the subdivision is for a boundary realignment, rationalization of landholdings or lots created for management purposes; and
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

6.3.3.2 Development applications for land within the area will not be approved where the development may detract from the visual quality of the area. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

6.3.3.3 Public works (for example, road construction) or community facilities may be permitted within the area on condition that they do not detract from the visual quality of the area.

6.3.4 Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

6.4 Spencers Brook Special Control Area

6.4.1 Purpose

The purpose of the Spencers Brook Special Control Area is to—

- (i) To preserve the ecological values of the river and riparian zone;
- (ii) To avoid development which would negatively impact upon the qualities of the area;
- (iii) To ensure that land use in the area does not degrade the area;
- (iv) To ensure that any development takes place in such a manner so as to safeguard the lives and property of people in the area; and
- (v) To ensure that any development does not adversely alter the capacity of the floodway to convey floodwaters.

6.4.2 Application Requirements

Planning approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

6.4.3 Relevant Considerations

6.4.3.1 In considering any rezoning request, subdivision or development application the local government will have regard to the following—

- (a) There is a presumption against development of land within the Spencers Brook management area for more intensive land uses, such as residential, commercial or rural uses.

- (b) Subdivision applications for land entirely within the Spencers Brook management area will generally not be supported by the local government to avoid creating the potential for additional development.
- (c) The local government may consider supporting subdivision applications where—
 - (i) the subdivision is for the use of land which will not create the potential for additional development;
 - (ii) the subdivision is for a boundary realignment, rationalization of landholdings or lots created for management purposes, which will not create the potential for additional development; and
 - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

6.4.3.2 Development applications for land within the area will not be approved where the development may result in an obstruction to major river flows and increase flood levels upstream. The impacts of proposals for aquaculture, commercial tree plantations or significant revegetation, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

6.4.3.3 Public works (for example, road or bridge construction) or community facilities may be permitted within the area, subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimise flood risks, property damage and obstruction to the river flow.

6.4.3.4 Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level, as determined by the Department of Environment, Water and Catchment Protection, to provide adequate protection from major floods.

6.4.4. Referral of Applications

Consultations regarding any rezoning request, subdivision or development application may be referred to any relevant authority for advice and comment.

6.5 Northam Town Expansion Special Control Area

Purpose

6.5.1 The purpose of the Northam Town Expansion Special Control Area is to—

- (i) Provide for the coordinated development of land in the Shire immediately adjacent to the Northam townsite in accordance with an approved Structure Plan for the townsite and its hinterland;
- (ii) Ensure compatible development in the vicinity of the Northam townsite;
- (iii) Avoid development which would negatively impact upon the qualities of the area; and
- (iv) Ensure that all development takes place in a manner which safeguards the lives and property of people in the area.

6.5.2 Application Requirements

Planning approval is required to construct or extend a single house and ancillary outbuilding or the demolition of any building or structure.

6.5.3 Relevant Considerations

In considering any rezoning request, subdivision or development application the local government will have regard to the following—

- (a) An approved Structure Plan for the Northam townsite and its hinterland; and
- (b) Any relevant strategies and policies of the Western Australian Planning Commission.

6.5.4 Referral of Applications

6.5.4.1 All rezoning, subdivision or development applications will be referred to the Town of Northam for advice and comment. Any comments received from the Town of Northam will be given due regard prior to determining the application.

6.5.4.2 Consultations regarding any rezoning request, subdivision or development application may be referred to any other relevant authority for advice and comment.

PART 7—HERITAGE PROTECTION

7.1. Heritage List

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

7.1.2. In the preparation of the Heritage List the local government is to—

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

7.1.3. In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and

- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

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

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

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

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

to facilitate the conservation of places of heritage value; and

to ensure as far as possible that development occurs with due regard to heritage values.

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

7.2. Designation of a heritage area

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

7.2.2. The local government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—

(i) a map showing the boundaries of the heritage area;

(ii) a record of places of heritage significance; and

(iii) objectives and guidelines for the conservation of the heritage area;

and

- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to—

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

- (b) advertise the proposal by—

(i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;

(ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and

(iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

- (c) carry out such other consultation as the local government considers appropriate.

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

- (a) the area subject of the proposed designation;

- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

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

- (a) review the proposed designation in the light of any submissions made; and

- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

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

7.2.7. The local government may modify or revoke a designation of a heritage area.

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

7.3. Heritage agreements

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

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

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

7.4. Heritage assessment

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

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

Where desirable to—

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

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

PART 8—DEVELOPMENT OF LAND

8.1. Requirement for approval to commence development

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

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.

8.2. Permitted development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;

- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—

the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or

the development will be located in a heritage area designated under the Scheme;

the proposal involves a relocated, transportable or second-hand dwelling;

the development is proposed on a lot which does not have access to a dedicated and/or constructed road;

the development is in a Special Control Area;

the development is within 50 metres of a Major Road Reserve where this Reserve is located within the Agriculture—Local zone, Agriculture—Regional zone or Rural Smallholding zone; or

the development is within view of a Major Road Reserve.

the demolition of any building or structure except where the building or structure is—

- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
- (iii) included on the Heritage List under clause 7.1 of the Scheme; or
- (iv) located within a heritage area designated under the Scheme;

a home office;

any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and

any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

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

8.3. Amending or revoking a planning approval

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

8.4. Unauthorized existing developments

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

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

Note: 1. Applications for approval to an existing development are made under Part 9.
2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1. Form of application

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

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

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

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

9.2. Accompanying material

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

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

9.3. Additional material for heritage matters

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

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

9.4. Advertising of applications

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

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

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

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

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

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

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

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

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1. Consultation with other authorities

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

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

10.2. Matters to be considered by local government

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

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

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

10.3. Determination of applications

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

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

10.4. Form and date of determination

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

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

10.5. Term of planning approval

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

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

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

10.6. Temporary planning approval

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

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

10.7. Scope of planning approval

Planning approval may be granted—

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

10.8. Approval subject to later approval of details

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

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

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

10.9. Deemed refusal

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

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

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

10.10. Appeals

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

PART 11—ENFORCEMENT AND ADMINISTRATION**11.1. Powers of the local government**

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

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

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

11.2. Removal and repair of existing advertisements

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

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

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

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

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

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

11.3. Delegation of functions

11.3.1. The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those

expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

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

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

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

11.4. Person must comply with provisions of Scheme

A person must not—

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

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

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

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

11.5. Compensation

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

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

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

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

- Note:
1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under theRegion Scheme should be made under the (*Metropolitan Region Town Planning Scheme Act 1959*/*Western Australian Planning Commission Act 1985*).
 2. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6. Purchase or taking of land

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

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

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

11.7. Notice for removal of certain buildings

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

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

SCHEDULES

Schedule 1	Dictionary of defined words and expressions
	—General definitions
	—Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
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Schedule 11	Rural Smallholding zones

Schedule 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

1. General definitions

In the Scheme—

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

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

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

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

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

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

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

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

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

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

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

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

“local government” means the Shire of Northam;

“Local Planning Strategy” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

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

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

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

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“non-conforming use” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

“owner”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—

(a) is entitled to the land for an estate in fee simple in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

“place”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“plot ratio”, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“Residential Planning Codes” means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

“retail” means the sale or hire of goods or services to the public;

“substantially commenced” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“Town Planning Act” means the *Town Planning and Development Act 1928*;

“wholesale” means the sale of goods or materials to be sold by others;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

“agriculture—extensive” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

“agriculture—intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;

(b) the establishment and operation of plant or fruit nurseries;

(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or

(d) aquaculture;

“agroforestry” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“amusement parlour” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“animal establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

“animal husbandry—intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

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

“betting agency” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

“caravan park” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “child care premises”** has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “cinema/theatre”** means premises where the public may view a motion picture or theatrical production;
- “civic use”** means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “club premises”** means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “community purpose”** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “consulting rooms”** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “convenience store”** means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “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 single person;
 - a single family; or
 - no more than six (6) persons who do not comprise a single family.
- “educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “exhibition centre”** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “family day care”** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “fast food outlet”** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “fuel depot”** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “funeral parlour”** means premises used to prepare and store bodies for burial or cremation;
- “home business”** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 square metres;
 - (d) does not involve the retail sale, display or hire of goods of any nature;
 - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - (f) does not involve the use of an essential service of greater capacity than normally required in the zone;
- “home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ any person not a member of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;

- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, 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 crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“industry—extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

“industry—general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry—light” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises 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—mining” means land used commercially to extract minerals from the land;

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“lunch bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

“market” means premises used for the display and sale of goods from stalls by independent vendors;

“medical centre” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general

outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“motel” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

“motor vehicle, boat or caravan sales” means premises used to sell or hire motor vehicles, boats or caravans;

“motor vehicle repair” means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash” means premises where the primary use is the washing of motor vehicles;

“night club” means premises—

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

“office” means premises used for administration, clerical, technical, professional or other like business activities;

“park home park” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

“place of worship” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“plantation” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“reception centre” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation—private” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“residential building” has the same meaning as in the Residential Planning Codes;

“restaurant” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“rural home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by the 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 or adversely affect the amenity of the neighbourhood;
- (c) Does not occupy an area greater than 200 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 more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and
- (f) Does not involve the use of an essential service of greater capacity than normally required in the zone.

“rural pursuit” means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture—extensive or agriculture—intensive;

“service station” means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“showroom” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“storage” means premises used for the storage of goods, equipment, plant or materials;

“tavern” means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“telecommunications infrastructure” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

“tourist accommodation” means accommodation specifically catering for tourists such as chalets, farm stay, guesthouses and similar but does not include a hotel, motel or caravan park, and which is not to be occupied by a person for more than 3 months in a 12 month period.

“trade display” means premises used for the display of trade goods and equipment for the purpose of advertisement;

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

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

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

Schedule 2 ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1.	Lot 194 Great Eastern Highway, Bakers Hill	Motor Vehicle Repairs	<p>i) All use and development shall be in accordance plans, conditions and management requirements approved by the local government;</p> <p>ii) No alterations or extensions to the land use shall be undertaken without the approval of the local government;</p> <p>iii) The use of the land shall not cause injury to or prejudicially affect the amenity of the immediate locality.</p>
2.	Avon Loc Z known as BAILLEE FARM on C/T 1964/285—Northam	<p>Group Farming</p> <p>The purpose of the group farming use is to permit the establishment of more than one residence on the property to facilitate opportunities for rural living in the context of a commitment to the protection and enhancement of the agricultural and environmental status of the land and its rural landscape values.</p>	<p>Prior to development or subdivision an overall Development Plan is required to be prepared and that plan shall be subject to the approval of the Council and the Western Australian Planning Commission.</p> <p>The development plan and supporting documentation must include—</p> <ul style="list-style-type: none"> • Residential lots or areas; • Community facilities; • Servicing details; • Identification of land uses; • Assessment of the property’s landforms, soils, landscape and environment generally including assessment of capability of the commonly owned or managed area to support an agricultural enterprise appropriate to the local conditions;

No.	Description of land	Additional use	Conditions
3.	'El Caballo' comprising Lot 70, 171 & 173 Great Eastern Highway and Lot 172 & 174 Jocosso Rise, Wundowie	Shop	<ul style="list-style-type: none"> • Details of the fire protection and management plans; • Details of management plans to address environmental issues; and • Details of management of the property including appropriate and enforceable contractual obligations that include— <ul style="list-style-type: none"> (a) a mechanism whereby Council will be a party to, and whose consent will be necessary for, any decision involving a change in the structure or management of the project or a major change in landuse; (b) a commitment to a continuing direct relationship between ownership of residential lots and the balance of the property; (c) satisfactory management or maintenance of the non-residential component of the property; (d) methodology for resolution of any conflict arising in respect to the management of the property as a whole or to activity on a residential site; (e) continuing use of land, other than set aside for residential or community use, for agricultural purposes, other approved rural enterprises such as tree plantations or, where such uses cease either temporarily or permanently, for maintenance which will satisfactorily retain the property's agricultural potential; (f) ownership and management of community facilities where provided; (g) prohibition of the sale of commonly owned or managed land, unless with the consent of Council and approval of the Western Australian Planning Commission; (h) implementation of reasonable controls over residential appearance and maintenance. <p>All subdivision and development shall be in accordance with the approved development plan.</p> <p>i) The total floor space is not to exceed 500 sqm net lettable area;</p> <p>ii) All use and development shall be in accordance with plans, conditions and management requirements approved by the local government;</p> <p>iii) No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>

Schedule 3
RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions

Schedule 4
SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1.	Lot 70 corner Great Eastern Highway & Bodeguero Way, Woorooloo.	Shop, Restaurant, Office and Service Station.	
2.	Lot 1 Spencers Brook Road	Rural Pursuit Holiday Accommodation and uses ancillary thereto as approved by the local government. Grouped Dwelling	
3.	Lot 2 Spencers Brook Road & Lot 10 Muresk Road	Rural Pursuit	Rural Pursuit including, with the approval of the local government, the breeding and rearing of emus and small game birds. Development of Rural Pursuits requiring local government approval subject to satisfactory control of waste to avoid pollution of stream systems. Any works including land clearing, and/or development approval to be subject to a search for unexploded ordnance material, and clearance being given by an authorised officer of the Unexploded Ordnance Services Division of the Fire & Emergency Services Authority of WA (FESA). Residential Use is not permitted except with the approval of the local government and conditional upon any earthworks being subject to clearance of the site by an authorised officer of the local government. Any approved Residential Use shall be securely fenced and signposted regarding unexploded ordnance material.
4.	Lots 8, 56 & Part Lot 50 Northam-Toodyay Road	The following uses are permitted on the site provided they comply with all conditions (if any) imposed by the Council in granting planning consent— Residential School (Higher Education Institution ie.	The Council will not support any further subdivision or strata titling of the site. An area 30 metres in width (or wider where fringing riparian vegetation exists) up slope from the high water mark of the Avon River on Lot 8, to be set aside as a foreshore reserve prior to any development being approved by Council. No development will be permitted within the 1:100 year flood plain of the Avon River.

No.	Description of land	Special use	Conditions
		University) and ancillary accommodation Prayer centre, conference facilities and ancillary accommodation Recreation uses Rural Pursuit All other uses not listed above shall be deemed to be not permissible on the site.	All development shall be in accordance with the Outline Development Plan endorsed by the Council. The Outline Development Plan should address matters such as building envelopes, view sheds, visual amenity, materials, colours and finishes of buildings, building heights, fencing, protection of remnant vegetation, revegetation program, clearing restrictions, reducing risk of soil erosion, effluent disposal, servicing, road access and road upgrading, and Avon River flood levels. A fire management plan shall be prepared for the site prior to the Council granting development approval.

Schedule 5
EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	1 professional name plate as appropriate	0.2sqm
Home Occupation	1 advertisement describing the nature of the home occupation	0.2sqm
Places of Worship, Meeting Halls and Places of Public Assembly	1 advertisement detailing the function and/or the activities of the institution concerned.	0.2sqm
Cinemas, Theatres and Drive-in Theatres	2 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 5sqm
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 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
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 a 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 15sqm Maximum permissible total area shall not exceed 10sqm & individual advertisement signs shall not exceed 6sqm.
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Public Places and Reserves	<p>a) Advertisement signs (illuminated or non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated or non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and</p> <p>c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or 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 2sqm 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 or the name and address of the managing agent thereof.	0.2sqm
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)—		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2sqm
ii) Multiple Dwellings, Shops, Commercial & Industrial projects	One sign as for (i) above.	5sqm
iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	<p>One sign as for (i) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>10sqm</p> <p>5sqm</p>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2sqm
Property Transactions Advertisement signs displayed for the duration of a period over which property		

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
transactions are offered and negotiated as follows—		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2sqm
b) Multiple dwellings, shops, Commercial & Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 2sqm
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above.	Each sign shall not exceed an area of 10sqm
Display Homes	(i) One sign for each dwelling on display.	2sqm
Advertisement signs displayed or the period over which homes are on display for public inspection.	(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5sqm

Schedule 6

FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Application for planning approval

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

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

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

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

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

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

Schedule 7

ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

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

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
2.	<p>Details of proposed sign:</p> <p>(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):</p> <p>(b) Height: Width: Depth:</p> <p>(c) Colours to be used:</p> <p>(d) Height above ground level: (to top of advertisement): (to underside):</p> <p>(e) Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:.....</p>
3.	Period of time for which advertisement is required:
4.	<p>Details of signs (if any) to be removed if this application is approved—</p> <p>.....</p> <p>.....</p> <p>.....</p>

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s):
(if different from land owners)

Date:

Schedule 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

Town Planning Act 1928

Shire of Northam

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No.: Street: Suburb:

Proposal:

.....

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

Signed: Dated:

.....

for and on behalf of the Shire of Northam.

Schedule 9

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

Town Planning Act 1928

Shire of Northam

Determination on application for planning approval

Location:

Lot:

Plan/Diagram:

Vol. No.:

Folio No.:

Application date:

Received on:

Description of proposed development:

.....

.....

The application for planning approval is:

☐ granted subject to the following conditions:

☐ refused for the following reasons(s):

Conditions/reasons for refusal:

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the *Town Planning Act 1928*. An appeal must be lodged within 60 days of the determination.

Signed:

Dated:

.....
for and on behalf of the Shire of Northam.

Schedule 10
ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

Schedule 11
RURAL SMALLHOLDING ZONES

[cl. 5.23.1]

No.	Description of land	Conditions
1.	Lot M1358 Avon Location 1952 Plan 5771. Certificate of Title Volume 1166, Folio 476 Bobakine Road, Clackline.	<p>Subdivision shall be in accordance with the Subdivision Guide Plan as endorsed by the Chief Executive Officer.</p> <p>The following uses are not permitted:</p> <p style="padding-left: 40px;">Rural Pursuit</p> <p style="padding-left: 40px;">Animal Housing</p> <p>Any residence constructed shall conform to the Local Government's Building By-laws. Each residence, whilst the property is not connected to a reticulated water supply, shall have a water tank having a minimum capacity of 90,000 litres. The roof area feeding the water supply to the tank may comprise the residence and outbuildings. The total roof area shall not be less than 100 square metres.</p> <p>No building on a lot shall be constructed closer to any road boundary of the lot than 25 metres and 20 metres from other boundaries.</p> <p>No dams are to be constructed on the watercourses.</p> <p>The area is declared a tree preservation area and no clearing of trees shall take place unless the permission of the local government is obtained.</p>
2.	Avon Locations 16166, 24209, 24210, 3816, 3817 & 6994 Carlin & Tamma Roads, Bakers Hill.	<p>Subdivision shall generally be in accordance with the Development Guide Plan adopted by the local government and endorsed by the Chief Executive Officer.</p> <p>Notwithstanding the provisions of Table 1, the uses which shall be permitted within the zone are as follows:</p> <p style="padding-left: 40px;">Single House (P)</p> <p style="padding-left: 40px;">Home Occupation (D)</p> <p style="padding-left: 40px;">Horse Stable (D)</p> <p style="padding-left: 40px;">Public Recreation (P)</p> <p style="padding-left: 40px;">Rural Pursuit (D)</p> <p style="padding-left: 40px;">All other uses are not permitted</p> <p>The keeping of grazing livestock on areas shown on the Development Guide Plan as Tree Preservation Areas is not permitted.</p>

No.	Description of land	Conditions
3.	Avon Location 3685, Lots 50, 51 & 340 O'Driscoll Street & Berry Brow Road, Bakers Hill	<p>Within the area shown on the Development Guide Plan as Stream Protection Area, extending for a distance of 50 metres on either side of the centre of the watercourse:</p> <p>except with the approval of the local government, clearing of trees except for the purpose of firebreaks or fences is prohibited, and in order to assist in reducing salinity hazard, planting of trees on cleared portions of the area will be encouraged and expected;</p> <p>except with the approval of the local government, the construction of dams or artificial retention of flow, pumping, diversion of water or modification of stream course bed or banks is prohibited;</p> <p>development of buildings or other structures is not permitted;</p> <p>with the intention of preventing degradation of the stream and its contiguous areas, keeping of grazing livestock in the stream protection area may be restricted and if degradation becomes apparent, the local government may require the exclusion of livestock from the area by fencing or other means.</p> <p>Subdivision shall be generally in accordance with the Subdivision Guide Plan adopted by the local government and endorsed by the Chief Executive Officer.</p> <p>Notwithstanding the provisions of Table 1, the uses which shall be permitted within the zone area as follows:</p> <p>Single House (P)</p> <p>Home Occupation (D)</p> <p>Horse Stable (D)</p> <p>Public Recreation (P)</p> <p>Rural Pursuit (D)</p> <p>All other uses are not permitted</p> <p>The keeping of grazing livestock in areas shown on the Subdivision Guide Plan as Landscape Buffer is not permitted.</p> <p>A 6 metre wide Strategic Firebreak is to be fenced and maintained by the owners the lots as shown on the Subdivision Guide Plan to the satisfaction of the local government.</p> <p>As a condition of subdivision certain areas as shown on the Subdivision Guide Plan will be landscaped by the owner by the planting of trees to the satisfaction of the local government.</p>
4.	Lot 1 Avon Location 9497 & Avon Location 14738 Oyston Road, Bakers Hill	<p>Subdivision shall be in accordance with the Subdivision Guide Plan for the zone adopted by the local government and endorsed by the Chief Executive Officer.</p> <p>The following uses are permitted:</p> <p>Single House (P)</p> <p>Rural Pursuit (D)</p> <p>and with the consent of the local government—</p> <p>Horse Stables</p> <p>Home Occupation</p> <p>and other uses are not permitted.</p> <p>In the Tree Preservation Areas shown on the Subdivision Guide Plan stock must be excluded by fencing or other means.</p>

Appendix 1
SCHEME MAPS

Adoption

Adopted by resolution of the Council of the Shire of Northam at the meeting of the Council held on the 13th day of July 2000.

A. W. LLEWELLYN, Shire President.

27th July 2000.

A. J. MIDDLETON, Chief Executive Officer.

26th July 2000.

Final Approval

1. Adopted by resolution of the Council of the Shire of Northam at the meeting of the Council held on the 14th day of October 2004 and the seal of the Municipality was pursuant to that resolution affixed in the presence of:

A. W. LLEWELLYN, Shire President.

A. J. MIDDLETON, Chief Executive Officer.

2. Submitted and recommended for final approval by the Western Australian Planning Commission.

J. BELL

5 May 2005.

Delegated under S.20 of WAPC Act 1985

Date

3. Final approval granted—

ALANNAH MacTIERNAN

13 May 2005.

Minister for Planning and Infrastructure

Date

POLICE

PO501*

POLICE ACT 1892**POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed and forfeited property and bicycles will be sold by Public Auction at Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday, 8th June 2005 at 10.00 am.

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

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

PREMIER AND CABINET

PC401

CIVIL LIABILITY ACT 2002**SPECIFIED AMOUNT**

In accordance with the requirements of Sections 10(3) and 13(3) of the *Civil Liability Act 2002*, I give notice that the following amounts will apply for the purposes of those sections with effect on and from 1 July 2005.

Section 10(3)

Amount A—\$13,500

Amount C—\$41,000

Section 13(3)

Amount B—\$5,000

DR GEOFF GALLOP MLA, Premier.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988

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			
10761	Terence James Dunn	Application for the grant of a Restaurant licence in respect of premises situated in O'Connor and known as Terry's Amici Restaurant & Pizzeria	25/05/2005
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
23423	Entrepreneur West Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northam and known as Avon Bridge Hotel	01/06/2005
23363	Ballingarry Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Subiaco and known as Subiaco Hotel	02/06/2005
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
221282	Collie Community Recreation Association Inc	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Collie and known as Collie Recreation Centre	05/06/2005

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

Dated: 18 May 2005.

H. R. HIGHMAN, Director of Liquor Licensing.

DECEASED ESTATES

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Claims against the estate of Stanley George Groves late of 1 Taylor Street, Tambellup should be lodged with the Executors, c/- PO Box 485, Albany, Western Australia before 20 June 2005 after which date the assets will be distributed having regard only to the claims received.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Neeltje Smits late of Embleton Hospital, Broun Avenue, Embleton in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on the 29th day of August 2004 are required by the Executrix Rita Maria Thomas of c/- Brian Smith & Stewart, Solicitors of 26 Helena Street, Midland in the said State to send particulars of their claims to them by no later than the 17th June 2005 after which date the Executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

ZX401**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Cornelius Petrus Van der Burg late of 140 Frenchman Bay Road, Albany, in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of Cornelius Petrus Van der Burg deceased who died on the 12th day of February 2005 at Albany in the State of Western Australia are required by the personal representative Graham Paul Wroth of Suite 3, 91-93 Aberdeen Street, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the 20th day of June 2005 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.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 20th June 2005 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Anderson, Elizabeth, late of Craiglea Park Nursing Home 38 Alday Street St James, died 17/4/2005, (DE19730106EM32)

Baldwinson, Neva Lucy, late of Greenfields Aged Care Facility 95 Lakes Road Mandurah, died 12/4/2005, (DE19731016EM37)

Boona, Sheila, late of Yulanya Residential Care Facility Morgan Street Port Hedland, died 30/3/2005, (DE33040676EM36)

Bowles, Leonard Frank, late of 36 Mason Road Kalamunda formerly of Villa Maria Hostel and Village 173 Lesmurdie Road Lesmurdie, died 26/3/2005, (DE19490556EM15)

Burnett, Ailie Selena, late of 222 Cammillo Road Kelmscott formerly of 6 Ashford Street Maddington, died 18/4/2005, (DE19990045EM36)

Carn, Harry Joseph, late of 8 Newton Court Armadale, died 2/5/2005, (DE19903017EM16)

Cechner, Marianne, late of 11 Camelia Court 27/480 Guildford Road Bayswater, died 20/4/2005, (DE19933563EM13)

Claassens, Phyllis Winifred also known as Phyllis Winifred Claasens, late of 3B Kulinda Crescent Wanneroo, died 18/4/2005, (DE32000614EM12)

Couture, Lawrence John, late of 28 Aminya Avenue Wanneroo, died 23/3/2005, (DE19991315EM26)

Cox, Kathleen also known as Katie Cox, late of Valencia Nursing Home 24 Valencia Road Carmel, died 13/7/2003, (DE33019362EM16)

Crock, Desmond George, late of Collier Park Village 116/41 McNab Loop Como, died 19/4/2005, (DE32002485EM113)

Cross, Alan Howard also known as Alan Cross, late of 13/54 Central Avenue Maylands, died 11/1/2005, (DE33037135EM110)

Day, Jean Katherine Nolan, late of Craigville Nursing Home 1 French Street Melville, died 7/5/2004, (DE30252856EM37)

Dewar, Florence May, Midland Nursing Home 44 John Street Midland, died 10/4/2005, (DE19530060EM15)

Dolden, Caroline, late of Midland Nursing Home 44 John Street Midland, died 17/4/2005, (DE19531053EM13)

Fox, Frederick John Bowley, late of Leeuwin Frail Aged Lodge Blackwood Avenue Augusta formerly of Lot 3129 Bussell Highway Augusta, died 13/4/2005, (DE19922679EM38)

Gunn, Lilian Elizabeth also known as Lily Elizabeth Gunn, late of Ella Williams House 77 Camboon Road Noranda, died 23/4/2005, (DE19742020EM26)

Holton, Andrew Stewart, late of 43 Upton Street St James, died 22/4/2005, (DE33027446EM36)

Jones, Maurice Robert, late of 6 Oxley Avenue Padbury, died 14/4/2005, (DE33033274EM35)

Kordyl, Jan, late of 72 Woodlands Street Woodlands, died 23/3/2005, (DE19942380EM37)

Landers, Beverley Elizabeth, late of Unit 2/91 Seventh Road Armadale, died 22/12/2004, (DE33014743EM110)

McGuckin John Joseph, late of Unit 16/76 Subiaco Road Subiaco, died 25/4/2005, (DE19991692EM17)

McIntosh, Anthony Peter, late of Kellerberrin Memorial Hospital Moore Street Kellerberrin formerly of 70 Connolly Street Kellerberrin, died 11/10/2004, (DE33034541EM37)

Moss, Michael, late of Kalkarni Residency Lot 456 Whittington Street Brookton, died 17/9/2004, (DE30317878EM12)

Oliveira, Manuel Ivo, late of 1A Heal Street Hamilton Hill, died 28/3/2005, (DE19940405EM26)

Ostojic, Sava also known as Sam Ostojic, late of Tidepole Island Dampier, died 24/2/2005, (DE33040005EM37)

Polain, Mary Clifford, late of 19 Edward Street Bedford, died 21/4/2005, (DE19900912EM37)

Randell, Florence May, late of Pearson RSL Village 1 Alexander Drive Menora, died 24/4/2005, (DE19670864EM27)

Schell, Norma Anis, late of Tuohy Nursing Home 22 Morrison Road Midland formerly of 9 Reddy Avenue Mundaring, died 12/4/2005, (DE30325240EM22)

Vincent, George Samuel, late of 52 Moorpark Avenue Yanchep, died 6/5/2005, (DE19842597EM35)

Walker, Frederick John, late of 15A Wafer Road Bassendean, died 20/4/2005, (DE19921983EM16)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.

Telephone: 9222 6777

ZX405

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 18th day of May 2005.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
Monaghan, Peta Dale (DE19973351EM17)	Albany	17/6/2004	12/4/2005
Bayliss, Leslie Norman (DE19924775EM17)	Rivervale	28/1/2005	12/4/2005
Toohy, William John (DE10752546EM23)	Cannington	20/11/2004	24/3/2005
Nunn, Robert Saunders (DE33025502EM36)	Collie	12/3/2005	4/5/2005
Hartley, Arthur Ernest (DE19911169EM26)	East Perth	1/3/2005	5/5/2005

ZX406

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Edward James Robert Turner late of 5/4 Merope Close, Rockingham in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on the 11th day of April 2004 are required by the Executor John Ernest Golden Moore of c/- Brian Smith & Stewart, Solicitors of 26 Helena Street, Midland in the said State to send particulars of their claims to them by no later than the 20th June 2005 after which date the Executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

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